

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 An act relating to access to Department for Children and Families' records
10 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~~ The 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~~ The Commissioner or person designated by the Commissioner to
21 receive such records; ~~;~~

