 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 1 of 8
Approved:	Aryka Radke, Deputy Commissioner	Effective: 10/14/2024

Purpose

To describe the criteria and mechanisms by which youth can be admitted and receive treatment at the Red Clover Treatment Program in Middlesex, Vermont. The Red Clover Treatment Program serves youth in DCF custody with a pending or adjudicated delinquency or youthful offender case. The Red Clover Treatment Program is a secure program; therefore, youth must receive due process to be admitted.

Table of Contents

Purpose.....	1
Table of Contents.....	1
Related Policies	1
Definitions	1
Policy	2
Overview of Admission Options.....	2
Pre-disposition Admission by Order of the Juvenile Court	2
Pre-disposition Procedural Protections and Considerations.....	3
Administrative Admissions	4
8-Day Due Process Hearing.....	5
Second Level Administrative Due Process Review	7
Administrative Placement beyond Sixty (60) Days	8

Related Policies

[Family Services Policy 160: Supporting Adolescents in DCF Custody](#)

[Family Services Policy 162: Juvenile Probation](#)

[Family Services Policy 163: Victim Notification](#)


[Family Services Policy 164: Youthful Offender Status](#)

Definitions

Placement Review Team: A multi-disciplinary team that reviews cases twice monthly. Membership may include the Red Clover Clinical Director and Operations Director, DCF-FSD Specialized Services Manager or designee, and DCF Clinical Director.

Secure Treatment: Treatment in a locked residential program.

Short-Term Status: The status of the youth placed at the Red Clover Treatment Program until another placement option is appropriate and available.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 2 of 8

Specialized Services Unit: A team/unit based in the DCF-FSD central office made up of a Specialized Services Manager and Client Placement Specialists, who work to identify and approve all residential and emergency placements for youth in DCF custody who need high-end services.

Policy

The Red Clover Treatment Program serves youth who are exhibiting harm to self, others, or property; who require secure treatment intervention; and who are in DCF custody with a pending or adjudicated delinquency, or a youthful offender case.

Overview of Admission Options

The Red Clover Treatment Program is designed to be a short-term four-bed residential stabilization program. Only youth ages 12-17 may be admitted into the program. Continued placement of a 12-year-old youth requires approval by the Family Services Deputy Commissioner or designee within one (1) business day following admission.


Youth may be admitted to the program in the following ways:

- By the Family Division of the Superior Court at any point prior to the disposition of a youth’s delinquency case;
- Pursuant to the [Interstate Compact for Juveniles \(ICJ\)](#), a probation violation, or a criminal court order; or
- By the DCF administrative process at any point following disposition of the youth’s case.

Pre-disposition Admission by Order of the Juvenile Court

Youth in the pre-disposition phase of juvenile delinquency proceedings may only be admitted to the Red Clover Treatment Program by court order and a DCF recommendation that such placement is necessary. If the youth has not been adjudicated delinquent, DCF must have verification that the court has ordered the youth into the program before the youth is placed. The assigned family services worker (FSW) must request a copy of the court order by the next business day.

Before ordering Red Clover Treatment Program placement, courts must have a recommendation from DCF that secure placement is necessary. The Specialized Services Unit (SSU) staff, in consultation with the district office, will make the determination whether secure placement is necessary. Central Intake and Emergency Services (CIES) supervisory staff will make this determination after normal business hours. The DCF [Recommendation for Court-Ordered Secure Placement Form \(FS-167\)](#) must be completed and submitted to the court by the FSW.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 3 of 8

Because the court order must include findings that no other suitable placement is available, and that the youth presents a risk of harm to self, others, or property, the DCF [Recommendation for Court-Ordered Secure Placement form \(FS-167\)](#) must address these specific findings.

In the event the court has not sought DCF approval for the placement prior to executing its order or does not honor DCF’s position, DCF must nevertheless take appropriate steps to try to comply with the order. If compliance is impossible due to lack of beds, DCF staff shall engage with their Youth Justice Assistant Attorney General to determine the appropriate legal steps. After normal work hours or when the Assistant Attorney General is otherwise unavailable, staff use their professional discretion to take steps in the best interest of the ordered youth and the youth already placed at the Red Clover Treatment Program. DCF staff have discretion to move youth consistent with DCF’s legal authority and the safety needs of each youth.

DCF staff may, but are not required to, move youth out of the Red Clover in the event of a new order when the beds are already full. If DCF staff determine that no youth already in Red Clover is ready to be removed, they shall consult with their Youth Justice AAG, or designee, as soon as possible to obtain necessary judicial relief or to take other appropriate steps.

It is the goal of the Department to provide youth needing treatment with the least secure option available that meets the youth’s needs. Pursuant to [33 V.S.A. § 5291\(a\)](#), DCF may move a youth that has been ordered to receive secure treatment to a less restrictive setting at any time as the youth’s needs require and placement options are available. This option is applicable when:


- The youth’s needs have changed; or
- Other more appropriate treatment or placement options become available.

Using the [Notification of Placement Change form \(FS-167b\)](#), the FSW must notify the court and all parties to the case by filing the form within three (3) business days of the youth being moved to another setting.

Pre-disposition Procedural Protections and Considerations

When the court places a youth in a secure placement, the court must adhere to the following procedural timelines, as outlined in [33 V.S.A. § 5291](#). These procedural timelines only apply while the youth is in secure placement:

- The merits hearing on the delinquency charge must be held within 45 days of the preliminary hearing for youth placed in secure treatment. Absent good cause, as

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 4 of 8

determined by the court, the merits hearing must be held and adjudicated no later than 45 days after the preliminary hearing, or the petition is dismissed.

- If the court finds good cause to extend the merits findings beyond 45 days, the court is required to review continued secure treatment placement on day 45.
- If the petition is dismissed, any orders stemming from that petition for placement and/or custody will also be vacated for that docket. However, if the youth remains in DCF custody because of a previous delinquency adjudication in a different docket, then the youth can stay at Red Clover if DCF follows the Post-Disposition Administrative Admissions section of this policy. The timeframe for the due process procedure begins at the time of the administrative admission.
- If the youth remains in a secure placement following the merits hearing, within 35 days of the merits adjudication, courts are required to:
 - Hold the disposition hearing, or
 - Hold a hearing to review the continued secure placement.
- The original secure-placement court order, and any other court order continuing secure placement before disposition, may be appealed by the youth, who is entitled to a second evidentiary hearing in front of a different judge appointed by the Vermont Supreme Court.


Administrative Admissions

After a disposition order is issued in a juvenile delinquency or youthful offender case, only DCF may place a child in its custody into secure treatment. Specialized Services Unit staff, in consultation with the district office, shall determine whether secure treatment is necessary. CIES supervisory staff will make this determination after normal business hours.

Other administrative placements include:

- Youth not in DCF custody, but on juvenile probation detention status (FS-316), as described in [Policy 162: Juvenile Probation](#). Due process is afforded through the court.
- Youth on juvenile probation or parole or in the custody of another state as a delinquent but being supervised in Vermont pursuant to the [Interstate Compact for Juveniles \(ICJ\)](#).
- A runaway youth from out of state, pursuant to the [Interstate Compact for Juveniles \(ICJ\)](#).
- A Criminal Division of the Superior Court placement which may mandate secure placement and provide due process.

With the exception of youth placed through the ICJ or Probation Detention Status (FS-316), DCF cannot admit youth to Red Clover in the absence of an order for DCF custody,

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 5 of 8

including those ordered placed by the Criminal Division of the Superior Court. See 33 VSA 5291(a).

DCF staff may, but are not required to, move youth out of Red Clover in the event of a new administrative placement required by the ICJ or the Criminal Division of the Superior Court when the beds are already full. If staff determine that no youth already in Red Clover is ready to be removed, DCF staff shall consult with their Youth Justice AAG as soon as possible to obtain necessary judicial relief or to take other appropriate steps. When a youth is placed at the Program pursuant to the Interstate Compact on Juveniles, the Compact Administrator must be informed as soon as possible and will participate in all future placement decisions. Such youth are not eligible for either internal or external due process review of the placement.

When seeking admission of a delinquent youth on juvenile probation detention status ([FS-316](#)), the written probation complaint must be reviewed by the Family Services Client Placement Specialist or CIES Supervisor for administrative placement approval to the Red Clover Treatment Program. The written violation of probation must be provided to Red Clover Treatment Program prior to admission. The FSW must file the violation of probation form with the court and the court must have a hearing on the matter no later than the next business day. See 33 VSA 5265-5267. The FSW will ensure that the youth is available to participate in the court hearing.

8-Day Due Process Hearing

DCF must hold an administrative hearing, known as the 8-Day Due Process Hearing for a youth and provide certain legal protections when all of the following elements exist:


- The youth is already in DCF custody;
- DCF chose to place a youth at Red Clover Treatment Program;
- The youth was adjudicated delinquent at any time in the past;
- DCF seeks to keep the youth in the Program beyond 8 days; and
- There is no current court order placing the youth in a secure facility.

An administrative hearing must be held in these circumstances, even if new delinquency charges are filed. If all of these conditions exist, then DCF must follow all of the following rules:

- DCF must hold a hearing within eight (8) days of placement, unless the hearing officer permits an extension of no more than three days because:
 - All the parties agree to the extension; or
 - A witness is unavailable.

Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 6 of 8

- A hearing may be canceled by the 8th day if the youth is discharged from the Program or if the youth and the youth's attorney both agree to waive the hearing. A waiver shall be considered a stipulation to all the criteria needed for placement at Red Clover Treatment Program beyond the 8th day. If this occurs the hearing officer will complete the [Red Clover 8 Day Hearing Decision Form \(FS-167c\)](#) within three (3) business days indicating that there was an agreement to waive the hearing and allow continued placement.
- DCF must discharge the youth from the Program if a hearing does not begin within eight (8) days of the youth's placement in the program and an extension has not been provided by the hearing officer.
- The hearing officer must record the audio of all hearings and store the recordings at DCF Central Office for at least one year.
- DCF must assign a contracted, independent hearing officer to conduct the hearing and issue a decision.
- All of the following people may participate in the hearing:
 - Youth and their attorney
 - Youth's FSW or designee
 - Client Placement Specialist or designee
 - Assigned Assistant Attorney General
 - Hearing officer/back Up hearing officer
- DCF must provide notice to the youth and their attorney at least 24 hours before the hearing or by noon on the seventh day following placement, whichever is earlier. DCF must use the [Red Clover Treatment Program 8-Day Hearing Tool Form \(FS-167a\)](#) to provide notice, which must:
 - Describe the reason the youth's immediate placement in the Red Clover Treatment Program is necessary;
 - Provide a summary of the risk presented by the youth as well as any supporting documentation; and
 - Provide a summary of other appropriate, less restrictive placements and their availability.
- The primary focus of the hearing must be the youth's immediate need for continued placement at the Red Clover Treatment Program. The Department has the burden to prove, by a preponderance of the evidence, that the youth currently presents a risk of injury to themselves, to others, or to property, and that there is no other appropriate, less restrictive placement available on the day of the hearing.
- The Assistant Attorney General must present one or more witnesses to virtually testify, subject to examination by the youth's attorney, about the immediate need for the youth's placement at Red Clover Treatment Program, unless this requirement is waived by the youth's attorney. If a witness is unavailable, the hearing officer may extend the hearing up to three days to allow for the witness to testify.


 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		167
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 7 of 8

- The hearing officer may admit hearsay evidence, and the hearing officer may receive hearsay evidence before determining whether to admit it.
- If the hearing officer determines at the end of the hearing that certain documents are necessary to make a decision, one of the parties must submit these documents to the hearing officer before the end of the following business day after the hearing, at which time, the record shall be closed.
- The hearing officer shall complete the [Red Clover 8 Day Hearing Decision Form \(FS-167c\)](#) within three (3) business days of the close of the record.
- The youth shall remain at the Red Clover Treatment Program until a decision has been made by the hearing officer.
- If the hearing officer finds the Department did not meet its burden and does not state a timeframe for discharge in the [Red Clover 8 Day Hearing Decision Form \(FS-167c\)](#) then the youth must be discharged by the 8th day after their arrival. The Red Clover Treatment Program must provide all necessary case management and treatment services during this period after the decision is made to assist the youth in transitioning to an appropriate level of care.
- If the hearing officer finds the Department met its burden, the hearing officer may schedule periodic reviews of the youth’s continued placement in the Program, at the hearing officer’s discretion.

Second Level Administrative Due Process Review

After the 8-day hearing, if the hearing officer issues a written decision allowing for DCF to continue the youth’s placement in the Red Clover Treatment Program, then the youth may request a second hearing in front of another hearing officer within five (5) business days after receiving the written decision. If the youth does not request a second hearing during this time, then no other due process review is required while the youth remain in the Program. DCF must follow all of these rules for the second hearing:

- A hearing should be held within ten (10) business days of the request, unless the hearing officer permits an extension because:
 - All the parties agree to the extension; or
 - A witness is unavailable.
- The second hearing may be canceled any time before the hearing if the youth is discharged from the Program or if the youth and the youth’s attorney both withdraw the request for the second hearing. If the request is withdrawn, no further hearings shall be held.
- The hearing will be held virtually. DCF will send out the Teams invitation to all participants at least 24 hours prior to the hearing.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>167</h1>
Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	The Red Clover Treatment Program	Page 8 of 8

- The Hearing Officer must record the audio of all hearings and store the recordings at DCF Central Office for at least one year and then stored pursuant to DCF’s retention policies.
- The FSW must provide a copy of the same 8-day hearing packet that was reviewed at the initial hearing to the second hearing officer at least five (5) business days before the scheduled hearing.
- The primary focus of the hearing must be the youth’s immediate need for continued placement at Red Clover Treatment Program. The Department has the burden of proving, by a preponderance of the evidence, that the youth currently presents a risk of injury to themselves, to others, or to property, and that there is no other appropriate, less restrictive placement available.
- The hearing officer may admit hearsay evidence, and the hearing officer may receive hearsay evidence before determining whether to admit it.
- The hearing officer should issue a written decision within five (5) business days after the hearing.
- If the hearing officer finds that the Department did not meet its burden, and does not provide a date for discharge, the Red Clover Treatment Program must discharge the youth by the next business day. The Red Clover Treatment Program must provide all necessary case management and treatment services during this period after the decision is made to assist the youth in transitioning to an appropriate level of care.
- The second level due process hearing exhausts all administrative remedies.

Administrative Placement beyond Sixty (60) Days

Youth placed by DCF post disposition may remain in the Red Clover Treatment Program beyond 60 days ONLY with approval of the Family Services Deputy Commissioner or designee. If DCF plans to keep the youth in the Program beyond 60 days, then the FSW must first complete the [Authorization to Continue Placement at Red Clover Beyond Sixty \(60\) Days form \(FS-167d\)](#). This form must document the following: the efforts made to secure an alternative, appropriate, less-secure placement; the discharge plan; and the anticipated discharge date. After completing the form, the FSW must then obtain the signature of the District Director, who then forwards the authorization form to the Family Services Deputy Commissioner or designee. The Family Services Deputy Commissioner or designee must sign and approve the Authorization form by the 60th day, or the youth must be discharged by the 60th day.