

S.9 Sen. Gov. Ops suggested changes to Judiciary strike all, sections concerning oversight committee and ombuds. For discussion at 2/13/15, hearing.

\* \* \* Legislature; Establishing a Joint Legislative Child

Protection Oversight Committee \* \* \*

## Sec. 17. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT

### COMMITTEE

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

(b) Membership. The Committee shall be composed of the following 12 members, who shall be appointed each biennial session of the General Assembly:

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

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

(3) In addition to two members-at-large appointed from each Chamber, one appointment shall be made from the:

(A) House Committee on Appropriations;

(B) Senate Committee on Appropriations;

(C) House Committee on Education;

(D) Senate Committee on Education;

(E) House Committee on Judiciary;

(F) Senate Committee on Judiciary;

(E) House Committee on Human Services; and

(G) Senate Committee on Health and Welfare.

(c) Powers and duties.

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(1) The Committee shall:

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

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

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

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

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

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

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

(II) investigating regulatory requirements and security parameters;

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

and

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

**Note: Language concerning oversight over DCF removed.**

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

(2) The Committee may:

(A) Review and make recommendations to the House and Senate Committees on Appropriations regarding budget proposals and appropriations relating to protecting children from abuse and neglect.

(B) Review aggregate reports concerning child abuse and neglect as necessary to fulfill the Committee's powers and duties. Note: Ability review individual case files and confidential materials removed.

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

(e) Data and records. All State agencies and departments shall provide data and aggregated information to the Committee upon request.

(f) Retaliation. No person who is an employee of the State of Vermont, or of any State, local, county, or municipal department, agency, or person involved in child protection, and who testifies before, supplies information to, or cooperates with the Committee shall be subject to retaliation by his or her employer. Retaliation shall include job termination, demotion in rank, reduction in pay, alteration in duties and responsibilities, transfer, or a negative job performance evaluation based on the person's having testified before, supplied information to, or cooperated with the Committee.

(g) Meetings.

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

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

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

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

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

\* \* \* Establishing the Office of the Child Protection Ombuds \* \* \*

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

Subchapter 4. Departments, Divisions, Offices, and Boards

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

§ 2284. OFFICE OF THE CHILD PROTECTION OMBUDS

(a) The Office of the Child Protection Ombuds is created in the Agency of Administration.

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

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

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

(c) The Child Protection Ombuds shall:

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

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

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

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

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

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

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

(d) The Child Protection Ombuds may:

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

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

(3) delegate to employees of the Office any part of his or her authority; and

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(4) adopt rules, policies, and procedures necessary to carry out the provisions of this chapter, including prohibiting any employee or immediate family member of any employee from having any interest which creates a conflict of interest in carrying out the Ombuds's responsibilities under this chapter.

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

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

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

(h) A person who takes discriminatory, disciplinary, or retaliatory action against any person for any communication made, or information disclosed, to the Child Protection Ombuds or to a representative of the Office of the Child Protection Ombuds to aid the Ombuds in carrying out his or her duties, unless the communication or disclosure was done maliciously or without good faith, shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.