CONFIDENTIAL

LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.75 **Name of Bill:** An act relating to the Office of the Child Advocate

Agency/ Dept: AHS/DCF **Author of Bill Review:** Leslie Wisdom

Date of Bill Review: February 19, 2015 **Related Bills and Key Players:** S.9, Representative Pugh

Status of Bill: (check one): __X___Upon Introduction _____ As passed by 1st body _____As passed by both

Recommended Position:

_____Support _X____Oppose AS DRAFTED ____ __Remain Neutral __ ___Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

This bill proposes the creation of the Office of Child Advocate. This proposal is similar to the one in S.9 except that this proposal specifically states that the Office of Child Advocate is established by contracting with a nonprofit organization. S.9 created the office in the Agency of Administration. The proposal to create this office in a nonprofit may alleviate the concerns of the S.9 fiscal impact of creating a new office in state government.

2. Is there a need for this bill?

There currently is not a children's ombudsperson in Vermont. Many other states have an office like this.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

As drafted, this bill could have huge impacts on the Department's staff time and resources in responding to requests and complaints from the Office of Child Advocate. There may also be fiscal implications involved in contracting out the office even if through a non-profit organization.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The bill gives the Office of Child Advocate the ability to investigate, resolve complaints, issue subpoenas, pursue administrative and judicial remedies, including before the Human Services Board, on behalf of children and families receiving services from the Agency of Human Services. This includes all AHS departments.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (f*or example, public, municipalities, organizations, business, regulated entities, etc)*

Nonprofits in Vermont such as Voices for Vermont's Children and others will support the bill as they will want to be appointed as the Office of Child Advocate.

6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why?
Members of the Child Protection summer study committee, Cyrus Patten and Campaign for Vermont.

6.2 Who else is likely to oppose the proposal and why?
The Defender General's office testified on S.9 as stating that the functions of the Office of Child Advocate is duplicative of existing oversight, such as VCAB and the appellate processes.

7. **Rationale for recommendation:**

DCF has testified on S.9 that we generally support oversight. However, DCF had concerns about the ability of the Child Protection Advocate to investigate and resolve complaints and to intervene in judicial and administrative hearings and appeals. DCF would support a revised version of this office that limited the role of the Child Protection Advocate to providing information and resources to the general public and general oversight, data and information to the legislative oversight committee and others about the child protection system.

8. **Specific modifications that would be needed to recommend support of this bill***:*

The provisions in the bill relating to the ability to investigate, resolve complaints, issue subpoenas, pursue administrative and judicial remedies, including before the Human Services Board, on behalf of children and families receiving services from the Agency of Human Services should be removed. There may also be fiscal implications involved in contracting out the office which would need to be supported through appropriations to the Department in order to support this bill.

9. **Gubernatorial appointments to board or commission?**

None

Secretary/Commissioner has reviewed this document: _____ Date: _____