

## Memorandum

**To: Members of the Child Protection Oversight Committee**  
**From: Ken Schatz**  
**Date: November 3, 2015**  
**Re: Legislative Initiatives**

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The Department's preparation for the upcoming legislative session is still underway, however there are several initiatives related to child welfare that are likely to be pursued. This memo is intended to provide a brief overview of pending bills and initiatives still under development.

We have three pending bills:

- [H398 – An act relating to the Human Services Board](#)  
This bill provides new authority for the AHS Secretary to reverse Human Services Board (HSB) decisions on child abuse and neglect substantiation cases. This bill also provides that children who have been allegedly abused or neglected will not be required to testify at HSB hearings and their hearsay evidence may be admissible. Finally, this bill would clarify that there is no HSB authority to review DCF decisions about whether to investigate or assess a report of suspected child abuse/neglect nor is there HSB authority to review DCF assigned child protection levels.
- [H399 – An act relating to the Department for Children and Families' Registry Review Unit](#)  
This bill relates to the Commissioner's Registry Review Unit and provides that there is no subpoena power to compel attendance at registry review conferences; no right to expungement for those who are also listed on any state sex offender registry; and expungement denial may be based on the nature or number of substantiations.
- [H400 – An act relating to various changes to judicial procedure](#)  
This bill proposes changes to the judicial procedure including: notice to DCF for juvenile delinquency proceedings; amended timelines for filing disposition case plans; and notice to DCF by Probate Court when a guardian dies and custody reverts back to DCF.





In addition to these pending bills, DCF has the following proposals and can provide suggested language to accomplish the following prior to the next Oversight Committee meeting November 18:

- **Refinement of Act 60**

- *Best Interests Standard in ECOs and TCOs* – DCF recommends amending the CHINS Emergency Care Order Statute in chapter 53 (33 VSA §5302) to align with the best interests standard in the CHINS temporary care order law made by Act 60.
- *Mandated Reporter Clarification* – Because of Act 60, many mandated reporters have been closely reading the law and asking DCF questions about what it means. Many are questioning what they should do when they learn about or witness firsthand alleged child abuse/neglect and also know that a report has already been made to DCF by another mandated reporter with whom they work (ex. teachers in a school setting or medical personnel in a hospital treating a child). Under the law, a mandated reporter who has information about alleged child abuse or neglect has an obligation to report, even if a report has already been made. The Department has provided guidance to mandated reporters with suggestions about group reporting. We would also like to clarify that unless new information comes to light, a mandated reporter needn't provide a duplicate report.
- *Notification to Law Enforcement* – Act 60, as currently worded, has been interpreted to mean that DCF Family Services must notify law enforcement in more situations than it appears the legislature intended (see Sec. 17 of Act 60, which amended 33 VSA §4915). At the November 4<sup>th</sup> meeting of the Child Protection Oversight Committee, members of the committee clarified the legislative intent. It is our understanding from the November 4<sup>th</sup> meeting that the intent of the law was to require notification only if FSD accepts a case for a child safety intervention, as that is the only circumstance under which the division would require assistance from law enforcement. Currently, the wording of the law appears to require notification to law enforcement for all intakes to the Child Protection Hotline, even those that are not accepted for further action by FSD.

- **Enhanced Penalties for Assaulting Social Workers**

During the last legislative session, language for enhanced penalties for assaulting Family Services Division staff was submitted to the House Human Services Committee during hearings on S.9 (Act 60). This proposed language was modeled after existing enhanced penalties for assaulting law enforcement, firefighters, emergency medical personnel, correctional officers and others. DCF would like to propose this language again during this legislative session.

