

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House  
3 Bill No. 522 entitled “An act relating to establishing an Office of the Child  
4 Protection Advocate” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

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

9 Sec. 2. 3 V.S.A. § 2284 is added to read:

10 § 2284. OFFICE OF THE CHILD PROTECTION **OMDUDS**

11 (a) The Office of the Child Protection Ombuds is created in the Agency of  
12 Administration.

13 (b) The Office shall be headed by the Child Protection Ombuds, who shall  
14 be an individual with expertise and experience relevant to protecting children  
15 from abuse and neglect. The Child Protection Ombuds shall be appointed by  
16 the Governor, subject to the advice and consent of the Senate, for a term of  
17 four years or until his or her successor is appointed and qualified.

18 (c) The Child Protection Ombuds shall:

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

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

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

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

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

12           (6) develop and implement a reporting system to collect and analyze  
13           information relating to complaints by persons involved in the child protection  
14           system; and

15           (7) submit to the General Assembly and the Governor on or before  
16           January 15 of each year a report on the Office’s activities and  
17           recommendations.

18           (d) The Child Protection Ombuds may:

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

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

1           (3) delegate to employees of the Office any part of his or her  
2           authority; and

3           (4) adopt rules, policies, and procedures necessary to carry out the  
4           provisions of this chapter, including prohibiting any employee or immediate  
5           family member of any employee from having any interest which creates a  
6           conflict of interest in carrying out the Ombuds' responsibilities under this  
7           chapter.

8           (e) All State agencies shall comply with reasonable requests of the Child  
9           Protection Ombuds for records, information, and assistance.

10          (f) No civil liability shall attach to the Child Protection Ombuds or any  
11          employee of the Office of the Child Protection Ombuds for good faith  
12          performance of the duties imposed by this chapter.

13          (g) A person who intentionally hinders the Child Protection Ombuds or  
14          hinders a representative of the Office of the Child Protection Ombuds acting  
15          pursuant to this chapter shall be imprisoned not more than one year or fined  
16          not more than \$5,000.00, or both.

17          (h) A person who takes discriminatory, disciplinary, or retaliatory action  
18          against any person for any communication made or information disclosed to  
19          the Child Protection Ombuds or to a representative of the Office of the Child  
20          Protection Ombuds to aid the Ombuds in carrying out his or her duties, unless  
21          the communication or disclosure was done maliciously or without good faith,

1 shall be imprisoned not more than one year or fined not more than \$5,000.00,  
2 or both.

3 Sec. 3. REALLOCATION OF RESOURCES AND ONE POSITION  
4 WITHIN THE AGENCY OF ADMINISTRATION; CHILD  
5 PROTECTION OMBUDS

6 (a) Within its existing financial resources and existing positions, the  
7 Agency of Administration shall reallocate one position and necessary  
8 funding to establish the position of Child Protection Ombuds set forth in  
9 3 V.S.A. § 2284 and other positions and necessary funding to staff the Office  
10 of the Child Protection Ombuds on or before January 1, 2017.

11 (b) The position used to establish the position of Child Protection Ombuds  
12 and the positions used to staff the Office of the Child Protection Ombuds shall  
13 be transferred and converted from existing vacant positions in the Executive  
14 Branch, and shall not increase the total number of authorized State positions.

15 (c) The Governor shall appoint the Child Protection Ombuds pursuant to  
16 3 V.S.A. § 2284 on or before January 1, 2017.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on July 1, 2016.

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1 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE