



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: February 28, 2023

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **Senate Bill No. 33 Division of Family Services Treatment Caseloads**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 33, which proposes to reduce Division of Family Services (DFS) treatment caseloads from 18 to 12 cases per fully functioning caseworker. Council **supports** this bill since lower caseloads could facilitate more time and flexibility on the part of the child welfare system, when working with individuals with disabilities

In order to adequately support children and parents interacting with DFS, including those with disabilities, and to prevent the future occurrence of disabilities, it is essential to attract and maintain a sufficient number of high quality DFS staff members. This proposed change to 29 Del. Code §9015, would decrease the number of families assigned to each protection treatment workers, from 18 down to 12. In its review of the Child and Family Services Reviews, the Government Accountability Office (GAO) noted that, in the majority of states, one or more workforce deficiencies (such as high caseloads) were cited as affecting achievement of results: "For example, workforce challenges were reported to delay the timeliness of investigations, limit the frequency of worker visits with children and families, negatively impact the achievement of permanency goals and inhibit the level of involvement of children and families in case planning."

Children and parents with disabilities often require increased time and planning to adequately address the unique challenges associated with their disabilities. Due to the complications that

may arise related to disability, the potential need for accommodations or non-standard services or service delivery, these parents and children are put at an increased disadvantage by an overloaded caseworker. This disadvantage in turn interferes with their ability to achieve permanency goals. Indeed, the National Council on Disabilities review of multiple studies found that parents with disabilities have higher rates of termination of parental rights (TPR) and involvement with child welfare. One study found that, compared to peers without disabilities, parents with disabilities were over three times more likely to have a TPR, and that parents who had a disability were more than twice as likely to have child welfare involvement.

Children, parents and prospective parents with disabilities interacting with DFS should be provided full and equal services, which may involve increased time and effort on the part of the DFS worker. Federal law, including Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA), protects children, parents/guardians, and prospective parents/guardians with disabilities from unlawful discrimination in the administration of DFS programs, activities, and services. In fact, in recent years, the U.S. Health and Human Service's Office for Civil Rights (HHS OCR) and U.S. Department of Justice's Civil Rights Division (DOJ CRD) have received rising numbers of complaints of discrimination from individuals with disabilities involved with the child welfare system. HHS OCR and the DOJ CRD have issued findings of discrimination for the failure of a child welfare system to implement services and supports appropriate to afford a parent with disabilities a full and equal opportunity to seek parental/child reunification. Therefore, in order to ensure that Delaware is properly affording appropriate, full and equal services, and non-discriminatory treatment, to children, parents, and prospective parents with disabilities, it is essential that DFS be properly trained on disability accommodations, and staffed so that caseloads can be maintained at or below statutory limits. This legislation addresses that need.

Thank you for your time and consideration of our endorsement. Please feel free to contact me or Pam Weir at the GACEC office should you have any questions.