

**S.9 - House Human Resources  
Week of March 23-27, 2015  
Luke Martland, Director and Chief Counsel**

**Sec. 11 (DCF collaboration with law enforcement) - Comparison of Senate “as passed version” and DCF proposed amendments**

S.9 “as passed”	DCF	Comments
<p>Sec. 11. 33 V.S.A. § 4915b(e) is amended to read:            (e) The Department:            (1) shall report to and request assistance from law enforcement in the following circumstances:  <del>(1) investigations of child sexual abuse by an alleged perpetrator age 10 or older;</del>  <del>(2) investigations of serious physical abuse or neglect likely to result in criminal charges or requiring emergency medical care</del></p> <p><u>(A) an incident in which a child suffers, by other than accidental means, serious bodily injury as defined in 13 V.S.A. § 1021; and</u>  <u>(B) potential violations of:</u>  <u>(i) 13 V.S.A. § 2602;</u>  <u>(ii) 13 V.S.A. chapter 60;</u>  <u>(iii) 13 V.S.A. chapter 64; and</u>  <u>(iv) 13 V.S.A. chapter 72; and</u></p>	<p>DCF proposes to move to new 33 V.S.A. § 4915(g)</p> <p><u>(g) The Department:</u>  <u>(1) shall report to and receive assistance from law enforcement in the following circumstances:</u></p> <p><u>(A) a valid allegation in which a child suffers other than by accidental means death or serious bodily injury as defined in 13 V.S.A. §1021; and</u>  <u>(B) potential violations of:</u>  <u>(i) 13 V.S.A. § 2602;</u>  <u>(ii) 13 V.S.A. chapter 60</u>  <u>(iii) 13 V.S.A. chapter 64;</u>  <u>(iv) 13 V.S.A. chapter 72; and</u>  <u>(C) Situations potentially dangerous to the child or the Department; and</u></p>	<p>Rationale is that § 4915b concerns investigations, whereas § 4915 concerns assessments and investigations.</p> <p>Issues:            1. DCF language requires that DCF “receive” assistance. What does this mean? Work with DCF in an MDT/SIU? Investigate the incident?            2. Is this language necessary? Sec. 6 requires that SIU’s “shall” investigate same offenses.</p> <p>Replace incident with “allegation”.</p> <p>Moved from “may” to “shall”.</p>

<p><u>(3) may report to and request assistance from law enforcement when appropriate, including:</u></p> <p><u>(A) an incident in which a child suffers:</u> <u>(i) bodily injury, by other than accidental means, as defined in 13 V.S.A. § 1021; or</u> <u>(ii) death; and</u> <u>(B) potential violations of:</u> <u>(i) 13 V.S.A. § 2601;</u> <u>(ii) 13 V.S.A. § 2605;</u> <u>(iii) 13 V.S.A. § 1304; and</u> <u>(iv) 13 V.S.A. § 1304a.</u> <del>(C)</del> <u>(C) situations potentially dangerous to the child or Department worker.</u></p>	<p><u>(2) may report to and request assistance from law enforcement when appropriate, including:</u></p> <p><u>(A) a valid allegation in which a child suffers:</u> <u>(i) bodily injury, by other than accidental means, as defined in 13 V.S.A. §1021;</u> <u>(ii) death and</u> <u>(B) potential violations of:</u> <u>(i) 13 V.S.A. §2601;</u> <u>(ii) 13 V.S.A. §2605</u> <u>(iii) 13 V.S.A. §1304; and</u> <u>(iv) 13 V.S.A. §1304a.</u></p>	<p>Was removal of “death” intentional?</p>
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