

1 H.522

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

6 Referred to Committee on

7 Date:

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

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

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

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

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

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

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

17 § 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

18 (a) The Office of the Child Protection Advocate is created in the Agency of  
19 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.