

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) The Department shall contract with a community organization
15 that serves homeless and runaway youth in Vermont to develop a standardized
16 form that shall be used by the entities specified in subsection (c) of this section
17 to certify qualifying unaccompanied youths. The front of the form shall
18 include the circumstances that qualify the youth; the date the youth was
19 certified; the name, title, and signature of the certifying individual; and
20 confirmation from the certifying individual that the individual has completed a

1 human trafficking training in the past two years. This section shall be
2 reproduced in its entirety on the back of 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;

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

18 (K) participate in a court diversion program pursuant to 3 V.S.A.
19 §§ 163 and 164 or the Youth Substance Awareness Safety Program pursuant to
20 7 V.S.A. § 656.

1 (e) Use of certification form. A health care professional shall accept the
2 completed form as proof of the youth’s status as a certified unaccompanied
3 youth. Entities that provide housing, services, or benefits authorized under this
4 section may keep a copy of the form or card in the youth’s medical file.

5 (f) Consent of a parent or guardian.

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

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

18 (g) Immunity for liability. Any entity, provider, or health care professional
19 who relies in good faith on a certification form presented by a person who
20 claims to be a certified unaccompanied youth pursuant to this section shall be

1 immune from liability for such reliance, unless the entity, provider, or health
2 care professional acted with gross negligence.

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

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

6 § 1311. UNLAWFUL SHELTERING; AIDING A RUNAWAY CHILD

7 * * *

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

10 (1) knowingly shelters a runaway child;

11 (2) intentionally aids, helps, or assists a child to become a runaway
12 child; or

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

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

18 (1) a shelter, or the directors, agents, or employees of a shelter,
19 designated by the Commissioner for Children and Families pursuant to
20 33 V.S.A. § 5304, provided that the requirements of 33 V.S.A. § 5303(b) are
21 satisfied; ~~and~~

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

8 * * *

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

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

15 (B) an individual under 23 years of age who was in the care and
16 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.
17 § 4903(4) in Vermont after attaining 14 years of age; and

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

20 * * *

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

4 (2) No additional fee shall be due for a motorcycle endorsement for an
5 unaccompanied youth who has obtained a certification pursuant to 33 V.S.A.
6 § 4908.

7 * * * Unaccompanied Youth; Learner’s Permit * * *

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

9 § 617. LEARNER’S PERMIT

10 * * *

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

1 Commissioner for Children and Families pursuant to 33 V.S.A. § 4903(4) in
2 Vermont after attaining 14 years of age.

3 (2) After the applicant has successfully passed all parts of the applicable
4 motorcycle endorsement examination, other than a skill test, the Commissioner
5 may issue to the applicant a learner’s permit that entitles the applicant, subject
6 to subsection 615(a) of this title, to operate a three-wheeled motorcycle only,
7 or to operate any motorcycle, upon the public highways for a period of 120
8 days from the date of issuance. The fee for the examination shall be \$11.00,
9 except that no fee shall be charged for an unaccompanied youth who has
10 obtained a certification pursuant to 33 V.S.A. § 4908 or for an individual under
11 23 years of age who was in the care and custody of the Commissioner for
12 Children and Families pursuant to 33 V.S.A. § 4903(4) in Vermont after
13 attaining 14 years of age.

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

21 * * *

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

3 (2) An unaccompanied youth who has obtained a certification pursuant
4 to 33 V.S.A. § 4908 and an applicant under 23 years of age who was in the
5 care and custody of the Commissioner for Children and Families pursuant to
6 33 V.S.A. § 4903(4) in Vermont after attaining 14 years of age shall not be
7 charged a fee for a learner’s permit or a duplicate or renewal thereof.

8 * * *

9 * * * Transportation of Children * * *

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

11 § 5123. TRANSPORTATION OF A CHILD

12 (a) As used in this section:

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

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

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

19 (4) “Secure transport” means transport in a vehicle with disabled
20 internal controls for rear door handles and window switches, requiring the
21 driver to open them from the outside, or with a safety partition installed to

1 separate the driver from the passenger compartment. “Secure transport”
2 includes any vehicle being driven by a law enforcement officer.

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

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

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

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

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

13 (3) represents the least restrictive means necessary for the safety of the
14 child.

15 ~~(b)~~(c) The Commissioner for Children and Families shall have the authority
16 to select the person or persons who may transport a child under the
17 Commissioner’s care and custody designate the professional or law
18 enforcement officers transporting children and shall authorize the method of
19 transport. A contract for transportation services shall include the requirements
20 in this section. Transportation services with noncontracted law enforcement
21 officers shall only be authorized in emergency situations or by court order.

1 ~~(e)(d)~~ The Commissioner shall ~~ensure supervisory review of every decision~~
2 ~~to transport a child using mechanical restraints. When transportation with~~
3 ~~restraints for a particular child is approved, the reasons for the approval shall~~
4 ~~be documented in writing~~ provide education materials complying with this
5 section that outline the legal requirements for the secure transportation of
6 children to individuals designated pursuant to subsection (c) of this section and
7 shall obtain verification that all designated individuals have reviewed the
8 education materials.

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

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

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

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

1 reasonably be attempted or why the attempted use of less restrictive
2 interventions was unsuccessful;

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

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

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

16 (i) 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 (j) The Commissioner shall ensure supervisory review by the Department
2 of all documentation required by this section.

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

9 (A) the age, gender, and racial background of the children
10 transported;

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

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

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

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

16 (F) the purpose of the transport.

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

1 (l) Annually, on or before January 15, the Department of State’s Attorneys
2 and Sheriffs shall submit a written report to the House Committee on Human
3 Services; the Senate Committee on Health and Welfare; the Department for
4 Children and Families; and the Office of the Child, Youth, and Family
5 Advocate addressing the number of court-ordered transports of minors
6 conducted by the State transport deputies pursuant to 24 V.S.A. § 290(b)
7 during the previous year, including:

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

9 (2) whether restraint was used during transport;

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

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

13 (5) the purpose of the transport.

14 Sec. 10. REPORT; RESTRAINT IN TRANSPORTATION
15 OF CHILDREN

16 (a) On or before December 15, 2027, the Department for Children and
17 Families shall submit a written report to the House Committee on Human
18 Services and to the Senate Committee on Health and Welfare addressing how
19 the Department is effectuating the policies set forth in 33 V.S.A. § 5123(d) and
20 2017 Acts and Resolves No. 85, Sec. E.314, including:

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

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

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

9 (4) materials and requirements for designated contractors;

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

11 (6) other information the Department deems relevant.

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

14 Sec. 11. USE OF FORCE POLICY

15 The Vermont Criminal Justice Council, in consultation with the Department
16 of Vermont State’s Attorneys and Sheriffs; the Office of the Child, Youth, and
17 Family Advocate; Disability Rights Vermont; and the Departments for
18 Children and Families and of Disabilities, Aging, and Independent Living shall
19 conduct a formal review to determine whether its use of force policy should
20 include an appendix to adequately address the transportation by law
21 enforcement of children under 18 years of age that is in alignment with the

1 public policy considerations for the transport of children in the custody of the
2 Department for Children and Families pursuant to 33 V.S.A. § 5123.

3 * * * Restraint and Seclusion * * *

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

5 § 5130. NON-TRANSPORT RELATED RESTRAINT AND SECLUSION

6 (a) As used in this section:

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

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

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

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

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

6 (6) “Seclusion” means involuntary confinement of a child in a segregated
7 room or area from which the child is prevented or from which the child
8 reasonably believes that the child is prevented from leaving, whether the door
9 is locked or not. “Seclusion” does not include a voluntary time out under staff
10 supervision for a short period of time in an unlocked room at the child’s
11 request.

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

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

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

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

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

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

13 (d) A staff member shall use other less restrictive interventions, unless less
14 restrictive interventions have failed or would be ineffective in stopping
15 imminent danger of physical injury or property damage.

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

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

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

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

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

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

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

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

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

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

4 (1)(1) Prior to contracting with any program for the care of a child in the
5 Department’s custody, the Department shall conduct a review of any records,
6 from the prior five years regarding the safety of children in the program’s care,
7 including any violations of the program’s licensing status and any resulting
8 remediation.

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

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

1 (n) 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 (o) 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 (p) 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. 33 V.S.A. § 5130(1) is amended to read:

2 (1)(1) Prior to contracting with any program for the care of a child in the
3 Department’s custody, the Department shall conduct a review of any records,
4 from the prior five years regarding the safety of children in the program’s care,
5 including any violations of the program’s licensing status and any resulting
6 remediation.

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

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

13 Sec. 14. REPORT; CHILDREN IN CORRECTIONAL FACILITIES

14 (a) On or before January 1, 2027, the Departments for Children and
15 Families and of Corrections shall submit a written report to the House
16 Committees on Human Services and on Corrections and Institutions and to the
17 Senate Committees on Health and Welfare and on Institutions regarding the
18 use of restraint and seclusion on minors detained in Department of
19 Corrections’ facilities and potential means for reducing physical and
20 psychological trauma from restraint and seclusion. In preparing the required
21 report, the Departments shall consult with a work group composed of the

1 Office of the Child, Youth, and Family Advocate; the Office of the Defender
2 General, Juvenile Division; Voices for Vermont’s Children; the Vermont
3 Federation of Families for Children’s Mental Health; Disability Rights
4 Vermont; and a young adult with lived experience of being detained in a
5 Department of Corrections facility, appointed by the Office of the Child,
6 Youth, and Family Advocate.

7 (b) Members of the work group who are not participating in their
8 professional capacity shall be entitled to per diem compensation and
9 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
10 than five meetings. These payments shall be made from monies appropriated
11 to the Office of the Child, Youth, and Family Advocate.

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

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

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

1 resources. The report shall include any recommendations for legislative
2 action.

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

4 Sec. 16. PRENATAL ENGAGEMENT AND FAMILY SUPPORT
5 WORKING GROUP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (f) Meetings.

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

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

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

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

17 (g)(1) Compensation and reimbursement. Members of the Working Group
18 who are not otherwise compensated for attendance at meetings shall be entitled
19 to per diem compensation and expenses as permitted under 32 V.S.A. § 1010
20 for not more than five meetings.

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE