

Testimony, 4/29/26, House Human Services Committee
re: Forensic Facility, S.193

I am Barbara Lee, a retired physician and an advocate for individuals, and their families, with intellectual and developmental disabilities (I/DD). My 37 y.o daughter has a rare neurological disorder which includes an intellectual disability.

I serve as co-chair of the State Program Standing Committee (SPSC). The Vermont State Program Standing Committee is a Governor-appointed body with the mandate of advising the Developmental Disabilities Services Division (DDSD) on the statewide system of care, including policies, service needs, priorities, and how resources should be allocated for people with developmental disabilities. We also evaluate applications for initial or redesignation of service agencies within the system.

They are 15 members on the committee. We are self-advocates, clinicians, academics, agency administrators, attorneys, family members, direct support personnel, advocates and interested citizens.

Three years ago, Act 27 proposed the establishment of a forensic facility which would include persons with intellectual and developmental disabilities. A working group was formed to study the issue. In October, 2023, the SPSC voted unanimously to strongly oppose the proposed plan that people with Intellectual and Developmental Disabilities (I/DD) could be housed and treated in a forensic facility.

In our letter to the working group we stated: “In lieu of placing people with intellectual and developmental disabilities in a forensic facility, we recommend that the State of Vermont allocate the necessary resources into the Home and Community Based Services System, which supports people with I/DD in the least restrictive setting. In the 1990’s, the State of Vermont recognized that placing people with I/DD in institutional settings was wrong, and, subsequently, the Brandon Training Center was closed. Since that time, housing, supports, and services have been successfully implemented in community-based settings.”

Here we are in 2026, and the establishment of a forensic facility, which would include people with intellectual and developmental disabilities, again is being discussed as a part of S. 193.

At the March meeting of the SPSC, the Committee again evaluated the appropriateness of housing and treating people with I/DD in a forensic facility. We discussed one of the major purposes of a forensic facility: to house people who have committed serious crimes but are unable to go to trial because of serious mental health issues, then treat them in the facility until they can be “restored to competency” in order to stand trial.

People with I/DD cannot be “restored to competency”. I/DD is lifelong and the disability cannot be “cured”; though, proper support, therapy, and education can improve skills and quality of life.

On March 19, 2026, the SPSC voted unanimously to oppose the use of a forensic facility for people with I/DD. We wrote a letter to the Commissioner and to key legislative Chairs expressing our opposition. We requested that the specific language of “qualifying conditions” be amended to exclude people with I/DD. We are not aware of evidence to support that people with I/DD can be “restored to competency”.

May I also emphasize that we need to ensure that community providers have the critical tools to support the small number of people served within the DDS system who would otherwise be routed to the proposed forensic facility. Examples of such support include:

1. an adequate rate for services (which would likely need to exceed the “enhanced rate” currently available).
2. access to clinical expertise including via Telehealth,
3. the ability to use locks and barriers to guard against elopement.

All of these measures are likely less costly than placing people with I/DD in a forensic facility.

Thank you for the opportunity to provide testimony today.