

ANNUAL REPORT 2023

IN ACCORDANCE WITH 33 V.S.A. § 3203(A)(6)

Submitted to: **Governor Phil Scott**
Vermont General Assembly
Senate Committee on Health and Welfare
Senate Committee on Judiciary
House Committee on Human Services
House Committee on Judiciary

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Executive Summary

Like all humans, children and youth desire basic autonomy, self-actualization, and the freedom to be themselves. Because children are young, it is often easy to overlook this basic truth. The best way to understand what is best for Vermont’s children, youth, and families is to ask them. Young people succeed when they thrive in their communities of origin, and the first job of policymakers at all levels is to help them stay there.

Children live in a variety of settings, including in their homes of origin, with kin, in foster homes, hotels, residential settings, psychiatric hospitals, and on their own. Their ability to thrive is directly connected to the roof over their head, their family’s economic circumstances, their education, access to accommodations, and safety.

According to the Department for Children and Families (“DCF”), as of October 1, 2023 there were approximately 1600 children and families in Vermont with high-level child welfare or juvenile justice involvement. Vermont continues to remove children from their homes and into foster care at concerning high rates, and DCF removes Black and multiracial children at rates 120% more than their presence in Vermont’s population would suggest. Vermont’s mandatory reporting laws contribute to these problems—the state has the highest rate of reports of suspected abuse or neglect of any state in the nation.

Research indicates that economic supports that go directly to families are more effective than money spent towards foster care. One of the best ways to support parents and families at risk for child welfare involvement is by offering them comprehensive financial supports that include access to quality health care, education, and housing. Each additional \$1,000 that Vermont spends on public benefit programs annually per person living in poverty could bring a reduction in child maltreatment reports, substantiated child maltreatment, foster care placements, and child fatalities due to maltreatment. Vermont should continue the positive steps it has taken in the last few years to enhance economic supports to low-income families. The state’s size and already-integrated economic support systems present real opportunities to innovate.

This Report calls on DCF to expand prevention supports and services to keep children with their families. With help from the Vermont Agency of Human Services (“AHS”), the legislature, and federal funding, DCF could expand services for pregnant and parenting youth, survivors of domestic violence, and parents struggling with substance abuse. It could support peer mentors, social workers, investigators, legal services, and youth voice in court. It could recruit a more diverse pool of foster parents, revise foster parent licensing regulations for kin, and promote high quality evidence-based residential treatment programs. Some of these changes require heavy lifts, but many can be made today, without fiscal appropriations or regulatory changes.



Reforms to Vermont’s juvenile justice systems should start from the perspective of young people themselves, elevating their voices, acknowledging their trauma, and reflecting consensus brain science. We must plan for prevention, high-quality treatment, and authentic trauma-responsive systems, not simply facilities. We should strengthen the child welfare and juvenile justice systems as promised by Act 60 of 2015 by fully funding them rather than by placing their costs onto the backs of the children, youth, and families they are supposed to serve.

Improving our systems starts with DCF. But the biggest issues identified in this Report, whether they are related to racial disproportionality, the high-end system of care, or overhauling data systems, demand collaboration, energy, and accountability from more than just one department. Policymakers at all levels must rise to the occasion to create the changes that will benefit all of us, starting with children, youth, and families.

Below is a summary of this Report’s recommendations. There are thousands of other recommendations that would also be effective. We look forward to our ongoing collaborations with the broad array of Vermonters that make us love this work and this state.

SUMMARY OF RECOMMENDATIONS IN THIS REPORT

OCYFA RECOMMENDATIONS REGARDING CHILDREN EXPERIENCING HOMELESSNESS (SECTION 1.2)

1. DCF and Vermont policymakers at every level should prioritize emergency temporary family housing, especially for families with protective services involvement, until they are able to access permanent housing.
2. DCF should continue to reduce administrative barriers within its programs for children, youth, and families experiencing homelessness by simplifying forms, procedures, and processes.
3. On a permanent, regular basis, DCF should report to the legislature on children experiencing homelessness in all of its programs and services, and should create a targeted plan that houses children, youth, and families in non-congregate spaces, using housing first principles.¹

OCYFA RECOMMENDATIONS REGARDING DISABILITY AND CHILD WELFARE (SECTION 1.3)

1. DCF-FSD, with assistance from AHS, should draft a policy on providing neurodiversity-affirming services and accommodations for parents and children with disabilities at all levels of the child welfare and juvenile justice systems, with input from appropriate community organizations.
2. DCF-FSD should issue regular reports on accommodations offered to parents and children with disabilities in the child welfare and juvenile justice systems, with particular attention to the intersection of race and disability.



3. DCF should engage an outside entity experienced in disability rights and child welfare to improve its neurodiversity-affirming practices and training.

OCYFA RECOMMENDATIONS REGARDING HOMES OF ORIGIN, KIN, AND HIDDEN FOSTER CARE (SECTION 1.4)

1. DCF-FSD should keep data on “hidden foster care,” including the frequency and outcomes of safety plans, and demographic data of kin homes.
2. The State of Vermont should financially support peer mentor models such as Families United in Brattleboro and consider broadening these councils to other regions of the state.
3. DCF should develop a policy and trainings on collaboration between birth and foster parents.

OCYFA RECOMMENDATIONS REGARDING TRANSITION-AGED YOUTH (SECTION 1.5)

1. The State of Vermont, AHS, and DCF should increase the number of Family Unification Program vouchers so that every youth exiting foster care is awarded one.
2. DCF should support revisions to Vermont statute to enable young people who have aged out of the foster system to access their records.
3. The Vermont legislature should consider expanding the Direct Cash Transfer Program statewide.²
4. DCF should partner with Vermont’s institutions of post-secondary education to ensure free tuition and room and board for every young person who ages out of state custody and is admitted to a post-secondary institution in the state.
5. The State of Vermont should expand extended foster care in Vermont through the use of federal funding (see [Section 2.6](#)).

OCYFA RECOMMENDATIONS REGARDING MANDATORY REPORTING (SECTION 2.1)

1. The Vermont legislature should consider revisions to its mandatory reporting statutes.
2. DCF and the Vermont Child Welfare Training Partnership should consult with community and policy experts as it revises its mandatory reporting trainings.

OCYFA RECOMMENDATIONS REGARDING ECONOMIC SUPPORTS TO CHILDREN, YOUTH, AND FAMILIES (SECTION 2.2)

1. The State of Vermont should consider creative ways of improving the financing of child welfare, including fully funding Reach Up, bolstering the Vermont child tax credit, and instituting baby bonds in Vermont.³
2. The State of Vermont should analyze its system of economic supports through an equity lens, uplifting the voices of impacted people, prioritizing concrete needs, codesigning supports with people with lived experience of the system, and focusing on strengths.⁴



OCYFA RECOMMENDATIONS REGARDING FFPSA AND TITLE IV-E (SECTION 2.3)

1. DCF should revise kin licensing rules to lower barriers to kin foster home licensing, consistent with new federal regulations.
2. DCF should track and publish demographic data on foster homes, including data aggregated by race, sexual identity, and disability status.
3. DCF should maximize Title IV-E funding for prevention-focused professional development, education, and training, to include childcare providers, mental health clinicians, mentors, birth parents, foster/kin caregivers, DCF workers, treatment providers, and school personnel.⁵
4. AHS should adopt system-wide recommendations from the 2020 “Analysis of Children’s Residential System of Care” report.⁶
5. DCF should fully implement the Family First Prevention Services Act (“FFPSA”) and regularly report to the legislature on the number of in-state Qualified Residential Treatment Programs (“QRTPs”), the hiring status of a QRTP Judicial Master, and the status of the required independent assessor.
6. AHS should assess and report on the impacts on residential program quality and viability of the Private Nonmedical Institutions (“PNMI”) rule change from July 2023.⁷
7. DCF, the Vermont Judiciary, and the Vermont Office of the Defender General should engage Vermont Legal Aid’s new leadership to expand civil legal services in the child welfare and juvenile justice systems, using federal money.
8. The State of Vermont should leverage Title IV-E funds to support high-quality legal representation through specialized training and multidisciplinary models, including peer mentors, social workers, interpreters, and other best practices.

OCYFA RECOMMENDATIONS REGARDING CHILD AND PARENT VOICE IN COURT (SECTION 2.4)

1. The Vermont Judiciary and other stakeholders should develop clear policies supporting the rights of children to attend hearings based on their age and development and promote the use of plain language that all parties can understand across the court system.⁸
2. DCF and the Vermont Judiciary should collaborate on a written explanation of the supports available to children in court, including scheduling hearings that do not conflict with important educational or other events, instituting transportation plans so that youth can attend hearings, the use of therapy animals, and other trauma-informed techniques to promote comfort and due process for children and youth in court.⁹
3. The State of Vermont, Vermont Law and Graduate School, the University of Vermont, the Vermont private bar, and other stakeholders should work together to create a children’s law center that provides independent information, training, and expertise to improve the child welfare and juvenile justice legal systems in Vermont.



OCYFA RECOMMENDATIONS REGARDING VERMONT'S SYSTEMS OF CARE (SECTION 2.5)

1. DCF should re-engage the Columbia Justice Lab to strengthen Raise the Age implementation.
2. DCF should engage Casey Family Programs in targeted case reviews of 5 to 20 youth in the high-end system of care to assess the need for treatment, programs, and services.
3. DCF should study and track data on the long-term outcomes of young people after they leave residential treatment to assess system successes and areas for improvement.
4. The Vermont legislature should enact Senate Bill 6 of 2023 to limit the use of deception in the interrogation of children and young people.¹⁰

OCYFA RECOMMENDATIONS REGARDING DCF'S DATA SYSTEMS (SECTION 2.6)

1. The State of Vermont should fully fund and onboard a Comprehensive Child Welfare Information System ("CCWIS") using the 50% federal match and exploring financing mechanisms that do not demand cuts in DCF's programs or services.
2. In implementing CCWIS, DCF should solicit input and leverage expertise from young people, foster parents, kinship providers, and the Division of Racial Justice Statistics within the Vermont Office of Racial Equity.

Read the full report at

www.childadvocate.vermont.gov/2023

¹ For Housing First principles, see (National Alliance to End Homelessness) and (Pathways Vermont).

² See (Spectrum Youth & Family Services).

³ For baby bonds, see (Markoff, Ain and Chelwa).

⁴ See (Child Welfare Information Gateway 8-9).

⁵ See (University of Vermont Department of Education and Social Services 7), recommending "upstream" strategies, such college tuition for birth parents and foster parents to enter Title IV-E training degree programs, certificates and training opportunities for paraprofessionals and teachers in trauma-informed instruction, and foster parent/birth parent mentoring programs.

⁶ (Public Consulting Group).

⁷ (State of Vermont Agency of Human Services Division of Rate Setting).

⁸ For language suggestions, see (National Center for State Courts 32). Generally, see (National Council of Juvenile and Family Court Judges) and (National Association of Counsel for Children).

⁹ See (National Council of Juvenile and Family Court Judges 39) and (National Association of Counsel for Children).

¹⁰ (Vermont General Assembly).