

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

(B) The value of assets accumulated from the earnings of adults and children in participating families and from any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. [Repealed.]

* * *

* * * Social Security Benefits for Youth in Foster Care * * *

Sec. 2. 33 V.S.A. § 4902 is amended to read:

§ 4902. DEFINITIONS

As used in this chapter:

(1) “Child” means a person under 18 years of age committed by the Family Division of the Superior Court to the Department for Children and Families.

(2) “Commissioner” means the Commissioner for Children and Families.

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

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

1 (5) “Qualified ABLE account” means an ABLE account, as that term is
2 defined in section 8002 of this title, or an account established pursuant to any
3 qualified state ABLE 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, 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) Upon the request of the child or the child's foster care provider, the
4 Department, in its capacity as representative payee for a child, may use the
5 child's Social Security benefits for the child's unmet needs beyond the amount
6 that the State is obligated, required, or agrees to pay for the care of the child.

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

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

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

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

17 (4) appeal any denied application for SSI benefits submitted on behalf of
18 a child; and

19 (5) provide an annual accounting of the use, application, or conservation
20 of the child's Social Security benefits, including any payments made under
21 subsection (b) of this section, to the child; the child's parent, legal guardian, or

1 counsel; the Family Division of the Superior Court; and the Office of the
2 Child, Youth, and Family Advocate.

3 * * * Enabling Unaccompanied Youth to Obtain Certain Services Without
4 Parental Consent * * *

5 Sec. 4. 33 V.S.A. § 4908 is added to read:

6 § 4908. UNACCOMPANIED YOUTH

7 (a) Definition. As used in this section:

8 (1) “Homeless children and youth” means individuals who lack a fixed,
9 regular, and adequate nighttime residence, including:

10 (A) children and youth sharing the housing of other persons due to
11 loss of housing, economic hardship, or a similar reason;

12 (B) children and youth living in motels, hotels, trailer parks, or
13 camping grounds due to the lack of alternative adequate accommodations;

14 (C) children and youth living in emergency or transitional shelters;

15 (D) children and youth abandoned in hospitals;

16 (E) children and youth living in a primary nighttime residence that is
17 a public or private place not designed for or ordinarily used as a regular
18 sleeping accommodation for human beings;

19 (F) children and youth living in cars, parks, public spaces, abandoned
20 buildings, substandard housing, bus or train stations, or similar settings; or

1 (G) migratory children who qualify as homeless because they are
2 living in circumstances described in this subdivision.

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

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

7 (b) Certification. An unaccompanied youth may become certified if the
8 youth is:

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

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

12 (A) the director of an emergency shelter program funded by the
13 State;

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

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

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

19 (E) the Vermont Network Against Domestic and Sexual Violence or
20 designee.

1 (c) Proof of certification.

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

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

13 (A) apply at no charge for a nondriver identification card pursuant to
14 23 V.S.A. § 115, a learner's permit pursuant to 23 V.S.A. § 617, or an
15 operator's license or operator's privilege card pursuant to 23 V.S.A. § 608;

16 (B) obtain a vital event certificate at no charge pursuant to 18 V.S.A.
17 § 5017;

18 (C) consent to care by health care professionals licensed or certified
19 in Vermont, including medical care; dental care; mental health care services,
20 including psychological counseling and treatment, psychiatric treatment, and
21 substance use prevention and treatment services; and surgical diagnosis and

1 treatment, including medical diagnosis and treatment, such as preventive care
2 and care provided in a health care facility, as defined in 18 V.S.A. § 9432, for:

3 (i) themselves; or

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

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

8 (E) obtain employment, pursuant to 21 V.S.A. chapter 5, subchapter
9 4;

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

12 (G) **apply for** a student loan;

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

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

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

20 (d) Use of certification form. A health care professional shall accept the
21 completed form as proof of the youth's status as a certified unaccompanied

1 youth. Entities that provide housing, services, or benefits authorized under this
2 section may keep a copy of the form or card in the youth's medical file.

3 (e) Consent of a parent or guardian.

4 (1) A certification issued pursuant to subsection (b) of this section shall
5 authorize an unaccompanied youth to obtain benefits and services listed in
6 subsection (c) of this section. A person, provider, or health care professional
7 shall not require the consent of a parent or guardian as a condition of providing
8 a benefit or service authorized under subsection (c) of this section.

9 (2) For the purposes of implementing subdivision (c)(2)(I) of this
10 section, the Commissioner of Financial Regulation shall ensure that minimum
11 youth certification requirements are met for the purpose of making it legally
12 permissible for a bank, credit union, or insurance company to contract with an
13 unaccompanied youth without the consent of a parent or guardian and with the
14 understanding that the unaccompanied youth may not have a permanent
15 physical address.

16 (f) Immunity from liability. Any entity, provider, or health care
17 professional who contracts with an unaccompanied youth pursuant to this
18 section shall be immune from liability for the determination to contract with a
19 minor, unless the entity, provider, or health care professional acted with gross
20 negligence.

Compact for Juveniles.

§ 1311. UNLAWFUL SHELTERING; AIDING A RUNAWAY CHILD

* * *

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

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

§ 5017. FEES FOR COPIES

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

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

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

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

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

* * * Unaccompanied Youth; Nondriver Identification Cards * * *

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

§ 115. NONDRIVER IDENTIFICATION CARDS

(a)(1) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other

1 identifying data as the Commissioner may require that shall include, in the case
2 of minor applicants, the written consent of the applicant's parent, guardian, or
3 other person standing in loco parentis.

4 * * *

5 (3) The Commissioner shall require payment of a fee of \$29.00 at the
6 time application for an identification card is made, except that an initial
7 nondriver identification card shall be issued at no charge to:

8 (A) an individual who surrenders the individual's license in
9 connection with a suspension or revocation under subsection 636(b) of this title
10 due to a physical or mental condition; or

11 (B) an individual under 23 years of age who was in the care and
12 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.
13 § 4903(4) in Vermont after attaining 14 years of age; and

14 (C) an unaccompanied youth who has obtained a certification
15 pursuant to 33 V.S.A. § 4908.

16 * * *

17 * * * Unaccompanied Youth; License and Privilege Cards * * *

18 Sec. 7. 23 V.S.A. § 608 is amended to read:

19 § 608. FEES

20 * * *

1 (c)(1) Individuals under 23 years of age who were in the care and custody
2 of the Commissioner for Children and Families pursuant to 33 V.S.A.
3 § 4903(4) in Vermont after attaining 14 years of age shall be provided with
4 operator's licenses or operator privilege cards at no charge.

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

9 (d) Individuals receiving Supplemental Security Income or Social Security
10 Disability Income and individuals with a disability as defined in 9 V.S.A.
11 § 4501 shall be provided with operator's licenses or operator privilege cards
12 for the following fees:

13 (1) Original issuance: \$20.00.

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

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

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

1 (2) No additional fee shall be due for a motorcycle endorsement for an
2 unaccompanied youth who has obtained a certification pursuant to 33 V.S.A.
3 § 4908.

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

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

6 § 617. LEARNER'S PERMIT

7 * * *

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

20 (2) After the applicant has successfully passed all parts of the applicable
21 motorcycle endorsement examination, other than a skill test, the Commissioner

1 may issue to the applicant a learner's permit that entitles the applicant, subject
2 to subsection 615(a) of this title, to operate a three-wheeled motorcycle only,
3 or to operate any motorcycle, upon the public highways for a period of 120
4 days from the date of issuance. The fee for the examination shall be \$11.00,
5 except that no fee shall be charged for an unaccompanied youth who has
6 obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under
7 23 years of age who was in the care and custody of the Commissioner for
8 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
9 attaining 14 years of age.

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

17 * * *

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

20 (2) An unaccompanied youth who has obtained a certification pursuant
21 to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the

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

4 * * *

5 * * * Mechanical Restraints in Transportation of Children * * *

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

7 § 5123. TRANSPORTATION OF A CHILD

8 (a) As used in this section:

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

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

13 (3) "Physical restraint" has the same meaning as in section 5130 of this
14 chapter.

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

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

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

4 **(b)** 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)(c)~~ **(c)** The Commissioner for Children and Families shall have the authority
12 to ~~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 or by court order.

19 ~~(c)(d)~~ **(d)** The Commissioner shall ~~ensure supervisory review of every decision~~
20 ~~to 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 education materials complying with this
2 section that outline the legal requirements for the secure transportation of
3 children to individuals designated pursuant to subsection (c) of this section and
4 shall obtain verification that all designated individuals have reviewed the
5 education materials.

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

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

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

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

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

6 (3) the use of waist shackles was determined to be the sole means of
7 preventing serious physical harm to the child or others and shall include a
8 description as to why waist shackles were the sole means of preventing the risk
9 of serious physical harm to the child or others.

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

14 (i) The Commissioner shall ensure supervisory review by the Department
15 of all documentation required by this section.

16 (j) The use of waist shackles shall be prohibited on children 12 years of age
17 or younger. The use of waist shackles on children 13 years of age or older
18 shall be assessed and determined to be the sole means of preventing serious
19 physical harm to the child or others and documented accordingly. Only
20 designated law enforcement agencies shall use waist shackles on a child
21 transported pursuant to this section.

1 (k)(1) Annually, on or before January 15, the Department for Children and
2 Families shall submit a written report to the House Committee on Human
3 Services; the Senate Committee on Health and Welfare; and the Office of the
4 Child, Youth, and Family Advocate addressing the number of secure transports
5 of minors during the previous year, including, for those transported with
6 restraints:

7 (A) the age, gender, and racial background of the minors transported;
8 (B) the number of minors transported using mechanical restraints;
9 (C) whether the transport was conducted by law enforcement or a
10 private agency;
11 (D) when applicable, the type of mechanical restraint;
12 (E) the type of custody minors were in when transport occurred; and
13 (F) the purpose of the transport.

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

18 (l) Annually, on or before January 15, the Department of State's Attorneys
19 and Sheriffs shall submit a written report to the House Committee on Human
20 Services; the Senate Committee on Health and Welfare; the Department for
21 Children and Families; and the Office of the Child, Youth, and Family

1 Advocate addressing the number of secure transports of minors during the
2 previous year:

3 (1) the age, gender, and racial background of the minors transported;

4 (2) the number of minors transported using mechanical restraints;

5 (3) when applicable, the type of mechanical restraint;

6 (4) the type of custody minors were in when transport occurred; and

7 (5) the purpose of the transport.

8 Sec. 10. REPORT; RESTRAINT IN TRANSPORTATION
9 OF CHILDREN

10 (a) On or before December 15, 2027, the Department for Children and
11 Families shall submit a written report to the House Committee on Human
12 Services and to the Senate Committee on Health and Welfare addressing how
13 the Department is effectuating the policies set forth in 33 V.S.A. § 5123(d) and
14 2017 Acts and Resolves No. 85, Sec. E.314, including:

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

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

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

4 (4) materials and requirements for designated contractors;

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

6 (6) other information the Department deems relevant.

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

9 Sec. 11. USE OF FORCE POLICY

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

19 * * * Restraint and Seclusion * * *

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

21 § 5130. **NON-TRANSPORT RELATED** RESTRAINT AND SECLUSION

1 (a) As used in this section:

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

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

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

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

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

1 (6) “Seclusion” means the confinement of a child in a segregated room,
2 for the purpose of preventing harm to the child or others, with the child’s
3 freedom to leave physically restricted or denied. “Seclusion” does not include
4 voluntary time-out, even when the voluntary time-out may occur in response to
5 verbal direction.

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

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

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

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

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

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

7 **(d)(1)** Absent exigent circumstances, a staff member shall attempt other
8 less restrictive interventions and determine that the less restrictive intervention
9 was unsuccessful or likely to be ineffective. [OR A staff member shall use
10 other less restrictive interventions, unless less restrictive interventions have
11 failed or would be ineffective in stopping imminent danger of physical injury
12 or property damage.]

13 **(2)** Under no circumstances shall a garment adjacent to the child's body
14 that restricts freedom of movement or immobilizes or reduces the ability of a
15 child to move the child's arms, legs, body, or head freely be utilized.

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

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

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

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

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

10 (g)(1) Restraint and seclusion lasting more than 10 minutes shall require
11 supervisory approval and oversight. Restraint and seclusion lasting more than
12 30 minutes require clinical and administrative consultation, approval, and
13 oversight. A child shall not be held for more than one hour in seclusion
14 without an in-person assessment by a clinician and authorization by the
15 Department administrator on duty.

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

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

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

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

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

7 (i) The program or staff member using seclusion and physical restraint
8 shall document its use and provide a copy of each recorded use of seclusion or
9 physical restraint, including access to any audio or visual recording, to the
10 Commissioner. The documentation shall include a description of the child's
11 specific behaviors justifying the use of the intervention. The Department shall
12 forward complete documentation of each use of physical restraint or seclusion
13 to the Office of the Child, Youth, and Family Advocate within two business
14 days.

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

18 (1) the specific types of the seclusion or physical restraint used; and
19 (2) the length of time a child was secluded or physically restrained, as
20 applicable.

1 (1)(1) Prior to contracting with a State-licensed facility, the Department
2 shall...

3 (2) Prior to contracting with any program for care of a child in the
4 Department's custody, the Department shall conduct a review of any records,
5 from the prior five years regarding the safety of children in the program's care,
6 including any violations of the program's licensing status and any resulting
7 remediation. The Department shall also obtain a written agreement from a
8 program with which it contracts to ensure the program informs the Department
9 directly of restraint or seclusion used on a child, regardless of the licensing
10 entity.

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

16 (n) Notwithstanding subsection (b) of this section, a child detained in a
17 secure residential program may be restrained with mechanical restraints for a
18 momentary initial hold to enable relocation of the child to a less restrictive
19 method of intervention if necessitated to prevent serious and immediate harm
20 to the child or others. The procedures and standards established under this
21 section, including notice and reporting requirements, shall apply.

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

11 (p) The Department shall post on the Family Division’s scorecard or
12 another prominent location on its website the rates of restraint and seclusion
13 used on children in licensed programs, including the number of uses of secure
14 transport and of restraint used during transport. The Department shall update
15 this information at least annually.

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

1 Sec. 13. REPORT; CHILDREN IN CORRECTIONAL FACILITIES

2 On or before January 1, 2027, the Departments for Children and Families
3 and of Corrections shall submit a written report to the House Committees on
4 Human Services and on Corrections and Institutions and to the Senate
5 Committees on Health and Welfare and on Institutions regarding the use of
6 restraint and seclusion on minors detained in Department of Corrections’
7 facilities and potential means for reducing physical and psychological trauma
8 from restraint and seclusion. In preparing the required report, the Departments
9 shall consult with a work group composed of the Office of the Child, Youth,
10 and Family Advocate; the Office of the Defender General, Juvenile Division;
11 Voices for Vermont’s Children; the Vermont Federation of Families for
12 Children’s Mental Health; and Disability Rights Vermont.

13 * * * Judicial Review of Placements for Children Previously Under the
14 Custody of the Department for Children and Families * * *

15 Sec. 14. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER
16 17 YEARS OF AGE

17 On or before November 1, 2026, the Department for Children and Families
18 shall submit a written report, in consultation with the Judicial Branch, to the
19 House Committee on Human Services and to the Senate Committee on Health
20 and Welfare with recommendations for court oversight processes that meet
21 federal requirements to allow access to federal funds for programs that may

1 support youth up to 21 years of age and that ensures sustainable use of judicial
2 resources. The report shall include any recommendations for legislative
3 action.

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

5 Sec. 15. PRENATAL ENGAGEMENT AND FAMILY SUPPORT

6 WORKING GROUP

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

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

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

17 (2) the Vermont Child, Youth, and Family Advocate or designee;

18 (3) the Executive Director of Vermont Family Network or designee;

19 (4) the Executive Director of Vermont Legal Aid or designee;

20 (5) the President of Planned Parenthood of Northern New England or
21 designee;

1 (6) the Executive Director of the Vermont Parent Representation Center
2 or designee;

3 (7) the Executive Director of Recovery Partners Vermont or designee;

4 (8) the Executive Director of Voices for Vermont’s Children or
5 designee;

6 (9) the Director of the Department of Health’s Maternal and Child
7 Health Division or designee;

8 (10) a representative, appointed by Children of Recovering Mothers’
9 Team at the Kidsafe Collaborative;

10 (11) the Director of the Office of the Defender General’s Juvenile
11 Division or designee;

12 (12) an individual with lived experience of being monitored by the
13 Department while pregnant, appointed by the Speaker of the House; and

14 (13) an individual with lived experience of being monitored by the
15 Department while pregnant, appointed by the Senate Committee on
16 Committees.

17 (c) Powers and duties. The Working Group shall study the Department for
18 Children and Families’ current practice of using a pregnancy calendar to
19 monitor and track certain pregnant individuals in Vermont and provide
20 recommendations on alternatives to a pregnancy calendar and ways to support
21 pregnant individuals in need of services.

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

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

9 (f) Meetings.

10 (1) The Vermont Child, Youth, and Family Advocate or designee shall
11 call the first meeting of the Working Group to occur on or before August 1,
12 2026.

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

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

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

17 (g) Compensation and reimbursement. Members of the Working Group
18 who are not otherwise compensated for attendance at meetings shall be entitled
19 to per diem compensation and expenses as permitted under 32 V.S.A. § 1010
20 for not more than five meetings.

(h) Appropriation. The sum of \$2,000.00 is appropriated to the Department for Children and Families from the General Fund in fiscal year 2027 for the purposes of per diem compensation and reimbursement of expenses for members of the Working Group.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

(a) This section and Sec. 10 (report; restraint in transportation), Sec. 11 (use of force policy), Sec. 13 (report; children in correctional facilities), and Sec. 14 (proposal to extend supports for children over 17 years of age) shall take effect on passage.

(b) Sec. 9 (transportation of a child) and Sec. 12 (restraint and seclusion)
shall take effect on January 1, 2027.

(c) Sec. 3 (33 V.S.A. § 4907) shall take effect on July 1, 2027.

(d) All remaining sections shall take effect on July 1, 2026.

and that after passage the title of the bill be amended to read: “An act relating to various programming and requirements within the Department for Children and Families”

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3

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5 (Committee vote: _____)

6

7

Representative _____

8

FOR THE COMMITTEE