

Memorandum

To: House Human Services
From: Ken Schatz, DCF Commissioner
Christine Johnson, Family Services Deputy Commissioner
Re: Parent-Child Visitation Testimony
Date: April 8, 2020

This memo is in response to questions related to how the Department for Children and Families, Family Services Division is handling parent-child contact during this COVID-19 public health crisis. With regard to questions related to substitute care, please see our testimony points from last week.

In recognizing the need to limit in-person contact for safety, the Family Services Division has reduced the number of children in substitute care significantly by reunifying families that could be reunified safely and moving most family visitation to remote/virtual means. This has led to a significant decrease in the number of youth in residential and foster care. We are supporting substitute care providers with supplemental funding including a supplemental stipend for foster parents and stabilization payments for residential care providers. Residential care providers may also apply for extraordinary relief funding as needed, please see the **attached** letter from the Department of Vermont Health Access regarding private non-medical institutions (PNMI).

The overwhelming majority of families involved with DCF's Family Services have agreed to remote/virtual visitation/communications. DCF has requested that the courts temporarily suspend all in-person parent-child contact for safety based on Health Commissioner Levine's memo on safety and in-person contact between parents and children in CHINS proceedings, please see the **attached** memo. The courts have denied this request for a blanket temporary suspension of in-person parent-child contact, please see the **attached** email from Judge Grearson.

All visitation is decided through court proceedings, and changes to visitation need to be addressed through the courts. Currently we are working on a case-by-case basis to determine in-person visitation. Over 30 families are refusing virtual visitation and we expect this number to increase as times goes on. Some of these cases are going to court through filings from DCF, the State's Attorneys, and parents' attorneys. We understand there are currently 10-15 cases pending, and we expect many more. Supervised and unsupervised contact have the same risks due to transportation needs. Foster parents and Family Services Workers are greatly concerned about the health risks involved with in-person contact related to COVID-19.

We would like the legislature to consider amending state statute to clarify the considerations judges use to determine visitation during this COVID-19 public health crisis to address the totality of circumstances for risk of exposure and stemming the spread of contagion that includes the Vermont Department of Health's recommendations regarding social distancing and staying home.

