

Youth Placement Out-of-State

Presentation to Joint Legislative Justice Oversight Committee

Presented by:

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Youth Currently in Residential Placement

Location	Child In Need of Supervision CHINS (Non-Delinquent)	Child in Custody-Adjudicated Delinquent	Total # of Youth
In-State	50	5	55
Out-of-State	50	14	64
Total	100	19	119

Transition to Out-of-State Placement

Policy and Process

- The Interstate Compact on the Placement of Children (ICPC) regulates the placement of *all* child welfare-involved and domestic private adoption placements of children across state lines. 33 V.S.A. 5901 to 5927.
- ICPC applies to foster care, kinship care (which is always licensed in Vermont, but not always in other states), parental care, conditional custody orders, residential care, and adoption (private and public).

ICPC Residential Placements

- The placement of children in out of state residential placement applies to DCF, DMH, DAIL, AOE and private parents who are not involved with any system.
- ICPC approval is required prior to the placement of that child in an out of state residential program.
- Hospitals and psychiatric facilities are not considered residential placements and are therefore exempt from the compact.

ICPC Continued...

- Adjudicated delinquents require the court to order the out of state residential placement which includes placement at Sununu. These youth cannot waive their hearing.
- Children/Youth who are non-delinquents can waive their right to a hearing provided the child/youth (if is over age 10), their attorney and GAL all agree to the out of state placement in a residential program. If they all sign the waiver, then the out of state placement in a residential program can be placed as soon as there is an open bed in the program.
 - If the child/youth, child's attorney, or GAL object to the OOS placement, then a hearing is required, and the judge must order the placement.
 - The right of this hearing is to the child/youth, the parent only has a right to notice (see Supreme Court Ruling in re A.K. No. 88-441 Jan. 12, 1990).

What is ICJ?

The Interstate Compact for Juveniles (ICJ) is the law that regulates the interstate movement of juveniles who are under court supervision or have run away to another state.

The Compact provides requirements for supervision and return of juveniles who:

- are on probation, parole, or other supervision, or have escaped to another state;
- have run away from home and left their state of residence;
- have been accused of an offense in another state.

Out of State Runaways

- Youth who are out of state runaways who are a danger to themselves, or others can be placed in secure detention even if they are not an adjudicated delinquent.
- Youth who have warrants in other states, we are required to place them in secure settings while we go through the ICJ return process.
- Under ICJ there is not a requirement of a court order for the placement at Sununu.

Secure Residential Placement Juvenile Justice Services Sununu Youth Services, New Hampshire

- Six out-of-state youth through ICJ have been placed at Sununu since Woodside closed.
- One Vermont youth in DCF custody, Adjudicated Delinquent, has been placed at Sununu for treatment.