

STATE OF DELAWARE



EXECUTIVE DEPARTMENT
DOVER

**EXECUTIVE ORDER
NUMBER FORTY-TWO**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: CREATING THE DELAWARE CRIMINAL BACKGROUND AND CHILD PROTECTION REGISTRY CHECKS TASK FORCE TO CONDUCT A COMPREHENSIVE EXAMINATION OF DELAWARE'S CRIMINAL BACKGROUND CHECK AND CHILD PROTECTION REGISTRY CHECK REQUIREMENTS RELATING TO INDIVIDUALS WORKING WITH CHILDREN AND YOUTH

WHEREAS, criminal background checks and child protection registry checks are important tools to prevent individuals who have been convicted of certain crimes or have been substantiated for child abuse from having access to Delaware's vulnerable population of children and youth; and

WHEREAS, Delaware law requires certain individuals to undergo criminal background checks in order to hold certain occupations, but Delaware's laws and regulations are sometimes inconsistent with respect to requiring background checks for employees, volunteers, and other individuals who come into contact with children and youth; and

WHEREAS, for that reason, it is appropriate to conduct a comprehensive review of the requirements around criminal background and child protection registry checks for individuals working with children and youth in our state; and

WHEREAS, such a review should examine the expenses and burdens of background checks upon state agencies and private stakeholders, while recognizing the state's overriding interest in protecting Delaware's children; and

WHEREAS, a study of criminal background and child protection registry checks can best be carried out through a bipartisan and multi-disciplinary task force that brings together stakeholders in the protection of Delaware's children and youth; and

WHEREAS, a task force can provide a deliberative and rigorous process to evaluate recommendations for legislative and policy changes that will benefit our State and the protections offered to children and youth.

NOW THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The Delaware Criminal Background and Child Protection Registry Checks Task Force (hereinafter, the “Task Force”) is hereby established. The Task Force shall be comprised of the following members or their respective designees:

- a. The Secretary of the Department of Services for Children, Youth and Their Families, who shall serve as the Chair;
- b. The Secretary of State;
- c. The Secretary of the Department of Education;
- d. The Secretary of the Department of Health & Social Services;
- e. The Secretary of the Department of Safety & Homeland Security;
- f. The Director of Management & Budget;
- g. Two members of the Senate, appointed by the President Pro Tempore, one from each caucus;
- h. Two members of the House of Representatives, appointed by the Speaker of the House, one from each caucus;
- i. The President Judge of the Superior Court;
- j. The Chief Judge of the Family Court;
- k. The Attorney General;
- l. The Public Defender;
- m. The Superintendent of the Delaware State Police;
- n. The Chair of the Child Protection Accountability Commission;
- o. The Chair of Prevent Child Abuse Delaware;
- p. The Child Advocate;
- q. The Executive Director of Delaware Center for Justice;
- r. The President of the Delaware Association of Independent Schools;
- s. The Executive Director of the Delaware Healthcare Association;
- t. The Executive Director of YMCA of Delaware; and
- u. Such other persons as the Governor may from time to time appoint.

2. All Executive Branch departments and agencies shall, upon request of the Task Force or the Governor, provide requested services, information, and technical assistance to support the goals of the Task Force.

3. The Task Force shall develop recommendations for improving Delaware's criminal background checks and child protection registry checks for children, youth, and their families. Recommendations shall be submitted to the Governor and the General Assembly by December 31, 2014.

4. In connection with the foregoing, the Task Force shall:

- a. undertake a comprehensive review of the state's criminal background checks and child protection registry checks as they relate to children, youth and their families;
- b. consider whether criminal background checks and child protection registry checks should be required for camp/holiday/school break employees and volunteers;
- c. consider whether criminal background checks and child protection registry checks should be required for employees and volunteers at private and non-state operated schools;
- d. examine whether it is fiscally feasible for background checks to include: criminal background check, child protection registry check, adult protection registry check, and the sex offender registry check;
- e. engage in planning for implementation of policy recommendations on the following points:
 - (1) Whether a consolidated background check system, to include criminal, child protection, sex offender and adult abuse registry is feasible;
 - (2) Amendments of Delaware Code and Delaware Regulations to permit a fee to be charged to the requestor for child protection registry checks; when the requestor is a private entity, this will include development of a fee schedule; and
- f. develop and produce recommendations regarding policy options to create efficiency in criminal background checks and child protection registry checks.

5. Until it delivers its findings and recommendations, the Task Force shall hold meetings by order of the Chair or by vote of the Task Force. Following the reporting of its findings and recommendations, the Task Force shall meet as needed to address adoption and implementation of its findings and recommendations.

6. The Task Force meetings shall be open to the public and an opportunity for public comment should be provided to members of the public at the discretion of the Chair.

7. The Chair shall appoint a Vice-Chair to assist in facilitating the initiatives articulated in this executive order.

8. The Department of Services for Children, Youth and Their Families (DSCYF) may apply for, expend, and manage federal funds, grants, and gifts it receives from other sources to assist the Task Force in carrying out its duties and responsibilities.

9. The Task Force shall be terminated on January 1, 2015, if not reconstituted by further executive order.



APPROVED this 8th day of January 2014

JD Malley

Governor

ATTEST:

[Signature]

Secretary of State