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H.522

Introduced by Representatives Sweaney of Windsor, Cole of Burlington,
Devereux of Mount Holly, Evans of Essex, Higley of Lowell,
Hubert of Milton, LaClair of Barre Town, Lewis of Berlin,
Martin of Wolcott, and Townsend of South Burlington

Referred to Committee on

Date:

Subject: Executive Branch; administration; establishing the Office of the Child
Protection Advocate

Statement of purpose of bill as introduced: This bill proposes to establish an
Office of the Child Protection Advocate.

An act relating to establishing an Office of the Child Protection Advocate

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

Subchapter 4. Departments, Divisions, Offices, and Boards

Sec. 2. 3 V.S.A. § 2284 is added to read:

§ 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

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

1 (b) The Office shall be headed by the Child Protection Advocate, who shall
2 be an individual with expertise and experience relevant to protecting children
3 from abuse and neglect. The Child Protection Advocate shall be appointed by
4 the Governor, subject to the advice and consent of the Senate, for a term of
5 four years or until his or her successor is appointed and qualified.

6 (c) The Child Protection Advocate shall:

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

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

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

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

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

1 (6) develop and implement a reporting system to collect and analyze
2 information relating to complaints by persons involved in the child protection
3 system; and

4 (7) submit to the General Assembly and the Governor on or before
5 January 15 of each year a report on the Office's activities and
6 recommendations.

7 (d) The Child Protection Advocate may:

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

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

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

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

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

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

1 (g) A person who intentionally hinders the Child Protection Advocate or
2 hinders a representative of the Office of the Child Protection Advocate acting
3 pursuant to this chapter shall be imprisoned not more than one year or fined
4 not more than \$5,000.00, or both.

5 (h) A person who takes discriminatory, disciplinary, or retaliatory action
6 against any person for any communication made or information disclosed to
7 the Child Protection Advocate or to a representative of the Office of the Child
8 Protection Advocate to aid the Advocate in carrying out his or her duties,
9 unless the communication or disclosure was done maliciously or without good
10 faith, shall be imprisoned not more than one year or fined not more than
11 \$5,000.00, or both.

12 Sec. 3. REALLOCATION OF RESOURCES AND ONE POSITION
13 WITHIN THE AGENCY OF ADMINISTRATION; CHILD
14 PROTECTION ADVOCATE

15 (a) Within its existing financial resources and existing positions, the
16 Agency of Administration shall reallocate one position and necessary
17 funding to establish the position of Child Protection Advocate set forth in
18 3 V.S.A. § 2284 on or before January 1, 2017.

19 (b) The position used to establish the position of Child Protection Advocate
20 shall be transferred and converted from an existing vacant position in the

1 Executive Branch, and shall not increase the total number of authorized State
2 positions.

3 (c) The Governor shall appoint the Child Protection Advocate pursuant to
4 3 V.S.A. § 2284 on or before January 1, 2017.

5 Sec. 4. EFFECTIVE DATE

6 This act shall take effect on July 1, 2016.