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STATE OF VERMONT
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April 20, 2020

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

Dear Judge Grearson,

Thank you for working with the House Committee on Human Services the last few weeks to help us understand the challenges that have arisen regarding compliance with parent-child contact orders in CHINS cases in light of the declared state of emergency related to COVID-19 and the executive order addenda directing Vermonters to isolate at home until May 15, 2020. We recognize the tremendous pressure the current situation has placed on the Judiciary, and we appreciate the work everyone is doing to continue to provide equal access to justice to Vermonters during this unprecedented time.

While our committee believes that the safest approach for everyone during the state of emergency is to replace in-person contact with remote or virtual visits as recommended by Vermont Department of Health Commissioner Levine on March 25, 2020, we understand there are many variables to consider and that petitions for enforcement or modification of existing orders continue to be addressed on a case-by-case basis by the courts. We would like to ensure that prior to visitation occurring pursuant to a court order during this time, everyone involved in the visitation agrees to abide by health and safety conditions set forth by the Department for Children and Families that incorporate the guidance issued by the Vermont Department of Health.

We have asked Commissioner Schatz to develop specific written guidance for DCF staff, foster parents, natural parents, and others who may participate in or facilitate in-person parent-child contact during the declared state of emergency. Guidance must address, at a minimum, social distancing, use of protective gear, and safe transport of children to and from visits. We hope that this guidance can create uniformity throughout the State among child protection workers and the courts regarding the safest way to protect children and families during this vulnerable time.

The House Committee on Human Services respectfully requests that once DCF issues this guidance, judges consider the ability, willingness, and likelihood of a party to a parent-child contact order to comply with this guidance when deciding whether to enforce or modify such an order with respect to in-person contact. Additionally, we

appreciate that the courts are handling COVID-19-related motions to modify orders pursuant to A.O. 49 and ask that you direct judges to continue to prioritize these cases due to the deadly nature of this virus. If you or any of the judges handling these cases feel as though the current statute constrains the court's ability to adequately protect Vermonters from the health dangers posed by the pandemic, please notify our committee and we will immediately revisit the issue.

Thank you, again, for all you are doing to keep the courts open during this time, and please, let us know if we can be of assistance.

Sincerely,

Representative Ann Pugh, Chair
House Committee on Human Services