

Memorandum Regarding H. 373

To: Members of the House Human Services Committee

From: Bob Sheil, Juvenile Defender

Date: January 20, 2014

I have been asked to give my opinion on whether, “ In reviewing this bill as proposed to be amended, do you agree that it is only housekeeping changes and does not reflect any changes in policy?”

My short answer to this question is that the vast majority, if not all, of the proposed amendments that are in the bill do not reflect any changes in policy. It is a housekeeping bill that updates language, reflects name changes for various administrative departments, and provides a better format for the material addressed in Title 33 and various other Titles.

Section 2 of the bill basically incorporates Sec. 301 of Title 33 but omits the word “care.” For instance, Section 301 states,, “The Department for Children and Families shall provide needed assistance, care, and services to persons of the State and promote the well-being of persons of the State.” (Emphasis added) whereas Sec. 2 amending Sec. 101 in Title 33 states: “It is the policy of the state of Vermont that: (1) Its social and child welfare programs shall provide assistance and benefits to persons of the State in proven need thereof and eligible for such assistance and benefits under the provisions of this title.” I do not know if the omission of the word “care” denotes an y change in policy.

The only section that presents a question in my mind is Sec. 80 which calls for the repeal of Chapter 45 of Title 33. I looked H. 373 over yesterday. I don't have any concerns. The only question I really had was Sec. 80 which repeals Chapter 45 of Title 33. Because I was at home, I looked it up on Vermont Statutes Online (see attachment) and Chapter 45 seemed to have 10 sections all regarding the setting up of a Children's Comprehensive Dental Health Program. At my office today I checked the bound volumes and there is only on 1 section in Chapter 45 but I couldn't see where the other 9 sections had been repealed. My thought is that if, for whatever reason, all 10 sections are still existing law, repealing the entire chapter would be a change in policy. However, Lila Shapero told me that she believes these services are offered under EPSDT.

Otherwise, I think everything looks okay.