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H.193

Introduced by Representatives Bluemle of Burlington, Christie of Hartford,
Garofano of Essex, and Rachelson of Burlington

Referred to Committee on

Date:

Subject: Judiciary; child abuse and neglect; proceedings; legal representation

Statement of purpose of bill as introduced: This bill proposes to create a
working group to design a system of child and parent legal representation to
assist both parents and children in CHINS proceedings.

An act relating to a child and parent legal representation working group

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

Sec. 1. CHILD PROTECTION; PROCEEDINGS; LEGAL

REPRESENTATION; WORKING GROUP; REPORT

(a) Creation. There is created the Child and Parent Legal Representation
Working Group to design and propose an interdisciplinary model of legal
representation for children, parents, custodians, and legal guardians involved
in the child protections system.

(b) Membership. The Working Group shall be composed of the following
members:

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

- 1 (2) two current members of the House of Representatives, not all from
2 the same political party, who shall be appointed by the Speaker of the House;
3 (3) two current members of the Senate, not all from the same political
4 party, who shall be appointed by the Committee on Committees;
5 (4) the Defender General or designee;
6 (5) the Commissioner for Children and Families or designee;
7 (6) the Child, Youth, and Family Advocate or designee;
8 (7) a representative from Voices for Vermont’s Children;
9 (8) a representative from the Vermont Parent Representation Center; and
10 (9) an individual with lived experience in Vermont’s child protection
11 system who was represented by the Office of the Defender General, appointed
12 by the Defender General.

13 (c) Powers and duties. The Working Group shall study and design a
14 system of child and parent legal representation for use in Vermont’s child
15 protection system. The Working Group’s design shall be consistent with the
16 recommendations contained in the *Study of CHINS Case Processing in*
17 *Vermont*, authored by National Center for State Courts published in May of
18 2021; caseload recommendations identified by the American Bar Association;
19 and the Children and Youth Services Review’s 2020 study entitled
20 *Understanding the Effects of an Interdisciplinary Approach to Parental*

1 Representation in Child Welfare. The Working Group's design study shall
2 focus on the following:

3 (1) identifying the appropriation to the Office of Defender General for
4 the representation of parents and children in child protection proceedings;

5 (2) the average Vermont compensation of:

6 (A) attorneys employed by, or contracted with, the Attorney General,
7 Defender General, or a State's Attorney office to represent children and
8 parents in CHINS proceedings; and

9 (B) social workers employed by the Department for Children and
10 Families and contracted social workers with the Defender General;

11 (3) anticipated costs to provide legal representation for child abuse and
12 neglect substantiation appeals in CHINS cases;

13 (4) recommended compensation levels for attorney and social service
14 personnel who represent parents and children in the child protection system;

15 (5) estimated federal funds that can be leveraged to support
16 interdisciplinary legal representation in the child protection system;

17 (6) not less than one recommended structure for the administration and
18 operation of interdisciplinary legal representation in the child protection
19 system; and

1 (7) the number of children under State custody who are eligible for Title
2 IV-E funding and the percentage of those children represented by the Defender
3 General.

4 (d) Assistance. The Working Group shall have the administrative,
5 technical, and legal assistance of the Office of Court Administrator. The
6 Working Group may also consult and seek assistance from child protection
7 experts it deems necessary, including the American Bar Association Center on
8 Children and the Law and the New York City Center on Family
9 Representation.

10 (e) Report. On or before December 15, 2025, the Working Group shall
11 provide a written report to the Senate Committees on Health and Welfare and
12 on Judiciary and the House Committees on Human Services and on Judiciary.
13 The report shall include:

14 (1) a proposal for administrative programs providing an interdisciplinary
15 approach to effective legal representation for both children and parents
16 involved in the child protection system that are separate from the system of
17 criminal defense provided in CHINS proceedings;

18 (2) a proposal for a source of revenue and appropriation to support child
19 and parent legal representation programs;

20 (3) a plan to use Title IV-E funds to support the proposals;

1 (4) proposed standards and performance measures for attorneys and
2 social workers involved in the child protections system;

3 (5) requirements for training, supervision, and performance monitoring
4 to ensure competent and effective representation and services; and

5 (6) whether an Office of Child Representation and an Office of Parent
6 Representation should be established as independent agencies within the
7 Judiciary or in any other form.

8 (f) Meetings.

9 (1) The Chief Justice of the Supreme Court or designee shall call the
10 first meeting of the Working Group to occur on or before August 1, 2025.

11 (2) The Chief Justice of the Supreme Court or designee shall be the
12 chair and may designate a member of the Working Group to be co-chair, if
13 necessary.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) The Working Group shall cease to exist on January 15, 2026.

16 (g) Compensation and reimbursement.

17 (1) For attendance at meetings during adjournment of the General
18 Assembly, a legislative member of the Working Group serving in the
19 member's capacity as a legislator shall be entitled to per diem compensation
20 and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than

1 10 meetings. These payments shall be made from monies appropriated to the
2 General Assembly.

3 (2) Other members of the Working Group shall be entitled to per diem
4 compensation and reimbursement of expenses as permitted under 32 V.S.A.
5 § 1010 for not more than 10 meetings. These payments shall be made from
6 monies appropriated to the Office of Court Administrator

7 (h) Appropriation. The sum of \$18,830.00 is appropriated to Office of the
8 Court Administrator from the General Fund in fiscal year 2026 for per diem
9 compensation and reimbursement of expenses for members of the Working
10 Group.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on passage.