

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 33 : Human Services**

### **Chapter 032 : Office of the Child, Youth, & Family Advocate**

(Cite as: 33 V.S.A. § 3203)

#### **§ 3203. Duties and authority**

(a) The Office shall:

(1) work in collaboration with relevant parties to strengthen services for children, youths, and families;

(2) analyze and monitor the development and implementation of federal, State, and local laws; regulations; and policies relating to child, youth, and family welfare and recommend changes when appropriate;

(3) review complaints concerning the actions of the Department and of any entity that provides services to children, youths, and families through funds provided by the Department; make appropriate referrals; and respond to those complaints where the Advocate determines that a child, youth, or family may be in need of assistance from the Office;

(4) support children, youths, and families by providing information about service recipients' rights and responsibilities;

(5) provide systemic information concerning child, youth, and family welfare to the public, the Governor, State agencies, legislators, and others, as necessary; and

(6) notwithstanding 2 V.S.A. § 20(d), submit to the General Assembly and the Governor on or before December 1 of each year 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.

(b) The Office may:

(1) review current systems to assess to what extent children and youths placed in the custody of the Department or who are receiving services under the supervision of the Department receive humane and dignified treatment at all times, including consideration by the Advocate as to what extent the system protects and enhances the child's or youth's personal dignity, right to privacy, and right to appropriate health care and education in accordance with State and federal law;

(2) address any challenges accessing information or records that are necessary for carrying out the provisions of this chapter; and

(3) as part of its annual report pursuant to subdivision (a)(6) of this section, include findings and recommendations related to other services provided to children, youths, and families. (Added 2021, No. 129 (Adj. Sess.), § 1, eff. July 1, 2022.)

February 6, 2024

Commissioner Chris Winters  
Deputy Commissioner Aryka Radke  
Adolescent Services Director Tyler Allen  
Vermont Department of Children and Families  
280 State Drive, HC 1 North  
Waterbury, VT 05671-1080

Re: DCF Act 23 Letter of December 1, 2023

Dear Commissioner Winters, Deputy Radke, and Director Allen:

Pursuant to this Office’s statutory obligations to “work in collaboration with relevant parties to strengthen services for children, youths, and families,” and to “provide systemic information concerning child, youth, and family welfare to the public, the Governor, State agencies, legislators, and others, as necessary,” we write in response to your December 1, 2023, Act 23 Report, in which you requested that the Vermont legislature “indefinitely” pause Vermont’s landmark “Raise the Age” law.<sup>1</sup>

Our response to your report can be summarized as follows:

1. As your report makes clear, DCF unquestionably needs more support to bolster its workforce, build a stronger continuum of care, and connect young people with age-appropriate services that promote public safety.
2. Despite these challenges, the available evidence strongly indicates that there is no need to pause Raise the Age *at all*.

New data this Office recently obtained for calendar year 2023 indicates that juvenile delinquency case filing remains at its lowest point since the inception of reforms to Vermont’s criminal justice system in 2016.<sup>2</sup> From January 1, 2023 through December 31, 2023, there were a total of 656 delinquency cases filed in the Family Division. This number continues the ongoing trend of lower case filings. In almost five years of phase one of Raise the Age—in which 18-year-olds were added to the Family Court system—average court filings have been lower for than the five years pre-implementation.<sup>3</sup> In other words, even as the pool of potential juvenile defendants expanded, the total number of delinquencies declined. The data shows that the addition of 19-year-olds to the juvenile justice system on July 1, 2024 will likely have only minimal effects on DCF caseloads. It is

---

<sup>1</sup> [33 V.S.A. § 3203, Act-23-Status-Report-Dec-2023.pdf \(vermont.gov\)](#). See also [ACT201 As Enacted.pdf \(vermont.gov\)](#).

<sup>2</sup> Unpublished OCYFA data. See also [CJL Report January 2024](#).

<sup>3</sup> *Id.*

unclear why there has been such a significant reduction in cases filed. But what we do know is that Raise the Age is working, and without significantly adding to caseloads. Vermont is doing what it set out to do: focusing on treatment rather than incarceration, promoting economic development, and reducing impacts on courts, families, and young people themselves. We should be championing the success of Raise the Age, not trying to shut it down.

Nonetheless, we strongly believe that it is crucial to acknowledge and address the significant systemic challenges DCF faces, whether or not one takes Raise the Age into account. These challenges include workforce shortages, a diminished system of care, an obsolete data system, and insufficient prevention resources in our communities. Foster home capacity is down, “staffings” of youth are at an all-time high, and Vermont lacks high quality short-term stabilization settings. These are large systemic problems that warrant a direct and targeted response. But pausing Raise the Age does little to address them. It feels to us like DCF’s call to pause Raise the Age is driven primarily by a sense that the Department cannot take on *any* significant new responsibilities, even those whose benefits to children and youth far outweigh their impact on DCF. While we understand that added pressure on the Department can have ripple effects on youth in care, we ask you to resist the urge to offload your burdens onto the backs of Vermont’s children, youth, and families.

Our Office strongly supports your call in the Act 23 report for at least six new FSW positions, an expansion of restorative justice funding, a new data system, and increased treatment capacity. We stand as your partners in pushing for *those* reforms, because we believe they will ultimately improve the welfare of Vermont’s most vulnerable children, youth, and families. In fact, we recommended many of these initiatives ourselves in our 2023 Annual Report.<sup>4</sup> But we believe strongly that DCF should not seek to relieve these systemic pressures at the expense of our young people, which is exactly what a pause of Raise the Age would do. Raise the Age is nation-leading legislation that was enacted by the Vermont General Assembly after years of careful consideration. It is data driven, based in consensus brain science, and, according to DCF’s own words, created with “a multitude of partners, stakeholders, and subject matter experts in the development of an implementation plan.”<sup>5</sup> Raise the Age is one part of a set of comprehensive criminal justice reforms in Vermont that have shown success in promoting public safety, reducing recidivism, and supporting young people.<sup>6</sup>

We call on you, as leaders of DCF, to reframe Vermont’s systemic needs to focus on the most urgent problems our state faces. We should prioritize prevention, treatment, and family preservation rather than criminalization and an overemphasis on secure facilities. We understand that DCF is in crisis and that every day you must make hard choices about where to place the children in your care—especially those in foster care. We recognize that fear-based rhetoric in the political and popular discourse has promoted crisis-driven policy making. We also know that DCF cannot make positive systemic changes on its own—it needs support from AHS, the legislature, the governor, the courts, and even this Office. But we feel strongly that DCF should actively push against the narratives that juvenile crime is out of control, Raise the Age is overly burdensome, and secure facilities will remedy the problems you mention in your report.

---

<sup>4</sup> [2023 OCYFA Annual Report.pdf \(vermont.gov\)](#).

<sup>5</sup> [APSR2024.pdf \(vermont.gov\)](#), p. 75. See also [Act 201 Implementation Plan 2018](#).

<sup>6</sup> See “Preparing to Implement Act 201: Using Court Data to Understand the Impact of Act 201 on the Juvenile Justice System,” December 1, 2018, prepared by for DCF by Judge Amy Davenport.

Instead, here is what we believe Vermont can do right now to address DCF’s workforce shortages, rebuild our systems of care, and ease budgetary pressures:

- Accept the open offer from Casey Family Services to review the most serious recent DCF “staffings” of youth, with a specific focus on youth with developmental and intellectual disabilities.
- Fully fund a new CCWIS data-system for Vermont that will allow DCF to leverage millions of dollars in federal funding to improve our systems of care and save General Fund dollars.<sup>7</sup>
- Adopt the system-wide recommendations from AHS’s 2020 “Analysis of Children’s Residential System of Care.”<sup>8</sup>
- Capitalize on uncapped federal Title IV-E funding and new federal regulations to:
  - Keep children with kin, elevate youth voice in court, and support guardians ad litem.
  - 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.
  - Fund civil legal supports for families struggling with housing, public benefits, domestic violence, and other poverty-related legal issues.
  - Pay for high-quality legal representation for parents, children, and DCF, including pre-petition and substantiation appeal support for parents, peer mentors, social workers, and interpreters.<sup>9</sup>
- Continue the positive changes DCF has made that have reduced the number of youth in foster care to decade lows.
- Implement the recommendations of the OCYFA 2023 Annual Report.<sup>10</sup>

Vermont law enforcement data demonstrates that children are more likely survivors of violence and abuse than its perpetrators.<sup>11</sup> Recent high-profile media cases are more accurately seen as examples of our lack of support for Vermont’s young people than a sign that youth violence is out of control.<sup>12</sup> It is primarily youth in the foster care system in Vermont who end up in facilities like the former Woodside detention center, not those solely involved in the juvenile justice system. DCF has a duty to ensure that young people receive developmentally appropriate programming and services that increase public safety while also ensuring that Vermont youth do not face unnecessary barriers to becoming thriving members of our state, region, and nation. If our policy is driven by a rush to respond to crisis, we will only make the problems you identify in your Act 23 letter worse.

---

<sup>7</sup> See [2023 OCYFA CCWIS Report.pdf \(vermont.gov\)](#).

<sup>8</sup> [AHS Executive Summary of Children’s Residential System of Care~2-5-2021.pdf](#).

<sup>9</sup> For more detail on Title IV-E opportunities, see [2023 OCYFA Annual Report.pdf \(vermont.gov\)](#).

<sup>10</sup> [2023 OCYFA Annual Report.pdf \(vermont.gov\)](#).

<sup>11</sup> [W~Shawn Loan~Unclassified Juvenile Offender and Victim Statistics~10-26-2023.pdf \(vermont.gov\)](#), showing that in 2023, incidents in which young people ages 10-19 are victims have risen to their highest rate ever, both by raw numbers and percentage. See also [OCYFA letter to Joint Justice 10-26-2023.pdf \(vermont.gov\)](#).

<sup>12</sup> See [2 recent drug busts have teens — and teen trafficking — at the center of the trade - VTDigger](#) and [Bennington pair accused of being accessory to killing of Massachusetts teen in 2022 - VTDigger](#).

Thank you for your attention. While we strongly disagree with your request to pause Raise the Age, we know you share our commitment to Vermont's young people. We remain ready to support all key stakeholders, including DCF, when the changes to Raise the Age go into effect this July 1.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bernstein".

Matthew Bernstein, Esq.  
Vermont Child, Youth, and Family Advocate

A handwritten signature in black ink, appearing to read "L. Higbee".

Lauren Higbee, MSW  
Deputy Child, Youth, and Family Advocate

**No. 201. An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony.**

(S.234)

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Findings \* \* \*

Sec. 1. 33 V.S.A. § 5101a is added to read:

§ 5101a. JUVENILE JUSTICE LEGISLATIVE FINDINGS

(a) The General Assembly finds and declares as public policy that an effective juvenile justice system: protects public safety; connects youths and young adults to age-appropriate services that reduce the risk of reoffense; and, when appropriate, shields youths from the adverse impact of a criminal record.

(b) In order to accomplish these goals, the system should be based on the implementation of data-driven evidence-based practices that offer a broad range of alternatives, such that the degree of intervention is commensurate with the risk of reoffense.

(c) High-intensity interventions with low-risk offenders not only decrease program effectiveness, but are contrary to the goal of public safety in that they increase the risk of recidivism. An effective youth justice system includes pre-charge options that keep low-risk offenders out of the criminal justice system altogether.

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 33 : Human Services**

### **Chapter 032 : Office of the Child, Youth, & Family Advocate**

(Cite as: 33 V.S.A. § 3206)

#### **§ 3206. Incidents and fatalities**

(a) The Department shall notify the Office of:

(1) all incidents of actual physical injury to children or youths in the custody of the Commissioner or at significant risk of such harm; and

(2) instances of restraint or seclusion of any child or youth in the custody of the Commissioner.

(b) The Department shall notify the Office within 48 hours of any fatality of a child or youth in its custody. (Added 2021, No. 129 (Adj. Sess.), § 1, eff. July 1, 2022; amended 2023, No. 6, § 391, eff. July 1, 2023.)

February 21, 2024

Vermont Office of the Child, Youth, and Family Advocate (“OCYFA”)  
Memo to Legislative Leadership re DCF Data System

Summary

- Vermont must immediately and fully fund a new data system (“CCWIS”) for the DCF Family Services Division. Cost of a new system is exponentially outweighed by cost of current systems, which put children in danger, significantly affect worker morale and productivity, and act as a barrier to uncapped federal money that keeps children in communities and out of foster care.

What is CCWIS?

- CCWIS stands for “Comprehensive Child Welfare Information System.” It is the modern standard for data collection in child welfare and the gateway to a host of innovative federal programs and money. CCWIS is a set of standards that each state can tailor to its needs.
- CCWIS would replace current DCF systems—SSMIS (1983), FSDNet (1990s). SSMIS is oldest system in nation. VT one of ~5 states w/ no CCWIS implementation. Feds first standardized data in 1993, offered 90% federal match, VT declined. In 2016, feds implement CCWIS.
- CCWIS systems keep children safe; provide child welfare staff with information to make informed decisions and take action to preserve families; support collaboration with other human service, health, and education programs/systems; facilitate efficient legal processes with accurate, timely information; promote continuous quality improvement; reduce costs for development and maintenance; open federal funding streams for innovative programs.
- CCWIS “not just IT project—affords opportunity to redesign life cycle of child welfare, improve outcomes for children and families through better data interoperability, modularity, quality.”
- A federal 50% match funds CCWIS development and administration and most IV-E programs.

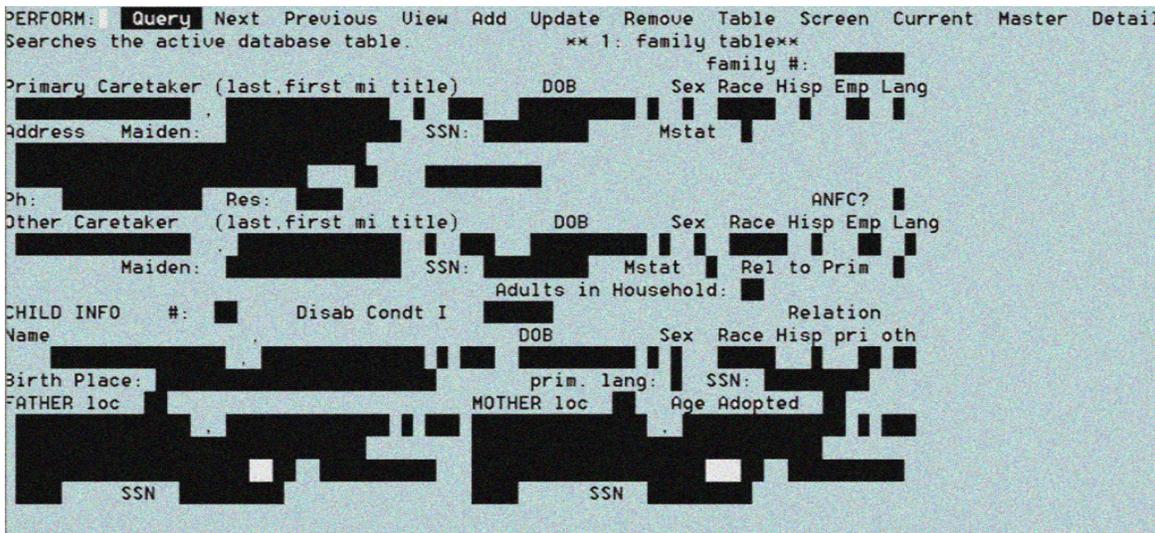


Figure 1: A Screenshot of DCF's Current System



### What Doors Could Open for Vermont with a CCWIS?

- FFPSA (2018), amends Title IV-E of Social Security Act, longstanding uncapped source of federal revenue (~\$9 B annually), depends on CCWIS for documentation, audits, admin.
- FFPSA allows states to prioritize prevention over removal. Since 2018, continual rulemaking and policy changes enable new fed-funded programs for states, including:
  - Reg flexibility to keep children w/ kin, elevate youth voice in court, reduce congregate care.
  - Foster parent recruitment and retention strategies to reduce over-representation; enhanced LGBTQ support for youth and youth from diverse racial backgrounds; services responsive to families who have experienced domestic violence; supports and services for pregnant and parenting youth in foster care; high quality, evidence-based prevention services; extended foster care supports for transition-aged youth, including housing and education assistance.
- Legal support *for what we are already doing*: Cost of CHINS and delinquency attorneys; training and other supports for GALs (75% match); “multidisciplinary representation,” including social work support, peer navigators, investigators, experts, and interpreters; related “civil legal services” for families: housing, public benefits, RFAs.
- QRTP: Nationally, in 2019 more than 30% of youth in foster care ages 13 to 18 were living in group homes or institutional placements, with numbers even higher for Black youth.
- 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.

### How Should We Think About the Cost of a New System?

- A new VT CCWIS would likely cost between \$20 and \$50 million, with VT paying half that cost.
- VT spends ~\$106 million each year on child welfare, including \$44 million from General Fund.
- CCWIS saves money throughout budget, e.g. \$65M DCF administrative budget, \$3.9M secure residential treatment budget, legal costs to Defender General, State’s Attorneys, courts (amounts unknown, unmeasured)—all reliant on General Fund.
- Costs of what we are not doing must also be factored in, e.g. few prevention services, thin legal supports lead to VT high rate of children coming into foster care, long stays in system—high costs and burdens on family productivity, residential care, courts, justice system.
- Vermont’s federal child welfare share increased 2018-2022 with fed FFPSA changes, but without CCWIS, fed share is set to fall dramatically in coming years. DCF facing audit risks and hearing negative signals from feds.
- When FFPSA changes went into effect in 2021, VT group care claiming went from ~\$184k per quarter (Q3 2020) to \$11.5k (Q4 2022), or \$3,500 per child, to \$500 on a per-child basis.

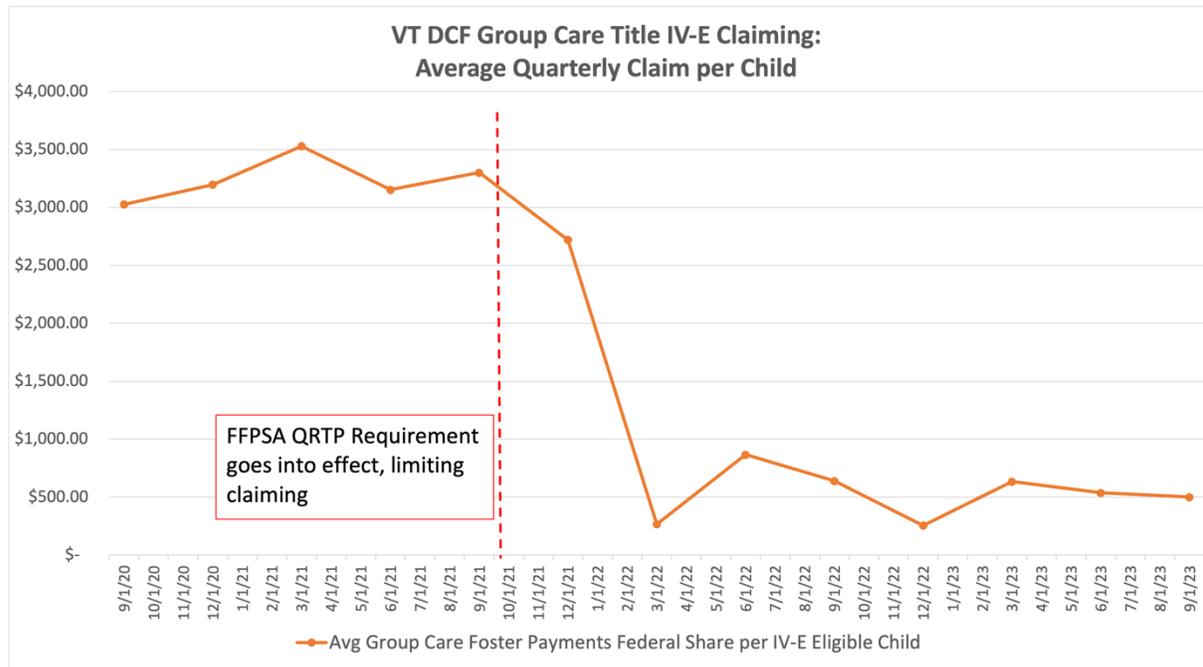


Figure 2: Vermont DCF Group Care Title IV-E Claiming: Average Quarterly Claim Per Child Over Time

**Safety:**

- In crisis (active shooter, medical crisis, credible threat), DCF cannot produce timely, accurate, digital information about where children are and what they need. Workers rely on paper.
- Foster parents lack accurate information. VTDigger: foster parent, paperwork says no allergies, child has EpiPen, serious allergy. Foster parent must rely on child to relay accurate information.
- DCF Deputy Commissioner “acknowledged that identifying where it has stored such information is sometimes difficult. ‘The address could be in case notes, which means that it’s going be harder to find. Obviously, the worker has the address for the child, which means we need to contact the worker to get the information. Or the district director may have it. Or it’s in a paper file at the district office. Or it’s in the worker’s telephone,’ she said. ‘So it’s not readily available sometimes, but it’s absolutely there.’”

**Workforce Impact:**

- OCYFA anonymous survey of DCF workers. Family Services Worker: “It is incredibly hard to use, still uses the escape button, doesn’t connect with a mouse. It is hard to move from one panel to another. When looking for historical information you often need to look in multiple locations to piece together a narrative of what actually occurred. ... Some pieces of FSDNet are simply not used, the risk assessments in FSDNet are not actually the risk assessments we use. When looking up intakes, they do not organize chronologically and don’t have a filter option, so to gather a full history, you need to write or type the information elsewhere to get a chronological understanding of a family’s involvement. This system is severely lacking in any organized way to identify family members, ICWA status or important events. For example, our cases are opened under custodial parents, most often mothers. I have no way of looking up a father and then



identifying that he has three children with different mothers. I also don't have a way of looking up addresses."

- Supervisor: "If a safety issue exists at [a placement] and I assigned to employee A, I have no way of looking up that address to see if any other employee is also working in that home/apartment with another family. SSMIS and FSDNet also don't speak to each other so we are often duplicating or triplicating our work. For example, if demographic information is wrong in the report and I find that out when I meet with a family, I then have to update this in FSDNet in the intake. I then need to tell admin to update in SSMIS. If I want childcare on that case, I then need to email all the demographic information to our childcare partners because even though they can "see" SSMIS on their end, when I [enter it], it doesn't show all of the information."
- DCF workers cannot upload pictures or videos to FSDNet due to crash risk. Visual information kept separately from written descriptions of same incident; during pandemic and recent flooding, DCF relied on individual physical notebooks with printed and handwritten information to know where children placed and ensure safety.
- Risk of cyber-ransom attack is extremely high. State would likely have to pay. CCWIS cost factor.

#### Mercedes, Advisory Council Member

- Identity is crucial for kids in foster care. Identity documents a central part of that.
- DCF used wrong SSN for Mercedes for years. Mistake replicated continually: ACT, PSAT, FAFSA.
- Only fixed when M applied for first job, could not start until issue fixed, had to obtain new card.

#### Conclusion

- There are many VT data systems that require upgrading, but CCWIS is the top priority. The consequences of inaction threaten the lives of children the state is legally parenting. We remove children from homes of origin for safety—state must be accountable too.
- CCWIS will improve DCF standing in communities. Prevention services, kin support, peer navigators keep children in their homes of origin. Birth parent: "A strong relationship between a birth parent and foster parent can make a huge difference for a child and their birth family. I think it is awesome to know that your child is safe. I especially appreciate that the foster parent wants to know what practices I use to care for my child. I also have some comfort knowing that the foster parent cares about me. In this way, I can move forward with my own healing and also work on a plan for a better life for me and my family."

#### Resources:

- [OCYFA report on a new CCWIS for Vermont](#)
- [VT Digger Article on Vermont's Current System - Lola Duffort](#)
- OCYFA [Annual Report Executive Summary](#) and [Full Report](#)
- Quote and info page 1: <https://eccovia.com/blog/what-is-ccwis/>
- Birth parent quote in conclusion: [Shana Hunts Along](#)
- [VT Child Welfare Financing Report, Child Trends](#)
- OCYFA [website tracking CCWIS](#) work in VT

**No. 11. (Special Session) An act relating to making appropriations for the support of government, financing education and vital records.**

(H.16)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2019

Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2019. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2018. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2019 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2019.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-

Sec. C.105 FISCAL YEAR 2018 ONE-TIME TRANSFERS FROM THE  
TOBACCO LITIGATION SETTLEMENT FUND

(a) Transfers: Notwithstanding 32 V.S.A. § 435a(a) the following transfers shall be made from the Tobacco Litigation Settlement Fund:

(1) \$13,500,000 is transferred to the General Fund;

(2) \$750,000 is transferred to the Environmental Contingency Fund established pursuant to 10 V.S.A. § 1283 for the purpose of conducting an evaluation of cleanup alternatives and, if required, a corrective action plan for PFOA and PFOS releases in the Town of Bennington; and

(3) \$1,000,000 is transferred to the Complex Litigation Special Fund established in 3 V.S.A. § 167a.

Sec. C.105.1 FISCAL YEAR 2018 ONE-TIME APPROPRIATIONS FROM  
THE TOBACCO LITIGATION SETTLEMENT FUND

(a) Appropriations: Notwithstanding 32 V.S.A. § 435a(a), the following appropriations shall be made from the Tobacco Litigation Settlement Fund:

(1) \$1,000,000 to the Department of Buildings and General Services to be used in combination with capital funds appropriated in fiscal year 2019 for renovation and fit-up at the Brattleboro Retreat to provide a minimum of 12 beds, including level-1 beds, to the State for a period determined by the Secretary of Human Services to be in the best interest of the State. The Department of Buildings and General Services shall not expend any funds from this appropriation until the Commissioner of Buildings and General

Services and the Secretary of Human Services have notified the Commissioner of Finance and Management and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions that an agreement has been executed between the Brattleboro Retreat and the State.

(2) \$500,000 to the University of Vermont.

(3) \$500,000 to the Vermont State Treasurer to offset costs of interest and principal at the Treasurer's discretion for longer-term State building efficiency investment funding. The Treasurer and the Commissioner of Buildings and General Services shall report to the House and Senate Committees on Appropriations, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions on the use of these funds.

(4) \$1,000,000 to the Agency of Human Services. The use of these funds shall be pursuant to the plan specified by the Tobacco Evaluation and Review Board.

(5) \$200,000 to the Department of Health to conduct two blood draw clinics in Bennington in calendar year 2018 for current and prior members of the community who may have had long-term exposure to PFOA and PFOS releases in the greater Bennington area.

(6) \$350,000 to the Department of Corrections to design reentry programming that will result in stronger support and reintegration into the community for inmates and lower recidivism.

(7) \$400,000 to the Department of Corrections for Medication-Assisted Treatment as specified in S.166 of 2018.

(8) \$300,000 to the Department of Forests, Parks and Recreation to be granted to the Vermont Youth Conservation Corps in even increments of \$100,000 in fiscal years 2018, 2019, and 2020.

(9) \$100,000 to the Department for Children and Families' Child Development Division to analyze how Vermont's families make early care and education arrangements for their children. These funds shall be used to contract with an independent organization to survey families in Vermont with children under six years of age about their child care arrangements and preferences and what factors may constrain parental choices. The Department shall provide a copy of the survey instrument to the House and Senate Committees on Appropriations, the House Committee on Human Services and the Senate Committee on Health and Welfare prior to finalizing the instrument for survey implementation. The Department shall provide a report on the results of the survey to the General Assembly on January 15, 2019.

(10) \$200,000 to the Department for Children and Families to prepare for the expansion of services to juvenile offenders 18 and 19 years of age pursuant to 33 V.S.A. chapters 52 and 52A as amended in S.234 of 2018 beginning in fiscal year 2021, with any unexpended funds to carry forward.

(11) \$100,000 to the Office of Economic Opportunity in the Department for Children and Families for pass-through grants to the Community Action

Agencies to provide funding for the regional Microbusiness Development Programs pursuant to 3 V.S.A. § 3722.

(12) \$100,000 to the Agency of Education for fiscal year 2019 for administration in accordance with the Prekindergarten study required by Sec. E.500.7 of this act.

(13) \$150,000 to the Joint Fiscal Office for the study of Corrections Health Care as specified in Sec. E.127 of this act.

**Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM**

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated from the Tobacco Litigation Settlement Fund in subsection (a) of this section shall be allocated as follows:

(1) \$1,250,000 for fiscal year 2019, which shall not be distributed until the group defined in subsection (c) of this section provides proposed expenditures as part of its fiscal year 2019 budget adjustment request;

(2) \$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both;

(3) \$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and

(4) \$750,000 in fiscal year 2022 or after as needed.

(c) During the 2018 legislative interim, the Chief Superior Judge, the Executive Director of State's Attorneys and Sheriffs, the Defender General, and the Commissioner for Children and Families, shall review and propose changes to the system by which CHINS cases are processed and adjudicated. In undertaking this review the group shall evaluate successful models used in other countries, states, or cities. The proposal shall incorporate innovative approaches to holistic reform and strategies to reduce the need for court intervention, and may include the use of regional and mobile models, judicial masters, mediation, dedicated resources, and other alternative dispute resolution options to the CHINS process. The proposal for reform shall:

(1) support and improve child safety;

(2) provide early screening for substance abuse, mental health, and trauma of children and parents;

(3) provide early access to services designed to address screening outcomes;

(4) improve timeliness of adjudication, including timeliness to permanency for children, whether permanency is reunification with parents or termination of parental rights;

(5) ensure due process;

(6) serve the best interests of the affected children;

(7) relieve systemic resource and budget pressures; and

(8) lead to lasting changes.

(d) The Chief Superior Judge, the Executive Director of State's Attorneys and Sheriffs, the Defender General, and the Commissioner for Children and Families shall report on the proposal developed pursuant to subsection (c) of this section, and shall include a recommendation on how to allocate the \$1,250,000 allocated for fiscal year 2019 to reflect the vision for reforming the CHINS docket that achieves the outcomes set forth in subsection (c) of this section:

(1) on or before December 1, 2018 shall report to a combined meeting of the Joint Legislative Justice Oversight Committee and Joint Legislative Child Protection Committee; and

(2) shall report to the House and Senate Committees on Appropriations, the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare on or before January 15, 2019 as a part of the Judiciary's recommendations for the fiscal year 2020 budget.