

CHILD PROTECTION
ACCOUNTABILITY COMMISSION
BYLAWS

AS AMENDED

FEBRUARY 19, 2020

ARTICLE I

General Provisions

Section 1.1. Legislative Authority. Pursuant to 16 Del. C. § 931, the Child Protection Accountability Commission was established to monitor Delaware's child protection system to ensure the health, safety and well being of Delaware's abused, neglected and dependent children. The Commission is designated as a "citizen review panel" as required under the federal Child Abuse Prevention and Treatment Act, 42 U.S.C. § 5106a(c), and the "State task force" as required under the federal Children's Justice Act, 42 U.S.C. § 5106(c). These bylaws are hereby established to effectuate the legislative purposes.

Section 1.2 Objectives. Pursuant to 16 Del. C. § 931(b), the objectives of the Commission include the following:

1. examine and evaluate the policies, procedures and effectiveness of the child protection system and make recommendations for changes therein, focusing specifically on the respective roles in the child protection system of the Division of Family Services, the Division of Prevention and Behavioral Health Services, the Office of the Attorney General, the Family Court, the medical community and law enforcement agencies;
2. recommend changes in the policies and procedures for investigating and overseeing the welfare of abused, neglected and dependent children;
3. advocate for legislation and make legislative recommendations to the Governor and General Assembly;

4. access, develop and provide quality training to staff of the Division of Family Services, Deputy Attorneys General, Family Court, law enforcement officers, the medical community, educators, day-care providers, and others on child protection issues;
5. review and make recommendations concerning the well being of Delaware's abused, neglected and dependent children including, but not limited to issues relating to foster care, adoption, mental health services, victim services, education, rehabilitation, substance abuse and independent living;
6. investigate and review deaths or near deaths of abused or neglected children and make system-wide findings or recommendations arising from such investigations and reviews.
7. administer the Ivyane D.F. Davis Memorial Scholarship Fund and as requested by DSCYF, the Chafee Educational and Training Vouchers.

Section 1.3 Definitions. As used in these bylaws, the following terms mean:

1. "Commission" shall mean the Child Protection Accountability Commission.
2. "Child protection community" shall mean members of agencies, non-profit organizations, advocacy groups or other community organizations or individuals responsible for or interested in child protection.
3. "Chair" shall mean the Chairperson of the Child Protection Accountability Commission.

ARTICLE II

Membership

Section 2.1 Members. Pursuant to 16 Del. C. § 931(a), the Commission shall be comprised of 24 members. Members include:

1. the Secretary of Services for Children, Youth and Their Families, or his or her designee;
2. the Director of the Division of Family Services, or his or her designee;
3. two representatives from the Attorney General's Office, appointed by the Attorney General;
4. two members of the Family Court, appointed by the Chief Judge;
5. one member of the House of Representatives, appointed by the Speaker of the House;
6. one member of the Senate, appointed by the President Pro Tempore of the Senate;
7. the Secretary of the Department of Education, or his or her designee;
8. the Director of Prevention and Behavioral Health Services, or his or her designee;
9. the Chair of the Domestic Violence Coordinating Council, or his or her designee;
10. the Superintendent of the Delaware State Police, or his or her designee;
11. the Chair of the Child Death Review Commission, or his or her designee;
12. the Investigation Coordinator, or his or her designee;

13. one youth or young adult who has experienced foster care in Delaware, appointed by the Secretary of the Department;
14. one representative from the Office of Defense Services, appointed by the Chief Defender;
15. and seven at-large members representing one person from the medical community, one person from the Interagency Council on Adoption, one person from a law-enforcement agency other than the State Police and four people from the child protection community. The Governor shall appoint the seven at-large members and designate one member as the Chair of the Commission.

Section 2.2. Statutory Members. The Commissioner may be the statutorily designated person or a person appointed by the statutorily proscribed person. If appointed, the appointed person is the Commissioner. Commissioner appointments must be made or rescinded by letter to the Chair and the Executive Director.

Section 2.3 At-Large Members. Pursuant to 16 Del. C. § 931(a), the at-large members of the Commission are appointed by the Governor. When a vacancy occurs in the at-large membership, the Executive Director shall promptly notify the Governor's Office and the Chair. If requested by the Governor's Office, the Chair may solicit from the Commission or the Executive Committee suggested replacements and shall forward those recommendations to the Governor.

Section 2.4 Executive Director. Pursuant to 16 Del. C. § 931(c) and 29 Del. C. § 9001A, the Child Advocate shall serve as the Executive Director of the Commission and shall be responsible for effectuating the purposes of the Commission. The Executive Director shall not be a voting member of the Commission.

Section 2.5 Staff. The Commission shall be staffed by the Office of the Child Advocate. The Executive Director shall hire employees or contract for services as necessary to assist the Commission in performing its duties. The Executive Director together with employees and contractors shall provide administrative support to the Commission for meetings, including ensuring compliance with the Freedom of Information Act, providing notice of meetings to Commission members, keeping minutes of the meetings, providing draft bylaw revisions as needed, ensuring the investigation and review of child abuse and neglect deaths and near deaths, administering scholarship and training funds for young adults who have experienced foster care, and other administrative and policy functions as required by the Commission.

ARTICLE III

Practices and Procedures

Section 3.1 Freedom of Information Act. Other than the meetings of the CAN Panel and CAN Steering Committee which confidentially investigate and review deaths and near deaths of abused or neglected children pursuant to 16 Del. C. §§ 932-935, and meetings to administer scholarship and training funds pursuant to 14 Del. C. § 3445, all meetings of the Commission or any committees, or any workgroups formed therefrom, will be conducted in compliance with the Freedom of Information Act, 29 Del. C., Ch. 100. Pursuant to the Freedom of Information Act, 29 Del. C. § 10004(e)(2), all meetings of the Commission, any committee, or any workgroup formed therefrom, shall be preceded by public notice, at least seven days in advance thereof; such notice shall include the agenda, the date, time and place of the meeting, and whether the meeting will be conducted by

videoconferencing. In order to maximize participation, meetings of the Commission, any committee, or any workgroup formed therefrom, may be conducted by videoconference pursuant to the Freedom of Information Act, 29 Del. C., § 10006. The Commission, any committee, or any workgroup shall maintain minutes of all meetings in accordance with 29 Del. C. § 10004(f).

Section 3.2 Investigation and Review of Child Abuse or Neglect Deaths or Near Deaths. All records, testimony and participation in reviews of child abuse or neglect deaths and near deaths are confidential and shall not be released to any person except as expressly provided by statute. Such records are not public records. Such reviews will be conducted and supervised by the CAN Steering Committee and CAN Panel.

Section 3.3 Administration of Ivyane D.F. Memorial Scholarship Fund and Chafee Educational and Training Vouchers. All records, interviews and participation in awarding scholarships or training vouchers are confidential and shall not be released to any person except as expressly permitted by state and federal law. Such records are not public records pursuant to the Family Educational Rights & Privacy Act (34 CFR, Part 99). Such administration will be conducted by the Youth in Transition Committee, the Office of the Child Advocate and supervised by the CPAC Executive Committee. Non-confidential summaries of awards shall be provided in the annual report in compliance with the Family Educational Rights & Privacy Act.

ARTICLE IV

Meetings

Section 4.1 Statutorily Required Meetings. Meetings shall be conducted at least quarterly pursuant to 16 Del. C. § 931(b).

Section 4.2 Annual Legislative Meeting. As determined necessary by the Chair, the Commission may convene a meeting each spring to review any pending or proposed legislation pertaining to the child protection system. After reviewing any child protection related legislation, the Commission may vote to either support or oppose said legislation or to take no position, if appropriate. Should substantive legislative amendments arise or if new legislation is introduced pertaining to the child protection system following the Annual Legislative Meeting, the Chair may convene an emergency meeting of the Legislative Committee, as referenced in Section 5.2 *infra*, in compliance with the Freedom of Information Act. All other Commission members will be notified via the most expeditious means possible. The Legislative Committee and any other members of the Commission present may vote to either support or oppose the legislation, or to take no position if appropriate. This vote shall be the position of the Commission.

Section 4.3 Meeting with the Child Death Review Commission. The Commission shall convene a meeting biannually with the Child Death Review Commission to discuss public findings regarding child abuse or neglect deaths or near deaths. The Commissions shall work together to develop an agenda and provide staff support for the meeting.

Section 4.4 Special Meetings. Either the Chair or ten members of the Commission, by written notice to the Chair, can call a special meeting for any purpose

within the scope of the Commission's objectives. All special meetings must comply with the requirements of the Freedom of Information Act, 29 Del. C. § 10004(e).

Section 4.5 Quorum. Quorum shall constitute a majority of the entire membership or their proxies where permitted. At the time of the drafting of these bylaws, 13 members constitutes quorum. Quorum must be maintained throughout the meeting to conduct the public business of the Commission.

Section 4.6 Attendance. With the exception of the at-large law enforcement Commissioner, no Commissioner may appoint a proxy. If the at-large law enforcement Commissioner intends to send a proxy, the Chair and the Executive Director must be notified in writing prior to the meeting. If any other Commissioner sends a proxy, that proxy will not be counted as quorum, will not be permitted to vote and will be considered a member of the public.

Section 4.7 Voting.

- (a) A quorum must be present in order for any vote to be taken.
- (b) Any action of the Commission shall be by a simple majority vote of the quorum.
- (c) All individual votes shall be recorded pursuant to 29 Del. C. § 10004(f).

ARTICLE V

Committees

Section 5.1 Executive Committee. The Executive Committee shall be comprised of the Chair; the Chief Judge of the Family Court or his or her designee; the

Secretary of the Department of Services for Children, Youth and Their Families, or his or her designee; and the Attorney General or his or her designee. In addition, the Executive Committee shall choose two persons from the at-large membership, at least one of which shall be from the child protection community. The primary function of the Executive Committee shall be to hire, supervise and terminate the Executive Director of the Commission; however, the Executive Director may also call upon the Executive Committee for consultation regarding the functions of the Office. The Executive Committee shall also provide confidential oversight of the Youth in Transition Committee. Meetings of the Executive Committee shall take place in executive session and shall be closed to the public pursuant to 29 Del. C. § 10004. The Chair, the Executive Director, or three members of the Executive Committee may call a meeting of the Executive Committee.

Section 5.2 Standing Committees. In furtherance of the statutory duties of the Commission, several standing committees are hereby established unless dissolved or modified by the Commission:

1. Grants Oversight. This committee shall be responsible for providing measurable oversight of the Children's Justice Act grant as well as monitoring and coordinating activities, strategic plans and reporting of grants received or administered by Commissioners or their agencies, which relate to child protection.
2. Legislative. This committee shall be responsible for reviewing proposed legislation related to child protection and making recommendations to the full Commission for action by that body.

3. Training. This committee shall be responsible for ensuring the training needs of the child protection system are being met through ongoing, comprehensive, multi-disciplinary training opportunities. This committee shall be responsible for all mandatory reporting training required by statute.
4. Child Abuse and Neglect (“CAN”) Steering.
 - a. This committee shall be responsible for
 - i. reviewing and considering the confidential reports, findings and recommendations received from the CAN Panel;
 - ii. raising any additional questions or comments on the CAN panel’s reports, findings and recommendations;
 - iii. developing recommendations based on the CAN panel’s reports, findings and recommendations;
 - iv. approving for release to the Commission such reports, findings and recommendations, to the extent that it determines that it is appropriate to do so, for action by the Commission pursuant to 16 Del. C. §§ 931(b)(7) and 932.
 - b. This committee shall include the Executive Committee, the Investigation Coordinator as well as Commissioners from the law enforcement and the medical communities as determined by the Executive Committee. The committee shall be staffed by the CAN Director and the Executive Director.
 - c. The Commission shall appoint a CAN Panel to perform the actual investigations and reviews of the deaths and near deaths of abused

or neglected children. Appointments shall be made by the Chair of the Commission, including the appointment of Panel Co-Chairs. The CAN Panel shall meet at least monthly and the CAN Director shall present the investigations, reviews and findings to the CAN Steering Committee at least quarterly for review and submission to the Commission. The CAN Director and his or her employees or contractors shall support the CAN Panel.

- d. All meetings of the CAN Steering Committee and its CAN Panel are statutorily confidential and exempt from the Freedom of Information Act. Notwithstanding the above, findings made against a law enforcement agency that participated at the CAN Panel review may be shared confidentially with that law enforcement agency by the CAN Director, his or her designee or the law enforcement Commissioner appointed to the CAN Steering Committee.
5. Youth in Transition. This committee, staffed by the Office of the Child Advocate, shall administer the Ivyane D.F. Davis Memorial Scholarship Fund and the Chafee Educational and Training Vouchers together with any other funding provided to CPAC, OCA or the Committee for the purposes of supporting young adults who have experienced foster care. The Office of the Child Advocate shall have authority to manage all functions related to awarding and monitoring scholarships. Three members of the Committee, including OCA staff, shall serve on the interview and award panel. Confidential oversight shall

be provided by the Executive Committee, and appointments to the Committee shall be made by the Chair.

Section 5.3 Special Committees. Special committees may be established and appointed from time to time by the Commission or the Chair with the concurrence of the Commission. Special committees shall continue unless dissolved or modified by the Chair.

Section 5.4 Committee Membership. Committee members and chairs need not be members of the Commission, but Commissioners or staff as Chair is preferred. Committee chairs may be chosen by the Commission or the committee. If the committee chair is not a Commissioner, the chair must designate a Commissioner or staff person to report on committee activities at Commission meetings. Committee membership shall be reviewed and amended as needed annually. Committee membership shall be submitted by committee chair to Commission staff at least annually. Staff will be provided for each committee.

Section 5.5 Quorum. Quorum shall constitute one-third of the committee membership or their proxies where permitted.

Section 5.6 Attendance. Committee members may appoint proxies as needed. If a committee member intends to send a proxy, the committee chair must be notified in writing prior to the meeting.

Section 5.7 Voting.

- (a) A quorum must be present in order for any vote to be taken.
- (b) Any action of a committee shall be by a simple majority vote of the quorum.
- (c) All individual votes shall be recorded pursuant to 29 Del. C. § 10004(f).
- (d) Votes of a committee are not binding on the Commission.

Section 5.8 Committee and Workgroup Chair Responsibilities. Committee and Workgroup Chairs shall be responsible for:

1. Scheduling all meetings at least one week in advance at a location that is available to the public;
2. Preparing an agenda for each meeting at least one week in advance and providing it to Commission staff for posting in compliance with FOIA;
3. Taking and recording attendance at each meeting;
4. Ensuring minutes are taken at each meeting and subsequently approved by the Committee or Workgroup, and then sent to Commission staff for posting in compliance with FOIA.
5. Ensuring the Committee's charge and tasks are addressed and completed;
6. Ensuring that all interested parties are invited to participate;
7. Providing regular updates on the work of the Committee to the Commission; and
8. Preparing a final report at the conclusion of the Committee's work.

ARTICLE VI

Reports

Section 6.1 Annual Report. Pursuant to 16 Del. C. § 931(b)(6)a, an annual summary of the Commission's work shall be sent to the Governor and members of the General Assembly. This report may be made as part of the Office of the Child Advocate's annual report or submitted separately.

Section 6.2 Quarterly Reports. Pursuant to 16 Del. C. § 931(b)(6)b, a quarterly written report of the Commission's activities and findings, in the form of minutes, shall be made available to the Governor, the General Assembly, and the public. These minutes shall be posted online on the Delaware Statewide FOIA Calendar, at <http://www.delaware.gov/egov/calendar.nsf>.

ARTICLE VII

Adopting and Amending Commission Bylaws

Section 7.1 Adopting Bylaws. These bylaws shall be adopted upon a motion duly made and seconded and voted upon pursuant to the voting procedures found at Section 4.6.

Section 7.2 Amending Bylaws. Should any member of the Commission wish to change any provision of these bylaws, a request should be made to the Chair to refer the matter to Commission staff, which shall review the proposed change and make a recommendation to the Commission. Any amendment to the bylaws shall be made by an affirmative vote by the Commission pursuant to the voting procedures found at Section 4.6.