

# Vermont Protection & Advocacy, Inc.

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*VP&A is the Protection & Advocacy  
System for Vermont*

Sheila Duranleau, Policy and Operations Manager  
DCF/Family Services  
103 South Main Street, Osgood 3  
Waterbury, VT 05671-2401

February 18, 2009

Re: Comments on Draft Response to Child Abuse and Neglect  
and Draft Child Protection Registry Policies Submitted  
Jointly by Disability Law Project and Vermont Protection  
and Advocacy, Inc.

Dear Sheila,

Greetings. VP&A and Vermont Legal Aid's Disability Law Project (DLP) reviewed the proposed policies regarding Response to Child Abuse and Neglect and Child Protection Registry and hereby submit the following comments and suggestions for the Department's consideration. Our review of these draft policies identified a lack of clear direction for DCF personnel when coming into contact with parents who may have disabling conditions. Our concerns and suggestions relate to historic difficulties parents with disabilities have faced when interacting with DCF in child custody and protection matters, as well as the legal requirements under the Americans with Disabilities Act and related laws that government services and programs make reasonable accommodations for such qualifying parents.

Please feel free to contact either myself or Barbara Prine from the DLP to discuss our comments and suggestions listed below further. Please also provide both Barbara and myself with your responses to our comments and suggestions as well as a copy of the final policies. Barbara can be reached at the Disability Law Project, Vermont Legal Aid, P.O. box 1367, Burlington, VT 05401, (802) 863-5620. If you are aware of the date that the final policies will be presented to LCAR, that information would be appreciated also.

Thank you for the opportunity to provide these comments and suggestions on these important policies.

Sincerely,



A.J. Ruben  
VP&A, Inc.



Barbara Prine  
Disability Law Project

**Comments on Draft Response to Child Abuse and Neglect and Draft  
Child Protection Registry Policies Submitted Jointly by Disability Law  
Project and Vermont Protection and Advocacy, Inc.  
February 2009**

**Comments on DCF Proposed Response to Child Abuse and Neglect  
Policy**

On page 6 under **Additional Considerations for Determining if a Report of Risk or Harm is a Valid Allegation** we suggest amending section c) to include the following language *“The parent is incapable, due to a mental or physical illness/ condition or developmental delays, of providing age-appropriate supervision, and no other person or accommodated services are available to assist.”*

On page 7 under **Criteria for Deciding Upon Investigation vs. Family Assessment** we suggest amending #4 to include the following language at the end of that sentence *“Any strengths and formal and informal supports and/or resources that are available or exist within the family and community, specifically including resources and supports for people with disabilities if relevant.”*

On page 9 under **Other Required Interviews** we suggest adding the following language at the end of this section: *“Investigators shall notify the witness of their right to request reasonable accommodations for their disability, if any, during the interview process.”*

On page 10 under **Making the Substantiation Decision** we suggest adding the following language after the first sentence: *“If the subject of the investigation is a person with a disability, accurate and reliable information may require that the subject be offered and have available reasonable accommodations in the interview process.”*

On page 11 under **Substantiating Neglect** we suggest adding the following phrase in the last sentence in the second to last paragraph (after *“If the neglect is solely the result of the parent or caretaker’s lack of financial means, neglect will not be substantiated.”* : *“If the neglect is solely the result of the parent or caretaker’s lack of financial means, or lack of access to services accommodated to support the individual’s disability, neglect will not be substantiated.”*

On page 12 under **Substantiating Risk of Harm** at number 5 we suggest adding the following language: *“Is incapable, due to a mental or physical illness/condition or developmental delays, of providing age-appropriate supervision, and no other person, service, resource or supports are available to assist. Prior to substantiating Risk of Harm related to a person’s disability an evaluation by a person with current expertise in the particular disability must be obtained that includes identification of resources, supports or strategies that may alleviate the risk to the child.”*

On page 13 under **Determining Service Need; Delivering Ongoing Services** we suggest adding the following language: *“When a parent is identified as having a disability the assessment of risk and service needs will be developed with input from and in cooperation with a person with current expertise in the particular disability.”*

On page 14 under **Family Assessment Procedures** at number 1 we suggest adding the following language: *“An interview with a parent must include notice to the parent that reasonable accommodations for any disability that may effect their ability to interact with the interviewer will be offered and this option explained to the parent.”*

Also under **Family Assessment Procedures** we suggest adding a number 4 with the following language: *“If the parent is identified as a person with a disability, the assessment must be done by or with the assistance of a person with current expertise in the particular disability.”*

On page 15 under **Determining Service Need; Delivering Ongoing Services** at number 2, we suggest adding the following language: *“, including services specifically accommodated to succeed with parent’s disability and services designed to assist persons with the relevant disability.”*

Also on page 15 and under **Special Considerations for Parents with Disabilities** we suggest adding the following language: *“The Division recognizes that its services must be provided with reasonable accommodations for individuals with disabilities.”*

### **Comments on DCF proposed Child Protection Registry Policy**

On page 5 under **Assessment of Risk** we suggest amending factor #3 to read, **“The Juvenile’s developmental maturity”** and delete reference here to the adult. We also suggest adding a requirement at the end of this section as follows: *“When the parent is identified as having a developmental disability, the assessment will be done by an individual with current expertise in the field of developmental disabilities.”*