

My commentary is based on my experience of 45 years' residence in Glover, as a Selectman and EMT, and having struggled with the experiences of my son (26 years old now) who has drug addiction as does the woman who is the mother of his son), and their travails with DCF and the State court system in child custody battles.

It is understandable that the emphasis of S-9 is the protection of the babies and children; however, in the process the rights of the immediate family members, and those of the extended families are ignored or minimized. I will summarize my concerns.

1. Evaluation of parent for possible sexual offender tendencies: The so-called Psychosexual Evaluation Form (termed "Psychosexual" by DCF workers) is based on an analysis of prior criminal records, psychiatrist interviews, and respondent answers to lengthy questionnaires. DCF avails itself of documentation of prior investigations and allegations, even if they are unsubstantiated. The unsubstantiated allegations are used in the scoring of an analysis of the respondent as being at risk of sexual impropriety. In my son's cases a completely unfounded allegation was made by the family member of the mother, and nine years earlier he had been accused of a sexual offense: both allegations were found to be unsubstantiated. However, the DCF case worker issued a memorandum to my son informing him that the "allegations were unsubstantiated, but that he was unaware of his Psychosexual" and therefore could not only be allowed custody of his son, could not share custody, could not be with his son in an unsupervised situation, and 'could not be with any minor child for two years without supervision". He was told he could do nothing about this ruling. Catch 22: allegations are unsubstantiated, but can be used to condemn you as a sexual predator, and there is nothing you can do about it. Note that the case worker made a quasi-legal ruling about my son which far exceeded her concerns regarding the custody of his son; and her ruling became part of the physical file on my son which will no doubt be available to any other determination made in the future. I question the legality of the psychosexual process, and averr that my son's legal rights are violated by the procedure and by the actions of the case worker. I don't want this sort of procedure to become regular procedure of DCF and imbued with the force of law.

2. Child custody case duration: When a party files for custody, after DCF and the Court makes a determination, the case is closed. If a party to the decision wishes to provide later information bearing on the safety or welfare of the child, a new case has to be filed. This makes no sense. When a child becomes the subject of a child custody action or comes under the evaluative or supervision of DCF, that child should have a case officer assigned, and the case should remain active until the reaches the age of majority. There is no existing framework for a parent or family member to provide information about the welfare of the child without the creation of a new folder or legal

case. This requires that one have the wherewithal to hire a lawyer in order to maintain what should be an open system of support for the child. The typical child custody procedure takes months if not years to resolve. In the meantime the child has to survive what might be an unhealthy or threatening circumstance. One should not have to call the cops to change poor parenting, unsanitary home environment, or sterile learning situation. If such conditions cannot be remedied then DCF should be empowered to alter the custody arrangements, or find a foster environment. Inb my son's case he has been denied visitation rights by the mother for the past four months. There is nothing he can do about without suing to reopen the child custody case(the refusal has been reported to the police but they cannot physically enforce the order for visitation rights).

3. Illegal substances: S-9 restricts itself to mention of opiates, methamphetamines and perhaps a few other mind-altering drugs. The law should be written to include whatever substance is the current rage: "bathsalts", etc. Evaluations of intoxication have to extend beyond the "UA" which does not register many of the designer drugs, bath salts, etc. The penalties of \$1 million and lengthy jail sentences are ridiculous for most low level offenders. Where is the emphasis on rehabilitation? Most Vermonters who would come under the purvey of this law are not proprietors of high-level meth labs. They are indigent or menial workers, committing low-level crime to support low-level drug habits, and most are not pedophiles. Penalties should include drug treatment, counseling, peer group participation, parenting instruction and supervision, and home monitoring until the child reaches the age of majority. Heavy fines are meaningless for someone who is probably already on state assistance.

4. General: this proposed law exhaustively treats the crimes and punishments, but does very little to reform DCF, retrain its employees, and alter its procedures to be more efficient, and effective, and to protect the rights of the parents and their families. The State of Vermont has gone a long road down incarcerating and punishing miscreants, and does very little to change the environment and education processes which spawn the young people who commit the crimes. As an example, note that the North East Kingdom supposedly will finally have a drug treatment facility; except that there is no money budgeted to build, staff or operate it, and no Drug Court to steer suitable people into it. Northern State Correctional has a dysfunctional medical system, no drug treatment program, virtually no work program or educational program (the governor in his wisdom has proposed to defund what is there at present), and is presently Crime School and a place where one can get any drug found on the street. There are aspects of this bill which will strengthen the criminal justice system but I am not sure that it will do much to protect the children of the state. I would appreciate a few minutes before the committee to explain the genesis of my remarks . Nicholas Ecker-Racz Glover, Vermont 525-3932