

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 9 entitled
3 “An act relating to improving Vermont’s system for protecting children from
4 abuse and neglect” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended as
6 recommended by the Committee on Human Services and further amended as
7 follows:

8 First: In Sec. 3, 33 V.S.A. § 4912, by adding subdivision (15) and an
9 ellipsis to read:

10 (15) “Sexual abuse” consists of any act or acts by any person involving
11 sexual molestation or exploitation of a child, including incest, prostitution,
12 rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual
13 abuse also includes the aiding, abetting, counseling, hiring, or procuring of a
14 child to perform or participate in any photograph, motion picture, exhibition,
15 show, representation, or other presentation which, in whole or in part, depicts
16 sexual conduct, sexual excitement, or sadomasochistic abuse involving a child.
17 Sexual abuse also includes the viewing, possession, or transmission of child
18 pornography, with the exclusion of the exchange of images between mutually
19 consenting minors, including the minor whose image is exchanged.

20 * * *

1 Second: By striking out Sec. 4, 33 V.S.A. § 4913, in its entirety and
2 inserting in lieu thereof the following:

3 Sec. 4. 33 V.S.A. § 4913 is amended to read:

4 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
5 ACTION

6 (a) ~~Any~~ A mandated reporter is any:

7 (1) health care provider, including any:

8 (A) physician, surgeon, osteopath, chiropractor, or physician assistant
9 licensed, certified, or registered under the provisions of Title 26;

10 (B) any resident physician;

11 (C) intern;

12 (D) ~~or any~~ hospital administrator in any hospital in this State;

13 (F) ~~whether or not so registered, and any~~ registered nurse;

14 (G) licensed practical nurse;

15 (H) medical examiner;

16 (I) emergency medical personnel as defined in 24 V.S.A. § 2651(6);

17 (J) dentist;

18 (K) psychologist; and

19 (L) pharmacist, ~~any other health care provider, child care worker;~~

20 (2) individual who is employed by a school district or an approved or
21 recognized independent school, or who is contracted and paid by a school

1 district or an approved or recognized independent school to provide student
2 services, including any:

3 (A) school superintendent;

4 (B) headmaster of an approved or recognized independent school as
5 defined in 16 V.S.A. § 11;

6 (C) school teacher;

7 (D) student teacher;

8 (E) school librarian;

9 (F) school principal; and

10 (G) school guidance counselor, ~~and any other individual who is~~
11 ~~employed by a school district or an approved or recognized independent~~
12 ~~school, or who is contracted and paid by a school district or an approved or~~
13 ~~recognized independent school to provide student services;~~

14 (3) child care worker;

15 (4) mental health professional;

16 (5) social worker;

17 (6) probation officer;

18 (7) ~~any~~ employee, contractor, and grantee of the Agency of Human
19 Services who have contact with clients;

20 (8) police officer;

21 (9) camp owner;

1 (10) camp administrator;₂

2 (11) camp counselor;₂ or

3 (12) member of the clergy.

4 (b) As used in subsection (a) of this section, “camp” includes any
5 residential or nonresidential recreational program.

6 (c) Any mandated reporter who has reasonable cause to believe that any
7 child has been abused or neglected reasonably suspects abuse or neglect of a
8 child shall report or cause a report to be made in accordance with the
9 provisions of section 4914 of this title within 24 hours of the time information
10 regarding the suspected abuse or neglect was first received or observed. As
11 used in this subsection, “camp” includes any residential or nonresidential
12 recreational program.

13 ~~(b)~~(d)(1) The Commissioner shall inform the person who made the report
14 under subsection (a) of this section:

15 ~~(1)~~(A) whether the report was accepted as a valid allegation of abuse or
16 neglect;

17 ~~(2)~~(B) whether an assessment was conducted and, if so, whether a need
18 for services was found; and

19 ~~(3)~~(C) whether an investigation was conducted and, if so, whether it
20 resulted in a substantiation.

1 (2) Upon request, the Commissioner shall provide relevant information
2 contained in the case records concerning a person's report to a person who:

3 (A) made the report under subsection (a) of this section; and

4 (B) is engaged in an ongoing working relationship with the child or
5 family who is the subject of the report.

6 (3) Any information disclosed under subdivision (2) of this subsection
7 shall not be disseminated by the mandated reporter requesting the information.

8 A person who intentionally violates the confidentiality provisions of this
9 section shall be fined not more than \$2,000.00.

10 (4) In providing information under subdivision (2) of this subsection, the
11 Department may withhold information that could:

12 (A) compromise the safety of the reporter or the child or family who
13 is the subject of the report; or

14 (B) threaten the emotional well-being of the child.

15 * * *

16 Third: By inserting a new Sec. 5 as follows:

17 Sec. 5. 33 V.S.A. § 4914 is amended to read:

18 § 4914. NATURE AND CONTENT OF REPORT; TO WHOM MADE

19 A report shall be made orally or in writing to the Commissioner or
20 designee. The Commissioner or designee shall request the reporter to follow
21 the oral report with a written report, unless the reporter is anonymous. Reports

1 shall contain the name and address or other contact information of the reporter
2 as well as the names and addresses of the child and the parents or other persons
3 responsible for the child’s care, if known; the age of the child; the nature and
4 extent of the child’s injuries together with any evidence of previous abuse and
5 neglect of the child or the child’s siblings; and any other information that ~~the~~
6 ~~reporter believes~~ might be helpful in establishing the cause of the injuries or
7 reasons for the neglect as well as in protecting the child and assisting the
8 family. If a report of child abuse or neglect involves the acts or omissions of
9 the Commissioner or employees of the Department, then the report shall be
10 directed to the Secretary of Human Services who shall cause the report to be
11 investigated by other appropriate Agency staff. If the report is substantiated,
12 services shall be offered to the child and to his or her family or caretaker
13 according to the requirements of section 4915b of this title.

14 Fourth: In the old Sec. 5, 33 V.S.A. § 4921, by striking out subdivision
15 (e)(1)(G) in its entirety and inserting in lieu thereof the following:

16 (G) A Probate Division of the Superior Court involved in
17 guardianship proceedings.

18 Fifth: In Sec. 6, 33 V.S.A. § 5110, subsection (b), after the words “seeking
19 inclusion in the hearing” by inserting the words “in accordance with this
20 subsection”

1 Sixth: In Sec. 10, 33 V.S.A. § 5124, subsection (b) by striking out the word
2 “may” and inserting in lieu thereof the word “shall”

3 Seventh: In Sec. 10, 33 V.S.A. § 5124, subdivision (b)(1)(B) by striking
4 out the words “look to” and inserting in lieu thereof the word “consider”

5 Eighth: In Sec. 10, 33 V.S.A. § 5124, subsection (b)(1)(B)(ix) by striking
6 out the words “involved in the proceeding and actively engaged with the child”

7 Ninth: In Sec. 10, 33 V.S.A. § 5124, by striking out subsection (e) in its
8 entirety and inserting in lieu thereof the following:

9 (e) The order approving a postadoption contact agreement shall be a
10 separate order issued before and contingent upon the final order of voluntary
11 termination of parental rights.

12 Tenth: In Sec. 11, 15A V.S.A. Article 9, in § 9-101, by striking out
13 subsection (h) in its entirety and inserting in lieu thereof the following:

14 (h) A hearing held to enforce, modify, or terminate an agreement for
15 postadoption contact shall be confidential.

16 Eleventh: In Sec. 12, 33 V.S.A. § 152, in subsection (a), by striking out the
17 number “55” and inserting in lieu thereof the number “59”

18 Twelfth: In Sec. 13, 33 V.S.A. § 6911, subdivision (c)(5)(B), by striking
19 out the number “55” and inserting in lieu thereof the number “59”

20 Thirteenth: In Sec. 15, 24 V.S.A. § 1940, subdivision (a)(1)(B)(iii), by
21 striking out the word “and”

1 Fourteenth: In Sec. 15, 24 V.S.A. § 1940, by adding a subdivision

2 (a)(1)(B)(v) as follows:

3 (v) 13 V.S.A. § 1379 (sexual abuse of a vulnerable adult); and

4 Fifteenth: In Sec. 17, 33 V.S.A. § 4915, subsection (h), after the words

5 “valid allegation” by inserting the words “pursuant to subsection (b) of this
6 section”

7 Sixteenth: By striking out Sec. 18 in its entirety

8 Seventeenth: By striking out Sec. 19 in its entirety

9 Eighteenth: By striking out Sec. 20 in its entirety

10 Nineteenth: By striking out Sec. 21 in its entirety

11 Twentieth: In Sec. 23, Joint Legislative Child Protection Oversight

12 Committee, in subdivision (c)(1)(A)(iv) by striking out the last word “and”

13 Twenty-first: In Sec. 23, Joint Legislative Child Protection Oversight

14 Committee, by adding a new subdivision (c)(1)(A)(v) as follows:

15 (v) evaluating whether licensed mandatory reporters should be

16 required to certify that they completed training on the requirements set forth

17 under 33 V.S.A. § 4913; and

18 and by renumbering all remaining subdivisions in the subsection to be

19 numerically correct

20 Twenty-second: In Sec. 24, Working Group, subdivision (c)(10), by

21 striking out the last word “and”

1 Twenty-third: In Sec. 24, Working Group, by adding new subdivisions
2 (c)(11) and (c)(12) as follows:

3 (11) how and whether to change the confidentiality requirements for
4 juvenile judicial proceedings under 33 V.S.A. chapter 53;

5 (12) best practices regarding representation of children in juvenile
6 judicial proceedings; and

7 and by renumbering all remaining subdivisions of the subsection to be
8 numerically correct

9 Twenty-fourth: In Sec. 24, by striking out subsection (e) in its entirety and
10 inserting in lieu thereof the following:

11 (e) Report. On or before November 1, 2015, the Working Group shall
12 provide a report on its findings and recommendations with respect to
13 subdivisions (c)(1)–(5) of this section to the Joint Legislative Child Protection
14 Oversight Committee, the House Committees on Human Services and on
15 Judiciary, and the Senate Committees on Health and Welfare and on Judiciary.
16 On or before November 1, 2016, the Working Group shall report its findings
17 and recommendations with respect to subdivisions (c)(6)–(13) of this section to
18 the same Committees.

19 Twenty-fifth: In Sec. 24, subdivision (f)(3), by striking out the number
20 “2015” and inserting in lieu thereof the number “2016”

1 Twenty-sixth: By striking out Sec. 25 in its entirety and inserting in lieu
2 thereof the following:

3 Sec. 22. EFFECTIVE DATES

4 This act shall take effect on July 1, 2015, except for this section, Secs. 19
5 (Department for Children and Families; policies, procedures, and practices),
6 20 (Joint Legislative Child Protection Oversight Committee), and 21 (Working
7 Group to Recommend Improvements to CHINS Proceedings), which shall take
8 effect on passage.

9 and by renumbering all sections of the bill to be numerically correct.

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13 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE