



Agency of Human Services, Department for Children and Families **Act 173 Progress Report on Access to Records by Individuals Who Were in Foster Care**

In Accordance with Act 173 (H.644) of 2024

Submitted To:

Senate Committee on Government Operations
House Committee on Government Operations and Military Affairs

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Introduction

This report has been prepared in accordance with Act 173 (2024), Section 3:

Sec. 3. PROGRESS REPORT TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS AND THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

On or before November 15, 2025, the Department for Children and Families, in consultation with the Office of the Child, Youth, and Family Advocate and the Vermont State Archives and Records Administration, shall provide a written report to the Senate Committee on Government Operations and the House Committee on Government Operations and Military Affairs on its progress implementing 33 V.S.A. § 4921(g). The report shall include:

- (1) the number of requests for records pursuant to 33 V.S.A. § 4921(g);
- (2) the approximate or average amount of staff time required to comply with the requests;
- (3) systemic issues or barriers facing the Department, if any, in fulfilling the requests;
- (4) suggestions for increasing the types of records that are available to youth who have had involvement with the Department; and
- (5) any other information the Department deems pertinent for the General Assembly to consider as the State moves toward broader access of Department records to the youth whose lives are affected by Department involvement.

Requests for Records

On June 12, 2024, H. 644 (Act 173) was passed into law, providing access to records for individuals formerly in foster care.

The table below shows the number of records that have been requested pursuant to 33 V.S.A. § 4921(g), and their status as of 11/01/2025:

Individual Record Requests	Quantity
Total Requests	98
*Proof of foster care only	4
*St Joseph's Orphanage requests	7
*Requests for records that are sealed	7
*Requests that cannot be filled	5
*Request withdrawn or no follow-up	11
1st Redaction (FSD) *FSD staff member has completed redactions.	33
2nd Review (Legal) *FSD's General Counsel reviews redactions completed by the FSD staff member	18
Distributed *The redacted records are made available to the requestor	16
Outstanding requests as of 10/10/2025 *Requests that have not been started (digitized or redacted)	31

Figure 1: Records Requests and Statuses

To date, the Family Services Division (FSD) has fully processed over 34,000 pages of client records that included over 185,000 redactions and digitized an additional 7,000 pages. The total page count for a single record has ranged from nine pages to just under 4,400 pages.

On average, it takes 9 hours to locate and digitize files and 27 hours to complete the initial redactions of one full case file. Legal reviews average about 15 hours per request. Legal counsel has spent over 240 hours reviewing redactions and providing guidance since Act 173 was passed.

The average time to disseminate records is 27 weeks, with variability ranging from 1 to 63 weeks.

Staff Effort

Act 173 Implementation

FSD initially engaged in planning meetings with the DCF Commissioner's Office (General Counsel and Communications staff), Trial Court Operations for the Judiciary, the Vermont State Archives and Records Administration (VSARA), and the Agency of Digital Services (ADS) to develop an implementation plan. FSD also hired a part-time temporary employee to begin processing records requests. This employee has been designated as a DCF Records Liaison and is the point person for Act 173 records requests. FSD is actively in the process of changing the part-time temporary position, to be full-time and permanent.

Records Requests

The DCF [Public Records Requests](#) website provides information to the public about how to request personal records. Individuals are directed to contact DCF at AHS.DCFYouthRecords@vermont.gov to submit records requests under Act 173, or requests can be mail to DCF.

DCF responds to requestors via encrypted email asking them for additional information that will assist in locating records and verifying the requestor's identity. Individuals are informed that there may be a significant delay in record distribution based on staff capacity and requests in the queue. Requestors are also informed that there may be additional steps required if any part of the record is sealed. FSD inquires whether the requestor is also interested in their juvenile court records.

If individuals have difficulty with opening or responding to encrypted emails, a tutorial is provided that includes pictures and detailed instructions for managing encrypted emails. FSD also communicates with the public in person, by phone, and through mail, as needed.

Request for Identification

FSD modeled the requirements for identification verification after the Vermont Department of Health's (VDH) Vital Records identity-verification requirements. FSD asks requestors to submit an image or document file showing acceptable identity

documents. These may be emailed by replying to an encrypted message sent by DCF or by mailing copies of identification. Requestors may also physically present identification in person at their nearest DCF District Office. These safeguards are in place to ensure that confidential information is released only to the individual entitled to receive it.

The Office of the Child, Youth, and Family Advocate (OCYFA) has identified a persistent logistical barrier for some individuals they support with records requests. Some requestors may not have ready access to acceptable identification, and many rely primarily on cell phones for communication, which can make it difficult to upload or transmit identity documents through encrypted email. FSD continues to work with partners to help individuals navigate these challenges.

Early implementation experience has reinforced the need for identity verification. In one instance, an individual attempted to obtain records that did not appear to belong to them and stopped responding when asked to verify their identity. In another instance, staff spent several weeks preparing a large record before requesting identification, after which the requestor stopped responding to all communication for more than 18 months.

These experiences demonstrate that, while identity verification can pose challenges, it remains a necessary safeguard to prevent disclosure to unauthorized individuals and to ensure that staff capacity is used efficiently and equitably.

Partnering with the Judiciary

Judiciary rules for records requests require requestors to provide current identification that matches the address on file with the court at the time of the original proceedings. Because juvenile court records often date back many years, and individuals may have moved multiple times since childhood, meeting this requirement is frequently not feasible. To address this barrier, FSD and the judiciary developed a coordinated process in which FSD verifies the requestor's identity and then forwards the request to the Trial Court Operations Programs Manager. This protocol streamlines the request process and reduces administrative burden for requestors and courts.

After verifying a requestor's identity, FSD notifies the judiciary and provides any known docket numbers to assist court staff in locating records. Court Operations staff then follow their process to provide court records directly to the requestor. In situations where a record is partially or fully sealed, requestors may also start the process of obtaining a court order to temporarily unseal the record(s).

Locating, Processing, and Redacting Records

FSD locates stored records through case logs maintained by district offices or by working directly with district administrative staff in the locations where an individual's case was initiated. District offices track record locations (box numbers) for individual records stored at the State Records Center, managed and operated by VSARA in Middlesex. When records are stored at the district office, the Act 173 Records Liaison coordinates with administrative staff in the district to access those records for processing. Otherwise, boxes are requested from the State Records Center. Extended Care Agreement documents are requested from DCF's Adolescent Services Unit.

Per FSD [Policy 165](#), if a record is fully or partially sealed, the sealed portion of the record is kept separately from the rest of the juvenile's file and stored under lock and key at the district office. District administrative staff facilitate access to these parts of records once a court order has been obtained to temporarily unseal a record.

Record content is digitized by scanning paper files into PDF documents or capturing digital images of records on microfilm. FSD reviews compiled records carefully for required redactions and to ensure other people's (e.g., siblings) records are not inadvertently included. Working copies of documents are uploaded to a secure SharePoint site where an attorney in the DCF Commissioner's Office accesses records for secondary review. Following legal review, redactions are applied. A cover letter is included with the file that provides information about redactions and informs requestors that records should not be shared with others, pursuant to 33 V.S.A. § 4921(h).

Requests are generally processed in the order in which they are received, with the exception of requests from former residents of the St. Joseph's Orphanage. These records were digitized prior to the enactment of Act 173 and are significantly shorter in length than modern-day case records. As a result, they are typically ready for distribution and can be provided more quickly upon request.

Record Distribution

The redacted record (and cover letter) is uploaded digitally to GlobalScape, a secure file sharing platform for large files. Requestors are sent a secure encrypted email with download instructions and a GlobalScape access passcode. A second email is sent from GlobalScape with a download link. GlobalScape sends confirmation emails to the FSD Records Liaison for each file downloaded that includes the IP address it was downloaded to. These confirmations are maintained in the event of any claim of unauthorized access to records. Printed copies of records are mailed to requestors who need or want them in that format. When the records are distributed to requestors, the

cover letter includes the statutory consequences of unauthorized re-dissemination pursuant to [33 V.S.A. § 4921\(h\)](#).

Because DCF case files often contain copies of juvenile court orders, filings, and other judicial records intermingled with department documents, FSD included the statutory warning out of an abundance of caution to ensure compliance with 33 V.S.A. § 5117(b)(2).

The OCYFA has reported that several former foster youths they support experienced this statutory language as threatening or intimidating, particularly given the penalties described for unlawful dissemination. The OCYFA notes that the statute requires a warning regarding judicial records, but they are not aware of any requirement that similar language be applied to DCF case files. For this reason, they are opposed to this language being on the cover letter.

Data Collection and Record Indexing

FSD tracks time spent locating, digitizing, and redacting each individual record, along with the total page count. Case data and themes are also captured. While locating and scanning records, FSD is also re-indexing its files. Presently, the DCF foster care and adoption records stored at the State Records Center are only indexed by date, district office location, and sometimes an alphabetical range is included for each box. To make it easier to locate individuals' records in the future, boxes of files are being fully indexed to include the names of all case files stored in the box, when new record requests are processed. This will enable future searches for records to be conducted by name directly, using the State Records Center's Versatile database. This will eventually eliminate the need to contact district offices to request box numbers from their storage logs.

VSARA Partnership

FSD partners with VSARA regularly in the records request process. VSARA hosts an FSD workstation at its building in Middlesex. FSD has a dedicated scanner that enables record scanning directly to an FSD computer without the risk of misdirecting sensitive information to unintended recipients. The co-located FSD employee has been designated as a DCF Records Liaison, allowing the employee to check out boxes from the State Records Center as needed to process requests and locate records. VSARA also provides FSD with support for requests for older records and with maintaining the SharePoint website, which stores redacted records, requestor information, and detailed index information for foster care record boxes at the State Records Center. VSARA staff provide technical assistance when specific records cannot be located, including

assisting requestors with locating any publicly available information about themselves or relatives. VSARA facilitates this research using Ancestry.com and Newspaper.com. OCYFA shared that access to these websites can be a valuable resource for the individuals they serve in understanding their past. With limited exceptions, all vital records are accessible for the public's inspection and copying under Vermont Title 18, Chapter 101. The Department of Health had all pre-2008 birth, death, marriage, and divorce records, scanned and digitized through Ancestry.com.

Redaction Guidelines

Redaction guidelines were developed by DCF's legal counsel while supporting FSD's Act 173 Records Liaison and providing secondary review of records. Currently, the established guidelines provide generally clear and concrete guidance, thereby minimizing instances of under or over redaction. As additional records are reviewed, new situations surface, resulting in further clarification to redaction guidance. New situations are typically unique to a specific case and do not commonly impact records previously reviewed.

Per 33 V.S.A. § 4921(g)(3), DCF redacts:

- Identifying information about any person, other than the subject, in which there is a substantial likelihood that a person's safety would be compromised if disclosed,
- Information that creates a substantial likelihood that would compromise an active law enforcement investigation, or
- Reports or investigatory records about the subject of the record request in which there is a formal allegation that the subject committed an act of abuse or neglect.

Also, in accordance with federal and other state laws, DCF is required to redact certain information about anyone other than the requestor, including medical or individually identifiable health information, drug treatment records, HIV information, personal addresses and phone numbers, victim impact statements, information about sealed court cases, federal eligibility forms, education information, social security numbers, records relating to Title IV-E, and identifying information about other children.

Given the evolving federal landscape, and the myriad of conflicting privacy laws governing the different types of records contained in a child's file, DCF must be attentive to areas where federal law or regulation requires specific protections. Ensuring our redaction practices remain fully compliant may help safeguard the Department from potential federal consequences while preserving access for youth consistent with Act 173.

Specific file documents related to adoption must be removed before fulfilling foster care record requests, per 15A V.S.A. § 6-102, which makes adoption records generally

confidential. If requestors are interested in obtaining adoption records, FSD provides information about how to request certain confidential documents under these laws. Finally, to save time redacting and to ensure compliance with the Vermont Rules for Public Access to Court Records, FSD does not provide requestors with copies of court records contained in their DCF files. Instead, FSD directs requestors to the Vermont Judiciary to obtain these records directly.

Systemic Issues and Barriers

Consistent with Section 3(3), the following summarizes the systemic challenges identified during the first year of implementation.

Overall Capacity

FSD has dedicated one part-time, temporary administrative staff person to processing all aspects of these types of records requests. FSD is actively in the process of changing the part-time temporary position to be full-time and permanent. This employee responds to requestor questions as needed, tracks all data, attends staff meetings and trainings, and works with external staff from courts, district offices, and VSARA in support of completing requests.

DCF's legal staff provide secondary review of records to ensure redactions are appropriately applied. The legal unit in the DCF Commissioner's Office has been unable to add any additional staff capacity for this work.

Sealed Records

In addition to amending 33 V.S.A. § 4921, governing DCF's records of child abuse and neglect, Act 173 amended § 5117 to allow people to more easily obtain their confidential court records. However, Act 173 did not change § 5119 which seals certain juvenile records. Under § 5119(d), an order to seal juvenile records applies not only to the family court's records, but to DCF records "related to the specific court proceeding that is the subject of the sealing." In other words, Act 173 does not permit DCF to provide records that are fully or partially sealed.

In fact, § 5119 forbids any DCF employee from accessing DCF's own records if those records pertain to a sealed juvenile court proceeding. Instead, this statute only permits the FSD Records Liaisons to access a special index that only provides the name and birthday of the juvenile along with the docket number of the sealed court proceeding. Requestors seeking these records under Act 173 are first required to obtain a court order to temporarily unseal their DCF record to obtain copies of these files. While there

is no fee charged to the requestor to obtain the court order, it creates additional administrative burden for requestors and the courts. The length of time to obtain an order to unseal has ranged from 30 days to over three months from the time a motion is filed to the time a court order is signed.

Recordkeeping

FSD is exploring a reorganization of its recordkeeping system to move toward child-specific records, either maintained within a broader family file or as separate child files. Further research is needed to understand effective approaches used in other states and to determine which model best protects sibling confidentiality while preserving necessary family context. The current structure intermingles information about siblings throughout the file, making individualized record reviews time-consuming and requiring extensive redaction of protected information.

Any transition to child-specific organization would require substantial planning and statewide coordination before selecting an implementation date. Even with a forward-looking change, FSD will continue to manage intermingled family files for a period of time, as existing records would not be immediately reorganized. Shifting to a new structure would also require adjustments to ongoing documentation practices. This work is further complicated by the growing volume of electronic records, which must be indexed and linked consistently alongside paper files. Additionally, case notes are currently written and maintained on behalf of entire families rather than by individual children. This complicates the record review and distribution process.

These considerations must be aligned with planning for Vermont's future Comprehensive Child Welfare Information System (CCWIS) to ensure that any reorganization of paper or electronic files complements, rather than duplicates, future system design. DCF continues to collaborate and receive advisement from VSARA for its record management program, pursuant to 3 V.S.A. § 218.

The OCYFA's Stance on Redaction Criteria

Please see Appendix A for a memo drafted by the OCYFA. OCYFA's views on the redactions that are occurring are expressed in the memo and include the belief that FSD is redacting more information than is required by law. FSD believes that the redactions occurring at the present time are in line with both state and federal laws.

Potential Opportunities for Increasing Access to Records

Pursuant to Section 3(4), the following opportunities may expand or simplify access to records for individuals eligible under Act 173.

Staff Capacity

FSD has been implementing Act 173 within its existing resources and without any additional permanent, full-time staffing. To improve timeliness and to manage the volume of requests, FSD will be reassigning a vacant full-time position to allow for dedicated support for Act 173. Additional capacity in both the legal unit and FSD administrative staff would increase the number of records that can be reviewed and distributed more efficiently.

Given the long queue and limited capacity during the first year of implementation, DCF has not actively promoted access to records. Stakeholders strongly support the creation of a full-time position to sustain and expand this work. The OCYFA has also expressed support for increasing FSD's staffing capacity to fulfill Act 173 requests, while also noting that efficiency could be further improved by reducing the level of redaction required.

Records Retention Schedule

Looking ahead, a significant opportunity for improving access to records is the development of a formal records retention schedule for FSD. As the division modernizes its systems and practices, a retention schedule—developed in partnership with AHS, VSARA, and ultimately the Legislature—would establish how long different categories of documents must be kept. Over time, this would support more streamlined, organized, and accessible records, reducing the size and complexity of future files, and improving the efficiency of record review and response.

Implementing a retention schedule will require careful consideration of how long different types of records should be maintained, how to balance the need to preserve important historical information with the risks associated with indefinite retention, and how to ensure individuals can continue to access their childhood records later in life. Key questions include appropriate retention periods for different record types, the feasibility of automated purging, and safeguards necessary to preserve long-term access.

Leveraging ongoing modernization efforts—including CCWIS (Comprehensive Child Welfare Information System) design planning—as the vehicle for establishing and operationalizing a records retention schedule represents an efficient pathway to improving long-term access to records and strengthening FSD’s overall records management practices.

Comprehensive Child Welfare Information System (CCWIS)

FSD is in the process of developing a new case management database. Although there is not yet a defined timeline for full implementation, CCWIS is anticipated to improve consistency in documentation and streamline many aspects of records distribution. Examples of functions that may improve efficiency include:

- Automatic redaction according to established guidelines, including redaction of specific names or roles.
- Consistent participant names throughout the life of a case, supported by drop-down menus for names and identifiers. Currently, participant names are often spelled multiple ways within the same file, preventing any blanket treatment during redaction and requiring manual review.
- Standardized role selection, using pre-populated lists of roles. This would reduce the need to read each line of a file to identify role-specific redactions. For example, cases often include several individuals with the same first name but different roles, some of which require redaction—making software keyword searches unreliable and necessitating line-by-line review.

These functions would address many of the current challenges that require extensive manual review and would substantially improve the efficiency and accuracy of redactions across lengthy case files.

Definition of DCF Involvement

FSD has received three record requests from individuals who have records with the Department, but which were inaccessible under Act 173 because they did not experience foster care or a juvenile judicial proceeding.

Title 33 V.S.A. § 4921(g)(2) requires a requestor to meet the following three conditions to be eligible to receive their records:

- (A) the individual is the subject of the records requested,
- (B) the individual is 18 years of age or older, and
- (C) as a minor, the individual was in foster care or subject to any juvenile judicial proceeding under this title.

When an investigation is conducted, or there is a response to a report of abuse or neglect, DCF creates a record concerning the subject of the investigation or report. Likewise, DCF has records concerning individuals and families that receive supportive services from DCF. However, not everyone who is the subject of these records is placed in foster care. Similarly, not everyone who is the subject of these records is involved in a juvenile judicial proceeding. Accordingly, these records are not available to requestors, despite the involvement of DCF, since these requestors were not in foster care or the subject of a juvenile judicial proceeding.

This is most likely to occur when the requestor is the subject of an unaccepted or unsubstantiated report of abuse. Additionally, if the alleged abuse is perpetrated by a non-household member, and foster care is not warranted by the situation, the subject of the report would not be entitled to the records under Act 173.

The OCYFA suggested that FSD could direct requestors to additional statutes for requests that may fall outside of the legal jurisdiction of Act 173, which we agree is worthy of exploring in our policies and guidance.

Third Party Requests

FSD has received multiple requests from third parties such as attorneys, private investigators, disability or other advocates, and adult guardians representing requestors. At times, these parties represent incarcerated individuals who requested their records be sent to a location other than the correctional facility.

The legislation does not currently permit third-party representatives to request or receive records on behalf of the former foster youth. Section 4921 clearly lays out who may obtain which records, and subsection (h) prohibits recipients from re-disclosing records to individuals who are not identified in the statute. Having additional guidance for managing these requests would support individuals who seek the assistance of third parties in obtaining their confidential records.

Additional Resources & Links Related to Act 173 (H.644) of 2024

VSARA Statutory References:

- Vermont State Archives and Records Administration General Provisions: [3 V.S.A. § 117](#)
- Vermont State Archives and Records Administration: [3 V.S.A. § 218](#)

State of Vermont, Agency of Human Services
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- As it pertains to medical or psychological information: [1 V.S.A. § 317\(c\)\(7\)](#), [1 V.S.A. § 317\(c\)\(37\)-\(39\)](#), [45 CRF Part 160, 162, 164](#), and the [HIPAA Administrative Simplification Rules](#).

Policy Links:

- [Family Services Division Policies](#)

Data Links:

- [Family Services Division Data](#)

Appendix A

The OCYFA's Stance on Redaction Criteria

Section 3 of Act 173 requires DCF to consult with the OCYFA (among other entities) when providing this written report. The following information was written by the OCYFA, and does not necessarily reflect the views of the Department:

As DCF points out, multiple federal laws govern the dissemination of child welfare records, including CAPTA, Title IV-E of the Social Security Act, and HIPAA. As a result, during the Act 173 enactment process, the OCYFA, DCF general counsel, legislative counsel, and other key players extensively discussed how to provide access in the “broadest form permitted,” as the law requires. Our understanding was that we resolved those conflicts and that the redactions would be limited to the three exceptions codified at 33 V.S.A. § 4921(g)(3).

The implementation process has made clear that DCF has been redacting far more information than is required by federal law. HIPAA, for example, provides individuals with substantial rights to their protected health information, as summarized below:

- An individual has a “right of access to inspect and obtain a copy of protected health information about the individual in a designated record set, for as long as the protected health information is maintained in the designated record set” with limited exceptions. If the protected health information makes reference to another person, that access can only be denied if “a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person...” 45 C.F.R. § 164.524(v)(3) (see also 45 C.F.R. §§ 164.501, 164.524).
- “When a covered health care provider, in the course of treating an individual, collects or otherwise obtains an individual’s family medical history, this information becomes part of the individual’s medical record and is treated as “protected health information” about the individual. Thus, the individual (and not the family members included in the medical history) may exercise the rights under the HIPAA Privacy Rule to this information in the same fashion as any other information in the medical record, including the right of access, amendment, and the ability to authorize disclosure to others.” HHS, [“Does the HIPAA Privacy Rule limit what a doctor can do with a family medical history?”](#) accessed November 7, 2025.

- HIPAA clearly states that “a standard, requirement, or implementation specification adopted under this subchapter that is contrary to a provision of State law preempts the provision of State law,” unless the state law “permits greater rights of access or amendment, as applicable,” 45 C.F.R. 160.202. Therefore, Act 173 is “more stringent” than HIPAA only if it provides the maximum access for an individual to their records under federal law.
- In sum, rather than “requiring” redactions, HIPAA prohibits them in all but the most extreme instances. The records in question are the former foster youths’, not DCF’s. We look forward to submitting additional information as the Act 173 reporting process continues.

Appendix B

Feedback From Requestors

Requestors have shared a range of feedback during the first year of implementation, reflecting both the personal significance of receiving their records and their experiences navigating the new process:

- *“Thank you so much for your quick reply! (Only Vermont would respond that quickly!)”*
- *“I so appreciate all of your work on this!”*
- *“Thank you for helping me get to the bottom of this. As usual you have been very helpful and patient. I appreciate you.”*
- *“The letter I received from the orphanage did cover a lot of the same information about me. I am not shy anymore. Once I left the orphanage, I found my voice.”*
- *“We all know that the foster care system has always been a difficult one and my experience in it was no different than what was typically expected of the 60’s. I managed to survive it because I had an incredible state social worker, [name removed] who believed in me and believed me as a young innocent child struggling in a tough world. If she had not been in my life, I would not have had such an amazing life these past 50 years!! I owe my life to her.”*
- *“Thank you so much for all you are doing to access my records. I appreciate it.”*

Comments from requestors surrounding their experience with the barriers include:

- *“I knew this process would be long because it is a brand-new thing, so I came into this process knowing I would need to be patient, and I do not mind being a so-called guinea pig for you and the rest of the team to work out kinks or troubleshoot things. I am just glad this is even an option now, regardless of how long it takes.”*
- *“I appreciate the transparency about the expected timeline.”*
- *“It is unfathomable that this timeframe of over 6 months would be acceptable for an information request in any jurisdiction.”*
- *“Thank you for helping me get to the bottom of this. As usual you have been very helpful and patient. I appreciate you.”*
- *“I am currently in therapy addressing symptoms of my childhood trauma and for numerous reasons it would be helpful for me to piece back together this very traumatic time in my childhood now that I am a mature adult in my 50s. I’ve requested this info in the past but was told I was not entitled to any info from my DCF files.”*

Comments from requestors regarding sealed records:

- *“I’m very upset as this is just another way to avoid giving me my records.”*
- *“Why would they be sealed? What does that mean?”*
- *“Does anyone know why my file was ordered sealed? And/or when that happened?”*