

**H.522 - Office of the Child Advocate
Suggested Amendments**

Offered to the Government Operations Committee
Vermont State House of Representatives
by Megan Palchak, Vermont Resident & Independent Consultant
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1. Title.

- a. Strike "Office of the Child Advocate"
- b. Add "Office of the Ombudsman"

2. Confidentiality.

- a. Add language safeguarding complainant confidentiality and protecting subjects of complaints. See H.75 page 3, line 14 for reference. (This language needs more attention.)

3. Neutrality.

- a. Add language to clarify that the ombudsman is a neutral investigator of complaints.

4. Jurisdiction of Oversight.

- a. Add language to clarify the jurisdiction and authority of the office. Can it investigate only complaints about DCF?

5. Investigative discretion.

- a. Add language to clarify who is entitled to have their complaint investigated. As drafted, it appears that only those receiving protective services may file a complaint.
 - i. Clarify that any individuals may complaint about agency action or inaction.
- b. Add language to clarify whether the office may initiate independent special investigations, and under what conditions.

6. Access to agency records.

- a. Strike "may" and "reasonable" and add "shall" have access to the records of state agencies...

7. Shield.

- a. Add language to shield the office from releasing records for evidence in court, and otherwise.

8. Investigative findings.

- a. Add language to clarify findings shall be published for decision-makers and the public (in Annual report, or whatever other method).

- b. Add language clarifying that the office shall make recommendations for improvements to law, policy, programs, and practice as appropriate/needed.

9. Duties.

a. Providing public information.

- i. Add language to specify that the office shall provide information about rights, responsibilities, and clarify ways to access existing complaint resolution channels and processes (prior to filing a formal complaint).

b. Fair notice.

- i. Add language to clarify that the subject of a complaint must be notified about the complaint, and must be made aware of the complaint investigation process.

c. Monitoring facilities.

- i. Unless another organization is monitoring facilities with dependent population, add language authorizing the office to monitor facilities and interview youth.

d. Monitor critical incidents.

- i. Add language requiring the agency, or agencies, to notify the office regarding critical incidents.
- ii. Add language authorizing the ombudsman to review these incidents, and/or contract with researchers with relevant expertise to examine patterns, focusing on: 1) prevention and 2) compare the rate of critical incidents that occur with state-involved and non-state-involved populations (to evaluate the quality of state protection).

10. Appointment process.

- i. Add language to clarify that the appointment must not coincide with established election and budget cycles.
- ii. Add language to clarify that the Ombudsman may not be removed without good cause.

11. Conflicts of interest.

- i. Add language clarifying when office staff conflicts exist. See H.75 for reference; it specifies that conflicts exist when office staff are involved in: licensing, certification, accreditation, hold an ownership interest in a facility, or has the right to receive compensation from a facility (as an owner or otherwise).