

Office of Child, Youth & Family Advocate



Matthew Bernstein, Director

Fiscal Year 2024 Budget Request

Photo: Groton State Forest view from Owl's Head

March 31, 2023

**Vermont Office of the Child, Youth, and Family Advocate (“OCYFA”)
Budgetary Testimony, Senate Committee on Appropriations
Matthew Bernstein, Child, Youth, and Family Advocate**

Summary of OCYFA Statutory and Budgetary Implementation

- Created by H. 265, A. 129, 2021-2022, Codified at 33 VSA § 3201 et seq.
- Act 129 appropriates \$120k from General Fund for FY23 to implement Act
- Governor’s FY24 Budget uses FY23 appropriation as benchmark to request 250k for FY24
- Act 129 contemplates that the Advocate starts work 1.1.23. Actual start: 2.27.23
- Act 129 creates Deputy Advocate position—currently advertised on State careers website
- FY24 Budget request from OCYFA: \$413,811 (+\$164K from Gov Budget)

Summary of OCYFA Concept

- OCYFA: Similar to Ombudsman office—independent, nonpartisan, transparent. Focused on improving outcomes for Vermont’s Children, Youth, and Families, saving state money.
- Plugged into state systems (DCF, families, facilities, national policy people, governor, legislature, courts) to reduce barriers, mitigate siloed systems.
- Collaborates to improve systems on behalf of constituency: children, youth, families.
- OCYFA will be State subject-matter/policy experts on child development, brain science
- Ombuds offices on average return \$22 for every dollar spent.¹

Summary of Goals and Purpose of OCYFA (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 DCF
 2. involved in the child protection system
 3. involved in the juvenile justice system

Summary of Duties and Authority of OCYFA (§ 3203)

1. Provide information to the public
2. Analyze and monitor developments in law and policy
3. Receive and investigate complaints

¹ John Zinsser, Pacifica Human Communications, LLC; Jonathan E. McBride & James S. Hostetler, Board Champions for the Ombudsman, NACD-Directors Monthly, May 2008.

4. Advise government entities – Legislature, Governor, Courts
5. Push for systemic reforms
6. Submit a report each December 1 to “Governor and the General Assembly” to include:
 - A. the conditions of placements for Vermont’s children and youth;
 - B. findings related to services for and assistance to children, youth, and families within the child protection and juvenile justice systems;
 - C. recommendations related to improving services for children, youth, and families;
 - D. data disaggregated by race, ethnicity, gender, geographic location, disability status, and any other categories that the Advocate deems necessary.

DCF Shall Report to OCFYA (§ 3206)

1. All incidents of actual physical injury to children or youths in the custody of the Commissioner or at significant risk of such harm;
2. Instances of restraint or seclusion of any child or youth in custody of the Commissioner.
3. **Within 48 hours**, notice of any fatality of a child or youth in its custody.

Other Important Parts of the Statute

- Advisory Council (§ 3205)
- Mandatory DCF reports to OCFYA of phys injury, restraint/seclusion, fatalities (§ 3206)
- Access to information and facilities (§ 3207)
- Cooperation of state agencies (§ 3208)
- Confidentiality (§ 3209)
- Oversight Commission (§ 3211)

Long-Term Goals

- Raise percentage of Vermont children who remain safely in their homes (shared goal)
- Reduce number of children in foster care (VT numbers disproportionately high)
- Reduce number of abuse/neglect court cases (CHINS) and juvenile justice cases (highly time consuming vs. other kinds of court cases, for both judicial officers and court staff)
- Increase evidence-based community services in Vermont, for children, youth, and families.
- Increase IV-E and IV-B (SSA) federal money to Vermont: “open-ended entitlement grants”
- Generate better data for DCF, OCFYA, general assembly and gov office.
- Improve outcomes (disproportionality) for protected classes, especially: race, gender, disability, language access / New Americans
- Improve daily working conditions for front-line stakeholders: families, DCF Family Support Workers, foster parents, respondent parents, GALs, older youth, infants, and others

OCYFA Evidence-Based Data & Accountability Summary: How Much? How Well? Better Off?

- Performance accountability is central to the OCYFA mandate (vis-à-vis DCF and other governmental entities—“external”) and to the OCYFA itself (“internal”) (see below)
- First year – largely implementation, partnering, listening, assessing, meeting
- Key barrier in 2023: DCF data systems
- Key asset: DCF has real will to improve and evolve, process underway
- Key future asset: OCYFA data system – show best practices, track what DCF cannot

OCYFA External Data Categories (examples):

- Number of youth in state custody restrained or secluded
- DCF social worker caseloads data
- Number and quality of evidence-based practice entities for children in VT
- Qualitative assessments of residential care system and providers – boots on ground, ongoing, face-to-face contact with children and youth
- Collaborate with community partners on outcomes for children post-DCF custody
- Creation of public-facing informational website, track information requested

OCYFA Internal Data Categories (examples):

- Complaints: number, age, acuity/urgency, subject matter (i.e. abuse/neglect v. JJ v. mental health, and categories within each), identity of reporter (i.e. youth report, parent, foster parent, DCF worker), outcome—investigation, information, referral
- Facilities visited (goal for year one: visit every facility in Vermont)
- DCF offices visited (goal for year one: visit every DCF office in Vermont)
- Community organizations visited, presentations, legislative testimonies
- Media appearance and topic (goal is quality not quantity)

Service-Delivery Model of Small Office

- Assets: Flexible, adaptable, dynamic (i.e. two regional offices for price of one?)
- Deficit: not as financially efficient

Fiscal Year 2024 Budget Development Form -Office of Child, Youth and Family Advocate

| | General \$\$ | Federal \$\$ | Interdept'l Transfer \$\$ | All other \$\$ | Total \$\$ |
|---|---------------------|---------------------|--------------------------------------|-----------------------|-------------------|
| Approp #1 Office of Child Youth and Family Advocate: FY 2023 Approp | 120,000 | 0 | 0 | 0 | 120,000 |
| Other Changes: (Please insert changes to your base appropriation that occurred after the passage of the FY23 budget] | | | | | 0 |
| FY 2023 Other Changes | 0 | 0 | 0 | 0 | 0 |
| Total Approp. After FY 2023 Other Changes | 120,000 | 0 | 0 | 0 | 120,000 |
| | | | | | 0 |
| Add two Positions | 166,414 | | | | 166,414 |
| Software -Caseload gmt | 50,000 | | | | 50,000 |
| Internal Service Funds | 13,887 | | | | 13,887 |
| Fee For Space Charges and Office Set Up | 33,630 | | | | 33,630 |
| Per Diem charges | 12,000 | | | | 12,000 |
| Travel | 12,000 | | | | 12,000 |
| Outreach | 1,100 | | | | 1,100 |
| Other Operating | 4,780 | | | | 4,780 |
| Subtotal of Increases/Decreases | 293,811 | 0 | 0 | 0 | 293,811 |
| FY 2024 OCYFA Requested budget | 413,811 | 0 | 0 | 0 | 413,811 |

| Office of Child, Youth and Family Advocate | | | | | |
|---|--------------------------------|-------------|------------------|--------------------|------------------|
| Business Unit | 03340 | | | | |
| DeptID | 3340010000 | | | | |
| | | | | | |
| | | | FY2024 | Governor's | FY2024 |
| Account | Account Description | Fund | FY23 | Recommended | Actual |
| | | | Budgeted | Budget | Need |
| 500000 | Salaries | | \$120,000 | | \$175,000 |
| 500060 | Overtime | | | | |
| 501000 | FICA | | | | \$12,040 |
| 501500 | Health Insurance | | | | \$50,000 |
| 502000 | Retirement | | | | \$46,725 |
| 502500 | Dental Insurance | | | | \$1,706 |
| 503000 | Life Insurance | | | | \$875 |
| 503500 | Long Term Disability | | | | |
| 504000 | Employee Assistance Program | | | | \$68 |
| | Total | | \$120,000 | \$0 | \$286,414 |
| 505200 | Workers Comp - Ins Premium | | | | 165 |
| 506000 | Per Diem | | | \$12,200 | \$12,200 |
| 506200 | Other Personal Services | | | \$211,800 | \$0 |
| 507200 | Contr & 3rd Party - Legal | | | | \$2,000 |
| 507600 | Other Contr and 3rd Pty Serv | | | | |
| 515010 | Fee For Space Charge | | | | 23000 |
| 516000 | Insurance other than Empl Bene | | | | 20 |
| 516010 | Insurance - General Liability | | | | 150 |
| 516500 | Dues | | | | \$1,500 |
| 516551 | Software-License-ApplicaSupprt | | | | \$50,000 |
| 516605 | ADS VOIP Exp | | | | |
| 516652 | Telecom-Telephone Service | | | | \$600 |
| 516659 | Telecom-Wireless Phone Service | | | | \$1,080 |
| 516660 | ADS Service Level Agreement | | | | |
| 516671 | It Intsvccost-Vision/Isdassess | | | | 2031 |
| 516685 | ADS Allocation Exp | | | | 2421 |
| 516813 | Advertising-Print | | | | \$500 |

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|---|----------------------------------|-------------------|--------------------------|---|-----------------------------------|
| Business Unit | | 03340 | | | |
| DeptID | | 3340010000 | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Account | Account Description | Fund | FY23 Budgeted | FY2024 Governor's Recommended Budget | FY2024 Actual Need |
| 517205 | Postage-BGS Postal Svcs Only | | | | |
| 517500 | Outside Conf, Meetings, Etc | | | | \$3,000 |
| 518000 | Travel-Inst-Auto Mileage-Emp | | | | \$7,000 |
| 518010 | Travel-Inst-Other Transp-Emp | | | | \$2,000 |
| 518299 | Travel In-State Non-Employee | | | | |
| 519005 | Agency Fee | | | | 7500 |
| 519006 | Human Resources Services | | | | 1600 |
| 520000 | Office Supplies | | | | \$500 |
| 521510 | Subscriptions | | | | |
| 522201 | HW - Computer Peripherals | | | | \$350 |
| 522216 | Hardware - Desktop & Laptop Pc | | | | \$3,500 |
| 522217 | Hardware-Printers, Copiers, Scan | | | | \$530 |
| 522260 | Hardware-Videoconferencing | | | | \$750 |
| 522700 | Furniture & Fixtures | | | | \$5,000 |
| 523199 | Other Operating Expense | | | \$26,000 | \$0 |
| 523640 | Registration & Identification | | | | |
| | | | | | |
| | Totals | | \$120,000 | \$250,000 | \$413,811 |