

(Boston Globe Spotlight Article)

Vermont

AGE OF CONSENTThe age of consent in Vermont is generally 16, but increases to 18 for certain cases in which the offender is in an authority position over the teenager.

STATUTES OF LIMITATIONSVictims who were sexually abused as children must generally file civil suits by the time they turn 24 (or six years from the date they discovered the harm from the abuse, whichever is later). There is no criminal statute of limitations for aggravated sex assault on a child; some other crimes must be filed within 40 years. However, the statute of limitations may have already expired for some offenses, before the law was changed three years ago.

LICENSURE Private school teachers are generally not required to be licensed.

PRIVACY LAWSThere is no legal requirement for schools to warn other institutions when a worker who has been accused of sexual abuse applies for jobs elsewhere. Nor is there any law barring schools from signing confidentiality agreements to resolve allegations of sexual abuse.

MANDATORY REPORTINGIf educators fail to report abuse of a child under 18, they could face a fine of \$500. If there is an “intent to conceal abuse or neglect,” it could result in up to six months of imprisonment or a fine up to \$1,000. There have been criminal charges filed at least twice against school officials for failing to report an incident.

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 13 : Crimes And Criminal Procedure****Chapter 072 : Sexual Assault****Subchapter 001 : Crimes; Trial**

(Cite as: 13 V.S.A. § 3258)

§ 3258. Sexual exploitation of a minor

(a) No person shall engage in a sexual act with a minor if:

(1) the actor is at least 48 months older than the minor; and

(2) the actor is in a position of power, authority, or supervision over the minor by virtue of the actor's undertaking the responsibility, professionally or voluntarily, to provide for the health or welfare of minors, or guidance, leadership, instruction, or organized recreational activities for minors.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$2,000.00, or both.

(c) A person who violates subsection (a) of this section and who abuses his or her position of power, authority, or supervision over the minor in order to engage in a sexual act shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both. (Added 2009, No. 1, § 13, eff. March 4, 2009.)

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 13 : Crimes And Criminal Procedure

Chapter 151 : Limitation Of Prosecutions And Actions

(Cite as: 13 V.S.A. § 4501)

§ 4501. Limitation of prosecutions for certain crimes

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, sexual assault, lewd and lascivious conduct, sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

- (1) sexual assault;
- (2) lewd and lascivious conduct;
- (3) sexual exploitation of a minor as defined in subsection 3258(c) of this title;
- (4) lewd or lascivious conduct with a child; and
- (5) manslaughter.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after. (Amended 1981, No. 52, § 1; 1981, No. 223 (Adj. Sess.), § 11; 1985, No. 82, § 4; 1987, No. 48, § 7; 1989, No. 292 (Adj. Sess.), § 1; 1993, No. 163 (Adj. Sess.), § 1; 1995, No. 27, § 1; 2009, No. 58, § 15; 2011, No. 6, § 1; 2011, No. 55, § 4; 2013, No. 62, § 1, eff. June 3, 2013; 2013, No. 170 (Adj. Sess.), § 7, eff. Sept. 1, 2014.)

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 12 : Court Procedure****Chapter 023 : Limitation Of Time For Commencement Of Actions****Subchapter 003 : Computation Of Time; Tolling Of Statute**

(Cite as: 12 V.S.A. § 560)

§ 560. Childhood sexual abuse

When a person entitled to bring an action for damages as a result of childhood sexual abuse is unable to commence the action as a direct result of the damages caused by the sexual abuse, the period during which the person is incapacitated shall not be taken as a part of the time limited for commencement of the action. (Added 1989, No. 292 (Adj. Sess.), § 3.)

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 33 : Human Services****Chapter 049 : Child Welfare Services****Subchapter 002 : Reporting Abuse Of Children**

(Cite as: 33 V.S.A. § 4913)

§ 4913. Reporting child abuse and neglect; remedial action

(a) A mandated reporter is any:

(1) health care provider, including any:

(A) physician, surgeon, osteopath, chiropractor, or physician assistant licensed, certified, or registered under the provisions of Title 26;

(B) resident physician;

(C) intern;

(D) hospital administrator in any hospital in this State;

(E) registered nurse;

(F) licensed practical nurse;

(G) medical examiner;

(H) emergency medical personnel as defined in 24 V.S.A. § 2651(6);

(I) dentist;

(J) psychologist; and

(K) pharmacist;

(2) individual who is employed by a school district or an approved or recognized independent school, or who is contracted and paid by a school district or an approved or recognized independent school to provide student services, including any:

(A) school superintendent;

(B) headmaster of an approved or recognized independent school as defined in 16 V.S.A. § 11;

(C) school teacher;

(D) student teacher;

(E) school librarian;

(F) school principal; and

(G) school guidance counselor;

(3) child care worker;

(4) mental health professional;

(5) social worker;

(6) probation officer;

(7) employee, contractor, and grantee of the Agency of Human Services who have contact with clients;

(8) police officer;

(9) camp owner;

(10) camp administrator;

(11) camp counselor; or

(12) member of the clergy.

(b) As used in subsection (a) of this section, "camp" includes any residential or nonresidential recreational program.

(c) Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.

(d)(1) The Commissioner shall inform the person who made the report under subsection (a) of this section:

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

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

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

(2) Upon request, the Commissioner shall provide relevant information contained in the case records concerning a person's report to a person who:

(A) made the report under subsection (a) of this section; and

(B) is engaged in an ongoing working relationship with the child or family who is the subject of the report.

(3) Any information disclosed under subdivision (2) of this subsection shall not be disseminated by the mandated reporter requesting the information. A person who intentionally violates the confidentiality provisions of this section shall be fined not more than \$2,000.00.

(4) In providing information under subdivision (2) of this subsection, the Department may withhold:

(A) information that could compromise the safety of the reporter or the child or family who is the subject of the report; or

(B) specific details that could cause the child to experience significant mental or emotional stress.

(e) Any other concerned person not listed in subsection (a) of this section who has reasonable cause to believe that any child has been abused or neglected may report or cause a report to be made in accordance with the provisions of section 4914 of this title.

(f)(1) Any person other than a person suspected of child abuse, who in good faith makes a report to the Department shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report.

(2) An employer or supervisor shall not discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee because that employee filed a good faith report in accordance with the provisions of this subchapter. Any person making a report under this subchapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of his or her making a report.

(g) The name of and any identifying information about either the person making the report or any person mentioned in the report shall be confidential unless:

(1) the person making the report specifically allows disclosure;

(2) a Human Services Board proceeding or a judicial proceeding results therefrom;

(3) a court, after a hearing, finds probable cause to believe that the report was not made in good faith and orders the Department to make the name of the reporter available; or

(4) a review has been requested pursuant to section 4916a of this title, and the Department has determined that identifying information can be provided without compromising the safety of the reporter or the persons mentioned in the report.

(h)(1) A person who violates subsection (c) of this section shall be fined not more than \$500.00.

(2) A person who violates subsection (c) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.

(3) This section shall not be construed to prohibit a prosecution under any other provision of law.

(i) Except as provided in subsection (j) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(j) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

- (1) made to a member of the clergy acting in his or her capacity as spiritual advisor;
- (2) intended by the parties to be confidential at the time the communication is made;
- (3) intended by the communicant to be an act of contrition or a matter of conscience;

and

- (4) required to be confidential by religious law, doctrine, or tenet.

(k) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection (j) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection (j) of this section. (Added 1981, No. 207 (Adj. Sess.), § 1, eff. April 25, 1982; amended 1983, No. 169 (Adj. Sess.), § 1; 1985, No. 208 (Adj. Sess.), § 19, eff. June 30, 1986; 1989, No. 295 (Adj. Sess.), § 3; 1993, No. 156 (Adj. Sess.), § 1; 2003, No. 43, § 3, eff. May 27, 2003; 2005, No. 101 (Adj. Sess.), § 2; 2007, No. 77, § 1, eff. June 7, 2007; 2007, No. 168 (Adj. Sess.), § 3, eff. Jan. 1, 2009; 2007, No. 172 (Adj. Sess.), § 19; 2009, No. 1, § 45; 2011, No. 156 (Adj. Sess.), § 28, eff. May 16, 2012; 2011, No. 159 (Adj. Sess.), § 7; 2015, No. 60, § 4.)