1	S.35
2	Introduced by Senators Flory, Campbell, and Mullin
3	Referred to Committee on
4	Date:
5	Subject: Family law; access to DCF records
6	Statement of purpose of bill as introduced: This bill proposes to make changes
7	to the confidentiality provisions of the Department for Children and Families'
8	records of abuse and neglect.
9 10	An act relating to access to Department for Children and Families' records of abuse and neglect
11	It is hereby enacted by the General Assembly of the State of Vermont:

- 12 Sec. 1. 33 V.S.A. § 4921 is amended to read:
- 13 § 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT
- 14 (a) The Commissioner shall maintain all records of all investigations,
- 15 assessments, reviews, and responses initiated under this subchapter. The
- 16 Department may use and disclose information from such records in the usual
- 17 course of its business, including to assess future risk to children, to provide
- 18 appropriate services to the child or members of the child's family, or for other
- 19 legal purposes.

1	(b) The Commissioner shall promptly inform the parents, if known, or
2	guardian of the child that a report has been accepted as a valid allegation
3	pursuant to subsection 4915(b) of this title and the Department's response to
4	the report. The Department shall inform the parent or guardian of his or her
5	ability to request records pursuant to subsection (c) of this section. This
6	section shall not apply if the parent or guardian is the subject of the
7	investigation.
8	(c) Upon request, the redacted investigation file shall be disclosed to:
9	(1) the child's parents, foster parent, or guardian, absent good cause
10	shown by the Department; and
11	(2) the person alleged to have abused or neglected the child, as provided
12	for in subsection 4916a(d) of this title; and
13	(3) the parents of a child residing in a home with a person alleged to
14	have abused or neglected a child.
15	(d) Upon request, Department records created under this subchapter shall
16	be disclosed to:
17	(1) the <u>The</u> court, parties to the juvenile proceeding, and the child's
18	guardian ad litem if there is a pending juvenile proceeding or if the child is in
19	the custody of the Commissioner;.
20	(2) the <u>The</u> Commissioner or person designated by the Commissioner to
21	receive such records <u>;</u>

1	(3) persons Persons assigned by the Commissioner to conduct
2	investigations;.
3	(4) law Law enforcement officers engaged in a joint investigation with
4	the Department, an assistant attorney general Assistant Attorney General, or a
5	state's attorney; State's Attorney.
б	(5) other Other State agencies conducting related inquiries or
7	proceedings ; and .
8	(6) $\frac{1}{4}$ A Probate Division of the Superior Court involved in guardianship
9	proceedings. The Probate Division of the Superior Court shall provide a copy
10	of the record to the respondent, the respondent's attorney, the petitioner, the
11	guardian upon appointment, and any other individual, including the proposed
12	guardian, determined by the Court to have a strong interest in the welfare of
13	the respondent.
14	(7) A Family Division of the Superior Court involved in custody
15	proceedings for a child who is the subject of a CHINS proceeding. The Family
16	Division of the Superior Court shall provide a copy of the record to the parties
17	to the custody proceeding.
18	* * *
19	Sec. 2. EFFECTIVE DATE
20	This act shall take effect on passage.