



# Vermont Parent Representation Center, Inc.

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## Bending the Curve to Improve Our Child Protection System

### **Executive Summary**

This comprehensive report details what can only be described as a collapse of the child protection system across agencies in Vermont including the Department for Children and Families, the Courts, the Agency of Human Services, the Attorney General's Office, the State's Attorneys, and the Office of the Defender General.

Since 2009, VPRC has worked statewide to educate and advocate for families engaged with Vermont's child protection system. The report is based on direct experience and knowledge gained from face to face work with 70 families, and another 350 families assisted via VPRC's HelpLine. During this same period, Vermont has seen the number of reports of child abuse and neglect, as well as the number of young children in custody, especially very young children, have steadily risen year after year, as has the number of families coerced into state monitoring absent any finding of abuse or neglect. All of this occurring while the state's population has remained static. Government's response has been to apply more money, more state positions, more one-time pilot projects and more policies, all with little or no effect. Outgrowths of the current system are that in 2017, Vermont ranked second in the nation in the termination of parental rights for very young children, assessments almost invariably result in coerced family services cases (monitoring) and substantiations for risk of harm have skyrocketed as the definition of harm has become increasingly subjective. The state appears largely incapable of distinguishing between families wherein children are abused or neglected, and the much larger pool of families who simply need assistance and support. Today, Vermont appears to view all families as being suspect, and treats them accordingly regardless of evidence to the contrary.

The 117-page report contains over 60 findings and 80 specific recommendations that are designed to reform the system, not just to apply piecemeal and ineffective repairs to a broken system. Among the findings are:

1. The current state child protection system operates without effective internal or external oversight and accountability. There is no effective complaint resolution mechanism and quality control is a completely internal process.
2. Families have no place where they can obtain accurate and credible information and effective representation and advocacy. Likewise, there is no place for parents to obtain an objective addressing of allegations of mal or misfeasance.

3. DCF *investigations* are designed to focus on instances where there is intentional abuse or serious neglect of children or an imminent threat of such is alleged. DCF *assessments* were designed to enhance the well-being of children and families with the support they may be lacking and neglectful behavior of children is alleged. But today, assessments have become investigations by another name and mechanisms by which families are monitored and children are relocated without a court order. State law, as it applies to investigations and assessments is routinely ignored by the child protection agency.
4. DCF writes investigative reports that are often poor in quality and accuracy, contain misinformation and outdated material, and are often based on assumptions rather than facts. Parental transgressions occurring decades prior are depicted in such a manner as to appear contemporaneous to new allegations, and family files contain virtually no positive information regardless of how much progress a family has achieved.
5. Our judicial system is based on the concept that all agencies involved in child protection cases provide the court with accurate and comprehensive evidence of the family's circumstances. But the process often starts with inaccurate information from DCF and the attorneys involved do not routinely test the accuracy of the information provided in affidavits under oath. The Court does not have the time to schedule timely hearings for the purpose of contesting the affidavits. As a result, the judicial system is no longer an adequate check on the state's actions. There is a chronic shortage of skilled attorneys who are supposed to test the evidence on which judges can make decisions, resulting in long delays and inaccuracies in adjudication. Constant personnel turnover by attorneys, DCF workers and rotating judges, result in situations where no one in the courtroom knows the particulars of a given case. Children all too often remain in custody needlessly for extended durations and endure multiple foster care placements. The co-mingling of children's attorneys and parent's attorneys in the Office of Defender General where parents attorneys are not supported nor held accountable, results in a lack of effective representation for parents.
6. Due process protections for placement on the Child Abuse Registry are weak. DCF notifications of substantiation are often inadequate and statutory requirements for timeliness are rarely followed. DCF Hearing Officers routinely engage in *ex parte* communication with DCF investigators after parents have presented their rebuttal of the evidence against them, but before rendering a final judgement, thus parents frequently do not know the real reason a substantiation is taking place. The standard for "Risk of Harm" has become so subjective and ill-defined that it now covers harm that is real, potential or imagined, leading to an explosion of substantiations for Risk of Harm, while the veracity of registry entries is now suspect because underlying investigations are, in many cases, deficient, if not incorrect.

VPRC does not direct blame at any single individual, however the report does call on the agencies involved, the Governor, and the Legislature to act quickly and decisively to correct this grave situation. Vermont children and families who are struggling with issues of abuse, poverty and homelessness, addiction, mental health concerns, and other challenges, deserve better than this, as do the people working in this system and the taxpayers who underwrite it. Families requiring state intervention and monitoring should receive state intervention, while the majority of families coming to DCF's attention do not pose significant risk of abuse or neglect and should be offered services, but not coerced into open family services cases which do little except drain resources away from those families that do need intervention. Vermont has been a leader in the nation in the past and can be a leader again. Most of the report's recommendations are achievable through routine administrative action, with little or no additional cost, however there are several recommendations that involve significant systemic change and will require the Legislature and Administration to work closely together to achieve.

The full report can be found at: [www.vtprc.org](http://www.vtprc.org)

The Report is authored by Trine Bech; a lawyer, former magistrate, who spent many years in leadership positions in child protections systems in several states and the founding director of VPRC, and Larry Crist, who holds both a law degree and masters in social work, formerly director of Vermont's child and foster care licensing systems, deputy-commissioner of the Dept. of Health, commissioner of the Dept. of Aging and Disabilities, director of public health protection & preparedness, and former director of the VT Red Cross.