



**TCWVB**

**OPERATIONS MANUAL**

**FOR**

**COUNTY CHILD WELFARE BOARDS,**

**REGIONAL COUNCILS AND**

**THE TEXAS COUNCIL**

**OF CHILD WELFARE BOARDS**

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# TCCWB

## General Information

### ***Program Description***

The Texas Council of Child Welfare Boards (TCCWB) is dedicated to educating the public on child abuse prevention and working towards ensuring that all children live in a nurturing and safe environment. The 501(c)(3) nonprofit organization is led by a board of directors representing 11 Regional Councils and over 200 local child welfare boards (CWB's).

Through coordinated training, communication, and advocacy, TCCWB seeks to strengthen the efforts of more than 2000 volunteers appointed by county commissioners courts to work in cooperation with state agency staff who deliver the Child Protective Services program at the grass-roots level. County boards contribute 20-30 million dollars annually to meet children's needs that cannot be met by the limited state funding of the Texas Department of Family and Protective Services (DFPS). Members advocate at the local, state, and national level for children who have no voice.

TCCWB works with DFPS and others to develop resources, programs, and strategies to enhance services to vulnerable children and families. Leaders from the Regional Councils come together three to four times yearly with DFPS staff for educational programs and to share information and strategies to provide for the safety and well being of children. Financial support is provided by DFPS, private donations, grants, and fundraising activities.

### ***Vision and Mission***

The mission of TCCWB is to support a statewide network of volunteers concerned with the welfare of children, especially those who are abused and neglected.

The vision of TCCWB is to lead a cohesive network of child welfare boards supporting services to vulnerable children and families and promoting prevention of child abuse and neglect so that all children live in a loving, nurturing, and safe environment.

TCCWB officers and members advocate for children through:

- encouraging legislation to provide services to abused and neglected children and to prevent child abuse;
- working with child protective services (CPS) staff on programs that meet children's needs;
- networking with other agencies and organizations to provide the best care for abused and neglected children; and
- working to prevent abuse and neglect through public awareness and joint cooperation.

Each local CWB develops its own mission statement and annual goals.

### ***History***

Child protective laws and services have roots in English Common Law beginning with the Orphan's Court of Medieval England. The Apprenticeship Law was passed in 1848 followed by

the Juvenile Dependency and Neglect Act enacted in 1907. In response to the Great Depression, Texas created the Division of Child Welfare Services under the State Board of Control in 1931. This law allowed county commissioners courts to appoint boards of seven to 15 persons to coordinate community services for the protection of children. The boards often provided services themselves with consultation and supervision from a small group of professional staff.

In the following decades federal, state, and county participation in services to abused and neglected children increased. In 1965 Texas authorized the Department of Public Welfare in response to the Social Security Act's requirements for federal funds, and the state legislature appropriated funds for foster care services in 1979. Today CPS is a state-administered program under the Health and Human Services Commission's Department of Family and Protective Services; however, counties also provide some level of funding for foster children's needs through the development of child welfare boards.

Regional Councils originated in 1976. The 11 Regional Councils are networks of local CWB's grouped in geographical areas that receive funds through DFPS contracts, grants, and donations for education and training, child abuse prevention, advocacy, and other activities. They advise CWB's, raise funds for scholarships for high school graduates exiting foster care, and engage in other activities to support services for abused and neglected children.

An organizational meeting was held in Austin in 1977 for the Texas Council of Child Welfare Boards (TCCWB) and the statewide organization began operating in 1978. TCCWB obtained nonprofit 501(c)(3) status September 1, 1983.

## Organizational Structure

### ***Local Child Welfare Boards***

The Texas Family Code, §264.005, provides for the appointment of county residents to a child welfare board (CWB) by the county commissioners court. With the approval of DFPS, two or more counties may establish a joint CWB. The CWB is an entity of DFPS for the purposes of providing coordinated state and local public welfare services for children and their families, and coordinating the use of federal, state, and local funds for those services. Since CWB members are appointed by the commissioners court, CWB's are also an extension of that entity.

### **Child Welfare Board Responsibilities**

The CWB works with DFPS and commissioners court in carrying out the following duties:  
(From CPS Handbook, Appendix 1132.2(c).)

- Negotiating and acting as a liaison between the protective services unit and the county commissioners court to secure adequate local funding for program components such as:
  - Foster care funds for children not eligible for state and federal foster care funds
  - Clothing and transportation needs for foster children
  - Medical care and examinations not covered by Medicaid
  - Psychiatric and psychological evaluations and treatment not covered by Medicaid
  - Office space, utilities, office equipment, and upkeep
  - Funding for staffing

- Other needed services within the financial capability of the county such as homemaker services and day care;
- Advising DFPS staff about local policies, related to the expenditure of county funds;
- Authorizing expenditure of county funds for appropriated purposes;
- Reviewing expenditures of protective services units to ensure that county money is spent for appropriated purposes; accounting methods are adequate for the county, DFPS, and federal funders; and total care reimbursement for a child is spent for the child;
- Conducting needs assessment for the children in the county;
- Formulating with DFPS staff a plan to develop community resources to meet identified needs;
- Interpreting child protective services and needs to the community;
- Explaining to DFPS staff conditions in the community and community attitudes about DFPS policy, services, and priorities;
- Coordinating operations and developing local agreements, as needed, with other community agencies serving children, such as juvenile probation, MHMR, school boards, hospital boards, family service and child guidance agencies, and child caring and child placing agencies;
- Reviewing the quality of services being rendered by the protective services units;
- In conjunction with DFPS staff, formulating goals and objectives for the CWB and evaluating progress in achieving these goals and objectives;
- Ensuring confidentiality of information concerning children and families according to applicable federal and state rules, laws, and regulations;
- Prescribing bylaws (to be approved by the commissioners court) that do not conflict with the terms of the contract between the county and DFPS and applicable state laws; and
- Reporting at least annually to the county commissioners court on the status of the county's children, the status of the board's activities and achievements and budgetary needs.

CWB's are established through a contract between a county commissioners court and DFPS. See **Appendix IX** for a sample contract.

A detailed description of DFPS, CWB, and county responsibilities can be found in the DFPS Child Protective Services Handbook, Appendix 1132.2(c), accessible at <http://www.dfps.state.tx.us/Handbooks/>.

## **Membership**

The commissioners court and DFPS determine the size of the board and the qualifications of members. Texas Family Code, §264.995(a), requires that a CWB be comprised of no less than seven and no more than 15 members and that members be county residents. Members are appointed by the county commissioners court and serve rotating three-year terms. At the commissioners court discretion, a CWB may make recommendations of potential board candidates. A member may be removed by the court for just cause at any time. Members serve without compensation but may be reimbursed for expenses incurred in the fulfillment of their duties.

## **Membership Roster**

Each CWB designates a member to maintain a roster of current members. At anytime a change in membership or contact information is identified, the designated member updates the Board/Council Roster Form (in **Appendix V**) and sends copies to:

- DFPS Community Initiative Specialist for the region,
- President of the Regional Council,
- Mailing list coordinator for TCCWB, and
- TCCWB executive director.

## **Participation of Non-members**

Individuals who are not CWB members may assist with planning, preparation, and implementation of CWB-sponsored activities. Non-members who have contact with children in care or confidential case information must comply with the requirements for DFPS volunteer registration and background checks.

## **Organizational Requirements**

An active and effective CWB possesses a clear sense of purpose and a strong organizational framework. Members are well-informed and able to commit the time required for CWB meetings and activities. Each CWB should have:

- A mission statement,
- An annual goal setting meeting,
- Bylaws approved by the commissioners court,
- An annual budget,
- A current roster of members,
- Job descriptions for officers, members, and committees, and
- Timely orientation for new members.

## **Standing Rules**

In addition to bylaws, a CWB may adopt standing rules. Unlike bylaws, which are constant from meeting to meeting and generally relate to parliamentary procedure, standing rules can be suspended for a particular meeting and relate to the administration of an organization rather than to parliamentary procedure. Standing rules are adopted as any ordinary motion, by a majority vote at any business meeting without previous notice. They can be amended or rescinded by a two-thirds vote without previous notice or by a majority vote with previous notice. They can be temporarily suspended by a majority vote for the duration of any meeting, but go back into effect at the close of the meeting.

Examples of standing rules that a CWB may adopt include, but are not limited to, policies for the following activities:

- Clothing allowances for foster children
- Monthly personal allowances for foster children
- Christmas allowances and gifts for foster children
- Graduation gifts for foster children
- Education assistance grants for foster children
- Camp scholarships

- Funeral expenses for foster children
- Vacation pay for foster parents
- Kinship care assistance payments
- Greeting cards for foster children and foster parents
- Service plaques for CWB members

## **Job Descriptions of Officers**

Texas Family Code, §264.005, mandates that each CWB have a presiding officer. Other officers are designated in the CWB bylaws.

### **Chair/President**

The Chair/President oversees the CWB affairs and ensures the effectiveness of the CWB in completing its responsibilities. Duties include:

- Developing meeting agendas,
- Presiding over all CWB meetings,
- Appointing all committee chairs and any needed special committees and liaisons,
- Determining the need for Executive Committee meetings and presiding over those meetings,
- Coordinating work and communications between committees,
- Serving as CWB spokesperson and representative to the county, DFPS, and community,
- Presenting the annual report, budget, and goals to the commissioners court, and
- Providing leadership to the board.

### **Vice-Chair/Vice-President**

The Vice-Chair/vice-President assists the chair/President as needed. Duties include:

- In the absence of the chair/President, performing all duties pertaining to such office,
- Performing other duties as designated by the chair/President and/or bylaws, and
- According to the bylaws, serving as the chair/President elect.

### **Secretary**

The Secretary is the recording officer for CWB business. Duties include:

- Retaining an attendance record for each CWB meeting,
- Recording the minutes for each CWB meeting,
- Completing CWB correspondence and other duties as designated by the chair/President, and
- Reporting CWB volunteer activities and hours to other interested parties, including the county commissioners, Texas Council of Child Welfare Boards, and DFPS.

### **Treasurer**

The Treasurer manages CWB financial responsibilities. Duties include:

- Reporting to CWB the status of all funds and assets,
- Tracking and disbursing funds according to CWB policy and procedures,
- Maintains CWB financial records and providing reports,
- Recording/tracking donations and providing reports, and
- Preparing for and assisting with any audits.

## **Parliamentarian**

The parliamentarian advises the CWB as to correct parliamentary procedure.

## **Committees**

Each CWB decides what standing committees are needed to meet its needs. CWB bylaws identify and govern standing committees. Committees are chaired by CWB members and may include non-board members as volunteers. Examples of committees include, but are not limited to, the following:

- **Executive/organizational** – This committee is comprised of board officers and/or committee chairs. The committee may oversee overall board operations; ensure compliance with applicable federal, state, and county laws, county expectations, and the requirements in the county's contract with DFPS; identify potential board candidates according to county and board needs; ensure new board member orientation and board development; handle decisions between regular meetings with full report at subsequent full board meetings; and monitor and assess the board's performance and effectiveness in fulfilling its goals and duties.
- **Awareness** - This committee may plan and oversee the board's outreach activities for child abuse prevention awareness campaigns and accurate public perception of the CPS role; promote the board's special events and prevention awareness campaigns through available media and community outlets; and work with the DFPS public information office to coordinate awareness messages.
- **Service** – This committee may develop and oversee the board's sponsored service projects; identify and enlist potential community resources and collaborations to support its projects; and gather and report the board's volunteer activities and service hours to the board Secretary.
- **Resource Development/Events** – This committee may plan and coordinate the board's special events; identify, plan, and coordinate the board's fundraising events to meet identified objectives; stay current on applicable DFPS regulations and policies; keep board members informed of local, state, and national issues concerning children; and keep legislators informed, as directed by the board, regarding issues impacting children and families.

## **Dual Status as a Nonprofit Entity**

A CWB may choose to create a separate nonprofit 501(c)(3) board to be eligible for certain donations and grants. If so, the CWB must act as two separate entities. The meetings for each entity must be held separately but may be held back-to-back. For example, the CWB meets to conduct county business as a governmental entity, closes that meeting, and then reopens a meeting for the nonprofit entity to discuss business related to such items as privately donated funds, grants, fundraising efforts, and expenditures of these funds. The CWB keeps separate minutes and separate financial records for each entity.

A CWB operating as a nonprofit 501(c)(3) entity must stay apprised of Texas Secretary of State and Internal Revenue Service reporting requirements.

## **Registered Agent with Secretary of State**

CWB's that opt to become incorporated nonprofit entities must submit paperwork to the Secretary of State (SOS), Statutory Filings Division, to establish a registered office and a registered agent. To submit or change information, an incorporated entity completes SOS Form 401, available at the SOS Web site [http://www.sos.state.tx.us/corp/forms\\_option.shtml](http://www.sos.state.tx.us/corp/forms_option.shtml).

Additionally, Article 1396-9.01 of the Texas Nonprofit Corporation Act authorizes the SOS to require nonprofit corporations to file a report not more than once every four years. Failure to complete SOS Form 802 in a timely manner and file it with SOS may result in involuntary dissolution of the nonprofit corporation.

An unincorporated nonprofit association is not required to have a registered agent, but may complete SOS Form 707 to appoint an agent authorized to receive service of process on behalf of the nonprofit association.

## **Texas Sales Tax Exemption**

If a nonprofit organization has received exemption from federal taxation under 501(c)(3), it qualifies for exemption from state sales tax but the organization must complete Form AP-204 available at <http://www.window.state.tx.us/taxinfo/exempt/index.html> and send it to the Texas Comptroller of Public Accounts along with the required documentation listed on the application. Until a nonprofit organization submits the required paperwork to the Comptroller, it is not exempt from paying sales tax.

## ***Regional Councils***

Regional Councils, comprised of leaders selected by local CWB's, operate according to region's needs and fulfill objectives outlined in cost-reimbursement contracts with DFPS. Regional Councils serve as an informational conduit between county boards and the Texas Council of Child Welfare Boards. Members often partner with CPS staff in training activities, foster/adopt recruitment efforts, promotion of child abuse prevention, and support of youth in transition programs. Regional Council members are engaged in advocacy at the local, state, and national levels.

Regional Councils may choose to become 501(c)(3) organizations.

Regional Councils elect officers and appoint committees as needed. Each Regional Council elects two to three members to represent the council on the Texas Council of Child Welfare Boards.

## **Membership Roster**

Each Regional Council designates a member to maintain a roster of current members. At anytime a change in membership or contact information is identified, the designated member updates the Board/Council Roster Form and sends copies to:

- DFPS Community Initiatives Specialist for region,
- Mailing list coordinator for TCCWB, and

- TCCWB executive director.

## **Texas Council**

The Texas Council of Child Welfare Boards consists of 27 voting members and four non-voting members-at-large. Council officers are President, vice-President, Secretary, Treasurer, and parliamentarian. These officers, the immediate past President, up to two members-at-large, and chairs of the standing committees constitute the Executive Committee of the TCCWB and may act for TCCWB between business meetings.

## **TCCWB Bylaws**

TCCWB is governed by bylaws. (See **Appendix VII**). Any TCCWB member may submit proposed amendments to the bylaws at any regular TCCWB meeting. The Executive Committee (acting as a bylaws committee) has the option of amending bylaws by:

- submitting an amendment for vote at a regular meeting of the membership provided that the proposed amendment was given at the preceding regular meeting or mailed to the general membership and postmarked at least 10 days prior to the meeting or
- a binding referendum mailed to the general membership.

Proposed amendments must have a two-thirds majority to pass. Additionally if a vote is taken by a binding referendum, at least 18 ballots must be returned.

The Executive Committee has the authority to recommend to TCCWB that the bylaws be temporarily suspended. Such temporary suspension must be instance-specific and be approved by a two-thirds vote of TCCWB members present.

## **Membership**

The TCCWB is composed of 26 voting representatives designated by Regional Councils. At the time of designation, a representative must be a member or ex-officio member of a county board. Alternatives may be appointed and, in the absence of the designated representatives, may attend meetings and vote.

Regional Councils appoint TCCWB representatives as specified below:

- Region 1 – two representatives
- Region 2 – two representatives
- Region 3 – three representatives
- Region 4 – two representatives
- Region 5 – two representatives
- Region 6 – three representatives
- Region 7 – three representatives
- Region 8 – three representatives
- Region 9 – two representatives
- Region 10 – two representatives
- Region 11 – two representatives

As vacancies occur, the Regional Council designates another representative to fill the unexpired term. Any member may be removed for just cause, as determined by the Executive Committee and approved by a two-thirds vote of TCCWB members present. Absence from two consecutive TCCWB meetings without prior notice to the TCCWB Secretary and without attendance by that member's alternate is cause for review by the Executive Committee.

There may be up to four (4) members appointed to a one-year term to coincide with TCCWB's fiscal year as non-voting members at large. To the extent possible, the Executive Committee appoints members-at-large prior to the first meeting of the fiscal year. One member-at-large is the immediate past President unless the immediate Past President is already an elected regional representative, or refuses or is unable to serve, in which case the Executive Committee may appoint another person to fill this member-at-large position.

The President may appoint liaisons to other organizations as necessary with ratification by TCCWB.

\* Footnote: Highlighted section above for At large members was modified from the meeting Minutes dated 05-18, 2023

## **Job Descriptions of Officers**

### **President**

The President is the chief executive officer of TCCWB. Duties include:

- presiding at all meetings,
- taking the initiative in presenting for consideration by TCCWB such policies, actions, and procedures as deemed necessary,
- appointing all committee chairs,
- appointing special committees and board liaisons as needed,
- appointing a Nominating Committee as defined in the bylaws, and
- serving as an ex-officio member of all committees except the Nominating Committee.

### **Vice-President**

Duties of the Vice-President include:

- Assisting the President,
- Performing other duties as designated by the President, and
- In the absence of the President, performing all duties pertaining to the office of President.

### **Secretary**

The Secretary is the recording officer of TCCWB. Duties include:

- Conducting a roll call (by written sign-in sheet or verbally) at the beginning of each meeting before any votes are called,
- Retaining an attendance record for each region including the determination made by the Executive Committee for absent members,
- Keeping and preparing minutes of each general meeting and each Executive Committee meeting, and
- Conducting correspondence and performing other duties as designated by the President.

The Secretary also works with the President and executive director to prepare the meeting agenda for each general meeting and each Executive Committee meeting and to prepare the meeting packet for each meeting, to include meeting notice letter with hotel reservation information, current membership roster, reimbursement form, regional/county report form, minutes from previous meeting, agenda for current meeting, and any special notices or other information needed for conducting TCCWB business,

## **Treasurer**

The Treasurer is the custodian of all TCCWB funds. Duties include:

- Reporting on the financial status of TCCWB upon request,
- Opening bank accounts as needed,
- Keeping bank signature card current as officers change,
- Reviewing all reimbursement forms,
- Making bank deposits,
- Disbursing funds by checks signed by the Treasurer or President,
- Reconciling bank statements each month, and
- Maintaining all financial records of TCCWB and passing these on to the successor Treasurer.

The Treasurer also works with the executive director to maintain the TCCWB Treasurer's Manual section of the operating procedures manual.

## **Parliamentarian**

The parliamentarian serves TCCWB as an advisor of correct parliamentary procedure.

## **Committees**

TCCWB has five (5) standing committees: Advocacy Committee, Awards Committee, Education Committee, Resource Development Committee, and Fostering Brighter Futures Committee. The President establishes special committees as needed and makes appointments to the committees. Committee chairs are appointed by the President and serve from September 1 until August 31 of the following year, coinciding with the fiscal year of TCCWB. At their first meeting of each fiscal year, committees identify goals for the year and submit those to the TCCWB Secretary. Committees provide written reports on activities and progress towards identified goals at each TCCWB meeting.

## **Education**

The education committee keeps members informed on how to educate the community on problems of child abuse and neglect, conducts training sessions for new council members, and maintains a board training/resource manual. Committee members also stay alert for media items to share with the TCCWB membership. This committee has one subcommittee, Information Technology. The Information Technology subcommittee is charged with oversight for the Web site, newsletter, and mailing lists.

## **Advocacy**

The advocacy committee studies issues which affect services to abused and neglected children, children at risk, and their families. They inform regional and county child welfare boards and the community at large on these issues. They advocate for adequate resources and policies to

provide services for abused and neglected children and recommend legislative issues for support by the TCCWB. They research and analyze problems and questions and prioritize items for the TCCWB agenda. This committee has two subcommittees:

- Urban Issues studies problems specific to urban areas, for example, Austin, Dallas, Ft. Worth, El Paso, Houston, and San Antonio,
- Rural Issues studies problems specific for the rural areas.

## **Awards**

The awards committee plans the annual awards event that spotlights the volunteers, legislators, staff, foster parents and media personnel of the year who have championed CPS issues.

## **Nominating and Electing Officers**

The election of TCCWB officers occurs during the final regular meeting of the each fiscal year. Prior the meeting, the President appoints a Nominating Committee of five TCCWB members, at least three of whom cannot be officers. The Nominating Committee submits a slate of one name for each officer. Nominations may also be entertained from the floor.

Any candidate for President must have served on TCCWB for a minimum of one year prior to nomination for office. All office candidates must be TCCWB members elected by Regional Councils. Officers may succeed themselves.

Officers are elected by a majority vote of TCCWB members present. They serve a one-year term that begins at the close of the annual meeting at which they are elected and continues until their successors have been elected and qualified or until they are removed by action of TCCWB. If a vacancy occurs, the Executive Committee appoints a successor by majority vote, subject to ratification by a majority of TCCWB members present.

## **Strategic Plan**

The TCCWB Executive Committee reviews and updates the TCCWB strategic plan annually. The plan sets the goals of TCCWB for the coming five years and specifies approaches and strategies that must be implemented to reach each goal. The President presents the plan to the general membership at the first meeting of the new fiscal year for discussion and approval. See **Appendix V** for the current Plan.

## **Member Roles**

**Unless otherwise specified, the member roles and responsibilities listed in this section apply to members of local CWB's, Regional Councils, and the TCCWB.**

### ***Meeting Attendance***

Members are expected to attend general membership and assigned committee meetings.

TCCWB members absent from two consecutive TCCWB meetings without prior notice to the TCCWB Secretary and without attendance by that member's alternate are subject to review by the Executive Committee and may be removed from TCCWB.

## ***Volunteer Registration***

Each member completes the following forms as a part of the DFPS volunteer registration process:

- Form 250, DFPS Volunteer Application,
- Form 250b, Background Check Authorization Form, and
- Form 251, Volunteer Confidentiality Agreement.

Copies of the forms are available through the local CPS office.

## ***Annual Background Checks***

CWB members are authorized by the Texas Family Code, §264.005, to receive confidential client information. Members who elect to act only in the capacity described in the Code are not required to have a background check; however, most CWB's take on additional projects and activities outside the scope of statutory authority. For this reason, it is recommended that potential members authorize a background check prior to appointment by the commissioners court.

Members who have any contact with children and families receiving services from DFPS must have a criminal background check and DFPS Central Registry Check performed annually. The DFPS Community Initiatives Specialist (CIS) provides Form 250b, Background Check Authorization Form, to members for them to complete and return. The CIS then submits the forms for processing and notifies members if a match is found. Members who refuse to complete Form 205b or who have positive match are prohibited by Government Code, §411.114, from having any contact with children and families receiving services.

CWB members are removed from contact with children and families when there are pending or confirmed allegations that they committed abuse, neglect, or exploitation against a child, an adult with disabilities, or an elderly person or a crime involving an offense against the family, public indecency, or the Texas Controlled Substance Act. Members should voluntarily report allegations and findings to the commissioners court that appointed them.

## ***DFPS Computer Network Access***

In limited situations and for specialized activities, a member may require DFPS computer network access. A member must be a registered DFPS volunteer and have a criminal background check and a DFPS history check completed before being given access. Members may only access information on a “need-to-know basis.” Members must not access information regarding cases to which they do not have a specific assignment-related need.

## ***Clearance for Transporting Clients***

Prior to transporting a CPS client for shopping or other activities, a member must complete Form 250c in addition to the forms listed above. This form authorizes a review of the member’s driving record. It is obtained from and returned to the DFPS Community Initiatives Specialist.

## ***Dual Membership***

Members may serve on the boards of other community nonprofit organizations, including local Greater Texas Community Partners boards. An officer of a CWB may also serve as an officer of another community nonprofit organization as long as the responsibilities associated with the offices do not present a conflict of interest.

Local Government Code §171.009 allows local public officials to service on boards of nonprofit organizations as long as no remuneration is received.

## ***Response to Public Inquiries***

Members who receive inquiries regarding CPS cases refer the individual to the local CPS supervisor or program director and explain that members are not involved in casework decisions. Members must not promise involvement or intervention in a CPS case.

## ***Coordination with DFPS Staff***

CWB's regularly interact with DFPS staff in providing services to children and families. In doing so, members must be aware of DFPS policies governing their staff. The following activities are prohibited for DFPS staff:

- Writing grants;
- Entering or reconciling inventory for emergency resource rooms;
- Bookkeeping for emergency resource rooms or CWB accounts;
- Maintaining membership lists;
- Serving as the nonprofit CWB's registered agent;
- Serving on a CWB other than in an ex officio/liaison capacity; and
- Conducting fundraising.

DFPS staff may describe client needs and speak to the impact of requested resources in conjunction with CWB fundraising activities; however, they cannot request or encourage donations.

DFPS staff have no obligation to inform CWB members when they are investigating cases in the county or to provide case-related information except as needed for the board to discuss, consider, or act regarding a case situation.

While CWB members may attend case-related meetings upon the invitation of CPS staff and offer input based upon their knowledge of community resources, CWB members have no authority to make or intervene in CPS casework decisions. They are not to represent themselves as child protective services staff or to speak on behalf of child protective services.

## ***Confidentiality***

A member may receive information that is confidential under Human Resources Code, §40.005, or Family Code, §261.201, when acting in the member's official capacity. Disclosed information may relate to the identity of a reporter of alleged abuse or neglect, a recipient of DFPS service, or an investigation by DFPS. The board/council and individual members are responsible for implementing safeguards to ensure confidentiality is maintained. Confidential

information must not be discussed with persons who are not board/council members, county officials acting in their official capacity, or DFPS staff. CWB members should not discuss case information outside of the CWB meeting. It is a criminal offense to reveal the confidential information to any unauthorized person or entity. Each member must sign a confidentiality agreement as a part of the volunteer application.

Specific case information may not be requested by a member or shared with other authorized persons unless it is needed in order for the board/council to discuss, consider, or act regarding the case situation. Only first names and last name initials are requested and shared, except in exceptional circumstances. Relative names and addresses may be shared with the written consent of the relative but only for the purposes of financial reimbursements and/or board assistance.

Members may be provided facility and foster parent names and addresses for the purpose of correspondence including, but not limited to, notification of meetings and events, foster parent appreciation, and financial reimbursement.

### ***Open Government Training***

Members are expected to know and comply with the requirements of the Open Meetings Act, Government Code §551. See **Appendix VI** for more information. State law requires members, as appointed officials, to receive training on the Open Meetings Act and the Public Information Act within 90 days from the date of appointment. This training is available at the Office of Attorney General (OAG) Web site: [http://www.oag.state.tx.us/opinopen/og\\_training.shtml](http://www.oag.state.tx.us/opinopen/og_training.shtml). Members may also request a free DVD of the training videos by contacting the OAG at 1-800-252-8011. At the conclusion of the training, members must print a course completion certificate and file a copy with the county clerk.

## **Member Responsibilities**

**Each of the following 3 sets of responsibilities is also available for use by Chair Persons/Presidents in a pledge format (see Appendices I-III).**

### ***Specific Responsibilities of CWB Members***

Responsibilities of individual CWB members include:

- Attending all board meetings and assigned committee meetings;
- Reviewing the agenda and supporting materials prior to board and committee meetings;
- Serving on committees or task forces and offering to take on special assignments;
- Staying informed about the board's mission, policies, and services, and about the CPS program, staff, and child abuse and neglect issues;
- Informing the community about the child welfare program;
- Helping to develop, recommend, and present the annual budget to the commissioners court;
- Enhancing processes and decisions in support of child welfare services and opportunities for CPS staff recognition;
- Adhering to conflict of interest and confidentiality policies;
- Assisting with building an informed and supportive constituency;

- Recruiting, training, and developing new CWB members;
- Serving as a liaison to other resources for abused and neglected children in the community; and
- Facilitating the solution of child welfare-related problems in the community.

In fulfilling these duties, CWB members must work closely with county officials and DFPS staff.

### ***Specific Responsibilities of Regional Council Delegates***

Each CWB elects delegates as their representatives to the Regional Council. Duties of Regional Council delegates include:

- Reporting the local CWB activities and concerns to the Regional Council,
- Relaying information obtained at Regional Council meetings back to the CWB,
- Educating oneself and the CWB on child abuse and neglect and resources available for prevention, intervention, and treatment,
- Regularly attending Regional Council meetings, and
- Actively participating in the Regional Council's committees and activities.

### ***Specific Responsibilities of TCCWB Delegates***

Each Regional Council elects delegates to TCCWB. Duties of TCCWB delegates include:

- Regularly attending TCCWB council meetings and assigned committee meetings;
- Reviewing the agenda and supporting materials prior to council and committee meetings;
- Reporting local CWB and regional activities, ideas, and concerns at each TCCWB meeting by submitting the County/Regional Report Information Form;
- Relaying information obtained at state council meetings back to the Regional Council;
- Educating oneself and the Regional Council on child abuse and neglect and resources available for prevention, intervention, and treatment;
- Participating in either the Urban or Rural Issues Committee to study problems and solutions specific to those areas;
- Serving on at least one committee other than the Urban or Rural Issues Committee and actively participating in committee meetings and activities;
- Helping to formulate goals and objectives for TCCWB and evaluating progress in achieving these goals and objectives;
- Notifying TCCWB Secretary and mailing list coordinator of changes to contact information;
- Keeping TCCWB executive director informed of major regional events so that they can be posted on Web site events calendar; and
- Submitting appropriate documentation for expense reimbursement to the Treasurer within one week of council meeting dates.

## **Meetings**

### ***CWB Meetings***

CWB meetings must be conducted according to the Open Meetings Act, Government Code, §551. Any gathering that involves a majority of members discussing or transacting public

business is subject to the open meeting requirements in this statute. Telephone calls, conference calls, videoconferences, and email may also be subject to the open meetings requirements. Members are subject to civil remedies and criminal penalties for violation of the open meeting requirements and action taken in non-compliance can be voided.

The Texas Family Code, §264.005(g), allows CWB's to conduct closed meetings to discuss or consider a confidential matter, but no official action may be taken during that time.

## **Frequency**

Most CWB's have fixed meeting dates and usually meet monthly. CWB members must receive adequate notice of meetings.

## **Agenda**

Agendas and basic background material are sent to the full board membership at least a week before the meeting. To comply with the Open Meetings Act, the time, date, location, and subject matter of a meeting must be posted in a location accessible to the public at least 72 hours prior to the meeting time. Generally, the county clerk posts the notice on a bulletin board convenient to the public at the county courthouse. Check with the county clerk for local county procedure.

## **Minutes**

The Open Meetings Act requires that minutes or tape recordings be kept of all meetings. The minutes must include the subject of discussion and the outcome of any vote, order, decision, or other action taken.

Minutes of business conducted in open meetings are considered public records. Separate minutes or tape recordings are required for meetings closed for confidentiality reasons and business conducted as a nonprofit 501(c)(3) entity.

## **Closed Meetings**

CWB meeting are generally open to the public, but a CWB may conduct a closed meeting under Government Code, §551.101, to discuss, consider, or act on a matter that is confidential under Human Resources Code, §40.005, or Family Code, §261.201. Information relating to the identity of a reporter of alleged abuse or neglect, a recipient of DFPS service, or an investigation DFPS conducts in performing its duties and responsibilities may not be disclosed in an open meeting. When conducting a closed meeting, the CWB must first convene an open meeting and identify the statutory authority that allows them to go into a closed meeting.

Confidential information may sometimes need to be shared during a CWB meeting in order that members can make an informed decision regarding expenditures. If confidential information is to be shared during a meeting, the following steps are taken:

1. The board announces it is going into a closed session and invites guests and non-voting members to step out of the room.
2. The board receives the confidential information needed to take action.
3. After the information is given, the board goes back into open session to vote on a motion regarding the situation.
4. The board words the motion in such a way as to not breach confidentiality.

The full name of a child or family served by DFPS is not be used in CWB documents that are subject to the Open Meetings Act or in documents that may be viewed by others who do not have the legal right to view the confidential information. See Records Management for more information on how client names are recorded in CWB records.

### ***Regional Council Meetings***

Most Regional Councils meet at least quarterly at times and locations determined by the Regional Council officers. CWB's should make every effort to have at least one representative in attendance at Regional Council meetings to provide information on local CWB activities and report information discussed at the meeting back to their CWB.

### ***TCCWB Meetings***

#### **Frequency**

TCCWB holds a minimum of three regular meetings of the general membership each year and additional meetings as needed and determined by the President or Executive Committee.

The annual meeting and election of officers is the final regular meeting of the year. If funds are available, a summer planning meeting is held. The outgoing Executive Committee, new executive officers, and new standing committee chairs, if appointed, attend the summer planning meeting.

#### **Agenda**

Agenda items must be submitted to the President at least 14 days prior to a general membership meeting. Upon the direction of the President, the Secretary prepares the meeting agenda and sends to TCCWB members prior to the meeting.

#### **Attendance**

At least one voting representative from a minimum of six different regions constitutes a quorum of TCCWB. Members of CWB and Regional Councils and the general public may attend meetings, but only persons attending meetings as voting members or members-at-large are entitled to reimbursement for travel expenses by TCCWB.

Representatives of other agencies serving children may be invited to attend meetings and/or present at meetings. If space is limited, voting members, members-at-large, and invited guests are given priority seating.

#### **Voting**

A TCCWB designated representative or alternate must be present to vote. Each designated representative or alternate has one vote. The Secretary keeps a roster listing the names of members entitled to vote. After the roll call, the Secretary announces to TCCWB the number of voting members present. If a voting member must leave prior to meeting adjournment, the member notifies the Secretary upon leaving as to whether his voting position is being vacated or

an alternate will be voting in his absence. If votes are taken after a member leaves the meeting, the Secretary announces the change in the number of voting members present.

## **Minutes**

The Secretary records the minutes for each general meeting and each Executive Committee meeting and presents them for approval at the following meeting.

## **Training**

### ***New Member Training***

CWB Chairs are responsible for ensuring that each new CWB member receives:

- A copy of the Child Welfare Board Resource Manual,
- Minutes from the past few CWB meetings,
- Form 250, Volunteer Registration Form; Form 250b, Background Check Authorization Form; and Form 251, Volunteer Confidentiality Agreement, to be completed and returned to the DFPS Community Initiatives Specialist,
- A copy of local CWB bylaws,
- A current local CWB membership list,
- A copy of the CWB contract with the county, and
- A list of CPS staff members working with the CWB and their telephone numbers.

The CWB's CPS staff liaison may arrange for duplication of these materials.

The TCCWB website [http://www.tccwb.org/Training\\_Resources.asp](http://www.tccwb.org/Training_Resources.asp) offers training resources for Board Members. In addition to the Child Welfare Board Resource Manual mentioned above, an electronic copy of this Operations Manual is also available, along with a Child Welfare Board Training PowerPoint slide show, with or without on audio track.

Additionally, state law requires new members to receive training on the Open Meetings Act and the Public Information Act within 90 days from the date of appointment. This training is available at the Office of Attorney General (OAG) Web site:

[http://www.oag.state.tx.us/opinopen/og\\_training.shtml](http://www.oag.state.tx.us/opinopen/og_training.shtml). Members may also request a free DVD of the training videos by contacting the OAG at 1-800-252-8011. At the conclusion of the training, members must print a course completion certificate and file a copy with the county clerk.

In addition, each board is encouraged to provide new member orientation that includes:

- An overview of CPS,
- Instruction on CWB procedures and member responsibilities, and
- Connection with an experienced CWB member to serve as a mentor.

A DFPS Community Initiative Specialist (CIS) may assist with new member training upon request of the CWB chair and with approval by the CIS's supervisor.

## ***Ongoing Training***

Local CWB's are encouraged to arrange for ongoing training for members. The board's CPS staff liaison or the regional Community Initiatives Specialist can assist with obtaining training to provide further understanding of CPS.

## **Donated Funds, Goods, and Services**

CWB's must adhere to DFPS guidelines when providing resources and support for the children and families they serve. The following guidelines are designed to ensure that members involved in organized activities and initiatives take precautions to provide for DFPS client safety, and to encourage the most effective utilization of donations.

For example, if a Child Welfare Board wishes to support the agency's mission through the purchase of information technology equipment, CPS staff is required to coordinate in advance through the agency's Information Technology Regional Consultant. This will eliminate equipment being purchased that is not compatible with current hardware, software or their network.

For additional information or clarification, check with the regional Community Initiatives Specialist.

### ***Holiday and Other Gift Drives***

Gift wrapping should be left open on one end so that CWB members and/or DFPS staff can check contents to ensure that no inappropriate items or communications have been included.

### ***Parties for Children***

Activities should avoid unnecessary risk for children's safety. Additionally, all participants of group events planned specifically for DFPS clients must authorize and pass a DFPS background check.

### ***Gift Cards***

CPS staff are not to use gift cards except when the situation requires immediate intervention and other resources cannot be located. Requests from a caseworker to obtain a gift card must be made on the resource room's usual withdrawal or request form, which notes the case identifying number, why use of the card is necessary, and what purchases are intended. The cards must be logged and inventoried into a tracking system by an authorized member of the organization, not CPS staff. The tracking system must include a tracking number, beginning balance, current transaction purchase amount, date of transaction, new ending balance after the transaction, and the signature of the CPS staff responsible for the transaction. A gift card used for more than one transaction must stay with its tracking sheet. Those given away in their entirety require a client signature on the sheet containing the tracking number and balance.

In general, CPS staff should not use gift cards to shop to stock a resource room. This duty should be carried out by board members or other volunteers. However, if no volunteers are available, the regional Dedicated Resource Room Staff may shop to stock a room (with a gift card or otherwise, but not using a credit card) with pre-approval by the partner organization as to the

items to be purchased and the amount to be spent. As with other purchases, these items must then be logged/inventoried by a member of the partner organization.

### ***Emergency Resource Rooms***

Many emergency resource rooms are managed by groups affiliated with Greater Texas Community Partners (GTCP). As such, they must abide by both the requirements of DFPS and GTCP. See the GTCP Web site at <http://www.gtcp.org/> for contact information about their programs.

For those CWB's that operate emergency resource rooms that are not affiliated with GTCP, the following DFPS requirements apply.

### **Initiating an Emergency Resource Room**

The DFPS Community Initiatives Specialist must be involved in setting up a new emergency resource room. Memorandums of Understanding are encouraged between the CWB and DFPS to advance understanding of applicable policies and procedures and clarify roles and responsibilities.

### **Inventory Systems**

Emergency resource rooms must have an inventory system in place that tracks:

- What came in (items/donations received and when);
- Where it came from (identity of donor);
- Where it went (client identifier);
- Who removed it (caseworker's name); and
- What's left in the room (physical inventory at least annually).

Inventory systems can range from simple manual records to complex computer-based versions. The DFPS Community Initiatives Specialist and the Office of Volunteer and Community Engagement can assist in choosing a suitable system upon request.

## **Expenses and Finances**

### ***CWB Finances***

#### **1.1.1 Accounting for Nonprofit Status**

A CWB may choose to create a separate nonprofit 501(c)(3) board to become eligible for donations and grants. Money raised by a separate incorporated entity must be kept separate from money provided by the county to support CPS children. The CWB must maintain separate ledger sheets and accounts. While counties may contract with nonprofit organizations, they are prohibited from making donations to those entities.

#### **1.1.2 Income Tax Reporting**

A child welfare board that does not have nonprofit 501(c)(3) status is not required to file an annual report with the Internal Revenue Service (IRS) even if the CWB has received charitable

donations during the year. As an affiliate of a governmental unit, a CWB is exempt from filing a Form 990.

For tax periods beginning after December 31, 2006, all 501(c)(3) organizations are required to file an annual report with the IRS. The type of report depends upon the organization's gross receipts in the tax year.

If gross receipts are normally:	Then, the organization is required to file:
\$25,000 or less,	Form 990-N, Electronic Notice (e-postcard) for Tax-Exempt Organizations not Required to File Form 990 or 990-EZ.
Greater than \$25,000 but less than \$100,000 or total assets at the end of the year are less than \$250,000,	Form 990-EZ.
Greater than or equal to \$100,000 or total assets are greater than or equal to \$250,000,	Form 990.

The report is due by the 15<sup>th</sup> of the fifth month after the close of the organization's tax year. Example: If the nonprofit organization operates on a calendar year, the report is due by May 15 of the following year. Failure to file the form in a timely manner may jeopardize the organization's nonprofit status. You can access the forms and more information about the filing requirements on the IRS Web site at [www.irs.gov/charities](http://www.irs.gov/charities).

## Funding Sources

A CWB may receive funding from several sources:

- County general fund,
- Specialty License Plate fees
- County jury donations,
- County Title IV-E match revenue,
- Municipal funds,
- School district funds,
- CWB fundraisers and donations, and
- Corporation and foundation grants.

County general funds are provided, at the county's discretion, for the care of children in DFPS conservatorship who are ineligible for Title IV-E foster care, state-paid foster care, or Medicaid and for medical care not covered by Medicaid.

## **Specialty License Plate Fees**

In 2008 the TCCWB secured a Specialty License Plate promoting child abuse prevention. In 2011 the Executive Committee determined that after receipt of the annual Local Assistance Survey (LAS), half the amount received per plate will return to the County CWB where the plate is sold and the TCCWB will retain the remainder for operation and administrative costs. **The LAS may be completed online at [www.tccwb.org](http://www.tccwb.org). (Rev. 02-27-2011)**

## **Jury Fee Donations**

A CWB may be eligible to receive a donation of jury fees from the county. Government Code, §61.003(A), provides that each prospective juror reporting for jury service shall be provided a form letter that, when signed by prospective juror, directs the county Treasurer to donate all of the prospective juror's reimbursement for jury service to:

- the compensation to victims of crime fund under Subchapter B, Chapter 56, Code of Criminal Procedure,
- the child welfare board of the county appointed under Family Code, §264.005,
- any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence, or
- any other program approved by the commissioners court of the county.

The county Treasurer deposits donations made to a CWB in a fund established by the county to be used by the CWB in a manner authorized by the county commissioners court.

## **Title IV-E Funds**

Title IV-E is a federal program that provides financial assistance to states for supplemental foster care maintenance, adoption assistance, administrative costs, training, and independent living services. In Texas, DFPS is the single state agency responsible for Title IV-E. While all counties with child welfare boards have contracts with DFPS to establish and maintain the board, counties may also establish financial contracts with DFPS that allow for the federal reimbursement of a percentage of eligible expenses for children in care (e.g., clothing, transportation, school supplies, and other personal items). The percentage reimbursable is dependent upon the eligibility of the child, the eligibility of the expenses, the Federal Financial Participation (FFP) based primarily on the state's per capita income, and the county population ratio of Title IV-E eligible children to total number of children in care. The remaining percentage of expenses is to be covered by the county using state and local funds. Certain training and administration expenses may also be eligible for Title IV-E reimbursement.

Title IV-E contracts are established with the counties, not with child welfare boards. If a child welfare board is interested in pursuing this potential source of funding, they should first contact the county commissioners' court and/or the county auditor's office. The county will need to be willing to follow certain procedures in order to bill for and receive reimbursement through this program. The DFPS Community Initiative Specialist for the region is also a source of information and technical assistance.

## **Donated Funds**

A CWB does not have to have nonprofit 501(c)(3) status to accept donations since it is considered a governmental unit. Governmental units are listed as charitable organizations in Internal Revenue Code §170(b)(1)(A). Money or property given to a governmental unit solely for public purposes may qualify as a deductible charitable contribution for personal income tax purposes.

## **Use of CWB Funds**

Each CWB is responsible for developing guidelines for the disbursement of funds to children and families. Examples of guidelines include, but are not limited to:

- Maximum amounts for clothing allowances, personal allowances, and gifts for foster children,
- Frequency of clothing allowances (for example, once a quarter or twice a year),
- Provision of receipts for expenditures, and
- Maximum amounts for kinship care assistance payments.

## **Reimbursement of Member Expenses**

The CWB Treasurer receives and processes reimbursement requests from CWB members for travel to meetings and for other allowable expenses. Members must provide receipts and claim only actual expenses. Reimbursement for lodging, meals, and mileage must not exceed the current state maximum reimbursement rates, although counties may set rates below the state maximum rates. See Texas Comptroller of Public Accounts Web site for current rates: <http://www.window.state.tx.us/comptrol/texastr.html>.

## **TCCWB Treasurer's Manual**

### **Bank Accounts**

At a minimum, both the President and Treasurer must be on the signature card for all bank accounts; however only one signature is required to write checks. To open a bank account, the Treasurer provides the bank:

- a copy of the minutes of the meeting that elected him, the President, and any other person that will be on the signature card,
- a copy of the TCCWB bylaws, and
- other information requested by the bank.

The Treasurer informs the bank that TCCWB is a nonprofit 5019(c)(3) when opening an account.

The Treasurer reconciles each bank statement each month and keeps the statements on file permanently. When a check has not cleared the bank within 90 days of mailing, the Treasurer must determine the status of the check by contacting the entity it was paid to the order of.

## **Reimbursement of TCCWB Member Expenses**

The Treasurer receives and processes reimbursement requests from TCCWB members for travel to meetings and for other allowable expenses. The Treasurer updates the form annually to reflect any changes in reimbursement rates for mileage and per diem.

Members wanting to donate all or part of their expenses back to TCCWB must claim the total amount of their expenses and document on the reimbursement form the amount that they want to donate back to TCCWB.

To claim reimbursement for expenses, a member:

- Submits the reimbursement form within a week of the meeting or other date expense was incurred,
- Specifies meeting date and type of meeting attended, if applicable,
- Provides original invoices or receipts for all expenses,
- Includes name, address, and telephone number on reimbursement form, and
- Signs the form verifying the accuracy of the claim.

Upon receipt of a reimbursement form, the Treasurer or the executive director:

- Carefully reviews each form, checking addition, receipts for all expenses, and compliance with per diem limit,
- Makes changes as needed on the reimbursement form and only requests the correct amount on Form 4116, Purchase Voucher, submitted to DFPS,
- Notifies the member if changes were made and the reason for and amount of the change,
- Holds reimbursement forms submitted more than one week following the meeting until all late forms are received or up to 30 days after the meeting date, and
- Submits a supplemental billing for late forms.

Upon receipt of funds from the Comptroller's Office, the Treasurer promptly:

- Deposits the check in the bank account,
- Writes checks to members using corrected amounts,
- Verifies that the total amount on checks written is equal to funds received, and
- Mails reimbursement checks to members.

## **Restrictions for Reimbursements**

Members are expected to submit reimbursement requests for travel expenses using the reimbursement form within one week of the meeting date. Requests received more than 30 days after the meeting date will be denied except with approval of the TCCWB Executive Committee.

Additional restrictions on reimbursable expenses are outlined below:

**Lodging** – The maximum reimbursement for lodging for TCCWB activities is \$85 plus tax per night. A member may not claim reimbursement for in-room movies, telephone calls, or other personal items. TCCWB reimburses expenses for only one night for lodging related to two-day business meetings unless travel originates from a different time zone or is previously authorized by the Executive Committee. Executive Committee members who do not live within an hour's

drive time may claim expenses for an additional night when attending an Executive Committee meeting the morning of a general membership meeting. When a block of rooms is reserved for a meeting at a designated hotel, the member must make reservations in advance at that hotel to receive the special rates contracted by TCCWB. Members are encouraged to share rooms whenever possible to reduce expenses. A member indicates on the reimbursement form when sharing a room.

**Meals** – Reimbursement for meals is limited to the actual cost of food plus tax, excluding liquor and gratuities, and must be in connection with an overnight stay. The maximum reimbursement amount is listed on the Texas Comptroller of Public Accounts website:  
<https://fmx.cpa.state.tx.us/fm/travel/travelrates.php>

**Airfare** – TCCWB only reimburses for actual travel expenses. Unused airline tickets, change fees, and travel agency fees are not allowable expenses and must not be included in the reimbursement request. Members must arrange travel in advance whenever possible to take advantage of savings offered by airlines.

**Mileage** – Members must coordinate travel with others when driving whenever possible. For example, if two members can share a vehicle at less expense than two airline tickets, driving is the preferred option. When sharing a vehicle, only one member submits the request for mileage reimbursement, but indicates on the reimbursement form the names of others sharing the vehicle. Mileage reimbursement is at the current state reimbursement rate with the number of miles traveled calculated by a mapping Web site. See the Texas Comptroller of Public Accounts Web site for the current rate and official state mileage:

<https://fmx.cpa.state.tx.us/fm/travel/travelrates.php>

**Other Expenses** – Members authorized to make purchases for TCCWB submit original invoices and receipts for supplies, postage, printing, and other allowable business expenses to be reimbursed for those expenses.

## **Reimbursement of Employee Expenses**

Employees report allowable expenses on an expense report form, submitted with the payroll report by the fifth of the month following the month expenses were incurred. Employees may claim travel, meals, and mileage expenses at the current state maximum reimbursement rates. Otherwise, employees follow the same procedures and restrictions for claiming expenses as TCCWB members.

## **Employee Payroll**

When an employee is hired by TCCWB, the Treasurer requests that the employee complete a W-4 Form showing full name, Social Security Number, filing status, and number of dependents. The Treasurer uses this information to determine withholding taxes from the paycheck. See detailed instructions in the Withholding section below. Paychecks cannot be processed until the W-4 Form is completed and signed by the employee.

By the fifth of the month, each employee submits to the Treasurer a payroll report for the previous month, listing by date, hours worked, tasks completed, and travel time and mileage.

Upon receipt of the payroll and expense reports, the Treasurer completes a Form 4116, Purchase Voucher, to request reimbursement from DFPS. Upon receipt of funds from the Comptroller's Office, the Treasurer promptly deposits the check in the bank account, writes checks, and mails them to employees.

## **Withholding**

The Treasurer completes the following steps for withholding employment tax, Social Security, and Medicare premiums for an employee's salary:

- Calculate the withholding amount by either using a computer program or referring to Circular E, Employer's Tax Guide, available from the Internal Revenue Service (IRS) and updated each January. Circular E also provides step-by-step instructions for making deductions and an ordering form for forms needed at the end of the payroll year (December 31).
- At the end of each month, complete Form 8109, Federal Tax Deposit Coupon, found in the Federal Tax Deposit Coupon Book. Complete the form in pencil.
- Enter the deposit amount in the space at the top of the form. The deposit amount should be the withholding amount and double the Social Security and Medicare amounts.
- On the right side of the coupon, mark the box "941" and the appropriate box for the quarter.
- Fill out the deposit form stub to keep for TCCWB records.
- Make a check payable to the bank for the deposit amount.
- Take the check and coupon to the bank.
- Receive a receipt for the amount deposited. Keep the receipt with the Federal Tax Deposit Coupon Book until time for the quarterly report to IRS.
- Each quarter, upon receipt of Form 941, complete the form using the deposit receipts from each month in the quarter.
- At the end of the year, make a final report to IRS and complete Form W-2 for each employee.

## **Internal Revenue Service**

TCCWB became a nonprofit 501(c)(3) organization in 1993 and is exempt from federal income tax; however, TCCWB must report all donations and expenses to IRS by the 15<sup>th</sup> of the fifth month after the close of the fiscal year on Form 990-EZ, Short Form Return of Organization Exempt from Income Tax.

## **Registered Agent with Secretary of State**

The Secretary of State (SOS), Statutory Filings Division, requires TCCWB and incorporated Regional Councils and CWB's to have a registered office and a registered agent in order to receive service of process. To submit or change information, an incorporated entity completes SOS Form 401, available at the SOS Web site <http://www.sos.state.tx.us/corp/forms.shtml>.

Additionally, Article 1396-9.01 of the Texas Nonprofit Corporation Act authorizes the SOS to require nonprofit corporations to file a report not more than once every four years. Failure to complete SOS Form 802 in a timely manner and file it with SOS may result in involuntary dissolution of the nonprofit corporation.

## **Donations**

Upon receipt of a donation, the executive director sends a letter of acknowledgement to the donor, including the amount of the donation. If the donation is a memorial gift, the executive director also sends a letter of acknowledgement to the individual designated by the donor to receive notice of the memorial gift. Copies of the letters are retained in TCCWB files.

The executive director forwards all donations received to the Treasurer for deposit. The Treasurer keeps a record of the amount donated by each person as this information is required for completion of IRS Form 990.

## **Financial Reports**

The Treasurer is responsible for making financial reports as required and upon request. At a minimum, the Treasurer provides a financial report at each TCCWB meeting. The Treasurer must be able to explain any and all expenditures and provide documentation upon request. The Treasurer may be required to submit financial reports to outside funding sources on a monthly or quarterly basis.

## **Paid Personnel**

TCCWB has one paid staff position, a full-time executive director. The executive director is responsible to TCWB and reports to the TCCWB President.

### ***Job Description***

Minimum Qualifications:

- Bachelor's degree or related experience.
- One year of administrative/management/supervisory experience.
- Experience in the following areas: public speaking, group meetings, writing skills, grant writing, resource development, public relations, volunteer management and board development.
- Good computer skills.
- Knowledge of child protective services.

Areas of Responsibility:

- Writes grants when appropriate and as directed by TCCWB to fund a portion of the salary for the position of executive director.
- Assists with resource development activities, projects, and special events as directed by TCCWB.
- Plans and coordinates an annual conference with content information appropriate for CWB members, child advocates, and CPS staff.
- Provides leadership to assist TCCWB in meeting goals and requirements of contractual agreements between TCCWB and DFPS.
- Maintains inventory of property owned by TCCWB and assists with budgeting and financial reports as needed.
- Prepares an online newsletter and assists with TCCWB Web site updates as needed

Goals and objectives of the contracts between DFPS and TCCWB are summarized as follows:

- Enhance the activities of Texas child welfare organizations that can be used as a model nationally to promote public and private partnerships that benefit children.
- Assist local and regional child welfare boards to more effectively carry out their activities for the benefit of abused and neglected children and their families.
- Develop and implement a statewide inventory to tabulate and analyze resources available for children and families.
- Develop a plan to improve resources available to address child abuse.
- Increase funding through grants, donations and resource development to ensure the continuation of the TCCWB.
- Provide leadership in planning and coordination of an annual statewide conference for child welfare board members and CPS staff.
- Develop a comprehensive TCCWB and local CWB operations and policy manual.
- Coordinate three TCCWB full board meetings and at least one TCCWB Executive Committee meeting.

## **Reporting and Records Management**

### ***Reporting***

#### **County-Level Reports**

CWB's must provide an annual report to the county commissioners court. At a minimum the report must contain:

- Status of the county's children,
- Status of the CWB's activities and achievements, and
- Budgetary needs.

#### **State-Level Reports**

TCCWB provides reports as required by contracting and funding entities.

#### **Local Assistance Survey**

TCCWB compiles a statewide annual report reflecting the total value of local support for the CPS program. CWB's are asked to report on the following:

- Contributions by source, for example, county general fund, jury donations, county Title IV-E match revenue, municipal funds, school district funds, and CWB fundraisers;
- Number and type of locally-funded DFPS or county employees supporting the CPS program;
- Amount and type of local expenditures for staff support, for example, training, travel, office space, office equipment, and security;
- Amount and type of local expenditures for the needs of children and families served by CPS, for example, substitute care, kinship care, adoption assistance, medical care, child care, clothing, school and extracurricular fees, travel, gifts, and care packages;
- In-kind value of donated goods and services; and
- Number of volunteers and hours of service.

Copies of the compiled report are provided to CPS management staff.

## **DFPS Automated Volunteer Tracking System**

DFPS uses an automated system to track volunteer hours. CWB's, Regional Councils, and TCCWB should ensure that their hours are reported in a timely manner. In some areas, the DFPS Community Initiative Specialist enters the information for CWB's. In other areas, a CWB member assumes that responsibility. Chairs are responsible for ensuring that hours are reported in the DFPS automated tracking system.

### **Records Management**

#### **Confidential Information**

Financial reports, ledgers, Title IV-E forms, DFPS move logs, and correspondence must never include the last name of children and families receiving services. These documents use the first name and last initial only. If more than one child has the same first name and last initial, the middle initial is also used.

#### **Records Retention**

The following records retention schedule is applicable to records of local CWBs, Regional Councils, and TCCWB (Source: *American Bar Association Journal*, June 1994). The Texas State Library and Archives Commission also publishes detailed records retention schedules on their Web site at <http://www.tsl.state.tx.us/>

Type of Record	Retention Period
Business Correspondence	3 years
Accounts Payable and Disbursement Records	Fiscal year end + 3 years
Accounts Receivable Records	Fiscal year end + 3 years
Bank Statements and Reconciliations	9 years
Cancelled Checks for Standard Transactions	7 years
Cancelled Checks for Key Payments (for example, taxes, property purchases, special contracts)	Permanent
Contracts and Leases	Permanent
Invoices	7 years
Audit Records	Permanent
Agendas for Open Meetings	Permanent
Agendas for Closed Meetings	2 years
Minutes of Open Meetings (or audiotapes in lieu of minutes)	Permanent
Minutes of Closed Meetings (or audiotapes in lieu of minutes)	2 years
Notes or audiotapes of meetings for which minutes are prepared	90 days after approval of minutes
Tax Returns	Permanent

# TCCWB

**APPENDICES**

## **Appendix I: Sample Pledge for Child Welfare Board Members**

As a Board Member I pledge to meet the following responsibilities:

- Attend all board meetings and assigned committee meetings;
- Review the agenda and supporting materials prior to board and committee meetings;
- Serve on committees or task forces and offering to take on special assignments;
- Stay informed about the board's mission, policies, and services, and about the CPS program, staff, and child abuse and neglect issues;
- Inform the community about the child welfare program;
- Help to develop, recommend, and present the annual budget to the commissioners court;
- Enhance processes and decisions in support of child welfare services and opportunities for CPS staff recognition;
- Adhere to conflict of interest and confidentiality policies;
- Assist with building an informed and supportive constituency;
- Assist with recruiting, training, and developing new CWB members;
- Serve as a liaison to other resources for abused and neglected children in the community; and
- Facilitate the solution of child welfare-related problems in the community.

In fulfilling these duties, I pledge to work closely with county officials and DFPS staff.

---

NAME

Date

## **Appendix II: Sample Pledge for Regional Council Delegates**

**As a Regional Council Representative I pledge to meet the following responsibilities:**

- Report local CWB activities and concerns to the Regional Council,
- Relay information obtained at Regional Council meetings back to the CWB,
- Educate myself and the CWB on child abuse and neglect and resources available for prevention, intervention, and treatment,
- Regularly attend Regional Council meetings, and
- Actively participate in the Regional Council's committees and activities.

In fulfilling these duties, I pledge to work closely with county officials and DFPS staff.

---

NAME

Date

TCCWB

## **Appendix III: TCCWB Code of Conduct & Annual Ethics Statement**

The Texas Council of Child Welfare Boards (TCCWB) commits itself and its members to lawful, ethical, and businesslike conduct, including proper use of authority and appropriate decorum when acting as Council members. Accordingly:

1. TCCWB members will internalize high ethical principles within the governance process:
  - a. Council members will demonstrate integrity, honesty, and trustworthiness in the work of the organization; courage in making decisions; and dedication to the TCCWB mission, vision, and goals;
  - b. Council members will actively participate in all levels of activity of the Council and act responsibly on behalf of the TCCWB, and will be accountable and transparent to their regions and to one another;
  - c. Council members will be treated and will treat others with respect, and the opinions of and the differences among individuals will be honored;
  - d. Council members will be fair in both internal and external actions, decisions being equitable and mindful of the statewide impact on other groups and people; and
  - e. Council members will demonstrate care for the well being of each other, the children of Texas, and the TCCWB.
2. TCCWB members must have loyalty to the membership as a whole, unconflicted by loyalties to any sub-group of the Council, to staff, other organizations, or any personal interest. Council members will:
  - a. Regularly attend TCCWB council meetings and assigned committee meetings;
  - b. Review the agenda and supporting materials prior to council and committee meetings;
  - c. Report local CWB and regional activities, changes in leadership, ideas, and concerns at each TCCWB meeting by submitting appropriate County/Regional Report and information forms;
  - d. Relay timely information obtained at TCCWB meetings back to their Regional Council; and
  - e. Educate themselves and their Regional Councils about child abuse and neglect and resources available to aid in its prevention, intervention, and treatment.
3. TCCWB members shall avoid any conflict of interest with respect to their fiduciary responsibilities, including, but not limited to, the following:
  - a. No self-dealing or gainful business between a member and the Council except when openness and appropriate competition are ensured;
  - b. When the Council is to decide upon an issue about which a member has an unavoidable conflict of interest, that member shall absent himself/herself without comment from not only the vote, but also from deliberations; and
  - c. Members shall annually disclose their involvement with other organizations, with vendors, or with any other association that may produce a conflict of interest.

**As a TCCWB member, I have read and understand the foregoing and the TCCWB Conflicts of Interest Policy (Appendix X – Operations Manual) and I hereby subscribe to and agree to abide by these policies.**

---

TCCWB Member Signature

---

Date

## **Appendix IV: Sample Child Welfare Board Meeting Notice**

The \_\_\_\_\_ County Child Welfare Board will hold a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. in the \_\_\_\_\_ Room of the \_\_\_\_\_, in \_\_\_\_\_, Texas.

### **AGENDA**

1. Call to Order
2. Establishment of Quorum
3. Public Comment/Information from the Community
4. Approval of Minutes of the \_\_\_\_\_ meeting
5. Committee Reports
6. Officer Reports
7. Child Protective Services Report [closed session] (*See note below*)
  - a. Child Protective Services Report on Conservatorship Children and Disposition of \_\_\_\_\_ County Cases  
[return to open session]
  - b. CPS funding requests
8. Unfinished Business (tabled items)
9. New Business
  - a. Next Board Meeting – \_\_\_\_\_, \_\_\_\_\_, 200\_\_\_\_\_
10. Adjourn

I, the undersigned, do hereby certify the above notice of meeting is a true and correct copy of said notice, and that said notice will be posted on the courthouse door of \_\_\_\_\_ County, \_\_\_\_\_, Texas at \_\_\_\_ p.m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and said notice remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

---

\_\_\_\_\_  
Board Chair

Note: This body is subject to the Texas Open Meetings Act, however, the Board may at appropriate times convene in executive or closed sessions pursuant of Texas Human Resources Code 40.005 (relating to reports, investigations, and services relating to alleged or suspected child abuse or neglect); or Texas Government Code 551.071 (consultations with attorney), 551.072 (real property exception), 551.073 (perspective gift exception), 551.074 (personnel matters), 551.075 (conference with employee), 551.076 (security personnel device exception), or 551.078 (medical exception).

## **Appendix V: OAG Open Government Information**

**On April 21, 2010, Office of the Attorney General Staff Attorneys met with TDFPS CIS staff and TCCWB volunteers in Austin and provided the following information:**

- Open Records and Open Meetings have different sets of laws/regulations. An entity could be subject to both, or neither, or to one but not the other depending on a variety of factors.
- Child Welfare Boards are subject to the Open Meetings Act
- CWBs that are 501(c)3 entities and receive public funding are appointed by public officials and are performing a public function; therefore, they are subject to the Open Meetings Act
- Whenever there is a quorum of CWB members from any given county and these members have been designated by County Commissioners, they are subject to the Open Meetings Act
- Quorum equals a majority of the number of positions on the board; not a majority of the number of individuals appointed to the board. If there are 8 positions on a board, a quorum is 5. So, if only 3 people are appointed to an 8-person board, a quorum of that board cannot exist.
- Closed meetings to discuss personnel issues are OK – but must use proper procedures to close a meeting
- Discussion of confidential information is not a reason to go into a closed session – recommend using a numbering system or other method to disguise names
- There is no general authority for holding closed meetings. There must be a specific statute that allows a meeting to be held in closed session. For CWB's, Subsection (g) was added to the Texas Family Code, §264.005 by HB 1826 in 1997. It reads: (g) A child welfare board may conduct a closed meeting under Section 551.101, Government Code, to discuss, consider, or act on a matter that is confidential under Section 40.005, Human Resources Code, or Section 261.201.
- Regional Council of Child Welfare boards
  - Are they recipients of a federal social service block grant? – No
  - Not a governmental body
  - Open Meetings Act does not apply, unless there is a quorum of any individual county CWB, in which case a meeting of a Regional Council of CWBs is subject to the Open Meetings Act
- Open Records Act
  - Whether or not Regional Councils of CWBs are subject to the Open Records statutes depends on how the councils are funded – this may differ from region to region
- Overall message: conduct 501(c)3 and public meetings as though all are subject to the Open Meetings Act

**Information provided by: Open Records - June Harden, OAG; Open Meetings – Rick Gilpin and Jennie Hoelscher, OAG; and Phoebe Knauer, DFPS Attorney**

TCCWB

**Bylaws**  
of the  
**Texas Council of Child Welfare Boards**

**ARTICLE I**

*Name*

The name of this organization shall be the Texas Council of Child Welfare Boards (*TCCWB or Texas Council*), a Texas non-profit corporation.

**ARTICLE II**  
*Purpose & Fiscal Year*

**Section 1.** This organization is organized exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code. The charitable and educational purposes shall be directed to the abused and neglected children of the State of Texas and to the general public for prevention of the abuse and neglect of children.

**Section 2.** Notwithstanding any other provision of these articles, the association shall not carry on any other activities not permitted to be carried on (a) by an association exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 [or corresponding provision of any future United States Internal Revenue Law] or (b) by an association whose contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 [or corresponding provision of any future United States Internal Revenue Law].

**Section 3.** Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 [or corresponding provision of any future tax code], or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the County Court of Travis County, Texas, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

**Section 4.** The fiscal year of the Texas Council shall begin on September 1 and end on August 31 of each calendar year, as established with the U. S. Internal Revenue Service.

**ARTICLE III**  
*Membership*

**Section 1.** Each Regional Council shall designate its own Regional Representation to the TCCWB. Each representative shall be, at the time of designation, a member or ex-officio member of a Texas county child welfare board. Alternate delegates may be named by the Regional Council and, in the absence of their designated representative(s), such alternate may assume the duties and privileges of their designated regional representative.

**Section 2.** As the term is used herein, "Regional Council" shall also mean the CPS chief administrative officer of the region in those areas where there is no active Regional Council. The representatives designated by CPS shall be, at the time of designation, active members of a Texas county child welfare board (within such region). These representatives shall have the duties and privileges of a regularly designated regional representative. When a Regional Council forms, each CPS appointed

representative shall continue to represent the newly formed Regional Council until such delegate's term has been completed on the Texas Council or until replaced by the Regional Council.

**Section 3.** Regional Representation shall be in the best interest of the individual region. The number of authorized regional representatives from each CPS Region shall be as set out below:

Region 1	2
Region 2	2
Region 3	3
Region 4	2
Region 5	2
Region 6	3
Region 7	3
Region 8	3
Region 9	2
Region 10	2
Region 11	2
Total	26
	Voting Members

**Section 4.** Any TCCWB member may be removed for just cause, as determined by the Texas Council or Executive Committee and approved by a two-thirds ( $\frac{2}{3}$ ) vote of the TCCWB members present at a regular Texas Council meeting. Absence from two consecutive regular TCCWB meetings without prior notice to the Secretary and/or the Executive Director and without attendance by that member's alternate shall be cause for review by the Executive Committee.

**Section 5.** As vacancies occur, each Regional Council shall designate a successor representative, as appropriate, to fill any unexpired term. The TCCWB Secretary shall notify the respective Regional Council contacts regarding the status of their delegates.

**Section 6.** A person having just completed a term in office as President, may remain for one (1) year as a non-voting member-at-large of the TCCWB unless such person is one of the designated Regional Council representatives.

**Section 7.** There may be up to four (4) former TCCWB members appointed to a one-year term to coincide with TCCWB's fiscal year as non-voting members-at-large. *[Members-at-large, while serving on any committee, including the Executive Committee, shall be entitled to voice and vote on all matters brought before that committee.]* Members-at-large shall, to the extent possible, be appointed by the Executive Committee prior to the first regular meeting of the fiscal year. One member-at-large position shall be filled by the immediate Past President unless declined under Section 6 above.

#### **ARTICLE IV** *Officers, Committees, and Liaisons*

**Section 1.** The Executive Officers of the TCCWB shall be a President, a Vice-President, a Secretary, a Treasurer, and a Parliamentarian.

**Section 2.** Executive Officers enumerated in this article shall be elected by majority vote of a quorum of TCCWB members to serve for a two (2) year term. Terms of office shall commence immediately following the meeting where elected and shall continue with all privileges of office until their successor has been elected and qualified or until removed by action of the Texas Council. Officers

may succeed themselves for one additional term without a suspension of the rules. Any candidate for President must have served on the TCCWB for a minimum of one (1) year prior to nomination for office.

**Section 3.** The Standing Committees of the TCCWB shall be the following: Advocacy Committee, Awards Committee, Education Committee, and Resource Development Committee.

**Section 4.** The Chairs of each Standing Committee shall be appointed by the President to serve a term concurrent with the President.

**Section 5.** TCCWB liaisons to other organizations, as deemed necessary or advisable, shall be appointed by the President to serve a term concurrent with the President, with ratification by the Texas Council.

**Section 6.** Officers enumerated in this article shall perform the duties prescribed in these Bylaws, by parliamentary authority, and as supplemented from time to time by action of the Texas Council or its Operations Manual.

## **ARTICLE V**

### *Duties of Officers and the Executive Committee*

**Section 1.** The President shall be the chief executive officer of the Texas Council, shall preside at all meetings; shall take the initiative in presenting for consideration by the TCCWB such policies, actions, and procedures as deemed necessary; shall appoint all committee chairpersons; shall appoint *ad hoc* committees as needed; shall appoint a Nominating Committee as defined in Article VII, Section 2; shall be an ex-officio member of all committees (except the Nominating Committee); and shall perform such other duties applicable to the office as prescribed from time to time by the Texas Council.

**Section 2.** The Vice-President shall assist the President, shall perform other duties as delegated by the President, and, in the absence of the President, shall perform all duties pertaining to such office. The Vice-President shall also perform such other duties as prescribed from time to time by the Texas Council.

**Section 3.** The Secretary shall keep all minutes of the meetings of the Texas Council and the Executive Committee as a permanent corporate record; shall see that all notices are duly given in accordance with these bylaws or as required by law; shall be the official custodian of corporate records and the seal of the corporation; shall maintain an accurate membership roster containing the names, addresses, telephone numbers, and other pertinent contact information (including information regarding leadership of the Regional Councils) for all members and officers of TCCWB; shall exhibit to any person authorized by law to inspect them, at all reasonable times, the membership roster, the minutes, and the other non-financial records of the TCCWB; and shall perform other duties as designated by the President or as prescribed from time to time by the Texas Council.

**Section 4.** The Treasurer shall be the chief custodian of all TCCWB funds; shall maintain a record accurately reflecting the financial status of TCCWB; shall disburse approved funds by check to be signed by two or more officers or by an officer and the Executive Director (except those funds which must be transferred electronically, that may be delivered upon the authority of the Treasurer alone); shall annually prepare a proposed budget projecting all sources of income and allowable expense to be adopted by the Texas Council and to be used by the Treasurer and Executive Director as a framework of approved spending; shall exhibit to any person authorized by law to inspect them, at all reasonable times, the financial records of the TCCWB; shall be custodian of all Operations Manuals; and shall perform such other duties as prescribed from time to time by the Texas Council.

**Section 5.** The Parliamentarian shall determine whether the quorum and voting requirements of any legal or parliamentary authority are met at any given time during a meeting; shall serve the TCCWB as the arbiter of correct parliamentary procedure; and shall perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Texas Council.

**Section 6.** Executive Committee: The officers enumerated in this article plus the immediate Past President, up to two (2) members-at-large appointed by the Executive Officers, and the Chairpersons of the Standing Committees shall constitute the Executive Committee of the TCCWB, and shall, in the event of necessity or emergency, act for the Texas Council between meetings.

**Section 7.** Vacancies: In the event of a vacancy in office of an Executive Officer, said vacancy may be filled by majority vote of the Executive Committee, subject to ratification by the majority of a quorum of TCCWB members present at the next regular Texas Council meeting.

## ARTICLE VI

### *Voting*

**Section 1.** Any designated representative (or alternate) must be present personally, by audio & video connection, or by fully audible telephonic communication device to vote.

**Section 2.** Each designated representative (or alternate) shall have one (1) vote on each issue to come before the Texas Council.

**Section 3.** If a voting member must leave a meeting prior to adjournment, such representative shall report to the Parliamentarian prior to leaving and explain if the voting position is being vacated or if an alternate from that Regional Council will be voting in their place. If other votes are taken after a member leaves the meeting without being replaced, the Parliamentarian shall announce the change in the number of voting delegates present.

## ARTICLE VII

### *Meetings, Quorums, and Reimbursement*

**Section 1.** There shall be a minimum of three (3) regular meetings of the general membership of the Texas Council each fiscal year (*or as funding permits*), and such special TCCWB meetings as determined by the President or Executive Committee, upon timely notification to the general membership. Committees are expected to work between meetings and may be called to order at the request of the Chair; however no reimbursement of committee meeting expense may be approved without prior approval of the Treasurer or the Executive Committee. The election of officers shall be held at the final regular Texas Council meeting of every other fiscal year.

**Section 2.** A Nominating Committee, consisting of five (5) members of the TCCWB [at least three (3) of whom shall not be officers] shall be appointed by the President at the first regular meeting in the calendar year in which officer elections need be held. The Nominating Committee shall submit a slate of one candidate for each Executive Office at the meeting for election of officers. Nominations shall also be entertained from the floor.

**Section 3.** At least one (1) voting representative from a minimum of six (6) Regional Councils shall constitute a quorum of the TCCWB. A quorum of the Executive Committee shall be either all TCCWB Executive Officers or a majority of its membership. The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern the TCCWB in all cases to which they are applicable and in which they are not inconsistent with these bylaws or any special rule or order the Texas Council may adopt.

**Section 4.** Agenda items must be submitted to the President, the Secretary, and/or the Executive Director at least fourteen (14) days prior to any general membership meeting. Additional agenda items may be added at any meeting by common consent.

**Section 5.** Members of county and regional child welfare boards and the general public may attend TCCWB meetings, but only those persons attending meetings as voting representatives or members-at-large who comply with the Expense Reimbursement Guidelines set out in the TCCWB Operations Manual are entitled to reimbursement for expenses by the Texas Council.

**Section 6.** If funds are available, a summer planning meeting may be held. This meeting shall be attended by new Executive Committee members and may be attended by the outgoing Executive Committee members.

## **ARTICLE VIII**

### *Standing Committee Responsibilities*

**Section 1.** The Advocacy Committee shall identify and recommend actions or forbearances that can improve the child welfare system, including legislative initiatives for support by the Councils and their grassroots networks. The Advocacy Committee shall assist the Texas Council in educating regional and local boards on effective interactions with local, state, and national officials. The Advocacy Committee shall be responsible for the production of a newsletter, produced at least semi-annually, to be distributed throughout the TCCWB network via the TCCWB website and as otherwise appropriate.

**Section 2.** The Awards Committee shall recommend ways and means (historically an annual TCCWB awards program that may be replicated regionally) to publicize the contributions of those working to improve the lives of Texas children. Eligible TCCWB award nominees shall be presented to and all award winners shall be selected by the TCCWB Executive Committee. Categories previously recognized include outstanding county child welfare board and/or Regional Council volunteers, CPS staff, foster parents, foster children, legislators, and/or businesses that have championed CPS issues. The Awards Committee may collaborate with other organizations to most effectively publicize and honor these champions and to raise awareness of TCCWB issues. In addition, the Committee may seek funding for its awards through county and regional direct solicitations as well as exempt and non-exempt sales.

**Section 3.** The Education Committee shall act as the trainer for the TCCWB, working to keep all regional and county child welfare boards informed on ways to educate their communities about child abuse and neglect, including ways and means toward its prevention and the identification of resources to mitigate its effects. The Education Committee shall be responsible for production of and updates to a TCCWB Training Manual and a TCCWB Operations Manual, each of which must be ratified by a vote of at least two-thirds ( $\frac{2}{3}$ ) of the entire Executive Committee.

**Section 4.** The Resource Development Committee shall continually identify potential donors and seek funding or in-kind assistance for use in TCCWB programs. In particular, the Committee is currently charged with the development of the TCCWB website and the sections available through it as a useful informational tool and resource for regional and local child welfare boards as well as anyone interested in locating information regarding or supporting TCCWB issues.

## **ARTICLE IX**

### *Amendments*

**Section 1.** Any representative may submit proposed amendments to these bylaws at any regular meeting of the Texas Council.

**Section 2.** The Executive Committee (acting as a Bylaws Committee), shall have the option of submitting amendments to the bylaws for vote either at a regular meeting of the membership, or by a binding referendum to the general membership, under the procedures provided herein.

**Section 3.** These bylaws may be amended by a vote of two-thirds (%) of the members present at any regular meeting; provided notice of such proposed amendment shall have been given at the preceding regular meeting of the TCCWB or such proposed amendment was mailed or forwarded electronically, via telefacsimile, telephone, personally or any other means reasonably acceptable to provide notice, to the general membership; and, if mailed, postmarked at least (10) days prior to the next regular meeting of the Texas Council.

## **ARTICLE X**

*Executive Director*

**Section 1.** If funds are available, the TCCWB may employ or contract with an Executive Director to assist with Texas Council operations. The Executive Director shall be the principal contact of the Texas Council and reports directly to the President and members of the Executive Committee. The Executive Director may not comment on cases being investigated by TDFPS; and no specific information regarding current and/or past investigations will be released.

**Section 2.** The Executive Director shall be present at all regular meetings, special meetings, Executive Committee meetings, and any other meetings called by the President.

**Section 3.** The Executive Director shall be responsible for all day to day operations of the Texas Council and shall communicate on a regular basis with the Executive Committee on current operations and other matters as requested by the Texas Council.

**Section 4.** The Executive Director shall perform the duties of the office as identified in the job description as approved by the Texas Council which is subject to amendment by the Executive Committee at any time.

**Section 5.** Executive Director Performance Review: The President shall appoint an annual Review Committee to evaluate Executive Director job standards and compliance with those standards consistent with the Operations Manual.

*The foregoing bylaws were adopted in accordance with the then existing bylaws by a two-thirds (2/3) vote at a duly convened regular meeting of the Texas Council of Child Welfare Boards, in Austin, Texas on September 23, 2015, to witness which we, the undersigned certify below.*



David Cory, President

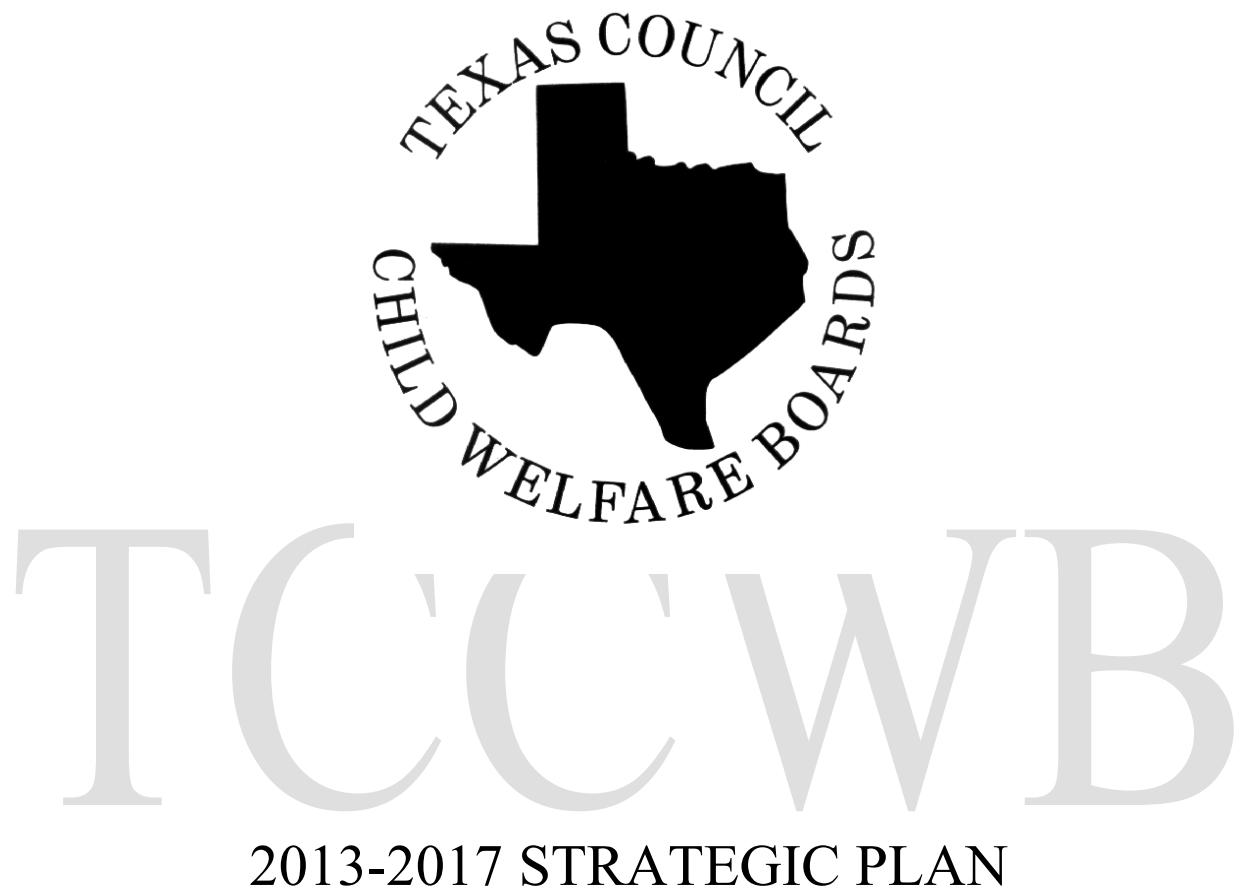
ATTEST:



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Karen Cook, Secretary

**Appendix VII: TCCWB 5 Year Strategic Plan 2013-2017**



## Program Goals and Strategic Directions

The TCCWB Executive Committee has identified the following goals and strategies, subject to the availability of funding, to identify its priority initiatives for the upcoming five years in response to the unmet needs of abused and neglected children. TCCWB will provide regular reports to DFPS and other funders as required on the progress made toward these goals.

### Program Goals and Strategic Activities

GOAL	Activities
Provide a statewide network for Regional and Local Child Welfare Boards to support their work with CPS to normalize the experience of children in the foster care system and to connect them to their communities.	<ul style="list-style-type: none"><li>• Collect and maintain a database of regional and local board contacts.</li><li>• Provide information, notice and communication on issues of legislation, services, funding, research and trends to regional and local boards, including creation and dissemination of a quarterly newsletter.</li><li>• Hold quarterly meetings of Regional Boards' representatives for networking, education, organization, support, and dissemination of information.</li><li>• Work with regional and county boards to more effectively recruit members and to encourage participation.</li><li>• Educate regional and county boards to more effectively carry out their mission and statutory mandate.</li><li>• Provide manuals and training materials that cover general operating policy, guidelines for special projects, and best practices for regional and county boards.</li><li>• Assist regional and local boards with project development and training.</li><li>• Create and maintain the TCCWB website to provide information to regional and local boards, community service providers, DFPS, foster parents and current and former foster children, including links to other online resources, research studies, and service contacts.</li><li>• Maintain awareness of county child abuse prevention activities.</li><li>• Compile county-level information for statewide overview and needs analysis; i.e. Local Assistance Survey.</li><li>• Provide assistance with ideas and strategies for board fundraising.</li></ul>
Encourage legislation to provide services to abused and neglected children and child abuse prevention within IRS guidelines for non-profit	<ul style="list-style-type: none"><li>• Work with DFPS and other organizations to assist in needs identification and system improvements.</li><li>• Participate in statewide workgroups to address legislative mandates, budget constrictions, and service development.</li></ul>

GOAL	Activities
organizations.	<ul style="list-style-type: none"> <li>• Work with DFPS and other organizations to provide legislative testimony, and advocacy with individual legislators working on child abuse and neglect prevention and services legislation.</li> <li>• Advocate for adequate resources and policies to provide services for abused and neglected children and child abuse prevention.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Provide support to regional and local CW boards</b> working with child protective services staff on programs that meet children's needs in their communities.</li> </ul>	<p><b>Support regional and local boards to:</b></p> <ul style="list-style-type: none"> <li>• Partner with child protective services staff to hold regional conferences for foster youth that provide opportunities for positive networking and skills development.</li> <li>• Assist CPS staff with locating relatives of children coming into care and aging out of care in order to identify not only potential placement options but also ongoing family connections for children who have been removed from their birth parents.</li> <li>• Explore ways to expand services to young adults who have aged out of foster care when they need financial assistance or support during major life events, e.g. graduating from college, finding a job, buying a car, getting married, having a baby, etc.</li> <li>• Assist youth transitioning out of foster care with the support and skills necessary to become self-sufficient adults.</li> <li>• Provide financial and in-kind support for kinship care training and family group decision-making sessions.</li> <li>• Assist local boards with Rainbow Room development and operations.</li> <li>• Provide community outreach and awareness activities designed to assist with foster parent recruitment.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Network with other agencies and organizations</b> to provide the best care, services and advocacy for abused and neglected children.</li> </ul>	<ul style="list-style-type: none"> <li>• Advocate for resources, policies, and best practices to provide services for abused and neglected children, and for child abuse prevention.</li> <li>• Conduct and/or partner for an annual leadership training conference for child welfare board members and other community partners providing services to children.</li> <li>• Continue to disseminate information regarding children's issues and provide technical assistance through quarterly newsletters and TCCWB Web site.</li> <li>• Invite identified agencies/organizations to attend and participate in Board meetings.</li> <li>• If possible, provide training and speakers as requested by community agencies and organizations.</li> </ul>

GOAL	Activities
<ul style="list-style-type: none"> <li>Work to prevent abuse and neglect <b>through public awareness</b> and joint Board, DFPS, and community agencies/organizations cooperation.</li> </ul>	<ul style="list-style-type: none"> <li><b>Design and conduct a statewide awareness campaign, such as Go Blue Day, in order to bring awareness and build community networks where young people are valued and thrive.</b></li> <li>Analyze issues that affect services to abused and neglected children and inform regional and local child welfare boards and community organizations and individuals on these issues.</li> <li>Work with regional and county boards to increase community awareness activities to more effectively recruit active board members.</li> <li>Plan and hold annual statewide awards recognition ceremony to recognize outstanding advocates for children and to encourage individuals in their contributions of time and money.</li> <li>Recognize innovative projects and outstanding volunteer efforts in quarterly newsletters and on the TCCWB Web site.</li> <li>Provide public service announcements and other general media resources.</li> </ul>
Increase and diversify <b>funding</b> through grants, donations, and other community resources.	<ul style="list-style-type: none"> <li>Work with the Texas Department of Transportation to produce and sell specialty license plates to provide an ongoing source of revenue for TCCWB and county boards.</li> <li>Identify corporations and foundations that are potential funding sources and make grant applications.</li> <li>Advocate with DFPS for continued contract and other available state funds.</li> <li>Identify other government sources to increase discretionary funding.</li> <li>Work to increase funds for adequate staff, staff time, and other operation expenses.</li> </ul>

TCCWB recognizes that the focus of county boards will vary from county to county in response to the needs of the children in that area and the existence of other resources to meet their needs; therefore, it is not expected that all of these initiatives will be implemented in every area of the state. TCCWB seeks to provide the structure and support for local boards to take on those initiatives that would be most meaningful in their communities.

These are ambitious goals that will require a commitment of time and money to achieve, but we believe our efforts will result in enhanced services to children who have already been abused and neglected and increased attention to preventing abuse and neglect before they happen to other children. We look forward to working with you as we seek to give all children a loving, nurturing, and safe environment to grow up in.

## **Appendix VIII: Sample Contract**

- I. The Texas Department of Family and Protective Services, hereinafter referred to as the Department, and the Commissioners' Court of XXXX County, hereinafter referred to as the County, agree to enter this contract to establish and maintain a child welfare board to administer a county wide, jointly financed, state administered and regionally operated child welfare program to meet the needs of children in the county who are in need of protective services. If the child welfare board was previously established, then this contract is to maintain it.

**This contract is entered into under the authority of §40.058 of the Human Resources Code and is not an agreement under Ch. 771 of the Government Code.**

### **II. The County agrees:**

- A. To establish and maintain a Child Welfare Board, hereinafter referred to as the Board, as set out by statute in the Texas Family Code §264.005.
- B. That the Board will consist of not less than seven nor more than fifteen persons appointed by the County Commissioners' Court. Each member will serve a three-year term on a rotating basis. Initially, the appointees will be designated to serve the following terms: 1/3 of the members appointed to three-year terms; 1/3 of the members to a two-year term; and 1/3 of the members to a one-year term. In successive years, from two to five new members will be appointed. Members shall serve at the pleasure of the Commissioners' Court. Members serve without compensation.
- C. To remove or suspend any member who is alleged to have committed an offense of abuse, neglect, or exploitation or an offense against the person, an offense against the family, or an offense involving public indecency under the Texas Penal code; or an offense under the Texas Controlled Substances Act. If it is determined that the member has not committed such offenses, the member may be reinstated; however, the County shall notify the Department of its intent to do so ten (10) working days prior to the reinstatement. The Contractor or Subcontractor must provide the Department with further information concerning the reasons for the reinstatement upon the request of the Department.
- D. To provide funding at the County's discretion for the care of any child in need of protective placement who is under the conservatorship of the Department, and who is ineligible for Title IV-E foster care or state-paid foster care and/or Medicaid.
- E. To provide funding at the County's discretion for medical care not covered by Title XIX (Medicaid) and for children not Medicaid eligible.

### **III. The Board required under Article II, Section A, of this contract shall have and exercise such lawful authority, duties and responsibilities as conferred upon it by statute, the**

Department and the County. The Department and the County agree that the Board will have the following duties:

- A. Assist the Department in identifying and meeting the needs of the children in the county who are covered under this contract.
- B. Explain the child welfare program and needs to the community and explain to Department staff the community's conditions and attitudes on policy, services, and priorities.
- C. Serve in an advisory capacity to the county in the development of local policy to meet the needs of the children in the County covered under this contract.
- D. Ensure the confidentiality of records and other information relating to children and families according to applicable federal and state law, rules and regulations. This provision does not limit the Department's right of access to client case records or other information relating to clients served under this contract, except to the extent that the Department acts outside of applicable state or federal law, rules or regulations applicable to such record or information.
- E. Prescribe such bylaws, not inconsistent with the terms of this contract and applicable state laws, as may be necessary or desirable to insure the efficient operation of the Board. Such bylaws shall be approved by written order of the Commissioners' Court.

#### **IV. The Department agrees:**

- A. To seek Title XIX Medicaid coverage within the amount, duration, and scope of the Medicaid program as defined by the state agency responsible for administration of these funds, for any child eligible for AFDC-foster care or state-paid foster care and who is eligible for Medicaid benefits.
- B. To receive and expend children's personal funds (SSI, SSA, child support, etc.), in accordance with the needs of each child and state and federal laws and regulations, for children in the Department conservatorship.

#### **V. The Parties mutually agree:**

- A. That this mutually undertaken child welfare program must meet state licensing and/or certification standards for child-caring and child-placing activities as a condition to continuation of this contract.
- B. To comply with Title VI of the Civil Rights Act of 1964 (Public Law 88- 352), Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), The Americans with Disabilities Act of 1990 (Public Law 101-336), and all amendments to each, and all requirements imposed by the regulations issued pursuant to these acts. In addition, the County agrees to comply with Title 40, Chapter 738, of the Texas Administrative Code. These provide in part that no persons in the United States shall, on the grounds of race,

color, national origin, sex, age, disability, political beliefs or religion be excluded from participation in, or denied, any aid, care, service or other benefits provided by federal and/or state funding, or otherwise be subjected to discrimination. The County agrees to comply with Texas Health and Safety Code Section 85.113 (relating to work place and confidentiality guidelines regarding AIDS and H IV).

- C. That there shall be an annual review of this contract conducted to consider any appropriate changes.
- D. That the term of this contract shall be for a period beginning on the effective date of this contract and it shall terminate at such time as the federal, state, or county governments cease to participate in the program, by mutual consent of all parties hereto, or upon breach of the contract by one of the parties hereto. If mutual consent cannot be attained, either party to this contract may consider it canceled by giving thirty (30) days notice in writing to the other party, and this contract shall thereupon be canceled upon the expiration of such thirty (30) day period. It is further agreed and understood that in the event the federal or state laws or other requirements should be amended or judicially interpreted so as to render fulfillment of this contract on the part of either party unfeasible or impossible or if the Department and the County should be unable to agree upon modifying amendments which would be needed to enable substantial continuation of the program as a result of such amendments or judicial interpretations, then, and in that event, the Department and the County shall be discharged from further obligation created under the terms of this contract, except for the equitable settlement of the respective accrued interests or obligations incurred up to the date of termination.
- E. That this contract shall constitute the entire agreement of the County and the Department, and supersedes any other agreement(s), contract(s), or amendment(s) whether formal or informal, which have been previously entered into by and between the County and the Department relating to the services covered under this contract.

For the faithful performance of the terms of this contract, the parties hereto, in their capacities as stated, affix their signatures and bind themselves effective the \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

Texas Department of Family  
and Protective Services

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Regional Director, Region \_\_\_\_\_

Date: \_\_\_\_\_

Contractor: \_\_\_\_\_  
(County)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: County Judge

Date: \_\_\_\_\_

## **Appendix IX - Personnel Policies**

The TCCWB employment policies are not contractual in nature and may be unilaterally rescinded or revised by TCCWB at any time. All employees must be provided with a copy of the personnel policies and be required to read, sign, and abide by them. Employees must be notified whenever there has been a significant modification of or addition to any of the policies.

### **Formal Organization and Structure**

TCCWB is a 501(c)(3) organization. The board of directors is the policy-making body and operates according to a set of bylaws that authorize the development and define the work of committees. The board of directors is responsible for employing an executive director. The executive director reports directly to the President of the organization. Additional employees are responsible to the executive director who serves as liaison to the board of directors.

### **Equal Employment Opportunity**

TCCWB is committed to the principles of equal employment opportunity. All employment decisions, including, without limitation, decisions regarding recruitment, selection, hiring, compensation, benefits, training, advancement, discipline, discharge, and other terms, conditions, and privileges of employment, are based on individual qualifications, without regard to race, color, religion, national origin, sex (including pregnancy), age, disability, or any other status protected by law.

TCCWB will make reasonable accommodations, including modification of policies and procedures in appropriate cases, for qualified individuals with disabilities if it can do so without undue cost or hardship to TCCWB.

It is also TCCWB policy that any form of discrimination or harassment on the basis of race, color, religion, national origin, sex (including pregnancy), age, disability, or any other status protected by law, will not be tolerated in the workplace.

### **Employment Status**

Employment with TCCWB is terminable **at will**, meaning that the employment relationship can be terminated by either the employee or TCCWB at any time, with or without notice and with or without cause.

### **Classification of Employees**

Full time: Employees who work 40 hours per week.

Part time: Employees who work less than 40 hours per week.

Exempt: Employees who work in positions deemed under federal laws and regulations as exempt from requirements governing overtime and compensatory pay.

Non-exempt: Employees whose positions are deemed under federal laws and regulations to be subject to minimum wage requirements, including the requirement that employees be compensated at overtime rates when they work more than 40 hours in a workweek.

Benefit: Employees who work at least 20 hours per week on a regular basis. Benefit employees are eligible for benefits that include paid holidays, vacation and sick leave.

**Non-benefit:** Employees who work less than 20 hours per week or who work on a temporary basis. Non-benefit employees are not eligible for benefits that include paid holidays, vacation and sick leave.

## **Evaluation**

Each year an employee participates in a formal evaluation with his or her immediate supervisor. The evaluation explores the strengths and weaknesses of the employee, sets goals, and includes any constructive criticism given the employee. The evaluation must be signed by both parties and placed in the employee's personnel file. Failure to satisfactorily improve performance is grounds for disciplinary action up to and including termination of employment.

## **Benefits**

Benefit employees earn paid holidays, vacation and sick leave based on actual hours they work. For example, an employee who works 20 hours per week will earn half the amount of paid holidays, vacation and sick leave that an employee earns who works 40 hours per week.

## **Holidays**

TCCWB observes the following days as paid holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day and the day before or after

In the event that a paid holiday falls on a Saturday or Sunday, the day before or after will be observed.

## **Vacation**

Full time employees earn eight hours of paid vacation per month; part time employees who work at least 20 hours per week earn a pro rata amount (for example, a part time employee who works only 20 hours per week earns four hours of paid vacation per month).

## **Sick Leave**

Full time employees earn eight hours of paid sick leave per month; part time employees who work at least 20 hours per week earn a pro rata amount (for example, a part time employee who works only 20 hours per week earns four hours of paid sick leave per month).

Employees are permitted to use accrued sick leave for personal illness or to care for an immediate family member. Immediate family members include an employee's spouse, child, mother, father, sister, brother, and grandparents.

Employees are permitted to use up to three days of accrued sick leave to attend the funeral of an immediate family member.

When a period of sick leave exceeds three days, a doctor's certificate verifying medical treatment was secured is required as a condition for returning to work. When accrued sick leave has been exhausted, continued absence may be charged against accumulated vacation.

Malingering or other abuses of sick leave privileges will result in disciplinary action, up to and including termination of employment.

### **Court Leave (Jury Duty, Appearance as Witness, etc.)**

When an employee is summoned for jury service or subpoenaed to appear as a witness, TCCWB normally continues the employee's regular pay while the employee serves as a juror or subpoenaed witness. However, TCCWB has the discretion not to provide such pay continuation benefits if, in TCCWB sole opinion, the actual or possible length of time the employee will be required to serve as a juror or witness makes it impractical or inadvisable to do so. However, deductions will not be made from the salaries of employees whose jury or witness service lasts less than one full workweek.

In the event an employee appears as a witness or attends court proceedings at the request of TCCWB, such time will be considered hours worked.

### **Military Leave**

An employee's eligibility for leave for military service and reemployment afterwards are governed by state and federal law.

### **Time Reporting and Overtime**

#### **Reporting**

All employees must accurately report the amount of time they work for TCCWB on monthly time sheets submitted to the Treasurer. Failure to do so may delay payment for that month. Deliberately falsifying a time sheet is grounds for disciplinary action up to and including termination from employment.

#### **Overtime**

The management level position of executive director is exempt from the payment of overtime.

### **Payroll and Expenses**

Employees are paid by check on a monthly basis and are reimbursed for authorized expenses according to the policies for State of Texas employees. Employees using personal vehicles for TCCWB business are reimbursed at the current mileage rate authorized by the State and must keep track of starting and ending mileage and reason for travel. Request for reimbursement shall be submitted to the Treasurer along with original receipts.

### **Payroll Deductions**

Federal Income Tax Withholding, Social Security and Medicare taxes are deducted from employees' pay as required by federal law. Additionally, court-ordered payments for child

support or delinquent Internal Revenue Service taxes will be withheld from affected employees' pay.

## **Attendance**

Regular attendance is required of all employees. Excessive absences interfere with the performance of an employee's job duties and may result in disciplinary action up to and including discharge.

## **Conflict of Interest**

Employees shall not engage in any activities which create a conflict of interest between their assigned TCCWB functions and any other interest or obligation. Employees shall not let any outside employment interfere with the performance of TCCWB duties. An employee may not participate in a decision if it presents a conflict of interest.

An employee shall comply with the provisions of state and federal law governing the acceptance of gifts and gratuities. In addition, TCCWB employees must avoid the appearance of favoritism in all of their dealings on behalf of TCCWB. All employees are expected to act with integrity and good judgment and to recognize that the acceptance of personal gifts from those doing business or seeking to do business with TCCWB, even when lawful, may give rise to legitimate concerns about favoritism depending on the circumstances. If a TCCWB employee has any question regarding the propriety of a gift, disclosure of the gift or proposed gift should be made to his or her immediate supervisor for a determination of the proper course of action.

## **Related Party**

Because TCCWB contracts with DFPS, employees of TCCWB must disclose their recent employment by DFPS and/or the names of close relatives who are currently or were recently employed by DFPS.

Goods or services shall not be purchased from an employee or near relative (spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-parent or step-child) of the employee unless there is a specific determination that the goods or services are not available elsewhere.

Proposals from independent consultants shall include the name and position of any TCCWB employee who holds a position of director, officer, partner, trustee, manager, or employee in the consultant organization. Selection of the independent consultant shall be made only on the basis of qualifications, resources, experience, needs of TCCWB, and cost.

Failure of an employee to abide by these conflict of interest restrictions may result in disciplinary action up to and including termination of employment.

## **Nepotism**

No TCCWB employee may hire or supervise anyone to whom he or she is related by blood or marriage as follows: spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-

in-law, stepparent or stepchild. This prohibition also applies to circumstances in which persons in a supervisor-supervisee relationship subsequently become related by virtue of a marriage.

## **Substance Abuse**

It is the policy of TCCWB to maintain a drug-free workplace. Compliance with this policy is a condition of initial and continued employment with TCCWB. TCCWB prohibits the manufacture, distribution, dispensation, possession, concealment, use, sale, or transfer of alcohol, inhalants, drugs, or controlled substances, and the possession of drug-related paraphernalia or literature promoting the use of illegal drugs, while at work, on TCCWB premises (including parking lots) or on TCCWB business. TCCWB also prohibits the presence of any person on TCCWB premises (including parking lots) or while on TCCWB business while under the influence of alcohol, inhalants, drugs, or controlled substances. "Under the influence" with respect to drugs, inhalants, or controlled substances, means having any detectable level in the person's body, regardless of when or where it may have been consumed. Disciplinary action, up to and including discharge, will be taken against any employee who violates this policy.

Over-the-counter medications and prescription drugs prescribed by licensed medical practitioners for the person using or possessing them are generally not prohibited by this policy, provided they were lawfully obtained and are not consumed at a frequency or quantity greater than the dosage prescribed or otherwise recommended on the medication's label. However, any employee taking any prescription or over-the-counter drug or medication, regardless of whether it was lawfully obtained and properly consumed, which drug or medication is known or advertised as possibly affecting or impairing judgment, coordination, or other senses, or which may adversely affect ability to perform work in a safe and productive manner, must notify his or her supervisor prior to starting work or entering TCCWB premises. The supervisor, in consultation with appropriate medical personnel when necessary, will decide if the employee may remain at work. Information regarding the employee's use of medication and any other information provided by appropriate medical personnel will be kept strictly confidential.

Currently, TCCWB does not have a drug or alcohol testing program for employees. However, TCCWB reserves the right to implement a testing program and to require employees to submit to testing as a condition of continued employment.

## **Discipline**

All employees are expected to perform their duties diligently and to conduct themselves professionally and courteously at all times. Failure to observe the expected standards of performance and behavior and/or violations of policies will result in appropriate disciplinary action. What discipline is appropriate will depend upon the circumstances and may include such things as oral warning, written reprimand, suspension, probation, demotion, or termination of employment. Records of disciplinary action will be placed in an employee's personnel file.

Disciplinary action will be recommended by the employee's immediate supervisor. Although it is generally the policy of TCCWB to warn and counsel employees prior to considering termination of employment, there may arise circumstances where the employee's conduct is such that immediate discharge is warranted. Employment with TCCWB is **at will** and can be

terminated by either TCCWB or the employee at any time with or without notice and with or without cause.

## **Termination of Employment**

### **Resignation**

Employees who resign from TCCWB should give at least two weeks written notice. The letter of resignation should state fully the reason(s) for leaving and should be turned in to the employee's supervisor. Resigning employees will be given their final paychecks no later than the next regularly scheduled payday. All applicable mandatory deductions will be made from the employee's last paycheck. The employee will be paid for vacation hours accrued, but unused. No accrued sick leave will be paid upon termination of employment.

### **Involuntary Termination of Employment**

Employment with TCCWB is **at will** and may be terminated by TCCWB at any time with or without cause and with or without notice. Employees will be paid for all work performed through the effective date of the termination of their employment no later than the sixth day after they are discharged. All applicable mandatory deductions will be made from the employee's last paycheck.

TCCWB

## **Appendix X: TCCWB Conflict of Interest Policy**

The purpose of this conflict of interest policy is to protect the Texas Council of Child Welfare Board's (TCCWB) fully recognized tax-exempt status when it is contemplating entering into a transaction or arrangement that could benefit the private interest of an officer or member of the TCCWB or might result in an excess benefit transaction. The policy is intended to supplement but not to replace any applicable state and federal law governing conflict of interest applicable to non-profit or charitable organizations.

Charitable organizations are frequently subject to intense public scrutiny, especially where they appear to have inappropriately benefited their officers, directors, members, or trustees. The U.S. Internal Revenue Service (IRS) also has an oversight role with respect to charitable organizations. An important part of this oversight is providing organizations with strategies that will help avoid the appearance or actuality of private benefit to individuals who are in a position of substantial authority. A conflict of interest occurs where an individual's obligation to further the TCCWB's charitable purposes is at odds with their own financial or personal interests. For example, a conflict of interest would occur where an officer, director, member, or trustee votes on a contract between the organization and a business that is owned by the officer, director, member, or trustee. A conflict of interest policy is intended to help ensure that when actual or potential conflicts of interest arise, the organization has a process in place under which the affected individual will advise the governing body about all the relevant facts concerning the situation. A conflict of interest policy is also intended to establish procedures under which individuals who have a conflict of interest will be excused from voting on such matters.

Apart from any appearance of impropriety, organizations will lose their tax-exempt status unless they operate in a manner consistent with the law and their charitable purposes. Expending substantial sums to influence legislation violates federal and state prohibitions on such activities by tax-exempt organizations. Serving private interests more than insubstantially is inconsistent with accomplishing charitable purposes. For example, paying an individual who is in a position of substantial authority excessive compensation serves a private interest. Providing facilities, goods, or services to an individual who is in a position of substantial authority also serves a private or special interest unless the benefits are part of a reasonable compensation arrangement or they are available to the membership or public on equal terms and conditions.

### **POLICY & COMPLIANCE**

1. **Duty to Disclose** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the special, personal, or financial interest and be given the opportunity to disclose all material facts to the directors and members of the governing board delegated powers to consider the proposed transaction or arrangement.
2. **Determining Whether a Conflict of Interest Exists** After disclosure of the special, personal, or financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while

the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. **Procedures for Addressing the Conflict of Interest** An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote upon, the transaction or arrangement involving the possible conflict of interest.
  - a. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
  - b. After exercising due diligence, the governing board or committee shall determine whether the organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
  - c. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, or whether it is a fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
4. **Violations of the Conflicts of Interest Policy**
  - a. If the governing board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
  - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action
5. **Records of Proceedings** The minutes of the governing board and all committees with board delegated powers shall contain:
  - a. The names of the persons who disclosed or otherwise were found to have a special, personal, or financial interest in connection with an actual or possible conflict of interest; the nature of the special, personal, or financial interest; any action taken to determine whether a conflict of interest was present; and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
  - b. The names or the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.
6. **Compensation** A voting member of the TCCWB who receives compensation, directly or indirectly, from the TCCWB for services is precluded from voting on matters pertaining to that member's compensation.

- a. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the TCCWB for services is precluded from voting on matters pertaining to that member's compensation
- b. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from TCCWB, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

6. **Annual Statements** Each TCCWB member shall annually sign a statement which affirms such person:

- a. Has received a copy of this conflicts of interest policy;
- b. Has read and understands the policy;
- c. Has agreed to comply with the policy; and
- d. Understands that the TCCWB is a charitable IRC §501(c)(3) organization and that in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes and not otherwise violate IRS regulations.

For further IRS interpretation and definitions, please see:

<http://www.irs.gov/instructions/i1023/ar03.html>

<http://www.stayexempt.irs.gov>