

1 Representative Willhoit of St. Johnsbury moves to amend the bill by  
2 striking out all after the enacting clause and inserting in lieu thereof the  
3 following:

4 Sec. 1. 33 V.S.A. § 4916b is amended to read:

5 § 4916b. HUMAN SERVICES BOARD HEARING

6 (a) Within 30 days ~~of~~ after the date on which the administrative reviewer  
7 mailed notice of placement of a report on the Registry, the person who is the  
8 subject of the substantiation may apply in writing to the Human Services  
9 Board for relief. The Board shall hold a fair hearing pursuant to 3 V.S.A.  
10 § 3091. When the Department receives notice of the appeal, it shall make note  
11 in the Registry record that the substantiation has been appealed to the Board.

12 (b)(1) The Board shall hold a hearing within 60 days ~~of~~ after the receipt of  
13 the request for a hearing and shall issue a decision within 30 days ~~of~~ after the  
14 hearing.

15 (2) Priority shall be given to appeals in which there are immediate  
16 employment consequences for the person appealing the decision.

17 (3) ~~Rule 804a of the Vermont Rules of Evidence (V.R.E.) shall apply to~~  
18 ~~hearings held under this subsection only as follows:~~

19 (A) ~~V.R.E. 804a(a)(1) and (4) shall apply.~~

1           ~~(B) V.R.E. 804a(a)(2) shall apply, except that any deposition or~~  
2           ~~testimony given under oath at another proceeding shall be admissible evidence~~  
3           ~~in a hearing held under this subsection.~~

4           ~~(C) V.R.E. 804a(a)(3) shall apply to hearings under this subsection~~  
5           ~~unless the hearing officer determines, based on a preponderance of the~~  
6           ~~evidence, that requiring the child to testify will present a substantial risk of~~  
7           ~~trauma to the child.~~

8           ~~(D) V.R.E. 804a(b) shall not apply~~ A child under 18 years of age who  
9           is alleged to have been abused or neglected shall not be required to testify or  
10           give evidence at any hearing held under this subchapter. Article VIII of the  
11           Vermont Rules of Evidence (Hearsay) shall not apply to any hearing held  
12           pursuant to this subchapter with respect to statements made by a child under  
13           18 years of age who is alleged to have been abused or neglected. Evidence  
14           shall be admissible if the time, content, and circumstances of the statements  
15           provide substantial indicia of trustworthiness.

16           (4) Convictions and adjudications ~~which~~ that arose out of the same  
17           incident of abuse or neglect for which the person was substantiated, whether by  
18           verdict, by judgment, or by a plea of any type, including a plea resulting in a  
19           deferred sentence, shall be competent evidence in a hearing held under this  
20           subchapter.

1 (c) A hearing may be stayed upon request of the petitioner if there is a  
2 related case pending in the Criminal or Family Division of the Superior Court  
3 ~~which~~ that arose out of the same incident of abuse or neglect for which the  
4 person was substantiated.

5 (d) If no review by the Board is requested, the Department’s decision in the  
6 case shall be final, and the person shall have no further right for review under  
7 this section. The Board may grant a waiver and permit such a review upon  
8 good cause shown.

9 Sec. 2. MANDATORY CHILDHOOD TRAUMA TRAINING

10 Each member of the Vermont Judiciary presiding over a CHINS docket  
11 shall attend training related to childhood trauma within one year after  
12 beginning to preside over this docket. Each attorney with more than  
13 25 percent of a court practice in the CHINS docket shall attend training related  
14 to childhood trauma within one year of the practice’s reaching the 25 percent  
15 threshold.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on July 1, 2018.