

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES, DIVISION
OF FAMILY SERVICES AND THE
DEPARTMENT OF CORRECTION**

Secretary, Department of Date
Services for Children, Youth
and Their Families

State Superintendent Date

Director, Division of Family Date
Services

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I. INTRODUCTION

A. PURPOSE

This Memorandum of Understanding (MOU) between the Department of Services for Children, Youth and Their Families (DSCYF), Division of Family Services (DFS) and the Department of Correction (DOC), Bureau of Prisons and Bureau of Community Corrections has been jointly developed for the purpose of improving services to child and families. Sharing appropriate information allows DFS to fully investigate complaints of child abuse or neglect, intervene appropriately when necessary, and provide services to families experiencing child abuse and neglect. It allows DOC to provide appropriate services to offenders, develop supervision and aftercare plans and located offenders who have absconded from supervision.

B. THE DIVISION OF FAMILY SERVICES

The mission of the Division of Family Services is to promote child well-being by protecting children and strengthening families and communities.

The DFS philosophy includes, but is not limited to, the following tenets:

- The safety of the child is the first priority of DFS
- DFS believes that most children are best cared for in their family setting and will offer services to assist in strengthening the family
- Minimally adequate care standards are used in assessing a child's safety
- DFS intervention shall be the least intrusive possible
- DFS has the legal and professional obligation to protect the client's right to confidentiality of information
- When placement away from the family necessary, efforts should be made to place children with relatives
- Parents retain the right and responsibility to make major decisions (e.g., medical) regarding their children while in out-of-home care

C. THE DEPARTMENT OF CORRECTION, BUREAU OF PRISONS AND BUREAU OF COMMUNITY CORRECTIONS

The mission for the Department of Correction is to provide programs, policies and services, which is at all times place public safety as our top priority whether the offender is in prison or supervised in the community.

The Department commits to provide safe and humane services, programs and facilities and enhancing long-term public safety by holding offender accountable for their behavior after release. The Department also supports the full recognition of victims' rights; and recognizes the value of human resources as represented by employees, volunteers, offenders, their families and community members. One of the key objectives

of the Department is to promote the department vision of holding every offender fully accountable to themselves, to their families, to their victims, to their neighbors and to the larger community.

II. **ROLES AND RESPONSIBILITIES**

- A. Title 16, Chapter 9 of the Delaware Code provides specific authority and responsibility for the protection of children to DFS. Generally, it is the courts which have the power to enforce and oversee the exercise of the agency's authority. While the law permits DFS to request the other agencies assist in the investigation, the major investigative responsibility rests with DFS.

DFS has the responsibility to:

- Protect children from abuse, neglect, or dependency
- Receive and investigate all reports of known or reasonable suspected child abuse, neglect, or dependency
- Determine if abuse, neglect, or dependency has occurred or is likely to occur
- Determine what services can best meet the needs of the child/family

- B. DOC has the responsibility to:

Pertaining to Title 16, Chapter 9 SS903, all divisions/bureaus within the Department of Corrections are mandated reporters. SS903 states that "Any physicians, and any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner or any other person who knows or reasonably suspects child abuse or neglect shall make a report in accordance with SS904 of this title".

SS904 states "Any report required to be made under this chapter shall be made to the Division of Family Services of the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Family Services...".

SS906 mandates that "Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise exist and such immunity shall extend to participation in any judicial proceeding resulting from such report".

III. **OPERATING PROCEDURES**

- A. Each agency will operate according to its own mandates and policies.
- B. Exchange of Information between Agencies:

The Department of Correction

1. By law, offender information is confidential and cannot be released except to the Court or a court representative. A release of information form signed by the offender does not supercede the law. However, certain information is available to the public from the Department of Correction. This information includes:

Pre-Trial Status:

- Whether or not a person has been detained and if so, in what facility
- Current charges for which a person has been detained
- The name of the victim
- Name of the arresting agency
- Conditions of bail if a person has been released

Persons Sentences and Incarcerated:

- Specific offense for sentence being served
- Scheduled release date

Persons on Probation or Parole Supervision:

- Whether or not a person is under the supervision of Adult Probation and Parole
- Charge(s) for which a person is under the supervision of Adult Probation and Parole
- Length of supervision
- Level of supervision
- Name of supervising officer
- Basic terms of supervision
- Court ordered terms of supervision
- Current address of the client

2. To assist in the sharing of information, the Department of Correction has provided a list of contact people for each correctional institution and community corrections facility (Appendix A).
3. The Department of Correction also publishes information in the newspaper each week of people who will be transferred to work release and those sex offenders who will be released and their address.

The Division of Family Services

1. The Division of Family Services is generally prohibited from sharing information about abuse and neglect investigations and case status without a release of information. If the Department of Correction has a signed, valid release of information form, the Division of Family Services will cooperate by sharing appropriate information that personnel from the Department of Correction need to know, including:
 - Investigations resulting in or contributing to criminal charges being brought against another offender currently supervised by Adult Probation and Parole
 - Conditions of the case plan between the client and the Division of Family Services
 - Compliance with the case plan

- Interventions that impact on the conditions of bail or probation, such as Protection From Abuse orders, etc.
2. Without a valid, signed release of information form, the Division of Family Services will share the following information:
 - Knowledge of the whereabouts of any person known to have escaped from a correctional institution, community corrections center or has absconded from probation or parole supervision
 - Knowledge of weapons in the home by persons prohibited
 - Knowledge of the whereabouts of any person for who there is an outstanding warrant or capias
 - Knowledge of violation of the terms of probation supervision or conditions of release
 3. To assist in the sharing of information, the Division of Family Services has provided a list of contact people in each institution (Appendix B).

VI. **ADMINISTRATION OF THE MEMORANDUM**

- A. Each agency has identified a liaison to address interagency issues not resolvable by the on-site supervisors:

Department of Correction	Debbi Craig	739-5601
Division of Family Services	Candace Charkow	633-2601

- B. Both agencies commit to the development of joint in-service training efforts.

HELPFUL TERMS

1. **Child Abuse and Neglect** – The physical injury by other than accidental means, injury resulting in a mental or emotional condition which is a result of abuse or neglect, negligent treatment, sexual abuse, maltreatment, mistreatment, nontreatment, exploitation or abandonment, of a child under the age of 18. (16 Del.C. Ch. 9)
2. **Maltreatment** – Behavior of a parent or caretaker toward a child which results in harm or risk to the safety of the child; it is synonymous with child abuse and neglect.
3. **Minimally Adequate Care** – The point below which a family setting is inadequate for the care of a particular child, and therefore, the child is at risk of maltreatment.
4. **Warrant** – A legal document issued by the Board of Parole authorizing the arrest and detention of a parolee believed to have violated the conditions of parole.
5. **Capias** – A legal document issued by the Court authorizing the arrest and detention of an offender for violation of the conditions of supervision or failure to appear for a scheduled court hearing.
6. **Levels of Supervision** – The five levels of supervision available within the Department of Correction. The highest level, Level V, is total incarceration. Level IV, is quasi-incarceration which includes half-way houses, residential substance abuse treatment and home

confinement. Level III is intensive supervision. Level II is standard supervision. Level 1, known as administrative supervision is the lowest level. The level of supervision determines the number of times the probation/parole officer must make contact with the offender both in the office and in the community.

**DEPARTMENT OF CORRECTION
CONTACT PERSON LISTING**

CORRECTIONAL INSTITUTIONS

Multi-Purpose Criminal Justice Ctr. (Gander Hill)
301 E. 12th Street
Wilmington, DE 19801

Contact Person: Frances Cockroft
Telephone: 429-7712

Baylor Women's Correctional Institution
660 Baylor Boulevard
New Castle, DE 19720

Contact Person: Faith Levy
Telephone: 577-3004

Webb Correctional Institution
Greenbank Road
Wilmington, DE 19808

Contact Person: Thomas L. Carroll
Telephone: 995-8614

Delaware Correctional Center
Smyrna Landing Road
Smyrna, DE 19977

Contact Person: Jon Zimmerman
Telephone: 653-9261 ext. 331

Morris Correctional Institution
300 Water Street
Dover, DE 19901

Contact Person: Thomas L. Carroll
Telephone: 739-4758

Sussex Correctional Institution
Route 113
Georgetown, DE 19947

Contact Person: William Post
Telephone: 856-5615

WORK RELEASE FACILITIES:

Plummer Community Correctional Center
38 Todds Lane
Wilmington, DE 19801

Contact Person: Phil Morgan
Telephone: 577-3039

Sussex Work Release Center
Route 113
Georgetown, DE 19947

Contact Person: Bob George
Telephone: 856-5790

PROBATION AND PAROLE OFFICES

Wilmington Office
1601 N. Pine Street
Wilmington, DE 19801

Contact Person: Karl Hines
Telephone: 577-3443

New Castle Office
Churchman's Industrial Park
26 Parkway Circle New Castle, DE 19720

Contact Person: Mike McFarland
Telephone: 323-6050

Dover Office
511 Maple Parkway
Dover, DE 19901

Contact Person: Ken Brandon
Telephone: 739-5387

Georgetown Office
Georgetown Service Center
Route 113 Georgetown, DE 19947

Contact Person: Larry Grantham
Telephone: 856-5243

Seaford Office
ShIPLEY State Service Center
Seaford, DE 19973

Contact Person: Larry Grantham
Telephone: 856-5243

DIVISION OF FAMILY SERVICES

New Castle County
Region 1 – Elwyn
321 E. 11th Street
Wilmington, DE 19801

Contact Person:
Telephone: 577-3824 ext.

New Castle County
Region 2 – University Plaza
Cambridge Building
263 Chapman Road
Newark, DE 19702

Contact Person: David Desmond
Telephone: 451-2800 ext. 3333

Kent County
James Williams Service Center
805 River Road
Dover, DE 19901

Contact Person: Ione Truesdale
Telephone: 739-4800

Sussex County
Georgetown State Service Center
546 S. Bedford Road
Georgetown, DE 19947

Contact Person: Diana Fraker
Telephone: 856-5450