

H.215

An act relating to the Office of the Child Advocate

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. ASSESSMENT AND RECOMMENDATION; OFFICE OF THE
CHILD ADVOCATE

(a) The Joint Legislative Child Protection Oversight Committee established pursuant to 2015 Acts and Resolves No. 60, Sec. 23, as amended by 2018 Acts and Resolves No. 207, Sec. 2, shall assess the need for an Office of the Child Advocate in Vermont and explore models adopted by other states to achieve the same. In conducting its assessment and formulating a recommendation, the Committee shall specifically consider:

(1) the scope of an Office of the Child Advocate, including whether the Office would provide systems-wide oversight or review individual complaints, or both;

(2) the degree of independence with which the Office would operate and in which State agency it would be embedded, if any;

(3) the relationship of the Office to the Department for Children and Families' Family Services Division, other government entities with existing child protection responsibilities, and current complaint processes;

(4) the composition of the staff and reporting structure within the Office;

(5) the manner of appointing and confirming a Child Advocate and the composition of any advisory board to the Child Advocate; and

(6) access to confidential data held by the Department for Children and Families and the ability of the Child Advocate to speak directly to a child without the permission of a parent or guardian.

(b) In conducting its assessment, the Committee shall consult with:

(1) the Department for Children and Families;

(2) a representative of the Vermont Foster and Adoptive Family

Association;

(3) a representative of Vermont Kin as Parents;

(4) at least one person who was previously in foster care in Vermont;

(5) one or more parents of origin who have experienced Vermont's child protection system and had their parental rights terminated;

(6) one or more parents of origin who have experienced Vermont's child protection system and have been reunited with their child or children;

(7) a representative of Vermont's Judicial Branch;

(8) a guardian ad litem;

(9) the Defender General or designee;

(10) a representative of the Vermont Citizen's Advisory Board; and

(11) any other person or entity from whom the Committee chooses to receive testimony.

(c) The Committee shall provide an opportunity for the public to provide feedback to the Committee on the creation and structure of an Office of the Child Advocate in Vermont.

(d) On or before December 1, 2020, the Committee shall submit any proposed draft legislation to the General Assembly that shall reflect the findings and recommendations of the Committee's assessment conducted pursuant to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2020.