

1 S.125

2 Introduced by Senators McCormack and Ram

3 Referred to Committee on

4 Date:

5 Subject: Human services; Family Division of the Superior Court; juvenile
6 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 in CHINS cases, whether State employees or contacted employees;

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

6 (8) Title IV-E funding issues and eligibility requirements, including
7 what percent of children in the custody of the State of Vermont are found to be
8 Title IV-E eligible, what percentage of those children were represented by the
9 Office of the Defender General, and the actual numbers of those children in the
10 two most recent fiscal years available; and

11 (9) potential funding sources, including Title IV-E monies, that could be
12 used to support the work of the Working Group and improve Vermont's child
13 protection system.

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

1 (e) Report.

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

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

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

12 (A) a proposal for administrative programs providing an
13 interdisciplinary approach to effective legal representation for both parents and
14 for children involved in the child protection system, separate and distinct from
15 one another and from the criminal defense system providing services in
16 CHINS proceedings, including a proposed appropriation to fund such parent
17 and child representation programs;

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

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

1 (D) training, supervision, and performance monitoring requirements
2 for attorneys and social workers as necessary to ensure competent and effective
3 representation and services; and

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

7 (f) Meetings. The Chief Justice of the Vermont Supreme Court or designee
8 shall call the first meeting of the Working Group to occur on or before July 15,
9 2021. The Chief Justice or designee shall be the chair of the Working Group.
10 A majority of the membership shall constitute a quorum. The Working Group
11 shall cease to exist on January 15, 2023.

12 (g) Compensation and reimbursement.

13 (1) For attendance at meetings during adjournment of the General
14 Assembly, a legislative member of the Working Group serving in their
15 capacity as a legislator shall be entitled to per diem compensation and
16 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than
17 15 meetings. These payments shall be made from monies appropriated to the
18 General Assembly.

19 (2) Other members of the Working Group shall be entitled to per diem
20 compensation as permitted under 32 V.S.A. § 1010 for not more than
21 15 meetings.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.