



March 25, 2015

To: Chair Donna Sweaney and Members of the House Government Operations Committee
From: Sheila Reed, Associate Director

Re: Removal of Office of Child Protection Advocate from S.9

Voices for Vermont's Children requests that the House reinstate, in S.9, the language creating an Office of Child Advocate in the state of Vermont. The language setting up the office was removed by the Senate and sent to the Senate Appropriations Committee due to an accompanying fiscal note. The office may become part of the budget language and make its way out of the Senate. However, with the current budget problems we hold very little hope of it being funded in the FY16 budget. We suggest that the language be reinstated and the office be authorized without a fiscal note. The office could be asked to privately fund itself or public funding could be set for a future date.

We in the child advocacy community often receive calls from members of the public when they are dissatisfied with actions of the Department for Children and Families. Due to important confidentiality requirements placed on the state of Vermont, our community does not and cannot know what actions have been taken by the state on behalf of children at risk. In short, we don't know what happened and we have no independent way of finding out.

My organization, Voices for Vermont's Children, supports the proposal to add outside and continuous oversight and monitoring to our state's child welfare system. Before its removal it was outlined in Section 14 of S.9 and called the Office of the Child Protection Advocate. The Senate Government Operations Committee renamed it the Office of the Child Protection Ombuds. That is the name that was sent to the Senate Appropriations Committee. Currently, we are the only New England state that does not have such an office.

Much of S.9 is focused on parents or caregivers responsible for injuring or neglecting a child. The Office of Child Advocate looks beyond the individual family to the system itself, in essence to our state and our society. The proposed Child Advocate will determine whether the system is properly protecting the child or children it is charged with taking care of. Assessment and recommendations will be current and constant and the office will stay abreast of research and best practices.

The Office of Child Advocate will provide an independent, impartial individual with authority and responsibility to identify, investigate, and resolve complaints on behalf of children and families receiving services from the Agency of Human Services. It will be important to carefully select a strong policy thinker with expertise and experience in the fields of social services, advocacy and law to fill the position. The Child Advocate would have the authority to intervene on behalf of the child or family when appropriate. Two similar advocates or

ombudsmen come to mind – the Health Care Advocate and the Long Term Care Ombudsman. Both of these offices are set up at Vermont Legal Aid and provide independent advocacy and policy work for those Vermonters accessing the health care or the nursing home systems.

Under the bill as drafted the Child Advocate will be appointed by the Governor for a term of four years.

In addition to work on behalf of individuals, the Child Advocate would be responsible for setting up a uniform reporting system for collecting and analyzing complaints. 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.

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. It 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 mechanisms¹ According to the United States Ombudsman Association (USOA) the advocate must be:

- 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 complainants².

With an independent agency having access, yet also required to honor confidentiality, there is an added layer of transparency and oversight. A properly funded and structured Office of the Child Protection Advocate can help prevent another crisis in our child welfare system.

Respectfully submitted.

¹ National Conference of State Legislators: <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>

² USOA: <http://www.usombudsman.org/ombudsman-library/>