

Child Abuse Reporting and Investigation:

Voices conducted a survey and focus groups during 2006 and 2007 and documented a call for reform from throughout the state. Then the federal government completed a Child and Family Services Review in August 2007 and our system was found to be in need of improvement in nearly every area measured.

First, Vermont's criteria for intervening in families and investigating reports of abuse and neglect is too narrow, leaving some children at risk when their situation does not fit the criteria of the statute and nothing further is done for them or their family. Yet those children who are removed from their home as a result of an investigation do not always receive what is needed to reunite them with their families or give them an appropriate permanent home if reunification is not possible. They may miss out on the chance to stay with available and appropriate relatives when they are placed in foster care. Once in foster care, some children are moved far too many times among different homes. Caseworkers do not spend enough time with children in their care.

A bill (H.635) passed this legislative session creating a new approach to child welfare known as a 'differential response' system. Under the differential response approach, families who are reported and whose children may be at risk are offered services up front even when a report does not rise to the level of child abuse or neglect as defined by law. These families are not labeled and charged and their participation is voluntary, yet they receive services designed to strengthen them as parents and keep them and their children out of the system. The system's involvement with families at this level is called an 'assessment'.

Certain reports of abuse and neglect automatically trigger the more serious step in the process, called an 'investigation'. In addition an assessment may be changed to an investigation if the facts warrant.

Child Abuse Registry:

H.635 also made changes to Vermont's child abuse registry - the list maintained by the Department of Children and Families of all persons with a substantiation of child abuse on their record.

Until 2003 access to this list was limited to the Department for use in licensing and employing foster parents and child care workers. In 2003 the legislature expanded access to potential employers if the employee has contact with children or vulnerable adults. As a result, use of the list ballooned and questions were raised whether the rights of Vermonters on the registry were adequately protected.

Last year a system of independent review was set up so that those persons to be listed have the right to appeal before their name is placed on the list. In certain egregious cases the statute allows the Commissioner to place a person's name on the list before the appeal.

Now the Department is required, under H.635, to set up, by rule and regulation, a tiered child protection registry (the Committee renamed the registry to better reflect what it does from the 'child abuse registry' to the 'child protection registry') where acts are judged based upon future risk to children and some persons' names are not given out to future employers.

Last year's legislation calls for the automatic expunction of a person's registry record if they committed the act for which they are placed on the registry before the age of ten and no further acts are committed before the person turns 18. This year the legislature added a section allowing a person substantiated for behavior occurring before the person reached 18 years of age and whose name has been listed on the registry for at least three years to seek a review for the purpose of expunging an individual registry record. Adults who are substantiated after July 1, 2009 must wait seven years to request a review.

Caseload Policies: H.635 calls also for the Department for Children and Families to develop policies for implementing social worker caseload assignments which identify a target of one worker per 12 families and that are consistent with national standards, best practices, and the department's transformation plan. The department is to report its progress in this regard to both Committees on Appropriations, the Senate Health and Welfare Committee and the House Human Services Committee no later than January 1, 2009. The report is to include an assessment of the impact of current caseloads on the quality of service of face-to-face visits with children in custody.

The text of H.635, as passed the House and Senate, can be found online at <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-635.HTM>

Court Procedures for Abused and Neglected Children, Children Beyond the Control of Their Parents, and Children Charged With Delinquency:

The juvenile judicial procedures statute had not been reviewed or updated since 1967 and had become a mishmash of confusing amendments and case law interpretations. A committee appointed by the legislature and chaired by Chief Administrative Judge Amy Davenport spent 18 months before the 2008 legislative session preparing a proposed redraft of the statute for the legislature to consider. The committee included all stakeholders to the process, including a judge, attorneys for children and parents, representatives of state's attorneys and the attorney general, as well as the deputy commissioner of the Family Services Division of the Department for Children and Families. The proposed statute was separated into a House bill and a Senate bill, with the Senate taking on the delinquency section and the House considering the section covering children in need of supervision (CHINS). CHINS are those children who have been abused or neglected or are beyond the control of their parents. The two bills (H.615 and S.336) were combined into one set of legislation, H.615, by the Committee of Conference.

In the CHINS section the revised statute focuses on the early stages of the court process. It calls for quick identification of noncustodial parents and relatives for potential placement of the child. It also calls for what are called 'conditional custody orders' allowing the child to stay at home with conditions for addressing safety concerns. Early service provision is another important component. Timelines were set up for case plans and disposition of the case.

The text of H.615, as passed the House and Senate, can be found online at <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-615.HTM>

Highlights of H.615, drafted by Judge Amy Davenport, can be found at http://www.scribd.com/full/3054001?access_key=key-2am6mz99icc2dxo0ne55