

Voices
for Vermont's Children



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Testimony - H.265, Senate Health and Welfare

Thank you for the opportunity to testify today. Voices extends our gratitude for your work on the many bills that impact children, youth and families in Vermont.

We appreciate the questions that came up thus far in your review of H.265. One of the most critical questions that you asked was “what problem does this bill intend to solve?”.

In order to answer that question it is important to provide some context. If Vermont intends to be accountable to our children, then we need to listen deeply and open ourselves to uncomfortable truths. We are all learning together and critical thought and evaluation matter.

We need to remember that removing indigenous children from their families and tribes of origin was once federal government policy in the United States. Foster care was also used as a punishment for people who could not pay their debt, sometimes alternatively described as a way to rescue children from poverty. Even with our best intentions and dramatically reshaped mission, the legacy of oppression within our systems remains - both in perception and in practice.

For example - we know that nationally, black and brown families are more likely to be reported to DCF for child maltreatment. Black and brown children and youth enter care at higher rates than their white peers. In Vermont, children of color have more placement moves than their white peers. Research tells us that the number of moves a child makes is directly connected to poor outcomes, including prison. Kids in care are far more likely to have kids in care themselves. It is all of our responsibility to break this cycle.

In order to fully support children and families, we need to examine our current outcomes, review our practices, and open ourselves up to see the things that we have

been trained not to see. In doing this, our entire child protection system will be better off. Make no mistake, this is difficult work and it is complex work. It will take a proactive and solutions based approach to get us where we need to be.

If set up well, an Office of Child, Youth, and Family Advocate (Advocate) will define current inequities in our system, reduce harm, and provide the state with the data needed to create a system that is responsive, restorative, and trauma informed.

We are the *only* state in New England that does not have an independent oversight body for our child protection system. Vermont's Advocate will be a place where you can refer your constituents to, it will offer you data to inform your budget and policy making process, and with access to records and people, it will begin to deweaponize confidentiality.

There are some important points to consider:

It is critical that this Office be independent both in practice and perception - as that is the only way it will ever be trusted. Voices appreciates the Office being placed outside of AHS. DCF asks families to show their vulnerabilities with the promise that we will help them find a path to a better place. An Advocate offers the same opportunity to DCF, and the entire child protection system.

An Office of Child Youth, and Family Advocate will:

- Center the needs of children in DCF policy;
- Instill trust in the system by providing more data and increasing transparency;
- Provide the state with an independent, impartial view to allow for meaningful reform;
- Ensure resources and funding are being used to maximum effect; and
- Decrease long-term costs to the system by helping ensure children receive the care they need, when they need it.

An effective Office of Child, Youth, and Family Advocate will not:

- Be a replacement for reporting child abuse/neglect to DCF;
- Represent children or families in court;
- Have the authority to overrule DCF or the courts; or
- Become an advocate for any political agenda.

Our child protection system has immense power, and with that power comes great responsibility. The right to remove a child from their home needs to include a safeguard to ensure that the people surrounding that child are equipped to support healing.

This Office will receive calls, track complaints, offer responsive and random case reviews, and mitigate errors in practice in real time. We know that harm has occurred in Vermont's residential programs, schools, and institutions. We do not have a clear sense if patterns of harm are continuing. Vermont's Advocate will bring barriers to good practice to light so that they can be addressed in a timely manner. Our Advocate will serve as a critical source of information to take an honest look at how our children are faring and offer ways in which we can improve.

The greatest strength and vulnerability of our system is that we are a system made up of humans. Sometimes we expend extraordinary energy trying to make the best of what we have. As DCF's legal counsel pointed out - our family services staff are currently operating with a data system that predated the launch of the world wide web. While updates are planned, our state workers are literally holding things together with a blend of excel spreadsheets and a DOS operating system. This has been normalized over the years, but no one talks about the time when this system crashed and staff relied on paper trails and memory to piece together vital information about the kids that our state has taken responsibility for.

In this scenario, we are asking the impossible of our state workers, our families, foster families, and of our youth. Not equipping our workers with the tools to serve children and youth well means that medication errors occur, inappropriate placements happen, and avoidable trauma takes place. VT's Advocate will keep you updated about the most essential investments at any given time and share where we need to do better while retaining the independence to do so without the perception of being self-serving.

Some of you know that an Advocate is not a new concept in the statehouse. The bill from last biennium was not the first time a child advocate has been discussed. Senator Lyons heard extensive testimony about advocate offices in the Child Protection Oversight Committee, which included establishing an Advocate office in its recommendations. As the Child Protection Oversight Committee sunsets, the advocate can ensure that there is consistent oversight year round.

Your committee has received a strong bill to vet. House Human Services spent much time exploring where this Office should land. They proposed an Office that is independent from the hierarchy at AHS, which is essential. At the same time, remaining a government entity will give the Advocate Office more authority and a more straightforward path to accessing records. If there are additional questions about where this Office should be housed, Voices recommends looking to the Women's Commission and the Human Rights Commission for additional testimony.

Voices would like to offer a few brief comments based on the recommendations that were provided last week:

- Voices agrees that it will be helpful to provide guidance, direction, benchmarks, and timelines for this Office.
- The Advocate Office should work in concert with other state offices to ensure that Vermont's out of state placed children and youth are being served in alignment with Vermont's values, expectations and expertise.
- Voices understands the hesitancy in creating a separate Oversight Commission and an Advisory Board. Creating a space where impacted people feel comfortable and safe speaking up is difficult and this structure provides an opportunity for direct feedback from impacted people. However, we also know that this Office will get a great deal of feedback from the community by design. The Root Social Justice Center would be an excellent guide in weighing the pros and cons of this proposal.
- The scope of this bill should remain broad in order to give the Advocate Office the authority to investigate patterns of safety concerns for children and youth involved with the child protection system. While the broad scope could easily overwhelm, the Advocate will have the responsibility to prioritize their work.
- Working with Vermont's current technology constraints is difficult, but should not be a barrier to the work ahead. DCF and other advocate offices will be a valuable resource in setting up access to information and ensuring that DCF's reporting burden is minimal. The timing couldn't be better - the Advocate can be included in the design of new data systems. We heard the general counsel share in testimony the number of record requests that DCF receives. This Office should have direct access to information, which will eliminate the need for record requests from the Advocate. Access to information remains difficult. As an outside advocate, I submitted a record request for a report on February 16th of 2021. I received confirmation that the request was received that same day. 13 months later, the request is still outstanding.
- As a state, we have valuable point in time information to work from. Between the CHINS report, the UVM report, the Child Protection Oversight Committee report and the Families First Plan. Voices was pleased to see some common threads between each of these documents. The Advocate could be tasked with monitoring progress towards the recommendations within these documents.

In summary, at a time when the pendulum is shifting towards family preservation, and the state is holding the responsibility to support family well-being, it is critical that there be an entity that is dedicated to monitoring and reporting the impacts of policy shifts on

children, youth, and families in our state. This minimal investment will allow for systems oversight all year round. There is often a perceived tension between family preservation and child safety. The goal is to have both – striking that balance is difficult work with high stakes. This work is important and it takes time to listen, understand, research, and choose the path that will reduce harm and increase stability. Lastly, it is also important to note that this Office will unearth areas that need attention, but it will also confirm good practice when it is occurring.

I would like to personally thank each of you for your commitment to getting this right and look forward to working with each of you to center children and youth in your decision making. Voices would like to urge you to establish this well researched office as soon as possible - there is much work to be done.

Again, thank you for your time. I am happy to take any questions you might have now or in the future.