

WOODSIDE ADMISSIONS

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2.2.2018

WOODSIDE OVERVIEW

- Woodside, licensed for 30 beds, admits youth ages 10 to 18. Per DCF policy, the Family Services Division Deputy Commissioner must review and approve admissions for 10, 11 and 12 year olds.
- Youth served in Woodside clinical program are in the custody of DCF with a delinquency charge or have already been adjudicated delinquent.
- Youth in the Woodside program have complex clinical needs and must meet medical necessity as determined by a physician.
- Woodside is the only secure treatment program in the State. Because of its secure status, due process is also provided to youth in the program.

ADMISSION TO WOODSIDE — CURRENT LAW AND DUE PROCESS

- Youth are primarily admitted to the Woodside clinical program by either the Court or DCF.
- Youth may also be admitted pursuant to a protocol between DCF and DOC. These are youth with criminal charges under DOC supervision.

WOODSIDE COURT ADMISSIONS — CURRENT LAW

- Courts may order youth to receive treatment at Woodside on or after the temporary care hearing placing the youth in DCF custody.
- Courts have the option of issuing flexible or inflexible orders.
- Flexible orders mean that youth are placed at Woodside and DCF, as custodian, may move youth without further order of the court as deemed appropriate by DCF.
- Inflexible orders are orders for treatment at Woodside for a period of seven days. These orders must be renewed by the court every seven days.

WOODSIDE DCF ADMISSIONS — CURRENT LAW

- As the custodian for the youth, DCF determines where the youth lives and receives treatment, if necessary.
- Placement options include foster homes and residential treatment programs.
- At any point after custody is granted to DCF, including at the emergency care order stage, DCF may determine that a youth requires secure level of treatment at Woodside.
- Due process is provided to the youth by DCF through an administrative hearing process, known as the 8-day hearing.
- Findings at the 8-day hearing include the fact that the youth poses a significant risk to self, others, the community or property and the youth demonstrates behavior that cannot be managed in a less secure setting.

WOODSIDE ADMISSIONS – LAW AS OF 7.1.2018

During the last legislative session, DCF proposed legislation to provide court only ordered admissions to Woodside for any placement prior to the disposition stage of a delinquency case.

Act 72 (2017) changed the due process considerations for Woodside admissions consistent with DCF's request to change the current law.

WOODSIDE ADMISSIONS – LAW AS OF 7.1.2018

Act 72 provides:

- Predisposition placement at Woodside may only be made by the Court.
- Before ordering Woodside placement, courts must have DCF recommendation that secure placement is necessary.
- Court order must include findings that no other suitable placement is available and that youth presents a risk of harm to self, others or property.
- DCF may move a youth to a less restrictive placement without going back to Court.
 - Important for youth who do not meet clinical necessity or for youth who it are later determined may be better served in another less restrictive setting.

WOODSIDE ADMISSIONS – LAW AS OF 7.1.2018

Additional protections for youth placed in secure treatment at Woodside by the Court:

- Merits hearings on the delinquency charge must be held within 45 days of the preliminary hearing for youth placed at Woodside or the petition is dismissed. Courts have the option of making good cause findings for merits that extend beyond 45 days. Courts must review continued Woodside placement at day 45.
- If the youth continues to be in treatment at Woodside following merits, Courts are required to hold the disposition hearing 35 days following merits and review the Woodside placement order at disposition.
- The original Court-ordered placement, merits 45 day placement and disposition order placement may all be appealed.

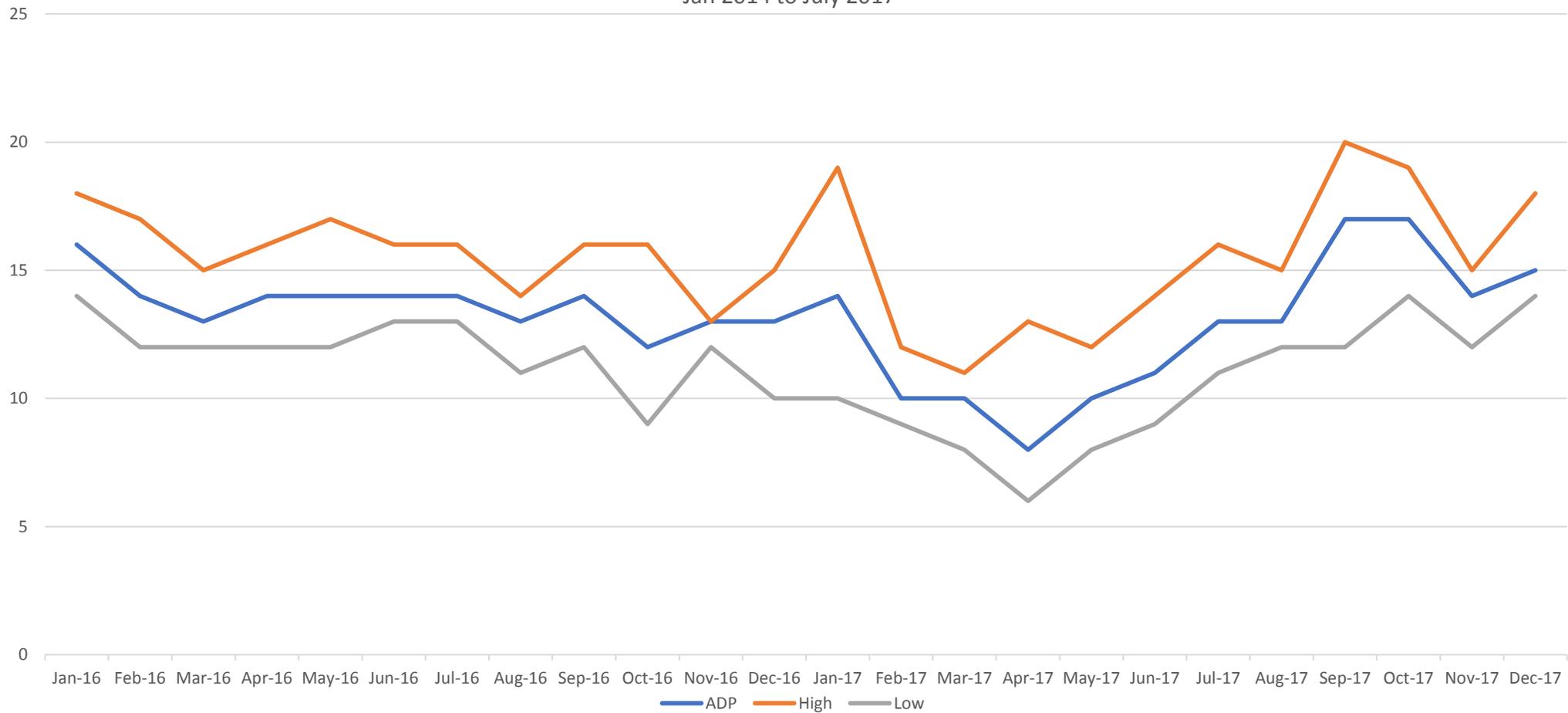
WOODSIDE ADMISSIONS – LAW AS OF 7.1.2018

DCF will continue to have its administrative placement authority for youth in DCF custody as a delinquent for any post-disposition placements.

DCF will continue to provide an administrative placement hearing with due process considerations for post-disposition placements.

WOODSIDE CENSUS DATA

Woodside Population
Jan 2014 to July 2017



DELINQUENCY LAW CHANGES

All charges for youth under age 18 that are not *Big 12* offenses must now start in the Family Division.

- 10 and 11 year olds cannot be transferred to the Criminal Division
- 12 and 13 year olds Big 12 offenses may be transferred up
- Felony charges for youth ages 16 and 17 may be transferred up
- Big 12 offenses for 14 – 17 year olds must start in the criminal division

These changes in juvenile jurisdiction may result in more youth in DCF custody. DCF is working closely with stakeholders to ensure that low risk youth are diverted from the court system all together.

YOUTHFUL OFFENDER STATUS — NEW LAW AS OF 7.1.2018

In addition to other important procedural changes, the age of eligibility for youthful offender treatment in the Family Division raised to 21.

Was previously age 17.

WILL CHANGES IN YOUTHFUL OFFENDER OR OTHER LAWS IMPACT WOODSIDE ADMISSIONS?

Act 153 (2016) also requires that 18 – 25 year olds who are incarcerated will be housed in a DOC facility dedicated for youth.

The change in law regarding YO extended jurisdiction up to age 21 or the requirement that incarcerated 18 – 25 year olds are housed in separate facilities will not impact youth served in the Woodside program.

Woodside will continue to admit youth ages 10 to 18 in the custody of DCF as described above.

As part of its pursuit of psychiatric treatment residential treatment facility (PRTF) certification by the Centers for Medicare and Medicaid Services, Woodside is proposing to allow youth who turn 18 years old while receiving treatment at Woodside to remain in the program voluntarily as long as continued treatment is medically indicated (but not past age 21 because of federal PRTF regulations). This will require a change in law that is included in S.234.

AGENCY OF HUMAN SERVICES FACILITIES REPORT

DCF is requesting a new 25-bed facility for Woodside, built on the current site.

Please see the AHS Act 84 facilities report at:

<http://humanservices.vermont.gov/sec.31-act-84-facilities-report-final-003.pdf>

Please also see the 2016 Woodside feasibility study at:

http://bgs.vermont.gov/sites/bgs/files/files_WS_12.22.16_FeasibilityReport.pdf

A new facility would allow the State to increase its use of Woodside with flexible programming, including lower security spaces. This would also allow Woodside to serve some high needs delinquent youth who are currently being served out-of-state.

QUESTIONS OR COMMENTS?



Thank you!