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H.291

Introduced by Representatives Lorber of Burlington, Ancel of Calais, Andrews
of Rutland City, Aswad of Burlington, Atkins of Winooski,
Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal,
Bray of New Haven, Burke of Brattleboro, Cheney of Norwich,
Clarkson of Woodstock, Conquest of Newbury,
Copeland-Hanzas of Bradford, Courcelle of Rutland City, Davis
of Washington, Deen of Westminster, Donahue of Northfield,
Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln,
Frank of Underhill, French of Shrewsbury, French of Randolph,
Geier of South Burlington, Greshin of Warren, Haas of
Rochester, Head of South Burlington, Heath of Westford,
Howard of Rutland City, Jerman of Essex, Jewett of Ripton,
Johnson of South Hero, Kitzmiller of Montpelier, Klein of East
Montpelier, Lanpher of Vergennes, Larson of Burlington, Lenes
of Shelburne, Leriche of Hardwick, Macaig of Williston, Martin
of Springfield, Martin of Wolcott, Masland of Thetford,
McCullough of Williston, Miller of Shaftsbury, Minter of
Waterbury, Mitchell of Barnard, Mook of Bennington, Moran
of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury,
O'Brien of Richmond, Orr of Charlotte, Partridge of Windham,

1 Pellett of Chester, Peltz of Woodbury, Potter of Clarendon,
2 Pugh of South Burlington, Ram of Burlington, Shand of
3 Weathersfield, Sharpe of Bristol, Smith of Mendon, South of St.
4 Johnsbury, Spengler of Colchester, Stevens of Waterbury,
5 Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll
6 of Danville, Trombley of Grand Isle, Waite-Simpson of Essex,
7 Webb of Shelburne, Weston of Burlington, Wilson of
8 Manchester, Wizowaty of Burlington, Zenie of Colchester and
9 Zuckerman of Burlington

10 Referred to Committee on

11 Date:

12 Subject: Human services; criminal justice system; children's bill of rights

13 Statement of purpose: This bill proposes to establish a bill of rights for
14 children of parents who are arrested or incarcerated.

15 An act relating to a bill of rights for children of arrested and incarcerated
16 parents

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 33 V.S.A. chapter 32 is added to read:

2 CHAPTER 32. RIGHTS OF CHILDREN

3 § 3201. CHILDREN OF ARRESTED AND INCARCERATED PARENTS;

4 BILL OF RIGHTS

5 (a) It is the policy of the state of Vermont to afford certain rights to minor
6 children at the time of arrest, trial, and incarceration of a parent. These
7 children have committed no crime, yet they pay a steep penalty. They often
8 forfeit their homes, their safety, their public status and private self-image, and
9 their primary source of comfort and affection. Their lives are profoundly
10 affected by multiple agencies involved in the criminal justice system, including
11 the department of public safety, courts, prosecutors and defenders, the
12 corrections system, the child welfare system, and probation and parole officers.
13 Therefore, it shall be the policy of the state of Vermont that criminal justice
14 and child welfare agencies shall take responsibility for the care of minor
15 children at the time of arrest and incarceration of their parents.

16 (b) A minor child of an arrested or incarcerated parent shall have the
17 following rights:

- 18 (1) To be kept safe and informed at the time of the parent's arrest.
19 (2) To be heard when others are making decisions about the child.
20 (3) To be considered when others are making decisions about the parent.
21 (4) To be well cared for in the parent's absence.

- 1 (5) To speak with, see, and touch the parent.
- 2 (6) To be supported during the parent's incarceration.
- 3 (7) To be free of judgment, blame, or labeling due to the parent's
4 incarceration.
- 5 (8) To have a lifelong relationship with the parent.