

**Voices
for Vermont's Children**



To: Chair Donna Sweaney and Members of the House Government Operations Committee

From: Michelle Fay, Associate Director

Re: H.522 Office of Child Protection Advocate

Voices for Vermont's Children Supports a Balanced and Adequately Resourced Approach to Strengthening the Child Protection System

For several years, Voices for Vermont's Children has advocated for an Office of Child Protection Advocate to provide independent oversight of the child protection system. This office is a necessary component of an effective and constantly improving system, to make sure that as a state we are doing all that we can to keep our children safe.

We are also convinced that Vermont's child protection system and the network of community services that support families are woefully under-resourced to the point of crisis. We hesitate to create more layers of accountability without giving DCF and service providers the resources they need to fulfill their responsibilities. For that reason, our testimony in support of establishing an Office of Child Protection Advocate comes with a caveat: strengthening and supporting the core infrastructure of DCF is a mandatory first step in ensuring that Vermont children are protected from abuse and neglect.

In our research into child advocate and child ombuds office models around the country, we've encountered a trend: frustration with providing oversight to a system that is operating without the needed resources to meet state and federal mandates. In the fatality review report prepared by the Vermont Citizen's Advisory Board in the aftermath of the deaths of two children involved with DCF, there are numerous recommendations for system improvements. Some of these were addressed in last year's child protection bill (S.9/Act 60), but we are concerned that without ongoing independent oversight and advocacy, many of the broader recommendations will be pushed to the side by budgetary constraints and the crisis of the day. Our hope is that the establishment of an office of Child Protection Advocate will elevate the need for sufficient resources – both in the child protection system itself and in the related supports for families struggling to provide safe environments for their children.

Voices commends the legislature's inclusion of prevention language in Act 60. This was certainly the intention when differential response was implemented several

years ago. Unfortunately good intentions alone will not turn the curve on child abuse and neglect. When families are placed in the assessment track and caseworkers identify interventions to improve safety, we must ensure that those interventions are available, accessible, and timely. Otherwise we are setting people up to fail.

Our goal is fully resourced system, where we can achieve outcomes that we can be proud of. It takes time to undo patterns and pathology. It also takes resources to honor our commitments, but we are currently providing only a fraction of those supports. As a result, we have dipped below our threshold of acceptable outcomes. Our kids, families, and community partners are not safe.

For these reasons, I urge the committee to consider weighing in on the budget in support of an adequately funded child protection system in conjunction with your support for H.522.

Policy Considerations in H.522

1. *Scope & Role.* There has been testimony suggesting that the office be expanded to receive complaints about a broad range of government services – or at least Agency of Human Services. Voices recommends that at least for now, this office focus exclusively on the child protection system. It seems likely that issues with related systems will emerge, and by noting those and reporting back to the legislature the Advocate can help identify future needs. But for now, the effectiveness of the office will depend on staff's ability to develop expertise on the very complex child protection system.
2. *Funding.* Establishing an office without sufficient staffing and authority will render the Child Protection Advocate ineffective. Investment in effective oversight yields significant returns: savings from averted crises, reduced staff turnover, and most importantly, better outcomes for Vermont's children. Looking to what other states have in place, proportionate to state demographics and the scope of the problem, it's hard to imagine an office functioning effectively without at least 2 full-time staff positions – one functioning as the ombudsperson receiving calls and assessing whether a situation needs a second look, and one focused on synthesizing the data into reports and recommendations for system-wide change. Again, we believe that funding of the office should be in addition to – not in lieu of – adequate funding for DCF/Family Services.
3. *Data.* Access to data for independent analysis has been challenging for a number of years. Voices knows that one of the most important roles of the Child Protection Advocate is to collect and analyze data and to make that data public.
4. *Transparency and system change.* The office would also analyze and monitor child welfare policy and recommend change when appropriate. The Advocate

would prepare a yearly report to the Governor and the Legislature, as well as reports on emergent issues as need.

5. *Independence.* To be truly independent and effective, it is important that the office be housed both physically and administratively outside of the Agency of Human Services. There are compelling arguments for housing it within the Agency of Administration as well as for contracting with an outside entity. Either way, the office must be funded in a manner that is independent of the agency, departments and offices it is obliged to monitor. There are thirty-seven offices of child advocate throughout the United States set up through various structural and funding mechanisms. According to the United States Ombudsman Association (USOA) the advocate must:
- be free from outside control or influence;
 - receive and review each complaint in an objective manner, free from bias;
 - have the privilege and discretion to keep confidential or release any information related to a complaint or investigation;
 - create a credible review process of complaints and perform those reviews in a manner that engenders respect and confidence and be accessible to all potential complainants.

Suggested changes/clarifications to the language of H.522

<u>Section</u>	<u>Suggested Additions/Clarifications</u>
Sec. 2 (c)	Add: Develop and implement a uniform reporting system for collecting and analyzing complaints relating to child protection services.
Sec 2(c)(3)	Tighten up this language – perhaps reference the standards established by the US Ombudsman Association: <ul style="list-style-type: none"> • have the privilege and discretion to keep confidential or release any information related to a complaint or investigation;
Sec. 2 (c)	Establish a formal role with the child fatality review process.
Sec. 2(e)	If no subpoena power, strengthen: <ul style="list-style-type: none"> • All State Agencies shall comply with requests of the Child Protection Advocate for records, information and assistance in a reasonable time period.

Additional Resources:

National Council on State Legislatures survey of Office of Child Advocate models around the country: <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>

Comparison Chart of OCA models that are closest to what Vermont is considering. Prepared by Beth Nolan, Voices for Vermont's Children, in testimony to the Senate Government Operations Committee in Feb. 2015.
<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Government%20Operations/Bills/S.9/S.9~Beth%20Nolan~OCA%20State%20Comparison%20Chart~2-10-2015.pdf>