

Dear Committee Members:

Thank you for your important work to pass H. 657. Given the shortened timelines, we wanted to correct what we believe is inaccurate information you received from the Vermont Department of Mental Health about the bill's effect on DMH placements.

In its [April 23, 2026, memorandum](#) to your committee, under the heading "Transportation, Restraints, Seclusion," DMH indicates that "DCF holds contracts for almost all residential treatment programs utilized by all of AHS. The impact of H.657 is not limited to DCF placements but also includes placements by other Departments within AHS. Therefore, as currently written, H.657 could potentially reduce the availability of youth mental health services – particularly for out-of-state residential programs."

We do not believe that this is accurate, for the following reasons:

- Section 12 of the bill creates a new statutory section, § 5130, in 33 VSA Chapter 51, the juvenile judicial proceedings chapter.
- Section 12 applies to "a child or children in the Department's custody or receiving care or services in a program regulated or licensed by the Department." § 5130(a)(2).
 - "The Department" here means DCF, according to 33 VSA § 5102 (11).
- Section 13 requires that, "When contracting with an out-of-state program, the Department shall include a requirement that the program adhere to the provisions of **this section**" § 5130(1)(2) (emphasis added).
 - "This section," as stated above, applies to:
 - Children in DCF custody ("foster children") – both in state and out.
 - Children in facilities regulated or licensed by DCF (i.e. only Vermont facilities).

Since out of state facilities are not regulated or licensed by DCF, and children placed by DMH are by definition not in DCF custody, children placed by DMH in out-of-state facilities do not meet the definition of "children" in this section, and it does not apply to them, nor to "other Departments within AHS."

Please let me know if you have questions or if there is information I am missing.

Thank you again,

Matthew