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S.43

Introduced by Senators Ram Hinsdale, Campion, Gulick, Hardy, Hashim,  
McCormack, Vyhovsky and White

Referred to Committee on

Date:

Subject: Human services; Family Division of the Superior Court; juvenile  
proceedings; CHINS

Statement of purpose of bill as introduced: This bill proposes to establish the  
Child and Parent Representation Working Group to report to the General  
Assembly with a plan to develop two distinct administrative programs to  
provide an interdisciplinary approach to effective legal representation for both  
children and parents involved in the child protection system.

An act relating to the Child and Parent Representation Working Group

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

Sec. 1. CHILD AND PARENT REPRESENTATION WORKING GROUP;  
REPORT

(a) Creation. There is created the Child and Parent Representation  
Working Group to develop and recommend a plan to the General Assembly for  
the implementation of an interdisciplinary model of effective legal

1 representation for both children and parents involved in the child protection  
2 system.

3 (b) Membership. The Working group shall be composed of the following  
4 members:

5 (1) the Chief Justice of the Vermont Supreme Court or designee;

6 (2) two current members of the House of Representatives, not all from  
7 the same political party, who shall be appointed by the Speaker of the House;

8 (3) two current members of the Senate, not all from the same political  
9 party, who shall be appointed by the Committee on Committees;

10 (4) two individuals with lived experience in Vermont's system of child  
11 protection who were represented by attorneys contracted by the Office of the  
12 Attorney General, one to be appointed by the Vermont Parent Representation  
13 Center and one to be appointed by Voices for Vermont's Children;

14 (5) a judge who presides over CHINS cases in the Family Division of  
15 the Superior Court, appointed by the Chief Superior Judge;

16 (6) two attorneys with significant experience representing parents or  
17 children in the Family Division of the Superior Court who are no longer under  
18 contract with or otherwise employed by the Office the Defender General, the  
19 Office of the Attorney General, or the Department of State's Attorneys and  
20 Sheriffs, appointed by the Family Law Section of the Vermont Bar  
21 Association;

1           (7) a representative of Vermont Law School; and

2           (8) the Secretary of Administration or designee.

3           (c) Powers and duties. The working group shall assess the current system  
4 of parent and child representation in Vermont’s child protection system and  
5 study best practices for parent and child representation, including by  
6 reviewing:

7           (1) the efforts of Washington State, Colorado, and New York City to  
8 reform their programs of child protection and related experiences of other  
9 jurisdictions;

10           (2) the results of the Vermont Parent Representation Center pilot  
11 programs;

12           (3) the 2020 study of the *Children and Youth Services Review* titled  
13 “Understanding the Effects of an Interdisciplinary Approach to Parental  
14 Representation in Child Welfare”;

15           (4) how much is appropriated from the General Fund to fund the Office  
16 of the Defender General for the representation of children and parents in child  
17 protection proceedings;

18           (5) the current average attorney compensation in Vermont; the average  
19 compensation for attorneys employed as salaried State employees by the  
20 Office of the Attorney General, the Office of the Defender General, and the  
21 Department of State’s Attorneys and Sheriffs; and the average compensation

1 for contracted attorneys serving children and parents in CHINS proceedings in  
2 Vermont;

3 (6) approximate attorney and social services personnel compensation  
4 levels to understand all costs of services for representing parents and children  
5 in CHINS cases, whether State employees or contacted employees;

6 (7) American Bar Association standards for attorneys representing  
7 children and parents in child protection cases;

8 (8) Title IV-E funding issues and eligibility requirements, including  
9 what percent of children in the custody of the State of Vermont are found to be  
10 Title IV-E eligible, what percentage of those children were represented by the  
11 Office of the Defender General, and the actual numbers of those children in the  
12 two most recent fiscal years available; and

13 (9) potential funding sources, including Title IV-E monies, that could be  
14 used to support the work of the Working Group and improve Vermont's child  
15 protection system.

16 (d) Assistance. The Working Group shall have the administrative,  
17 technical, and legal assistance of the Office of the Court Administrator. The  
18 Working Group shall seek assistance from other experts in the child protection  
19 system, including the American Bar Association Center on Children and the  
20 Law, the New York City Center on Family Representation, and the Vermont  
21 Parent Representation Center.

1       (e) Report.

2           (1) On or before January 11, 2023, the Working Group shall submit a  
3       report to the House and Senate Committees on Judiciary and the House  
4       Committee on Human Services with its work plan and progress to date.

5           (2) On or before April 15, 2023, the Working Group shall provide the  
6       committees identified in subdivision (1) of this subsection with an interim  
7       report and its plan for concluding its work.

8           (3) On or before January 15, 2024, the Working Group shall provide the  
9       committees identified in subdivision (1) of this subsection with its final report,  
10       including findings and any recommendations for legislative action. The report  
11       shall include:

12           (A) a proposal for administrative programs providing an  
13       interdisciplinary approach to effective legal representation for both parents and  
14       for children involved in the child protection system, separate and distinct from  
15       one another and from the criminal defense system providing services in  
16       CHINS proceedings, including a proposed appropriation to fund such parent  
17       and child representation programs;

18           (B) a plan to make use of Title IV-E funds to support the program;

19           (C) standards and performance measures for attorneys and social  
20       workers involved in the child protection system in order to assess process,  
21       output, and outcome;

1           (D) training, supervision, and performance monitoring requirements  
2           for attorneys and social workers as necessary to ensure competent and effective  
3           representation and services; and

4           (E) recommendations regarding whether Vermont should establish an  
5           Office of Child Representation and an Office of Parent Representation as  
6           independent agencies within the Judicial Branch.

7           (f) Meetings. The Chief Justice of the Vermont Supreme Court or designee  
8           shall call the first meeting of the Working Group to occur on or before July 15,  
9           2022. The Chief Justice or designee shall be the Chair of the Working Group.  
10          A majority of the membership shall constitute a quorum. The Working Group  
11          shall cease to exist on January 15, 2024.

12          (g) Compensation and reimbursement.

13           (1) For attendance at meetings during adjournment of the General  
14           Assembly, a legislative member of the Working Group serving in the  
15           member's capacity as a legislator shall be entitled to per diem compensation  
16           and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than  
17           15 meetings. These payments shall be made from monies appropriated to the  
18           General Assembly.

19           (2) Other members of the Working Group shall be entitled to per diem  
20           compensation as permitted under 32 V.S.A. § 1010 for not more than  
21           15 meetings.

- 1      Sec. 2. EFFECTIVE DATE
- 2      This act shall take effect on passage.