

1 S.109

2 Representative Rachelson of Burlington moves that the House propose to
3 the Senate that the report of the Committee on Judiciary be amended as
4 follows:

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

7 Sec. 22. [Deleted.]

8 Sec. 23. [Deleted.]

9 Second: In Sec. 24, Firearm Surrender Order Compliance Working Group,
10 in subsection (c), by striking out subdivisions (9) and (10) in their entirety
11 and inserting in lieu thereof the following:

12 (9) the Vermont Center for Crime Victim Services;

13 (10) the Vermont Council on Domestic Violence; and

14 (11) the Commissioner of Fish and Wildlife.

15 Third: In Sec. 24, Firearm Surrender Order Compliance Working Group, in
16 subsections (e) and (f), by striking out “Task Force” and inserting in lieu
17 thereof “Working Group”

18 Fourth: By adding two new sections to be Secs. 25a and 25b to read as
19 follows:

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

2 (d) Termination of parental rights. If the Commissioner or the attorney for
3 the child seeks an order terminating parental rights of one or both parents and
4 transfer of custody to the Commissioner without limitation as to adoption, the
5 court shall consider the best interests of the child in accordance with section
6 5114 of this title. The Department’s Family Services Division shall not
7 consider payment of child support to the Family Services Division to offset the
8 cost of foster care as a factor in a petition to terminate parental rights.

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

10 (d) Termination of parental rights. If the Commissioner or the attorney for
11 the child seeks an order at disposition terminating the parental rights of one or
12 both parents and transfer of legal custody to the Commissioner without
13 limitation as to adoption, the court shall consider the best interests of the child
14 in accordance with section 5114 of this title. The Department’s Family
15 Services Division shall not consider payment of child support to the Family
16 Services Division to offset the cost of foster care as a factor in a petition to
17 terminate parental rights.

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

1 Sixth: In Sec. 31, Victim Notification System Task Force, by striking out
2 subsection (b) in its entirety and inserting in lieu thereof a new subsection (b)
3 to read as follows:

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

6 (1) the Commissioner of Corrections or designee;

7 (2) the Executive Director of the Center for Crime Victim Services or
8 designee;

9 (3) the Executive Director of State's Attorneys and Sheriffs or designee;

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

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

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

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

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

20 (2) With respect to subdivisions (1)(B)(i) and (ii) of this subsection (d),
21 the report shall address:

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

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

5 (C) the relationship between guardianships under subdivisions
6 (1)(B)(i) and (ii) of this subsection (d) and voluntary guardianships under
7 14 V.S.A. § 2671;

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

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

15 Eighth: By striking out Sec. 38, Child and Parent Legal Representation
16 Task Force, in its entirety and inserting in lieu thereof a new Sec. 38 to read as
17 follows:

18 Sec. 38. CHILD AND PARENT LEGAL REPRESENTATION; TASK
19 FORCE; REPORT

20 (a) Creation. There is created the Child and Parent Legal Representation
21 Task Force to study the need and viability of an improved legal

1 representation system for children and families who are involved in judicial
2 or administrative proceedings concerning Children in Need of Care or
3 Supervision (CHINS) or substantiations of abuse or neglect.

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

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

8 (2) the Court Administrator or designee;

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

10 (4) the Defender General or designee;

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

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

14 (7) the Executive Director of the Vermont Parent Representation
15 Center, Inc.;

16 (8) the Attorney General or designee; and

17 (9) the Executive Director of State's Attorneys and Sheriffs or
18 designee.

19 (c) Powers and duties. The Task Force shall assess and determine whether
20 reform of Vermont's legal representation for children and families is necessary
21 by exploring the following topics:

1 (1) standards recommended by the American Bar Association, U.S.
2 Children’s Bureau, and the *Study of CHINS Case Processing in Vermont*
3 authored by the National Center for State Courts and published in May of
4 2021;

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

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

9 (4) using an interdisciplinary model of representation, including pay
10 scales, performance measures, supervision and evaluation processes, and
11 recommended caseloads for attorneys, social workers, and other child and
12 family representatives; and

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

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

17 (e) Report. On or before December 15, 2025, the Task Force shall submit a
18 report that proposes any necessary reforms to the legal representation system
19 for children and families who are involved in CHINS proceedings or
20 substantiations of abuse or neglect, along with proposed legislation to

1 implement such reforms to the Senate Committees on Judiciary and on Health
2 and Welfare and the House Committees on Judiciary and on Human Services.

3 (f) Meetings.

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

6 (2) A majority of the membership shall constitute a quorum.

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