



April 15, 2015

TO: Rep. Maxine Grad, Chair
Rep. Willem Jewett, Vice-Chair
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy
RE: S.9 – Child Protection Bill

Thank you for your invitation to speak to you regarding S.9 as drafted in House Human Services.

The Vermont Network wishes to recognize the efforts of both the Senate Judiciary and House Human Services Committee to improve Vermont's child protection system through drafting of S.9. The Vermont Network supports the Legislature's efforts to enhance the statewide approach to the prevention of child abuse and shares the belief that our state's child protection system must ensure safe and nurturing homes for children who have suffered abuse and neglect.

As you are aware, the problems of domestic and sexual violence are present in many of the families with whom DCF is interacting on a daily basis. National research indicates that 30% to 60% of perpetrators of domestic violence also abuse children in the household.ⁱ Sadly, domestic violence and violence against children often coexist in families—the frequency of child abuse doubles in families experiencing domestic violence, compared to families with nonviolent partners, and the rate of child abuse escalates with the severity and frequency of the abuse against the protective parent.ⁱⁱ

Given this strong correlation, it is all the more important that the protection of children include the supports necessary to ensure that the needs of victim parents are also being met and that victim parents are not criminalized by a system that they once turned to for help. S.9 as passed by House Human Services has successfully moved in this direction by removing the felony crime of failure to protect which will re-traumatize children by removing them from protective parents, and arresting and charging victimized parents with a felony crime punishable by up to ten years in jail. Such a crime would have reversed the nearly two decades of effort in Vermont to move away from a punitive model towards a child-centered system that holds perpetrators accountable, while supporting the protective parent in cases of domestic violence.

Vermont is now considered a national leader in domestic violence/child welfare collaboration, and other states look to our model as best practice. This positive trend in Vermont child

protective services is critical in ensuring that children are cared for and feel secure, and that adult victims are not experiencing further trauma at the hands of their systems of support.

For these reasons, we wish to express the following concerns regarding the current version of S.9 as passed by House Human Services:

Section 4 Reporting Child Abuse and Neglect

The Network supports this section as written, including the penalty as proposed by House Human Services. We support the phrase “reasonable cause to believe” and believe that we need to continue to allow up to 24 hours for the report to be made.

- Many cases involving child abuse and domestic violence require a careful and well-thought out strategic approach to safety planning in order to ensure the safety and well-being of all parties involved.
- Forcing mandated reporters to act without reasonable cause, and immediately, may compromise the safety of victim-parents, re-traumatize children, and ultimately overwhelm an overburdened child protection system with reports that might have been more humanely addressed through thoughtful, careful and meaningful engagement with a victim parent.
- We would also caution the committee not to create a penalty for failing to report possible abuse that, in some cases, could actually exceed the penalty for committing the crime itself.

Section 20 Cruelty to a Child

The Network requests that the committee add wording that reads as follows:

A person over ~~the age of~~ 16 years of age, having the custody, charge or care of a child ~~under 10 years of age~~, who ~~wilfully~~ willfully assaults, ~~ill-treats~~, neglects, or abandons or exposes ~~such~~ the child, or causes or ~~procures such~~ the child to be assaulted, ~~ill-treated~~, neglected, abandoned, or exposed, in a manner to cause ~~such~~ the child unnecessary suffering, or to endanger his or her health, **and who would have been able to prevent such suffering or endangerment to the child without risk of bodily injury, death, or sexual assault to the person or the child** shall be imprisoned not more than two years or fined not more than ~~\$500.00~~ \$2,000.00, or both.

Thank you for your time,

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ⁱ Edelson, J.L. (1999). “The Overlap Between Child Maltreatment and Woman Battering.” Violence Against Women. 5:134-154.

ⁱⁱ Strauss, M., Gelles, R.J., and Steinmetz, S. (1980). Behind Closed Doors: Violence in the American Family. New York: Doubleday/Anchor.