



DEPARTMENT
OF SERVICES
FOR
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Division of Family Services

Primer

Developed by the Child Protection Accountability Commission,
Education Curriculum Workgroup, 2010

This presentation explains how a case flows through the primary program areas within the Division of Family Services and the purpose of each program. The presentation is intended to educate professionals who routinely interact with DFS.



The Division of Family Services is the agency responsible for receiving and investigating reports alleging child abuse, neglect, and dependency. These child protective services are provided by the Office of Children's Services (OCS) within DFS.

DFS is also responsible for licensing child care providers and conducting criminal background checks for employment with the Children's Department, prospective foster and adoptive parents, and employment in a childcare, medical care, or public school. The Office of Child Care Licensing (OCCL) provides these services.

This presentation will focus on child protective services provided by OCS.



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Office of Children's Services Five Programmatic Areas

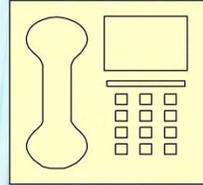
- **Intake & Investigation**
- **Treatment**
- **Foster Care**
- **Permanency**
- **Independent Living**

There are five programmatic areas within OCS: Intake and Investigation, Treatment, Foster Care, Permanency, and Independent Living

What is Intake?



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Intake is the process for receiving reports of child abuse, neglect, or dependency on the Child Abuse and Neglect Report Line. The Report Line is also called a Hotline.



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How Do I Make a Report?

Call 1-800-292-9582

All citizens are responsible for reporting any knowledge of child abuse or neglect in Delaware

ALL REPORTS of child abuse and neglect in the State of Delaware should be made to the toll free, 24 hours a day, seven days a week, Child Abuse and Neglect Report Line number at 1-800-292-9582.

In Delaware, everyone is required to report all known or suspected incidents of child abuse and neglect.

Title 16, Sec. 903 of the State Code is clear:

§903. Reports required.

Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

16 Del. C. 1953, § 1002; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; [72 Del. Laws, c. 179, § 4](#); [77 Del. Laws, c. 320, § 1](#);



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What happens when I make a report?

DFS will do one of three things when a report is received:

1. Accept the report and investigate the allegations;
2. Refer the report to law enforcement for investigation; or
3. Document the report, but not investigate the allegations.

All reports to the Report Line are reviewed by a DFS supervisor as part of the decision making process. A case that is accepted for DFS Investigation will be transferred to an Investigation caseworker.



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What is the Purpose of an Investigation?

During an investigation, decisions are made about the following questions:

1. Is the child safe?
2. Is the child being maltreated?
3. Is the child at risk of being maltreated?
4. What actions need to be taken during the investigation?
5. Does the family need services?



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What Happens During an Investigation?



The following case activities will occur as part of the investigation process:

- All children in the home will be interviewed and/or observed if non-verbal. Children will be interviewed independently from the adults in the home.
- All adults in the home with caretaking responsibility for the children must be interviewed.
- A parent not residing in the home who has contact with the child victim must also be interviewed.
- Any adult caretaker who may be responsible for allegedly harming the child will also be interviewed.
- Contact other professionals such as school and medical personnel, daycare providers, and law enforcement officers; and
- Assess if substance abuse or domestic violence are present in the household.



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What Happens When DFS Refers a Report to Law Enforcement for Investigation?

1. DFS and/or law enforcement will conduct an investigation for any report that involves an offense against a child;
2. The Department of Justice (DOJ) will decide if there is enough evidence to prosecute criminally or civilly; and
3. Whenever appropriate, cases will also be referred to the Children's Advocacy Center (CAC) for a forensic interview, medical exam, and/or mental health screening.

When more than one entity is involved in the same investigation, the participants are known as a Multidisciplinary Team (MDT).



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How Long Does an Investigation Take?



Although each investigation is different, generally an investigation will be completed within 45 calendar days.



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What are the Possible Outcomes of an Investigation?



The Division is required to make two decisions at the conclusion of its investigation;

1. Determine if there is a preponderance of evidence (Standard of Proof = 50% or greater) to substantiate abuse or neglect and;
2. Determine if continued (Treatment) services are necessary for the family.

Services may also be provided if the Division determines a child is at risk of being abused or neglected. When a case remains open for continued services, it is transferred to a Treatment caseworker.



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What Does Treatment Do?



The Treatment caseworker will:

1. Assess the family's needs;
2. Develop a Family Service Plan with the family;
3. Connect the family with appropriate resources/services to address those identified areas;
4. Monitor a family's success utilizing the available services; and
5. Communicate with service providers to assess ongoing safety of children and their family's progress.



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What Types of Services does Treatment Provide?

Some services may be obtained by the family directly in the community and others may require a referral by the DFS caseworker to a DFS contracted provider. Services may be received in or out of the family's home. Treatment may include the following services;

- Alcohol/drug treatment;
- Mental health evaluations and treatment;
- Domestic violence counseling; or
- Parenting classes.



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How Long are Treatment Services Provided?



Cases may be closed when significant progress has been achieved to eliminate or reduce the ongoing risk of abuse or neglect to the child(ren). This is impacted by the number and severity of the risk factors and other factors such as placement of the child out of the home.



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What Happens When a Child Must Be Removed From the Home?



When it is determined that a child cannot be safely maintained in their own home, DFS will petition Family Court for temporary custody. If the Family Court judicial officer decides that out of home care or placement (Foster Care) is in the child's best interest and awards DFS temporary custody; the child will then be placed. DFS works to connect the child with treatment services including physical health, mental health, and behavioral care as needed.



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How Do Parents Get Their Children Back from DFS Placement?

A Family Service Plan and a separate plan for the child will be developed with the approval of Family Court. Family Court and the Child Placement Review Board review the plans periodically as long as the child is in care.

Because foster care is temporary and children need permanent families, the goal of reunification must be reached before the child has been in foster care for twelve months. If the parents do not make significant progress within the first twelve months of the child entering foster care, other permanency goals may be identified. Those other goals include guardianship, termination of parental rights and adoption, long-term foster care, or independent living services.



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Does a Child Have Legal Representation when in DFS Placement?



Family Court will appoint a CASA (Court Appointed Special Advocate) or a GAL (Guardian ad litem) to represent the child's interests. A CASA is a trained community volunteer, whereas a GAL is an attorney employed by or offering pro bono legal services for the Office of the Child Advocate.



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Who is Responsible for the Casework when a Child Enters DFS Placement?



There are two types of foster homes in Delaware. One type of foster home is approved by DFS and the type of other foster home is licensed and managed by a private child welfare agency contracted by DFS. Usually, the DFS Treatment caseworker will continue to work with the parents to achieve reunification. However, there are cases when the private child welfare agency provides reunification services to the child(ren) and parents.



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Who Decides the Type of Foster Home in which a Child will be Placed?



DFS has caseworkers known as Foster Home Coordinators that match children in need of placement with appropriate foster home resources. Regarding DFS foster homes, the Foster Home Coordinators also support and advocate for foster parents, provide training and new certification for new foster parents, and provide ongoing monitoring of foster homes. The contracted private child welfare agencies perform similar oversight for their foster home providers. Foster care also includes emergency shelter and group care facilities.



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What Happens if a Child Cannot be Returned to the Parents or Family?



When the Family Court determines it is no longer appropriate to return a child to his or her parents or family, DFS will petition Family Court to terminate parental rights (TPR). When TPR is granted, the child will be assigned to a permanency caseworker who will:

- Assist in the child's preparation for adoption;
- Recruit adoptive families
- Transition the child into an adoptive family;
- Monitor and support the child and adoptive family's adjustment;
- Petition Family Court for adoption finalization;
- Facilitate independent living skills for youth; and
- Foster connections for youth who are unable to achieve permanency through adoption or guardianship.



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What Happens if a Child is Unable to Achieve Permanency Through Adoption or Guardianship?



When a child is unable to achieve permanency through adoption or guardianship (the legal transfer of authority by Family Court to a non-parent enabling a person to care for the child as a parent), the option includes long-term foster care or APPLA (Another Planned Permanent Living Arrangement). APPLA mostly applies to teens who cannot be reunified with parents or family members and for whom adoption is not being sought.



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What Does Independent Living Mean?



DFS will provide Independent Living services to assist all youth, ages 14 and older, who are in foster care and youth who have exited care after their 18th birthday, but have not reached age 21. Life Skills services are offered to prepare the youth for self-sufficiency when they exit foster care. Youth will learn how to access transportation, employment, education, housing, ongoing support services, and counseling.

The type of caseworker offering Independent Living services will depend whether the services are managed by Treatment or Permanency and the location of the child's placement (DFS foster care or contracted foster care).



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What is Extended Jurisdiction?



Extended jurisdiction is when the Family Court's authority is granted for youth who:

- Were in DFS custody and turned 18 on or after July 15, 2010; and
- Meet eligibility requirements for Independent Living services and are having problems accessing or receiving those services.



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Whom Should I Contact if I Have Questions about a Specific Program Area?

The Program Managers are:

- Intake and Investigation – Linda Shannon (302) 633-2663
- Treatment – Joann Bruch (302) 633-2690
- Foster Care – John Bates (302) 633-2665
- Permanency – Frank Perfinski (302) 633-2655
- Independent Living – Felicia Kellum (302) 633-2638