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**Report to  
The Vermont Legislature**

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**PRELIMINARY REPORT ON SECURE PLACEMENTS  
In Accordance with Act 160 Section 18 (b)**

**Submitted to:           Joint Legislative Justice Oversight Committee**

**Submitted by:           Sean Brown, Commissioner  
Department for Children and Families**

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**Report Date:           July 1, 2022**



In accordance with Act 160, Section 18, subsection (b) “on or before July 1, 2022, the Department for Children and Families shall file a preliminary report to the Joint Legislative Justice Oversight Committee describing the progress made toward completion of the plans required by subsections (a) and (c) of this section.”

The Department for Children and Families (Department) is committed to serving youth within a system that supports their success, including supporting staff with the tools and training they need to serve youth in care and custody of the Department. The current system is operating at reduced capacity due to continued pandemic-related staffing shortages. The State continues to work to enhance and expand its community-based services, and the Department seeks to provide holistic, trauma-responsive, and developmentally appropriate services to justice-involved youth in their home state.

The Department is unique in that the Department serves both child welfare and justice-involved youth. Though the Department serves these youth in a variety of placement, treatment, and transitional housing settings, the Department has identified three populations who may require housing in a secure setting:

- Youth over the age of 18 who are subject to delinquency and youthful offender proceedings
- Youth under the age of 18 who are subject to delinquency and youthful offender proceedings
- Youth under the age of full criminal responsibility who are subject to criminal proceedings

In this preliminary report, the Department outlines the existing system and current progress to support Vermont youth, details of the specific services needed to stabilize the system of care, and partner engagement.

### **Existing System of Care**

The pandemic has stressed the system of care in Vermont. Statewide capacity is currently running at 64% of current licensed capacity. When compared with pre-pandemic levels, the system is running at 58% of previously contracted capacity. Treatment programs for youth have been operating at a diminished capacity or have had to suspend services altogether due to the difficulty in hiring staff. The lack of workforce causes a negative effect on the availability of services at all levels of the system, including community-based care, foster care, and residential treatment facilities. This staffing crisis has further hindered the ability to establish new treatment facilities—secure or otherwise.

In the short term, the Department continues to make concrete, targeted efforts to stabilize Vermont's system of care, including:

- Working to establish an interim in-state secure setting to stabilize youth in behavioral health crisis.
- Providing substantial emergency relief funding to residential programs in Vermont to support ongoing services for youth in need of an intensive level of care.
- Increasing ongoing rates for Vermont programs and service providers.
- Providing and funding health care traveling staff to fortify the most critical residential treatment and stabilization programs.

The Department will continue to support and stabilize residential treatment programs for serving children and youth in its custody who need this level of care. Initiatives such as those described above have proven crucial to stemming further erosion of the system of care.

## **Programs in Development**

### **Summit Transition House- Newbury, VT**

In November 2020, the Legislature unanimously voted to approve the Department's proposal to contract with the Becket organization to provide holistic, trauma-responsive, and developmentally appropriate services to justice-involved youth. Becket operated a 12-bed assessment center at the Newbury site from 2014 to 2020. The proposed project will house 6 youth, offering secure, short-term, trauma-informed treatment for youth to establish safety and stabilization. The Department held a series of public meetings, responded to community members' written questions, met one-on-one with community members, and adjusted the plan for the program based on that feedback where possible. The facility requires two permits – an Act 250 permit approved by the Environmental Commission, and a zoning permit from the Town of Newbury. The District 3 Environmental Commission issued a Land Use Permit Amendment for the property in January, which was not appealed. The Town's Development Review Board denied the zoning application, and the State appealed that decision to the Environmental Division of the Vermont Superior Court. That case is currently pending.

### **Windham Facility**

The Department has been working with the Windham County Sheriff Department and a member of the Department's provider network to develop two programs: one, a Sheriff-managed, non-licensed space, and the second a staff-secure, licensed, two bed program that can safely accommodate the needs of youth in crisis. The Windham County Sheriff Department purchased the building in February and partnered with the Department on the planning and programming for the space. The non-licensed program will be utilized for very short-term transitional purposes, pending placement. The licensed program will primarily serve youth with more acute mental health needs. The facility is expected to be running late summer of 2022, an update will be provided in the December report to the Legislature.

## **Planning for a Secure Stabilization Program**

To support the populations identified at the beginning of the preliminary report<sup>1</sup>, the Department needs architecturally-secure treatment facilities for youth and emerging adults. Having a facility can address immediate legal, youth safety, and public safety needs.

Research and outcome measures show that a correctional model does not meet the treatment needs of juvenile justice-involved youth. Consistent with national reform efforts, Vermont has chosen to do better by moving away from that outdated model and environment. This is aligned with the Department's and State's policy goals to move away from a detention and correctional based system for youth to a community-based residential treatment program that connects youth to age-appropriate services.

National examples point to programs developing and using a wide network of community-based providers. Youth who are justice-involved may have other needs that can met by or coordinated with partner organizations, such as mental health providers, substance use treatment specialists, and developmental services.

The residential system of care is just one system impacted by the pandemic. Many providers along the continuum of care face unprecedented challenges. Moreover, systemic barriers that existed before the COVID-19 crisis have become magnified during the pandemic. There has been an increase in funding

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<sup>1</sup> Youth over the age of 18 who are subject to delinquency and youthful offender proceedings; Youth under the age of 18 who are subject to delinquency and youthful offender proceedings; and Youth under the age of full criminal responsibility who are subject to criminal proceedings

due to federal and state action in response to the COVID-19 pandemic, yet there needs to be longer-term solutions for supporting adaptability in the system, including but not limited to a concerted effort to support the staffing needs within health and human services, specifically in residential treatment settings. In addition, the State and communities face obstacles to siting and supporting new facilities. To address the needs of each youth, the solutions are not limited to the Department. Addressing identified challenges across State agencies, delivery models, and throughout partner organizations will be imperative to the success of youth in treatment programs, and the sustainability of that success along community pathways.

### **Partner Engagement to Address Secure Stabilization**

Juvenile Jurisdiction Stakeholders Group (JJSG) was created in 2016 to coordinate collaboration between State, Judiciary, and community partners. The Department convenes at least monthly meetings with JJSG and has already engaged in discussions with that group on secure programs that can fully meet the needs of all three identified populations. JJSG includes representation from the Department of Corrections, the Office of the Defender General, the Department for State's Attorneys and Sheriffs, the Judiciary, and Vermont Center for Crime Victim Services.

In discussion of the creation of the plan, the stakeholders group made recommendations to solicit feedback from the following perspectives: Youth with lived experience; Local State's Attorneys; Local Sheriffs; Courts; and Program Providers. The Department will collaborate with the Department of Corrections and Buildings and General Services. The Department will work with partners to further develop a system of shared values and principles that puts youth first.

In conclusion, in the next five months the Department for Children and Families will continue to move forward in developing holistic residential treatment facilities to best serve justice-involved Vermont youth. Progress in sustaining and building the system of care will occur through partnership with organizations with solutions-oriented approaches and realistic understanding of the barriers to overcome. The Department will prepare the plans outlined in Act 160 with prioritization of youth needs, the urgency of sustaining the system of care including staff safety, and the responsibility of improving the system for better outcomes for young Vermonters.