



Agency of Human Services, Department for Children and Families **Act 154 Progress Report on Child Protection Registry Reform: Child Abuse and Neglect Substantiation Recommendations**

In Accordance with Act 154 (H.661) of 2024

Submitted To:

House Committee on Human Services
Senate Committee on Health and Welfare

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Published:

11.1.2025

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Executive Summary

This report has been prepared in accordance with Section 12 of Act 154 (2024):
Sec. 12. CHILD ABUSE AND NEGLECT; SUBSTANTIATION RECOMMENDATIONS
AND CATEGORIES; RULEMAKING; REPORT

(a) On or before October 1, 2025, the Department for Children and Families, in consultation with the Secretary of Human Services, the Agency of Education, the Department of Mental Health, the Vermont Parent Representation Center, and Voices for Vermont's Children, shall submit a written report to the Senate Committee on Health and Welfare and the House Committee on Human Services on the progress towards:

(1) establishing a centralized internal substantiation determination process;
(2) rules establishing substantiation categories that require entry onto the Registry and alternatives to substantiation that do not require entry onto the Registry; and
(3) rules creating procedures for how substantiation recommendations are made by the Department district offices and how substantiation determinations are made by the Department central office.

(b) The report required pursuant to subsection (a) of this section shall include legislative recommendations, if any.

Definitions

33 V.S.A. § 4912 defines terms relevant to this report in the following way:

“Child Protection Registry” means a record of all investigations that have resulted in a substantiated report on or after January 1, 1992.

“Investigation” means a response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred.

“Registry record” means an entry in the Child Protection Registry that consists of the name of an individual substantiated for child abuse or neglect, the date of the finding,

the nature of the finding, and at least one other personal identifier, other than a name, listed to avoid the possibility of misidentification.

“Substantiated report” means that the Commissioner or the Commissioner’s designee has determined after investigation that a report is based upon accurate and reliable information where there is a preponderance of the evidence necessary to support the allegation that the child has been abused or neglected.

[Policy 50](#) defines an “accepted report” as a report that has been determined by a reviewer to be a valid allegation of child abuse or neglect.

Per Family Services [Policy 51](#), the Family Services Division may conduct an assessment under the authority of [33 V.S.A. § 5106](#), and as defined by [33 V.S.A. § 4912](#).

Data Summary

Year	Total Reports of Abuse/Neglect	Total Accepted Reports (%)	Total Substantiations
2015	20233	5630 (27.8%)	773
2016	20583	5509 (26.8%)	737
2017	21201	5527 (26.1%)	876
2018	20779	5326 (25.6%)	999
2019	20078	4606 (22.9%)	822
2020	15722	3620 (23%)	527
2021	18507	4426 (23.9%)	609
2022	19725	4526 (22.9%)	593

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2023	20180	4040 (20%)	547
2024	19410	4035 (20.8%)	483

Figure 1: Substantiation Data Summary

Data Source: Child Protection Reports, 2015-2024

The overall volume of reports is relatively stable over the decade, with pandemic-related disruption in 2020. Acceptance rates have declined over time, and substantiation rates have steadily trended downward since 2018.

Substantiation in Regulated Settings	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Childcare Facilities	10	19	3	3	6	6	6	9	9	3
Foster Parents	1	1	6	2	5	2	5	3	2	4
Residential Programs	0	1	2	2	6	0	3	2	1	0
School / Education	4	3	4	4	2	0	3	2	4	1

Figure 2: Substantiations in Regulated Settings

Data Source: AHS Report Catalog - Abuse Relationship with Victim Report

Summary of Act 154 Implementation

The Department for Children and Families (DCF) takes the work of reforming Vermont's substantiation process with the utmost seriousness. The legislature directed DCF to modernize investigation and substantiation procedures, raise evidentiary standards, and adopt rules governing Child Protection Registry name placement, categories, and alternatives. This report reflects progress toward those mandates. Act 154 requires significant change, and over the past year and a half, we have invested considerable effort to build a strong foundation for this work. Much has been accomplished, and much is still in progress, with important work ahead.

The reforms required under Act 154 represent one of the most significant system shifts in decades, comparable in scope to the creation of Centralized Intake and Emergency Services (CIES), when child abuse and neglect report acceptance decisions moved from district offices to a centralized, statewide structure. Many of the same drivers that led to CIES, such as district-by-district variation in decision-making and varied application of standards, are present in the current substantiation process. By centralizing determinations and clarifying rules, FSD seeks to create a system that is fairer, more transparent, and more consistent for families and staff alike.

Good work of this magnitude takes time. We are committed to ensuring that reforms are thoughtful, well-informed, and sustainable. A critical part of this process has been stakeholder education and engagement. Before meaningful input can be gathered, stakeholders must first have a clear understanding of the complex issues at hand. Considerable energy has been devoted to building that shared understanding. These conversations will continue as proposals are refined, and implementation moves forward.

Implementation of Act 154 requires coordinated work across multiple layers of the child protection system. To ensure that reforms are comprehensive, well-informed, and sustainable, FSD has relied on both newly created structures, and long-standing statewide forums. This dual approach allows us to engage staff in various roles, maintain alignment with external partners, monitor progress, and ensure transparency throughout the process. The timeline below highlights major milestones completed to date, as well as upcoming activities essential to full implementation of Act 154.

Progress to Date and Upcoming Milestones

Activity	Timeframe
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Completed

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Role-Specific New Employee Foundations Training Implemented (includes assessment/investigative training content)	May 2024
FSD Policy Updates & Preponderance of the Evidence Implementation	July-September 2024
Child Protection Registry Website & Publication Updates	September 2024
Recordings Workgroup and Policy Development	September-December 2024
FSD's Child Safety Team expanded by 1 full time equivalent (FTE) position with the addition of a Child Safety Specialist	January 2025
Formation of Act 154 Core Team and Workgroup Planning	March-April 2025
Internal Act 154 Workgroup Kick Off	May 2025
Act 154 Workgroup Bi-Weekly Meetings	May-October 2025
Ongoing Meetings & Structures	
Children's Justice Act (CJA) Task Force Meetings with ongoing focus on Act 154	Ongoing/Monthly
Vermont Citizens Advisory Board (VCAB) Meetings with updates about Act 154 and Child Protection Registry Reform	Ongoing/Quarterly

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Child Safety Interventions (CSI) Supervisors Meetings	Ongoing/Monthly
Child Safety Policy & Practice Peer Discussion Groups	Ongoing/Monthly
Division Management Team (DMT) Meetings	Ongoing, with reoccurring Act 154 agenda items and updates
Upcoming Activities	
Creation of a Child Protection Registry Reform Website	Current /In Development
Legislative Status Report	November 2025
Monthly Act 154 Stakeholder Engagement/Feedback Sessions	October-December 2025
Centralized Substantiation Review Time Study	December 2025
Think Tank & Brainstorming Session with Clinicians/Experts about Youth with Problematic Sexual Behaviors	December 2025
Legislative Presentation	January 2026
Act 154 Workgroup Bi-Weekly Meetings	Continued/Ongoing October 2025-April 2026
Rulemaking Process	April-September 2026

Figure 3: Act 154 Progress and Upcoming Milestones

Highlights of Completed Work:

Assessment/Investigative Role-Specific New Employee Training

In spring 2024, FSD implemented a redesigned new employee training specific to Family Services Workers (FSWs) assigned to the assessment/investigative unit. This five-day curriculum establishes a consistent foundation across districts, reducing variation in decision-making and strengthening the quality of investigations. It emphasizes policy navigation, evidentiary standards, trauma-informed practice, and cultural humility — all essential to ensuring fairness and consistency. While the redesign was already underway prior to enactment of Act 154, its focus on evidentiary standards, consistency, and fairness is fully aligned with the overarching goals of the law.

The assessment and investigative role-specific training include the following focus areas:

- **Policy and Legal Foundations** – Navigating FSD policies 50–52, understanding definitions of abuse and neglect, and applying the “preponderance of the evidence” standard.
 - [Policy 50: Child Abuse and Neglect Definitions](#)
 - [Policy 51: Screening Reports of Child Abuse and Neglect](#)
 - [Policy 52: Child Safety Interventions – Investigations and Assessments](#)
- **Investigation Skills** – Intake analysis, planning for child safety interventions, evidence gathering, interviewing children and adults, and use of collaterals.
- **Family Engagement** – Partnering with families, using transparency, responding to resistance, and minimizing trauma through culturally humble practice.
- **Safety and Permanency** – Developing in-home and out-of-home safety plans, custody entrance protocols, kinship/family finding strategies, and strategies to reduce trauma during transitions.
- **Professional Practice** – Collaborating with Child Advocacy Centers (CACs) and multidisciplinary teams (MDTs), consulting with supervisors and attorneys, maintaining personal safety, and preparing affidavits and documentation.

The curriculum builds skills progressively. Key learning objectives for each day include:

- **Day 1:** Orientation to the role of assessment/investigative FSWs, navigation of policies 50–52, planning for child safety interventions (CSIs), investigation protocols when domestic violence co-occurs, and understanding kinship care.
- **Day 2:** Applying investigative planning, recognizing how focus shapes perception, aligning with federal Child and Family Services Review (CFSR) standards, distinguishing investigations and assessments, collaborating with CACs/MDTs, analyzing intakes, partnering with law enforcement, introducing substance use assessments, using collateral contacts, minimizing bias through reflective practice, personal safety, and field preparedness.
- **Day 3:** Engaging families at initial contact, general understanding of rights, using DCF brochures, responding to resistance, defining safe vs. unsafe, developing

safety plans with families and kin, kin engagement and family finding strategies, and using the Structured Decision Making (SDM) Risk Assessment.

- **Day 4:** Best practices for emergency placement, supporting families and children during transitions, minimizing trauma, trauma-informed interviewing, planning interviews, collecting and reconciling evidence, and corroboration strategies.
- **Day 5:** Conducting home visits, applying evidentiary requirements for substantiation, consulting with supervisors and attorneys, avoiding errors of reasoning, applying critical thinking to investigations, understanding the Child Protection Registry and appeals, preventing overturned substantiations, documentation standards, and ensuring transparent case transfers.

General foundational content for all new employees also covers child abuse and neglect definitions, affidavit writing, and the basics of safety assessment and planning.

FSD Policy Updates & Preponderance of the Evidence Implementation

FSD policies were revised to accompany the effective date of certain aspects of Act 154 (09/01/2024). Those included:

1. Raising the evidentiary standard to substantiate an allegation of abuse or neglect to a preponderance of the evidence;
2. Requiring FSD to use best efforts to obtain a person's current mailing and email address so that it can better effectuate investigation, substantiation, review, and appeal notifications, as well as maintaining records of any such notifications;
3. Mandating FSD to interview witnesses made known during the investigation if deemed pertinent; and
4. Expanding timeframes to request and hold substantiation reviews.

A new practice guidance document [[Practice Guidance on Applying a "Preponderance of the Evidence" Evidentiary Standard to Substantiation Decisions](#)] was developed on the topic of applying a "preponderance of the evidence" evidentiary standard to substantiation decisions. The document includes an introduction to the new standard of evidence, an overview of types of evidence, and tips on weighing evidence and determining the credibility of evidence. This was developed as a standalone document to support Act 154 implementation and is linked to FSD policy.

In Family Services [Policy 50](#): Child Abuse and Neglect Definitions, new terms were added (circumstantial evidence, direct evidence, fact, preponderance of the evidence, relevant evidence) and the definition of substantiated report was revised to align with 33 V.S.A. § 4912(16).

Child Protection Registry Website & Publication Updates

Effective 9/1/2024, information on the [Vermont Child Protection Registry](#) page has been updated. Links to the [form](#) and the [brochure](#) on our website did not change, but they have been updated. Updated publications include:

[Form: Requesting a Review from Vermont's Child Protection Registry](#)

[Brochure: Vermont's Child Protection Registry](#)

[Information for Victims & Their Families Rack Card](#)

Recordings Workgroup and Policy Development

See the [Recording & Storage of Interviews Report](#) for information about DCF's capabilities and resources necessary to safely, securely, and confidentially store any interviews recorded during a child abuse and neglect investigation, as well as our model policy for recordings practices.

Child Safety Team Expansion

The expansion of the Child Safety Manager role into a comprehensive Child Safety Team (CST) marks a significant enhancement in the FSD's approach to enhanced internal case consultation and interagency collaborative decision-making. This team now includes a Child Safety Director (CSD) and a newly established Child Safety Specialist (CSS), both of whom play critical roles in overseeing and strengthening statewide child safety practice. The CSD is responsible for high-level consultation with division and department leadership, designing and implementing new practice initiatives, and ensuring alignment with national standards and legislative changes. The CSS provides direct consultation with field staff, conducts case reviews, and supports the CSD in developing and implementing child safety policy and practice, ensuring consistent and effective interventions statewide.

The addition of the CSS expands the division's decision-making capacity and enhances access to timely support and expertise. Since the CST's expansion, district offices now receive consultation within 48 hours of submitting a request, a substantial improvement from the prior 3–8 week wait time. In 2024, the CST consulted on 53 cases; as of October 2025, the team completed 116 consultations, more than doubling last year's volume. This increased capacity has improved responsiveness on some of the state's most complex child abuse and neglect cases and has supported district offices in making well-reasoned and consistent substantiation determinations.

Consultation with the CSS typically occurs during the most critical stages of an investigation, offering district staff consistent and well-informed guidance grounded in best practices and legal standards. The expansion of the CST advances FSD's strategic priorities by enhancing practice consistency and strengthening workforce capacity. As a

result, the CST is positioned to more effectively address complex child protection challenges and support improved outcomes for children and families statewide.

The CST will play a pivotal role in implementing the centralized internal substantiation determination process and in supporting the ongoing operation of these protocols. The team's input and expertise are key drivers in developing an alternative process to an individual's name placement on the Child Protection Registry and will be integral to the upcoming rulemaking process.

Formation of Act 154 Core Team and Workgroup Planning

To operationalize Act 154, FSD convened an Act 154 Core Team and an internal workgroup responsible for coordinating implementation efforts, engaging staff and gathering their input, and driving the development of policy and practice changes required under the law. Bi-weekly workgroup meetings provide a structured forum for planning, case scenarios, problem-solving, and monitoring progress. FSD has also embedded Act 154 discussions within existing statewide structures — including the Children's Justice Act (CJA) Task Force, Vermont Citizens Advisory Board (VCAB), Child Safety Interventions (CSI) Supervisors Meetings, and Division Management Team (DMT) to ensure that this work remains integrated into ongoing operations and benefits from broad, cross-disciplinary input.

Ongoing Meetings/Structures Supporting Act 154:

Children's Justice Act (CJA) Task Force Meetings:

[The Children's Justice Act \(CJA\)](#) is a federally funded program that helps states develop, establish, and operate programs to improve the investigation and prosecution of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation. [The CJA Task Force](#) oversees the allocation of CJA funds in Vermont for projects that improve these areas of practice. For additional information, a [CJA 101: Quick Facts About the Children's Justice Act Grant](#) is available. Prior to the introduction of H.661, which later became Act 154, the Task Force had already been developing recommendations and identifying system improvements that ultimately informed the bill. Throughout this process, the Task Force has served as a think tank and advisory body, providing ongoing expertise and support.

Vermont Citizens Advisory Board (VCAB) Meetings:

[Vermont Citizen's Advisory Board \(VCAB\)](#) is a citizen panel that reviews DCF policies, practices, and procedures related to child protection. It is required to receive federal Child Abuse Prevention and Treatment Act (CAPTA) funds. Members represent the community and include people who have expertise in the prevention and treatment of child abuse and neglect. Updates about Act 154 have been a recurring agenda item for VCAB.

Supervisor Meetings:

FSD convenes two statewide supervisor groups monthly: the Child Safety Intervention (CSI) Supervisors and the Ongoing Supervisors. The CSI Supervisors have served as the primary body for Act 154 implementation planning and support, including discussion of policy changes, substantiation decision-making, and the alignment of district practice with new statutory requirements. Ongoing Supervisors have also been engaged in related components of this work, particularly the implications of name placement on the Child Protection Registry in ongoing work and assessment, guidance for responding to youth with problematic sexual behaviors, risk assessment considerations in foster homes with other children, and treatment or case planning recommendations for affected youth and families. Collectively, these meetings provide critical infrastructure for statewide coordination, consistent practice, and shared problem-solving.

The agendas for these supervisor meetings are coordinated centrally but developed in partnership with a planning committee comprised of district staff. This structure ensures the meetings remain peer-driven and directly responsive to the needs of supervisors in the field. As a result, the content reflects issue areas most relevant to their day-to-day work, including emerging areas of practice, community-level trends, and shared challenges or successes across districts. Periodically, FSD also hosts All Supervisors Meetings, bringing together CSI and Ongoing Supervisors to address cross-cutting topics or shared needs that benefit from joint discussion, alignment, and collective decision-making.

Together, these meeting structures foster a strong feedback loop between central office and district leadership, support continuous improvement, and ensure that Act 154 implementation is informed by real-time practice experiences statewide.

Division Management Team (DMT) Meetings:

The Division Management Team (DMT) is comprised of FSD senior leadership, district directors, and central office subject matter experts and program leads. The group meets twice monthly — once for a longer, in-depth meeting and again for a shorter session focused on key updates and coordination. In addition, the DMT holds an extended, full-day, in-person meeting each quarter. This structure brings the division's leadership together consistently to align priorities, support practice, and advance FSD's strategic and operational work. Act 154 visioning and implementation has been a recurring agenda focus during DMT meetings.

National Research and Comparative Models

In 2023, Vermont embarked on a comprehensive review of its child protection practices to inform our approach to the needed reforms. This initiative aimed to align Vermont's practices with national standards and improve decision-making processes in child abuse investigations. The study involved an analysis of Vermont's current practices and a comparative examination of models from other states. The learnings from these efforts provided the foundation of our proposals for child protection registry reform in 2023 and informed the current proposals for alternatives to substantiation and centralized substantiation review.

Research and Comparative Analysis

To gain insight into Vermont's standing and identify areas for improvement, we reviewed and analyzed:

- 33 cases overturned by the Commissioner's Registry Review Unit (CRRU), and
- 104 cases withdrawn or overturned through Human Services Board (HSB) appeals.

This analysis confirmed patterns that many staff already suspected, such as inconsistent substantiation decisions, variation in how evidence was applied, and questions about whether substantiations reflected a true risk to the community. It became clear that reforms were needed not only to comply with legal standards but to restore public trust and improve internal decision-making consistency.

Our review and analysis included 41 states and examined both substantiation processes and the operation of child protection registries across the country. The scan revealed several clear themes. First, in most states, substantiation decisions are made at the worker-supervisor level, with no centralized or upper-level review. Only a small number of states require higher-level oversight for substantiated cases—for example, New Hampshire requires attorney review, while Montana and Wyoming rely on district or regional managers to conduct secondary review. Massachusetts is unique in requiring higher-level review for unsubstantiated cases, as well as for those that are substantiated.

In addition, five states mandate reviews for specific case types, particularly those involving serious injuries or situations in which a substantiation may have licensing or employment implications for the alleged perpetrator. States such as Florida, Kansas, Tennessee, and Michigan apply these heightened reviews to narrow categories of cases with significant potential impact.

Some states employ hybrid models. In North Carolina, certain counties require attorney review prior to a recommendation for registry placement, even when supervisors perform the initial determination. Rhode Island uses a sequential process in which the supervisor makes the initial determination but, if the individual appeals, an internal legal review occurs before formal proceedings begin, leading to the possibility of early resolution or overturn.

Notably, no state in our review uses a validated, evidence-based risk assessment tool to determine whether a person poses a risk to children in employment or caregiving settings. Instead, states rely on structured frameworks, policy guidance, professional judgment, or tiered models to guide registry decisions.

Across the full review of state processes, Vermont identified New Jersey's four-tier model as the most nuanced and robust framework. Its clear application of "absolute" circumstances, coupled with a balanced consideration of aggravating and mitigating factors, offers structured support for consistent and proportional decision-making. This model has served as a key point of reference and a source of guidance as Vermont develops its proposed three-tier system.

New Jersey's Four-Tier Model

A focal point of our study was New Jersey's four-tier model, which employs a decision-making tree to guide workers through a series of questions related to "absolutes" — conditions warranting automatic placement on the child protection registry — and considers aggravating and mitigating factors. When aggravating factors prevail, the recommendation is for substantiation with registry placement; when mitigating factors prevail, the recommendation is for an "internal finding" without registry placement. The "internal finding" is an established conclusion that is maintained within the agency's records and can be viewed within a family's history by those with access to the child protection database.

The New Jersey model and policy can be accessed through the following links:

- <https://www.nj.gov/dcf/families/dcpp/4-Tier.pdf>
- <https://dcfpolicy.nj.gov/api/policy/download/4tierflowchart.pdf>
- https://dcfpolicy.nj.gov/api/policy/download/_CPP-II-C-6-100.pdf

Implementation and Future Directions

Implementing an oversight structure like New Jersey's model in Vermont will require foundational support. We have initiated this process by involving supervisors in reviews of overturned decisions, inviting workers to discuss their case determinations, and

fostering a learning culture that encourages inquiry and feedback. This approach aims to enhance psychological safety and transparency, ultimately leading to more consistent and informed decision-making in child protection cases. By sharing these recommendations statewide with workers, supervisors, and division leadership, Vermont is committed to evolving its child safety practices to better protect vulnerable children and align with national best practices.

Centralized Substantiation Review

Time Study of Centralized Substantiation Review

As part of Act 154 implementation, FSD is developing a centralized substantiation review process to improve consistency, fairness, and transparency in Registry-related decisions. Our next step in this process is a time study.

Time Study

To understand the staffing and operational needs of this new process, the division is conducting a time study to measure how long a full review typically takes. The test phases will be conducted during the early winter of 2025, with findings analyzed and summarized by January 2026. These findings will be included in the division's legislative presentation on Act 154 implementation, providing lawmakers with evidence-based information about the feasibility, staffing implications, and anticipated impact of the centralized substantiation review model.

Staffing Model

FSD anticipates that each centralized substantiation review decision will be completed by a pair of reviewers. Using paired reviewers reduces individual bias, strengthens consistency, and allows for real-time consultation and calibration. This team-based approach mirrors the [Children's Bureau's Child and Family Services Review \(CFSR\)](#) model, which also uses paired reviewers to improve accuracy and reliability for quality assurance purposes.

FSD is implementing Act 154 without any additional staffing or financial resources, and the centralized substantiation review process must be designed within existing capacity. Several staffing approaches are under review and consideration:

- Rotation of supervisors from across teams statewide
- Expanding the Child Safety Team's responsibilities

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- Expanding Centralized Intake and Emergency Services (CIES) functions
- Utilization of part-time/temporary staff
- Contracted reviewers
- A hybrid or combination of the above options

Option	Advantages	Disadvantages	Additional Research Needed:
Rotation of supervisors statewide	• Utilizes existing supervisory expertise • Promotes statewide consistency by involving supervisors from all districts • Promotes learning culture and peer learning	• Workload is already at capacity with full-time responsibilities • May strain district operations, especially in small districts or during high-volume periods	• Examining caseload capacity data to determine whether vacant FSW positions could be reclassified into additional front-end supervisory capacity • Accounting for small vs. large district differences
Expanding Child Safety Team responsibilities	• Deep expertise in front-end work, complex case consultation, and substantiations • Strong alignment with existing responsibilities	• Workload is already at capacity with full-time responsibilities • Risk of delays in consultation availability and other functions if workload increases	• Exploring whether a vacant position could be used to create additional CST capacity • Exploring oversight functions vs. review functions
Expanding CIES supervisory functions	• There is interest in performing this work • Experience operating statewide centralized functions	• Would require training for those who have not performed investigative work	• Exploring whether a vacant position could be used to create additional CIES supervisory capacity

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	• Existing infrastructure • Strong knowledge of statutory child abuse definitions	• Safeguards would be needed to prevent any impact on the functioning of the Child Protection Hotline and mission-critical functions	
Part-time/temporary staff	• Could provide supplemental capacity during peak periods	• Requires funding not available or budgeted • May lack knowledge in child protection and/or investigative expertise • Limited continuity and likely turnover • System impact of frequent turnover (hiring, training, and onboarding needs)	• Cost/budget implications
Contracted reviewers	• Perception of being external or more independent	• Requires funding not available or budgeted • May lack knowledge in child protection and/or investigative expertise	• Cost/budget implications • Procurement timelines • Potential workload burden of providing onboarding, support, and training to ensure quality

A hybrid approach (CST, CIES, & Districts)	• Distributes workload across multiple teams, reducing pressure on any single unit • Leverages complementary strengths: CST's subject-matter expertise, CIES's centralized processing experience, and district supervisors' practice knowledge • Opportunity for learning and consistency in practice statewide	• Requires strong coordination across teams • Will require significant advanced planning to determine the calendar and rotation	• Exploration of role clarity and administrative support • Assessment of technology or data system supports needed for cross-team collaboration.
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Figure 4: Potential Staffing Models

Substantiation Categories and Alternatives

As part of Act 154 implementation, we are proposing a shift from Vermont's current binary substantiation system (substantiated vs. unsubstantiated) to a three-tiered model. This proposal is not yet in effect but represents a framework under consideration to strengthen proportionality, consistency, and fairness in registry determinations.

Importantly, based on all available research and knowledge, there are currently no evidence-based, validated tools for assessing whether an individual who has committed an act of child abuse or neglect poses a risk in the community or in a professional setting with vulnerable populations. In the absence of such tools, Vermont has looked to other states for models that provide structured guidance. Among these, New Jersey's tiered approach was found to be the most nuanced and robust, offering clear criteria and a balanced consideration of risk and protective factors. Vermont's proposed model is adapted from this approach to fit our statutory framework and policy goals.

Proposed Investigation Determination and Three-Tier Model

Step 1: Preponderance of the Evidence

The first determination is whether a preponderance of evidence supports child abuse or neglect occurred under Vermont's statutory definitions.

- If not, the report is classified as unfounded.
- If yes, the division proceeds to a structured decision-making process.

Step 2: Absolutely Substantiating Circumstances

If abuse or neglect is supported, investigators determine whether any absolute circumstances exist:

1. Death, near death, or serious physical injury of a child caused by abuse or neglect;
2. Sexual abuse of a child by an adult;
3. Repeated instances of physical abuse by the perpetrator;
4. Significant neglect resulting in serious harm or substantial risk of harm.

If one of these absolutes is present, the case is classified as substantiated and includes a recommendation for name placement on the Child Protection Registry, subject to the individual's due process and appeal rights.

Step 3: Balancing Aggravating and Mitigating Factors

If no absolutes are present, FSD weighs aggravating and mitigating factors to determine the appropriate outcome.

- Aggravating factors include:
 - Abuse or neglect in a licensed facility;
 - Failure to comply with court orders or safety plans;
 - Child under age six or otherwise especially vulnerable (e.g., developmental delay, disability, medical fragility);
 - Intentional infliction of lasting harm;
 - A pattern of abuse or neglect;
 - Circumstances requiring the child's separation from the perpetrator.
- Mitigating factors include:
 - Tangible corrective steps taken by the caregiver prior to case closure;
 - Demonstrated remorse, cooperation, and accountability;
 - Significant time since a prior incident;
 - Extraordinary, situational stressors leading to uncharacteristic behavior;
 - Limited or negligible harm, or minor injury sustained in the course of protecting others.

Outcomes in the Proposed Three-Tier Model

- **Substantiated:** Abuse or neglect occurred, and absolute or aggravating factors warrant a recommendation for name placement on the Child Protection Registry, with due process rights preserved.
- **Founded:** Abuse or neglect occurred, but mitigating factors prevail and registry placement is not warranted. This is an internal finding that documents the occurrence of abuse or neglect, without triggering registry placement.
- **Unfounded:** There was not a preponderance of evidence that the alleged abuse or neglect occurred.

Regarding terminology, a formal decision has not yet been made on the labels/terms that will be used. States that utilize internal findings typically rely on four to five common terms, with founded, indicated, confirmed, and established appearing most frequently across jurisdictions. Within FSD, we have begun informally testing the use of “founded” and “unfounded” to assess their clarity, usability, and resonance in practice. We anticipate conducting additional staff engagement, including polling preferences, before finalizing any terminology.

Some states also use categories such as inconclusive, unresolved, or undetermined. FSD may choose to limit the number of new categories introduced initially and revisit certain decisions in a future phase, particularly when a more fully developed Comprehensive Child Welfare Information System (CCWIS) is available to support consistent documentation and reporting.

Purpose and Anticipated Impact

This proposed model seeks to:

- Increase proportionality by reserving registry recommendations for the most serious cases;
- Improve fairness by documenting founded concerns without unnecessarily triggering registry consequences;
- Promote consistency through reliance on clearly defined absolute, aggravating, and mitigating factors;
- A reduction of names being placed on the Child Protection Registry;
- Preserve transparency and due process by ensuring all registry recommendations remain subject to appeal rights;
- Advance best practice by adapting the most robust state model available (New Jersey’s) in the absence of any validated, evidence-based risk assessment tools.

If adopted, this proposal would modernize Vermont’s child protection registry determinations and advance the legislative goals of Act 154.

Stakeholder Engagement Summary

Progress to Date and Next Steps

Internal Workgroup (May – Present)

Since May, FSD has convened its internal Act 154 workgroup twice monthly. The first series of meetings focused on centralized substantiation review (CSR). Subsequent internal discussions shifted to secondary considerations and development of a three-tier model. Staff carefully reviewed New Jersey's model and began adapting a Vermont-specific framework that incorporates absolute, aggravating, and mitigating factors into decision-making.

Parallel External Stakeholder Engagement

While these internal discussions were underway, similar conversations occurred monthly in the Children's Justice Act Task Force (CJATF). External stakeholders engaged included the Vermont Parent Representation Center (VPRC), the Office of Child, Youth and Family Advocate (OCYFA), the Root Social Justice Center, law enforcement representatives, Deputy State's Attorneys, and professionals who work directly with children. These dialogues mirrored internal conversations, focusing on centralized substantiation review and on how best to structure a three-tier system in Vermont.

Forward Engagement Plan (October – December 2025)

Building on this foundation, FSD has developed a structured three-month stakeholder engagement plan:

- October 9 & 10, 2025: Kickoff meetings to orient new participants, provide background on the Child Protection Registry, and review draft flowcharts and protocols for secondary considerations.
- November 5 & 7, 2025: Deep-dive stakeholder sessions focused on this Legislative Report and the Child Protection Levels, including discussion of changes to be made to the level structure, timeframes, registry implications, and future considerations (e.g., out-of-home perpetrators, age of offenders).
- Two dates in early December 2025: Follow-up meetings to refine draft recommendations, discuss recommendations for a framework for youth with problematic sexual behaviors, ensure agreement on flowcharts, and identify remaining gaps or concerns before rulemaking.

Participants include legislatively mandated organizations, advocates, lived-experience representatives (youth, parents, foster parents), state agencies, and community partners.

Updates will also be provided to groups such as the Vermont Citizen's Advisory Board, the Child Fatality Review Team, University of Vermont Medical Center (UVMHC) Child Protection Team and the Children's Justice Act Task Force.

Additionally, we are planning a think tank and facilitated brainstorming session to bring together a collective group of subject matter experts to develop a new framework for substantiating juveniles under Act 154. This session will focus on identifying key risk factors and practice considerations to inform the development of rules, policies, and visual guidance that support decisions about when, whether, and how the name of a youth who causes sexual harm should be placed on the Child Protection Registry. The goal is to create a separate visual and findings framework for youth with problematic sexual behaviors — one that mirrors the adult framework but is developmentally responsive and grounded in current research. National resources and partners will likely include the [National Center for the Sexual Behavior of Youth \(NCSBY\)](#) and the [Association for the Treatment of Sexual Abuse \(ATSA\)](#).

Purpose and Legislative Relevance

This ongoing engagement process ensures that both internal staff expertise and external stakeholder perspectives are fully integrated into the design of registry reforms. It reflects our commitment to transparency, inclusiveness, and responsiveness as we develop:

1. A centralized internal substantiation determination process;
2. Rules that define substantiation categories requiring registry placement versus alternatives that do not; and
3. Assessment of risk related to the assignment of Child Protection Levels.

Stakeholder Feedback

Following stakeholder meetings in October, challenges, barriers, and considerations were gathered from the key stakeholders. Common themes included:

Registry Checks and Access to Information

- Increase transparency around registry checks conducted by employers, especially when employment may be denied due to name placement on the Child Protection Registry.
- Allow trusted individuals (e.g., advocates, parents, social workers) to access Child Protection Registry information on behalf of the people they support.
- Clarify how "founded" findings are communicated to individuals and determine the process for appealing/receiving additional information surrounding decision making.
- Ensure clarity and accessibility of communication materials surrounding this process.

Three-Tiered System and Internal Findings

- Provide clearer guidance on weighing aggravating vs. mitigating factors under the three-tiered substantiation model.
- Define how internal findings are determined and articulated.
- Determine how due process protections apply to internal findings and what the process will entail
- Explain how internal findings will be used across systems, particularly in foster home licensing and child care licensing.
- Outline information-sharing protocols for internal findings between departments, and within and outside of the same agency.

Equity, Accessibility and Impact

- Address implications for individuals with disabilities, in collaboration with key stakeholders.
- Identify considerations for individuals affected by substance misuse.
- Ensure the appeal process is equitable and accessible to all.
- Assess the workforce impact of implementing these changes and any opportunities for system efficiencies.

Challenges, Barriers, and Considerations

Limited Data Systems and Technology Infrastructure

FSD continues to operate without a modern Comprehensive Child Welfare Information System (CCWIS). Current data systems do not include functionality to support centralized review, thorough tracking of internal findings, document factors and decision points, automate workflows, or generate reports. As a result, the bulk of Act 154 implementation relies on manual processes and interim tracking methods.

Realities of Capacity and No Additional Resources

Act 154 responsibilities are being implemented within existing staffing and operational capacity. Activities related to carrying out the work in a different way by frontline staff, policy development, training, consultation, and design of new processes occur alongside ongoing day-to-day responsibilities across the division.

Workforce Adaptation to System Change

Under the best circumstances, change can come with challenges and take time. System evolution of this magnitude rightfully requires ongoing conversations, training, coaching,

and internal communication to ensure consistent application. Staff need time, support, and opportunities to adapt as expectations evolve.

Workload and Statutory Timeframes

Frontline staff and supervisors have expressed concern about meeting the 60-day timeframe for completing investigations while also meeting the heightened documentation and review expectations under Act 154.

Legislative Recommendations

Currently, DCF does not recommend any statutory changes. Updated recommendations, if any, will be included in the January 2026 legislative presentation or in a subsequent report.

Conclusion

Act 154 represents one of the most significant reforms to Vermont's child protection system in decades, and the work completed to date reflects both the complexity of the mandate and the Department's commitment to building a fairer, more consistent, and more transparent substantiation framework. Over the past year and a half, FSD has laid essential groundwork: strengthening investigative training, revising policies to implement the new evidentiary standard, expanding the Child Safety Team, initiating the development of a centralized substantiation review process, and engaging internal and external partners in sustained dialogue. These steps have improved consistency in practice, elevated statewide expectations, and positioned the division for the next phase of its work.

Act 154 sets an ambitious, important vision for Vermont. This progress report reflects the foundation of that work, and FSD remains committed to advancing these reforms with transparency, collaboration, and an unwavering focus on the safety of children and well-being of families.

Additional Resources & Links Related Child Safety Interventions and Act 154 (H.661) of 2024

Policy & Practice Guidance Links:

- [Policy 50: Child Abuse and Neglect Definitions](#)
- [Policy 51: Screening Reports of Child Abuse and Neglect](#)
- [Policy 52: Child Safety Interventions – Investigations and Assessments](#)
- [Policy 56: Substantiating Child Abuse and Neglect](#)
- [Policy 66: Interviewing Children and Youth in DCF Custody](#)
- [Policy 68: Serious Physical Injury – Investigation and Case Consultation](#)
- [Policy 152: Empaneled Multidisciplinary Child Protection Teams](#)
- [Policy 222: Foster Care Interventions](#)
- [Policy 241: Licensing Residential Treatment Programs and Interventions](#)
- [Practice Guidance on Applying a “Preponderance of the Evidence” Evidentiary Standard to Substantiation Decisions](#)

Data Links:

- [Family Services Division Data](#)

Legislative Reports:

- [Recording & Storage of Interviews Report – November 2024](#)
- [Annual Child Protection Report – June 2025](#)
- [Annual Child Protection Report – June 2024](#)
- [Annual Child Protection Report – June 2023](#)
- [Annual Child Protection Report – June 2022](#)