

Mr. Chairman, members of the Committee, for the record, my name is William (Bil) Young. I worked for 13 years in the Vermont Department of Corrections, most of them in Probation and Parole, two years as a District Director of Social Services (The former SRS, now DCF) in White River Jct., and 18 years as the SRS Commissioner.

I support H. 193, which proposes a work group that will hopefully lead to a model system of legal representation for parents and children in Vermont's child protection system. I'd like to make 3 brief points, the third one being my main point today.

1. Several years ago, as I began working with Larry Crist, I looked at several jurisdictions in the country that had implemented a model system of legal representation for parents and children. Each of these jurisdictions felt that these systems resulted in less child days in custody, better outcomes for children and their parents and saved money. Notably, in Washington State, there was a 50% reduction in child days in custody, and a resultant savings of millions of dollars to the State, although that came as a surprise and was not a goal of the program. I'll stop at that because I know that you are going to hear from Susan Jacobs who can comment much more knowledgeably and currently about these systems than I can.
2. As SRS Commissioner the Department was small enough to know what was going on throughout the Department, to have regular personal contact with managers, with district staff, with foster homes, and individuals and so forth. They all had my home phone number. Instead of a Commissioner's Review Unit, arguably focused on protecting the Department, I, or the Deputy Commissioner, typically did the reviews, focused on what the law says and what was the right thing to do. DCF is a monster agency and no Commissioner can pay that kind of close attention. Two people I have tremendous respect for, Steve Dale and David Yacavone, told me when they were Commissioners after me, when I asked how things were going with child protection, said: "Bill, I just don't have time for that. I have to rely on others for that. Social Welfare takes all my time." It's not a healthy situation in many ways and makes it much harder to manage. And I say that while also wanting to acknowledge the work of Cris Winters and some of his staff in cooperating with Larry Crist and many others in working with the Legislature to pass the important legislation last year addressing substantiation reform – an excellent first step in reforming the system.
3. The Legislature, many years ago, wisely set up a series of checks and balances in the child protection system. But they have to be effective. Why?

First, and I think obviously, the stakes in this system are just too high, with the safety and well-being of both children and parents at stake and the impact on Vermont if we fail many of them too great. We need to do everything we reasonably can to ensure high quality.

Second, in any organization, private, non-profit, governmental, the quality of work and employees at every level is on a bell curve. You have a small number of people at one end who should probably be terminated as soon as possible. Then you have a number whose performance is not up to standard and you are trying to work with them to bring their

performance up to an acceptable level. Then you have another small number of people at the other end of the curve who are simply outstanding. And I always thought with those folks my job was to get out of their way and ask if they needed anything from me. And then of course there was everyone else, all of us bozos on the bus, trying to do the best we can and generally doing a good job of it. And it's like that everywhere, state agencies, the governor's office, the legislature, private industry – everywhere. And given the stakes in the child protection system, the concern is obvious. But the current system is largely absent when it comes to sorting out who is terrible, adequate or outstanding at their job representing children and parents. This needs to change.

And finally, the checks and balances established were wise, but they have to be well done, or they will not be effective. And they are not effective today. Vermont law provides that the child protection agency investigates abuse and neglect and if they think a family requires mandatory oversight or a child should come into custody, the matter must be brought to a States Attorney, an elected official independent of the Executive Branch. If the matter proceeds, the parents have a right to an attorney, and the child has a right to a Guardian Ad Litem. Then the matter is brought before a Judge, who hears from all the parties and must make an independent ruling. Unfortunately, attorneys for the child or parents operate at a severe disadvantage since they have neither the time or resources to verify what is in an affidavit. As a result the court sees only one side. And the other side is relegated to trying to play catch up. The court is not well served in today's system.

In Vermont today, attorneys for the child and the parents must be: 1. fairly paid, 2. well trained, and 3. have reasonable caseloads. None of these is true in almost all cases. The result is poor representation for both children and parents. We see, and I think many of you have heard of horrible instances of families and children being harmed who had a right to expect better of us. I won't go into horror stories, but they are certainly out there.

There is still federal funding, as far as I know in the present day, that could greatly assist the State in correcting this situation. It's a somewhat complicated process that will require inter agency cooperation to get you folks the information that you need. I urge you to pass this legislation. And I also urge you, and I'm not sure this would be in the legislation, to make it clear as only you folks can do when you want to, that you expect a recommendation within whatever time- line you set, about how this can be done, not why it can't be done.

I'd be glad to answer any questions you may have and thank you for your time.

Respectfully,

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