

1 TO THE HONORABLE SENATE:

2 The Senate Committee on Judiciary to which was referred Senate Bill No. 9  
3 entitled “An act relating to relating to improving Vermont’s system for  
4 protecting children from abuse and neglect” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Legislative Findings \* \* \*

8 Sec. 1. LEGISLATIVE FINDINGS

9 (a) In 2014, the tragic deaths of two children exposed problems with  
10 Vermont’s system intended to protect children from abuse and neglect. This  
11 act is intended to address these problems and implement the recommendations  
12 of the Joint Legislative Committee on Child Protection created by 2014 Acts  
13 and Resolves No. 179, Sec. C.109.

14 (b) To protect Vermont’s children better from abuse and neglect, and to  
15 address the increasing burden of drug abuse and other factors that are ripping  
16 families apart, the General Assembly believes that our State’s child protection  
17 system must be comprehensive, focused on the safety and best interests of  
18 children, and properly funded. This system must ensure that:

19 (1) the dedicated frontline professionals who struggle to handle the  
20 seemingly ever-increasing caseloads have the support, training, and resources  
21 necessary to do their job;

1           (2) the most serious cases of abuse are thoroughly investigated and  
2           prosecuted if appropriate;

3           (3) courts have the information and tools necessary to make the best  
4           possible decisions;

5           (4) all participants in the child protection system, from the frontline  
6           caseworker to the judge determining ultimate custody, work together to  
7           prioritize the child’s safety and best interests;

8           (5) an effective oversight structure is established; and

9           (6) children who have suffered abuse and neglect can find safe,  
10          nurturing, and permanent homes, whether with their custodial parents,  
11          relatives, or other caring families and individuals.

12          (c) This act is only the beginning of what must be an ongoing process in  
13          which the House and Senate Committees on Judiciary, the Senate Committee  
14          on Health and Welfare, the House Committee on Human Services, in  
15          consultation with the Senate and House Committees on Appropriations,  
16          continue to enhance the statewide approach to the prevention of child abuse  
17          and neglect.

18          (d) In particular, the House and Senate Committees on Appropriations  
19          should seek to ensure that adequate resources are allocated to improve  
20          Vermont’s ability to prevent and address child abuse and neglect, including  
21          providing adequate support for guardians ad litem who work with children.

1       (e) In 2014, the tragic deaths of two children exposed problems with  
2       Vermont’s child protection system. The General Assembly believes that this  
3       act will begin to address these problems, improve our State’s system for  
4       protecting our children, and help prevent future tragedies.

5       \* \* \* Crimes and Criminal Procedure; Cruelty to a Child; Establishing A New  
6       Crime of Failure to Protect a Child; Enhancing Penalties for  
7       Manufacturing Methamphetamine When a Child is Present \* \* \*

8       Sec. 2. 13 V.S.A. § 1304 is amended to read:

9       § 1304. ~~CRUELTY TO CHILDREN UNDER 10 BY ONE OVER 16 A~~

10       CHILD

11       A person over ~~the age of~~ 16 years of age, having the custody, ~~charge~~ or care  
12       of a child ~~under 10 years of age~~, who ~~wilfully~~ willfully assaults, ~~ill treats~~,  
13       neglects, or abandons ~~or exposes such~~ the child, or causes ~~or procures such~~ the  
14       child to be assaulted, ~~ill treated~~, neglected, or abandoned ~~or exposed~~, in a  
15       manner to cause ~~such~~ the child unnecessary suffering, or to endanger his or her  
16       health, shall be imprisoned not more than two years or fined not more than  
17       \$500.00, or both.

18       Sec. 3. 13 V.S.A. § 1304a is added to read:

19       § 1304a. FAILURE TO PROTECT A CHILD

20       (a) A person having the custody or care of a child commits the crime of  
21       failure to protect a child if:

1           (1) the person knows, or reasonably should have known that the child is  
2 in danger of:

3           (A) death;

4           (B) serious bodily injury as defined in section 1021 of this title;

5           (C) lewd or lascivious conduct with a child in violation of section  
6 2602 of this title;

7           (D) sexual exploitation of children in violation of chapter 64 of this  
8 title; or

9           (E) sexual assault in violation of chapter 72 of this title; and

10           (2) the person fails to act to prevent a child from suffering any of the  
11 possible outcomes as set forth in subdivision (1) of this subsection; and

12           (3) the person's failure to act is a proximate cause of the child suffering  
13 any of the possible outcomes as set forth in subdivision (1) of this subsection.

14           (b) It shall be an affirmative defense to this section, if proven by a  
15 preponderance of the evidence, that:

16           (1) the defendant failed to act because of a reasonable fear that he or she  
17 or another person would suffer death, bodily injury, or serious bodily injury as  
18 defined in section 1021 of this title, or sexual assault in violation of chapter 72  
19 of this title as a result of acting to prevent harm to the child; or

1           (2) where the child’s injury or death resulted from a lack of medical  
2           treatment or care, the defendant made a reasonable decision to not seek  
3           medical care or to withhold medical treatment.

4           (c) A person who violates this section shall be imprisoned not more than  
5           ten years or fined not more than \$20,000.00, or both.

6           (d) The provisions of this section shall not limit or restrict prosecutions for  
7           any other offense arising out of the same incident or conduct.

8           Sec. 4. 18 V.S.A. § 4236 is amended to read:

9           § 4236. MANUFACTURE OR CULTIVATION

10           (a)(1) A person knowingly and unlawfully manufacturing or cultivating a  
11           regulated drug shall be imprisoned not more than 20 years or fined not more  
12           than \$1,000,000.00, or both.

13           (2) A person who violates subdivision (1) of this subsection shall be  
14           imprisoned for not more than 30 years or fined not more than \$1,500,000.00,  
15           or both, if:

16                   (A) the regulated drug is methamphetamine; and

17                   (B) a child is actually present at the site of methamphetamine  
18           manufacture or attempted manufacture.

19           (b) This section shall not apply to the cultivation of marijuana.

1 Sec. 5. JUDICIAL BRANCH REPORT ON PROSECUTIONS,  
2 CONVICTIONS, AND SENTENCES PURSUANT TO 13 V.S.A.  
3 § 1304a

4 The Judicial Branch shall track all prosecutions and convictions pursuant to  
5 13 V.S.A. § 1304a, and, on January 15, 2018, shall report to the House and  
6 Senate Committees on Judiciary concerning:

7 (1) the number of arrests, prosecutions, and convictions pursuant to  
8 13 V.S.A. § 1304a;

9 (2) the disposition of all cases prosecuted pursuant to 13 V.S.A.  
10 § 1304a;

11 (3) the sentence imposed for all convictions pursuant to 13 V.S.A.  
12 § 1304a;

13 (4) the number of times an affirmative defense pursuant to 13 V.S.A.  
14 § 1304a(b)(1) was alleged or raised;

15 (5) the disposition of all cases in which an affirmative defense pursuant  
16 to 13 V.S.A. § 1304a(b)(1) was alleged or raised;

17 (6) a comparison of the sentence imposed on any defendant found guilty  
18 after raising an affirmative defense pursuant to 13 V.S.A. § 1304a(b)(1) and  
19 any sentence imposed on the person alleged to have caused the defendant to  
20 fear death, injury, or sexual assault; and

1           (7) Any other data or information that the Judicial Branch deems  
2           relevant.

3                   \* \* \* Municipal and County Government; Special Investigative  
4                                   Units; Mission and Jurisdiction \* \* \*

5           Sec. 6. 24 V.S.A. § 1940 is amended to read:

6           § 1940. ~~TASK FORCES; SPECIALIZED~~ SPECIAL INVESTIGATIVE  
7                                   UNITS; BOARDS; GRANTS

8           (a) Pursuant to the authority established under section 1938 of this title, and  
9           in collaboration with law enforcement agencies, investigative agencies,  
10           victims' advocates, and social service providers, the Department of State's  
11           Attorneys and Sheriffs shall coordinate efforts to provide access in each region  
12           of the state State to special investigative units to ~~investigate sex crimes, child~~  
13           ~~abuse, domestic violence, or crimes against those with physical or~~  
14           ~~developmental disabilities. The General Assembly intends that access to~~  
15           ~~special investigative units be available to all Vermonters as soon as reasonably~~  
16           ~~possible, but not later than July 1, 2009~~ which:

17                   (1) shall investigate:

18                                   (A) an incident in which a child suffers, by other than accidental  
19           means, serious bodily injury as defined in 13 V.S.A. § 1021; and

20                                   (B) potential violations of:

21                                   (i) 13 V.S.A. § 2602;

1                   (ii) 13 V.S.A. chapter 60;

2                   (iii) 13 V.S.A. chapter 64; and

3                   (iv) 13 V.S.A. chapter 72; and

4           (2) may investigate:

5                   (A) an incident in which a child suffers:

6                           (i) bodily injury, by other than accidental means, as defined in

7                   13 V.S.A. § 1021; or

8                           (ii) death; and

9                   (B) potential violations of:

10                           (i) 13 V.S.A. § 2601;

11                           (ii) 13 V.S.A. § 2605;

12                           (iii) 13 V.S.A. § 1304; and

13                           (iv) 13 V.S.A. § 1304a.

14           (b) A ~~task force or specialized~~ special investigative unit organized and  
15           operating under this section may accept, receive, and disburse in furtherance of  
16           its duties and functions any funds, grants, and services made available by the  
17           State of Vermont and its agencies, the federal government and its agencies, any  
18           municipality or other unit of local government, or private or civic sources.

19           Any employee covered by an agreement establishing a special investigative  
20           unit shall remain an employee of the donor agency.



1 (c) A ~~Specialized~~ Special Investigative Unit Grants Board is created which  
2 shall ~~be comprised of~~ comprise the Attorney General, the Secretary of  
3 Administration, the Executive Director of the Department of State's Attorneys  
4 and Sheriffs, the Commissioner of Public Safety, the Commissioner for  
5 Children and Families, a representative of the Vermont Sheriffs' Association, a  
6 representative of the Vermont Association of Chiefs of Police, the Executive  
7 Director of the Center for Crime Victim Services, and the Executive Director  
8 of the Vermont League of Cities and Towns. ~~Specialized~~ Special investigative  
9 units organized and operating under this section ~~for the investigation of sex~~  
10 ~~crimes, child abuse, elder abuse, domestic violence, or crimes against those~~  
11 ~~with physical or developmental disabilities~~ may apply to the Board for a grant  
12 or grants covering the costs of salaries and employee benefits to be expended  
13 during a given year for the performance of unit duties as well as unit operating  
14 costs for rent, utilities, equipment, training, and supplies. Grants under this  
15 section shall be approved by a majority of the entire Board and shall not  
16 exceed 50 percent of the yearly salary and employee benefit costs of the unit.  
17 Preference shall be given to grant applications which include the participation  
18 of the Department of Public Safety, the Department for Children and Families,  
19 sheriffs' departments, community victims' advocacy organizations, and  
20 municipalities within the region. Preference shall also be given to grant  
21 applications which promote policies and practices that are consistent across the

1 State, including policies and practices concerning the referral of complaints,  
2 the investigation of cases, and the supervision and management of special  
3 investigative units. However, a sheriff's department in a county with a  
4 population of ~~less~~ fewer than 8,000 residents shall upon application receive a  
5 grant of up to \$20,000.00 for 50 percent of the yearly salary and employee  
6 benefits costs of a part-time ~~specialized~~ special investigative unit investigator  
7 which shall be paid to the department as time is billed on a per hour rate as  
8 agreed by contract up to the maximum amount of the grant.

9 (d) The Board may adopt rules relating to grant eligibility criteria,  
10 processes for applications, awards, and reports related to grants authorized  
11 pursuant to this section. The Attorney General shall be the adopting authority.

12 \* \* \* Adoption Act; Postadoption Contact Agreements \* \* \*

13 Sec. 7. 15A V.S.A. § 1-109 is amended to read:

14 § 1-109. TERMINATION OF ORDERS AND AGREEMENTS FOR  
15 VISITATION OR COMMUNICATION UPON ADOPTION

16 When a decree of adoption becomes final, except as provided in Article 4 of  
17 this title and 33 V.S.A. § 5323, any order or agreement for visitation or  
18 communication with the minor shall be unenforceable.

1 Sec. 8. 33 V.S.A. § 5323 is added to read:

2 § 5323. POSTADOPTION CONTACT AGREEMENTS

3 (a) Either or both birth parents and each intended adoptive parent may enter  
4 into a postadoption contact agreement regarding communication or contact  
5 between either or both birth parents and the adopted child. Such an agreement  
6 may be entered into if:

7 (1) the child is in the custody of the Department for Children and  
8 Families;

9 (2) an order terminating parental rights has not yet been entered; and

10 (3) either or both birth parents agree to a voluntary termination of  
11 parental rights, including an agreement in a case which began as an involuntary  
12 termination of parental rights.

13 (b) The Court may order postadoption communication or contact  
14 privileges if:

15 (1) it determines that the child's best interests will be served by  
16 postadoption communication or contact with either or both birth parents;

17 (2) each intended adoptive parent consents to the granting of  
18 communication or contact privileges;

19 (3) each intended adoptive parent and either or both birth parents  
20 execute an agreement and file the agreement with the court;

21 (4) the postadoption contact agreement is approved by the court.

1           (c) A postadoption contact agreement shall contain:

2                   (1) an acknowledgment by either or both birth parents that the finality of  
3                   the termination of parental rights and the adoption are not dependent upon the  
4                   adoptive parents abiding by the postadoption contact agreement; and

5                   (2) an acknowledgment by each intended adoptive parent that the  
6                   agreement grants either or both birth parents the right to seek to enforce the  
7                   postadoption contact agreement.

8           (d) The order approving a postadoption contact agreement shall be made  
9           part of the final order terminating parental rights. The finality of the  
10           termination of parental rights and of the adoption shall not be affected by  
11           implementation of the provisions of the postadoption contact agreement.

12           (e) The Probate Division of the Superior Court shall hear petitions brought  
13           to enforce or modify agreements created under this section. A disagreement  
14           between the parties or litigation brought to enforce or modify the agreement  
15           shall not affect the validity of the termination of parental rights or the adoption.

16           The Probate Court shall not act on a petition to change or enforce the  
17           agreement unless the petitioner had participated, or attempted to participate, in  
18           good faith in mediation or other appropriate dispute resolution proceedings to  
19           resolve the dispute.

20           (f) An adoptive parent may, at any time, petition the Probate Division of  
21           the Superior Court for review of communication or contact ordered pursuant to

1 subsection (b) of this section if the adoptive parent believes that the best  
2 interests of the child are being compromised. The Probate Court may order the  
3 communication or contact be terminated or altered as the Court deems to be in  
4 the best interest of the adopted child.

5 \* \* \* Human Services; Child Welfare Services; Definitions;  
6 Investigations; Referral to Law Enforcement\* \* \*

7 Sec. 9. 33 V.S.A. § 4912 is amended to read

8 § 4912. DEFINITIONS

9 As used in this subchapter:

10 \* \* \*

11 (6) “Harm” can occur by:

12 (A) Physical injury or emotional maltreatment.

13 (B) Failure to supply the child with adequate food, clothing, shelter,  
14 or health care. As used in this subchapter, “adequate health care” includes any  
15 medical or nonmedical remedial health care permitted or authorized under ~~state~~  
16 State law. Notwithstanding that a child might be found to be without proper  
17 parental care under chapters 51 and 53 of this title, a parent or other person  
18 responsible for a child’s care legitimately practicing his or her religious beliefs  
19 who thereby does not provide specified medical treatment for a child shall not  
20 be considered neglectful for that reason alone.

21 (C) Abandonment of the child.

1           (D) The possession, use, or sale of alcohol in a manner that harms or  
2           creates a substantial risk of harm to the physical health, psychological growth  
3           and development, or welfare of the child.

4           (E) The unlawful possession, use, manufacture, cultivation, or sale of  
5           a regulated drug, as defined in 18 V.S.A. § 4201, in a manner that harms or  
6           creates a substantial risk of harm to the physical health, psychological growth  
7           and development, or welfare of the child.

8                                 \* \* \*

9           (11) “Physical injury” means ~~death or permanent or temporary~~  
10           ~~disfigurement or impairment of any bodily organ or function by other than~~  
11           ~~accidental means~~ bodily injury or serious bodily injury as defined in 13 V.S.A.  
12           § 1021. “Serious physical injury” means serious bodily injury as defined in  
13           13 V.S.A. § 1021.

14                                 \* \* \*

15           (15) “Sexual abuse” consists of ~~any act or acts by any person involving~~  
16           ~~sexual molestation or exploitation of a child, including incest, prostitution,~~  
17           ~~rape, sodomy, or any lewd and lascivious conduct involving a child. Sexual~~  
18           ~~abuse also includes the aiding, abetting, counseling, hiring, or procuring of a~~  
19           ~~child to perform or participate in any photograph, motion picture, exhibition,~~  
20           ~~show, representation, or other presentation which, in whole or in part, depicts~~

1 ~~sexual conduct, sexual excitement, or sadomasochistic abuse involving a child~~

2 means:

3 (A) lewdness and prostitution in violation of 13 V.S.A. chapter 59;

4 (B) human trafficking in violation of 13 V.S.A. chapter 60;

5 (C) obscenity in violation of 13 V.S.A. chapter 63;

6 (D) sexual exploitation of children in violation of 13 V.S.A.

7 chapter 64; or

8 (E) sexual assault in violation of 13 V.S.A. chapter 72.

9 \* \* \*

10 Sec. 10. 33 V.S.A. § 4915 is amended to read:

11 § 4915. ASSESSMENT AND INVESTIGATION

12 \* \* \*

13 (d) The Department shall conduct an investigation when an accepted report  
14 involves allegations indicating substantial child endangerment. For purposes  
15 of this section, “substantial child endangerment” includes conduct by an adult  
16 involving or resulting in sexual abuse, and conduct by a person responsible for  
17 a child’s welfare involving or resulting in abandonment, child fatality,  
18 malicious punishment, or abuse or neglect that causes serious ~~physical~~ bodily  
19 injury as defined in 13 V.S.A. § 1021. The Department may conduct an  
20 investigation of any report.

21 \* \* \*

1 Sec. 11. 33 V.S.A. § 4915b(e) is amended to read:

2 (e) The Department:

3 (1) shall report to and request assistance from law enforcement in the  
4 following circumstances:

5 ~~(1) investigations of child sexual abuse by an alleged perpetrator age 10~~  
6 ~~or older;~~

7 ~~(2) investigations of serious physical abuse or neglect likely to result in~~  
8 ~~criminal charges or requiring emergency medical care~~

9 (A) an incident in which a child suffers, by other than accidental  
10 means, serious bodily injury as defined in 13 V.S.A. § 1021; and

11 (B) potential violations of:

12 (i) 13 V.S.A. § 2602;

13 (ii) 13 V.S.A. chapter 60;

14 (iii) 13 V.S.A. chapter 64; and

15 (iv) 13 V.S.A. chapter 72; and

16 (C) situations potentially dangerous to the child or Department  
17 worker; and

18 (2) may report to and request assistance from law enforcement in the  
19 following circumstances:

20 (A) an incident in which a child suffers:







1 (b) The Commissioner shall promptly inform the parents, if known, or  
2 guardian of the child that a report has been accepted as a valid allegation  
3 pursuant to subsection 4915(b) of this title and the Department's response to  
4 the report. The Department shall inform the parent or guardian of his or her  
5 ability to request records pursuant to subsection (c) of this section. This  
6 section shall not apply if the parent or guardian is the subject of the  
7 investigation.

8 (c) Upon request, the redacted investigation file shall be disclosed to:

9 (1) the child's parents, foster parent, or guardian, absent good cause  
10 shown by the Department, provided that the child's parent, foster parent, or  
11 guardian is not the subject of the investigation; and

12 (2) the person alleged to have abused or neglected the child, as provided  
13 for in subsection 4916a(d) of this title.

14 (d) ~~Upon request,~~ Department records created under this subchapter shall  
15 be disclosed to:

16 (1) the court, parties to the juvenile proceeding, and the child's guardian  
17 ad litem if there is a pending juvenile proceeding or if the child is in the  
18 custody of the Commissioner;

19 (2) the Commissioner or person designated by the Commissioner to  
20 receive such records;

1 (3) persons assigned by the Commissioner to conduct  
2 investigations; and

3 (4) law enforcement officers engaged in a joint investigation with the  
4 Department, an ~~assistant attorney general~~ Assistant Attorney General, or a  
5 ~~state's attorney~~; State's Attorney.

6 ~~(5) other State agencies conducting related inquiries or proceedings; and~~

7 ~~(6) a Probate Division of the Superior Court involved in guardianship~~  
8 ~~proceedings. The Probate Division of the Superior Court shall provide a copy~~  
9 ~~of the record to the respondent, the respondent's attorney, the petitioner, the~~  
10 ~~guardian upon appointment, and any other individual, including the proposed~~  
11 ~~guardian, determined by the Court to have a strong interest in the welfare of~~  
12 ~~the respondent.~~

13 (e)(1) Upon request, relevant Department records created under this  
14 subchapter ~~may~~ shall be disclosed to:

15 (A) ~~service providers working with a person or child who is the~~  
16 ~~subject of the report; and~~ A person, agency, or organization, including a  
17 multidisciplinary team empaneled under section 4917 of this title, authorized to  
18 diagnose, care for, treat, or supervise a child or family who is the subject of a  
19 report or record created under this subchapter, or who is responsible for the  
20 child's health or welfare.

1           (B) Health and mental health care providers working directly with the  
2 child or family who is the subject of the report or record.

3           (C) Educators working directly with the child or family who is the  
4 subject of the report or record.

5           (D) Licensed or approved foster care givers for the child.

6           (E) Mandated reporters as defined by section 4913 of this subchapter,  
7 making a report in accordance with the provisions of section 4914 of this  
8 subchapter and engaging in an ongoing working relationship with the child or  
9 family who is the subject of the report.

10          (F) Other State agencies conducting related inquiries or proceedings.

11          (G) The Child Protection Advocate appointed under section 8001 of  
12 this title.

13          (H) A Probate Division of the Superior Court involved in  
14 guardianship proceedings. The Probate Division of the Superior Court shall  
15 provide a copy of the record to the respondent, the respondent's attorney, the  
16 petitioner, the guardian upon appointment, and any other individual, including  
17 the proposed guardian, determined by the Court to have a strong interest in the  
18 welfare of the respondent.

19          (I) ~~other~~ Other governmental entities for purposes of child protection.

20          (2) Determinations of relevancy shall be made by the Department. In  
21 providing records under this subsection (e), the Department may withhold

1 information that could compromise the safety of the reporter or the child or  
2 family who is the subject of the report.

3 (3) In providing information under this section, the Department may  
4 also provide other records related to its child protection activities for the child.

5 (f) Any records or reports disclosed under this section and information  
6 relating to the contents of those records or reports shall not be disseminated by  
7 the receiving persons or agencies to any persons or agencies, other than to  
8 those persons or agencies authorized to receive information pursuant to this  
9 section. A person who intentionally violates the confidentiality provisions of  
10 this section shall be fined not more than \$2,000.00.

11 Sec. 14. 33 V.S.A. § 5110 is amended to read:

12 § 5110. CONDUCT OF HEARINGS

13 (a) Hearings under the juvenile judicial proceedings chapters shall be  
14 conducted by the Court without a jury and shall be confidential.

15 (b) The general public shall be excluded from hearings under the juvenile  
16 judicial proceedings chapters, and only the parties, their counsel, witnesses,  
17 persons accompanying a party for his or her assistance, and such other persons  
18 as the Court finds to have a proper interest in the case or in the work of the  
19 Court, including a foster parent or a representative of a residential program  
20 where the child resides, may be admitted by the Court. An individual without  
21 party status seeking inclusion in the hearing may petition the Court for

1 admittance by filing a request with the clerk of the Court. This subsection  
2 shall not prohibit a victim's exercise of his or her rights under sections 5233  
3 and 5234 of this title, and as otherwise provided by law.

4 (c) There shall be no publicity given by any person to any proceedings  
5 under the authority of the juvenile judicial proceedings chapters except with  
6 the consent of the child, the child's guardian ad litem, and the child's parent,  
7 guardian, or custodian. A person who violates this provision may be subject to  
8 contempt proceedings pursuant to Rule 16 of the Vermont Rules for Family  
9 Proceedings.

10 \* \* \* Juvenile Proceedings; General Provisions; Children in Need of Care or  
11 Supervision; Request for an emergency care order \* \* \*

12 Sec. 15. 33 V.S.A. § 5302 is amended to read:

13 § 5302. REQUEST FOR EMERGENCY CARE ORDER

14 (a) If an officer takes a child into custody pursuant to ~~subdivision~~ section  
15 5301(1) or (2) of this title, the officer shall immediately notify the child's  
16 custodial parent, guardian, or custodian and release the child to the care of the  
17 child's custodial parent, guardian, or custodian unless the officer determines  
18 that the child's immediate welfare requires the child's continued absence from  
19 the home.

20 (b) If the officer determines that the child's immediate welfare requires the  
21 child's continued absence from the home, ~~the officer shall:~~





1                               \* \* \* Temporary Care Order; Custody \* \* \*

2       Sec. 16. 33 V.S.A. § 5308 is amended to read:

3       § 5308. TEMPORARY CARE ORDER

4           (a) The Court shall order that legal custody be returned to the child's  
5       custodial parent, guardian, or custodian unless the Court finds by a  
6       preponderance of the evidence that a return home would be contrary to the best  
7       interests of the ~~child's welfare~~ child because any one of the following exists:

8               (1) A return of legal custody could result in substantial danger to the  
9       physical health, mental health, welfare, or safety of the child.

10             (2) The child or another child residing in the same household has been  
11       physically or sexually abused by a custodial parent, guardian, or custodian, or  
12       by a member of the child's household, or another person known to the  
13       custodial parent, guardian, or custodian.

14             (3) The child or another child residing in the same household is at  
15       substantial risk of physical or sexual abuse by a custodial parent, guardian, or  
16       custodian, or by a member of the child's household, or another person known  
17       to the custodial parent, guardian, or custodian. It shall constitute prima facie  
18       evidence that a child is at substantial risk of being physically or sexually  
19       abused if:

1 (A) a custodial parent, guardian, or custodian receives actual notice  
2 that a person has committed or is alleged to have committed physical or sexual  
3 abuse against a child; and

4 (B) a custodial parent, guardian, or custodian knowingly or recklessly  
5 allows the child to be in the physical presence of the alleged abuser after  
6 receiving such notice.

7 (4) The custodial parent, guardian, or guardian has abandoned the child.

8 (5) The child or another child in the same household has been neglected  
9 and there is substantial risk of harm to the child who is the subject of the  
10 petition.

11 (b) Upon a finding that ~~any of the conditions set forth in subsection (a) of~~  
12 ~~this section exists~~ a return home would be contrary to the best interests of the  
13 child, the Court may issue such temporary orders related to the legal custody of  
14 the child as it deems necessary and sufficient ~~to protect the welfare and safety~~  
15 ~~of the child, including, in order of preference:~~

16 (1) ~~A~~ a conditional custody order returning legal custody of the child to  
17 the custodial parent, guardian, or custodian, ~~or~~ noncustodial parent, relative, or a  
18 person with a significant relationship with the child, subject to such conditions  
19 and limitations as the Court may deem necessary and sufficient ~~to protect the~~  
20 ~~child;~~

1           ~~(2)(A) An order transferring temporary legal custody to a noncustodial~~  
2           ~~parent. Provided that parentage is not contested, upon a request by a~~  
3           ~~noncustodial parent for temporary legal custody and a personal appearance of~~  
4           ~~the noncustodial parent, the noncustodial parent shall present to the Court a~~  
5           ~~care plan that describes the history of the noncustodial parent's contact with~~  
6           ~~the child, including any reasons why contact did not occur, and that addresses:~~

7                     ~~(i) the child's need for a safe, secure, and stable home;~~

8                     ~~(ii) the child's need for proper and effective care and control; and~~

9                     ~~(iii) the child's need for a continuing relationship with the~~  
10           ~~custodial parent, if appropriate.~~

11           ~~(B) The Court shall consider court orders and findings from other~~  
12           ~~proceedings related to the custody of the child.~~

13           ~~(C) The Court shall transfer legal custody to the noncustodial parent~~  
14           ~~unless the Court finds by a preponderance of the evidence that the transfer~~  
15           ~~would be contrary to the child's welfare because any of the following exists:~~

16                     ~~(i) The care plan fails to meet the criteria set forth in subdivision~~  
17           ~~(2)(A) of this subsection.~~

18                     ~~(ii) Transferring temporary legal custody of the child to the~~  
19           ~~noncustodial parent could result in substantial danger to the physical health,~~  
20           ~~mental health, welfare, or safety of the child.~~

1           ~~(iii) The child or another child residing in the same household as~~  
2           ~~the noncustodial parent has been physically or sexually abused by the~~  
3           ~~noncustodial parent or a member of the noncustodial parent's household, or~~  
4           ~~another person known to the noncustodial parent.~~

5           ~~(iv) The child or another child residing in the same household as~~  
6           ~~the noncustodial parent is at substantial risk of physical or sexual abuse by the~~  
7           ~~noncustodial parent or a member of the noncustodial parent's household, or~~  
8           ~~another person known to the noncustodial parent. It shall constitute prima facie~~  
9           ~~evidence that a child is at substantial risk of being physically or sexually~~  
10           ~~abused if:~~

11           ~~(I) a noncustodial parent receives actual notice that a person~~  
12           ~~has committed or is alleged to have committed physical or sexual abuse against~~  
13           ~~a child; and~~

14           ~~(II) the noncustodial parent knowingly or recklessly allows the~~  
15           ~~child to be in the physical presence of the alleged abuser after receiving such~~  
16           ~~notice.~~

17           ~~(v) The child or another child in the noncustodial parent's~~  
18           ~~household has been neglected, and there is substantial risk of harm to the child~~  
19           ~~who is the subject of the petition.~~

20           ~~(D) If the noncustodial parent's request for temporary custody is~~  
21           ~~contested, the Court may continue the hearing and place the child in the~~

1 ~~temporary custody of the Department, pending further hearing and resolution~~  
2 ~~of the custody issue. Absent good cause shown, the Court shall hold a further~~  
3 ~~hearing on the issue within 30 days.~~

4 ~~(3) An order transferring temporary legal custody of the child to a~~  
5 ~~relative, provided:~~

6 ~~(A) The relative seeking legal custody is a grandparent, great-~~  
7 ~~grandparent, aunt, great aunt, uncle, great uncle, stepparent, sibling, or~~  
8 ~~step sibling of the child.~~

9 ~~(B) The relative is suitable to care for the child. In determining~~  
10 ~~suitability, the Court shall consider the relationship of the child and the relative~~  
11 ~~and the relative's ability to:~~

12 ~~(i) Provide a safe, secure, and stable environment.~~

13 ~~(ii) Exercise proper and effective care and control of the child.~~

14 ~~(iii) Protect the child from the custodial parent to the degree the~~  
15 ~~Court deems such protection necessary.~~

16 ~~(iv) Support reunification efforts, if any, with the custodial parent.~~

17 ~~(v) Consider providing legal permanence if reunification fails.~~

18 (2) an order transferring temporary legal custody of the child to a  
19 noncustodial parent or to a relative;

20 (3) an order transferring temporary legal custody of the child to a person  
21 with a significant relationship with the child; or

1           (4) an order transferring temporary legal custody of the child to the  
2           Commissioner.

3           ~~(C)(c)~~ The Court shall consider orders and findings from other proceedings  
4           relating to the custody of the child, the child’s siblings, or children of any adult  
5           in the same household as the child.

6           (d) In considering the suitability of a relative under this subdivision (3) an  
7           order under subsection (b) of this section, the Court may order the Department  
8           to conduct an investigation of a person seeking custody of the child, and the  
9           suitability of that person’s home, and file a written report of its findings with  
10           the Court. The Court may place the child in the temporary custody of the  
11           Department Commissioner, pending such investigation.

12           ~~(4) A temporary care order transferring temporary legal custody of the~~  
13           ~~child to a relative who is not listed in subdivision (3)(A) of this subsection or a~~  
14           ~~person with a significant relationship with the child, provided that the criteria~~  
15           ~~in subdivision (3)(B) of this subsection are met. The Court may make such~~  
16           ~~orders as provided in subdivision (3)(C) of this subsection to determine~~  
17           ~~suitability under this subdivision.~~

18           ~~(5) A temporary care order transferring temporary legal custody of the~~  
19           ~~child to the Commissioner.~~

20           ~~(e)(e)~~ If the Court transfers legal custody of the child, the Court shall issue  
21           a written temporary care order.

1 (1) The order shall include:

2 (A) ~~a A finding that remaining in the home is contrary to the child's~~  
3 ~~welfare~~ best interests of the child and the facts upon which that finding is  
4 based; ~~and.~~

5 (B) a A finding as to whether reasonable efforts were made to  
6 prevent unnecessary removal of the child from the home. If the Court lacks  
7 sufficient evidence to make findings on whether reasonable efforts were made  
8 to prevent the removal of the child from the home, that determination shall be  
9 made at the next scheduled hearing in the case but, in any event, no later than  
10 60 days after the issuance of the initial order removing a child from the home.

11 (2) The order may include other provisions as may be ~~necessary for the~~  
12 ~~protection and welfare~~ in the best interests of the child, ~~such as~~ including:

13 (A) establishing parent-child contact ~~under such and terms and~~  
14 ~~conditions as are necessary for the protection of the child.~~ and terms and  
15 conditions for that contact;

16 (B) requiring the Department to provide the child with services, if  
17 legal custody of the child has been transferred to the Commissioner;

18 (C) requiring the Department to refer a parent for appropriate  
19 assessments and services, including a consideration of the needs of children  
20 and parents with disabilities, provided that the child's needs are given primary  
21 consideration;

1 (D) requiring genetic testing if parentage of the child is at issue;

2 (E) requiring the Department to make diligent efforts to locate the  
3 noncustodial parent;

4 (F) requiring the custodial parent to provide the Department with  
5 names of all potential noncustodial parents and relatives of the child; and

6 (G) establishing protective supervision and requiring the Department  
7 to make appropriate service referrals for the child and the family, if legal  
8 custody is transferred to an individual other than the Commissioner.

9 (3) In his or her discretion, the Commissioner may provide assistance  
10 and services to children and families to the extent that funds permit,  
11 notwithstanding subdivision (2)(B) of this subsection.

12 ~~(d) If a party seeks to modify a temporary care order in order to transfer~~  
13 ~~legal custody of a child from the Commissioner to a relative or a person with a~~  
14 ~~significant relationship with the child, the relative shall be entitled to~~  
15 ~~preferential consideration under subdivision (b)(3) of this section, provided~~  
16 ~~that a disposition order has not been issued and the motion is filed within~~  
17 ~~90 days of the date that legal custody was initially transferred to the~~  
18 ~~Commissioner.~~



1                   \* \* \* Legislature; Establishing a Joint Legislative Child  
2                   Protection Oversight Committee \* \* \*

3           Sec. 17. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT  
4                   COMMITTEE

5           (a) Creation. There is created a Joint Legislative Child Protection  
6           Oversight Committee.

7           (b) Membership. The Committee shall be composed of the following  
8           10 members, who shall be appointed each biennial session of the General  
9           Assembly:

10           (1) Five current members of the House of Representatives, not all  
11           from the same political party, who shall be appointed by the Speaker of  
12           the House; and

13           (2) Five current members of the Senate, not all from the same political  
14           party, who shall be appointed by the Committee on Committees.

15           (3) In addition to two members-at-large appointed from each chamber,  
16           one appointment shall be made from the following committees:

17                   (A) House Committee on Appropriations;

18                   (B) Senate Committee on Appropriations;

19                   (C) House Committee on Judiciary;

20                   (D) Senate Committee on Judiciary;

21                   (E) House Committee on Human Services; and

1                   (F) Senate Committee on Health and Welfare.

2                   (c) Powers and duties.

3                   (1) The Committee shall:

4                   (A) Exercise oversight over Vermont’s system for protecting children  
5 from abuse and neglect, including:

6                   (i) evaluating whether the branches, departments, agencies, and  
7 persons that are responsible for protecting children from abuse and neglect are  
8 effective;

9                   (ii) determining if there are deficiencies in the system and the  
10 causes of those deficiencies;

11                   (iii) evaluating which programs are the most cost-effective;

12                   (iv) determining whether there is variation in policies, procedures,  
13 practices, and outcomes between different areas of the State and the causes and  
14 results of any such variation;

15                   (v) determining how to improve data sharing between the courts,  
16 treatment providers, Agency of Education, Department for Children and  
17 Families, and other branches, departments, agencies, and persons involved in  
18 protecting children from abuse and neglect, including:

19                   (I) determining the data that should be shared between parties;

20                   (II) investigating regulatory requirements and security  
21 parameters;

1 (III) investigating the potential costs of creating a platform to  
2 share data; and

3 (vi) making recommendations to address these issues and to  
4 improve the system for protecting children from abuse and neglect.

5 (B) Exercise oversight over the Department for Children and  
6 Families, including reviewing and making recommendations concerning the  
7 Department's:

8 (i) strategic and operating plans;

9 (ii) policies, procedures, and practices;

10 (iii) staffing and employee issues, including hiring, training, and  
11 retention;

12 (iv) organization; and

13 (v) budget.

14 (C) At least annually, report on the Committee's activities and  
15 recommendations to the General Assembly.

16 (2) The Committee may:

17 (A) review and make recommendations to the House and Senate  
18 Committees on Appropriations regarding:

19 (i) the Department for Children and Families' budget proposal and  
20 appropriations; and

1                   (ii) other budget proposals and appropriations relating to  
2                   protecting children from abuse and neglect; and

3                   (B) review specific reports and cases concerning child abuse and  
4                   neglect as necessary to fulfill the Committee’s powers and duties.

5                   (d) Assistance. The Committee shall have the administrative, technical,  
6                   and legal assistance of the Office of Legislative Council.

7                   (e) Data and records. All State agencies and departments shall provide data  
8                   and records to the Committee upon request. Notwithstanding any other  
9                   provision of law to the contrary, the Committee may receive records that are  
10                  confidential, privileged, or the release of which is restricted under law. All  
11                  State agencies and departments shall provide such records to the Committee  
12                  upon request. Any such records obtained by the Committee shall be exempt  
13                  from public inspection and copying, shall be kept confidential by the  
14                  Committee, and shall not be disclosed.

15                  (f) Retaliation. No person who is an employee of the State of Vermont, or  
16                  of any State, local, county, or municipal department, agency, or person  
17                  involved in child protection, and who testifies before, supplies information to,  
18                  or cooperates with the Committee shall be subject to retaliation by his or her  
19                  employer. Retaliation shall include job termination, demotion in rank,  
20                  reduction in pay, alteration in duties and responsibilities, transfer, or a negative

1 job performance evaluation based on the person's having testified before,  
2 supplied information to, or cooperated with the Committee.

3 (g) Meetings.

4 (1) The member appointed from the Senate Committee on Health and  
5 Welfare shall call the first meeting of the Committee.

6 (2) The Committee shall select a Chair, Vice Chair, and Clerk from  
7 among its members and may adopt rules of procedure. The Chair shall rotate  
8 biennially between the House and the Senate members. A quorum shall consist  
9 of six members.

10 (3) When the General Assembly is in session, the Committee shall meet  
11 at the call of the Chair. The Committee may meet six times during  
12 adjournment, and may meet more often subject to approval of the Speaker of  
13 the House and the President Pro Tempore of the Senate.

14 (h) Reimbursement. For attendance at meetings during adjournment of the  
15 General Assembly, members of the Committee shall be entitled to per diem  
16 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

17 (i) Sunset. On December 30, 2020, this section (creating the Joint  
18 Legislative Child Protection Oversight Committee) is repealed and the  
19 Committee shall cease to exist.

1           \* \* \* Establishing the Office of the Child Protection Advocate \* \* \*

2           Sec. 18. 3 V.S.A. chapter 45, subchapter 4 is redesignated to read:

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

4           Sec. 19. 3 V.S.A. § 2284 is added to read:

5           § 2284. OFFICE OF THE CHILD PROTECTION ADVOCATE

6           (a) The Office of the Child Protection Advocate is created in the Agency of  
7           Administration.

8           (b) The Office shall be headed by the Child Protection Advocate, who shall  
9           be an individual with expertise and experience relevant to protecting children  
10           from abuse and neglect. The Vermont Child Protection Advocate shall be  
11           appointed:

12                     (1) by the Governor subject to the advice and consent of the Senate; and

13                     (2) for a term of four years and until his or her successor is appointed  
14           and qualified.

15           (c) The Child Protection Advocate shall:

16                     (1) investigate and resolve complaints on behalf of persons involved in  
17           the child protection system;

18                     (2) analyze and monitor the development and implementation of federal,  
19           State, and local laws, and of regulations and policies relating to child  
20           protection and to the Department for Children and Families, and make  
21           recommendations as he or she deems appropriate;

1           (3) provide information to the public, agencies, legislators, and others  
2           regarding problems and concerns of persons involved in the child protection  
3           system, including recommendations relating to such problems and concerns;

4           (4) promote the development and involvement of citizen organizations  
5           in the work of the Office and in protecting children from abuse and neglect;

6           (5) train persons and organizations in advocating for the interests of  
7           children and persons involved in the protecting children from abuse and  
8           neglect;

9           (6) develop and implement a reporting system to collect and analyze  
10           information relating to complaints by persons involved in the child protection  
11           system; and

12           (7) submit to the General Assembly and the Governor on or before  
13           January 15 of each year a report on the Office's activities and  
14           recommendations.

15           (d) The Child Protection Advocate may:

16           (1) hire or contract with persons to fulfill the purposes of this chapter;

17           (2) have appropriate access to review the records of State agencies;

18           (3) pursue administrative, judicial, or other remedies on behalf of  
19           persons involved in the child protection system;

20           (4) delegate to employees of the Office any part of his or her authority;

1           (5) adopt rules, policies, and procedures necessary to carry out the  
2           provisions of this chapter, including prohibiting any employee or immediate  
3           family member of any employee from having any interest which creates a  
4           conflict of interest in carrying out the Advocate’s responsibilities under this  
5           chapter;

6           (6) take any other action necessary to fulfill the purposes of this chapter.

7           (e) All State agencies shall comply with reasonable requests of the Child  
8           Protection Advocate for records, information, and assistance.

9           (f) No civil liability shall attach to the Child Protection Advocate or any  
10          employee of the Office of the Child Protection Advocate for good faith  
11          performance of the duties imposed by this chapter.

12          (g) A person who intentionally hinders the Child Protection Advocate or a  
13          representative of the Office of the Child Protection Advocate acting pursuant  
14          to this chapter shall be imprisoned not more than one year or fined not more  
15          than \$5,000.00, or both.

16          (h) A person who takes discriminatory, disciplinary, or retaliatory action  
17          against any person for any communication made, or information disclosed, to  
18          the Child Protection Advocate or to a representative of the Office of the Child  
19          Protection Advocate to aid the Advocate in carrying out his or her duties,  
20          unless the communication or disclosure was done maliciously or without good



1 faith, shall be imprisoned not more than one year or fined not more than  
2 \$5,000.00, or both.

3 \* \* \* Department for Children and Families; Policies \* \* \*

4 Sec. 20. THE DEPARTMENT FOR CHILDREN AND FAMILIES;  
5 POLICIES, PROCEDURES, AND PRACTICES

6 (a) The Commissioner for Children and Families shall:

7 (1) ensure that policies, procedures, and practices are consistent, and are  
8 applied in a consistent manner, in all Department offices and in all regions of  
9 the State;

10 (2) ensure that policies, procedures, and practices are consistent with  
11 statute;

12 (3) develop metrics as to the appropriate case load for social workers in  
13 the Family Services Division that take into account the experience and training  
14 of a social worker, the number of families and the total number of children a  
15 social worker is responsible for, and the acuity or difficulty of cases;

16 (4) ensure that all employees assigned to carry out investigations have  
17 training or experience in conducting investigations and have a Master's degree  
18 in social work or an equivalent degree, or relevant experience;

1           (5) develop policies, procedures, and practices to:

2           (A) ensure the consistent sharing of information, in a manner that  
3           complies with statute, with law enforcement, treatment providers, courts,  
4           State’s Attorneys, guardians ad litem, and other relevant parties;

5           (B) encourage law enforcement, treatment providers, and all  
6           agencies, departments, and other persons that support recovery to provide  
7           regular treatment progress updates to the Commissioner;

8           (C) ensure that courts have all relevant information in a timely  
9           fashion, and that Department employees file paperwork and reports in a timely  
10          manner;

11          (D) require increased monitoring of a child’s safety if:

12           (i) other children have been removed from the same home or the  
13           parent or guardian’s parental rights as to another child have been  
14           terminated; or

15           (ii) the child is returned to a home from which other children have  
16           been removed;

17          (E) require that all persons living in a household, or that will have  
18          child care responsibilities, will be assessed for criminal history and potential  
19          safety risks whenever a child who has been removed from a home is returned  
20          to that home;

1           (F) increase the number of required face-to-face meetings between  
2           social workers and children;

3           (G) increase the number of required home visits and require  
4           unannounced home visits;

5           (H) improve information sharing with mandatory reporters who have  
6           an ongoing relationship with a child;

7           (I) ensure that mandatory reporters are informed that any confidential  
8           information they may receive cannot be disclosed to a person who is not  
9           authorized to receive that information; and

10          (J) apply results-based accountability or other data-based quality  
11          measures to determine if children in different areas of the State have different  
12          outcomes and the reasons for those differences.

13          (b) On or before April 3, 2015, the Commissioner shall submit a written  
14          report to the House Committees on Human Services and on Judiciary and to  
15          the Senate Committees on Health and Welfare and on Judiciary on:

16          (1) The Commissioner's response to the Vermont Citizen's Advisory  
17          Board (VCAB) Child Death Review Report dated November 7, 2014, and to  
18          the Casey Family Programs report dated December, 2014, including:

19                 (A) the Commissioner's response to every recommendation in the  
20                 reports and:

1                   (i) if the Commissioner agrees with a recommendation, an  
2                   explanation of any changes made in response to the recommendation;

3                   (ii) if the Commissioner does not agree with a recommendation,  
4                   an explanation of why; and

5                   (iii) any suggestions concerning other options to implement a  
6                   recommendation; and

7                   (B) a description of any changes to the Department’s policies,  
8                   procedures, and practices made in response to the reports, including the  
9                   language of any new or amended policies and procedures.

10                  (2) The Commissioner’s response to the issues in subsection (a) of this  
11                  section, including the language of any new or amended policies and  
12                  procedures.

13                  \* \* \* Agency of Human Services; Evidence-Informed Models \* \* \*

14                  Sec. 21. AGENCY OF HUMAN SERVICES; EVIDENCE-INFORMED  
15                  MODELS

16                  The Secretary of Human Services shall identify and utilize  
17                  evidence-informed models of serving families that prioritize safety and  
18                  prevention through early interventions with high risk families. The Secretary  
19                  shall make recommendations in the FY2017 budget that reflect the utilization  
20                  of these models.

1                   \* \* \* Improvements to CHINS Proceedings \* \* \*

2           Sec. 22. WORKING GROUP TO RECOMMEND IMPROVEMENTS TO  
3                   CHINS PROCEEDINGS

4           (a) Creation. There is created a working group to recommend ways to  
5           improve the efficiency, timeliness, and process of Children in Need of Care or  
6           Supervision (CHINS) proceedings.

7           (b) Membership. The Working Group shall be composed of the following  
8           members:

9                   (1) the Chief Administrative Judge or designee;

10                   (2) the Defender General or designee;

11                   (3) the Attorney General or designee;

12                   (4) the Commissioner for Children and Families or designee;

13                   (5) the Executive Director of State's Attorneys and Sheriffs or  
14           designee; and

15                   (6) a guardian ad litem who shall be appointed jointly by the President  
16           Pro Tempore of the Senate and the Speaker of the House.

17           (c) Powers and duties. The Working Group shall study and make  
18           recommendations concerning:

19                   (1) the reasons that statutory time frames are not met and how to ensure  
20           that statutory time frames are met in 90 percent of proceedings;

1           (2) how to ensure that attorneys, judges, and guardians ad litem appear  
2           on time and are prepared;

3           (3) how to monitor and improve the performance and work quality of  
4           attorneys, judges, and guardians ad litem;

5           (4) how to ensure that there is a sufficient number of attorneys available  
6           to handle all CHINS cases, in all regions of the State, in a timely manner;

7           (5) the role of guardians as litem, and how to ensure their information is  
8           presented to, and considered by, the court;

9           (6) how to ensure that once a child is returned to his or her family, the  
10          court or the Department for Children and Families, may continue to monitor  
11          the child and family where appropriate, and how to expedite a new proceeding  
12          that concerns a family with repeated contacts with the child protection system;

13          (7) whether the adoption of American Bar Association standards for  
14          attorneys who work in the area of child abuse and neglect would be  
15          appropriate; and

16          (8) any other issue the Working Group determines is relevant to improve  
17          the efficiency, timeliness, process, and results of CHINS proceedings.

18          (d) Assistance. The Working Group shall have the administrative,  
19          technical, and legal assistance of the Office of the Attorney General. The  
20          Working Group may consult with any persons necessary in fulfilling its powers  
21          and duties.

