

ANNUAL REPORT 2024

In accordance with 33 VSA § 3203(a)(6)

Submitted to:

Governor Phil Scott
Vermont General Assembly

Prepared by:

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LETTER FROM THE ADVOCATE

Last week, a youth in a residential facility in Vermont called me. Our office had been following this young person on paper for quite some time. He had been appearing for many months on the “Missing List,” a weekly email from DCF with information about youth “on run.” We knew some of what he’d experienced during his time in custody, but we had never met him. He had turned up a month or so prior, and I’d spent a few hours talking with him in an emergency department bay before he sank back into the residential treatment system.

When I saw the caller ID, I was worried that something bad had happened. And sure enough, he sounded upset.

“They won’t let me go outside,” he said. “They say if it’s below 32 degrees it’s child abuse. I’m bouncing off the walls in here.”

I was caught off guard. “Sorry, what?”

“They say it’s child abuse if I go outside. That’s what they said. You gotta tell them to let me out.”

I said I’d see what we could do. We reached out to the program directly, and he was outside within an hour.

This kind of advocacy is in so many ways common and unremarkable. But the story stands out to me as a symbol of the basic human need for connection held by every child, youth, and family in Vermont.

The notion that a young person without a phone would call a government official simply to ask for what most of us take for granted—that, to me, is profound. It shows that young people will raise their voices when given the chance. It shows that we should listen.

Speaking to children, youth, and families almost every day is the bread and butter of this office. Like the youth described above, when parents stuck in large and impersonal systems call our office, they usually ask for the elements of basic dignity—someone to listen and validate, assess and explain their situation honestly, follow up. Of course, what most also need is robust legal representation, high quality mental health supports close to where they live, a roof over their heads, money in their pockets.

In challenging fiscal times, it can be tempting to find cost savings at the expense of those with low political capital. We see this pattern accelerating in child welfare and juvenile justice. But as this report shows, austerity in these fields would be a huge mistake. **Child welfare may be the area with the most potential for revenue enhancement and return on investment of any in government.** This report shows how Vermont could leverage millions of federal dollars to support young people—and, while we’re at it, workers too.

Keeping children safe remains a core function of government. The place where children feel most safe is in their homes and communities. We stand with the many Vermonters already committed to translating these principles into action.



In service,
Matthew Bernstein

WHO WE ARE

- We are a two-person office within Vermont state government that operates independently of the Department for Children and Families (DCF) and the Agency of Human Services (AHS).
- We advocate for the dignity, well-being, and interests of Vermont's children and youth, with a focus on the child protection and juvenile justice systems.
- We translate the vision of children, youth, and families into policy that safely sustains the bonds of families.

WHAT WE DO

- We promote reforms – in individual cases and systemwide – that improve the lives of Vermont's children, youth, and families, with a focus on racial and social equity.
- We spend time listening to impacted children and youth in the places where they are, centering their experiences, uplifting their voices, and integrating their input into advocacy and policymaking.
- We receive complaints and requests for assistance from Vermonters impacted by DCF. We educate, energize, and empower Vermonters to navigate complex systems. Our goal is swift and sustainable resolutions that support impacted children and youth.
- We promote prevention and advocate for upstream interventions that leverage federal dollars and reduce Vermont's reliance on our General Fund. We support economic policy that strengthens Vermont's families and saves the state money.

WHAT WE VALUE

- We advocate for common sense solutions and press for transparency, equity, and accountability on behalf of children and youth.
- Our guiding questions are: Are the child welfare and juvenile justice systems supporting the youth they serve? Are children and youth in the state's care safe and supported?
- We collaborate with DCF whenever possible. We believe that improving conditions for young people also improves conditions for DCF workers.



L to R: OCYFA Advisory Council Member Mercedes King, Lauren Higbee, Matthew Bernstein, Rep. Dan Noyes of Wolcott in the Vermont House Chamber.

OUR WORK IN 2024

We played a key role in the passage of Act 173, which **for the first time allows Vermonters who were in foster care to access their DCF and court records**, and were recognized in Governor Scott's signing statement.

"Everyone should have the right to see their records."

-Former Foster Youth

- We responded to 122 unique complaints in 2024, a **63% increase over 2023**.
- **We spoke with children and youth**, family members and friends, foster parents, medical professionals, attorneys, guardians ad litem, DCF workers, hotel residents, other states' child advocate offices, legislators, judges, community providers, and others.
- We analyzed Vermont's child welfare and juvenile justice systems, brought in national experts, and **developed new initiatives that improved the lives of children, youth, and families**.
- **We worked with families to de-institutionalize children and youth**. In one instance, we played an instrumental role in helping a 12-year-old who had been languishing in an out-of-state residential treatment program successfully return to his home community.
- **We encouraged DCF** to honor family voice in its daily operations and policy development.
- **We centered racial justice in our work**, partnering with Black-led community organizations, prioritizing advocacy for the most impacted parents, and pushing for improved racial data collection and policy.
- We heard dozens of stories from youth about **the restraints used against them and the trauma of those experiences** and advocated against their use.
- We successfully persuaded one of Vermont's most influential newspapers to **stop publishing the names and pictures of youth accused of committing serious crimes**.
- **We testified in the legislature fourteen times** on issues including juvenile justice, child welfare, and child poverty and facilitated the legislative testimony of a former foster youth about his experiences in residential care—the only person with direct experience who testified about juvenile justice in the 2024 session.

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Child Maltreatment at All-Time Lows, Racial Disproportionalities Remain

- At 26% of total referrals, **parents were the top referral source to the OCYFA in 2024**. Most parents called about ongoing investigations by DCF and related communication concerns, visitation schedules, struggles with case plans, and questions about their rights and responsibilities.
- **DCF has reduced the number of children it has taken into foster care over the last few years**, and Vermont State’s Attorneys have filed fewer CHINS cases. As measured by DCF substantiations, in 2023 Vermont saw an all-time low in the number of unique child victims of maltreatment, at 639.
- **Vermont’s rate of entries into foster care per 1,000 children remains well above the national average**. Black children continue to be disproportionately taken into foster care in Vermont, making up 1.8% of the general population, but 3% of the children in foster care.

Vermont Child in Need of Care or Supervision (“CHINS”) Case Filings, FY22 - FY24

Statutory Basis: 33 VSA § 5102(3)	Filed FY22	% of total	Filed FY23	% of total	Filed FY24	% of total
CHINS A: Abused / Abandoned	54	6%	57	7%	41	7%
CHINS B: Without Parental Care or Supervision	695	71%	578	69%	407	65%
CHINS C: Beyond Control	65	7%	57	7%	51	8%
CHINS D: Truant	160	16%	142	17%	130	20%
Total CHINS A-D	974	100%	834	100%	629	100%

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Child Safety Response and Kin Diversion in Vermont

“Often, families are reported to child protection hotlines not because their children are at imminent risk of harm, but rather because of poverty-related issues such as a family’s lack of access to safe housing and other community services that support raising a child. These types of referrals to child protective services may result in an over-surveillance of families, which can compound the stresses inside the home.”

– Casey Family Programs

- **Vermont remains first in the nation in calls to its child protection hotline** (“mandatory reports”) and first in the nation in hotline calls screened out, with an 80% screened-out rate. DCF receives more than 16,000 calls that do not warrant a further look each year.

Total Child Welfare Hotline Referrals / Reports per 1,000 Children, 2023

Jurisdiction	2023 Total Referrals	2023 Screened-In Referrals	2023 Screened-Out Referrals	2023 Screened-Out Rate per 1,000 Children	2023 Referral Rate per 1,000 Children
Vermont	19,624	3,600	16,024	139.8	171.2
DC	17,548	3,176	14,372	113.5	138.6
Alaska	20,146	6,452	13,694	78.0	114.8
Indiana	172,007	99,718	72,289	45.5	108.4
Delaware	22,927	5,319	17,608	83.1	108.2
Maine	26,636	9,960	16,676	67.0	106.9

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Child Safety Response and Kin Diversion in Vermont

- After a call, DCF must decide whether to accept or screen out the allegation. For accepted calls, DCF can open an “investigation” or an “assessment” under Chapter 49 of Title 33 of the Vermont Statutes Annotated. Investigations can result in the “substantiation” of the parent or caretaker, removal of the child, and/or the filing of a “CHINS” petition in court.
- In addition, **DCF facilitates the removal of an unknown and unreported number of children under “safety plans,”** a key component of what has become known nationally as “hidden foster care.” Under these safety plans, children DCF deems unsafe are usually placed with kin under “voluntary” agreements without a formal legal process. Families in these situations have few due process rights and little support, and DCF is not required to make reasonable efforts to reunify under federal law.
- Another response is a “CHINS Assessment” under Chapter 51 of Title 33 of the Vermont Statutes Annotated. Confusingly, “CHINS Assessments” differ from the Assessment/Investigation framework in Chapter 49 outlined above. DCF conducts about 1,000 Chapter 51 CHINS Assessments each year that it does not officially report to state or federal authorities.
- A third component of kin diversion in Vermont is “conditional custody orders,” or CCOs. These court-approved arrangements temporarily transfer legal custody of a child to a parent or family member. **Federal and state reports have consistently identified this practice as problematic.** A recent federal audit, for example, indicated that “the use of CCO continues to cause delay in permanency and children being secure in their placements” and “does not show clear benefits to families and is worth revisiting.”

OCYFA RECOMMENDATIONS

The Vermont legislature should **revise mandatory reporting statutes**, with direct input from system-involved families

AHS, DCF, and partners should **consider establishing a child welfare “warmline”** to reduce poverty-related child welfare involvement

DCF should regularly report on the use of safety plans, Chapter 51 Assessments, and CCOs, including economic and racial demographics of the families involved

Economic Support to Families Prevents Children from Entering Foster Care

- About 65% of CHINS cases filed in Vermont in fiscal year 2024 alleged neglect, not abuse. Neglect is defined in Vermont as “without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being.” **Allegations of neglect strongly correlate with a family’s ability to access basic needs such as housing, food, and childcare.**
- Families in poverty in the United States are 22 times more likely to be involved in the child protection system than families with incomes above the poverty line. Nearly 85% of families investigated by child protective services have incomes below 200% of the federal poverty line. **Over half of all Black children in the United States (53%) will experience a child protection investigation.**
- **In Vermont, fewer than half of single-adult households with children can meet basic needs**, such as food, childcare, clothing, and personal care products. Over 57% of Black households and 51% of Asian households earn less than 80% of their area’s median income.
- **Research consistently demonstrates that economic and concrete supports that go directly to families can keep children out of foster care.** One study showed that an additional \$1,000 unconditional cash payment to families in the early months of a child’s life can significantly reduce the likelihood of DCF referrals for neglect, physical abuse, and child mortality.
- Advocates point to the sharp contrast between the supportive approach of public health and the stigma attached to child welfare, even in response to similar problems. For example, while Medicaid might pay a family member to care for their disabled relative in their home, financial support in child welfare matters comes only “for children placed away from their parents or other caretakers.”
- **Nationwide, direct cash assistance to families is an emerging tool to prevent child welfare removal.** Vermont’s neighbor New York is piloting direct cash payments to families reported to child protection agencies for neglecting their children.
- Vermont’s Spectrum Youth and Family Services is currently piloting a groundbreaking Direct Cash Transfer Program to support young people transitioning out of foster care. Preliminary data shows that 7 of 10 participants are housed either in their own apartment or have reunited with family. Spectrum staff have observed that young people in the program show an increased focus on sustainability and long-term planning, rather than solely on daily survival.

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Preserving Social Security Benefits for Children

- In 2024, the OCYFA partnered with DCF to preserve the Social Security or Supplemental Security Income (SSI) benefits of three children.
- It has been historical practice for child welfare agencies, including Vermont DCF, to screen children in custody for federal benefits, such as survivorship benefits if their parent is deceased or disability benefits related to the child's disability. If the child qualifies for these federal benefits, DCF usually becomes the child's payee, despite federal guidelines saying that the state should be the payee of last resort. DCF then uses these benefits to pay for services for the youth while they are in foster care.
- This practice means that **children with disabilities or deceased parents subsidize the cost of their foster care, while children who don't have a disability or a deceased parent do not.** A national movement to change these practices has emerged, with a growing number of states changing policy to conserve the money on behalf of children.
- In Vermont, **DCF has said they are philosophically aligned with changing course.** Doing so would amount to about \$800,000 a year given back to the children who qualify for it.
- OCYFA is continuing to work with families and DCF to ensure a just and viable system for benefit conservation in Vermont.

OCYFA RECOMMENDATIONS

Vermont should **expand economic and concrete supports**, such as direct cash assistance, child tax credits, and preservation of child social security benefits

Vermont policymakers should continue **leveraging federal investments, such as Title IV-B family preservation funds**, to prevent youth and family homelessness

DCF should seek high-level technical expertise to find **efficiencies in Medicaid funding** for preventive and supportive services for children, youth, and families

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Support For Kin Relieves Pressure on Families, DCF, and the Courts

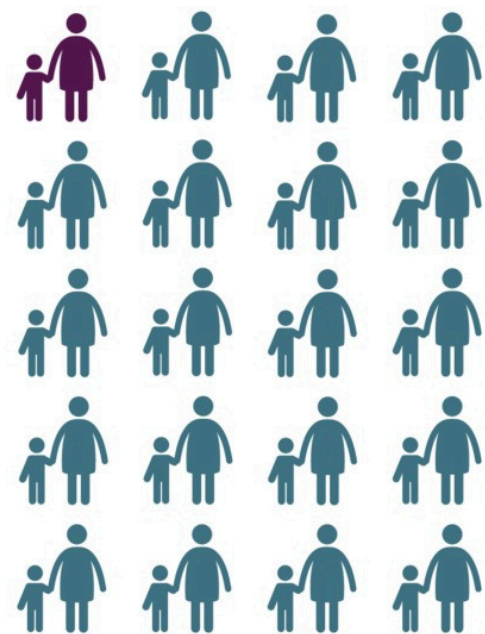
Kinship Foster Homes with Active Licenses in Vermont, 2020-2024

Year	2020	2021	2022	2022	2023
Total	444	362	289	236	256

- More than 16% of OCYFA referrals in 2024 were from kin caregivers, who requested assistance with issues such as licensing denials, transportation vouchers, and economic supports.
- Seven percent of children in Vermont—more than eight thousand children—live with their grandparents or other relatives. **Children placed with kin make up 33% of all children in foster care in Vermont, up about ten percent since 2018.**
- “Kin” refers to any person with whom a child has a trusted relationship, including grandparents and other relatives, extended family, or close friends (“fictive kin”). When children cannot remain at home, living with kin is usually the next best option.
- **Studies show that children living in kinship homes have fewer behavioral problems, improved well-being, and greater placement stability than children in non-kin placements.**
- Kinship care is on the rise nationally and in Vermont, but the number of licensed kinship homes in Vermont has significantly declined in recent years.

Nationwide

For every **1 child** being raised by kin in foster care, there are **19 children** being raised by kin outside of foster care



Map Courtesy of [Grandfamilies & Kinship Support Network](#)

FINDING A: CHILDREN BELONG IN THEIR COMMUNITIES

Support For Kin Relieves Pressure on Families, DCF, and the Courts

- Unlicensed kin caregivers, whether they are raising children inside or outside of foster care, do not receive foster parent maintenance payments and must subsidize the cost of care for their kin on their own.
- **Unlicensed kinship families receive significantly less financial support** across a range of public benefits, including 3 Squares and Medicaid, compared to licensed nonrelative foster homes, despite having the need and being eligible.
- **Program models that search for relatives and fictive kin following child welfare agency involvement can save states over \$10,000 for each child involved.**
- A new federal rule allows states to create separate licensing standards for kinship foster family homes from those for non-kinship foster family homes and requires that kin homes receive the same amount of foster care payments as non-kin. As of late 2024, at least seven states and three tribes have new kin rules approved by the federal Children's Bureau.

"There are still tremendous inequities in financial and other support available to licensed kinship foster parents, unlicensed kinship foster parents and kinship caregivers of children not in the custody of the child welfare system."

-The Annie E. Casey Foundation

OCYFA RECOMMENDATIONS

DCF should fast-track its new kin licensing rule and Vermont should broaden financial supports for kin caregivers, even if unlicensed

DCF should work with national partners to **expand kin-finding programs**

DCF should **publish annual data on kin caregiving**, to include economic and racial demographics

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Children Succeed in Homelike Settings, Institutional Care Should be a Last Resort

- If children *do* have to come into state custody *and* kin placements are not available, the next best option is often a non-kin family foster home. **Family-like environments provide normalcy to young people and avoid institutionalization.**
- Youth comprised just 8% of referrals to the OCYFA in 2024, due primarily to OCYFA lack of outreach capacity. Visiting children and youth in institutions is a top OCYFA priority that takes significant resources. Most youth are unlikely to contact the Office themselves but they often ask for assistance and want to know their rights once connected.

Foster Homes with Active Licenses in Vermont
2020-2024

Year	2020	2021	2022	2022	2023
Total	1335	1135	956	821	811

- As a result of multiple factors, including the decline in available foster homes, Vermont relies on residential treatment programs to house children in state custody. **Keeping children out of the residential care system, even at significant expense, should be a top priority for Vermont policymakers.**
- Children are often re-traumatized while in residential programs. Because Vermont has failed to modernize its digital databases, **DCF lacks the ability to see child abuse and regulatory investigations by facility.** In other words, DCF cannot click on a facility name and see allegations and investigations related to that facility.

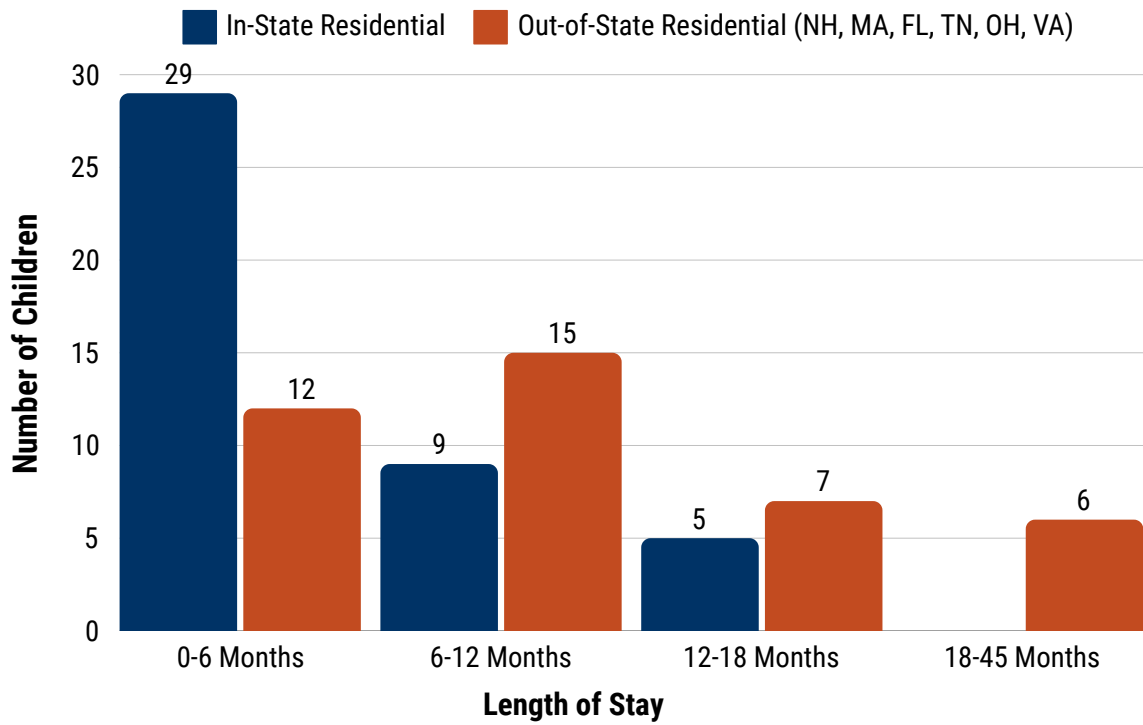
“It is fundamentally flawed to separate adolescents from their community, family, friends, and support systems without causing irreparable harm to the child and to their friendships.”
– Parent of child in residential care

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Children Succeed in Homelike Settings, Institutional Care Should be a Last Resort

- DCF has contracts with 43 residential programs, in state and out. **The total cost of Vermont’s residential system is unclear.** At least one program receives more than \$100,000 per month, “regardless of utilization,” meaning that the program is paid whether or not it is serving any youth. When the OCYFA visited this program on one occasion, it was empty.
- **Due to changes in federal law, Vermont has lost nearly all federal IV-E funding for residential care** (see Finding C). The state now relies on a combination of General Fund and Medicaid dollars to pay for residential care programs.
- **As of October 2024, 83 youth in DCF custody were in residential programs.** According to DCF data, as of late 2024, 13 children have been in residential care between nine months and a year. An additional 12 children have been in residential care between 12 and 18 months. Five children have been in residential care between 18 and 24 months, and four children have been in residential care for more than 24 months, with the longest length of stay approaching three years. **Among these youth, the average total placements per youth is 8, and the median is 6.**

Residential Length of Stay for Children in DCF Custody, October 2024



FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Children Succeed in Homelike Settings, Institutional Care Should be a Last Resort

- **Vermont youth are a valuable and underutilized resource on residential programs.** Young people in residential care recognize that they are being shuffled around, learn industry acronyms, and crowdsource program quality. Sometimes they intentionally misbehave to get sent to a higher quality, though more secure, placement.
- **Vermont should take stock of program quality** and spending as a pre-requisite to system change.

"My experience in a residential treatment facility was about containment and not about treatment. The culture was punitive. It included exposure to overwhelming violence, a lack of affection and common sense, and an inability to see things from a child's perspective."

- Former Foster Youth



"All I know is it's just me and a bed."

- Youth in Residential Care System,
on being moved from program to program

OCYFA RECOMMENDATIONS

The Vermont legislature should commission an **updated analysis of Vermont's use of residential care** modeled on the federal Stop Institutional Child Abuse Act

Vermont should **raise standards for residential facilities**, improve oversight, and prioritize community-based services

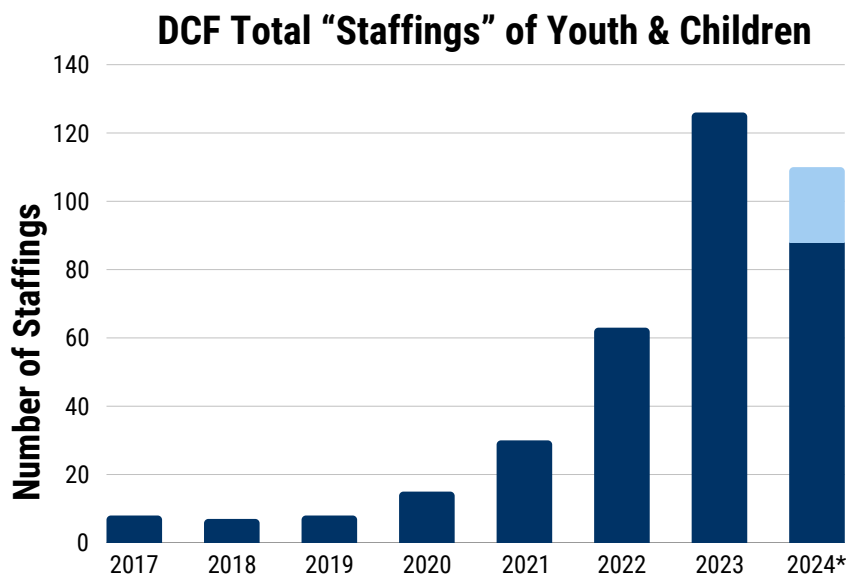
DCF should **compile regulatory infractions by facilities** on a publicly available dashboard

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

DCF's Use of "Staffings" is Routine, Expensive, and Traumatizing

- A "staffing" is an unlicensed, unregulated place that isolates children. Vermont has a deep legacy of eugenical separation of children with disabilities.
- A "staffing" occurs when DCF deems a child or youth unsafe to themselves or others, and/or when DCF can find no other placement for them. The child is then held at a hotel, sheriff's office, or other location, with no access to education, treatment, peer interactions, or community engagement. DCF staff, contractors, and sometimes law enforcement personnel work in shifts round the clock to sit with the young person, often working overtime outside of their home districts. **Youth in these settings are disproportionately developmentally or intellectually disabled.**
- While a small number of youth "staffed" might qualify for placement in a locked facility, the vast majority are there because of inadequacies in Vermont's system of care.
- In 2024, four children in DCF custody were "staffed" for 10-15 days, three for 16-25 days, and two for longer than 25 days. These numbers include the 19-day "staffing" of a six-year-old with significant developmental disabilities.
- **DCF acknowledges the inappropriateness of these placements and the harm they inflict on children.**
- Since July of 2022, according to its own estimates, DCF has spent more than \$2.5 million in General Fund money on "staffing" settings. **These settings are ineligible for federal funding due to their unlicensed, unregulated status.**
- The cost of these settings has been increasing, from approximately \$57,000 per month on average in 2022-2023 to an average of \$147,000 a month in 2024.

\$2.5 million+
DCF SPENDING ON
"staffings"
SINCE JULY 2022



*Light area shows estimated 2024 total, based on partial year data. Source: DCF data

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Restraint and Seclusion are Routine and Underreported

- Restraint and seclusion injure and traumatize children. Restraints and seclusions lack a therapeutic basis.
- Although foster care and residential treatment regulations require providers to report every instance of restraint and seclusion to DCF and to “families and custodians,” **Vermont has no comprehensive data on the use of restraint and seclusion on children in foster care.** Such data would enable DCF, facilities, legislators, and others to alter, reduce, and/or eliminate these harmful practices.
- **Restraint and seclusion data is integral to racial justice work in Vermont.** National studies show that restraint and seclusion are used disproportionately on Black and Brown children, children with disabilities, and other marginalized groups.
- OCYFA’s enabling statute requires DCF to notify OCYFA of all instances of restraint and seclusion of any child or youth in DCF custody. **DCF has failed to meet its obligations under this law,** sending just three batches of restraint/seclusion reports from four facilities since February 2023, despite multiple requests (see appendix).
- **DCF did not include requirements for a restraint/seclusion reporting system to itself or OCYFA in its recent data system RFP** (see Finding C).
- More than 13% of referrals to OCYFA in 2024 included instances of restraint and/or seclusion not reported by DCF. The OCYFA estimates that there are hundreds of additional unreported restraints and seclusions of children in DCF custody each year.
- **Youth have repeatedly told OCYFA staff that being restrained or even being near youth who are restrained has traumatized them,** motivating them to run from treatment centers. Youth vividly remember the details of their restraints even years later.

OCYFA RECOMMENDATIONS

DCF should develop a **modern, web-based reporting system** for restraints and seclusions that sends provider reports directly to DCF and OCYFA

The Vermont legislature should consider **stronger regulation of restraint and seclusion**, including limits on their use in residential treatment facilities

The Vermont legislature should **prohibit the use of “staffings”** for children

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Re-Envisioning Youth Justice in Vermont

“We currently spend an estimated \$5 billion per year to incarcerate children. And research shows that locking up kids doesn’t work. This money is better spent on community-based alternatives, which are safer and more effective and offer youth the tools they need to grow into responsible citizens.”

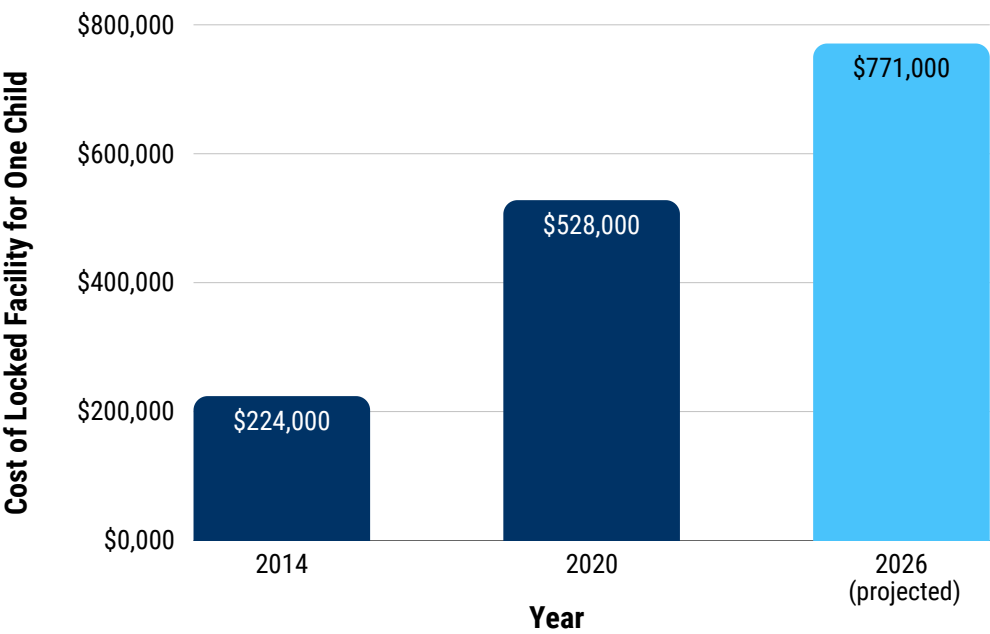
—Liz Ryan, top federal juvenile justice administrator

- **Vermont’s recent trend toward criminalization and incarceration of young people is ineffective and expensive.** Decades of data and studies show that these strategies fail to make our communities safer, our young people successful, and our state economically vibrant.
- Since 2020, Vermont’s middle- and high-schoolers have been exposed to higher levels of violence, leading to their poor mental health, anxiety, and suicide risk. BIPOC and LGBTQ+ young people face elevated risk and worse outcomes. The youth suicide rate in Vermont is significantly higher than the national average and is six times Vermont’s homicide rate. Young adults aged 18-24 are much more likely to consider suicide than other age groups.
- **Youth involvement in violent crime in Vermont is at historic lows.** More common than youth violence is adult manipulation of and violence toward youth. According to the Vermont Intelligence Center, incidents in which young people ages 10-19 are victims of gunfire rose to their highest rate ever in 2024—both by raw numbers and percentage. Elevating criminal sentences for youth is an ineffective deterrent of drug trafficking, gun violence, and other youth crime. Young people need our support.
- **Children in foster care are especially vulnerable to victimization, trafficking, and involvement in the criminal justice system.** More than half of children in foster care nationwide will face arrest, conviction, or detention by the juvenile legal system by the age of 17. One study found that, for children who experience five or more placements in the foster system, juvenile justice involvement increased to 90%. As of December 2024, five out of the seven youth placed in Red Clover, Vermont’s locked facility, have current or previous foster care involvement.
- **Raise the Age, Vermont’s nation-leading juvenile justice initiative launched in 2018, has been successful in supporting youth and keeping communities safer.** It is a misnomer that Raise the Age increases the need for locked facilities or fails to hold children accountable. Raise the Age is separate from the Big 11+3 and Youthful Offender statutes and does not impede prosecutors’ ability to charge juveniles as adults in criminal court.

FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Re-Envisioning Youth Justice in Vermont

- **Locked youth facilities are some of the most expensive, inefficient, and racially inequitable investments** a state can make in children.
- According to the Justice Policy Institute, in 2014 Vermont spent an average of \$224,000 a year to lock up each youth at Woodside Juvenile Rehabilitation Center, the sixth highest of any state in the nation. **In 2020, Vermont spent more than \$528,000 to lock up each youth**, a 135% increase elevating Vermont to fourth highest in the nation.
- **In Vermont, racial disproportionalities in youth incarceration are substantial.** A Department of Corrections point in time count in 2024 revealed that only one of seven young people 18 and under incarcerated in adult facilities Vermont was white—86% were children of color. Of incarcerated 19-year-olds, only 3 of 9 were white—66% were children of color. Of the 19-year-olds supervised in the community, 100% were white. These numbers are **disproportional even to the already disproportionate adult prison population in Vermont**, in which about 83% of the population is white, 10% are Black and 6.5% identify as multi-racial or another race.
- DCF recently contracted with a **private, for-profit** entity, to run its Red Clover youth locked facility, which opened in late 2024, at a cost of over \$4 million a year.
- DCF is also seeking to build a new locked facility in Vergennes at an estimated cost of over \$50 million. To our knowledge, **DCF has never publicly presented the full project cost**, which are obscured through the state’s use of a “lease-build” contract to fund the project.



FINDING B: COMMUNITY ALTERNATIVES TO INSTITUTIONS ARE THE RIGHT INVESTMENT

Re-Envisioning Youth Justice in Vermont

- Vermont closed its last youth locked facility, Woodside Juvenile Rehabilitation Center, in 2020, in the wake of a federal injunction and the publicizing of **ongoing, systemic abuse of children** placed there. The State of Vermont subsequently settled a civil suit filed by former Woodside residents for \$4.5 million without admitting wrongdoing. Among the allegations in the lawsuit were an incident in which an emergency medical technician responding to a call from Woodside reported to DCF's child abuse hotline that a young person was naked, covered in feces, urine, and menstrual blood, and nearing hypothermia.
- **Crucial elements that resulted in the abuse of children at Woodside have not been altered.** The Woodside statutory, regulatory, and oversight frameworks remain in place. As with Woodside, under the new plan DCF will be the legal parent of the children placed there, the facility administrator, and the facility regulator.
- When Woodside was open, the lack of available stepdown programs meant that **youth ready for discharge were inappropriately held for weeks and months.** The issue was so pronounced that the Department of Justice became involved. By all accounts, including DCF's, Vermont's system of care in 2024 is weaker than it was when Woodside was open, and the problem with lack of stepdown programs has not been addressed.
- State and federal antidiscrimination law requires that children be placed in the least restrictive setting. **DCF does not employ an evidence-based assessment tool in its recommendations for secure placement.**

OCYFA RECOMMENDATIONS

Vermont should **fully implement and invest in Raise the Age**

Before building a new locked facility, Vermont should **commission an independent study** of its current Red Clover four-bed program

Vermont should **reduce the complexity of its juvenile justice system**, starting all juvenile cases in family court

FINDING C: A FAMILY-CENTERED CHILD WELFARE SYSTEM IS AFFORDABLE

Title IV-E Legal Reimbursement Could Save Vermont \$1.75 Million Each Year

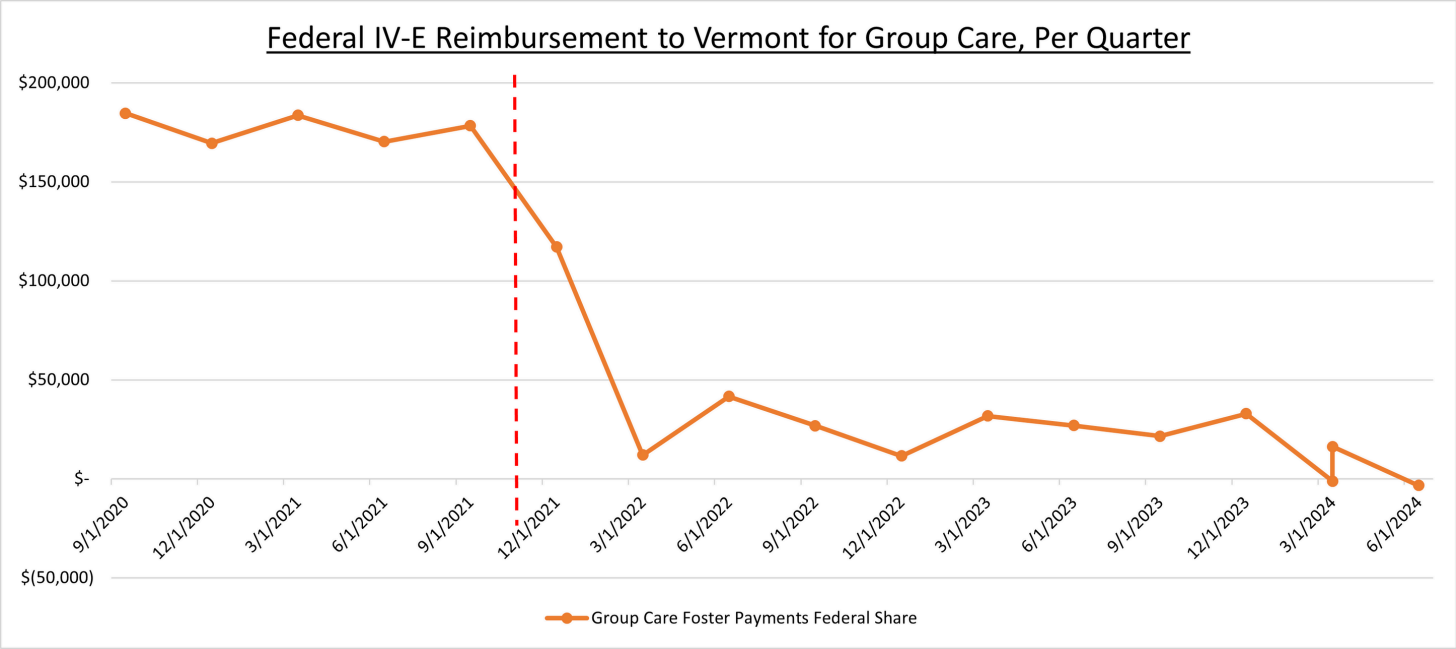
“Access to independent legal representation can help stabilize families, improve safety, and reduce the need for more formal child welfare system involvement, including foster care.”

– Foster Care Legal Representation Final Rule, 2024

- **High quality legal representation in child welfare cases prevents family separation**, expedites permanency, promotes engagement in case planning and court hearings, increases rates of kinship placement, preserves school stability, and saves money for state government agencies.
- Since 2019, the federal Children’s Bureau has allowed states to draw down federal matching dollars through Title IV-E of the Social Security Act to reimburse the costs of legal representation for the state, parents, and children. In 2024, the Children’s Bureau codified, formalized, and expanded this policy into a final rule.
- **The new rule defines “legal representation” broadly**, to include:
 - **Direct legal representation** of parents and children in CHINS court cases, as well as of the attorneys representing the state.
 - **Multidisciplinary legal teams** made up of paralegals, investigators, peer partners, social workers, and others, who support children and parents with child welfare involvement.
 - **“Pre-petition” support**, such as when a family is under investigation by DCF and seeks legal advice, emotional support, and logistical help responding to the investigation.
 - **Civil legal services related to child welfare**, such as legal representation in an eviction or relief from abuse matter.
- In its 2024 final rule, the Children’s Bureau included an estimated average national claim amount that states will draw down per child in the coming years, based on program data. That number is \$2,902 per child for 2025 and gradually increases to \$3,481 per child in 2033.
- Based on these projections, a rough estimate of **Vermont’s potential annual IV-E reimbursement for legal representation of the state, children, and parents totals \$1.75 million**. Once DCF does the groundwork to draw down this money, Vermont could continue receiving this amount or more each year. **The State has already allocated and is spending the required state match.**
- Drawing down this money would require:
 - Internal DCF technical improvements.
 - An MOU between DCF, State’s Attorneys, and the Defender General.
 - Enhanced time tracking of legal representation in child welfare cases by providers.
 - Program development in collaboration with community partners.

FINDING C: A FAMILY-CENTERED CHILD WELFARE SYSTEM IS AFFORDABLE

Vermont’s Investment in Residential Care is Increasingly Costly



- Vermont’s quarterly federal Title IV-E reimbursement for residential care dramatically declined starting in 2021, when federal law began restricting reimbursements for children who stayed in residential programs longer than 14 days.
- **In the last four years, Vermont has gone from drawing down more than \$175,000 per quarter in federal money to effectively zero.** On a per child basis, Vermont’s drawdown declined from about \$3,000 per child in the last quarter of 2020 to nothing at all in the last quarter of 2024.
- DCF is in the process of paying back about \$2 million in federal money that the Children’s Bureau deemed Vermont improperly drew down between 2019 and 2023.
- **These trends are unlikely to change as the federal Children’s Bureau moves toward further restrictions on congregate care** (see Finding B). Vermont now relies on General Funds to pay for approximately \$700,000 in residential care costs each year that were formerly paid for by the federal government.

FINDING C: A FAMILY-CENTERED CHILD WELFARE SYSTEM IS AFFORDABLE

Envisioning a Human-Centered Child Welfare Data System for Vermont

“Treating software as just another commodity overlooks the fact that mission-critical software cannot simply be bought the way you buy a truck or even a building. It’s an integral part of the service you provide, and that service and the environment in which it operates are dynamic.”
– Jennifer Pahlka, *Recoding America: Why Government Is Failing in the Digital Age and How We Can Do Better*

Total Software Project Cost and Success Rate					
Cost millions	< \$0.5	\$0.5-3	\$3-6	\$6-10	> \$10
Success	68%	22%	18%	13%	2%

“Your existing system is an enormous asset, not an albatross”
– United States Digital Response, on DCF’s current child welfare data system

- In our annual report last year, we examined Vermont’s need for a new Comprehensive Child Welfare Information System (CCWIS) and **successfully called for expanded funding to DCF to develop and implement the new system.**
- As of December 2024, according to DCF there is about \$7.8 million in state money allocated to CCWIS. These state funds would generate an additional \$7.8 million in federal matching funds, for a total of about \$15.6 million.
- In March of 2024, DCF issued an RFP for its new CCWIS. An analysis of the RFP by United States Digital Response (USDR) showed that, while the RFP required the creation of dozens of charts and plans, it did not contain a list of deliverables that the successful vendor would be required to produce. In fact, **the initial CCWIS RFP did not actually require that software be built at all.**
- DCF subsequently withdrew the RFP due to errors in the document apparently unrelated to the USDR analysis. As of December 2024, DCF has not reissued the RFP.

FINDING C: A FAMILY-CENTERED CHILD WELFARE SYSTEM IS AFFORDABLE

Envisioning a Human-Centered Child Welfare Data System for Vermont

- After extensive conversations with DCF, the Agency of Digital Services (ADS), and national experts—most notably United States Digital Response (USDR)—**we believe that DCF now has sufficient resources to transform its child welfare data system** if the plan adheres to the following principles:
 - Revamp and overhaul Vermont’s current child welfare data systems **rather than discarding them and starting from scratch**. While SSMIS and FSDnet are badly broken, a USDR assessment found that they are a valuable foundation for constructing the new systems.
 - **Ensure that the State of Vermont owns all aspects of the new system**, and that it has consistent access to all system data in formats that are transferable across platforms.
 - **Avoid contracts with the biggest vendors** in the United States, who have a troubling track record.
 - Develop the new system using **agile software development** to the maximum extent possible.
 - **Start small with a project that addresses one of the major pain points of the current system**—such as IV-E eligibility, facility monitoring, or financial reporting—rather than issuing an RFP for entire system replacement.
 - **Treat the data system as something that requires constant iterative improvement** rather than as a single project with specific start and end dates.
 - **Consult subject matter experts like front-line workers**, supervisors, children in foster care, parents, foster parents, and community providers, *before* beginning the RFP process.
 - **Prioritize user experience and human-centered design** in addition to focusing on compliance.

OCYFA RECOMMENDATIONS

Vermont should **transform child welfare legal representation** using federal Title IV-E money

DCF should overhaul its current data systems using **agile software development** principles

The Vermont legislature should ensure that all **cost savings** to DCF brought through federal drawdowns are used to **invest in children, youth, and families**

LETTER FROM THE DEPUTY ADVOCATE

My favorite memories of 2024 were the times I got invited by young people into their spaces. Their sacred spaces. I remember sitting on a raggedy old sofa in a residential program with a teenage boy who was reading his journal. He was worried about the friends he left behind at his previous residential placement and wanted to make sure I had all the facts right. A group of young people invited me to an event where I was the only outsider to speak. I think about the momentous power shift they created in that room regularly.

I am at my most powerful when I am listening to young people most impacted by Vermont's child welfare and juvenile justice systems. Young people are telling me they do not want a locked facility in Vermont. Young people are telling me they hold the trauma of restraints in their bodies years later. Young people are telling me they don't want their friends to have to sleep in sheriffs' offices. Young people are telling me they want to use their own social security benefits to get housing. Young people are telling me they want to be at home with their families.

Let's keep listening together,

Lauren Higbee



CHILD, YOUTH, AND FAMILY ADVISORY COUNCIL

The OCYFA is **the only child advocate office in the nation** whose statute includes an Advisory Council comprised of people with lived experience. The existence of this Council represents the voice of those most impacted by DCF in creating the OCYFA and in its ongoing work.

The OCYFA communicates with many stakeholders about its work, but the Advisory Council is uniquely poised to ask hard questions and ensure that the OCYFA is prioritizing the work that matters most to impacted people. The Advisory Council is new and is creating its own structures, relationships, and clarity of purpose.

Often, people in power ask “people with lived experience” to respond to specific policy proposals. Advisory Council members speak more broadly about their experiences, what they see and hear in their communities, and their professional perspectives. Council members are concerned about young people being “exited from state care directly to the streets.” **They want to see more peer support and they are invested in accountability.** They share personal victories—things like “I saw my child last week.” They are invested not only in seeing change, but being a part of it. They have expressed a desire to be more connected to the work of the OCYFA and they consistently name the need for more capacity within the Office. You can learn more about the Advisory Council at childadvocate.vermont.gov/council.

CLOSING

"But I do wonder, when the Office of the Child Advocate tells us how we could help kids, will we listen? We have to do that part together. Let's acknowledge these children and families and the extreme challenges they face by giving them this big voice, one that's data driven, interested in what's working well, and dedicated to helping us understand how each one of us can do better. Then, let's listen."

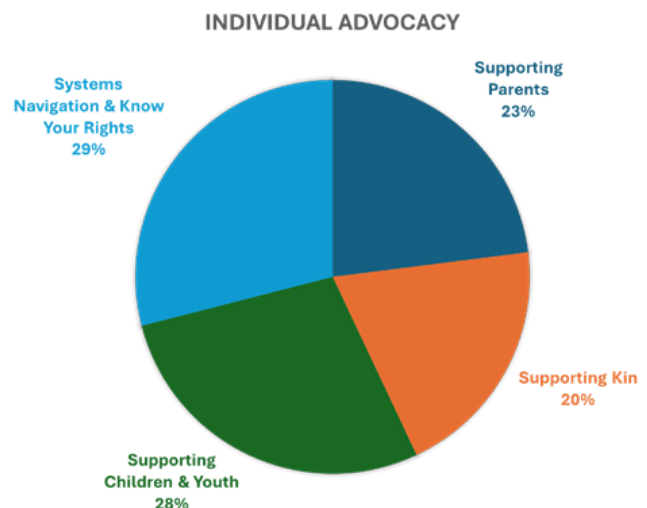
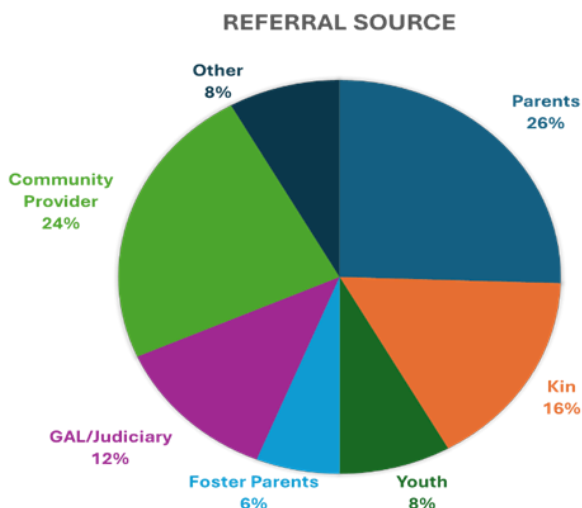
- Community Member, on proposed creation of the OCYFA, 2019

The OCYFA is a full community effort. We talk with so many people who helped create the Office, who have a stake in its success, and who want to see **transformative change for children, youth, and families in Vermont**. As 2024 closes, we want to thank everyone who has taken the time to call our Office, call us in, and even those who have called us out. Young people and families are the reason we do this. But so many others play a role, **including our partners at DCF**, who give us time, honesty, and insight, and who challenge us as we challenge them. We look forward to the difficult and inspiring year ahead.

Appendices

Individual Caseload Data

- In 2024, we responded to 122 nonduplicative complaints, a 63% increase over 2023.
- Our involvement ranged from the 19 inquiries requiring just one contact with our office, such as a referral to legal aid or a community-based agency, to time-intensive complaints requiring 8 months of involvement.
- 31% of referrals included one or more individuals with a disability requiring accommodation.
- 18% of referrals involved contact with entities in other states, such as out-of-state child advocate offices, kinship providers, or residential programs.
- 13% of referrals included incidents of restraint and/or seclusion that were not reported to OCYFA by DCF, despite statutory requirements.



Appendices

Data Reports Required by Statute

Pursuant to 33 VSA § 3206: “(a) [DCF] shall notify the [OCYFA] of: (1) all incidents of actual physical injury to children or youths in the custody of the Commissioner or at significant risk of such harm; and (2) instances of restraint or seclusion of any child or youth in custody of the Commissioner. (b) The Department shall notify the Office within 48 hours of any fatality of a child or youth in its custody.”

Restraint / Seclusion Data

Between the inception of the OCYFA in February of 2023 and December 1, 2024, DCF sent OCYFA three sets of restraint / seclusion data, one each on the following dates: July 29, 2023, June 27, 2024, and August 8, 2024. Below is the aggregate data included in these three data sets:

Total Restraints and Seclusions for All Programs Combined Reported by DCF to OCYFA, 2023-2024:

- 324 Instances of Restraint
- 0 Instances of Seclusion
- 4 Total programs Reporting

Restraints per Program:

- 299 Seall total, including 204 Depot, 206 Depot, and Girls Adolescent Program (GAP)
- 15 Vermont Permanency Initiative (Vermont School for Girls)
- 1 Brookhaven
- 9 Stetson School in Massachusetts

Restraints per Child (of those restrained at least once)

- 58 Unduplicated children involved in restraints
- 1 Lowest number of restraints experienced by one child
- 24 Highest number of restraints experienced by one child
- 6 Average number of restraints experienced by one child

Injuries / Significant Risk of Harm Reporting

- OCYFA received 24 notifications of emergency / hospital response for children in DCF custody
- 18 of these were related to accidental injury of children or youth
- 5 related to youth taking too much prescribed or over-the-counter medications
- 1 related to a concern that a family was going to flee with children in DCF custody

Fatalities of Youth in DCF Custody

- There were no fatalities of children or youth in DCF custody in 2024

Sources for Pages 1-9

Page 6:

- Chart, substantiation and CHINS statistics: DCF, Child Protection in Vermont for 2023, p. 4; court data.
- Third bullet foster care entry rate and disproportionality: Annie E. Casey Foundation (AECF), Vermont KIDS COUNT Data Center, 2023. See also Children's Defense Fund, 2023, p. 29, and Child Trends, "State-level Data for Understanding Child Welfare in the United States," July 9, 2024. As the national rate of entries into foster care per 1,000 children has declined, from 3.5 in 2018, to 2.8 in 2021, Vermont's rate has remained more than double the national average.

Page 7:

- Quote in blue box: Casey Family Programs, "How can hotline data help child protection agencies better support families?," August 8, 2022.
- Bullet and chart: Administration for Children and Families (ACF), Child Maltreatment 2023, pp. 30-34.

Page 8:

- First bullet, see, e.g. VTLawHelp.org, "Child Welfare: If DCF is Investigating You or Has Taken Your Child," 2024.
- Second bullet: For hidden foster care, see "Foster Care Placement Transparency Act," 2024; Casey Family Programs, "How is the practice of hidden foster care inconsistent with federal policy and harmful to children and families?," October 19, 2023; AECF, "Family Ties: Analysis From A State-By-State Survey Of Kinship Care Policies;" and The Imprint, Special Series: Hidden Foster Care, 2024.
- Third bullet: for "CHINS Assessments," see Administration for Children and Families (ACF), Child Maltreatment 2023, p. 288, in which DCF reported that "These family assessments do not meet statutory requirements for abuse and neglect, but provide an option to engage with families where there are concerns. The focus of the assessment is on whether a child may be in need of care or supervision and are referred to as CHINS assessments. Because these family assessments are not part of our abuse and neglect statute, they are not reflected in this dataset. However, it is important to acknowledge that on an annual basis we conduct approximately 1,000 family assessments."
- Fourth bullet: for CCOs, see ACF, "Child and Family Services Reviews, Vermont Final Report 2024," p. 4.
- "Warmline" recommendation, see, e.g., State Policy Advocacy + Reform Center (SPARC), "Preventing Child Welfare System Involvement Through Warmlines," 2024, and ACF, Doing Things Differently: Shifting from Cultures of Surveillance to Communities of Support, 2023.

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- First bullet, see 33 VSA § 5102(3)(B); Child Trends, 2024, State-level Data for Understanding Child Welfare in the United States.
- Second bullet: APHSA & Chapin Hall, "The Role of Economic and Concrete Supports in Child Maltreatment Prevention: Findings from a National Survey of Child Welfare Leaders," p. 6, citing Dolan, 2011. 200% of FPL is around \$51,640 per year for a family of three, see HHS, Federal Poverty Levels 2024. Poverty rates are higher in rural areas. See, e.g., USDA, US Poverty Rate Higher in Rural Areas, 2019; Chapin Hall, "Child and Family Well-being System: Economic & Concrete Supports as a Core Component," March 2023, p. 42, citing Berger, 2020.
- Third bullet: Public Assets, State of Working Vermont 2024, p. 14. See also Vermont Basic Needs Budget Technical Advisory Committee, 2023, and VHFA, Vermont Housing Needs Assessment reveals racial disparities, 2020.
- Fourth bullet: Chapin Hall, "Child and Family Well-being System: Economic & Concrete Supports as a Core Component," March 2023, p. 141, citing Puls 2021.
- Fifth bullet: Josh Gupta-Kagan, "Medicaid Funds Kinship Care without Separating Families. So Should CPS," The Imprint, August 19, 2024: "When a parent with a disability needs help taking care of herself, many states' Medicaid programs will pay a kinship caregiver to help take care of her. But if that same parent needs help taking care of her child and the family regulation system is involved, the foster care system will only pay the same kinship caregiver if she kicks the parent to the curb."
- Sixth bullet: Aya Diab, "New York Tests Cash Assistance for Families Involved with CPS," The Imprint, July 21, 2023.
- Last bullet: Personal communication from Spectrum to OCYFA. Preliminary data, full Spectrum report forthcoming.

Sources for Page 10-13

Page 10:

- Second bullet, see generally Children's Advocacy Institute, "[Proper Use of SSI for Foster Children](#)," April 19, 2023.
- Fourth bullet: As of October 1, 2024, DCF is the representative payee for approximately 90 children out of the 907 in custody. There are an additional 40 children or youth who are receiving social security benefits where DCF is not the payee. Personal communications with DCF, 2024.
- Recommendation re IV-B, see, e.g., National Center for Housing & Child Welfare, "[FYI: We can end homelessness for aging-out foster youth now](#)," 2024. Foster Youth Independence Vouchers. See also Chapin Hall, "[Child and Family Well-being System: Economic & Concrete Supports as a Core Component](#)," March 2023, p. 100 ("Children of child welfare-involved families who face housing instability and receive a supportive housing program experience fewer removals, lower prevalence of substantiated maltreatment, and increased reunification").
- Recommendation re Medicaid, see, e.g., Public Works Alliance, "[Child Welfare & Medi-Cal](#)," 2024. See also, Claudia Boyd-Barrett, "[Millions Unclaimed: Behind California's Troubled Mental Health Care Funding System](#)," October 3, 2019.

Page 11:

- Chart data from FSD Management Foster Home Reports, Q3 2020-2024. DCF data obtained by OCYFA. Data set includes all licensed kinship foster homes as of September 30 of each year. FSD does not include kinship homes with ongoing licensure applications, even if a child is placed pending application decision.
- Second bullet, see Child Welfare Information Gateway, "[Kinship Care](#)," 2024 and Think of Us, "[Kin, First and Foremost](#)," October 2024.
- Third bullet, see Claire Kimberly, "[Promoting Stability in Kinship Foster Homes](#)," September 2023. See also Grandfamilies & Kinship Support Network, "[Kinship/Grandfamilies Data](#)," 2024.
- Fifth bullet: AECF, "[Family Ties: Analysis From A State-By-State Survey Of Kinship Care Policies](#)," p. 5.
- Last bullet: Building Bright Futures, "[The State of Vermont's Children](#)," 2023, p. 9.

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- First bullet: Claire Kimberly, "[Promoting Stability in Kinship Foster Homes](#)," September 2023, p. 2.
- Second bullet: Claire Kimberly, "[Promoting Stability in Kinship Foster Homes](#)," September 2023, p. 4.
- Third bullet: ACF, "[Separate Licensing or Approval Standards for Relative or Kinship Foster Family Homes](#)," Final Rule, September 28, 2023, 45 CFR Part 1355 and 1356: "Title IV-E agencies may choose to claim title IV-E federal financial participation (FFP) for the cost of foster care maintenance payments (FCMP) on behalf of an otherwise eligible child who is placed in a relative or kinship licensed or approved foster family home when the agency uses different licensing or approval standards for relative or kinship foster family homes and non-relative/non-kinship foster family homes. In addition, the final rule requires title IV-E agencies to periodically review the amount of FCMPs to also ensure that the agency provides a licensed or approved relative or kinship foster family home the same amount of FCMP that would have been made if the child was placed in a non-related/non-kinship foster family home." See also ABA et al., "[Kin-Specific Licensing Progress and Documents](#)," 2024.
- Quote in blue box from AECF, "[Family Ties: Analysis From A State-By-State Survey Of Kinship Care Policies](#)," p. 6.
- Recommendation for kin-finding programs see, e.g., Think of Us, "[Kin, First and Foremost](#)," October 2024, pp. 31-40.

Page 13:

- For last bullet, see United States Senate Committee on Finance, "[Warehouses of Neglect: How Taxpayers are Funding Systemic Abuse in Youth Residential Facilities](#)," 2024, p. 4, finding that "the risk of harm to children in [residential treatment facilities] is endemic to the operating model. The harms children in RTFs experienced are the direct, causal result of an operating model that incentivizes providers to optimize revenues and operating and profit margin." The report cites companies like UHS, which runs multiple out-of-state facilities with whom Vermont contracts. See also 118th United States Congress, [Stop Institutional Child Abuse Act](#), 2024.
- Quote in blue box: Personal communication to OCYFA, 2024.

Sources for Pages 14-18

Page 14:

- First bullet: OCYFA analysis of DCF residential contracts.
- Third bullet and chart: OCYFA analysis of DCF RTC Spreadsheet as of October 1, 2024.

Page 15:

- First bullet, OCYFA personal communications with youth in facilities.
- Quote in blue box from Mike Maughan, Testimony to Joint Legislative Justice Oversight Committee, August 28, 2024.
- Picture is of Vermont program, taken by OCYFA staff. Quote from personal communication with youth in residential care, 2024.
- First recommendation, see 18th United States Congress, Stop Institutional Child Abuse Act, 2024.
- Second recommendation, see, e.g., specific recommendations in United States Senate Committee on Finance, "Warehouses of Neglect: How Taxpayers are Funding Systemic Abuse in Youth Residential Facilities," 2024, pp. 6-10.

Page 16:

- First bullet, see Vermont Truth and Reconciliation Commission, "Statement Regarding Opening of Vergennes Juvenile Detention Facility," May 13, 2024. See also Mercedes de Guardiola, Vermont for the Vermonters, Vermont Historical Society, 2023.
- Second bullet: In DCF's own words, "staffing" settings "are generally not able to offer services, treatment, education, or peer and community engagement like a typical foster care placement would provide." Vermont DCF, Draft Policy 141, 2024.
- Third, fourth, sixth, and seventh bullet; graphic; and chart: OCYFA analysis of DCF data. See also, Children's Bureau, Child Welfare Policy Manual, Section 8.1B Question 11: "The title IV-E agency is prohibited from claiming administrative costs for a child placed in an unlicensed or unapproved foster family home that is not related to the child. For the purposes of this provision, a relative is defined by section 406(a) of the Social Security Act as in effect on July 16, 1996, and implemented in 45 CFR 233.90(v)" (Deleted on other grounds on 08/08/2024).

Page 17:

- First bullet, see, e.g. Kelly et al., "Trauma Informed Interventions to Reduce Seclusion, Restraint and Restrictive Practices Amongst Staff Caring for Children and Adolescents with Challenging Behaviours: A Systematic Review," March 15, 2023.
- Second bullet, see Vermont DCF, "Licensing Regulations for Residential Treatment Programs," Effective January 2011, especially #123 ("Incidents of restraint which result in injury to a child/youth or staff member, requiring medical attention shall be reported in writing to the Licensing Authority as soon as possible, and not later than within 24 hours"), #202, #656, #657.
- Third bullet, see ABA (Amanda Robert), "Children Should Be Protected From Unreasonable Restraints," August 3, 2020: "While students with disabilities comprise 12% of total enrollment, they comprise 71% of students who were restrained and 66% of students who were secluded, according to the data. African American students comprise 15% of total enrollment but represent 27% of those restrained and 23% of those secluded."
- Fourth bullet: 33 VSA § 3206(a)(2).
- Fifth bullet: OCYFA analysis based on multiple sources, including personal communications with facilities.
- Second recommendation see, e.g., New Hampshire Office of the Child Advocate, "System Review 2019-01: Restraining and Secluding Children," January 9, 2020.

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- Quote in blue box: Liz Ryan, OJJDP Administrator, "New OJJDP Initiative Promotes Community-Based Alternatives to Youth Incarceration," July 11, 2022 (Original post subsequently removed by Trump Administration).
- First bullet, see, e.g., The Sentencing Project (Richard Mendel), "Why Youth Incarceration Fails: An Updated Review of the Evidence," March 1, 2023.
- Second bullet, see Vermont Department of Health (VT DOH), "Health Outcomes among LGBTQ+ Students of Color," July 2024, VT DOH, "Annual Suicide Morbidity and Mortality Report," August 2024, and OJJDP, "Vermont Juvenile Justice Profile." 2024. https://ojjdp.ojp.gov/statistical-briefing-book/special_topics/state-juvenile-justice-profiles.

Sources for Pages 18 (cont'd) - 23

Page 18 cont'd:

- Third bullet: Vermont Intelligence Center (VIC), "[Vermont Juvenile Offender & Victim Statistics](#)," September 13, 2024, p. 4.
- Fourth bullet: OCYFA analysis of DCF data, 2024. See also Miriam Aroni Krinsky, "Disrupting the Pathway from Foster Care to the Justice System—A Former Prosecutor's Perspectives on Reform," 48 Fam. Ct. Rev. 322, 325 (2010), citing J.P. Ryan & M.F. Testa, "Child Maltreatment and Juvenile Delinquency: Investigating the Role of Placement and Placement Instability," 27 Child & Youth Serv. Rev. 227, 230 (2005).
- Last bullet: Vermont Agency of Human Services, "[Report on Act 201 Implementation Plan Report & Recommendations](#)," 2019. See also Columbia Justice Lab (Lael Chester and Maria León), "[Update on the Implementation of Vermont's 'Raise the Age' Law](#)," February 2024.

Page 19:

- Second bullet and chart: Justice Policy Institute, [Sticker Shock: Calculating the Full Price Tag for Youth Incarceration](#), 2014; Justice Policy Institute, [Sticker Shock 2020: The Cost of Youth Incarceration](#). Estimate includes rate of inflation.
- Third bullet: OCYFA analysis of data obtained from Vermont Department of Corrections, point in time count, 2024. For nationwide racial disparities, see Sentencing Project (Joshua Rovner), "[Youth Incarceration by the Numbers](#)," August 14, 2024, Figure 3.
- Fourth bullet: OCYFA analysis of Red Clover contract.
- Last bullet: OCYFA estimate based on analysis of Vermont and national figures and available GMYC information.

Page 20:

- First bullet: Alan J. Keays, "[State to pay \\$4.5M to settle lawsuit over 'conscience-shocking' use of force at Woodside juvenile facility](#)," VT Digger, February 15, 2023.
- Third bullet: Department of Justice, correspondence with Vermont DCF, 2016. See also, Department of Justice, [Olmstead Letter to Maine](#), 2022.
- Last bullet, see United States Department of Justice, Civil Rights Division, "[Olmstead: Community Integration for Everyone](#)," 33 V.S.A. § 5291(a) (requiring, inter alia, that a court "shall not order placement in a secure facility without a recommendation from the Department that placement in a secure facility is necessary"). See also, Department of Justice, [Olmstead Letter to Maine](#), 2022.
- First recommendation, see Vermont Agency of Human Services, "[Report on Act 201 Implementation Plan Report & Recommendations](#)," 2019. See also Council for a Strong America, "[Costly, punitive juvenile justice approaches undermine healthy adolescent development](#)," June 20, 2024, pp. 6-8.

Page 21:

- Quote in blue from United States Children's Bureau, [Foster Care Legal Representation Final Rule](#), 45 CFR Part 1356, May 10, 2024 (internal citations omitted).
- First, third, and fourth bullets: United States Children's Bureau, [Foster Care Legal Representation Final Rule](#), 45 CFR Part 1356, May 10, 2024; NACC, "[Leveraging Title IV-E To Advance High-Quality Legal Representation & Training](#)," 2024.
- Calculation in fifth bullet by OCYFA based on: Children's Bureau, [Foster Care Legal Representation Final Rule](#), 45 CFR Part 1356, May 10, 2024. Calculation based on the following: Total children in foster care legal system: 921 (in care) + 438 (CCO) = 1359 x Vermont penetration rate .5675 x average program "participation rate" (accounting for admin overhead) .8 x average national drawdown per child \$2,837 = \$ 1,750,389.28.

Page 22:

- Chart and second bullet based on OCYFA analysis of DCF data, including CB-496 reports.
- First bullet: DCF, "[Family First Prevention Services Act \(FFPSA\): Overview of Federal Legislation](#)," January 28, 2021, p. 5.
- Third bullet: Vermont State Interagency Team, "[Vermont System of Care Report 2024](#)," p. 13.
- Fourth bullet: \$ 700,000 figure is \$ 175,000 quarterly number multiplied by four quarters.

Page 23:

- Quote in blue box: Jennifer Pahlka, "[Recoding America: Why Government Is Failing in the Digital Age and How We Can Do Better](#)," 2023, p. 116.
- Quote in green box: Personal communications between Waldo Jaquith (USDR) and OCYFA.

childadvocate.vermont.gov / OCYFA@vermont.gov / 802-828-2828 (intake voicemail) / 802-312-1010 (text)

Sources for Pages 23 (cont'd) - 26

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- Chart courtesy of USDR, 18F/GSA. Data from Standish Group. See also Brookings (Niam Yaraghi), "[Doomed: Challenges and solutions to government IT projects](#)," August 25, 2015.
- First bullet: [OCYFA 2023 Annual Report](#), pp. 46-61; For funds allocated to CCWIS, see Vermont General Assembly, [Act 113 of 2024](#) (the "Big Bill"), p. 98 and 154.
- Second bullet: \$ 15.6M is comprised of approximately \$ 3M of protected carryforward money, \$ 1.8M in unprotected carryforward money, \$ 3M from tobacco settlement allocated by Act 113 of 2024 (see above), for a total of \$ 7.8M, which would generate the same amount in matching funds, for a total of \$ 15.6 million. Personal communication with DCF, 2024.

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- Sub-bullet recommendations by OCYFA and USDR after extensive analysis of DCF systems. See also Todd Feathers, "[Judge Rules \\$400 Million Algorithmic System Illegally Denied Thousands of People's Medicaid Benefits](#)," August 29, 2024, Gizmodo.

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- Quote in blue box: Anne Ward, February 12, 2019 press conference to announce [H.215 of 2019](#). See also Riley Robinson, "[Advocates who demanded greater DCF oversight win new independent office](#)," VTDigger, May 25, 2022.