

1 S.109

2 Representative Rachelson of Burlington moves that the House propose to
3 the Senate that the bill be amended as follows:

4 First: By striking out Secs. 22 and 23 in their entirety and inserting in lieu
5 thereof the following:

6 Sec. 22. [Deleted.]

7 Sec. 23. [Deleted.]

8 Second: By adding two new sections to be Secs. 25a and 25b to read as
9 follows:

10 Sec. 25a. 33 V.S.A. § 5231(d) is amended to read:

11 (d) Termination of parental rights. If the Commissioner or the attorney for
12 the child seeks an order terminating parental rights of one or both parents and
13 transfer of custody to the Commissioner without limitation as to adoption, the
14 court shall consider the best interests of the child in accordance with section
15 5114 of this title. The court shall not consider the failure to make payments to
16 the Department for Children and Families for the support of the child as a
17 factor in making a determination to terminate parental rights.

18 Sec. 25b. 33 V.S.A. § 5317(d) is amended to read:

19 (d) Termination of parental rights. If the Commissioner or the attorney for
20 the child seeks an order at disposition terminating the parental rights of one or
21 both parents and transfer of legal custody to the Commissioner without

1 limitation as to adoption, the court shall consider the best interests of the child
2 in accordance with section 5114 of this title. The court shall not consider the
3 failure to make payments to the Department for Children and Families for the
4 support of the child as a factor in making a determination to terminate parental
5 rights.

6 Third: In Sec. 30, 28 V.S.A. § 818, in subdivision (b)(4)(D), by striking out
7 “dates” and inserting in lieu thereof “~~dates~~ date”

8 Fourth: In Sec. 31, Victim Notification System Task Force, by striking out
9 subsection (b) in its entirety and inserting in lieu thereof a new subsection (b)
10 to read as follows:

11 (b) Membership. The Task Force shall be composed of the following
12 members:

13 (1) the Commissioner of Corrections or designee;

14 (2) the Executive Director of the Center for Crime Victim Services or
15 designee;

16 (3) the Executive Director of State’s Attorneys and Sheriffs or designee;

17 (4) a member, appointed by the Vermont Network Against Domestic
18 and Sexual Violence;

19 (5) the Victims Service Director of the Vermont State Police;

20 (6) two persons who are either victims or survivors of crimes, appointed
21 by the Center for Crime Victim Services; and

1 (7) a member, appointed by the Commissioner of Corrections, who is
2 familiar with the capability and technical operations of the VINE system.

3 Fifth: In Sec. 32, Adult Involuntary Guardianship Working Group, in
4 subsection (d), by striking out subdivision (2) in its entirety and inserting in
5 lieu thereof a new subdivision (2) to read as follows:

6 (2) With respect to subdivisions (d)(1)(B)(i) and (ii) of this section, the
7 report shall address:

8 (A) the judicial resources and oversight that would be required;

9 (B) whether, notwithstanding 12 V.S.A. § 2553 or 2555, the Vermont
10 Supreme Court should have appellate jurisdiction over guardianship
11 proceedings;

12 (C) the relationship between guardianships under subdivisions
13 (d)(1)(B)(i) and (ii) of this section and voluntary guardianships under 14
14 V.S.A. § 2671;

15 (D) any legislative changes that would need to be made under either
16 recommendation to ensure that respondents under Title 18 guardianships have
17 access to voluntary guardianships that is equal to the access to voluntary
18 guardianships available under Title 14; and

19 (E) any other matters deemed relevant by the Working Group,
20 including any matters not currently under the jurisdiction of Title 14
21 guardianships or Title 18 guardianships.

1 Sixth: By striking out Sec. 38 in its entirety and inserting in lieu thereof a
2 new Sec. 38 to read as follows:

3 Sec. 38. CHILD AND PARENT LEGAL REPRESENTATION; TASK
4 FORCE; REPORT

5 (a) Creation. There is created the Child and Parent Legal Representation
6 Task Force to study the need and viability of an improved legal
7 representation system for children and families who are involved in judicial
8 or administrative proceedings concerning Children in Need of Care or
9 Supervision (CHINS) or substantiations of abuse or neglect.

10 (b) Membership. The Task Force shall be composed of the following
11 members:

12 (1) the Chief Justice of the Vermont Supreme Court or designee, who
13 shall be the chair;

14 (2) the Court Administrator or designee;

15 (3) the Commissioner for Children and Families or designee;

16 (4) the Defender General or designee;

17 (5) the Child, Youth, and Family Advocate or designee;

18 (6) the Executive Director of Voices for Vermont's Children or
19 designee;

20 (7) the Executive Director of the Vermont Parent Representation
21 Center, Inc.;

1 (8) the Attorney General or designee; and

2 (9) the Executive Director of State’s Attorneys and Sheriffs or
3 designee.

4 (c) Powers and duties. The Task Force shall assess and determine whether
5 reform of Vermont’s legal representation for children and families is necessary
6 by exploring the following topics:

7 (1) standards recommended by the American Bar Association, U.S.
8 Children’s Bureau, and the *Study of CHINS Case Processing in Vermont*
9 authored by the National Center for State Courts and published in May of
10 2021;

11 (2) compliance with funding and reporting requirements in order for
12 Vermont to leverage funding under Title IV-E of the Social Security Act;

13 (3) identifying the processes and amounts of Title IV-E funds and other
14 funding sources to support any reformed system;

15 (4) using an interdisciplinary model of representation, including pay
16 scales, performance measures, supervision and evaluation processes, and
17 recommended caseloads for attorneys, social workers, and other child and
18 family representatives; and

19 (5) other topics relevant to creating a reformed child and parent
20 representation system.

1 (d) Assistance. The Task Force shall have administrative, technical, and
2 legal assistance of the Court Administrator’s Office.

3 (e) Report. On or before December 15, 2025, the Task Force shall submit a
4 report that proposes any necessary reforms to the legal representation system
5 for children and families who are involved in CHINS proceedings or
6 substantiations of abuse or neglect, along with proposed legislation to
7 implement such reforms to the Senate Committees on Judiciary and on Health
8 and Welfare and the House Committees on Judiciary and on Human Services.

9 (f) Meetings.

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

12 (2) The Chief Justice of the Supreme Court or designee shall be the
13 chair.

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

15 (4) The Task Force shall cease to exist on May 15, 2026.