

### MEMORANDUM

TO: Monica Hutt  
FROM: Leslie Wisdom  
CC: Ken Schatz, Cindy Walcott, Karen Shea, Dawn O'Toole, April Allen, Linda Purdy, Jody Racht, Terry Rowe and Luci DiRuocco  
DATE: December 23, 2014  
RE: Proposed FSD legislation

Following the tragic death of two young children earlier this year, changes to DCF's child protection system is going to be a very important topic this legislative session with many different stakeholders involved. The Legislative Committee on Child Protection has proposed legislation that it will introduce. Casey Family Services and the Vermont Citizens Advisory Board have both provided reports and recommendations for improvement to Vermont's child protection system. As a starting place for legislative changes, DCF has identified some statutory changes that it would like to propose now to improve our child safety system. Enclosed for your review, please find proposed language for legislative changes along with a legislative initiatives review. The following list provides an overview of the proposals.

#### Confidentiality

- Proposal to improve and clarify DCF confidentiality provisions in title 33 to promote appropriate sharing of information to improve child safety and protection. This includes chapter 49 information as well as ESD benefits information.

#### Human Services Board

- New authority for the AHS Secretary to reverse Human Services Board (HSB) decisions on child abuse and neglect substantiation cases.
- Children who have been allegedly abused or neglected are not required to testify at HSB hearings and their hearsay evidence may be admissible.
- Remove HSB authority to review DCF decisions about whether to investigate or assess a report of suspected child abuse and similarly remove HSB authority to review DCF assigned child protection levels.
- Information related to a case with a deferred criminal sentence that has since expired is relevant and admissible evidence in HSB hearing on a related substantiation.
- In cases where a stay was granted, requirement for appellants to notify HSB within 30 days of resolution of a pending related criminal or family division case. Failure to notify forecloses further review.



### Commissioner's Registry Review Unit

- No subpoena power to registry review conferences and registry reviews are not evidentiary hearings where witnesses testify.
- Similar to the HSB provision above, in cases where a stay was granted, requirement for appellants to notify registry review unit within 30 days of resolution of a pending related criminal or family division case. Failure to notify forecloses further review.
- No right of expungement from child abuse registry for a person listed on any state's sex offender registry.
- DCF may deny petition for expungement based solely on the nature or number of substantiations.

### DAIL

- Provide DCF access to DAIL's vulnerable adult abuse registry.

### Judiciary

- Allow probate and family courts to review DCF's chapter 49 records *in camera* first and then provide parties access to records that are relevant to the proceedings.
- Allow court to provide notice to DCF of juvenile delinquency proceedings.
- Proposal to amend language regarding timeline for preparing and filing of disposition case plans to tie to date of disposition hearing rather than date of merits hearing.
- Probate court to notify DCF when guardian dies and custody reverts back to the Department.

