

1 H.273  
2 Introduced by Representatives Lorber of Burlington, Ancel of Calais, Andrews  
3 of Rutland City, Aswad of Burlington, Atkins of Winooski,  
4 Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal,  
5 Branagan of Georgia, Burke of Brattleboro, Buxton of  
6 Royalton, Cheney of Norwich, Christie of Hartford, Clarkson of  
7 Woodstock, Conquest of Newbury, Dakin of Chester, Davis of  
8 Washington, Deen of Westminster, Donahue of Northfield,  
9 Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex,  
10 Fisher of Lincoln, Frank of Underhill, French of Shrewsbury,  
11 French of Randolph, Greshin of Warren, Haas of Rochester,  
12 Head of South Burlington, Heath of Westford, Jerman of Essex,  
13 Johnson of South Hero, Kitzmiller of Montpelier, Klein of East  
14 Montpelier, Krebs of South Hero, Kupersmith of South  
15 Burlington, Lanpher of Vergennes, Larson of Burlington, Lenes  
16 of Shelburne, Macaig of Williston, Malcolm of Pawlet,  
17 Manwaring of Wilmington, Marek of Newfane, Martin of  
18 Springfield, Martin of Wolcott, Masland of Thetford,  
19 McCullough of Williston, Moran of Wardsboro, Munger of  
20 South Burlington, O'Brien of Richmond, Olsen of Jamaica,  
21 Partridge of Windham, Pearson of Burlington, Peltz of

1 Woodbury, Poirier of Barre City, Potter of Clarendon, Pugh of  
2 South Burlington, Ralston of Middlebury, Ram of Burlington,  
3 Shand of Weathersfield, Sharpe of Bristol, South of  
4 St. Johnsbury, Spengler of Colchester, Stevens of Waterbury,  
5 Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre  
6 City, Till of Jericho, Toll of Danville, Townsend of Randolph,  
7 Trieber of Rockingham, Waite-Simpson of Essex, Webb of  
8 Shelburne, Weston of Burlington, Wilson of Manchester,  
9 Wizowaty of Burlington, Woodward of Johnson and Yantachka  
10 of Charlotte

11 Referred to Committee on

12 Date:

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

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

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

18 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               (b) Unless deemed inappropriate by a judge, a minor child of an arrested or  
14       incarcerated parent shall have the following rights:

- 15                       (1) To be kept safe and informed at the time of the parent's arrest.  
16                       (2) To be heard when others are making decisions about the child.  
17                       (3) To be considered when others are making decisions about the parent.  
18                       (4) To be well cared for in the parent's absence.  
19                       (5) To speak with, see, and touch the parent.  
20                       (6) To be supported during the parent's incarceration.

- 1            (7) To be free of judgment, blame, or labeling due to the parent's
- 2            incarceration.
- 3            (8) To have a lifelong relationship with the parent.