



137 Main Street, Montpelier, VT 05641  
Tel. 802-229-0579 – e-mail: [vnavt@comcast.net](mailto:vnavt@comcast.net)

To: Representative Ann Pugh, Chair, Members of the Committee  
From: Peter Cobb, VNAV Director  
Date: April 1, 2015

**Testimony to House Human Services on S.9, Legislation to Protect Vermont's Children from Abuse and Neglect**

Thank you for the opportunity to provide testimony on S.9, legislation to protect Vermont's children from abuse and neglect. The 10 members of the VNAs of Vermont run extensive Maternal Child Health programs including services to Vermont's Healthy Babies, Kids and Families program and to the Family, Infant & Toddler program. Our MCH programs include comprehensive prevention and early intervention services as well as medical, educational, and psychosocial support for children and families. All of our 1000+ health care staff - nurses, therapists, social workers, personal care attendants and home health aides - are mandated reporters.

We applaud the intent of S.9. We believe this legislation makes sense and will make Vermont a safer place for children at risk. Concerning comments on the legislation as passed by the Senate, we have been asked to address these four questions:

**1. What sections do you think are essential in meeting this goal?**

*Section 2 - Cruelty to a Child*

Comment - We support the elimination of age requirement (*a child under 10 years of age*) for protection under this statute.

*Section 12 - Reporting Child Abuse and Neglect; Remedial Action*

Comment - We support the requirement that upon request, the Commissioner shall provide relevant information to the person who makes the report and is engaged in an ongoing working relationship with the child or family.

*Section 18 - The Department for Children and Families; Policies, Procedures and Practices.*

Comment - This section clearly defines the role of the Department and ensures that all policies and procedures are enforced, not only in all regions of the state, but also in all Department offices.

*Section 19 - Agency of Human Services; Evidence-Informed Models*

Comment - This section mandates that the state use “evidence-informed models of service to families”. We strongly support this addition.

**2. What pieces are helpful but not essential?**

We have no comment on the other sections of this legislation not specifically mentioned in this testimony as most concern court, adoption and investigative procedures which are beyond our expertise.

**3. What is missing to move the state towards reaching its goals?**

We agree with many others who have commented that a greater emphasis on prevention should be the main goal of Vermont’s child protection responses.

**4. From your perspective, what sections should be amended in order to move us towards this goal?**

*Section 3 Failure to Protect a Child.*

Comments - We have concerns with Section 3 as the language being considered is so broadly worded that home care staff and others, who have properly and in good faith reported cases of child abuse, could be held criminally liable even though they had followed the intent of the law and acted in the best interest of the child.

Also troublesome is the wording: “reasonably should have known” that the child was in danger. This wording does not account for the complicated nature of the encounters between our staff and their clients.

In addition, we are concerned with the Failure to Protect language in Section 3 from the perspective of our clients in domestic violence situations, who may fear for their lives if they come forward, which could put their children at greater risk, not less.

We respectfully request that Section 3 be amended or removed from the bill.

Should you have any questions, please let me know.

Sincerely,  
Peter Cobb, VNAV Director

