

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 9 entitled “An act relating to improving Vermont’s system for protecting
4 children from abuse and neglect” respectfully reports that it has considered the
5 same and recommends that the House propose to the Senate that the bill be
6 amended as follows:

7 First: By inserting a new Sec. ___ and reader assistance to read:

8 * * * Establishing the Office of the Child Protection Advocate * * *

9 Sec. ___. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

10 Subchapter 4. Departments, Divisions, Offices, and Boards

11 Second: By inserting a new section to be Sec. ___ to read:

12 Sec. ___. 3 V.S.A. § 2284 is added to read:

13 § 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

14 (a) The Office of the Child Protection Advocate is created in the Agency of
15 Administration.

16 (b) The Office shall be headed by the Child Protection Advocate, who shall
17 be an individual with expertise and experience relevant to protecting children
18 from abuse and neglect. The Child Protection Advocate shall be appointed:

19 (1) by the Governor subject to the advice and consent of the Senate; and

20 (2) for a term of four years and until his or her successor is appointed
21 and qualified.

1 (c) The Child Protection Advocate shall:

2 (1) investigate and resolve complaints on behalf of persons involved in
3 the child protection system;

4 (2) analyze and monitor the development and implementation of federal,
5 State, and local laws, and of regulations and policies relating to child
6 protection and to the Department for Children and Families, and make
7 recommendations as he or she deems appropriate;

8 (3) provide information to the public, agencies, legislators, and others
9 regarding problems and concerns of persons involved in the child protection
10 system, including recommendations relating to such problems and concerns;

11 (4) promote the development and involvement of citizen organizations
12 in the work of the Office and in protecting children from abuse and neglect;

13 (5) train persons and organizations in advocating for the interests of
14 children and persons involved in the protecting children from abuse and
15 neglect;

16 (6) develop and implement a reporting system to collect and analyze
17 information relating to complaints by persons involved in the child protection
18 system; and

19 (7) submit to the General Assembly and the Governor on or before
20 January 15 of each year a report on the Office's activities and
21 recommendations.

1 (d) The Child Protection Advocate may:

2 (1) hire or contract with persons to fulfill the purposes of this chapter;

3 (2) have appropriate access to review the records of State agencies;

4 (3) delegate to employees of the Office any part of his or her

5 authority; and

6 (4) adopt rules, policies, and procedures necessary to carry out the

7 provisions of this chapter, including prohibiting any employee or immediate

8 family member of any employee from having any interest which creates a

9 conflict of interest in carrying out the Advocate's responsibilities under this

10 chapter.

11 (e) All State agencies shall comply with reasonable requests of the Child

12 Protection Advocate for records, information, and assistance.

13 (f) No civil liability shall attach to the Child Protection Advocate or any

14 employee of the Office of the Child Protection Advocate for good faith

15 performance of the duties imposed by this chapter.

16 (g) A person who intentionally hinders the Child Protection Advocate or a

17 representative of the Office of the Child Protection Advocate acting pursuant

18 to this chapter shall be imprisoned not more than one year or fined not more

19 than \$5,000.00, or both.

20 (h) A person who takes discriminatory, disciplinary, or retaliatory action

21 against any person for any communication made, or information disclosed, to

1 the Child Protection Advocate or to a representative of the Office of the Child
2 Protection Advocate to aid the Advocate in carrying out his or her duties,
3 unless the communication or disclosure was done maliciously or without good
4 faith, shall be imprisoned not more than one year or fined not more than
5 \$5,000.00, or both.

6 Third: By inserting a new section to be Sec. __ to read:

7 Sec. __. REALLOCATION OF RESOURCES AND ONE POSITION
8 WITHIN THE AGENCY OF ADMINISTRATION; CHILD
9 PROTECTION ADVOCATE

10 (a) Within its existing financial resources and existing positions, the
11 Agency of Administration shall reallocate one position and necessary
12 funding to establish the position of Child Protection Advocate set forth in 3
13 V.S.A. § 2284 on or before January 1, 2016.

14 (b) The position used to establish the position of Child Protection Advocate
15 shall be transferred and converted from an existing vacant position in the
16 Executive Branch, and shall not increase the total number of authorized State
17 positions.

18 (c) The Governor shall appoint the Child Protection Advocate pursuant to 3
19 V.S.A. § 2284 on or before January 1, 2016.

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21 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE