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H.657

An act relating to various programming and requirements within the
Department for Children and Families

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Removing Reach Up Asset Limit * * *

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(c) The Commissioner shall adopt rules for the determination of eligibility
for the Reach Up program and benefit levels for all participating families that
include the following provisions:

* * *

~~(5)(A) The asset limitation shall be \$9,000.00 for families for the
purposes of determining initial and continuing eligibility for the Reach Up
program, and the following savings accounts shall not be considered in the
calculation for determining the asset limitation:~~

~~(i) a retirement account, such as an individual retirement
arrangement (IRA), a defined contribution plan qualified under 26 U.S.C.
§ 401(k), or any similar account as defined in 26 U.S.C. § 408; and~~

1 (3) “Department” means the Department for Children and Families.

2 (4) “Foster care” means care of a child, for a valuable consideration, in a
3 child care institution or in a family other than that of the child’s parent,
4 guardian, or relative.

5 (5) “Qualified ABLE account” means an ABLE account, as that term is
6 defined in section 8002 of this title, or an account established pursuant to any
7 qualified state ABLE program created pursuant to 26 U.S.C. § 529A (section
8 529A of the Internal Revenue Code of 1986).

9 (6) “Representative payee” means the person appointed by the Social
10 Security Administration to manage Social Security benefits for a child.

11 (7) “RSDI benefits” means a child’s retirement, survivors, or disability
12 insurance benefits under 42 U.S.C. chapter 7, subchapter II (Title II of the
13 Social Security Act).

14 (8) “Social Security Act” means the Social Security Act, 42 U.S.C.
15 chapter 7, as may be amended.

16 (9) “Social Security benefits” means a child’s RSDI benefits, SSI
17 benefits, or both, as applicable.

18 (10) “SSI benefits” means a child’s Supplemental Security Income
19 benefits under 42 U.S.C. chapter 7, subchapter XVI (Title XVI of the Social
20 Security Act).

1 Sec. 3. 33 V.S.A. § 4907 is added to read:

2 § 4907. FOSTER CARE; SOCIAL SECURITY BENEFITS

3 (a) The Department shall not use any portion of a child's Social Security
4 benefits to offset the State's costs for the child's maintenance except to
5 maintain the child's eligibility for SSI benefits and to avoid a violation of
6 federal asset or resource limits.

7 (b) Upon the request of the child or the child's foster care provider, the
8 Department, in its capacity as representative payee for a child, may use the
9 child's Social Security benefits for the child's unmet needs beyond the amount
10 that the State is obligated, required, or agrees to pay for the care of the child.

11 (c) In its capacity as representative payee for a child and with the assistance
12 of the State Treasurer, the Department shall:

13 (1) establish a trust account for the child, which shall be a qualified
14 ABLE account for any child receiving SSI benefits;

15 (2) monitor any federal asset or resource limits for the child's SSI
16 benefits;

17 (3) ensure that the child's best interests are served by using the child's
18 Social Security benefits for the child's unmet needs or conserving the child's
19 Social Security benefits in a way that avoids violating any federal asset or
20 resource limits that would affect the child's ability to receive SSI benefits;

1 (A) a child or youth sharing the housing of other persons due to loss
2 of housing, economic hardship, or a similar reason;

3 (B) a child or youth living in motels, hotels, trailer parks, or camping
4 grounds due to the lack of alternative adequate accommodations;

5 (C) a child or youth living in emergency or transitional shelters;

6 (D) a child or youth abandoned in hospitals;

7 (E) a child or youth living in a primary nighttime residence that is a
8 public or private place not designed for or ordinarily used as a regular sleeping
9 accommodation for human beings;

10 (F) a child or youth living in cars, parks, public spaces, abandoned
11 buildings, substandard housing, bus or train stations, or similar settings; or

12 (G) a migratory child who qualifies as homeless because the child is
13 living in the circumstances described in this subdivision (1).

14 (2) “School district homeless liaison” means an employee designated by
15 a school district to act as a liaison for homeless children and youths.

16 (3) “Unaccompanied youth” means a homeless child or youth 16 or 17
17 years of age who is not in the physical custody of a parent or guardian.

18 (c) Certification. An unaccompanied youth may become certified if the
19 youth is:

20 (1) found by a school district homeless liaison or other appropriate staff
21 person to be an unaccompanied youth; or

1 (2) believed to qualify as an unaccompanied youth, by:

2 (A) the director of an emergency shelter program funded by the
3 State;

4 (B) the director of a runaway or homeless youth program funded by
5 the U.S. Department of Health and Human Services or the U.S. Department of
6 Housing and Urban Development or designee;

7 (C) a continuum of care lead agency or designee;

8 (D) the Chief Juvenile Defender or designee; or

9 (E) the Vermont Network Against Domestic and Sexual Violence or
10 designee.

11 (d) Proof of certification.

12 (1)(A) Elevate Youth Services' Vermont Coalition of Runaway and
13 Homeless Services shall develop a standardized form that shall be used by the
14 entities specified in subsection (c) of this section to certify qualifying
15 unaccompanied youths. The front of the form shall include the circumstances
16 that qualify the youth; the date the youth was certified; the name, title, and
17 signature of the certifying individual; and confirmation from the certifying
18 individual that the individual has completed a human trafficking training in the
19 past two years. This section shall be reproduced in its entirety on the back of
20 the form.

1 (B) The Department shall post the certification form and information
2 about this section on its website, including who is eligible for certification and
3 which individuals and entities can complete the certification form pursuant to
4 this section.

5 (2) Without the consent of a parent or guardian, a certified
6 unaccompanied youth may use the completed form to:

7 (A) apply at no charge for a nondriver identification card pursuant to
8 23 V.S.A. § 115, a learner’s permit pursuant to 23 V.S.A. § 617, or an
9 operator’s license or operator’s privilege card pursuant to 23 V.S.A. § 608;

10 (B) obtain a vital event certificate at no charge pursuant to 18 V.S.A.
11 § 5017;

12 (C) consent to care by health care professionals licensed or certified
13 in Vermont, including medical care; dental care; mental health care services,
14 including psychological counseling and treatment, psychiatric treatment, and
15 substance use prevention and treatment services; and surgical diagnosis and
16 treatment, including medical diagnosis and treatment, such as preventive care
17 and care provided in a health care facility, as defined in 18 V.S.A. § 9432, for:

18 (i) the youth; or

19 (ii) the youth’s child, if the certified unaccompanied youth is
20 unmarried, is the parent of the child, and has actual custody of the child;

1 (D) enter into a contract for housing or obtain admission to a shelter
2 or transitional housing;

3 (E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter
4 4;

5 (F) purchase an automobile and obtain an automobile liability policy
6 that meets the requirements of 23 V.S.A. chapter 11;

7 (G) apply for a student loan;

8 (H) obtain admission to high school or postsecondary school and
9 participate in school activities, including extracurricular activities and field
10 trips;

11 (I) open an account at a State- or federally chartered bank or credit
12 union; and

13 (J) receive services for victims of domestic or sexual violence, as
14 appropriate.

15 (e) Use of certification form. A health care professional shall accept the
16 completed form as proof of the youth's status as a certified unaccompanied
17 youth. Entities that provide housing, services, or benefits authorized under this
18 section may keep a copy of the form or card in the youth's medical file.

19 (f) Immunity for liability. Any entity, provider, or health care professional
20 who relies in good faith on a certification form presented by a person who
21 claims to be a certified unaccompanied youth pursuant to this section shall be

1 immune from liability for such reliance, unless the entity, provider, or health
2 care professional acted with gross negligence.

3 (g) Immunity from liability. Any entity, provider, or health care
4 professional who contracts with an unaccompanied youth pursuant to this
5 section shall be immune from liability for the determination to contract with a
6 minor, unless the entity, provider, or health care professional acted with gross
7 negligence.

8 (h) Applicability of Compact. Nothing in this section shall be construed as
9 altering the Interstate Compact for Juveniles.

10 Sec. 4a. 13 V.S.A. § 1311 is amended to read:

11 § 1311. UNLAWFUL SHELTERING; AIDING A RUNAWAY CHILD

12 * * *

13 (b) A person commits the crime of unlawfully sheltering or aiding a
14 runaway child if the person:

15 (1) knowingly shelters a runaway child;

16 (2) intentionally aids, helps, or assists a child to become a runaway
17 child; or

18 (3) knowingly takes, entices, or harbors a runaway child, with the intent
19 of committing a criminal act involving the child or with the intent of enticing
20 or forcing the child to commit a criminal act.

1 (c) Exempt from the prohibitions of subdivisions (b)(1) and (2) of this
2 section are:

3 (1) a shelter, or the directors, agents, or employees of a shelter,
4 designated by the Commissioner for Children and Families pursuant to
5 33 V.S.A. § 5304, provided that the requirements of 33 V.S.A. § 5303(b) are
6 satisfied; ~~and~~

7 (2) a person who has taken the child into custody pursuant to 33 V.S.A.
8 § 5251 or 5301; and

9 (3) a person providing assistance pursuant to 33 V.S.A. § 4908.

10 * * *

11 * * * Unaccompanied Youth; Vital Event Certificates * * *

12 Sec. 5. 18 V.S.A. § 5017 is amended to read:

13 § 5017. FEES FOR COPIES

14 (a) For a certified copy of a vital event certificate, the fee shall be \$10.00.

15 (b) The State Registrar shall waive the fee for certified copies of vital event
16 certificates issued to:

17 (1) an individual attesting to a lack of fixed, regular, and adequate
18 nighttime residence; ~~and~~

19 (2) an individual between 18 and 24 years of age who resided in a foster
20 home or residential child care facility between 16 and 18 years of age pursuant
21 to placement by a child-placing agency; and

1 § 4501 shall be provided with operator's licenses or operator privilege cards
2 for the following fees:

3 (1) Original issuance: \$20.00.

4 (2) Renewal every four years: \$20.00.

5 (3) Replacement of lost, destroyed, or mutilated card or a new name is
6 required: \$10.00.

7 (e)(1) An unaccompanied youth who has obtained a certification pursuant
8 to 33 V.S.A. § 4908 shall be provided with operator's licenses or operator
9 privilege cards at no charge.

10 (2) No additional fee shall be due for a motorcycle endorsement for an
11 unaccompanied youth who has obtained a certification pursuant to 33 V.S.A.
12 § 4908.

13 * * * Unaccompanied Youth; Learner's Permit * * *

14 Sec. 8. 23 V.S.A. § 617 is amended to read:

15 § 617. LEARNER'S PERMIT

16 * * *

17 (b)(1) Notwithstanding the provisions of subsection (a) of this section, any
18 licensed person may apply to the Commissioner of Motor Vehicles for a
19 learner's permit for the operation of a motorcycle in the form prescribed by the
20 Commissioner. The Commissioner shall offer both a motorcycle learner's
21 permit that authorizes the operation of three-wheeled motorcycles only and a

1 motorcycle learner's permit that authorizes the operation of any motorcycle.

2 The Commissioner shall require payment of a fee of \$24.00 at the time
3 application is made, except that no fee shall be charged for an unaccompanied
4 youth who has obtained a certification pursuant to 33 V.S.A. § 4908 or for an
5 individual under 23 years of age who was in the care and custody of the
6 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in
7 Vermont after attaining 14 years of age.

8 (2) After the applicant has successfully passed all parts of the applicable
9 motorcycle endorsement examination, other than a skill test, the Commissioner
10 may issue to the applicant a learner's permit that entitles the applicant, subject
11 to subsection 615(a) of this title, to operate a three-wheeled motorcycle only,
12 or to operate any motorcycle, upon the public highways for a period of 120
13 days from the date of issuance. The fee for the examination shall be \$11.00,
14 except that no fee shall be charged for an unaccompanied youth who has
15 obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under
16 23 years of age who was in the care and custody of the Commissioner for
17 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
18 attaining 14 years of age.

19 (3) A motorcycle learner's permit may be renewed only twice upon
20 payment of a \$24.00 fee. An unaccompanied youth who has obtained a
21 certification pursuant to 33 V.S.A. § 4908 and an individual under 23 years of

1 age who was in the care and custody of the Commissioner for Children and
2 Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years
3 of age shall not be charged a fee for the renewal of a motorcycle learner's
4 permit.

5 * * *

6 (d)(1) An applicant shall pay \$24.00 to the Commissioner for each
7 learner's permit or a duplicate or renewal thereof.

8 (2) An unaccompanied youth who has obtained a certification pursuant
9 to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the
10 care and custody of the Commissioner for Children and Families pursuant to
11 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be
12 charged a fee for a learner's permit or a duplicate or renewal thereof.

13 * * *

14 * * * Transportation of Children * * *

15 Sec. 9. 33 V.S.A. § 5123 is amended to read:

16 § 5123. TRANSPORTATION OF A CHILD

17 (a) As used in this section:

18 (1) "Least restrictive" has the same meaning as in section 5130 of this
19 chapter.

20 (2) "Mechanical restraint" has the same meaning as in section 5130 of
21 this chapter.

1 (3) “Physical restraint” has the same meaning as in section 5130 of this
2 chapter.

3 (4) “Secure transport” means transport in a vehicle with disabled
4 internal controls for rear door handles and window switches, requiring the
5 driver to open them from the outside, or with a safety partition installed to
6 separate the driver from the passenger compartment. “Secure transport”
7 includes any vehicle being driven by a law enforcement officer.

8 (5) “Soft restraint” has the same meaning as in section 5130 of this
9 chapter.

10 (6) “Waist shackles” means a mechanical restraint device, typically a
11 chain, used around the waist and to which the child’s wrists may be chained or
12 cuffed.

13 **(b)** The Commissioner for Children and Families shall ensure that all
14 reasonable and appropriate measures consistent with public safety are made to
15 transport or escort a child subject to this chapter in a manner that:

16 (1) ~~reasonably avoids~~ prevents physical and psychological trauma;

17 (2) respects the privacy of the child; and

18 (3) represents the least restrictive means necessary for the safety of the
19 child.

20 ~~(b)~~**(c)** The Commissioner for Children and Families shall have the authority
21 to select the person or persons who may transport a child under the

1 ~~Commissioner's care and custody~~ designate the professional or law
2 enforcement officers transporting children and shall authorize the method of
3 transport. A contract for transportation services shall include the requirements
4 in this section. Transportation services with noncontracted law enforcement
5 officers shall only be authorized in emergency situations or by court order.

6 ~~(e)(d)~~ The Commissioner shall ~~ensure supervisory review of every decision~~
7 ~~to transport a child using mechanical restraints. When transportation with~~
8 ~~restraints for a particular child is approved, the reasons for the approval shall~~
9 ~~be documented in writing~~ provide education materials complying with this
10 section that outline the legal requirements for the secure transportation of
11 children to individuals designated pursuant to subsection (c) of this section and
12 shall obtain verification that all designated individuals have reviewed the
13 education materials.

14 ~~(d)(e)~~ Secure transport shall only be used when the Department determines
15 and documents why it is necessary to prevent the risk of serious physical harm
16 to the child or others, based upon an individualized risk assessment.

17 ~~(e)(f)~~ It is the policy of the State of Vermont that mechanical restraints are
18 not routinely used on children subject to this chapter unless circumstances
19 dictate that such methods are necessary. Soft restraints shall be the first option
20 for restraint, and other mechanical restraints shall not be utilized as a substitute
21 for soft restraints if the soft restraints are deemed adequate for safety.

1 (g) An entity contracted pursuant to subsection (c) of this section shall
2 provide documentation to the Department for the use of restraints when:

3 (1) the entity believes that the risk of serious physical harm to the child
4 or others requires the use of soft restraints before or during the transport,
5 including a description as to why less restrictive interventions could not
6 reasonably be attempted or why the attempted use of less restrictive
7 interventions was unsuccessful;

8 (2) the entity believes that the risk of serious physical harm to the child
9 or others was such that soft restraints were not adequate for safety and shall
10 include a description as to which restraint was used and why soft restraints
11 were deemed inadequate for preventing the risk of serious physical harm to the
12 child or others; or

13 (3) the use of waist shackles was determined to be the sole means of
14 preventing serious physical harm to the child or others and shall include a
15 description as to why waist shackles were the sole means of preventing the risk
16 of serious physical harm to the child or others.

17 (h) Documentation for the use of restraints shall be completed prior to
18 transport unless the circumstances that required their use occurred during the
19 course of the transport, in which case the documentation shall occur after
20 completion of the transport.

1 (i) The use of waist shackles shall be prohibited on children 12 years of age
2 or younger. The use of waist shackles on children 13 years of age or older
3 shall be assessed and determined to be the sole means of preventing serious
4 physical harm to the child or others and documented accordingly. Only
5 designated law enforcement agencies shall use waist shackles on a child
6 transported pursuant to this section.

7 (j) The Commissioner shall ensure supervisory review by the Department
8 of all documentation required by this section.

9 (k)(1) Annually, on or before January 15, the Department for Children and
10 Families shall submit a written report to the House Committee on Human
11 Services; the Senate Committee on Health and Welfare; and the Office of the
12 Child, Youth, and Family Advocate addressing the number of secure transports
13 of children during the previous year, including, for those transported with
14 restraints:

15 (A) the age, gender, and racial background of the children
16 transported;

17 (B) the number of children transported using mechanical restraints;

18 (C) whether the transport was conducted by law enforcement or a
19 private agency;

1 (D) when applicable, the type of mechanical restraint;

2 (E) the type of custody children were in when transport occurred; and

3 (F) the purpose of the transport.

4 (2) Once the Department has upgraded its technological capacity in a
5 manner that enables it to collect responsive data, information specific to
6 subdivisions (1)(B), (C), (E), and (F) of this subsection shall be collected and
7 included in the annual report with regard to all secure transports.

8 (1) Annually, on or before January 15, the Department of State's Attorneys
9 and Sheriffs shall submit a written report to the House Committee on Human
10 Services; the Senate Committee on Health and Welfare; the Department for
11 Children and Families; and the Office of the Child, Youth, and Family
12 Advocate addressing the number of court-ordered transports of minors
13 conducted by the State transport deputies pursuant to 24 V.S.A. § 290(b)
14 during the previous year, including:

15 (1) the date of birth of transported minors;

16 (2) whether restraint was used during transport;

17 (3) if restraint was used, the type of restraint;

18 (4) whether the minor's case was a delinquency, youthful offender, or
19 criminal proceeding; and

20 (5) the purpose of the transport.

1 Sec. 10. REPORT; RESTRAINT IN TRANSPORTATION
2 OF CHILDREN

3 (a) On or before December 15, 2027, the Department for Children and
4 Families shall submit a written report to the House Committee on Human
5 Services and to the Senate Committee on Health and Welfare addressing how
6 the Department is effectuating the policies set forth in 33 V.S.A. § 5123(d) and
7 2017 Acts and Resolves No. 85, Sec. E.314, including:

8 (1) contracting with law enforcement or private agencies for the
9 transport of children;

10 (2) Departmental oversight and supervisory review of the secure
11 transport of children, including transport provided by private agencies or law
12 enforcement officers;

13 (3) the mechanism used by the Department to collect and review data on
14 the application of mechanical restraints during the transport of children in
15 compliance with 33 V.S.A. § 5123(c);

16 (4) materials and requirements for designated contractors;

17 (5) written policies used to effectuate the law; and

18 (6) other information the Department deems relevant.

19 (b) As used in this section, “restraint” has the same meaning as in 33
20 V.S.A. §5130.

1 Sec. 11. USE OF FORCE POLICY

2 The Vermont Criminal Justice Council, in consultation with the Department
3 of Vermont State’s Attorneys and Sheriffs; the Office of the Child, Youth, and
4 Family Advocate; Disability Rights Vermont; and the Departments for
5 Children and Families and of Disabilities, Aging, and Independent Living shall
6 conduct a formal review to determine whether its use of force policy should
7 include an appendix to adequately address the transportation by law
8 enforcement of children under 18 years of age that is in alignment with the
9 public policy considerations for the transport of children in the custody of the
10 Department for Children and Families pursuant to 33 V.S.A. § 5123.

11 * * * Restraint and Seclusion * * *

12 Sec. 12. 33 V.S.A. § 5130 is added to read:

13 § 5130. NON-TRANSPORT RELATED RESTRAINT AND SECLUSION

14 (a) As used in this section:

15 (1) “Chemical restraint” means any medication used to manage behavior
16 or restrict freedom of movement that is not a standard treatment or dosage for
17 the individual’s condition.

18 (2) “Child” or “children” means a child or children in the Department’s
19 custody or receiving care or services in a program regulated or licensed by the
20 Department.

1 (3) “Mechanical restraint” means a type of restraint using a mechanical
2 device, material, or equipment, or garment attached to the child’s body, that
3 restricts freedom of movement or immobilizes or reduces the ability of a child
4 to move the child’s arms, legs, body, or head freely.

5 (4) “Physical restraint” means a type of restraint using a manual or
6 physical hold that restricts freedom of movement or immobilizes or reduces the
7 ability of a child to move the child’s arms, legs, body, or head freely. A
8 physical restraint shall not include a light touch to encourage a response or to
9 provide direction or guidance, provided the child is able to move away freely.

10 (5) “Prone restraint” means a physical intervention technique where an
11 individual is held face down on the individual’s stomach. “Prone restraint”
12 does not include a physical restraint that involves a momentary initial hold in a
13 prone position while transitioning to an evidence-based, safer form of restraint
14 that is not considered to be a prohibited form of physical restraint.

15 (6) “Seclusion” means involuntary confinement of a child in a segregated
16 room or area from which the child is prevented or from which the child
17 reasonably believes that the child is prevented from leaving, whether the door
18 is locked or not. “Seclusion” does not include a voluntary time out under staff
19 supervision for a short period of time in an unlocked room at the child’s
20 request.

1 (7) “Strip search” means a search that requires a child to remove or
2 arrange some clothing so as to permit a visual inspection of the child’s breasts,
3 buttocks, or genitalia. “Strip search” does not include a pat down through the
4 child’s clothing to determine whether contraband is present.

5 (8) “Least restrictive” means the minimum intervention necessary to
6 prevent harm to the child or to another, maximizing a child’s autonomy,
7 ensuring that restrictions are proportionate to the risk of harm, and ensuring
8 involuntary measures are only permitted as a last resort when less intrusive
9 methods have failed.

10 (9) “Soft restraint” means a mechanical restraint device that uses soft
11 material or fabric that is padded and designed to safely fit around the limbs of
12 an individual to limit mobility in order to prevent self-harm or harm to others.

13 (10) “Secure residential program” means a secure residential treatment
14 program that employs locked or inoperable doors and windows to prevent a
15 child from leaving the building.

16 (b) The Department shall not use or authorize the use of prone restraints,
17 mechanical restraints, chemical restraints, or strip searches on a child.

18 (c) Seclusion or physical restraint shall not be used for punishment,
19 disciplinary purposes, the protection of property, or any other reason other than
20 as a safety measure of last resort to prevent a serious and immediate risk of
21 harm to the child or others.

1 (d) A staff member shall use other less restrictive interventions, unless less
2 restrictive interventions have failed or would be ineffective in stopping
3 imminent danger of physical injury or property damage.

4 (e) After attempting to use less restrictive interventions, a staff member
5 trained in accordance with rule may physically restrain a child or place a child
6 in seclusion if the staff member:

7 (1) determines that the child's behavior poses a serious and immediate
8 risk of physical harm to the child or others;

9 (2) conducts the physical restraint or seclusion in a manner that respects
10 the child's privacy and limits physical and psychological trauma; and

11 (3) after initiation of the intervention, explains to the child the reasons
12 for the physical restraint or seclusion and informs the child of the
13 circumstances that allow release from the physical restraint or seclusion.

14 (f) If a child is placed in physical restraint or seclusion pursuant to
15 subsection (e) of this section, the child shall be released immediately when
16 there is no longer a serious and immediate risk of physical harm to the child or
17 others.

18 (g)(1) Restraint or seclusion lasting more than 10 minutes shall require
19 supervisory approval and oversight. Restraint or seclusion lasting more than
20 30 minutes require clinical and administrative consultation, approval, and
21 oversight. A child shall not be held for more than one hour in restraint or

1 seclusion without an in-person assessment by a clinician and authorization by
2 the administrator on duty.

3 (2) A child in seclusion shall be provided constant uninterrupted
4 supervision by a qualified staff employed by the program who is familiar to the
5 child.

6 (h) Nothing in this section shall be construed to:

7 (1) include a locked bedroom during regular sleeping hours in a secure
8 residence as seclusion; or

9 (2) conflict with any law providing greater or additional protections to
10 minors.

11 (i) Notice of the use of restraint or seclusion on a child in the Department's
12 custody shall be provided to the Department; the child's parent or guardian; the
13 child's guardian ad litem; and the child's attorney, if applicable, within
14 24 hours.

15 (j) The program or staff member using seclusion or restraint shall
16 document its use and provide a copy of each recorded use of seclusion or
17 restraint, including a copy of any audio or visual recording, to the
18 Commissioner. Upon request, the audio or video shall be provided through
19 secure means of transmission and shall include blurring to protect the identity
20 of any other children in the program who are not in custody of the Department.
21 The documentation shall include a description of the child's specific behaviors

1 justifying the use of the intervention. The Department shall forward complete
2 documentation of each use of restraint or seclusion to the Office of the Child,
3 Youth, and Family Advocate within two business days.

4 (k) The Department shall collect the following data on the use of seclusion
5 and physical restraint, by placement type; program name; and the age, gender,
6 and racial background of the child:

7 (1) the specific types of the seclusion or physical restraint used; and

8 (2) the length of time a child was secluded or physically restrained, as
9 applicable.

10 (1)(1) Prior to contracting with any program for the care of a child in the
11 Department's custody, the Department shall conduct a review of any records,
12 from the prior five years regarding the safety of children in the program's care,
13 including any violations of the program's licensing status and any resulting
14 remediation.

15 (2) The Department shall remove any Vermont child from risk of harm
16 and shall initiate a search for alternative providers if an out-of-state residential
17 provider is determined to be in violation of the standards in the contract
18 regarding restraint and seclusion or in violation of its state's licensing entity.

19 (m) Notwithstanding subsection (b) of this section, a child detained in a
20 secure residential program may be restrained with mechanical restraints for a
21 momentary initial hold to enable relocation of the child to a less restrictive

1 method of intervention if necessitated to prevent serious and immediate harm
2 to the child or others, except that under no circumstances shall a garment
3 adjacent to the child's body that restricts freedom of movement or immobilizes
4 or reduces the ability of a child to move the child's arms, legs, body, or head
5 freely be utilized. The procedures and standards established under this section,
6 including notice and reporting requirements, shall apply.

7 (n) Notwithstanding subsection (b) of this section, a child detained in a
8 secure residential program may be subjected to a strip search if a pat search has
9 led to probable cause to believe that the child has possession of contraband that
10 poses a threat of serious bodily harm to the child or others and the child has
11 refused to voluntarily turn over the contraband. The child shall be given the
12 opportunity before and at any time after the commencement of a search to
13 voluntarily relinquish the suspected contraband, whereupon the search will be
14 discontinued. Notice and reporting requirements shall be the same as for use
15 of restraint or seclusion under this section. Body cavity searches shall not be
16 permitted under any circumstances.

17 (o) The Department shall post on the Family Division's scorecard or
18 another prominent location on its website the rates of restraint and seclusion
19 used on children in licensed programs and the number of uses of secure
20 transport and of restraint used during transport. The Department shall update
21 this information at least annually.

1 (p) The Department shall develop and adopt rules pursuant to 3 V.S.A.
2 chapter 25, in collaboration with the Office of the Child, Youth, and Family
3 Advocate and in consultation with stakeholders implementing this section,
4 including requirements for staff training; standards for supervisory oversight,
5 recordkeeping, and reporting by residential programs; oversight
6 responsibilities of the Department; and any other necessary standards.

7 Sec. 13. 33 V.S.A. § 5130(1) is amended to read:

8 (1)(1) Prior to contracting with any program for the care of a child in the
9 Department's custody, the Department shall conduct a review of any records,
10 from the prior five years regarding the safety of children in the program's care,
11 including any violations of the program's licensing status and any resulting
12 remediation.

13 (2) When contracting with an out-of-state program, the Department shall
14 include a requirement that the program adhere to the provisions of this section.

15 (3) The Department shall remove any Vermont child from risk of harm
16 and shall initiate a search for alternative providers if an out-of-state residential
17 provider is determined to be in violation of the standards in the contract
18 regarding restraint and seclusion or in violation of its state's licensing entity.

19 Sec. 14. REPORT; CHILDREN IN CORRECTIONAL FACILITIES

20 (a) On or before January 1, 2027, the Departments for Children and
21 Families and of Corrections shall submit a written report to the House

1 Committees on Human Services and on Corrections and Institutions and to the
2 Senate Committees on Health and Welfare and on Institutions regarding the
3 use of restraint and seclusion on minors detained in Department of
4 Corrections' facilities and potential means for reducing physical and
5 psychological trauma from restraint and seclusion. In preparing the required
6 report, the Departments shall consult with a work group composed of the
7 Office of the Child, Youth, and Family Advocate; the Office of the Defender
8 General, Juvenile Division; Voices for Vermont's Children; the Vermont
9 Federation of Families for Children's Mental Health; Disability Rights
10 Vermont; and a young adult with lived experience of being detained in a
11 Department of Corrections facility, appointed by the Office of the Child,
12 Youth, and Family Advocate.

13 (b) Members of the work group who are not participating in their
14 professional capacity shall be entitled to per diem compensation and
15 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
16 than five meetings. These payments shall be made from monies appropriated
17 to the Office of the Child, Youth, and Family Advocate.

18 * * * Judicial Review of Placements for Children Previously Under the
19 Custody of the Department for Children and Families * * *

20 Sec. 15. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER
21 17 YEARS OF AGE

1 On or before November 1, 2026, the Department for Children and Families
2 shall submit a written report, in consultation with the Judicial Branch, to the
3 House Committee on Human Services and to the Senate Committee on Health
4 and Welfare with recommendations for court oversight processes that meet
5 federal requirements to allow access to federal funds for programs that may
6 support youth up to 21 years of age and that ensures sustainable use of judicial
7 resources. The report shall include any recommendations for legislative
8 action.

9 * * * Prenatal Engagement and Family Support Working Group * * *

10 Sec. 16. PRENATAL ENGAGEMENT AND FAMILY SUPPORT

11 WORKING GROUP

12 (a) Creation. There is created the Prenatal Engagement and Family
13 Support Working Group to examine the Department for Children and Families'
14 current practice of using a pregnancy calendar to monitor and track certain
15 pregnant individuals in Vermont and provide recommendations on alternatives
16 to a pregnancy calendar and ways to support pregnant individuals in need of
17 services.

18 (b) Membership. The Working Group shall be composed of the following
19 members:

20 (1) the Deputy Commissioner of the Family Services Division of the
21 Department for Children and Families;

- 1 (2) the Vermont Child, Youth, and Family Advocate or designee;
- 2 (3) the Executive Director of Vermont Family Network or designee;
- 3 (4) the Executive Director of Vermont Legal Aid or designee;
- 4 (5) the President of Planned Parenthood of Northern New England or
5 designee;
- 6 (6) the Executive Director of the Vermont Parent Representation Center
7 or designee;
- 8 (7) the Executive Director of Recovery Partners Vermont or designee;
- 9 (8) the Executive Director of Voices for Vermont’s Children or
10 designee;
- 11 (9) the Director of the Department of Health’s Maternal and Child
12 Health Division or designee;
- 13 (10) a representative, appointed by Children of Recovering Mothers’
14 Team at the Kidsafe Collaborative;
- 15 (11) the Director of the Office of the Defender General’s Juvenile
16 Division or designee;
- 17 (12) an individual with lived experience of being monitored by the
18 Department while pregnant, appointed by the Speaker of the House; and
- 19 (13) an individual with lived experience of being monitored by the
20 Department while pregnant, appointed by the Senate Committee on
21 Committees.

1 (c) Powers and duties. The Working Group shall study the Department for
2 Children and Families' current practice of using a pregnancy calendar to
3 monitor and track certain pregnant individuals in Vermont and provide
4 recommendations on alternatives to a pregnancy calendar and ways to support
5 pregnant individuals in need of services.

6 (d) Assistance. For the purposes of scheduling meetings and providing
7 administrative assistance, the Working Group shall have the assistance of the
8 Department for Children and Families.

9 (e) Report. On or before November 15, 2026, the Working Group shall
10 submit a written report to the House Committee on Human Services, the
11 Senate Committee on Health and Welfare, and the House and Senate
12 Committees on Judiciary with its findings and any recommendations for
13 legislative action.

14 (f) Meetings.

15 (1) The Vermont Child, Youth, and Family Advocate or designee shall
16 call the first meeting of the Working Group to occur on or before August 1,
17 2026.

18 (2) The Working Group shall select a chair from among its members at
19 the first meeting.

20 (3) A majority of the membership shall constitute a quorum.

21 (4) The Working Group shall cease to exist on February 1, 2027.

