
**Report to
The Vermont Legislature**

CHINS Reform Workgroup Report

**In Accordance with 2018 Special Session,
Act 11 Section C.106(d)(1)**

**Submitted to: Joint Legislative Justice Oversight Committee
Joint Legislative Child Protection Committee**

**Submitted by: CHINS Reform Workgroup:
Judge Brian Grearson
John Campbell
Marshall Pahl
Ken Schatz**

Prepared by: Karen Vastine, Senior Advisor to the DCF Commissioner

Report Date: 12/1/2018



Introduction

The CHINS (Children in Need of Care and Supervision) Reform Workgroup is comprised of leadership from the Judiciary, the Office of the Defender General, the State's Attorneys and Sheriffs Association and the Department for Children and Families. Since August 29th, the group has convened nine times to discuss strategic reforms to the CHINS system. CHINS is itself complex, as are the needs of the children and families who are engaged in this system. What follows are a series of recommendations, some still under development, that consider the needs of vulnerable families to help them avoid CHINS system involvement; provide supports to help families achieve resolution; and improving the system.

The purpose of this report is to respond to 2018 Special Session Act 11 Section C.106, sections (c) and (d). Accordingly, this workgroup is to:

“review and propose change to the systems 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) ...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”

CHINS Report

The legislature appropriated \$1,250,000 in FY19 and \$2,500,000 in FY20. In light of the fact that it is unlikely any of the initiatives could actually start before July 1, 2019, the group's suggestion is that we preliminarily make recommendations for the combined total of \$3,750,000. Here are some rough, preliminary numbers to start the discussion of how to allocate funds.

1. Sustained Evidence-based Home-visiting Model: * Total cost still being considered by the group

Comparison Study - \$25,000-\$50,000: Home-visiting is a prevention strategy that is evidence-based for promoting safe, healthy parenting and increased safety for children in the home. Specifically, it can

strengthen protective factors for families such as resilience, social connections, concrete support, social competence of children, and knowledge of parenting. When combined with a family support specialist in pediatric/family medical practice, it can promote a strong connection to a medical home and provide a conduit for community partners to surround families with supportive relationships.

In order for the group to propose a specific home-visiting model to be piloted, and if successful, scaled to state-wide application, it would first like to retain a consultant to evaluate existing models through the lens of what would work well for Vermont given the available service array and mostly rural demographic. A review of programs that are currently offered in Vermont, and those that are offered in other states to determine their efficacy and transferability to Vermont will position the committee to recommend a pilot. Specifically, the committee will issue an RFP to seek a contractor who:

- Is well-versed in home-visitation models;
- Can make recommendations that capitalizes and maximizes existing infrastructure and professional development investments, and specifically looks at what is happening in Vermont to see if it is working to not duplicate existing efforts;
- Can be objective;
- Has a foundational understanding of the Vermont social service landscape, including the existing home visiting infrastructure;
- Understands child welfare and why Vermont is looking to scale home-visiting as a prevention strategy;
- Can knowledgeably recommend an approach to implement a pilot, evaluate it and scale it state-wide; and
- Can turn this around in a relatively short time-frame, ideally by mid-December.

Pilot: Once the comparison study is complete, the group will agree to a model based on the recommendation of the consultant and will pilot it in multiple districts or region.

2. Judicial Master (and associated staff) - \$400,000:

A judicial master could relieve significant pressures on family court by providing timely proceedings that are related to the CHINS process but do not require a judge. A two-district judicial master pilot could encourage parents to follow case plans/remain engaged in treatment and would weigh in on any non-evidentiary proceedings including but not limited to:

- Parent-child contact;
- Status conferences;
- Screening cases for mediation or restorative processes such as Family Group Conferencing; and
- Preliminary hearings.

The CHINS Reform Group agrees that the Judicial Master concept could be a helpful and valuable approach to CHINS Reform. The details of this proposal are still being considered and discussed by the group and there is particular interest in how this connects and supports the Alternative Dispute Resolution initiative described in the section below.

3. Alternative Dispute Resolution - \$400,000

Research shows that parents who are engaged with their own planning are far more likely to successfully be reunited with their children. Mediation is an option that builds on parents' intrinsic motivation and allows for all parties and their attorneys to be at the table working collaboratively to solve problems outside the formal, adversarial process. Jurisdictions which have engaged in effective child protection mediation over many years have shown a significant increase in family reunification outcomes.

Additionally, restorative justice approaches such as Family Group Conferencing have also proved to achieve positive outcomes for children and their parents in the child welfare context in the United Kingdom, New Zealand and other locations.

In Arizona, California, Nova Scotia, New Zealand, England and other places, child welfare cases can be resolved or mostly resolved without court time. By offering mediation as early in the process as conceivably possible, a neutral mediator could assist the parties in reaching agreement on many aspects of a family's case.

Child protection mediators require specific training beyond the work that family court mediators already perform in Vermont. We could offer alternative dispute resolution both pre-petition and post-petition (including referrals from the judicial master). This initiative could first be offered as a pilot in two counties and could be jointly planned with the Justice for Children Task Force. The National Council of Juvenile and Family Court Judges is a resource for this initiative.

4. Peer Navigators – \$900,000

The Child Welfare system is complicated, challenging and can be a traumatic experience for parents. Support that focuses on assisting parents with navigating the system would help address this and could contribute to parents achieving resolution sooner. Building on the intrinsic motivation as referenced in the mediation proposal, peer navigation also takes advantage of supporting parents' motivation that falls completely outside of court. Parents who themselves have been engaged in family court, would support parents going through the process. A peer navigator initiative could be layered onto the work of an existing set of organizations such as the recovery centers. The \$900,000 proposal is based on implementing 12 peer navigator positions in recovery centers at approximately \$65,000 per position and having a full-time coordinator (\$100,000).

There are a number of successful models that have been implemented in Washington State (which works with parents with substance abuse issues), Contra Costa County California, and Iowa. The Capacity Building Center is not only a resource for their evaluation and review of existing models, they also have a toolkit that includes training and certification for parents and the general implementation of this program.

5. Evaluation of proposals 1-4 above - \$250,000

Each of the proposals described above: home-visiting, judicial master, mediation and peer navigators should be periodically assessed and evaluated for child welfare outcomes.

6. Review of the existing CHINS system- \$125,000

The purpose of this report is to respond to 2018 Special Session Act 11 Section C.106, sections (c) and (d). As such, this workgroup is to: *“review and propose change to the systems by which CHINS cases are processed and adjudicated.”* Specifically, Act 11 directs the workgroup to *“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.”* An evaluation of the existing system could provide guidance for additional ways to achieve better outcomes in child welfare.

Moreover, an evaluation of the system could help the group make recommendations that achieve procedural justice - where parties have their voices heard, are able to engage in a transparent process, are treated respectfully and where entities and individuals with authority are trustworthy - leads to better outcomes in family court. Studies have shown that permanency is achieved on a shorter time frame

when parents and children feel that they have a voice. On the other hand, lack of trust and familiarity with the child welfare system are cited as potential barriers for engagement.

Vermont's CHINS Reform efforts should work towards the goal of procedural justice. This would result in better case plans by DCF, a responsive and transparent judiciary, strong representation of parents and responsive advocacy for children.

An evaluation of the CHINS court process would support the overall efforts of this group - achieving better outcomes for all would result in a significant improvement to the system.

7. Listening Tour; Stakeholder Feedback Sessions - \$50,000

In light of the increasing pressure and challenges on family court and the impact of the opioid crisis – it's worthwhile to hear from community members, service providers and people who've engaged in the family court. We propose to do this in five to six communities over a period of six months with a hired facilitator.

Each location would include two meetings:

- An open forum for community members
- Community service providers

This could be done in conjunction with the Justice for Children's Task Force.

8. Project Manager- \$115,000

With the complexity of CHINS reforms, the recommendations of this report combined with the timeline formulated by H.16 will require skilled coordination from the Court Administrator's Office. A Project Coordinator to help ensure the implementation of these reforms will be essential for the success of these recommendations and ultimately the children and families of Vermont. We propose that the project coordinator work out of the Court Administrator's Office and that the CHINS Reform Work Group members act as advisors for this position.