

From: [Katherine Varnum](#)
To: [AGO - Info](#); [Mishaan, Jessica](#)
Cc: [Frances Workman](#)
Subject: Public Records Request
Date: Thursday, September 19, 2019 3:21:26 PM
Attachments: [image001.png](#)
[Jessica L. Mishaan 09 19 19.pdf](#)

Dear Ms. Mishaan,

On behalf of Frances Workman, please find the attached correspondence for your attention. A hard copy is also being sent to the Office of the Attorney General today via U.S. First Class mail.

We look forward to your response, and ask that you please provide the records electronically by uploading to a SmartFile, which may be accessed here: <https://file.ac/21euCO1oZvCYF9iOhhhhkQ/>. Thank you.

Best,

Kat



Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

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September 19, 2019

VIA ELECTRONIC AND U.S. FIRST CLASS MAIL

Jessica L. Mishaan, AGO Paralegal III
Vermont Office of the Attorney General
Attn.: Public Records Act Request
109 State Street
Montpelier, VT 05609-1001

Re: Public Records Request

Dear Ms. Mishaan:

Pursuant to the Access to Public Records Act ("PRA"), 1 V.S.A. § 316, please find the below Public Records requests to the Vermont Office of the Attorney General. As you know, Vermont law requires a response within three business days of this request. Should you have any questions, please feel free to contact me at the below number.

I. Definitions.

The following Definitions shall apply to all requests as set forth below:

1. "Agency" shall refer to the Vermont Department for Children and Families.
2. "Division" shall refer to the Family Services Division of the Vermont Department for Children and Families.
3. "Public Records" shall mean any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business, including digital documents stored in private accounts. See V.S.A. § 317; *Toensing v. Attorney Gen.*, 2017 VT 99, ¶ 1 (Vt. 2017).

II. Instructions.

The following Instructions shall apply to all requests as set forth below:

1. For all requests below, unless indicated otherwise, please produce all responsive Public Records from a period of January 1, 2013, to current.
2. All produced Public Records shall be preferably furnished in electronic format using the SmartFile link that has been provided to you in the carrier e-mail for this correspondence.

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3. If a claim of privilege or other immunity from disclosure is asserted with respect to any public record requested herein, with respect to each such Public Record, state: (i) the nature of the Public Record; (ii) the date of the Public Record; (iii) the subject matter of the Public Record; (iv) the author, addressee, or any other recipient of the Public Record, and where not apparent, the relationship of the author, addressee, and any other recipient to each other; (v) the name of each person who prepared or signed the original Public Record and to whom the Public Record was circulated; and (vi) the nature of the asserted privilege or other immunity from disclosure.¹

III. Public Records Requests.

1. All grant, loan, or other funding applications for monies from the United States federal government for provision of services, purchases of goods, or hiring of staff, to Vermont for juvenile or family justice, including, without limitation, funds received from the United States Departments of Justice or Department of Health and Human Services.
2. All conditions of any extension of funding(s) pursuant to the foregoing request.
3. All trainings or education (other than general access to libraries, databases, and the like) provided to Vermont state employees overseeing juvenile and family law matters, on the following topics:
 - a. Federal Constitutional law relating to the integrity of families, juvenile rights, and parental rights;
 - b. Obligations of the State of Vermont, and its agents, under the Americans with Disabilities Act and the Rehabilitation Act, particularly in regard to the integrity of families, juvenile rights, and parental rights.
4. All actual educational trainings or events conducted relating to the topic(s) of any of the foregoing request, with regard to Vermont state employees involved with juvenile and family law matters.
5. Guidance or training materials reflecting efforts required under federal or Vermont law to preserve, reunify, or protect families, including pursuant to directions of the United States Departments of Justice or Health and Human Services.
6. Guidance or training materials reflecting ascertainment of “reasonable efforts” to maintain and reunify intact families, including pursuant to federal law including, without limitation, Social Security Act IV-E, or any other United States federal law.

¹ Privileges are strongly disfavored in Vermont courts “[b]ecause of their interference with truthseeking.” *Douglas v. Windham Superior Court*, 157 Vt. 34, 40 (1991); *In re Grievance of Danforth*, 174 Vt. 231, 241, 812 A.2d 845, 853 (2002) (noting the same). Further, the PRA strongly favors giving the public access to documents and records. *Sawyer v. Spaulding*, 2008 VT 63, 184 Vt. 545 (2008).

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7. All complaints and investigations of improper, illegal, or unconstitutional family separations committed by the State of Vermont, its agents, or affiliates.
8. Communications from or to the United States Department of Justice in regard to the conduct or operations of the Division or the Agency, including any civil investigative demands, informal requests for documents or information, or other inquiries requesting data or investigating the Division's (and its agents') compliance with federal law or regulation, or the terms of funding provided to the Agency or the Division.
9. Communications from or to the United States Department of Health and Human Services in regard to the conduct or operations of the Division or the Agency, including any civil investigative demands, informal requests for documents or information, or other inquiries requesting data or investigating the Division's (and its agents') compliance with federal law or regulation, or the terms of funding provided to the Agency or the Division.
10. Communications from or to the Centers for Medicare and Medicaid Services in regard to the conduct or operations of the Division or Agency, including any civil investigative demands, informal requests for documents or information, or other inquiries requesting data or investigating the Division's (and its agents') compliance with federal law or regulation, or the terms of funding provided to the Agency or the Division.
11. Communications from or to the State of Vermont Department for Children and Families, Family Services Division in regard to the conduct or operations of the Division or the Agency, including any civil investigative demands, informal requests for documents or information, or other inquiries requesting data or investigating the Division's (and its agents') compliance with: (i) federal law or regulation; (ii) the terms of funding provided to the Agency or the Division; (iii) or compliance with Vermont law or regulation.
12. Audits or reviews, including those conducted by outside third-parties, in regard to the conduct or operations of the Division or the Agency, as to the Division's (and its agents') compliance with: (i) federal law or regulation; (ii) the terms of funding provided to the Agency or the Division; or (iii) compliance with Vermont law or regulation.
13. Policies, programs, methods, organization charts, or protocols specifying the management methods and chain of supervision for Assistant Attorneys General stationed within the Division, including in regard to supervision by the Vermont Attorney General or Deputy Attorney General.
14. Materials instructing or guiding Division employees on how to make "reasonable accommodations" and otherwise comply with the federal Americans with Disabilities Act.
15. Materials reflecting the Division's legal obligation, or lack of obligation, to comply with the federal Americans with Disabilities Act.
16. Guidance or policies (separate from published "Department for Children and Families Policies") for the provision of services, advice, and legal services by Assistant Attorneys General stationed within the Division.

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17. The budget and funding sources for Assistant Attorneys General stationed within the Division.
18. Guidance, policies, and decision-making or assessment tools (separate from published “Department for Children and Families Policies”) for decision-making as to the undertaking (or refusal to undertake) of reunification services for separated parents with children, including whether to undertake, how and with what resources to undertake, and the timing of undertaking, such services.
19. Guidance, tools, and policies (separate from published “Department for Children and Families Policies”) for decision-making as to Case Plan goals, timing, and methods for separated families, including, without limitation, designation of who makes such determination, and how.
20. Reviews of the conduct and practices of the Division and its agents, in regard to compliance with federal and state Constitutional and civil rights law, conducted by any person or agency.
21. Data or compilations showing outcomes for families separated by the Agency in which any member has a “disability,” as defined by the Americans with Disabilities Act.
22. Data or compilations showing outcomes for families separated by the Agency, as to reunification, termination of parental rights, and other outcomes, and the timeframes for such outcomes.
23. Instructions or guidance, other than published “Department for Children and Families Policies,” for investigation of allegations of child abuse or neglect by the Agency’s agents, including Family Service Workers.
24. Instructions or guidance, other than published “Department for Children and Families Policies,” for writing affidavits and petitions to seek custody of a child, for the Agency’s agents, including Family Service Workers, or State’s Attorneys and their agents, including Assistant State’s Attorneys.
25. Instructions or guidance, other than published “Department for Children and Families Policies,” for avoidance of perjury and misrepresentations, by the Agency’s agents, including Family Service Workers, or State’s Attorneys and their agents, including Assistant State’s Attorneys.
26. Training materials for the following Agency positions: “Family Services Worker”; “Family Services Division Supervisor”; “District Director”; “Assistant Attorney General [stationed within the Family Services Division]”; “Commissioner”; “Deputy Commissioner”; “Operations Director”; “Policy & Operations Manager”; and “District Director.”
27. Communications about the separation of families, compliance with law or regulation, and legality and appropriateness of, the conduct by the Division and its agents, with any

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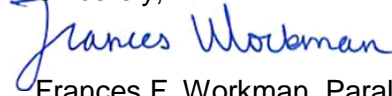
member, committee, or subcommittee of the United States Senate or United States House of Representatives.

28. Guidance or policies (separate from published “Department for Children and Families Policies”) provided to Division staff (or Assistant Attorneys General stationed within the Division) as to the obligation of “reasonable efforts” in regard to avoiding separation of families and assisting reunification of separated families.
29. Guidance or policies (separate from published “Department for Children and Families Policies”) provided to Division staff (or Assistant Attorneys General stationed within the Division) as to the obligation of “reasonable accommodations” in regard to compliance with the federal Americans with Disabilities Act.
30. Guidance or policies (separate from published “Department for Children and Families Policies”) provided to Division staff (or Assistant Attorneys General stationed within the Division) as to “case plan reviews” or meetings or hearings to ascertain compliance with “reasonable efforts” to avoid separation of families and assist with reunification of separated families.
31. All contracts with any third party outside of State of Vermont employees that performs oversight, “independent review,” or other audit, quality control, or compliance oversight of the Division and its operations.
32. Policies, programs, methods, organization charts, or protocols specifying the job duties and roles for Assistant Attorneys General stationed within the Division.
33. Policies, programs, methods, organization charts, or protocols specifying the differentiation of legal advisory and operational decision-making for Assistant Attorneys General stationed within the Division.
34. Policies, programs, methods, organization charts, or protocols specifying the methods for preservation of privilege as to attorney advice or attorney work product for the Assistant Attorneys General stationed within the Division.
35. Communications with any police department or agency (including affiliated individuals, acting officially or unofficially) in the State of New Hampshire about taking custody of children at the request of the Division.
36. Communications with the New Hampshire Division for Children, Youth and Families (including affiliated individuals, acting officially or unofficially) in the State of New Hampshire about taking custody of children at the request of the Division.
37. Documents reflecting awareness, investigation, or remedy of the kidnapping of children in violation of law with Agency involvement, within or outside of Vermont.

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I may be reached directly at (617) 370-8326 with any questions. Thank you for your attention to this request.

Sincerely,

Frances F. Workman, Paralegal

Jessica L. Mishaan 09 19 19