

Vermont Parent Representation Center, Inc.

Reform of Vermont Legal Representation System for Children and Families: S.109

Why Reform is needed: Vermont's child protection outcomes have for years been lagging other states despite being lauded for superior child welfare support. Too many children are removed from their homes when they could have been protected in their homes through effective social support and legal advocacy, children remain in foster care too long, and Vermont has one of the highest rates in the country of termination of parental rights of very young children.

Research and Experience: Even short-term removal from home has long-lasting traumatic effects on children and results in poorer child well-being outcomes. Large caseloads result in judges having less time with families, increased timeframes and poorer case solutions.

What reforms show improved Outcomes? Alternative approaches like Inter-disciplinary legal representation of children and families stabilize families, enhance safety and is required by the federal social security act to qualify for a 1 on 1 federal cost reimbursement of all legal activities of lawyers, social workers, investigators, peer partners and para-legals who work in teams. Vermont successfully piloted this model from 2010-2014 showing fewer families going to court, fewer children removed from their homes and children returned home quicker when removed and reduced child protection involvement afterwards. Studies nationally recommend the implementation of the inter-disciplinary legal representation model. Vermont currently attempts to mimic model systems but primarily in name only.

What do Reforms look like?

- Lawyers, social workers and peer partners operate in teams which are adequately trained in effective child protection approaches, supervised, compensated and held to meaningful performance measures while working with reasonable caseloads.
- Social services and legal support are provided to children and families before involvement in the family court as well as when the state brings them to court.
- Independent systems of such teams are administered separately from criminal defense and their costs reimbursed by the federal government on a 1 to 1 basis.

How to get there: S.109 creates a Task Force to design an interdisciplinary, effective model of legal representation for children, parents, custodial and legal guardians involved in the child protection system which will qualify for reimbursement by the federal government under the Social Security Act. The Task Force is chaired by the Chief Justice (an absolute necessity), and design shall be consistent with the recommendations contained in the Study of CHINS Case Processing in Vermont, caseload recommendations identified by the American Bar Association and the Children and Youth Services Review's 2020 study entitled Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare. Absent a Task Force Vermont will continue its decades long floundering in bringing this system into place.