

1 H.588

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Department for Children and Families; reporting child abuse and
6 neglect; military

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 Department for Children and Families to collect information concerning the
9 military status of the family of a child that is the subject of a report of child
10 abuse or neglect and share relevant information with the appropriate military
11 authorities.

12 An act relating to sharing information about child abuse and neglect in
13 military families with military authorities

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

15 Sec. 1. 33 V.S.A. § 4915 is amended to read:

16 § 4915. ASSESSMENT AND INVESTIGATION

17 (a) Upon receipt of a report of abuse or neglect, the Department shall
18 promptly determine whether it constitutes an allegation of child abuse or
19 neglect as defined in section 4912 of this title. The Department shall respond

1 to reports of alleged neglect or abuse that occurred in Vermont and to out-of-
2 state conduct when the child is a resident of or is present in Vermont.

3 (b) If the report is accepted as a valid allegation of abuse or neglect, the
4 Department shall determine whether to conduct an assessment as provided for
5 in section 4915a of this title or to conduct an investigation as provided for in
6 section 4915b of this title. The Department shall begin either an assessment or
7 an investigation within 72 hours after the receipt of a report made pursuant to
8 section 4914 of this title, provided that it has sufficient information to proceed.
9 The Commissioner may waive the 72-hour requirement only when necessary
10 to locate the child who is the subject of the allegation or to ensure the safety of
11 the child or social worker.

12 (c) The decision to conduct an assessment shall include consideration of
13 the following factors:

- 14 (1) the nature of the conduct and the extent of the child's injury, if any;
15 (2) the accused person's prior history of child abuse or neglect, or lack
16 thereof; and
17 (3) the accused person's willingness or lack thereof to accept
18 responsibility for the conduct and cooperate in remediation.

19 (d) The Department shall conduct an investigation when an accepted report
20 involves allegations indicating substantial child endangerment. For purposes
21 of this section, "substantial child endangerment" includes conduct by an adult

1 involving or resulting in sexual abuse, and conduct by a person responsible for
2 a child's welfare involving or resulting in abandonment, child fatality,
3 malicious punishment, or abuse or neglect that causes serious physical injury.
4 The Department may conduct an investigation of any report.

5 (e) The Department shall begin an immediate investigation if, at any time
6 during an assessment, it appears that an investigation is appropriate.

7 (f) The Department may collaborate with child protection, law
8 enforcement, and other departments and agencies in Vermont and other
9 jurisdictions to evaluate risk to a child and to determine the service needs of
10 the child and family. The Department may enter into reciprocal agreements
11 with other jurisdictions to further the purposes of this subchapter.

12 (g) The Department shall report to and receive assistance from appropriate
13 law enforcement in the following circumstances:

14 (1) investigations of child sexual abuse by an alleged perpetrator 10
15 years of age or older;

16 (2) investigations of serious physical abuse or neglect requiring
17 emergency medical care, resulting in death, or likely to result in criminal
18 charges;

19 (3) situations potentially dangerous to the child or Department worker;

20 and

21 (4) an incident in which a child suffers:

1 (A) serious bodily injury as defined in 13 V.S.A. § 1021, by other
2 than accidental means; and

3 (B) potential violations of:

4 (i) 13 V.S.A. § 2602 (lewd or lascivious conduct with child);

5 (ii) 13 V.S.A. chapter 60 (human trafficking);

6 (iii) 13 V.S.A. chapter 64 (sexual exploitation of children); and

7 (iv) 13 V.S.A. chapter 72 (sexual assault).

8 (h) If a report is accepted as a valid allegation of abuse or neglect, the
9 Department shall collect information concerning the military status of the
10 parent or guardian of the child who is the subject of the report and shall share
11 information about the allegation with the appropriate military authorities.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on October 1, 2020.