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H.550

Introduced by Representatives Willhoit of St. Johnsbury and Toll of Danville

Referred to Committee on

Date:

Subject: Judiciary; CHINS; best interests of the child

Statement of purpose of bill as introduced: This bill proposes to 1) require the court to integrate trauma-informed analysis in making a best-interests determination in a CHINS proceeding; and 2) require trainings for attorneys and judges practicing in the CHINS docket.

An act relating to childhood trauma and the best interests of the child

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 5114 is amended to read:

§ 5114. BEST INTERESTS OF THE CHILD

(a) At the time of a permanency review under section 5321 of this title, a modification hearing under section 5113 of this title, or at any time a petition or request to terminate all residual parental rights of a parent without limitation as to adoption is filed by the Commissioner or the attorney for the child, the ~~Court~~ court shall consider the best interests of the child in accordance with the following:

1 (1) the interaction and interrelationship of the child with his or her
2 parents, siblings, foster parents, if any, and any other person who may
3 significantly affect the child's best interests;

4 (2) the child's adjustment to his or her home, school, and community;

5 (3) the likelihood that the parent will be able to resume or assume
6 parental duties within a reasonable period of time;

7 (4) whether the parent has played and continues to play a constructive
8 role, including personal contact and demonstrated emotional support and
9 affection, in the child's welfare; and

10 (5) whether the child has experienced a physically or emotionally
11 harmful or threatening event, series of events, or set of circumstances that
12 could have lasting adverse effects on the child's functioning and physical,
13 social, or emotional well-being.

14 (b) Except in cases where a petition or request to terminate all residual
15 parental rights of a parent without limitation as to adoption is filed by the
16 Commissioner or the attorney for the child, the ~~Court~~ court shall also consider
17 whether the parent is capable of playing a constructive role, including
18 demonstrating emotional support and affection, in the child's welfare.

1 Sec. 2. 33 V.S.A. § 5300 is added to read:

2 § 5300. BEST INTERESTS OF THE CHILD; CHILDHOOD TRAUMA

3 In making a determination regarding the best interests of the child pursuant
4 to this chapter, the court shall consider the impact of childhood trauma and
5 evidence-based trauma prevention.

6 Sec. 3. VERMONT BAR ASSOCIATION; JUDICIARY; CHILDHOOD
7 TRAUMA TRAININGS

8 The Vermont Bar Association Family Law Section shall offer an annual
9 training related to childhood trauma, and each attorney practicing in the Family
10 Division CHINS docket and each member of Vermont's judiciary presiding
11 over a CHINS docket shall attend the annual training.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2018.