

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill  
3 No. 657 entitled “An act relating to various programming and requirements  
4 within the Department for Children and Families” respectfully reports that it  
5 has considered the same and recommends that the Senate propose to the House  
6 that the bill be amended by striking out all after the enacting clause and  
7 inserting in lieu thereof the following:

8 \* \* \* Removing Reach Up Asset Limit \* \* \*

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

10 § 1103. ELIGIBILITY AND BENEFIT LEVELS

11 \* \* \*

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

15 \* \* \*

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



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

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

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

7           (5) “Qualified ABLÉ account” means an ABLÉ account, as that term is  
8 defined in section 8002 of this title, or an account established pursuant to any  
9 qualified state ABLÉ program created pursuant to 26 U.S.C. § 529A (section  
10 529A of the Internal Revenue Code of 1986).

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

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

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

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

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

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

5           § 4907. FOSTER CARE; SOCIAL SECURITY BENEFITS

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

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

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

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

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

20                (3) ensure that the child’s best interests are served by using the child’s  
21                Social Security benefits for the child’s unmet needs or conserving the child’s

1 Social Security benefits in a way that avoids violating any federal asset or  
2 resource limits that would affect the child’s ability to receive SSI benefits;

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

5 (5) provide an annual accounting of the use, application, or conservation  
6 of the child’s Social Security benefits, including any payments made under  
7 subsection (b) of this section, to the child; the child’s parent, legal guardian, or  
8 counsel; the Family Division of the Superior Court; and the Office of the  
9 Child, Youth, and Family Advocate.

10 \* \* \* Enabling Unaccompanied Youth to Obtain Certain Services Without  
11 Parental Consent \* \* \*

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

13 § 4908. UNACCOMPANIED YOUTH

14 (a) Legislative intent. In instances in which severe family dysfunction such  
15 as abuse, neglect, child abandonment, or lack of financial support has left a  
16 youth who is 16 or 17 years of age homeless, and other supports such as foster  
17 care are deemed inappropriate, it is the intent of the General Assembly to  
18 provide an unaccompanied youth with the resources necessary to obtain  
19 services and benefits that the unaccompanied youth’s peers can obtain with the  
20 consent of a parent or guardian.

21 (b) Definitions. As used in this section:

1           (1) “Homeless child or youth” means an individual who lacks a fixed,  
2           regular, and adequate nighttime residence, including:

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

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

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

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

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

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

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

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

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

20           (c) Certification. An unaccompanied youth may become certified if the  
21          youth is:

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

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

4           (A) the director of an emergency shelter program funded by the  
5 State;

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

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

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

11          (E) the Vermont Network Against Domestic and Sexual Violence or  
12 designee.

13          (d) Proof of certification.

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

1 past two years. This section shall be reproduced in its entirety on the back of  
2 the form.

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

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

9 (A) apply at no charge for a nondriver identification card pursuant to  
10 23 V.S.A. § 115, a learner’s permit pursuant to 23 V.S.A. § 617, or an  
11 operator’s license or operator’s privilege card pursuant to 23 V.S.A. § 608;

12 (B) obtain a vital event certificate at no charge pursuant to 18 V.S.A.  
13 § 5017;

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

1                    (i) the youth; 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) apply for 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                   (e) 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           (f) Consent of a parent or guardian.

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

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

14           (g) Immunity for liability. Any entity, provider, or health care professional  
15           who relies in good faith on a certification form presented by a person who  
16           claims to be a certified unaccompanied youth pursuant to this section shall be  
17           immune from liability for such reliance, unless the entity, provider, or health  
18           care professional acted with gross negligence.

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

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

2 § 1311. UNLAWFUL SHELTERING; AIDING A RUNAWAY CHILD

3 \* \* \*

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

6 (1) knowingly shelters a runaway child;

7 (2) intentionally aids, helps, or assists a child to become a runaway  
8 child; or

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

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

14 (1) a shelter, or the directors, agents, or employees of a shelter,  
15 designated by the Commissioner for Children and Families pursuant to  
16 33 V.S.A. § 5304, provided that the requirements of 33 V.S.A. § 5303(b) are  
17 satisfied; ~~and~~

18 (2) a person who has taken the child into custody pursuant to 33 V.S.A.  
19 § 5251 or 5301; and

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

21 \* \* \*

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

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

3           § 5017. FEES FOR COPIES

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

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

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

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

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

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

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

16           § 115. NONDRIVER IDENTIFICATION CARDS

17           (a)(1) Any Vermont resident may make application to the Commissioner  
18 and be issued an identification card that is attested by the Commissioner as to  
19 true name, correct age, residential address unless the listing of another address  
20 is requested by the applicant or is otherwise authorized by law, and any other  
21 identifying data as the Commissioner may require that shall include, in the case

1 of minor applicants, the written consent of the applicant’s parent, guardian, or  
2 other person standing in loco parentis.

3 \* \* \*

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

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

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

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

15 \* \* \*

16 \* \* \* Unaccompanied Youth; License and Privilege Cards \* \* \*

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

18 § 608. FEES

19 \* \* \*

20 (c)(1) Individuals under 23 years of age who were in the care and custody  
21 of the Commissioner for Children and Families pursuant to 33 V.S.A.

1 § 4903(4) in Vermont after attaining 14 years of age shall be provided with  
2 operator’s licenses or operator privilege cards at no charge.

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

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

11 (1) Original issuance: \$20.00.

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

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

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

18 (2) No additional fee shall be due for a motorcycle endorsement for an  
19 unaccompanied youth who has obtained a certification pursuant to 33 V.S.A.  
20 § 4908.



1 days from the date of issuance. The fee for the examination shall be \$11.00,  
2 except that no fee shall be charged for an unaccompanied youth who has  
3 obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under  
4 23 years of age who was in the care and custody of the Commissioner for  
5 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after  
6 attaining 14 years of age.

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

14 \* \* \*

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

17 (2) An unaccompanied youth who has obtained a certification pursuant  
18 to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the  
19 care and custody of the Commissioner for Children and Families pursuant to  
20 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be  
21 charged a fee for a learner’s permit or a duplicate or renewal thereof.

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\* \* \*

\* \* \* Transportation of Children \* \* \*

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

§ 5123. TRANSPORTATION OF A CHILD

(a) As used in this section:

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

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

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

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

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

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

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

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

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

6           (3) represents the least restrictive means necessary for the safety of the  
7 child.

8       ~~(b)~~**(c)** The Commissioner for Children and Families shall have the authority  
9 to ~~select the person or persons who may transport a child under the~~  
10 ~~Commissioner's care and custody~~ designate the professional or law  
11 enforcement officers transporting children and shall authorize the method of  
12 transport. A contract for transportation services shall include the requirements  
13 in this section. Transportation services with noncontracted law enforcement  
14 officers shall only be authorized in emergency situations or by court order.

15       ~~(e)~~**(d)** The Commissioner shall ~~ensure supervisory review of every decision~~  
16 ~~to transport a child using mechanical restraints. When transportation with~~  
17 ~~restraints for a particular child is approved, the reasons for the approval shall~~  
18 ~~be documented in writing~~ provide education materials complying with this  
19 section that outline the legal requirements for the secure transportation of  
20 children to individuals designated pursuant to subsection (c) of this section and

1 shall obtain verification that all designated individuals have reviewed the  
2 education materials.

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

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

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

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

18 (2) the entity believes that the risk of serious physical harm to the child  
19 or others was such that soft restraints were not adequate for safety and shall  
20 include a description as to which restraint was used and why soft restraints

1 were deemed inadequate for preventing the risk of serious physical harm to the  
2 child or others; or

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

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

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

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

19 (k)(1) Annually, on or before January 15, the Department for Children and  
20 Families shall submit a written report to the House Committee on Human  
21 Services; the Senate Committee on Health and Welfare; and the Office of the

1 Child, Youth, and Family Advocate addressing the number of secure transports  
2 of children during the previous year, including, for those transported with  
3 restraints:

4 (A) the age, gender, and racial background of the children  
5 transported;

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

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

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

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

11 (F) the purpose of the transport.

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

16 (l) Annually, on or before January 15, the Department of State’s Attorneys  
17 and Sheriffs shall submit a written report to the House Committee on Human  
18 Services; the Senate Committee on Health and Welfare; the Department for  
19 Children and Families; and the Office of the Child, Youth, and Family  
20 Advocate addressing the number of court-ordered transports of minors

1 conducted by the State transport deputies pursuant to 24 V.S.A. § 290(b)  
2 during the previous year, including:

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

4 (2) whether restraint was used during transport;

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

6 (4) whether the minor’s case was a delinquency, youthful offender, or  
7 criminal proceeding; and

8 (5) the purpose of the transport.

9 Sec. 10. REPORT; RESTRAINT IN TRANSPORTATION

10 OF CHILDREN

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

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

18 (2) Departmental oversight and supervisory review of the secure  
19 transport of children, including transport provided by private agencies or law  
20 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 from which the child  
3           reasonably believes that the child is prevented from leaving, whether the door  
4           is locked or not. “Seclusion” does not include a voluntary time out under staff  
5           supervision for a short period of time in an unlocked room at the child’s  
6           request.

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

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

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

19           (10) “Secure residential program” means a secure residential treatment  
20           program that employs locked or inoperable doors and windows to prevent a  
21           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) A staff member shall use other less restrictive interventions, unless less  
8        restrictive interventions have failed or would be ineffective in stopping  
9        imminent danger of physical injury or property damage.

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

13           (1) determines that the child’s behavior poses a serious and immediate  
14           risk of physical harm to the child or others;

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

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

20        (f) If a child is placed in physical restraint or seclusion pursuant to  
21        subsection (e) of this section, the child shall be released immediately when

1 there is no longer a serious and immediate risk of physical harm to the child or  
2 others.

3 (g)(1) Restraint or seclusion lasting more than 10 minutes shall require  
4 supervisory approval and oversight. Restraint or seclusion lasting more than  
5 30 minutes shall require clinical and administrative consultation, approval, and  
6 oversight. A child shall not be held for more than one hour in restraint or  
7 seclusion without an in-person assessment by a clinician and authorization by  
8 the administrator on duty.

9 (2) A child in seclusion shall be provided constant uninterrupted  
10 supervision by a qualified staff member employed by the program who is  
11 familiar to the child.

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

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

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

17 (i) Notice of the use of restraint or seclusion on a child in the Department's  
18 custody shall be provided to the Department; the child's parent or guardian; the  
19 child's guardian ad litem; and the child's attorney, if applicable, within  
20 24 hours.

1        (j) The program or staff member using seclusion or restraint shall  
2        document its use and provide a copy of each recorded use of seclusion or  
3        restraint, including a copy of any audio or visual recording, to the  
4        Commissioner. Upon request, the audio or video shall be provided through  
5        secure means of transmission and shall include blurring to protect the identity  
6        of any other children in the program who are not in custody of the Department.  
7        The documentation shall include a description of the child’s specific behaviors  
8        justifying the use of the intervention. The Department shall forward complete  
9        documentation of each use of restraint or seclusion to the Office of the Child,  
10       Youth, and Family Advocate within two business days.

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

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

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

17        (l)(1) Prior to contracting with any program for the care of a child in the  
18        Department’s custody, the Department shall conduct a review of any records,  
19        from the prior five years regarding the safety of children in the program’s care,  
20        including any violations of the program’s licensing status and any resulting  
21        remediation.

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

5           (m) Notwithstanding subsection (b) of this section, a child detained in a  
6           secure residential program may be restrained with mechanical restraints for a  
7           momentary initial hold to enable relocation of the child to a less restrictive  
8           method of intervention if necessitated to prevent serious and immediate harm  
9           to the child or others, except that under no circumstances shall a garment  
10           adjacent to the child’s body that restricts freedom of movement or immobilizes  
11           or reduces the ability of a child to move the child’s arms, legs, body, or head  
12           freely be utilized. The procedures and standards established under this section,  
13           including notice and reporting requirements, shall apply.

14           (n) Notwithstanding subsection (b) of this section, a child detained in a  
15           secure residential program may be subjected to a strip search if a pat search has  
16           led to probable cause to believe that the child has possession of contraband that  
17           poses a threat of serious bodily harm to the child or others and the child has  
18           refused to voluntarily turn over the contraband. The child shall be given the  
19           opportunity before and at any time after the commencement of a search to  
20           voluntarily relinquish the suspected contraband, whereupon the search will be  
21           discontinued. Notice and reporting requirements shall be the same as for use

1 of restraint or seclusion under this section. Body cavity searches shall not be  
2 permitted under any circumstances.

3 (o) The Department shall post on the Family Division’s scorecard or  
4 another prominent location on its website the rates of restraint and seclusion  
5 used on children in licensed programs and the number of uses of secure  
6 transport and of restraint used during transport. The Department shall update  
7 this information at least annually.

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

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

15 (l)(1) Prior to contracting with any program for the care of a child in the  
16 Department’s custody, the Department shall conduct a review of any records,  
17 from the prior five years regarding the safety of children in the program’s care,  
18 including any violations of the program’s licensing status and any resulting  
19 remediation.

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

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

5           Sec. 14. REPORT; CHILDREN IN CORRECTIONAL FACILITIES

6           (a) On or before January 1, 2027, the Departments for Children and  
7           Families and of Corrections shall submit a written report to the House  
8           Committees on Human Services and on Corrections and Institutions and to the  
9           Senate Committees on Health and Welfare and on Institutions regarding the  
10           use of restraint and seclusion on minors detained in Department of  
11           Corrections’ facilities and potential means for reducing physical and  
12           psychological trauma from restraint and seclusion. In preparing the required  
13           report, the Departments shall consult with a work group composed of the  
14           Office of the Child, Youth, and Family Advocate; the Office of the Defender  
15           General, Juvenile Division; Voices for Vermont’s Children; the Vermont  
16           Federation of Families for Children’s Mental Health; Disability Rights  
17           Vermont; and a young adult with lived experience of being detained in a  
18           Department of Corrections facility, appointed by the Office of the Child,  
19           Youth, and Family Advocate.

20           (b) Members of the work group who are not participating in their  
21           professional capacity shall be entitled to per diem compensation and

1 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more  
2 than five meetings. These payments shall be made from monies appropriated  
3 to the Office of the Child, Youth, and Family Advocate.

4 \* \* \* Judicial Review of Placements for Children Previously Under the  
5 Custody of the Department for Children and Families \* \* \*

6 Sec. 15. PROPOSAL TO EXTEND SUPPORTS FOR CHILDREN OVER  
7 17 YEARS OF AGE

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

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

17 Sec. 16. PRENATAL ENGAGEMENT AND FAMILY SUPPORT  
18 WORKING GROUP

19 (a) Creation. There is created the Prenatal Engagement and Family  
20 Support Working Group to examine the Department for Children and Families'  
21 current practice of using a pregnancy calendar to monitor and track certain

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

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

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

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

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

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

11 (5) the President of Planned Parenthood of Northern New England or  
12 designee;

13 (6) the Executive Director of the Vermont Parent Representation Center  
14 or designee;

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

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

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

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

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

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

5           (13) an individual with lived experience of being monitored by the  
6           Department while pregnant, appointed by the Senate Committee on  
7           Committees.

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

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

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



1     Sec. 15 (proposal to extend supports for children over 17 years of age) shall  
2     take effect on passage.

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

5             (c) Sec. 2 (33 V.S.A. § 4902) and Sec. 3 (33 V.S.A. § 4907) shall take  
6     effect on July 1, 2027.

7             (d) Sec. 13 (33 V.S.A. § 5130(l)) shall take effect on July 1, 2028.

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

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13             (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE