

CWAC July 18, 2014

Members present: Em Parente, Rita Katzman, Judy Gundy, Lytricia Toler, Cate Newbanks, Lisa Linthicum, Tamara Temoney, Zandra Relaford, Tania White, Letha Moore-Jones, Deborah Eves, Lori Battin, Dorothy Hollahan, Phyl Parrish, Carol Wilson, Christie Marra, Melissa O'Neill, Craig Patterson, Phyllis Savides, Pat Lewis, Allison Lowery, Nannette Bowler, Sunshine Arnold, Robin Ely, Cynthia Bauer, Alex Kamberis, Traci Jones, Eric Reynolds, Carl Ayers, Kimberly Murphy and Bob Costner.

The meeting was called to order by Alex Kamberis and the group provided introductions. The group welcomed Carl Ayers, the new Division Director for Family Services. Mr. Ayers provided a brief introduction. Mr. Ayers has more than 14 years of experience in the Virginia Social Services System including serving as a Social Worker, Senior Social Worker, and Director at Floyd DSS. Prior to his work in Floyd County, Mr. Ayers worked with Grayson County Department of Social Services where he served as a Service Supervisor. Mr. Ayers was the President of the Virginia League of Social Services Executives since 2012. He also served as Chair of Floyd County Community Policy and Management Team, Co-Chair of Innovators for Success Council, Secretary of Guardian of Last Resort, Virginia Association of Counties (VACo) representative of the Child Welfare Health and Human Services State Policy Workgroup, and many other boards and workgroups. Mr. Ayers has worked extensively with local and state government officials and foundation partners during his time in Virginia's social services system. Mr. Ayers is married with one child who is a freshman in college.

Training Update

Judy Gundy provided the group with the Family Services Training Annual Report Summary. Due to restructuring at the Department, the Family Services Training group has moved directly into the Division of Family Services. There are 23 staff; 17 of which are trainers. The training division has been successfully designing, implementing, and training staff throughout the year. New worker trainings for CPS, Foster Care, and Adoption have had major policy revisions and CWS 2010: On-Going Services in CPS has been developed and piloted. Other courses that have been revised include: FPM Facilitator Training, Legal Principals, and two Adult Services courses. Several eLearning courses have been developed along with a reasonable candidacy webinar. The Subject Matter Expert (or SME) workshops remain popular and staff is looking at how to extend several of those trainings. Training staff are currently working on eight new elearning courses, nine classroom course, three webinars, and five new SME workshops. The Child Welfare Training Needs Assessment Survey closed on July 18th and an early count for competition is over 1,300 surveys, about a 45% response rate.

Community Partner Update

Cate Newbanks, president of FACES OF VIRGINIA FAMILIES (FACES), a foster, adoption, and kinship association, provided the group with an update on the work the organization has been doing over the last year and is planning on doing in the upcoming year. FACES is a non-profit, charitable corporation that offers advocacy, collaboration, empowerment, and support for foster, adoptive, and kinship families in the Commonwealth of Virginia. Their website has been recently redesigned and is found at: <http://www.facesofvirginia.org>. Ms. Newbanks shared a photo slideshow of the Camp FACES experience. Camp FACES is a three day camp experience for foster, adoptive and kin families and

children that helps with esteem building and the therapeutic process. Everyone in a family can attend and there are fun camp activities like ropes courses, horseback riding, a talent show, etc. In addition to the fun activities, parents are offered classes on related topics and respite time. Ms. Newbanks reported that more than 300 family members have attended the camps this summer. The next camp will be held October 3 – 5, 2014 and more information can be found on the website.

Ms. Newbanks highlighted several areas of practice. FACES has developed an Ambassador for each region. Ambassadors attend VDSS and CRAFT Roundtables; respond to Warm Line callers; develop and support local Trailblazers programs; recruit members and support groups/networks; and host weekly FACEBOOK chats. The Trailblazers program is a mentoring program to help with retention of families. Programs are underway in Wise County with new programs on target to get underway in Roanoke County, Hampton, Isle of Wight, Bedford, UMFS, and Dickenson County. Ms. Newbanks mentioned that Roanoke is planning on training a kinship family, in addition to foster and adoptive families, to be a mentor. This is the first time a kinship family has been asked to mentor. FACES is developing a corps of volunteers to connect with callers interested in learning more about foster, adoptive, or kinship caregivers. These volunteers will be trained to utilize their experiences to help recruit new families for children. FACES will be hosting the National Foster Parent Association Convention in Norfolk over June 25-28, 2015 and has negotiated a convention registration rate for all FACES members of \$90. This is a large conference so it is very exciting to be the host state this year. Ms. Newbanks also mentioned the Giving Tree which is the consignment shop that FACES opened to help support its mission. In addition to sales helping to support FACES, donated clothing is also shared with youth in foster care.

CPS

Rita Katzman provided an update to the group concerning legislative changes that took place as of July 1, 2014. The Code of Virginia, §63.2-1505D, specifically prohibits anyone from conducting a sexual abuse investigation unless they have taken the two required sexual abuse courses, CWS2021 Sexual Abuse and CWS2031 Sexual Abuse Investigations. If a worker has not taken these courses they may conduct an investigation under the direct supervision of someone who has. Direct supervision requires a close review of all decisions made during the investigation by someone who has completed the required training. Only persons who have completed the required training may determine the final disposition of a sexual abuse investigation.

The Code of Virginia defines an abused or neglected child in §63.2-100. Included in that definition is that the abuse or neglect must be committed by a parent OR a person responsible for the child's care. The regulation adopted by the State Board of Social Services, 22VAC40-705-10, when defining a caretaker lists 4 categories of caretakers. Earlier this year a case, Moore v. Brown, was under appeal and reviewed by the Virginia Court of Appeals. There were a number of matters in the investigation that were objected to but the Court of Appeals really focused on one major issue that needs to be addressed in both policy and practice. It is the matter of who is considered a caretaker, particularly adults who live in the home which is the last category of caretaker in the regulatory definition. The court ruled that "A person who is not in any way truly responsible for the child's care cannot be said to be a "person

responsible” for the child’s care.” In section three of CPS guidance, caretaker criteria have been revised. The italicized wording has changed in guidance. There are *three (3) general* categories for caretaker:

- A parent or other person legally responsible for the child's care;
- *An individual who by law, social custom, expressed or implied acquiescence, collective consensus, agreement or any other legally recognizable basis has an obligation to look after the child left in their care;*
- Individuals responsible by virtue of their positions of *conferred* authority.

Examples of the second category include: a relative, a babysitter, a paramour of the parent, or cohabitants. In order to say that those persons are caretakers, the LDSS must DOCUMENT how the care and control of the child or children was delegated or implied to them. The LDSS should gather sufficient evidence to demonstrate that the alleged abuser/neglector is a caretaker and document such evidence in OASIS. It is recommended to include documentation in the intake narrative if there is any question about caretaker when validating a complaint and certainly include on the findings screen for all investigations when making a founded disposition.

There have been several changes to the time required to notify law enforcement and the local Commonwealth Attorney’s office and how to notify them. Complaints and reports of certain cases of suspected abuse or neglect shall be reported by the LDSS to the local Commonwealth Attorney and local law enforcement agency immediately but in no case more than two (2) hours of receipt of the report. The LDSS shall provide records and information, including reports related to any complaints of abuse or neglect involving the victim(s) or the alleged perpetrator, related to the investigation of the complaint. The LDSS must document the date and time of notification to the local attorney for the Commonwealth and the local law enforcement agency in OASIS. This notification should be documented on the referral acceptance screen and in the referral as an Interview and Interaction (I&I). Specifically, it is recommended that the date and TIME be documented by entering and I&I in OASIS before the report is accepted or screened out. This is the only way to time stamp the notification. The written notification by the LDSS to the local law enforcement agency shall be made within two (2) business days of receipt of the report by the LDSS and shall be documented on the Notification to Law Enforcement from Child Protective Services form located in Appendix C of the guidance manual. The form is also available on the public VDSS website under forms. The notification form shall be signed by the LDSS representative making the notification and the law enforcement agency representative receiving the notification. The form and signatures may be completed electronically or in writing.

The next major change in CPS guidance involves identifying and documenting near fatality reports of child abuse and neglect. The ability to identify and report on fatalities and near fatalities is a Federal requirement of the Child Abuse Prevention and Treatment Act (CAPTA). Virginia has been reporting on fatalities for many years but has never provided guidance on what is to be considered a near fatality or provided a way to track these very serious cases. CAPTA defines a "near fatality" as an act that, as certified by a physician, places the child in serious or critical condition. The Virginia Administrative Code provides the following definitions:

- (22 VAC 40-910-10) "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. Serious or critical condition is a life-threatening condition or injury.
- (22VAC40-705-10) "Life-threatening condition" means a condition that if left untreated more likely than not will result in death and for which the recommended medical treatments carry a probable chance of impairing the health of the individual or a risk of terminating the life of the individual.

Guidance includes a requirement that a physician must certify that the child is in serious or critical life threatening condition at the time of the report. Certification by a physician can be either in writing or verbal and must be documented in OASIS. Hospital records which indicate the child's condition is serious or critical and life threatening are sufficient. CPS guidance includes questions to ask the physician to help determine if the child's condition is a near fatality and examples of near fatality. The LDSS must inform the CPS Regional Consultant as soon as possible of all situations which constitute a near fatality and document the notification in OASIS. The LDSS must document situations which constitute a near fatality of a child in OASIS in conjunction with the type of abuse or neglect that is alleged to have caused the near fatality. If during the course of the investigation the child dies, OASIS must be changed to reflect the fatality. A child cannot be considered a near fatality and a fatality.

Ms. Katzman updated the group about concerns extensions to complete an investigation. The law has been changed to allow an investigation to be completed within 90 days instead of 45 but only when it is being jointly investigated with law enforcement. This change only applies to investigation, not family assessments. To be clear, all reports should be completed within 45 days. A family assessment or investigation can be extended an additional 15 days with supervisory approval. The ability to extend an additional 45 days, not to exceed 90 days, is only for those investigations that are being worked jointly with law enforcement. Like the 15 days extension, this must be documented in OASIS and approved by a supervisor.

The final area that has changed as of July 1, 2014 affects out of family investigations involving schools. Each local department and local school division is required to have a written interagency agreement as a protocol for investigating child abuse and neglect reports. The interagency agreement shall be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services. There is a sample protocol that will be available in the CPS guidance appendix after it has been reviewed by the Office of the Attorney General. LDSS will report annually to the Board of Social Services on the status of these agreements and thereafter only if the agreement is substantially changed.

Prevention

Craig Patterson, Prevention Consultant with VDSS, spoke to the group about diversion. DFS has convened a workgroup tasked with providing clear and consistent best practice guidance to LDSS concerning diversion. Diversion is generally defined as the use of a temporary alternative caregiver as an alternative to removal and entry into foster care. VDSS recognizes and values the importance of developing best practice strategies to prevent or eliminate the need for foster care placement by

engaging identified relatives and/or non-relatives who can provide short term or long term care for children and youth to prevent abuse and neglect and/or entry into foster care. In addition, there is a mandate from the General Assembly which requires VDSS to propose regulations governing kinship care arrangements by January, 2016. For LDSS that currently utilize diversion, policy and practice vary considerably. These local departments have different approaches to safety assessments of a relative's home, the types and duration of services provided to the family, post-diversion agency supervision and case management, the transfer of legal custody/guardianship, and other requirements. While acknowledging the existing work of local agencies in placing children with relatives to divert children from entering foster care is important, VDSS' goal is to offer diversion guidance that seeks to support parents' rights, promote safety, and establish permanency.

The diversion workgroup is currently comprised of state and regional VDSS staff, representatives from LDSS, child welfare advocacy organizations, Office of Comprehensive Services (OCS), Office of the Attorney General (OAG), and the Court Improvement Program (CIP). To assist with this endeavor, DFS is receiving technical assistance rendered by Gary Mallon of the National Resource Center for Permanency and Family Connections and Mary Jo Pankoke of the National Resource Center for Child Protective Services. At this juncture, the workgroup has focused on three priorities: development of diversion definitions; development of a diversion decision tree; and development of a diversion assessment instrument. The definitions seek to provide a foundation for a common and consistent language around diversion practice in Virginia. The decision tree will hopefully bring forth a clearer understanding of decision points encountered in diversion practice. Lastly, the workgroup is considering an adaptation of the draft VDSS Kinship Family Assessment Guide as a diversion assessment instrument. The use of this instrument will seek to ensure the appropriate assessment of identified relative/non-relative caregivers; finding, preparing and supporting caregivers; and helping families to assess their options and collaborate in the decision making process.

It is anticipated that the NRCs will finalize its work with Virginia in late-August/early-September. The workgroup expects to meet on an ongoing monthly or bi-monthly basis moving forward. The workgroup's next meeting is scheduled for August 8, 2014.

Unaccompanied Minors

Kimberly Murphy, Virginia's Region III consultant for the Children's Bureau (CB) of the Administration for Children and Families, presented information about unaccompanied minors. The CB does not have responsibility for unaccompanied minors, however, this issue is a major focus because of the potential impact it has on child welfare services and because this is another vulnerable population that is targeted for human trafficking. An unaccompanied alien child is a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody. Reasons why these minors have come to the United States include, but are not limited to, the following:

- To escape violence, abuse or persecution in their home countries
- To find family members already residing in the United States

- To seek work to support themselves; their family, or their own children
- Were brought into the United States by human trafficking rings

Between 2003 and 2011, the average number of unaccompanied minors entering the U.S. per year was 6,775. In fiscal year (FY) 2012 there were 13,625 and in FY 2013 there were 24,668. So far in FY 2014 there have been an estimated number of 60,000 unaccompanied minors entering the U. S. These children are coming from many countries however the three most common countries are Guatemala, Honduras, El Salvador.

Most of the process for receiving unaccompanied minors was codified by Congress under the Homeland Security Act of 2002. This act transferred the custody and care of unaccompanied alien children from the old Immigration and Naturalization Service to Health and Human Services (HHS). The move signaled a shift away from an adult detention style of care to a system geared more toward a child's welfare. Congress added some additional protections under the Trafficking Victims Protection Reauthorization Act in 2008 by requiring unaccompanied alien children to be "promptly placed in the least restrictive setting that is in the best interest of the child."

The President has requested Congress to approve 3.7 billion in funding to address the crisis. Roughly half of the funding, if approved, would go to HHS to provide care for the surge of children crossing the border, including additional beds. The rest would be split between several other departments to tackle the issue on both sides of the border. The Departments of Homeland Security and Justice would receive funds to boost law enforcement at the southwest border and pay for additional immigration judge teams. The State Department would receive funds to tackle the root causes of this crisis. A bill is expected which will provide funding at some level and possibly changes to the anti-trafficking law which could lead to the process of deportations being sped up.

There was a question from the group if there was a requirement for these children to be enrolled in school. Ms. Murphy was unsure of all the requirements but referred the group to the Office of Refugee Resettlement's website: <http://www.acf.hhs.gov/programs/orr> for more information.

Re-Homing/Trafficking

Ms. Murphy continued her presentation and spoke to the group about the issue of "re-homing". On May 30, 2014, the CB issued Information Memorandum ACYF-CB-IM-14-02.

<http://www.nrcadoption.org/wp-content/uploads/ACYF-CB-IM-14-02-Re-homing-of-Adopted-Children.pdf> The purpose of the IM is to provide an overview of the practice of re-homing of adopted children, convey the concerns presented by this practice, and encourage state agencies to develop and promote the provision of post-adoption services and resources to adopted children and youth, including those adopted internationally as well as those adopted domestically. The term "re-homing", a term typically used by pet owners seeking new homes for their pets, became widely used to describe the behavior of these parents who sought to relinquish care of their adopted children outside the purview of the courts or public child welfare agencies. Reuters News did an investigative report in 2013. They specifically investigated one Yahoo group called Adopting- from –Disruption. Although the adoption site highlighted in the article has since been shut down, it and nine other bulletin boards served as a means for adoptive families to "advertise" and facilitate placements of their children with non-relative

strangers. Some of the primary issues cited by adoptive parents who had 're-homed' their adopted children that were interviewed by Reuters News include:

- Lack of help to handle the issues that the children presented.
- Unprepared for the issues that the children presented.
- Provided with misinformation about the children and their needs prior to and at the time of the adoption.

Children identified by Reuters News were placed in new homes without oversight from any formal systems. Transfer of guardianship was done through a notarized statement that declared the new guardianship arrangement. At the time of this investigation, there was no federal, state or international law acknowledging the existence of re-homing. The precise number of disrupted adoptions resulting in re-homing is not known. It is estimated that between 1% and 10% of finalized adoptions from the public child welfare system are dissolved; meaning an adoption is finalized and the adoptive parents' rights are later terminated. States are required to document and submit information to the State Department about cases in which they take custody from failed international adoptions. In 2012 there were 71 cases of disruption or dissolution, involving 76 children who entered state custody as a result of the disruption or dissolution of their international adoption. Parents have a legal responsibility to care for their children and delegating responsibility for a child to an unfit and unsafe individual through a power of attorney does not protect parents from state laws regarding imminent risk of serious harm.

Wisconsin and Louisiana have passed laws prohibiting persons from permanently transferring custody of a child to a non-relative across state lines without going through the interstate compact process. Colorado and Florida have pending legislation. The legislation in Colorado, House Bill 14-1149, seeks to amend the crime of trafficking in children to include a person who advertises a child through any public medium that originates within the state when the person advertises to: Find a child to adopt or to otherwise take a child into his or her permanent physical custody; Find an adoptive home or any other permanent physical placement for a child or to arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child; Offer to place a child for adoption or in any other permanent physical placement with another person; or when the person receives a child as a result of such an advertisement. <http://www.leg.state.co.us/clics/clics2014a/>

In Florida, Senate Bill 498:

- Requires that the court in adoption proceedings inform the adoptive parents that post-adoption services are available if the family experiences difficulty in caring for the child and that it is unlawful for the family to make a change of custody without court approval.
- Increases the criminal penalty for advertising or offering to the public that a child is available for adoption from a second degree misdemeanor to a third degree felony.
- Removes the necessity for proving willful and criminal intent in any prosecution for an offense.
- The bill requires all adoption entities that conduct inter-country adoptions to be certified, approved, supervised, or temporarily accredited by one of the accrediting agencies designated by the US State Department.
- Defines "intercountry adoption" and requires agencies or entities providing intercountry adoption to maintain a record with specified information.

Link to bill text: <http://www.flsenate.gov/Session/Bill/2014/0498/BillText/Filed/PDF>

Ms. Murphy informed the group that guidance around Human Trafficking of Children and Youth in the United States in September 2013. Since the Trafficking Victims Protection Act (TVPA) in 2000, law enforcement investigators, social services providers, and community leaders have reported cases of forced labor, debt bondage, involuntary servitude, and sex trafficking, impacting a diverse range of populations including men, women and children who are U.S. citizens, permanent residents, or foreign nationals. Human Trafficking is occurring across the country in a wide range of settings (rural, urban, suburban) and industries (agricultural, restaurants, sales). There is a limited amount of aggregate data to identify the prevalence and characteristics of victims of human trafficking within the child welfare and runaway and homeless youth systems.

Traffickers are targeting children and youth that have experienced trauma and prey on children and youth with low self-esteem and minimal social supports. There is no one common profile for victims of child trafficking but particular populations merit special consideration:

- 70%-90% of commercially sexually exploited youth have a history of child sexual abuse
- LGBTQ youth can be up to 5 times more likely than heterosexual youth to be victims of trafficking
- Native American children
- Youth who have trauma related risk factors

No single system can successfully combat trafficking. Preventing, identifying and serving victims of trafficking requires a multi-system, coordinated approach within and across local, tribal, state and federal levels. There is information on the Polaris Project website <http://www.polarisproject.org/> about which states have task forces related to the FBI's Innocence Lost Initiative. Many of these task forces have involved collaborations with Child Welfare and Runaway and Homeless Youth agencies. To date, this initiative has resulted in the recovery of more than 2,700 children and 1,350 convictions of facilitators of child sexual exploitation nationwide.

ACYF –CB-IM-12-04 on Promoting Social and Emotional Well- Being for Children and Youth Receiving Child Welfare Services recommends the use of universal, valid and reliable screening for trauma history and/or symptoms as well as assessment of social emotional functioning for children and youth who come into contact with the child welfare system. At or near intake and repeated again at key periods, screening and assessment can help to identify victims of trafficking, gain a full picture of their victimization experiences, understand their individual service needs and monitor progress towards recovery and improved well being over time. The Polaris Project has on their website various tools for service providers and law enforcement. This includes rapid assessment tools/questions which can be added to the already existing safety assessments that are being conducted. There are sample questions for various scenarios and suspected forms of trafficking. If screening shows a potential victim, contact the hotline at **1-888-373-7888 or text to BeFree (233733)**. The hotline will connect the caller with the resources and service providers that will help best meet the need of the client.

Practices recommended by experienced youth service providers working with victims of trafficking include recommendations for training, meaningful engagement, education and outreach and cross-system collaboration. It is recommended that workers in the field should be trained in the following practice areas: identification; social and cultural perceptions of individuals in the sex trade; risk factors; sub-culture of prostitution; effects of trauma and trauma bonding; best practices for work with trafficked youth; and coordinated community response. Meaningful engagement strategies include: trauma-informed, strengths-based, culturally and gender and developmentally appropriate care; trained case managers to help children and youth navigate multiple systems and services; and shelters that provide adequate safety and age appropriate housing for younger victims. Outreach programs could include education to improve prevention and refusal skills for encounters with recruiters, especially for those older youth who are experiencing or expected to experience homelessness.

There was a question from the group about what other states have done concerning training about trafficking. Ms. Murphy indicated California has done a fair amount of training and it might be good to contact someone with the state for more information. Lelia Hopper informed the group that the juvenile and domestic relations court judges participated in Human Trafficking training in April of this year. Several regional task forces are being created in conjunction with the Best Practice Courts. Melissa O'Neill shared with the group that the CASA conference in November will also have presentations on Trafficking lead by Christina Vedas.

The meeting adjourned at 1:00. The next CWAC meeting is scheduled for September 19, 2014 at the Tuckahoe Library.