

Voices for Vermont's Children

Promoting public policy that enhances the lives of children and youth in Vermont



Vermont's Child Welfare and Juvenile Judicial Systems Undergo Comprehensive Reform in 2008

During the 2008 session Vermont's legislature passed comprehensive reforms to the state's child welfare and juvenile judicial systems. The legislation instituted a major policy shift in how the state responds to reports of abuse and neglect of children, as well as how the legal system processes the cases of those children and families who are brought into the system. The shift incorporated aspects of the latest thinking in the field of child welfare, including evidence-based practices, in an effort to improve the future for Vermont's most vulnerable children.

Child Welfare

In response to the conclusion from several sources that Vermont's system of child abuse and neglect reporting screens out too many at-risk children, the legislature instituted several changes. It centralized the intake system so that one specialized unit in the state is responsible for handling all reports. A new response system was adopted where children and their families will be offered services if they are deemed at-risk, even if abuse or neglect are not substantiated, meaning that the conduct reported does not rise to the level of child abuse or neglect as defined by law. Under this new system families not substantiated, but found to be in need of services, will not be labeled or charged and their participation will be voluntary (The voluntary nature of this first level is tempered by the fact that a family may feel compelled to accept services knowing that if their situation deteriorates they will face an involuntary intervention). They will receive services designed to strengthen them as parents and keep them and their children out of the system.

Juvenile Judicial System

Children and their families who do end up in the child welfare system will have several new options as a result of the 2008 legislation. The newly reorganized juvenile judicial system aims to work quickly and keep the child in his/her family of origin if at all possible. Like other states Vermont is moving from an almost exclusive reliance on unrelated foster families to a greater reliance on relatives and others with close relationships to the family. Recent federal legislation granting financial support for kinship care means that many more kin will be able to accept custody of children.

Major changes to the juvenile judicial statute include:

- Allowing a child to remain in a home subject to court-ordered conditions and monitoring by DCF
- Early identification of absent fathers
- Early identification of kin willing to take custody of children
- A custody preference for non-custodial parents and kin early in the process
- A presumption in favor of parent-child contact and authorization for the court to order sibling contact
- Incorporation of balanced and restorative justice principles
- 60 day post-disposition court reviews for children in custody
- Increasing frequency of court reviews to ensure compliance with a child's case plan
- Decreasing the time between a delinquent incident and adjudication
- Extending jurisdiction of youthful offenders until age 22

Child Protection Registry

The 2008 legislation increased due process protections for those Vermonters faced with the possibility of their name appearing on the registry maintained by the Department for Children and Families of all persons with a substantiation of child abuse. In 2003 there was an expansion of use of the registry from a screening tool for potential foster parents and child care workers used exclusively by the state, to a list available to potential employers if their employee has contact with children or vulnerable adults. The expansion resulted in a dramatic increase in use and with this increase in use came increasing questions concerning the protection of due process rights of persons whose name appears on the registry. In 2007 a system of independent review was set up so that those persons to be listed have a right to appeal before their name is placed on the list (In certain egregious cases the statute allows the Commissioner of the Department for Children and Families to place a person's name on the list before the appeal). In addition DCF is required to set up, by rule and regulation, a tiered registry where acts are judged based upon future risk to children and some persons' names are not given out to future employers. A person's registry record will be automatically expunged if they committed the act for which they are placed on the registry before the age of ten and no further acts are committed before the person turns 18. A person substantiated for behavior occurring before the person reached 18 years of age and whose name has been listed on the registry for at least three years may seek a review for the purpose of expunging an individual registry record. Adults who are substantiated after July 1, 2009 must wait seven years to request such a review.

Social Worker Caseload Numbers

Concerns were raised to the legislature that DCF social workers have more cases assigned than is optimal for quality work with the child and their family. A common complaint is that social workers do not spend adequate time with children in their care. Though the legislature did not mandate a certain number of cases per social worker it called for DCF to develop policies for implementing social worker caseload assignments which identify a target of one worker per 12 families and that are consistent with national standards, best practices, and the department's transformation plan. The report, due on January 1, 2009, is to include an assessment of the impact of current caseloads on the quality of service of face-to-face visits with children in custody.

Conclusion

The changes to Vermont's child welfare system are not without controversy. There were concerns that centralized intake means that workers with knowledge of the child's family and community will be left out of investigation determinations. There were those with concerns about the presumption toward keeping children in their family of origin through kinship care, without adequate resources for the kin and protection for the child. Some worried that children would be turned over to non-custodial parents without adequate investigation of suitability. Appeals of placement on the registry mean potential exposure of the reporter to the person they have accused of abuse. For all of these reasons it is important that DCF, outside advocates, and the legislature monitor and evaluate the impact of the new system and continue to modify the it in the interest of our most vulnerable children.

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