

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.  
3 657 entitled “An act relating to enabling unaccompanied homeless youth to  
4 obtain certain services without parental consent” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Removing Reach Up Asset Limit \* \* \*

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

9 § 1103. ELIGIBILITY AND BENEFIT LEVELS

10 \* \* \*

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

14 \* \* \*

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

19 (i) ~~a retirement account, such as an individual retirement~~  
20 ~~arrangement (IRA), a defined contribution plan qualified under 26 U.S.C.~~  
21 ~~§ 401(k), or any similar account as defined in 26 U.S.C. § 408; and~~



1           (5) “Qualified ABLÉ account” means an ABLÉ account, as that term is  
2           defined in section 8002 of this title, or an account established pursuant to any  
3           qualified state ABLÉ program created pursuant to 26 U.S.C. § 529A (section  
4           529A of the Internal Revenue Code of 1986).

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

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

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

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

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

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

18           § 4907. FOSTER CARE; SOCIAL SECURITY BENEFITS

19           (a) The Department shall not use any portion of a child’s Social Security  
20           benefits to offset the State’s costs for the child’s maintenance except to

1 maintain the child’s eligibility for SSI benefits and to avoid a violation of  
2 federal asset or resource limits.

3 (b) In its capacity as representative payee for a child, the Department may  
4 use the child’s Social Security benefits for the child’s unmet needs beyond the  
5 amount that the State is obligated, required, or agrees to pay after notifying the  
6 child; the child’s parent, legal guardian, or counsel; the Family Division of the  
7 Superior Court; and the Office of the Child, Youth, and Family Advocate.

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

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

12 (2) monitor any federal asset or resource limits for the child’s SSI  
13 benefits;

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

18 (4) provide an annual accounting of the use, application, or conservation  
19 of the child’s Social Security benefits to the child; the child’s parent, legal  
20 guardian, or counsel; the Family Division of the Superior Court; and the Office  
21 of the Child, Youth, and Family Advocate.



1 (2) “Unaccompanied homeless youth” means a homeless child or youth  
2 not in the physical custody of a parent or guardian.

3 (3) “School district homeless liaison” means an employee designated by  
4 a school district to act as a liaison for homeless children and youth.

5 (b) Certification. An unaccompanied youth may become certified if the  
6 youth is:

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

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

10 (A) the director of an emergency shelter program funded by the  
11 State;

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

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

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

17 (E) the Vermont Network Against Domestic and Sexual Violence or  
18 designee.

19 (c) Proof of certification.

20 (1) Elevate Youth Services’ Vermont Coalition of Runaway and

21 Homeless Services shall develop a standardized form that shall be used by the

1 entities specified in subdivision (b)(2) of this section to certify qualifying  
2 unaccompanied youths. The front of the form shall include the circumstances  
3 that qualify the youth; the date the youth was certified; the name, title, and  
4 signature of the certifying individual; and confirmation from the certifying  
5 individual that they have completed a human trafficking training in the past  
6 two years. This section shall be reproduced in its entirety on the back of the  
7 form.

8 (2) A certified unaccompanied youth may use the completed form to:

9 (A) apply at no charge and without the consent of a parent or  
10 guardian for a nondriver identification card pursuant to 23 V.S.A. § 115, a  
11 learner’s permit pursuant to 23 V.S.A. § 617, or an operator’s license or  
12 operator’s privilege card pursuant to 23 V.S.A. § 608;

13 (B) obtain a vital event certificate without the consent of a parent or  
14 guardian and at no charge pursuant to 18 V.S.A. § 5017;

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

1                    (i) themselves; or

2                    (ii) the youth's child, if the certified unaccompanied youth is  
3 unmarried, is the parent of the child, and has actual custody of the child;

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

6                    (E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter  
7 4;

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

10                   (G) obtain a student loan;

11                   (H) obtain admission to high school or postsecondary school and  
12 participate in school activities, including extracurricular activities and field  
13 trips;

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

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

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



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

3 (1) knowingly shelters a runaway child;

4 (2) intentionally aids, helps, or assists a child to become a runaway  
5 child; or

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

9 (c) Exempt from the prohibitions of this section are:

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

14 (2) a person who has taken the child into custody pursuant to 33 V.S.A. §  
15 5251 or 5301; and

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

17 \* \* \*

18 \* \* \* Unaccompanied Youth; Vital Event Certificates \* \* \*

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

20 § 5017. FEES FOR COPIES

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

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

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

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

9 (3) an unaccompanied youth who has obtained a certification pursuant  
10 to 33 V.S.A. § 4908.

11 \* \* \* Unaccompanied Youth; Nondriver Identification Cards \* \* \*

12 Sec. 6. 23 V.S.A. § 115 is amended to read:

13 § 115. NONDRIVER IDENTIFICATION CARDS

14 (a)(1) Any Vermont resident may make application to the Commissioner  
15 and be issued an identification card that is attested by the Commissioner as to  
16 true name, correct age, residential address unless the listing of another address  
17 is requested by the applicant or is otherwise authorized by law, and any other  
18 identifying data as the Commissioner may require that shall include, in the case  
19 of minor applicants, the written consent of the applicant's parent, guardian, or  
20 other person standing in loco parentis.

21 \* \* \*



1           (2) No additional fee shall be due for a motorcycle endorsement for an  
2 individual under 23 years of age who was in the care and custody of the  
3 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in  
4 Vermont after attaining 14 years of age.

5           (d) Individuals receiving Supplemental Security Income or Social Security  
6 Disability Income and individuals with a disability as defined in 9 V.S.A.  
7 § 4501 shall be provided with operator’s licenses or operator privilege cards  
8 for the following fees:

- 9           (1) Original issuance: \$20.00.
- 10           (2) Renewal every four years: \$20.00.
- 11           (3) Replacement of lost, destroyed, or mutilated card or a new name is  
12 required: \$10.00.

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

16           (2) No additional fee shall be due for a motorcycle endorsement for an  
17 unaccompanied youth who has obtained a certification pursuant to 33 V.S.A.  
18 § 4908.

19                           \* \* \* Unaccompanied Youth; Learner’s Permit \* \* \*

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

21           § 617. LEARNER’S PERMIT

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\* \* \*

(b)(1) Notwithstanding the provisions of subsection (a) of this section, any licensed person may apply to the Commissioner of Motor Vehicles for a learner’s permit for the operation of a motorcycle in the form prescribed by the Commissioner. The Commissioner shall offer both a motorcycle learner’s permit that authorizes the operation of three-wheeled motorcycles only and a motorcycle learner’s permit that authorizes the operation of any motorcycle. The Commissioner shall require payment of a fee of \$24.00 at the time application is made, except that no fee shall be charged for an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under 23 years of age who was in the care and custody of the Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age.

(2) After the applicant has successfully passed all parts of the applicable motorcycle endorsement examination, other than a skill test, the Commissioner may issue to the applicant a learner’s permit that entitles the applicant, subject to subsection 615(a) of this title, to operate a three-wheeled motorcycle only, or to operate any motorcycle, upon the public highways for a period of 120 days from the date of issuance. The fee for the examination shall be \$11.00, except that no fee shall be charged for an unaccompanied youth who has obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under

1 23 years of age who was in the care and custody of the Commissioner for  
2 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after  
3 attaining 14 years of age.

4 (3) A motorcycle learner’s permit may be renewed only twice upon  
5 payment of a \$24.00 fee. An unaccompanied youth who has obtained a  
6 certification pursuant to 33 V.S.A. § 4908 and an individual under 23 years of  
7 age who was in the care and custody of the Commissioner for Children and  
8 Families pursuant to 33 V.S.A. § 4903(4) in Vermont after attaining 14 years  
9 of age shall not be charged a fee for the renewal of a motorcycle learner’s  
10 permit.

11 \* \* \*

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

14 (2) An unaccompanied youth who has obtained a certification pursuant  
15 to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the  
16 care and custody of the Commissioner for Children and Families pursuant to  
17 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be  
18 charged a fee for a learner’s permit or a duplicate or renewal thereof.

19 \* \* \*

1                   \* \* \* Mechanical Restraints in Transportation of Children \* \* \*

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

3           § 5123. TRANSPORTATION OF A CHILD

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

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

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

9                   (3) represents the least restrictive means necessary for the safety of the  
10 child.

11           (b) The Commissioner for Children and Families shall have the authority to  
12 ~~select the person or persons who may transport a child under the~~  
13 ~~Commissioner's care and custody~~ designate the professional or law  
14 enforcement officers transporting children and shall authorize the method of  
15 transport. A contract for transportation services with private or public entities  
16 shall require adherence with this section. Transportation services with  
17 noncontracted law enforcement officers shall only be authorized in emergency  
18 situations.

19           (c) The Commissioner shall ~~ensure supervisory review of every decision to~~  
20 ~~transport a child using mechanical restraints. When transportation with~~  
21 ~~restraints for a particular child is approved, the reasons for the approval shall~~

1 ~~be documented in writing~~ provide materials outlining legal requirements for  
2 the secure transportation of children to individuals designated pursuant to  
3 subsection (b) of this section and shall obtain verification that all designated  
4 individuals have received education in conducting transportation that complies  
5 with this section.

6 (d) Secure transport shall only be used when the Department determines  
7 that it is necessary to protect the safety of the child or others, based upon an  
8 individualized risk assessment.

9 (e) It is the policy of the State of Vermont that mechanical restraints are not  
10 routinely used on children subject to this chapter unless circumstances dictate  
11 that such methods are necessary.

12 (f) Notwithstanding section 5130 of this chapter, if the individual  
13 designated pursuant to subsection (b) of this section believes the risk of serious  
14 physical harm to the child or others requires the use of mechanical restraints  
15 before or during the transport, documentation provided to the Department by  
16 the designated individual shall include a description as to why less restrictive  
17 interventions could not reasonably be attempted or why the attempted use of  
18 less restrictive interventions were unsuccessful. A law enforcement vehicle or  
19 private agency under contract with the Department shall use soft restraints as a  
20 first option, and other mechanical restraints shall not be utilized as a substitute  
21 for soft restraints if the soft restraints are deemed adequate for safety. If

1 mechanical restraints are used, documentation provided to the Department by  
2 the designated individual shall include a description as to why soft restraints  
3 were deemed inadequate for safety.

4 (g) The Commissioner shall ensure supervisory review of all  
5 documentation required by this section by the Department.

6 (h) The use of waist shackles shall be prohibited unless separately  
7 documented to have been assessed and determined to be the sole means of  
8 preventing serious physical harm to the child or others.

9 (i)(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 and to the Senate Committee on Health and Welfare addressing the  
12 number of secure transports of children during the previous year, including, for  
13 those transported with restraints:

14 (A) the number of children transported using mechanical restraints;

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

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

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

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

21 (F) the purpose of the transport.

1           (2) Once the Department has the technological capacity to collect  
2 responsive data, information specific to subdivisions (1)(B), (C), (E), and (F)  
3 of this subsection shall be collected and included in the annual report with  
4 regard to all secure transports.

5           (j) As used in this section:

6           (1) “Least restrictive” has the same meaning as in section 5130 of this  
7 chapter.

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

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

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

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

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

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 Mental Health, with legal assistance from the  
6 Office of the Attorney General, shall conduct a formal review to determine  
7 whether its use of force policy adequately addresses the transportation by law  
8 enforcement of children under 18 years of age and of persons with, or believed  
9 to have, a mental disability, that is in alignment with the public policy  
10 considerations for the transport of children in the custody of the Department  
11 for Children and Families pursuant to 33 V.S.A. § 5123, and of persons in the  
12 custody of the Commissioner of Mental Health pursuant to 18 V.S.A. § 7511.

13 \* \* \* **Restraint and Seclusion** \* \* \*

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

15 § 5130. **RESTRAINT AND SECLUSION**

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

18 (b) 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 another person.

1           (c) Prior to using any physical restraint or seclusion, a staff member shall  
2           attempt or consider attempting other less restrictive interventions and  
3           determine that the less restrictive intervention was unsuccessful or likely to be  
4           ineffective.

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

8                 (1) determines that the child’s behavior poses a serious and immediate  
9                 risk of physical harm to the child or another person;

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

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

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

19           (f)(1) Restraint and seclusion lasting more than 10 minutes shall require  
20           supervisory approval and oversight. Restraint and seclusion lasting more than  
21           30 minutes require clinical and administrative consultation, approval, and

1 oversight. A child shall not be held for more than one hour in restraint or  
2 seclusion without an in-person assessment by a clinician and authorization by  
3 the Department administer on-call.

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

7 (g) Nothing in this section shall be construed to:

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

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

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

16 (i) The program or staff member using seclusion and physical restraint  
17 shall document its use and provide a copy of each recorded use of seclusion or  
18 physical restraint, including access to any audio or visual recording, to the  
19 Commissioner. The documentation shall include a description of the child's  
20 specific behaviors justifying the use of the intervention. The Department shall  
21 forward complete documentation of each use of physical restraint or seclusion

1 to the Office of the Child, Youth, and Family Advocate within two business  
2 days.

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

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

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

9 (k) Prior to contracting with any program for care of a child in the  
10 Department's custody, the Department shall conduct a review of any records,  
11 from the prior five years regarding the safety of children in the program's care,  
12 including any violations of the program's licensing status and any resulting  
13 remediation. The Department shall also obtain a written agreement from a  
14 program with which it contracts to ensure the program informs the Department  
15 directly of physical restraint or seclusion used on a child, regardless of the  
16 licensing entity.

17 (l) The Department shall remove any Vermont child from risk of harm and  
18 shall initiate a search for alternative providers if an out-of-state residential  
19 provider, not subject to the Department's rules, is determined to be either in  
20 violation of evidence-based best practices for restraint or seclusion or in  
21 violation of its state's licensing entity.

1        (m) Notwithstanding subsection (a) of this section, a child detained in a  
2        secure residential program may be restrained with mechanical restraints for the  
3        minimum amount of time required to enable relocation of the child to a less  
4        restrictive method of intervention if necessitated to prevent serious and  
5        immediate harm to the child or another. The procedures and standards  
6        established under this section, including notice and reporting requirements,  
7        shall apply.

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

18       (o) The Department shall develop and adopt rules pursuant to 3 V.S.A.  
19       chapter 25, in collaboration with the Office of the Child, Youth, and Family  
20       Advocate and in consultation with stakeholders implementing this section,  
21       including requirements for staff training; standards for supervisory oversight,

1 recordkeeping, and reporting by residential programs; and oversight  
2 responsibilities of the Department.

3 (p) As used in this section:

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

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

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

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

19 (5) “Prone restraint” means a physical intervention technique where an  
20 individual is held face down on the individual’s stomach. “Prone restraint”  
21 does not include a physical restraint that involves a momentary initial hold in a

1 prone position while transitioning to an evidence-based, safer form of restraint  
2 that is not considered to be a prohibited form of physical restraint.

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

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

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

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

### 18 **Sec. 13. REPORT; CHILDREN IN CORRECTIONAL FACILITIES**

19 On or before January 1, 2027, the Departments for Children and Families  
20 and of Corrections shall submit a written report to the House Committees on  
21 Human Services and on Corrections and Institutions and to the Senate

1 Committees on Health and Welfare and on Institutions regarding the use of  
2 restraint and seclusion on minors detained in Department of Corrections'  
3 facilities. The report shall address additional or alternative means for  
4 protecting a child from physical or psychological trauma while in a  
5 correctional setting. In preparing the required report, the Departments shall  
6 consult with a work group composed of the Office of the Child, Youth, and  
7 Family Advocate; the Office of the Defender General, Juvenile Division;  
8 Voices for Vermont's Children; the Vermont Federation of Families for  
9 Children's Mental Health; and Disability Rights Vermont.

10 Sec. 14. RATES OF SECLUSION AND RESTRAINT IN RESIDENTIAL  
11 PROGRAMS

12 The Department for Children and Families shall post on the Family  
13 Division's scorecard or another prominent location on its website the rates of  
14 restraint and seclusion used on children in residential programs, including the  
15 number of uses of secure transport and of restraint used during transport. The  
16 Department shall update this information at least annually.

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

19 Sec. 15. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER  
20 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 monitoring by the  
18 Department while pregnant, appointed by the Speaker of the House; and
- 19           (13) an individual with lived experience of being monitoring 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.



1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE