

Thank you for a compelling hearing today. For those of you not familiar with the OCYFA, we are an independent state office [charged](#) with advocating for children and youth receiving services from DCF directly, or through funds provided by DCF, and those involved in the child protection and juvenile justice systems. One of our key responsibilities is to “provide systemic information concerning child, youth, and family welfare to the public, the Governor, State agencies, legislators, and others, as necessary.”

We wanted to briefly respond to three issues we heard today.

1.

First, on the question of whether youth over the age of 18 could be placed at Green Mountain Youth Center, the answer is that they could, provided they were not charged under the criminal (adult) justice system. I have attached a memo from the Columbia Justice Lab, a longstanding State of Vermont partner, outlining the specifics. This is a complicated area of the law, with both PREA and the JJDPa governing. However, the two main takeaways from the memo are clear:

- **“The JJDPa ... does not bar the housing of youth processed in the juvenile (delinquency) system over age 18 with those under age 18.”**
- **“Age segregation is not a federal requirement for youth in juvenile facilities”** (see p. 2, emphasis added).

2.

Second, there appears to be confusion on the extent to which GMYC would help youth currently placed in out of state residential facilities return to Vermont. It is important to remember that GMYC will be a **locked** facility to which only youth with delinquency charges—not youth who are in foster care but who lack delinquency charges—may be placed. Any youth sent to a locked facility must also be assessed as needing a secure level of care. Thus, the population who might return from out of state to GMYC would not be all 60+ youth who are currently out of state, but rather a smaller subset of that population. We have asked DCF for the specific number of youth who meet all three criteria: 1. They are currently placed out of state, 2. they have active delinquency charges in Vermont, and 3. their current needs are assessed to meet a secure level of care. I would guess that this number is fewer than 5 youth. It may be higher and it may be lower. But we believe it is necessary to have this data before we assume that GMYC will return a significant number of youth from out of state.

3.

Finally, I wanted to correct a misperception that has spread about this Office’s position on Vermont’s secure juvenile detention facilities in general. Our position has never been that Vermont should have no locked juvenile beds. In fact, our very first annual report, in 2023, noted that, **“Our Office understands that the safety of our communities sometimes requires that a youth be in a locked environment.** However, we believe that the number of young people requiring this highest level of security is small, usually between 0 and 10 at any given time. **DCF has not presented data to explain its calculations of the size and treatment modalities of any future facilities”** ([p. 45](#), emphasis added).

Three years later, we still have not seen data to back up the current proposal of 14 beds, nor data on the specific treatment needs of the population GMYC will serve. Given that the current cost of **each** locked bed at Red Clover is over \$1.6 million per year whether that bed is filled or not, the exact number of beds in the new facility really matters. Even one fewer bed could make a significant budgetary difference over the course of the lease. For example, if the data shows that a 12-bed facility would be appropriate, that difference could save taxpayers tens of millions of dollars over the life of the GMYC lease. As a reminder, this facility will be funded exclusively with General Funds, as locked facilities are ineligible for Medicaid reimbursement.

Thank you for your attention. Please reach out if you have questions or would like to further discuss any of these topics.

Matthew

Matthew Bernstein, Esq.
Child, Youth, and Family Advocate
Vermont Office of the Child, Youth, and Family Advocate