

Office of the Child, Youth, and Family Advocate

Vermont House Committee for Human Services

February 8, 2024

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Advocate and Deputy Advocate



Agenda

1. (re) Introduction
2. Annual Report
3. Budget
4. Juvenile Justice
5. Discussion

OCYFA Statutory Goals, Purpose, Jurisdiction (33 VSA § 3202)

- **Advance the interests and welfare** of Vermont's children and youth.
- **Advocate for the welfare** of children and youth:
 1. receiving services from the Department directly, or through funds provided by the Department
 2. those involved in the child protection system
 3. those involved in the juvenile justice system

OCYFA Duties and Authority (§ 3203) (OCYFA “Shall”)

- 1) Work in collaboration to strengthen services for children, youth, families
- 2) Analyze and monitor developments in federal, state, and local law and policy, “recommend changes when appropriate”
- 3) Receive and respond to “complaints” / referrals
- 4) Inform children, youth, and families re their “rights and responsibilities”
- 5) Provide systemic information concerning child, youth, and family welfare to the public, the Governor, State agencies, legislators, and others
- 6) Submit an annual report...

Accomplishments: Direct Service

- Meeting with youth. Youth now reaching out directly.
- Supporting families in hotels with child welfare involvement.
- Listening to the voices of impacted people.
- Programs are reaching out for assistance.
- GALs, lawyers, community groups are reaching out.
- DCF reaching out for assistance and partnership.

OCYFA 2023 Annual Report Framework (33 VSA § 3203)

- “A report addressing services provided by the Department, including:”
- (A) the conditions of placements for Vermont’s children and youths;
 - (B) findings related to services for and assistance to children, youths, and families within the child protection and juvenile justice systems;
 - (C) recommendations related to improving services for children, youths, and families; and
 - (D) data disaggregated by race, ethnicity, gender, geographic location, disability status, and any other categories that the Advocate deems necessary.

Annual Report TOC: “Conditions of Placement for Vermont’s Children and Youth”

- 1.1 Homes of Origin
- 1.2 Children Experiencing Homelessness
- 1.3 The Impact of Disability on Child Welfare Involvement
- 1.4 Homelike Settings: Kin, Foster Homes, Hidden Foster Care
- 1.5 Transition-Aged Youth Settings
- 1.6 “Staffings”
- 1.7 Residential, Psychiatric, and Hospital Settings
- 1.8 Raise the Age Placements
- 1.9 Flooding Displacement

Annual Report TOC: “Findings and Recommendations:”

- 2.1 The Cost of Child Protection: Legislative Response to Crisis
- 2.2 Economic Supports For Families
- 2.3 Prevention Services Through Title IV-E and FFPSA
- 2.4 Youth and Family Voice in Court Matters
- 2.5 Juvenile Justice
- 2.6 DCF’s Data Systems / CCWIS

Report Highlight I: Title IV-E / FFPSA A New National Era for Child Welfare

Title IV-E and FFPSA are huge, unleveraged opportunities for Vermont:

- Title IV-E is one of few uncapped sources of federal revenue.
- Legal framework already in place—does not rely on Congress.
- Bipartisan support.
- Regulatory and rules-based: the last few years have seen a high degree of innovation opportunities (examples next few slides)
- Downside: regulatory and rules-based, requires state match, admin overhead.

Report Highlight I: What Could VT do with Title IV-E / FFPSA?

Replace millions in General Fund dollars with federal money to:

- Keep children with kin, elevate youth voice in court, reduce congregate care.
- Bring high quality, evidence-based prevention programs to Vermont.
- Fund prevention-focused professional development, education, and training for workers in child-related fields, including childcare providers, mental health clinicians, mentors, birth parents, foster/kin caregivers, DCF workers, treatment providers, and school personnel.

Report Highlight I: What Could VT do with Title IV-E / FFPSA?

- LGBTQ support for youth
- Foster parent recruitment and retention strategies particularly for youth who are over-represented in congregate care;
- Services that are responsive to families who have experienced domestic violence;
- A continuum of supports and services for pregnant and parenting youth in foster care that are informed by research on optimal development.
- High residential care standards through QRTP

Report Highlight I: What Could VT do with Title IV-E / FFPSA?

Replace millions in General Fund dollars with federal money for:

- Legal support *for what we are already doing*
 - Cost of CHINS and delinquency attorneys
 - Training and other supports for GALs
- Innovative new programs:
 - “multidisciplinary representation,” including social work support, peer navigators, investigators, experts, and interpreters.
 - Related “civil legal services” for families: housing, public benefits, RFAs
- A new CCWIS for Vermont: childadvocate.vermont.gov/datasystem

Report Highlight II: Restraint & Seclusion

- R/S: One of the most important issues for youth in foster care / JJ
 - Change is possible, but requires a lot more work.
- “(a) The Department shall notify the Office of... (2) instances of restraint or seclusion of any child or youth in custody of the Commissioner.” (33 VSA § 3206).
- OCYFA Annual Report 2023: “From March through October of 2023, DCF sent only *one* restraint/seclusion data set for *one* facility in the Office’s first eight months in existence...” (Section 2.6, p. 56).

Report Highlight II: Restraint & Seclusion

- We have gotten very little data; DCF needs to be pushed.
- Hospitals, residential treatment programs, and schools all have different rules, definitions, and reporting requirements.
- Varying definitions of escorts, physical restraint, mechanical restraint, chemical restraint and seclusion.
- AOE not reporting R/S of children in custody to DCF.
- DCF has no central process for tracking R/S and reporting to OCYFA.
 - For example, providers reporting R/S only to individual workers at DCF.
- Preliminary OCYFA info: VERY high numbers of R/S of kids in custody.

Restraint & Seclusion Going Forward

OCYFA deeper analysis of use of R/S on children in Vermont:

- Restraint modality used, training, implementation, practice, debrief with youth, nursing assessment all matter
- Seclusion used a locked room, quiet room, sensory room, restricted exiting from communal spaces (RTP def)
- Individual Programmatic Review (target interventions based on higher utilization trends, individualized de-escalation plan revisions)
- These analyses are highly time-consuming

Looking Back, Looking Forward: The Big Picture

- Emphasis on Visiting Youth in Group & Staffing Settings
- DCF Missing Children List Analysis
 - Weekly word document sent to an email group of missing and found DCF children
- DCF Staffing Analysis with Casey Family Services
 - Casey doing this in AZ already; has offered to help DCF
- Qualitative and data driven system improvement recommendations
- Bring federal money to VT through robust FFPSA implementation
- Relieve court backlogs
- Capacity will be limited without additional positions and continuous increase of referrals

What to Expect in 2024: Referrals

- From November 1, 2023 through the end of January 31, 2024:
 - 13 referrals remained open; representing work impacting 39 individuals
 - 22 new referrals; representing work impacting 52 individuals
 - We are at 63% of total referrals from 2023 in the first reporting period of 2024.
- One contact can lead to multiple referrals.
- Complex cases can require intense OCYFA resources.
- We expect a continued increase in referrals: [Make a Complaint / Contact Us | Vermont Office of the Child, Youth, and Family Advocate](#)

Juvenile Justice / Facilities

- Raise the Age: [February 6, 2024 OCYFA Letter to DCF](#)
- System of Care: [October 26, 2023 OCYFA Joint Justice testimony](#)
- Section 2.5 of our Annual Report
- Facilities Group: [Facility Planning for Justice Involved Youth | Department for Children and Families \(vermont.gov\)](#)
- Crisis stabilization v. highest security.
- To what extent will new facilities relieve system pressure?
 - Independent analysis, look at data and utilization rate
- Facilities are for kids in foster care system
- Learning from Woodside

OCYFA Budget

- OCYFA proposed FY25 budget includes: I. Basic operating, II. New positions
- I. Basic Operating: FY25 proposal is \$431,786 — 4.4% increase from FY24.
- II. New Positions Requested:
 - 1. Lead Investigator. ~\$115k total cost to office, including benefits
 - 2. Legal/Policy Director; General Counsel. ~\$140k total cost to office
 - 3. Data / Communications / Admin. ~\$115k total cost to office

Budget

- How can we fund the OCYFA in tight budgetary times?
 - Bring in new federal money
 - Use the money *we already have*. Tobacco settlement.
 - Demonstrate that the OCYFA's constituency deserves investment: kids are the right place to spend our money. Upstream.
 - Demonstrate return on investment: Ombuds offices on average return \$22 for every dollar spent (Zinsser 2008).
- H. 714: Youth voice in court: bring nationwide best practices to Vermont

Thank you!

- Discussion and Questions.
- Please don't hesitate to reach out:
 - childadvocate.vermont.gov
 - Matthew.Bernstein@vermont.gov
 - Lauren.Higbee@vermont.gov
- Referral information for the public:
 - 802-828-2828 (confidential voicemail)
 - OCYFA@vermont.gov (confidential shared mailbox)
 - Text to 802-312-1010
 - Other methods coming soon!