

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 First: By inserting a new Sec. \_\_\_ to read:

8 \* \* \* Establishing the Office of the Child Protection Advocate \* \* \*

9 Sec. \_\_\_. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

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

11 Second: By inserting a new section to be Sec. \_\_\_ to read:

12 Sec. \_\_\_. 3 V.S.A. § 2284 is added to read:

13 § 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

14 (a) The Office of the Child Protection Advocate is created in the Agency of  
15 Administration.

16 (b) The Office shall be headed by the Child Protection Advocate, who shall  
17 be an individual with expertise and experience relevant to protecting children  
18 from abuse and neglect. The Vermont Child Protection Advocate shall be  
19 appointed:

20 (1) by the Governor subject to the advice and consent of the Senate; and

1           (2) for a term of four years and until his or her successor is appointed  
2           and qualified.

3           (c) The Child Protection Advocate shall:

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

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

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

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

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

18           (6) develop and implement a reporting system to collect and analyze  
19           information relating to complaints by persons involved in the child protection  
20           system; and

1           (7) submit to the General Assembly and the Governor on or before  
2           January 15 of each year a report on the Office’s activities and  
3           recommendations.

4           (d) The Child Protection Advocate may:

5                 (1) hire or contract with persons to fulfill the purposes of this chapter;

6                 (2) have appropriate access to review the records of State agencies;

7                 (3) delegate to employees of the Office any part of his or her  
8           authority; and

9                 (4) adopt rules, policies, and procedures necessary to carry out the  
10           provisions of this chapter, including prohibiting any employee or immediate  
11           family member of any employee from having any interest which creates a  
12           conflict of interest in carrying out the Advocate’s responsibilities under this  
13           chapter.

14           (e) All State agencies shall comply with reasonable requests of the Child  
15           Protection Advocate for records, information, and assistance.

16           (f) No civil liability shall attach to the Child Protection Advocate or any  
17           employee of the Office of the Child Protection Advocate for good faith  
18           performance of the duties imposed by this chapter.

19           (g) A person who intentionally hinders the Child Protection Advocate or a  
20           representative of the Office of the Child Protection Advocate acting pursuant

1 to this chapter shall be imprisoned not more than one year or fined not more  
2 than \$5,000.00, or both.

3 (h) A person who takes discriminatory, disciplinary, or retaliatory action  
4 against any person for any communication made, or information disclosed, to  
5 the Child Protection Advocate or to a representative of the Office of the Child  
6 Protection Advocate to aid the Advocate in carrying out his or her duties,  
7 unless the communication or disclosure was done maliciously or without good  
8 faith, shall be imprisoned not more than one year or fined not more than  
9 \$5,000.00, or both.

10 Third: By inserting a new section to be Sec. \_\_\_ to read:

11 Sec. \_\_\_. REALLOCATION OF RESOURCES AND ONE POSITION  
12 WITHIN THE AGENCY OF ADMINISTRATION; CHILD  
13 PROTECTION ADVOCATE

14 (a) Within its existing financial resources and existing positions, the  
15 Agency of Administration shall reallocate one position and necessary  
16 funding to establish by [REDACTED], 2015, the position of Child Protection Advocate  
17 set forth in 3 V.S.A. § 2284.

18 (b) The position used to establish the position of Child Protection Advocate  
19 shall be transferred and converted from an existing vacant position in the  
20 Executive Branch, and shall not increase the total number of authorized State  
21 positions.

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2 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

4

Representative \_\_\_\_\_

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FOR THE COMMITTEE