

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, 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.



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\* \* \*

\* \* \* 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 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)~~ 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 shall include the requirements  
16          in this section. Transportation services with noncontracted law enforcement  
17          officers shall only be authorized in emergency situations or by court order.

18          ~~(e)(d)~~ The Commissioner shall ~~ensure supervisory review of every decision~~  
19          ~~to transport a child using mechanical restraints. When transportation with~~  
20          ~~restraints for a particular child is approved, the reasons for the approval shall~~  
21          ~~be documented in writing~~ provide education materials complying with this

1 section that outline the legal requirements for the secure transportation of  
2 children to individuals designated pursuant to subsection (c) of this section and  
3 shall obtain verification that all designated individuals have reviewed the  
4 education materials.

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

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

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

16 (1) the entity believes that the risk of serious physical harm to the child  
17 or others requires the use of soft restraints before or during the transport,  
18 including a description as to why less restrictive interventions could not  
19 reasonably be attempted or why the attempted use of less restrictive  
20 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 involuntary confinement of a child in a segregated  
2           room or area from which the child is prevented or reasonably believes that the  
3           child is prevented from leaving, whether the door is locked or not. “Seclusion”  
4           does not include a voluntary time out under staff supervision for a short period  
5           of time in an unlocked room at the child’s request.

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

11           (j) 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 24  
14           hours.

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 and 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; Disability Rights Vermont; and a young adult with  
13           lived experience of being detained in a Department of Corrections facility.

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

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

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

1 federal requirements to allow access to federal funds for programs that may  
2 support youth up to 21 years of age and that ensures sustainable use of judicial  
3 resources. The report shall include any recommendations for legislative  
4 action.

5 \* \* \* Prenatal Engagement and Family Support Working Group \* \* \*

6 Sec. 15. PRENATAL ENGAGEMENT AND FAMILY SUPPORT

7 WORKING GROUP

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

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

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

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

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

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

1           (5) the President of Planned Parenthood of Northern New England or  
2           designee;

3           (6) the Executive Director of the Vermont Parent Representation Center  
4           or designee;

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

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

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

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

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

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

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

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

1 recommendations on alternatives to a pregnancy calendar and ways to support  
2 pregnant individuals in need of services.

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

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

11 (f) Meetings.

12 (1) The Vermont Child, Youth, and Family Advocate or designee shall  
13 call the first meeting of the Working Group to occur on or before August 1,  
14 2026.

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

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

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

19 (g) Compensation and reimbursement. Members of the Working Group  
20 who are not otherwise compensated for attendance at meetings shall be entitled

1 to per diem compensation and expenses as permitted under 32 V.S.A. § 1010  
2 for not more than five meetings.

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

7 \* \* \* Effective Dates \* \* \*

8 Sec. 16. EFFECTIVE DATES

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

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

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

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

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

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7 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

9

Representative \_\_\_\_\_

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FOR THE COMMITTEE