

Senate Health and Welfare Committee
State Capitol Building
Montpelier, Vermont

Re: Senate Bill S.9, Sections 7 & 8, 33 V.S.A. 4913 and 4921

Dear Senator Ayers,

Thank you for allowing me to testify on the issues of confidentiality in Senate Bill S9.

I would recommend that Section 7, (b) 1 be changed to state the following: The Commissioner shall inform mandated reporters who made a report under subsection (a) of this section that:

(A) a mandated reporter making a report will be notified at the time that the report is made, that he or she has a right to be informed about what action, if any, has been taken as a result of the report. If the reporter is not satisfied with the response from DCF or does not get a response, that person should be told to whom a complaint can be made. Actions include:

(B) whether the report was accepted as a valid allegation of abuse or neglect;

(C) whether an assessment was conducted and, if so, whether a need for services was found: and

(D) whether an investigation was conducted and, if so, whether it resulted in a substantiation.

I recommend amending (2), to read: Upon request the Commissioner shall provide mandated reporters making a report under subsection (a) of this section with access to information contained in the case records concerning the person's report.

I recommend that not all citizens who make reports have access to case files of children involved with DCF. There is not enough staff time, nor should the State of Vermont afford enough staff time to respond to such requests. When those who report are close to the family they will probably be told by the family, what has taken place with DCF, if anything. If a reporter remains concerned and continues to suspect abuse, they are free to make additional reports or contact the Office of Child Advocate, should Vermont have this Office.

In proposed Section 8, DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT, (b), I recommend that " ... or is believed may compromise the investigation with such knowledge.", be added to the final sentence.

In cases where the perpetrator is the partner of the parent or another person with power in the parent's life, it is quite likely that the parent who has been told that a report has been accepted, will tell the alleged perpetrator. The alleged perpetrator then has time to threaten the child or others, make up a story, flee or otherwise foil the investigation. This is particularly common in child sexual abuse cases or where domestic violence is also taking place.

Thank you for taking my testimony today and for your dedication to the safety and well being of Vermont's children and families.

For Our Children,

Linda E Johnson

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