

1 H.664

2 Introduced by Representatives Wizowaty of Burlington and Krowinski of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Human services; children in need of care or supervision; disposition

7 case plans and orders; permanency hearings.

8 Statement of purpose of bill as introduced: This bill proposes to specify the  
9 required elements of a disposition case plan; broaden the Court's discretion to  
10 modify or order compliance with all or part of the case plan; mandate service  
11 of the case plan; require findings regarding each party's understanding of the  
12 case plan and his or her agreement to its terms; and require findings as to  
13 whether the Department made reasonable efforts to finalize the permanency  
14 plan for the child.

15 An act relating to disposition case plans, disposition orders, and  
16 permanency hearings

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

1 Sec. 1. 33 V.S.A. § 5316 is amended to read:

2 § 5316. DISPOSITION CASE PLAN

3 (a) The Department shall file a disposition case plan ordered pursuant to  
4 subsection 5315(g) of this title no later than 28 days from the date of the  
5 finding by the Court that a child is in need of care or supervision.

6 (b) A disposition case plan shall include, as appropriate:

7 (1) A permanency goal. The long-term goal for a child found to be in  
8 need of care and supervision is a safe and permanent home. A disposition case  
9 plan shall include a permanency goal and an estimated date for achieving the  
10 permanency goal. The plan shall specify whether permanency will be  
11 achieved through reunification with a custodial parent, guardian, or custodian;  
12 adoption; permanent guardianship; or other permanent placement. In addition  
13 to a primary permanency goal, the plan may identify a concurrent permanency  
14 goal.

15 (2) An assessment of the child's medical, psychological, social,  
16 educational, and vocational needs and the way in which each parent has  
17 attempted to address them, taking into consideration the financial resources of  
18 each parent.

19 (3) A description of the child's home, school, community, and current  
20 living situation.

1           (4) An assessment of the family's strengths and risk factors, including a  
2 consideration of the needs of children and parents with disabilities, provided  
3 that the child's needs are given primary consideration.

4           (5) ~~A statement of family changes needed to correct the problems~~  
5 ~~necessitating state intervention, with timetables for accomplishing the changes.~~  
6 The specific steps necessary to facilitate the return of the child to a safe family  
7 home if the child has been taken into custody or conditional custody pursuant  
8 to section 5308 of this title including:

9                   (A) each service that will be provided to the party;

10                   (B) the time frame during which each service will be provided to the  
11 party;

12                   (C) the availability of each service, including whether there is a  
13 waiting list for the service;

14                   (D) the actions to be completed by the party and the time frame  
15 during which he or she must complete them; and

16                   (E) the behavioral changes that the party must achieve.

17           (6) A recommendation with respect to legal custody for the child and a  
18 recommendation for parent-child contact and sibling contact, if appropriate.

19           (7) A plan of services that shall describe the responsibilities of the child,  
20 the parents, ~~the legal guardian,~~ or custodian, ~~the department~~ Department, other  
21 family members, and treatment providers, including a description of the

1 services and expected outcomes of the services required to achieve the  
2 permanency goal. The plan shall also address the minimum frequency of  
3 contact between the social worker assigned to the case and the family.

4 (8) A request for child support.

5 (9) Notice to the parents that failure to accomplish substantially the  
6 objectives stated in the plan within the time frames established may result in  
7 termination of parental rights. Notice to the State that a termination of parental  
8 rights may not result if the services to be provided to the parents cannot be  
9 provided within the ~~time frame~~ time frame required by the Department  
10 because the services are not available.

11 (10) A statement as to whether a safety planning conference involving  
12 the parents, the legal guardian or custodian, the Department, other family  
13 members or treatment providers will be conducted to assist the family in  
14 implementing the case plan.

15 (11) Any other conditions that the Court deems necessary to achieve the  
16 goal of permanency.

17 (c) The case plan shall be written in a clear manner. A copy of the case  
18 plan shall be served on each party to the case plan no later than the date it is  
19 filed with the Court.

1 Sec. 2. 33 V.S.A. § 5318 is amended to read:

2 § 5318. DISPOSITION ORDER

3 \* \* \*

4 (b) Case plan. If the Court orders the transfer of custody pursuant to  
5 subdivision (a)(2), (4), or (5) of this section, the Court shall establish a  
6 permanency goal for the minor child and adopt a case plan prepared by the  
7 Department which is designed to achieve the permanency goal. If the Court  
8 determines that the plan proposed by the Department does not adequately  
9 support the permanency goal for the child, the Court may ~~reject the plan~~  
10 ~~proposed by the Department and order the Department to prepare and submit a~~  
11 ~~revised plan for court approval.~~ ;

12 (1) order compliance with all or part of the plan;

13 (2) modify the plan in accordance with the evidence presented at the  
14 hearing; or

15 (3) reject the plan and order the Department to submit a revised plan  
16 within 30 days. If the Court rejects the case plan, the Court shall schedule  
17 another disposition hearing within 45 days.

18 \* \* \*

19 (e) Findings.

20 (1) The Court shall ascertain on the record that each party:

21 (A) has been served with a copy of the case plan;



1 may accept or reject the plan, but may not designate a particular placement for  
2 a child in the Department's legal custody.

3 (3) Make findings as to whether the case plan meets the criteria set forth  
4 in section 5316 of this title.

5 (4) Make findings that each party:

6 (A) has been served with a copy of the case plan;

7 (B) understands the expectations of him or her as outlined in the case  
8 plan and the actions that he or she is required to take; and

9 (C) agrees to each action that the case plan requires him or her to  
10 take.

11 (5) Provide a copy of the order after hearing to each party.

12 (6) Enter an order:

13 (A) approving the plan;

14 (B) ordering compliance with all or part of the plan;

15 (C) modifying the plan in accordance with the evidence presented at  
16 the hearing;

17 (D) rejecting the plan and ordering the Department to submit a  
18 revised plan within 30 days. If the Court rejects the case plan, the Court shall  
19 schedule another disposition hearing within 45 days.

20 \* \* \*

1           (h) Upon the filing of a petition for a finding of reasonable efforts and a  
2 report or affidavit by the Department for Children and Families with notice to  
3 all parties, the Court shall hold a hearing within 30 days of the filing of the  
4 petition to determine, by a preponderance of the evidence, whether the  
5 Department for Children and Families has made reasonable efforts to finalize  
6 the permanency plan for the child that is in effect at the time of the hearing.  
7 The hearing may be consolidated with or separate from a permanency hearing.  
8 The Court shall make findings on the record as to whether the Department has  
9 made reasonable efforts. Reasonable efforts to finalize a permanency plan  
10 may consist of:

11           (1) reasonable efforts to reunify the child and family following the  
12 child's removal from the home, where the permanency plan for the child is  
13 reunification; or

14           (2) reasonable efforts to arrange and finalize an alternate permanent  
15 living arrangement for the child, in cases where the permanency plan for the  
16 child does not include reunification.

17 Sec. 4. EFFECTIVE DATE

18           This act shall take effect on July 1, 2014.