
**Report to
The Vermont Legislature**

**Facility Planning Strategic Plan
in Accordance with Act 78, Section E.316**

Submitted to: Senate Committee on Health and Welfare
Senate Committee on Institutions
House Committee on Corrections and Institutions
House Committee on Human Services

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This plan has been prepared in accordance with Act 78, Section E.316:

(e) On or before January 15, 2024, the Commissioner of Children and Families shall develop and submit a strategic plan to the House Committees on Corrections and Institutions and on Human Services and to the Senate Committees on Health and Welfare and Institutions, as part of the overall planning process for development of the high-end system of care, for preventing the disproportionality of youth who are Black, Indigenous, or Persons of Color in staff- or building-secure facilities. The strategic plan shall include mechanisms for collecting necessary data, and the process of development shall include input from relevant public stakeholders.

Context

The Department for Children and Families (DCF) recognizes the responsibility that comes with the authority to place youth in DCF custody within the residential system of care network. First it is important to establish the context for how those placement decisions are made. The first half of this plan therefore identifies the many layers of collaboration and thoughtful strategic approach that goes into youth service delivery, as well as some of the accountability entities most impactful to ongoing systems improvement within the context of disparity.

There are many processes and practices that go into youth placement decision making. Each of the processes are put in place to build checks and assurances into discretionary points. They are divided here into practices that serve youths in custody, and those that are specific to youths with delinquencies.

Youth in custody:

- CRC Process

In 1988, Act 264 created a collaborative interagency approach to working with children who are experiencing severe emotional disturbance¹ and their families. The Act creates Local Interagency Teams (LIT) within each of the state's 12 human services districts, and a State Interagency Team (SIT) to serve them all. The Case Review Committee (CRC) is a subcommittee of the SIT with the purpose of working with local teams to develop appropriate Coordinated Service Plans for children. The CRC is comprised of representatives from: DCF, the Vermont Federation of Families for Children's Mental Health, the Agency of Education, the Department of Mental Health (DMH), and the Department for Aging and Independent Living (DAIL). The CRC is committed to serving children and adolescents with severe emotional disturbances and other disabilities as defined in the AOE/AHS Interagency Agreement in the least restrictive setting appropriate to their needs. Least restrictive, in this case, refers to the least disruption to the youth's current life or lifestyle. The SIT and the CRC believe that, if possible, children should be served within their own communities. Intensive residential treatment should be used only when necessary to meet the identified needs of a child/youth and family. Referrals to CRC are preceded by local interagency planning teams and accompanied by a comprehensive packet of child information. At present,

¹ Per 33 VSA § 4301, "Child or adolescent with a severe emotional disturbance" means a person who:(A) exhibits a behavioral, emotional, or social impairment that disrupts his or her academic or developmental progress or family or interpersonal relationships; (B) has impaired functioning that has continued for at least one year or has an impairment of short duration and high severity; (C) is under 18 years of age, or is under 22 years of age and eligible for special education under State or federal law; and (D) falls into one or more of the following categories, whether or not he or she is diagnosed with other serious disorders such as developmental disability, severe neurological dysfunction, or sensory impairments:

while individualized youth needs are discussed at depth, the CRC does not have an explicitly defined approach to discussing race and ethnicity.

- Program Referral/Acceptance

Every youth placed in a residential program is subject to a referral/acceptance process driven by that program provider. The provider ensures that the youth is a match for their treatment protocol based on application criteria that includes indicated therapeutic needs. Typically, providers also conduct interviews with youth to ensure they will be likely to thrive with the current population in the milieu.

- Placement/High End System of Care (HESOC) staffing “huddles”

In cases where a youth in the Department’s custody needs to be safely housed where there is not an available family member, kin provider, foster care provider, or residential program; emergency meetings (huddles) are called with the local team, as well as Family Services Division central office staff to troubleshoot immediate placement options. Often these solutions involve placement within a crisis stabilization program, which are designed as shorter-duration treatment settings with broader acceptance criteria. In the instances that no room can be made within crisis stabilization programs, “alternative settings” are arranged where youth can be staffed by division workforce until another formal setting can be found.

Justice Involved youth:

- Court Ordered Holding

Youth in the custody of DCF are engaged with the same practices regardless of their delinquency status. However, youth with Delinquency statuses are also subject to conditions imposed by the Judiciary. In some cases, the courts may order a youth to be held within a secure setting related to the nature of their delinquency.

- Youth charged as adults

In some cases, youth under the age of full criminal responsibility (an age where their behavior could otherwise be regarded as delinquent) are charged in the Criminal Division, due to the nature and seriousness of the alleged crime. In such instances, a court may order a youth to be placed within the care of the Department of Corrections (DOC). There are federal limitations to this type of placement, including that youth be held in sight and sound separation from an adult population-which can be isolating for youth. Because of this, DCF has historically served these young people under an agreement with DOC.

- Secure facility/administrative placement (8-day due process reviews)

As a youth’s custodian, DCF has historically been able to place youth who have a delinquency status in a secure setting through an administrative process that does not rely on the courts. To assure appropriateness of placement, DCF has contracted with an independent party to provide due process. This has historically been required for any administrative secure placement lasting eight days or more.

Lessons and Needs

DCF continues to acknowledge the harm or risk of harm that is caused by placing and holding youth in settings that don't meet treatment needs.

Woodside

There are many lessons learned here in Vermont, and across the nation regarding secure facilities and how best to run them. The Department recognizes that youth who have significant trauma histories require trauma-responsive, intensive treatment and care in a therapeutic setting to heal. The treatment needs of the youth at Woodside were beyond the capacity of the facility at the time, and that the system of care did not provide the treatment alternatives that were needed. Some lessons learned include the following:

- The Department will no longer operate under a system where it is the regulatory entity over its own program, as was the case with Woodside. The new system will include an outside provider with a demonstrable track record of providing quality care, and whose staff are adequately trained. This program will be regulated and monitored closely by the department's Residential Licensing and Special Investigations unit.
- When a new secure facility and provider is operating, we will have strong oversight, audits, and accountability.
- We will ensure solid communication between us and the provider, as well as with the children, youth, and families.
- We will be as transparent as possible, while still protecting the confidentiality of clients.

Lack of Systems Capacity

There are many areas where systems deficiencies interfere with the Department's ability to meet youth needs as they arise. Such deficiencies include the state of crisis stabilization programs, residential system of care, foster and respite care provider network, developmental services (intellectual/developmental disability), emergency room/psychiatric care unit, psychiatric residential treatment and more. DCF continues to make every effort to develop capacity in the most vulnerable parts of the service delivery network, as has been described in recent legislative status reports.

Partners/Accountability Entities

There are many organized efforts involved with ensuring that youth are afforded the placement and service opportunities that best meet their needs, either directly or systemically (indirectly). State leadership at all levels (Governor's office, AHS, DCF, FSD) and within the Legislature, have brought many new layers of protections, in partnership with or in response to stakeholders, research-based entities, and advocacy groups. Each of these layers contributes to DCF's capacity to address disparate impact either as an accountability element, a solutioning element, or both.

Office of Child, Youth, and Family Advocate

The Office of Child Youth and Family Advocate was created in 2022 through [Act 129](#) to promote the safety and well-being of children, youth and families, and add transparency and accountability to state systems.

Office of Racial Equity, Division of Racial Justice Statistics

The Office of Racial Equity was formed in 2019 to build on "local, state, and national efforts to advance equity and social justice, and recognizes the important role government holds in removing structural barriers and increasing meaningful inclusion and representation."

In 2021, the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel (RDAP) submitted a report on the creation of a data entity to aggregate and analyze data related to systemic racial bias and disparities within the criminal and juvenile justice systems, that is now the Office of Racial Equity's Division of Racial Justice Statistics.

DCF Director of Race, Gender, Equity, and Accessibility

As part of DCF commitment to improving principles of inclusion, diversity, equity and accessibility, the Department hired Rachel Edens as the Director of Race, Gender, Equity, and Accessibility. Ms. Edens is an advocate, activist, educator, writer and organizer dedicated to promoting equity for under-represented, non-dominant, and marginalized communities and individuals. Her work focuses on advancing equity across all intersections of identity, educating for civic engagement and community asset building. For ten years, Rachel has consulted professionally in the areas of social justice education, restorative justice and cultural sensitivity, particularly advocating for the rights of the chronically ill and differently abled.

Racial Disparities in the Criminal and Juvenile Justice Advisory Panel (RDAP)

The RDAP is charged by the legislature with reviewing and providing recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice.

DCF FSD Statewide Racial Equity Workgroup (SREW)

Vermont's Family Services Division began the work of racial equity in earnest in June 2020. The purpose of the SREW is to focus on addressing issues of racial inequity and creating systemic changes within Vermont's child welfare and youth justice system and beyond, as that work intersects with our community partners, to achieve racially just outcomes.

Director of Trauma Prevention and Resilience Development

In 2021, the Agency of Human Services hired Kheya Ganguly as the State Director of Trauma Prevention and Resilience Development. This role has been statutorily defined to lead and collaborate with partners inside and outside of state government to develop trauma responsive, healing centered and resilient workforce, systems of care, organizations, and policies, as well as supporting state, educational, judicial, correctional, and first responders in dealing with their own trauma and resilience. Part of this work includes directing and coordinating with state and community partners to create a statewide, community-based, interconnected, public health and social service approach that is necessary to ameliorate trauma and increase resilience. This model includes training for local leaders to facilitate a cultural change around the prevention and treatment of trauma and increases resilience across the lifespan.

Defender General's Office

The Defender General's Office has historically played a significant role in assuring that youth's legal interests are represented. They have visited youth within placement settings, especially secure settings, and represent youths in court proceedings as well as administrative placement proceedings.

Guardians Ad Litem

A guardian ad litem (GAL) is a volunteer who advocates for children involved in court cases. A judge appoints a GAL in every child abuse or child neglect case and sometimes in delinquency and other cases.

The GAL makes recommendations to the court for the child’s best interests in and out of court until the case is over.

Council for Equitable Youth Justice

The Council for Equitable Youth Justice serves as the State advisory group for Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance with the core requirements of the U.S. Juvenile Justice and Delinquency Prevention Act and promotes an effective Vermont juvenile justice system consistent with the legislative findings under 33 V.S.A. § 5101a. One of the four core requirements of the JJDP is the reduction of racial and ethnic disparities in the juvenile justice system.

Facility Planning for Justice Involved Youth

The Facility Planning for Justice Involved Youth Stakeholder Working Group first convened in October 2023 as required of the Department by Section 316 of Act 78. This group is tasked “to provide regular input on the planning, design, development, and implementation of the temporary stabilization facility for youth and on the development of a long-term plan for the high-end system of care.” Recommendations from this group are contained below.

Data Collection

Throughout the past year, the Family Services Division has made strides towards collecting better demographic data regarding our practices. It is apparent and well reported that the Division’s current data collection systems will need to be modernized to efficiently and effectively capture and report on inequity or disparity. However, the Department continues to make improvements to data collection practices and use. These practices come directly from the sustained efforts and recommendations of the Division’s SREW.

A new hotline protocol has been developed that requires additional race questions to be asked during reports of abuse or neglect. These questions include the perceived race of the youth and family being reported on, as well as the self-identified race of the reporter. FSD’s data systems allow for intake of the perceived race information in FSDNET, and if a report results in an open case, SSMIS will hold a separate data point for the youth’s self-identified race. Unfortunately, there is no section for the self-identified race of the reporter, so that information can only be recorded in the notes of the report. However, this means that FSD can collect and run reports for both perceived race/ethnicity and self-identified data of youth and will help clarify disparities at the point of referral.

The Division’s Specialized Services Unit (SSU) facilitates the placement of children and youth within the state’s network of residential care and is the Department’s representative in the CRC process. These include placements both in state and out of state. In 2022, the SSU began including race data in its maintained spreadsheets. This data is limited in that it reflects a current “point in time” accounting of racial factors but is valuable in that it highlights race awareness at the discretionary point of residential placement.

Since the Department last placed youth within an in-state secure treatment program, the Family Services Quality Assurance Unit has begun a phased roll out of the Results-Oriented Management System (ROM). This tool draws data directly from the state Child Welfare data management systems and organizes the raw data into a series of predefined reports and indicators. Each of these indicators can be organized by

race, gender, ethnicity, and other factors. This tool will be useful to understand the ongoing correlation between race and placement type, placement stability, placement duration, and more.

These efforts to mindfully track equity data set DCF FSD up to deliver service more fairly and thoughtfully, but they are also only a starting point. As ROM continues to roll out, we will be able to answer more questions more directly. As the hotline protocol yields data, we will be able to understand risk more accurately versus bias and respond accordingly. As the residential placement data comes out, we will be able to better target youth needs to programs. As residential capacity grows, we will be able to better contract for more effective individualized treatment modalities within specific programs. However, with new data comes a new understanding of needs. The department views the components identified here as the start to an expanding field of inquiry.

Facility Planning for Justice Involved Youth Stakeholder Recommendations

The department requested feedback on a strategic plan from the Facility Planning workgroup during the December 15th meeting. It was apparent to the department that the scope of challenging racial disparity, even with such a localized purpose as placement within staff or building-secure facilities, is lofty and will require sustained attention over time. The discussion reflected an awareness that youth being placed within a specific facility type, particularly a hardware-secured facility, is a product of a much longer succession of discretionary points. The group seemed to agree that incorporating DCF's response to placement need into a broader statewide strategic plan to address disparate impact was warranted.

The group expressed interest in connecting the data elements of this planning into the work of the Division of Racial Justice Statistics and in developing a small subcommittee to that would focus on not just DCF placements, but also youth going into high-end placement settings such as mental health crisis beds and emergency departments.

The group had a robust discussion about the administrative process that drives post-disposition placement into hardware facilities, including what the screening criteria were for those placements. Some members felt that decision-making around the size and type of a permanent facility should be dependent on the determination of a newly determined process that involves judiciary input. The group identified that "length of stay" as an important data element to track.

Lastly, the group felt that it would be beneficial to also look more comprehensively at a list of discretionary points that lead up to secure placement, most of which lie upstream of the department's scope. A core requirement of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) is to identify and reduce racial and ethnic disparities (R/ED) among youth who come into contact with the juvenile justice system. In 2018, The Department of Justice released a list of five research-supported discretionary points of contact in the court system where disparities most often occur. They are:

1. Arrest
2. Diversion (filing of charges)
3. Pre-trial detention (both secure and nonsecure)
4. Disposition commitments (secure and nonsecure)
5. Adult transfer

There are many other discretionary points that disparities are found, some of which are specific to Vermont's system. In 2020, the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory

Panel submitted a report to the legislature where they identified and prioritized high-impact, high-discretion points. This ties back to the need for larger collaborative action.

While the Facility Planning workgroup is proving to be a useful collaboration for gathering meaningful perspective, DCF is mindful to also engage other mechanisms to get the perspectives of others, especially that of youth with lived experience. Such perspectives could include the Vermont Racial Justice Alliance, Council for Equitable Youth Justice, the Vermont Student Anti-Racism Network, the Root Social Justice Center, local NAACP branches, focus groups or interviews with youth and families who have accessed a variety of programs/residential settings in and out of VT, BIPOC staff, and the partners described within this report.

SREW Recommendations

A similar discussion to solicit feedback from SREW occurred at their January meeting. The members are energized to see a mandate and focus from the legislature on such an important facet of their work. There was much conversation about how dedicated, anti-racist staff in FSD can be engaged specifically in reviewing the process for youth placement in secure-facility, or the HESOC. Just like the Facilities Planning for Justice Involved group, they had a conversation about the administrative process that drives post-disposition placement into hardware facilities, including the importance of implementing anti-racist screening criteria for those placements. Ideally, SREW would like to see any future process include a joint effort between already established Juvenile Justice focused staff and the internal racial equity group.

Strategic Plan

The department envisions a tiered approach to the development of a strategic plan to reduce disparity within placement decision making.

1. At its simplest level, the department must accurately track, share (both internally and, to the extent possible without violating individual confidentiality, externally), and evaluate race data related to all placement types. These data should include placement type and duration, referral source, reasons for admission (offenses committed or mental health concerns), intervention/supports, mental health history (diagnoses, medications, treatment), educational status (grade level, IEPs, special education), recidivism rate (re-referral). Evaluation assistance is crucial given the low number of youth of color in the state, and the department hopes to rely heavily on the Division of Racial Justice Statistics for this support.
2. Currently, the department must maintain, at a minimum, a third-party administrator to ensure placements within secure settings are “warranted” and “appropriate” to youth’s need, as is described in the “administrative placement/ 8-day due process” section of this report. The department believes that this process should be re-assessed to be considerate of the youth’s race and ethnicity and ensure that there is someone involved in the process who is solely reviewing these placements for racial bias concerns.
3. The department will maintain its efforts to train and coach its staff around cultural humility, and racial disparities. For instance, the most recent Child Welfare Training Plan with FSD includes:
 - Structured Decision Making (SDM)/Cultural context training in districts. The SDM Policy and Procedures Manual now includes Practice Guidance for Assessing Cultural Context as an appendix. This was released in fall of 2022, and the SREW’s Engaging Families About Race and Culture subcommittee is beginning to review staff training

and support related to the practice guidance. Supporting staff in using this practice guidance is a primary goal of that subcommittee. Training and coaching staff and stakeholders who are directly engaging in placement decisions should be a top priority and go further than this practice guidance given their role.

- Six session Justice, Equity, Diversity, and Inclusion (JEDI) training in Foundations
 - District-based JEDI training available through Collaboration, Learning, and Adapting (CLA) models to all districts upon request
4. The Division must continue to foster a peer culture that challenges the longstanding biases that have been baked into the culture of child welfare and juvenile justice practice. FSD’s statewide racial equity workgroup has recommended that supervisors receive training on how to discuss anti-racism and cases with those they supervise. In addition, a review of current performance evaluations for anti-racist should be considered.
 5. The department will continue to work with those external partners, identified in the previous “Context” section of this report who seek to improve systemic conditions as well as the conditions of individuals in care.
 6. The Department recommends that a new position solely focused on addressing racial and ethnic disparities is added to FSD’s workforce. Addressing disparities in the high-end system of care requires a staff person who is solely responsible for this work.
 7. To truly address the issues of racial disparity affecting youth placement, a broader collaboration is needed. This is especially true within the context of the current limitations across educational, law enforcement, health, mental health, disability, residential, foster/respice care, preventative, and community-based services capacity. Some of this broader work falls within the structural purview of the office of Racial Equity, or the guidance of interested bodies such as the RDAP. The Department recognizes its role and responsibility to support and, when called to, provide leadership to progress in this arena. The most important element of any Departmental strategic plan lies in active and transparent participation in the larger effort.