

From: [Frances Workman](#)
To: [AGO - Info](#)
Subject: Public Records Request
Date: Thursday, December 20, 2018 3:06:36 PM
Attachments: [image001.png](#)
[Vermont Office of the Attorney General 12 20 18.pdf](#)
[Vermont Office of the Attorney General 12 20 18 \(redline to v2\).pdf](#)

Dear Sir or Madam,

Further to the below, attached please find a revised version of the Public Records Request submitted this morning, at 10:20 a.m. EST.

Please disregard the previous version, and use this version, with a minor edit made, as reflected in the attached redline.

Thank you.

Best,

Frances

Frances Workman
Paralegal



617.370.8326 direct
617.497.7200 main
866.257.9530 fax

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.)

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you received this message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

From: Frances Workman <Frances.Workman@slglawfirm.com>
Sent: Thursday, December 20, 2018 10:20 AM
To: ago.info@vermont.gov
Subject: Public Records Request

Dear Sir or Madam,

Attached please find correspondence for your attention. A copy is being mailed to you via U.S. First Class mail today.

In addition, as explained in the attached correspondence, please use the SmartFile to provide the requested documents. You may access the file by following the link here:

<https://file.ac/QDTLHZYC7u0/>.

|

Thank you for your attention to this matter.

Best,

Frances

Frances Workman
Paralegal



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December 20, 2018

VIA ELECTRONIC AND U.S. FIRST CLASS MAIL

Vermont Office of the Attorney General
Public Records Act Request
109 State Street
Montpelier, VT 05609

Re: Public Records Request

Dear Sir or Madam,

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 directly.

I. Definitions.

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

1. "AG" shall refer to the Vermont Office of the Attorney General.
2. "DCF" shall refer to 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 DCF 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 five years prior to the date of production 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.

Vermont Office of the Attorney General
Public Records Act Request

December 20, 2018

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 Public Records reflecting the provision of legal services to the DCF by the AG, including any seconding, shared services, or representation agreements, and any organizational charts or job descriptions reflecting services provided, and supervision of such staff or services.
2. All Public Records reflecting the analysis undertaken by the AG, or any AG employees providing services to the DCF, to assess or assure the compliance of the “substantiation” process conducted under 33 V.S.A. Ch. 49-53, and the DCF’s Family Services Division’s Policies, with United States federal and State constitutional protections afforded to individuals accused of child abuse or neglect, including due process protections.
3. All Public Records reflecting the analysis undertaken by the AG, or any AG employees providing services to the DCF, to assess or assure the compliance of the “substantiation” process conducted under 33 V.S.A. Ch. 49-53, and the DCF’s Family Services Division’s Policies, with *Sheldon v. Ruggiero*, 2018 VT 125 (Vt. Nov. 9, 2018).
4. All Public Records reflecting the procedure used by the AG, or any AG employees providing services to the DCF, to provide information and instruction to any “Administrative Reviewer” as part of the “substantiation” process conducted under 33 V.S.A. Ch. 49-53, and the DCF’s Family Services Division’s Policies, including any rules or procedures to avoid *ex parte* contact or extra-record information.
5. All Public Records reflecting the guidance provided by the AG, or any AG employees providing services to the DCF, to any “Administrative Reviewer” as part of the “substantiation” process conducted under 33 V.S.A. Ch. 49-53, and the DCF’s Family Services Division’s Policies, reflecting the legal standard(s) to be applied to the “substantiation” review analysis.

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).

Vermont Office of the Attorney General
Public Records Act Request

December 20, 2018

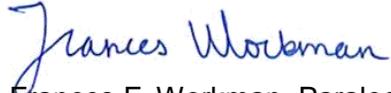
6. All Public Records reflecting all settlements, consent agreements, or agreements to pay money, modify conduct, or provide a remedy, that have been entered into by the DCF. The foregoing shall exclude matters directly relating to employment of the DCF's employees but shall not exclude any employment-related matters relating to allegations of misconduct by current or former employees of the DCF.
7. All Public Records reflecting any notice of intent to sue, demand for money, or requirements for compliance with law, including any reflecting alleged civil or criminal law misconduct or failure to abide the law, including the standard of due care, received by the AG or DCF (or the DCF's supervising Agency of Human Services) in regard to the acts or omissions of the DCF, its employees or its contractors. The foregoing shall exclude matters directly relating to employment of the DCF's employees but shall not exclude any employment-related matters relating to allegations of misconduct by current or former employees of the DCF.
8. All Public Records reflecting any awareness by the AG of the DCF's noncompliance with any law, regulation, or the DCF's own Regulations or Policies, including any Public Records reflecting any action or response taken to address such noncompliance(s).
9. All Public Records reflecting any awareness by the DCF of any false or misleading representation by the DCF or any of its employees, attorneys (including any AG employees providing services to the DCF), or agents to any court or tribunal, including Public Records reflecting any action or response taken to address such false or misleading representation.
10. All Public Records reflecting the organization and structure established for maintaining compliance with laws and due process by the DCF, including in-house counsel, inspectors general, ombudsmen, external counsel, audits, and other protective and review measures. The foregoing specifically includes organization charts reflecting counsel or others providing services within or to the DCF (including any AG employees providing services to the DCF), and protective measures to assure accurate investigation of reports of child abuse or neglect and to avoid erroneous or improper separations of families.
11. All Public Records reflecting the AG's organization, staff, and structures established for investigation of violations of civil rights by agencies and employees of the State of Vermont generally, and the DCF and Vermont State Police particularly, including without limitation any organizational charts or job descriptions reflecting such responsibilities.

Vermont Office of the Attorney General
Public Records Act Request

December 20, 2018

Thank you.

Sincerely,



Frances F. Workman, Paralegal

Vermont Office of the Attorney General 12 20 18



December 20, 2018

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Public Records Act Request

December 20, 2018

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Vermont Office of the Attorney General
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December 20, 2018

DCF's Family Services Division's Policies, reflecting the legal standard(s) to be applied to the "substantiation" review analysis.

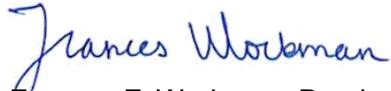
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Sincerely,



Frances F. Workman, Paralegal

Vermont Office of the Attorney General 12 20 18