

1 H.797

2 Introduced by Representatives Christie of Hartford, Burrows of West Windsor,

3 and Rachelson of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Children in need of care or supervision; interdisciplinary legal

7 representation program; Defender General's Citizens Advisory Board

8 Statement of purpose of bill as introduced: This bill proposes to require the

9 Defender General to establish an interdisciplinary legal representation program

10 for children and families dedicated to prepetition and postpetition

11 representation and advocacy for children and families involved with

12 substantiations of abuse and neglect and petitions filed pursuant to such

13 substantiations; and to require the Defender General to establish the Defender

14 General's Citizens Advisory Board for the purpose of evaluating and

15 improving the interdisciplinary legal representation system through the review

16 of policies, practices, procedures, and training to evaluate how effectively the

17 Office of the Defender General is discharging its responsibilities.

18 An act relating to an interdisciplinary model of legal representation for

19 children and families involved in proceedings related to child abuse or neglect

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

2 Sec. 1. FINDINGS

3 The General Assembly finds:

4 (1) Multiple large-scale studies and government evaluations in the
5 United States show that implementing an interdisciplinary model of legal
6 representation for children and families involved in proceedings related to
7 child abuse or neglect leads to improved outcomes, faster reunification, greater
8 cost savings, and preservation of child safety and family stability.

9 (2) Empirical findings show that children spend up to four months less
10 time in foster care and are reunified with families earlier with the use of such a
11 model. Annual government cost savings are estimated at \$40 million in
12 reduced foster care days and earlier permanency decisions. Families with
13 complex needs experience greater stability, lower rates of reinvolvement in the
14 child welfare system, and more equitable outcomes across racial and ability
15 lines. Further, these models do not increase subsequent child maltreatment
16 rates. Cases close more quickly and are more likely to result in kinship
17 placements, thereby preserving family ties and reducing trauma for children.

18 (3) Federal policy now allows the use of child welfare funds for support
19 of interdisciplinary teams for representation. As a result of these findings, in
20 its 2021 *Study of CHINS Case Processing in Vermont*, the National Center for

1 State Courts recommended that Vermont adopt a high-quality interdisciplinary
2 legal representation program.

3 (4) An interdisciplinary legal representation program can benefit from,
4 and provide critical information to, the Vermont Supreme Court's Sequential
5 Intercept Model in its mission of fostering communication across services,
6 while cataloguing service availability and effectiveness.

7 Sec. 2. 33 V.S.A. § 5323 is added to read:

8 § 5323. INTERDISCIPLINARY LEGAL REPRESENTATION PROGRAM;

9 DEFENDER GENERAL'S CITIZENS ADVISORY BOARD

10 (a) The Defender General shall establish an interdisciplinary legal
11 representation program for children and families dedicated to prepetition and
12 postpetition representation and advocacy for children and families involved
13 with substantiations of abuse and neglect and petitions filed pursuant to this
14 chapter. The program shall do each of the following:

15 (1) Work closely with the Department for Children and Families to
16 leverage federal funding pursuant to Title IV-E of the federal Social Security
17 Act.

18 (2) Appoint, compensate, evaluate, and retain attorneys, social workers,
19 peer advocates, and other staff in a manner that provides for the highest quality
20 of interdisciplinary representation for children, parents, custodians, or
21 guardians whose children are, or are at risk of being placed, in the legal

1 custody of the Department for Children and Families and who may have
2 substantiations related to their cases. All employees shall be compensated at
3 rates comparable to employees of the Attorney General's office and State's
4 Attorneys' offices.

5 (3) Utilize attorneys and other staff or contractors in an organized team
6 approach in each case as determined by client need.

7 (4) Provide routine mandatory training, supervision, and evaluation
8 relative to specified performance measures. Regarding employees or agencies
9 under contract, work shall be supervised by a contract attorney designated by
10 the Defender General for that purpose to ensure the contractor meets
11 performance expectations and standards. Agencies under contract shall, at a
12 minimum, utilize supervision, training, and evaluation processes that are the
13 same as or similar to those utilized by the Defender General.

14 (5) Fund contracts involving established nonprofit agencies utilizing a
15 pass-through funding model.

16 (6) Develop and continuously approve practice models and standards
17 based on child welfare best practices and American Bar Association and
18 National Association of Social Workers guidelines among others. Such
19 practice models include time spent with clients prior to, during, and following
20 court and agency appearances.

- 1 (7) Provide zealous representation of all clients.
- 2 (8) Ensure that clients are provided with due process and procedural
- 3 fairness.
- 4 (9) Provide positive outcomes for children and their families, including
- 5 decreased time to permanency and swift resolution of cases while engaging
- 6 with others in the child protection and child welfare system to achieve those
- 7 ends.
- 8 (10) Assign cases through the normal assignment process utilized by the
- 9 clerk of courts where contract services are utilized.
- 10 (11) Establish standards identifying ethically responsible caseloads and
- 11 workloads, including load monitoring protocols for all employees and
- 12 contractors.
- 13 (12) Establish a grievance procedure for clients represented by a staff
- 14 attorney or contract attorney.
- 15 (13) Participate in Intercept Model regional meetings and information
- 16 sharing utilizing the Supreme Court's Justice for Children Task Force Intercept
- 17 Model.
- 18 (14) Provide the Department for Children and Families with all data
- 19 required by the Department for purposes of compliance with federal funding
- 20 requirements.

1 (15) Provide the General Assembly with an annual report as to
2 activities, expenditures, compliance with performance measures, and outcomes
3 as well as grievances and their resolution. Such annual reports shall be
4 developed in consultation with the Department for Children and Families.

5 (b) The Defender General shall establish the Defender General's Citizens
6 Advisory Board. The primary role of the Board is to evaluate and improve the
7 interdisciplinary legal representation system through the review of policies,
8 practices, procedures, and training to evaluate how effectively the Office of the
9 Defender General is discharging its responsibilities. The Board shall:

10 (1) develop bylaws for its operation;

11 (2) review specific cases, while maintaining strict confidentiality and
12 not disclosing identifying information, to assess the effectiveness of
13 interdisciplinary work;

14 (3) solicit input and comment from the community to assess how the
15 Office of the Defender General's current practices affect children and families
16 throughout Vermont; and

17 (4) develop and disseminate an annual report for the State and the public
18 that summarizes the Board's activities and provides recommendations for
19 improving the child protection system.

1 (c) The Board shall consist of 14 members including:

2 (1) a member, appointed by the Vermont Law and Graduate School;

3 (2) a member, appointed by the University of Vermont's Department of

4 Social Work;

5 (3) a member, appointed by the Commissioner for Children and

6 Families;

7 (4) a member, appointed by the Secretary of Education;

8 (5) a member, appointed by the Commissioner of Mental Health;

9 (6) a parent with lived experience involving the proceedings authorized

10 by this chapter, appointed by the Speaker of the House;

11 (7) a parent with lived experience involving the proceedings authorized

12 by this chapter, appointed by the Senate Committee on Committees;

13 (8) an individual with lived experience as a child involving the

14 proceedings authorized by this chapter, appointed by the Speaker of the House;

15 (9) an individual with lived experience as a child involving the

16 proceedings authorized by this chapter, appointed by the Senate Committee on

17 Committees;

18 (10) two members, one of whom is involved with the Vermont Juvenile

19 Court Improvement Program, appointed by the Chief Justice;

1 (11) two attorneys with past or current experience representing children
2 and adults in proceedings authorized by this chapter, appointed by the Vermont
3 Bar Association; and

4 (12) one member, appointed by the Governor.

5 (d) Members of the Board shall:

6 (1) possess significant experience in the processes of representation of
7 children, youth, parents, custodians, or guardians in abuse and neglect
8 proceedings;

9 (2) possess significant experience with the child welfare system as a
10 parent, custodian, guardian, or former foster youth; or

11 (3) demonstrate a commitment to high-quality legal representation or to
12 working with and advocating for the population served by the Office of the
13 Defender General.

14 (e)(1) The Board shall hold its first meeting not later than 30 days after it
15 has completed the appointment process and shall elect a chair at that meeting.
16 Thereafter, the Board shall meet at least four times a year, as determined by a
17 majority of Board members. Meetings shall be held at the call of the Chair or
18 at the request of four members.

19 (2) A majority of Board members constitute a quorum for the
20 transaction of business, and an action by the Board shall not be valid unless
21 eight or more members concur.

1 (3) A representative of the Office of the Defender General shall be
2 assigned to attend all meetings of the Board.

3 (4) The Board may assign Board work to one or more subcommittees of
4 the Board and may invite subject matter experts and members of the public to
5 participate in meetings.

6 (5) Board meetings shall be open to the public with the exception of
7 those parts of meetings that involve the review or discussion of confidential
8 information determined to be available only to Board members.

9 (6) The Office of the Defender General shall provide accommodation
10 for the Board meeting space and general support.

11 (7) The Citizens Advisory Board shall be fully constituted within 90
12 days after the passage of this act and shall hold its first meeting within 120
13 days after passage.

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on July 1, 2026.