

Oversight Commission on Children, Youths, and Families
Monday, September 16, 2024, 10:00 AM
Virtual: Join Zoom Meeting

10:00 AM

Welcome, introductions, review previous minutes

Meeting was called to order at 10:04, by Rep. Noyes

Members present: • Representative Daniel Noyes • Senator Ginny Lyons • Steve Dale • Director Xusana Davis • Amy Rose • Shela Linton • Laura Schaller • Nate Farnham • Lynn Messier

Others present: • Matthew Bernstein • Lauren Higbee • Deputy Commissioner Aryka Radke • Peter D'Auria

Nate motioned to approved the minutes, Steve provided a second. All voted in favor.

10:05 AM

Review agenda and public comment

[Lynn shared an event hosted by the kinship netowrk](#)

10:15 AM & 10:45 AM

DCF Commissioner Chris Winters and Deputy Commissioner Aryka Radke (invited)

- Any feedback on the OCYFA structure and function
- Department priorities
- Discussion about access to restraint and seclusion data

Full commission (with invited guests and OCYFA)

- Ideas for removing barriers to obtaining and sharing data
- Collective conversation about the OCYFA structure, any legislative changes needed?

Aryka provided updates from DCF.

Regarding the OCYFA:

- *They have really appreciated the collaboration with the OCYFA.*
- *They meet regularly with Matthew and Lauren - and appreciate the transparency. They met early on and acknowledged that there were times where they wouldn't agree and work to stay professional and cordial.*
- *DCF also appreciates the support about IT system. The OCYFA are true champion and have helped the Department make good progress.*
- *The OCYFA put a spotlight on the division.*

Regarding Department priorities:

Child and family submitted a services plan with a 5 year plan of initiatives broken into six buckets. DCF should hear from the feds if it accepted soon, after that it will be posted on website and Aryka will share with the commission

- *Racial equity and anti-racism*
- *System of care*
- *Families come first*
- *Safety culture*
- *Continuous quality improvement – face to face contact with children and families*
- *Safety organized practice*

The three top priorities are:

- *System of care*
- *Racial equity*
- *Families come first*

IT system RFP update:

- *DCF put out a RFP*
- *needed to cancel and reissue do to some technical changes*
- *had to send it back to the children's bureau, they have 30 days to review*
- *hoping for quick turnaround*
- *it will require an additional internal review*
- *then it will be reposted*

The Department maintained carry forward funds. RFP should be issued hopefully within the next 30 days and the Department will continue the request for additional funding. The original RFP had a good response rate! DCF appreciates the support of the Commission, OCYFA and others.

Leg priorities:

- *Last leg session was full – DCF has fewer proposals this year.*
- *Will continue to put forward [the critical incident review process bill](#). Looking for someone to sponsor it. OCYFA is on the list for the review in the bill from last biennium.*

Restraint and seclusion data:

- *The Department collects data on a spreadsheet to send month, there was some delay but the Advocate currently has updated data and will receive monthly data going forward.*
- *DCF may not be getting data from out of state programs. That info might not be getting to DCF central office directly instead it is going to families directly and FSW employee (case managers).*
- *Incidents of restraint and seclusion in schools doesn't go to DCF.*
- *AOE said they couldn't possibly know if a child is in custody.*

- Matthew received reports from - 8/8, June 27, 2/6, nearly all are from one program. A couple from a different provider.

Follow up conversation on restraint and seclusion data:

- Aren't schools required to report restraints and seclusion to parents? Are they required to share with foster parents, programs, DCF when a student is in custody? There must be a way to track this.
- It isn't always easy for DCF to share info with the OCYFA. The intent was not to ask DCF to create many more reports but for the OCYFA to have direct access to what is already being created.
- Why is it important to know about restraints and seclusion across settings? Is this something DCF should be tracking already by policy? Where is the breakdown? Are there consequences to service providers if they are not reporting? It seems as though we all need to figure out how to get the information to DCF.
- Lauren - Last I remember (2022/2023) there were 22 residential treatment programs in Vermont (keep in mind one agency can have multiple programs). That number probably has decreased given the SOC problems. We would have to ask RLSI for the number of licensed RTPs. Then there is inpatient psych units, hospitals and EDs, out-of-state placements, school settings, child care settings, foster homes, etc. Those are licensed by different laws/regs so I would defer to those authorities to explain reporting requirements.
- It is a lot of work for the OCYFA to try to get data.
- Question from Nate – with this data, do you receive any information about seclusion/restraint about when a youth is injured from a restraint? Nate experienced 4 concussions from restraints in programs. Youth sometimes escalate when restraints occur, but staff make errors too.
- Response - Great point, Nate. In Vermont, Residential Treatment Programs are required to notify licensing for any restraints requiring medical attention. OCYFA could be cc'd on those notifications going forward.
- Lauren – we are up to date for seal data, the # doesn't make sense with past experience. Haven't received any notifications from the Brattleboro retreat, many have happened there, even those with injuries (chapter 49). Restraint and seclusion data is VERY important. It isn't to find out which programs are the best or worst. VPI did creative work to analyze the times of the day to rearrange programming to reduce restraints. I think there are a lot of solutions for the high end system of care, to highlight - innovative opportunities. The OCYFA have heard of restraints that aren't showing up on the report.
- Matthew – we have the opportunity to proceed from first principles. The point of having the data isn't to have spreadsheets, but to have an honest picture of what is happening with youth in state care. To partner to understand how often are kids being injured.
- The OCYFA was working with a kid in out of state who had a diagnosed disability, and behaviors, the facility wasn't accommodating the disability. He got in one physical altercation - with the support of the mom, they found out that the staff acted inappropriately. Another restraint occurred - the OCYFA got a fairly boiler plate

explanation about what happened, the OCYFA requested access the video. The treatment center said they couldn't send it because of HIPPA.

- *This really underscores the need for detailed-yet-accessible explainers for the public. It's such a confusing quilt of regulations for people to navigate.*
- *DCF is continuing to work on prevention even though facilities has been talked about a lot. They are also prioritizing transparency. The numbers are what they are and we will do the best to make them available – it is crucially important to ensure kids are safe.*
- *Dcf visits kids monthly, even when they are out of state – this gives youth an opportunity to share their experiences.*
- *If this is important – we should define what we are counting. We can require the info gets reported – who is going to fix it? We have contracts with so many folks who are caring for kids.*
- *Are contractors required to report to the OCYFA - the office did not exist when contracts were created. Reporting to the OCYFA may not be the right approach (the providers contract with the OCYFA). We need to ensure that folks are reporting to DCF and the OCYFA can access that info.*
- *Regs were shared -*
<https://outside.vermont.gov/dept/DCF/Shared%20Documents/FSD/Publications/RTP-Regs.pdf>
- *Xusana- hesitant to step in – this conversation underscores problems with sorting through data – who gets it, who shares it, who has access! It is important with all of this that we are remembering to check back with the public. It is understandable that the public might get frustrated when data isn't available – it is helpful to let the public know our process.*
- *Lynn - What happens when kids are unsafe and hope isn't available. This is happening in kinship homes. Kids are in control, there is nothing that can be done for the the families. Response from Matthew - it would be a huge mistake to make this about a violent child. The lack of support for basic needs, disabilities, and trauma create these situations. How are we as a community coming together for the child with the assumption that they do not want to engage in this behavior. Do we have a child centered approach? Response from Aryka -post adoption - post adoptive services are available with Lund, if they are in custody – support and stabilization wraps are available. Folks should keep going up the chain to get help and can't access their point person at FSD. It sounds like a wrap would be appropriate.*
- *Senator Lyons – it is important to have sufficient counseling support for kids in ed facilities. How are we going to make that a part of a systemic change? Lauren and Steve discussed continuity of care and Act 264 -coordinated services plans. With attention and focus by the secretaries – we could rejuvenate act 264, which stemmed from the need for AHS level coordination of all the departments to create efficiency – these issues are bigger than DCF. When DCF is the last stop it can be too late. In the early 90s – first call for kids was created – it didn't matter who was involved. There is already a structure and CSP could be a coordinated point of entry for implementing this: [PCG Report Template Blue \(vermont.gov\)](#). GALs try to get these going but seem to hit roadblocks with schools and/or DCF. The support isn't present.*

Matthew wants to end this section with appreciation for Aryka and Chris for reaching out and setting up times to connect. They have been cordial and supportive. He understands why there has been reservations from the beginning. It is not easy – it is hard to have folks poke into the work. You have been incredibly collaborative and he respects that.

11:15 AM OCYFA

• Updates

Matthew created a list in buckets:

Individual –

- *A lot of individual work is happening. Lauren does the bulk of individual referral work but Matthew is committed to keeping some of that work.*
- *55 referrals total last calendar year, does not include individuals, multiple people call about one case.*
- *71 thus far this year. – doesn't include cases that remain open.*
- *Quarter 1 – 22 new referrals*
- *Quarter 2 – 17 new referrals*
- *Quarter 3 – 21 new referrals*

It is hard to convey with numbers the work – there is an astronomical need.

In addition there is the “missing person list” – OCYFA is copied on the emails that share the folks who are missing from state care. Lauren reads all of those, looks at case notes, and reaches out when she notices things that might be worth noting. Systemic work sometimes leads to individual advocacy that might not be captured in list.

The OCYFA just received an entire facility as a referral. The Florida facility came to their attention due to a riot. Which resulted in a deeper analysis of 6-7 youth who had been housed there. The Office is required to prioritize – but they do not want triage human beings. These are children. It is hard to set limits of support it is hard, but the OCYFA also wants to work on big changes. There are costs and benefits to staying youth centered.

Systemic

- *The data system/CWIS– the OCYFA played a role in using tobacco settlement funding for the data system's budget. They are also invested in ensure that the state gets the best bang for its buck. Large cooperations typically bid on these types of RFPs. Matthew believes we already have enough money for a full CWIS system. He also wants to support technical changes to draw down title 4E and 4B funding.*
- *More options for food, etc*
- *Economic support for families – what families need is \$\$\$*
- *Leverage tobacco settlement \$ \$\$*

- *Green mountain campus – OCYFA testified at the last hearing and will be the hearing next week – felt brought in too late.*
- *Gearing up for the leg session*
- *Implementation of Act 173 – youth to access records.*
- *Went to the NACC conference, and Lauren is going to the ombudsman conference.*

Logistic

- *still setting up physical space*
- *continuing to run and support advisory council*
- *working on annual report*

How can the Commission help?

- *Get involved with the green mountain campus*
- *How can we get big pieces of info in digestible ways?*
- *How can we name points of opportunity?*

Shela - Thank you for the update. Questions -

- *Age of care? DCF has been very clear that age of majority is 18. Extended care is possible when youth are still in school.*
- *Who is legally responsible for youth knowing their rights (and understanding them)?*
- *What type of training occurs? Or resources and tools? So that we can be consistent and youth know what to expect. Word of mouth – are we utilizing community based organizations as a resource for know your rights.*
- *Referrals – did you say that we have a Vermont kids placed in Florida? Does that youth have family in Florida? (answers: yes, no). We are outraged.*
- *The office is looking at a youth bill of rights that could relate to youth knowing their rights. You can create a bill with due process built in. The Office is interested in continuing to expand capacity to keep doing those things*

We should track and know how many young people are out of state, what the settings are. A data dashboard would be helpful. Matthew will share podcast.

Next steps:

The Commission talked about the advisory committee coming in and will try to make that happen for next time. We will monitor progress on restraint and seclusion data and pick an item to dive more deeply into next meeting.

12:00 PM

Adjourn

Amy made the motion to adjourn at 12:11