



STATE OF DELAWARE
Child Death Review Commission
(CDRC)

BY LAWS

September 8, 2017

ARTICLE I

General Provisions

Section 1.1. Legislative Authority. Pursuant to 31 Del. C. § 320, the Child Death Review Commission was established to safeguard the health and safety of all Delaware children by providing recommendations to alleviate those practices or conditions which impact the mortality of children and pregnant women. These bylaws are hereby established to effectuate the legislative purposes.

Section 1.2 Objectives. Pursuant to 31 Del. C. § 323, the objectives of the Commission include the following:

1. investigate and review the facts and circumstances of all deaths of children under the age of 18 and maternal deaths which occur in Delaware;
2. conduct child death reviews according to procedures promulgated by the Commission;
3. conduct maternal death reviews which utilize a public health model;
4. conduct fetal and infant mortality reviews and facilitate the implementation of recommendations based on the national model;
5. review and make system-wide findings or recommendations to prevent future child and maternal deaths;
6. annually distribute system-wide findings and recommendations to the Governor and the General Assembly;

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

- (a) "Commission" shall mean the Child Death Review Commission.

- (b) “Case Review Team” shall mean all fatality review teams under the purview of the Child Death Review Commission.
- (c) “CDR” shall mean the child death review team of the Child Death Review Commission. CDR is a multi-disciplinary team composed of medical, law enforcement, social service professionals, legal professionals, and other experts from the community who review an identified child death.
- (d) “FIMR” shall mean fetal and infant mortality review team based upon the national model. FIMR is a multi-disciplinary team composed of medical, social service professionals, and other experts from the community who review a de-identified summary of the fetal or infant death and the information from the family interview, if available.
- (e) “MMR” shall mean the maternal mortality review team of the Child Death Review Commission. MMR is a multi-disciplinary team composed of medical, social service professionals, and other experts from the community who review a de-identified summary of the maternal death and the information from the family interview, if available.
- (f) “Maternal Death” shall mean the death of a woman while pregnant or within one year of the end of her pregnancy, irrespective of cause.
- (g) “SDY” shall mean the sudden death in the young review team of the Child Death Review Commission. SDY is a multi-disciplinary team composed of medical, law enforcement, social service professionals, legal professionals, and other experts from the community who review an identified child death that was sudden and unexpected.

- (h) “SDY Secondary Level” shall mean the advance medical expert review team for the SDY grant. SDY secondary level is a team of medical experts whose medical expertise is in pediatric medical care.
- (i) “Chair” shall mean the Chairperson of the Child Death Review Commission.
- (j) “Co-Chair” shall mean the Co-Chair of the Child Death Review commission.

ARTICLE II

Membership

Section 2.1 Members. Pursuant to 31 Del. C. § 321, the Commission shall be comprised of 26 members to include:

1. the State Attorney General, or his or her designee;
2. the Secretary of the State Department of Health and Social Services, or his or her designee;
3. the Secretary of the State Department of Services to Children, Youth and Their Families, or his or her designee;
4. the person appointed as the child advocate pursuant to § 9003A of Title 29, or his or her designee;
5. the Chair of Child Protection Accountability Commission, or his or her designee;
6. the State Secretary of Education, or his or her designee;
7. the State Chief Medical Examiner, or his or her designee;
8. the Director of the Division of Public Health, or his or her designee;
9. the Chief Judge of the Family Court, or his or her designee;

10. the Superintendent of the Delaware State Police, or his or her designee;

11. and ten at-large members representing one person from the Medical Society of Delaware specializing in each specialty of pediatrics, neonatology, obstetrics and perinatology; one person from the Delaware Nurses Association; one person from the National Association of Social Workers; one person from the Police Chiefs' Council of Delaware who is an active law enforcement officer; one person from the New Castle County Police Department; and two people who are child advocates from state-wide non-profit organizations. The Governor shall appoint the ten at-large members. The term of members appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Commission. Commissioners retain the right to resign their appointment at any time.

12. A Chairperson of each review team shall also serve as members of the Commission.

Section 2.2 Statutory members. The Commissioners 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 31 Del. C. § 321 (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 shall solicit from the Commission suggested replacements and shall forward those recommendations to the Governor. Lack of active and consistent attendance at Commission meetings may result in the Governor's office being notified by the Executive Director for possible appointment replacement.

Section 2.3 The Chair and Co-Chair Pursuant to 31 Del. C. § 321 (b), the Chair and Co-Chair shall be appointed by affirmative vote of a majority of all members of the Commission from its membership for a term of 1 year. This shall occur at the first Commission meeting of each calendar year. The Chair will fulfill the following duties:

1. Provide leadership to the Commission and convene and preside over its meetings.
2. Establish an agenda in collaboration with the Executive Director at least seven (7) days prior to scheduled meetings.
3. Serve as spokesperson for the Commission or appoint a designee.
4. Have general responsibility for issues arising between meetings, and have the general power of leadership and management usually vested in the office of Chairperson.
5. Serve as Chair of the Executive Committee of the Commission.

The Co-Chair will fulfill the following duties:

1. Provide leadership to the Commission and convene and preside over its meetings if the Chair is unable to do so.
2. Serve as spokesperson for the Commission if the Chair is unable to do so.
3. Serve on the Executive Committee of the Commission.

Section 2.4 Executive Director Pursuant to 31 Del. C. § 321 (a), the Executive Director shall be hired and supervised by the Executive Committee of the Commission. The Executive Director 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 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, 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 deaths and maternal deaths, and other administrative and policy functions as required by the Commission.

ARTICLE III

Meetings and Records

Section 3.1 Closed Meetings. Meetings of the Commission, Case Review Teams, and Community Action Teams shall be closed to the public pursuant to 31 Del. C. § 321(c).

Section 3.2 Public Meetings. Joint meetings of the Commission and the Child Protection Accountability Commission to discuss the public recommendations generated from reviews conducted pursuant to 31 Del. C. § 323 shall be open to the public. The Commission may establish committees and workgroups to further the work of the Commission. In establishing the committee or workgroup, the Commission shall determine whether such committees, meetings, or workgroups will be open to the public. If open to the public, conduct such meetings in accordance with the Freedom of Information Act, 29 Del. C. Ch. 100.

Section 3.3 Confidentiality of Records. Pursuant to 11 Del. C. § 324 (a) all records, testimony and participation in review teams and Commission meetings are confidential and shall not be released to any person except as expressly provided by statute. Such records, together with the summary information, findings, and recommendations therefrom are not available for Court subpoena or subject to discover, are not admissible into evidence or otherwise in any civil,

criminal, administrative, or judicial proceeding, and are not considered binding under claim or issue preclusion doctrines.

ARTICLE IV

Commission Meetings

Section 4.1 Statutorily Required Meetings. Commission meetings shall be conducted, at a minimum, semi-annually pursuant to 31 Del. C. § 321(b).

Section 4.2 Annual Meeting with the Child Protection Accountability Commission. The Commission shall convene a meeting annually with the Child Protection Accountability 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 4.3 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.

Section 4.4 Quorum. Pursuant to 31 Del. C. § 322, a quorum of sixty percent of the entire membership or their proxies where permitted is required for a Commission meeting to be conducted and to adopt any findings or recommendations of the Commission or review team. At the time of the drafting of these bylaws, 15 members constitute quorum for the Commission. Quorum for each case review team is established by each review team's policy requirement. Quorum is necessary for the meeting to go forward.

Section 4.5 Voting. A quorum must be present in order for any vote to be taken at a review team or Commission meeting.

Section 4.6 Attendance at Commission Meetings. With the exception of the co-chairs of the review teams, no Commissioner may appoint a proxy. If the review team chair

intends to send a proxy, the Chair of the Commission and the Executive Director must be notified in writing prior to the Commission meeting. If any other Commissioner sends a proxy, that proxy will not be counted as quorum and will not be permitted to vote.

ARTICLE V

Committees

Section 5.1 Executive Committee. The Executive Committee shall be comprised of the Chair, who shall serve as the Chair of the Executive Committee; the Co-Chair, 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, the Division of Public Health Director, or his or her designee, the person appointed as the child advocate pursuant to § 9003A of Title 29, or his or her designee. In addition, the Chair shall choose one person who is a review team chair. Pursuant to 31 Del. C. § 321(a), the Executive Director shall be hired and supervised by the Executive Committee of the Commission. The Executive Committee will make decisions and ensure timely action on issues that arise between meetings. The Chair or three members of the Executive Committee may call a meeting of the Executive Committee. The Executive Committee will meet at the discretion of the Chairperson. Meetings of the Executive Committee shall be closed to the public.

Section 5.2 Standing Committees. In furtherance of the statutory duties of the Commission, the following committee is hereby established unless dissolved or modified by the Commission:

- (a) The Infant Safe Sleeping Community Action Team. This committee shall be responsible for monitoring the state-wide public and professional response to promote infant safe sleeping as deemed by the American Academy of Pediatrics.

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 established 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) for any meetings that are open to the public.

(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 accordance with FOIA, if applicable;
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 accordance with FOIA, if applicable.
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 31 Del. C. § 323(a), an annual summary of the Commission's work and recommendations shall be sent to the Governor and members of the General Assembly.

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 4.5.

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 and the Executive Director, 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 4.5.