

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 522 entitled “An act relating to establishing an Office of the Child
4 Protection Advocate” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

8 Subchapter 4. Departments, Divisions, Offices, and Boards

9 Sec. 2. 3 V.S.A. § 2284 is added to read:

10 § 2284. OFFICE OF THE CHILD PROTECTION OMBUDSMAN

11 (a) The Office of the Child Protection Ombudsman is created in the
12 Agency of Administration.

13 (b) The Office shall be headed by the Child Protection Ombudsman, who
14 shall be an individual with expertise and experience relevant to protecting
15 children from abuse and neglect. The Child Protection Ombudsman shall be
16 appointed by the Governor, subject to the advice and consent of the Senate, for
17 a term of four years or until his or her successor is appointed and qualified.

18 (c) The Child Protection Ombudsman shall:

19 (1) investigate and resolve complaints on behalf of persons involved in
20 the child protection system;

1 (2) analyze and monitor the development and implementation of federal,
2 State, and local laws and of regulations and policies relating to child protection
3 and to the Department for Children and Families and make recommendations
4 as he or she deems appropriate;

5 (3) provide information to the public, agencies, legislators, and others
6 regarding problems and concerns of persons involved in the child protection
7 system, including recommendations relating to such problems and concerns;

8 (4) promote the development and involvement of citizen organizations
9 in the work of the Office and in protecting children from abuse and neglect;

10 (5) train persons and organizations in advocating for the interests of
11 children and of persons involved in protecting children from abuse and neglect;

12 (6) develop and implement a reporting system to collect and analyze
13 information relating to complaints by persons involved in the child protection
14 system;

15 (7) have access to the records of State agencies as necessary to carry out
16 the provisions of this section; and

17 (8) submit to the General Assembly and the Governor on or before
18 January 15 of each year a report on the Office's activities and
19 recommendations.

20 (d) The Child Protection Ombudsman may:

21 (1) hire or contract with persons to fulfill the purposes of this section;

1 (2) delegate to employees of the Office any part of his or her
2 authority; and

3 (3) adopt rules, policies, and procedures necessary to carry out the
4 provisions of this section, including prohibiting any employee or immediate
5 family member of any employee from having any interest that creates a
6 conflict of interest in carrying out the Ombudsman’s responsibilities under this
7 section.

8 (e) All State agencies shall comply with requests of the Child Protection
9 Ombudsman for records, information, and assistance.

10 (f) The Child Protection Ombudsman shall be notified of all investigations
11 of serious physical abuse or neglect requiring emergency medical care or
12 resulting in death conducted by the Department for Children and Families or
13 by law enforcement.

14 (g) No civil liability shall attach to the Child Protection Ombudsman or any
15 employee of the Office of the Child Protection Ombudsman for good-faith
16 performance of the duties imposed by this section.

17 (h) A person who intentionally hinders the Child Protection Ombudsman or
18 hinders a representative of the Office of the Child Protection Ombudsman
19 acting pursuant to this section shall be imprisoned not more than one year or
20 fined not more than \$5,000.00, or both.

1 (i) A person who takes discriminatory, disciplinary, or retaliatory action
2 against any person for any communication made or information disclosed to
3 the Child Protection Ombudsman or to a representative of the Office of the
4 Child Protection Ombudsman to aid the Ombudsman in carrying out his or her
5 duties, unless the communication or disclosure was done maliciously or
6 without good faith, shall be imprisoned not more than one year or fined not
7 more than \$5,000.00, or both.

8 Sec. 3. REALLOCATION OF TWO POSITIONS AND NECESSARY
9 FUNDING; CHILD PROTECTION OMBUDSMAN

10 (a) The Executive Branch shall reallocate one position and necessary
11 funding to establish the position of Child Protection Ombudsman set forth in
12 3 V.S.A. § 2284 and one other position and necessary funding to staff the
13 Office of the Child Protection Ombudsman on or before January 1, 2017. The
14 two positions shall be transferred and converted from existing vacant positions
15 in the Department for Children and Families, and shall not increase the total
16 number of authorized State positions. The necessary funding shall be taken
17 from the Department for Children and Families.

18 (b) The Governor shall appoint the Child Protection Ombudsman pursuant
19 to 3 V.S.A. § 2284 on or before January 1, 2017.

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.

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2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE