



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

April 12, 2017

Brian Grearson, Chief Superior Judge
111 State Street
Montpelier, VT 05609

Ken Schatz, Commissioner
Department for Children and Families
280 State Drive, HC 1 North
Waterbury, VT 05671-1080

Dear Judge Grearson and Commissioner Schatz:

It is the intent of the General Assembly that the Judiciary and the Department for Children and Families comply with the requirements set forth in 33 V.S.A. §§ 5110, 5320, and 5321, including the provision regarding foster parents, preadoptive parents, and relative caregivers. The statute governing the confidentiality of juvenile proceedings, 33 V.S.A. § 5110, provides that certain individuals may properly be admitted by the court, including:

“persons as the Court finds to have a proper interest in the case or in the work of the Court, including a foster parent or a representative of a residential program where the child resides. ...”

According to current law, foster parents, preadoptive parents, and relative caregivers have the right to receive notice and be heard at the postdisposition review phase and the permanency phase of a CHINS proceeding. In the course of its hearings on H.11, the House Committee on Human Services learned that foster parents often do not receive notice of these hearings and are not given the opportunity to share their views with the court. The Committee also heard testimony that it is unclear who is responsible for providing notice of these hearings.

In keeping with the intent of 2015 Acts and Resolves No. 60, an act relating to improving Vermont’s system for protecting children from abuse and neglect, the General Assembly believes that Vermont’s child protection

system must be focused on the safety and best interests of children. Vermont's statutes governing the CHINS process are intended to ensure that courts make decisions about the best interest of the child based upon the most information possible while balancing privacy interests and due process requirements. The General Assembly enacted the requirement that foster parents and other individuals with immediate and personal knowledge of a child receive notice and an opportunity to be heard at certain stages of a CHINS proceeding in 2007 Acts and Resolves No. 185. The intent of this provision is to provide the court with relevant information on which to base its postdisposition and permanency decisions.

To that end, the House Committee on Human Services expects both the Court Administrator's Office and the Department for Children and Families to ensure that foster parents, preadoptive parents, and relative caregivers receive notice and an opportunity to be heard at the appropriate stages of a CHINS proceeding in accordance with law. Additionally, the Committee requests that no later than July 1, 2017 the Court Administrator's Office and the Department jointly execute a memorandum of understanding to coordinate the provision of timely and effective notice to these individuals that informs them of their right to be heard at the postdisposition and permanency hearings.

Please provide an update to the Committee on or before April 28, 2017 on the steps taken to date toward developing the memorandum of understanding. In addition, please provide two follow-up reports to the Joint Legislative Child Protection Oversight Committee and the House Committee on Human Services, one on September 15, 2017, and one on December 15, 2017. The follow-up reports should describe the process by which foster parents, preadoptive parents, and relative caregivers understand their right to be heard at certain stages of a CHINS proceeding; how notice is conveyed to foster parents, preadoptive parents, and relative caregivers; and whether and how the perspective of foster parents, preadoptive parents, and relative caregivers is reflected in the reports the Department files with the court at all stages of a CHINS proceeding. The Committee is also interested in knowing the method by which judicial and DCF staff are informed of changes in law and procedures.

Sincerely,

Representative Ann Pugh, Chair
House Committee on Human Services

cc: Matt Valerio, Defender General
Representative Janssen Willhoit, H.11 sponsor