

4.25.2024 Family Services Division Testimony

During testimony and discussion on 4/17/2024, the House Committee on the Judiciary raised questions for DCF to follow-up on.

Question: What is FSD's current IT system, and how is it affecting DCF's work?

Response: DCF currently uses two main databases, SSMIS (Social Services Management Information System) and FSDNet (Family Services Division Network), which date from 1983 and the 1990s, respectively. In 1993, the federal government authorized the use of a Statewide Automated Child Welfare Information System (SACWIS), but Vermont did not upgrade its system, which hampered FSD's data collection. In 2016, the federal government authorized the use of a new Comprehensive Child Welfare Information System (CCWIS), which FSD is seeking to implement. Nearly every other state has implemented CCWIS and receives more favorable federal reimbursements as a result. FSD's inability to finance this new information system substantially impacts our federal funding by preventing FSD from drawing down certain federal funds. Continued use of FSD's antiquated IT systems has also resulted in the State paying back hundreds of thousands to millions of dollars annually to the federal government due to inaccurate drawdowns. A modern child welfare information system would allow FSD to increase its annual federal funding to provide the resources needed to safely and effectively provide services to more youths as a result of Raise the Age (RTA).

Question: Why is it taking so long for DCF to implement the Raise the Age initiative? DCF's Act 23 Report identified five "must have" resources DCF needs to implement Raise the Age; how are these resources addressed in the Governor's budget?

Response: The [DCF Act 23 Status Report](#) from December 2023 identified five resources needed to assure successful continued implementation of the RTA initiative: (1) An operating secure crisis stabilization program. (2) Additional family services workers to provide juvenile-specific services. (3) An expansion of the current the Balanced and Restorative Justice (BARJ) budget – to offset some of the supervisory responsibilities for non-custodial youth on probation. (4) Access to residential programs specific to youth in the RTA age range. (5) Committed, ongoing financial support for a Comprehensive Child Welfare Information System (CCWIS) system. The Act 23 Status Report was reviewed by the administration prior to submittal.

The Governor's budget includes funding for RTA-related resources in various places:

- 1) There is \$9.7M of one-time funding to support a new Secure Residential Treatment Facility in Vermont as part of the secure treatment appropriation, as well as \$3.9M of baseline funding to support the operation of these facilities and out-of-state placements for youth in need of secure treatment. DCF continues to prioritize efforts to develop these levels of care and is prepared to have a temporary solution by this summer, and permanent programs developed by 2026.



- 2) DCF recommended funding six family services workers positions, specifically dedicated to juvenile services work, but the funding for these positions was not included in the Governor's proposed budget.
- 3) The BARJ agreements are funded in the FSD budget, as in previous years, with a total of \$2.04M appropriated for these agreements (which received an increase to the base budget in the SFY23 budget). Not included in the budget is an additional \$1.1M proposal to increase the scope of BARJ provider work to increase supervision of all non-custody probationers.
- 4) DCF currently offers two programs for transition-aged individuals. One is the New Beginnings program in Bennington, and the other is the Return House program in Barre. The Return House program was previously funded by DOC and DCF, but it will only be funded by DCF starting in July.
- 5) DCF's budget includes \$4.7M of one-time funding (which can be matched by federal funding) set aside to support the building out of a CCWIS system, and we have an RFP issued for a vendor for this work. Once the RFP responses are received and reviewed, we will better understand the financial needs for completing a CCWIS project. DCF's status report indicated that the funding and development of CCWIS is a long-term project, and DCF did not recommend delay of RTA until CCWIS was completed.

While some funding elements have not been included in the Governor's budget, many are. With many competing priorities, addressing the most critical elements for systems stabilization is the most effective way to ensure successful implementation of this groundbreaking initiative. Accordingly, the Administration, through its proposed budget, is taking positive and meaningful steps to prepare for the safe and effective implementation of RTA.

Question: State's Attorneys refer cases involving youth to the family court or criminal court. How does this process generally work and how does it impact DCF? What role, if any, does DCF play when State's Attorneys make referrals between the courts?

Response: Currently, State's Attorneys (SAs) must file cases for most offenses, other than those listed in 33 V.S.A. § 5204(a), involving persons under 19 in the family court, pursuant to 33 V.S.A. § 5201(d). For persons 19-21, the SA may, but is not required to, file cases involving any offense in family court, pursuant to 33 V.S.A. § 5280(b). Similarly, the SA may, but is not required to, file cases involving persons 14-18 in family court if charged with one of the serious offenses listed in 33 V.S.A. § 5204(a). *See* 33 V.S.A. § 5280(b). In other words, § 5280(b) gives SAs sole discretion to file cases in criminal or family court, except those involving less serious crimes allegedly committed by persons under 19. The SA does not need to consult with DCF prior to making the filing decision. In youthful offender (ages 14-21) cases filed in criminal court, one of the parties or the criminal court may request the case be transferred to the family court, though the transfer must be approved by the family court. *See* 33 V.S.A. § 5281. Again, no one needs to consult DCF about the transfer. Likewise, certain felony cases involving persons under 19 may be transferred to the criminal court upon the request of the SA and approval of the family court, pursuant to 33 V.S.A. § 5204. The SA is not required to consult DCF about making this request to transfer.

[Juvenile Justice Director Lindy Boudreau provided written testimony](#) in response to many of the Committee's questions on 4/18/24. A [Youthful Offender Proceedings Flowchart](#) accompanied that testimony. Juvenile Justice Director Boudreau will appear before the Committee today, 4/25, to address further unanswered questions.

Question: When can DCF implement RTA?

Response: While DCF is striving to implement RTA as quickly as possible, we cannot commit to a precise date. In three years of reporting, DCF has described the unprecedented circumstances surrounding the diminished access to services for the youth in our systems of care. While DCF is hopeful that the development of secure and non-secure temporary stabilization and treatment programs this year will be enough to support final implementation of RTA, some variables are outside of our direct control, such as the availability of qualified staff and community foster homes.

Question: What are you seeking in programming (both temporary and permanent)?

Response: DCF's temporary secure stabilization facility is ready to begin operations. It will require the finalization of a contract with a service provider. DCF expects this program to be operational by July 1, 2024. The resources for this are currently included in the aforementioned DCF budget.

The permanent secure therapeutic campus is slated to be operational in 2026. This is an aggressive timeline for programs of this scale but allows opportunity to gather and incorporate feedback from the community, stakeholders, and expert consultants. The design/build concept allows DCF to defray building costs over a period of time in a lease agreement, and allows for DCF to incorporate the finances into an operational budget, as opposed to an up-front infrastructure burden. The operational expense of maintaining the temporary facility will be folded into the operational budget of the permanent facility when it is ready.

Question: Is there a written response to the Columbia Justice Lab? What information was previously shared with the Senate?

Response: There was not a written response to the Columbia Justice lab report, but the DCF Commissioner provided some response during testimony to Senate Judiciary on 2/7/2024. The Columbia Justice Lab was a key partner in our exploration and passing of RTA legislation and we absolutely respect their work, but our recommendations are not just about the numbers for RTA. Rather, it's about the nuance of our system and the impact it has on our staff capacity and workload, which is already under a great deal of strain. The Columbia Justice Lab report was well-organized but is reliant on limited data. The report cannot capture the contextual relevance to the shifts in DCF practice, given resource capacity, nor does it consider the broad relevant ramifications of adjacent systems (education, health care, courts, law enforcement, etc.) However, DCF did take in the report as an optimistic sign regarding the potential for RTA, and it reinforces our belief that it is the right course of action for the State of Vermont to take.

Question: Do you have a position with respect to the three different offenses being added for 16 and above (Big 12 now Big 14)?

Response: DCF does not maintain a position regarding the expansion of the "Big 12" violations. Youthful Offender provides an opportunity for young people with "Big 12" violations to come within DCF's care already. This issue is relevant when considering if a young person needs to be maintained in a secure environment, as DCF will have extremely limited access to that care environment over the next two years.

Question: If the Committee chooses a different path, one where RTA is not delayed in this bill, what will happen?

Response: The DCF Commissioner addressed this question during testimony. FSD is not currently resourced to further expand the population it serves. If RTA goes forward as is currently legislated, we anticipate a further drain on workforce capacity – further limiting access to care for all children and youth in custody. Additionally, this would have a detrimental impact on workforce erosion, at a time when attrition is high and staff years of experience is low. The amount of time to fill one workforce position is the longest it has ever been (for all years data has been tracked) due to a low number of qualified applicants applying per position.