

1 H.398

2 Introduced by Representatives Bluemle of Burlington and Stebbins of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Department for Children and Families; juvenile proceedings; CHINS

7 Statement of purpose of bill as introduced: This bill proposes to establish the  
8 Child and Parent Representation Working Group to report to the General  
9 Assembly with a plan to develop two distinct administrative programs to  
10 provide an interdisciplinary approach to effective legal representation for both  
11 children and parents involved in the child protection system.

12 An act relating to the Child and Parent Representation Working Group

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

14 Sec. 1. CHILD AND PARENT REPRESENTATION WORKING GROUP;

15 REPORT

16 (a) Creation. There is created the Child and Parent Representation  
17 Working Group to develop and recommend a plan to the General Assembly for  
18 the implementation of an interdisciplinary model of effective legal  
19 representation for both children and parents involved in the child protection  
20 system.

1       (b) Membership. The Working group shall be composed of the following  
2       members:

3               (1) the Chief Justice of the Vermont Supreme Court or designee;

4               (2) two current members of the House of Representatives, not all from  
5       the same political party, who shall be appointed by the Speaker of the House;

6               (3) two current members of the Senate, not all from the same political  
7       party, who shall be appointed by the Committee on Committees;

8               (4) two individuals with lived experience in Vermont's system of child  
9       protection who were represented by attorneys contracted by the Office of the  
10       Attorney General, one to be appointed by the Vermont Parent Representation  
11       Center and one to be appointed by Voices for Vermont's Children;

12               (5) a judge who presides over CHINS cases in the Family Division of  
13       the Superior Court, appointed by the Chief Superior Judge;

14               (6) two attorneys with significant experience representing parents or  
15       children in the Family Division of the Superior Court, but no longer under  
16       contract with or otherwise employed by the Office the Defender General, the  
17       Office of the Attorney General, or the Department of State's Attorneys and  
18       Sheriffs, appointed by the Family Law Section of the Vermont Bar  
19       Association;

20               (7) a representative of Vermont Law School; and

21               (8) the Secretary of Administration or designee.

1        (c) Powers and duties. The working group shall assess the current system  
2        of parent and child representation in Vermont’s child protection system and  
3        study best practices for parent and child representation, including by  
4        reviewing:

5                (1) the efforts of Washington State, Colorado, and New York City to  
6        reform their programs of child protection and related experiences of other  
7        jurisdictions;

8                (2) the results of the Vermont Parent Representation Center pilot  
9        programs;

10               (3) the 2020 study of the Children and Youth Services Review titled  
11        “Understanding the Effects of an Interdisciplinary Approach to Parental  
12        Representation in Child Welfare”;

13               (4) how much is appropriated from the General Fund to fund the Office  
14        of the Defender General for representation of children and parents in child  
15        protection proceedings;

16               (5) current average attorney compensation in Vermont; the average  
17        compensation for attorneys employed as salaried State employees by the  
18        Office of the Attorney General, the Office of the Defender General, and the  
19        Department of State’s Attorneys and Sheriffs; and the average compensation  
20        for contracted attorneys serving children and parents in CHINS proceedings in  
21        Vermont;

1           (6) approximate attorney and social services personnel compensation  
2           levels to understand all costs of services for representing parents and children,  
3           whether State employees or contacted employees;

4           (7) American Bar Association standards for attorneys representing  
5           children and parents in child protection cases; and

6           (8) what percent of children in the custody of the State in Vermont are  
7           found to be Title IV-E eligible and what percent of those children were  
8           represented by the Office of the Defender General.

9           (d) Assistance. The Working Group shall have the administrative,  
10          technical, and legal assistance of the Office of the Court Administrator. The  
11          Working Group shall seek assistance from other experts in the child protection  
12          system, including the American Bar Association Center on Children and the  
13          Law, the New York City Center on Family Representation, and the Vermont  
14          Parent Representation Center.

15          (e) Reports.

16           (1) On or before January 11, 2022, the Working Group shall submit a  
17           progress report to the House and Senate Committees on Judiciary and the  
18           House Committee on Human Services with its work plan and progress to date.

19           (2) On or before April 15, 2022, the Working Group shall provide the  
20           committees identified in subdivision (1) of this subsection with an interim  
21           report and its plan for concluding its work.

1           (3) On or before January 15, 2023, the Working Group shall provide the  
2           committees identified in subdivision (1) of this subsection with its final report,  
3           including findings and any recommendations for legislative action. The report  
4           shall include:

5                   (A) a proposal for administrative programs providing an  
6           interdisciplinary approach to effective legal representation for both parents and  
7           for children involved in the child protection system, separate and distinct from  
8           one another and from the criminal defense system providing services in  
9           CHINS proceedings, including a proposed appropriation to fund such parent  
10           and child representation programs;

11                   (B) a plan to make use of Title IV-E funds to support the program;

12                   (C) standards and performance measures for attorneys and social  
13           workers involved in the child protection system in order to assess process,  
14           output, and outcome;

15                   (D) training, supervision, and performance monitoring requirements  
16           for attorneys and social workers as necessary to ensure competent and effective  
17           representation and services; and

18                   (E) recommendations regarding whether Vermont should establish an  
19           Office of Child Representation and an Office of Parent Representation as  
20           independent agencies within the Judicial Branch.

1        (f) Meetings. The Chief Justice of the Vermont Supreme Court or designee  
2        shall call the first meeting of the Working Group to occur on or before July 15,  
3        2021. The Chief Justice or designee shall be the Chair of the Working Group.  
4        A majority of the membership shall constitute a quorum. The Working Group  
5        shall cease to exist on January 15, 2023.

6        (g) Compensation and reimbursement.

7                (1) For attendance at meetings during adjournment of the General  
8        Assembly, a legislative member of the Working Group serving in their  
9        capacity as a legislator shall be entitled to per diem compensation and  
10        reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than  
11        15 meetings. These payments shall be made from monies appropriated to the  
12        General Assembly.

13                (2) Other members of the Working Group shall be entitled to per diem  
14        compensation as permitted under 32 V.S.A. § 1010 for not more than  
15        15 meetings.

16        Sec. 2. EFFECTIVE DATE

17        This act shall take effect on passage.