

4.12.2024 Family Services Division Testimony

Prepared and submitted by:

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Thank you for providing the Department with the opportunity to discuss H.878 with you. DCF is requesting an amendment to the bill to remove language currently in statute that permits consideration of failure to pay child support as a factor in termination of parental rights proceedings. In our current practice, DCF does not use this consideration because it is contrary to the overarching goals of supporting family reunification and our commitment to trauma-informed responses to support families. Therefore, DCF advocates for the removal of this factor from statute.

Title 15 lays out several factors to consider when deciding whether or not to terminate parental rights, including communicating with their child and showing ability and willingness to parent their child. It also includes failure to pay of child support as a factor in that decision – specifically [15A V.S.A. § 3-504\(a\)\(2\)\(A\)](#). Within 15A V.S.A. § 3-504 (Grounds for terminating relationship of parent and child) DCF is requesting that this language be struck from the law. Removal represents the current practice of the Family Services Division, which is not to consider payment of child support in TPR matters.

The barriers to reunification considered in termination of parental rights proceedings are complex. However, effects of poverty cannot be a reason to separate children from their parents. Keeping this language as part of the law implies that parental rights may be terminated because parents are not paying child support while their child is in foster care. Striking this language would make clear that Vermont does not seek termination of parental rights because a parent does not pay child support.

Our current child support practice is that when a child enters foster care, staff determine if there is a preexisting child support order. If there is a preexisting order, staff will wait 90 days to allow for the case to be resolved and the child to return home. If the child remains in foster care after 90 days, staff file a motion for the child support to be paid to DCF to support the care of child. The paying parent can also file a motion at any time to stop the support going to the other parent. Child support matters are handled in our Central Office and the family's assigned worker is not included or briefed on any child support matters. Therefore, if the time comes where a change in permanency goal from reunification to adoption/TPR occurs, information about child support is not part of the case file and not a factor in the consideration.

