

1 H.644

2 Introduced by Representative Austin of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Human services; child welfare services; Department for Children and
6 Families; records of abuse and neglect

7 Statement of purpose of bill as introduced: This bill proposes to allow an
8 individual to access certain records related to reports of abuse or neglect and
9 juvenile proceedings, provided that the individual is the subject of the records,
10 is 18 years of age or older, and as a minor was in foster care.

11 An act relating to access to records by individuals who were in foster care

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

13 Sec. 1. 33 V.S.A. § 4921 is amended to read:

14 § 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

15 * * *

16 (d) Upon request, Department records created under this subchapter shall
17 be disclosed to:

18 * * *

19 (5) other State agencies conducting related inquiries or proceedings; and

1 (6) the Office of the Child, Youth, and Family Advocate for the purpose
2 of carrying out the provisions in chapter 32 of this title; and

3 (7) an individual who:

4 (A) is the subject of the records sought by the request;

5 (B) is 18 years of age or older; and

6 (C) as a minor was in foster care.

7 * * *

8 ~~Sec. 2, 33 V.S.A. § 5117 is amended to read:~~

9 § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

10 * * *

11 (d) ~~Such~~ The records and files shall be available to:

12 (1) State's Attorneys and all other law enforcement officers in
13 connection with record checks and other legal purposes; ~~and~~

14 (2) the National Instant Criminal Background Check System in
15 connection with a background check conducted on a person under 22 years of
16 age pursuant to 18 U.S.C. § 922(t)(1)(C) and 34 U.S.C. § 40901(l); and

17 (3) an individual who:

18 (A) is the subject of the records sought by the request;

19 (B) is 18 years of age or older; and

20 (C) as a minor was in foster care as defined in section 4902 of this
21 title.

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~~REDACTED~~

Sec. 2. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

** * **

(b)(1) Notwithstanding ~~the foregoing~~ subsection (a) of this section, inspection of ~~sueh~~ the records and files by or dissemination of ~~sueh~~ the records and files to the following is not prohibited:

** * **

(E) ~~the child~~ individual who is the subject of the proceeding, ~~the child's~~ individual's parents, guardian, and custodian may inspect ~~sueh~~ the records and files upon approval of ~~the~~ a Family Court judge;

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Sec. 3. EFFECTIVE DATE

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This act shall take effect on July 1, 2024.