

Vermont Citizens Advisory Board

to the

Department for Children and Families Family Services Division

2017 - 2018 Report

July 1, 2017 – June 30, 2018

Background

- The *Child Protection Advisory Board* was established by DCF Family Services (then SRS) in 1998 per the federal Child Abuse Prevention and Treatment Act (CAPTA), continued under the CAPTA Reauthorization Act of 2010.
- In December of 2004, the Board adopted Bylaws and was renamed the *Vermont Citizen's Advisory Board* (VCAB).
- VCAB meets quarterly regarding a variety of issues related to child protection, to review and improve Vermont's child welfare system.

Members (2017-2018)

Sally Borden – KidSafe Collaborative; *Co-chair*

Hon. Edward Cashman – Judge (ret.); *Co-Chair 2017*

Debra Taylor, PhD – Greater Rutland Supervisory Union; *Co-Chair 2018*

Elizabeth Barker – Harford School District (alt.)

Rev. Stephen G. Berry – Foster/Adoptive Parent, Pastor

Lt. Lance Burnham – Vermont State Police

Shirley Carlson - Franklin Northeast Supervisory Union

Kimberly Ann Coe – Foster parent

Tom Fontana – University of Vermont, Center for Health and Wellbeing

Lynn Granger - Kinship Care Provider

Joseph Hagan, M.D. - Pediatrician

Linda Johnson - Prevent Child Abuse Vermont

Patiance Johnson – Community Member/Parent

Sally Kerschner – Vermont Health Department

Raenetta Liberty/Tracey Wagner (alt.) – UVM Medical Center, Forensic Nursing

Wendy Loomis – Vermont Children's Alliance

Sarah Lowell – Community Member/Parent

Patrick Malone – UVM Emergency Services; Child Fatality Review

Karyn Patno, M.D. - Pediatrician

Michele Olvera – VT Network Against Domestic and Sexual Violence

Sgt. Edward Soychak – South Burlington Police Department

DCF Staff:

Ken Schatz – DCF Commissioner

Karen Shea – Deputy Commissioner, Family Services Division

Priscilla White – Child Victim Treatment Director

Luciana DiRuocco – Executive Assistant

FY 2018 Board Meetings

Vermont Citizens Advisory Board held four meetings in FY 2017-18 (July 1, 2017 – June 30, 2018):

September 6, 2017
December 6, 2017
March 7, 2018
June 6, 2018

VCAB Operations and Leadership

VCAB Co-Chairs serve two year terms, with elections scheduled biannually in March.

Following the resignation of long-time VCAB Chair Dr. Joseph F. Hagan, Jr., who served in this role since the first VCAB meeting in September 1998, Retired Judge Edward Cashman was elected Co-Chair in March 2017, along with continuing Co-Chair Sally Borden, and served until November 2017. Nominations to fill the Co-Chair vacancy were opened in December 2017, and in March 2018 Dr. Debra Taylor, Superintendent of Greater Rutland Unified School District, was elected Co-Chair.

Board members whose two-year terms expired in March 2018 were re-elected. New members added during the 2017-18 year: Tracey Wagner, Forensic Nurse (alt.); Wendy Loomis, Executive Director Vermont Children's Alliance replacing Jennifer Poehlman.

VCAB is empaneled under the provisions of 33VSA4917. (Re)empanelment was submitted and authorized October 1, 2017.

In May, 2018, a VCAB webpage was established on the DCF website, in order to provide the public with more information about and access to VCAB. <https://dcf.vermont.gov/boards-councils/VCAB>

Key issues and actions:

Policy and Practice

- *Normalcy and the Reasonable and Prudent Parent Standard (RPPS):* VCAB reviewed and provided feedback on the proposed Policy 75, regarding foster parent/kinship placement checklists, safety concerns, and normalcy, and Policy 160 on supporting adolescents in custody, along with the guidance documents and checklists accompanying the policies developed with the Foster Parent Workgroup.
- *Substance Exposed Newborns:* The recent Comprehensive Addiction and Recovery Act (CARA) amendment to CAPTA required health care providers for newborns who test positive for substances to notify their child welfare agency. VCAB reviewed the proposed implementation for notification to DCF, as separate from a child abuse report to DCF, and the development of "Plans of Safe Care," created by DCF in partnership with the Vermont Department of Health, UVM Children's Hospital and KidSafe Collaborative, effective November 1, 2017. .
Action note: at the June, 2017 meeting, VCAB unanimously voted to endorse DCF's approach to CARA. VCAB congratulated DCF for this response **fosters a non-punitive** approach.
- *Sexual Assault Protocol:* to address sexual assault between peers, and creates more trauma and victim aware options for later teen victims.
Action: VCAB supported members continuing to work on this with DCF staff.

- *Gun Violence:* Following the Parkland school shooting and the school violence threat in Fair Haven Vermont, VCAB invited Department of Mental Health (DMH) Commissioner Melissa Bailey to discuss the intersection of child protection and mental health. *Agreed:*
 - Importance of encouraging treatment without adding to stigma. See handout from DMH website: “*Understanding Mental Health in Relation to School Violence.*”
 - Commend youth advocacy and leadership. Regardless of views on gun laws, Governor’s support for proposed legislation, it’s important to support youth voices.
 - Governor’s Executive Order created a workgroup to look at school violence. Family Services is working on policies and procedures, information, and listening sessions for youth around peer violence. Coordination with the Agency of Education is critical.
 - Coordinated Service Plan (Act 264) and empaneled multidisciplinary teams are useful tools and provide a beneficial approach.
- *Foster Care:* Reviewed policies: 220, 220A, 221, 222, and 77. Numerous revisions to licensing, foster care application, license revocation, training, etc., while looking at safety, permanence, and well-being.
 - Currently 40 percent of foster placements are with kin. This has created a new dynamic: increasing numbers seek to foster for a specific child instead of any child.
 - **Action:** VCAB will continue to review proposed policy changes regarding foster care licensing and oversight. Application Question #7 should say immunizations/vaccines
- *Federal Child and Family Safety Review* compliance, issues addressed in our Program Improvement Plan (PIP). Five items relate to staff engagement: Getting out to meet with families on a regular basis. These include custody and, even moreso, in-home cases. This relates to our ongoing discussion regarding staff workload. Other issues include permanency, court process; quality improvement for Central Intake/Emergency Services Unit.

Action: Future VCAB meeting: do an in-depth review of the front-end work: What are the barriers to initiating investigations? What are the steps after intake? Continue workload review.

Action: VCAB members are encouraged to participate as case reviewers.
- *Families First Prevention Services Act:* numerous requirements including DCF needs to look at residential/group care non-family setting and changes access to funding. Implementation: 2019.
- *Judicial Commission on Family Treatment Dockets:* Commissioner Schatz and Deputy Commissioner Shea serve on this Commission which is looking at the benefits and options around family treatment courts.

Continuum of Care

Prevention

- *Mandated Reporter Training:* the on-line training has been accessed by 16,000 people since it was launched in April 2016.

Intervention

- *ChildSafe Clinic:*
 - Dr. Hagan reported steady referrals, and increase in consultation calls from DCF Family Services especially pursuant to Policy 68 “serious physical injury” cases.

- A full-time *Board Certified Child Abuse Pediatrician* will be hired by the University of Vermont Children's Hospital, through collaborative funding with DCF and the Vermont Health Department. Once on board, they will be invited to join VCAB.
- *Child Fatality Review Team*:
 - See Legislative Issues below
 - The long-time CFRT convener stepped down; the team is in the process of updating its operating guidelines, leadership, data collection and staff support.
- *Centralized Intake*: VCAB received information from DCF that there has been a decrease in abandoned calls at the Call Center and a decrease in wait times.
- *Serious physical injury cases* are **now** reviewed by Family Services' Central Office to see if the case plan should be immediate termination of parental rights or some other option.

Treatment

- *Woodside*: VCAB reviewed the continued funding concern for Woodside, following the loss of Medicaid funding. The facility and operations are temporarily funded through the General Fund, as DCF works with the Centers for Medicare and Medicaid Services (CMS) on reinstatement. The Woodside population decreased significantly, while a greater emphasis on treatment continues.

Caseload/Workload

- VCAB received caseload and workload statistics at each meeting, and discussed the continuing concern about exceedingly high workload. This impacts district capacity and Family Services Workers' ability to carry out their work effectively.
 - Conditional Custody Orders (CCO) have increased. In order to assess Family Services' court-involved casework, need to add custody cases and CCO's: 1,900 cases.
 - The numbers for children in custody have remained consistent or declined. Sept 2017: over the past six months, average 1,303 children in custody.
 - Opioids: this has brought an increase of children from the ages of 0-5 into custody. As of March 2017, the number of 0-5 children in custody is 488.
 - Family support cases are not mandated by state statute – these are based on research that shows best practice to avoid further issues down the road.

Action: VCAB wrote a letter to Governor Scott, sent 12/18/17 and cc'd to Agency of Human Services Secretary Al Gobeille and DCF Commissioner Ken Schatz, advocating for increased funding to the Department in order to maintain level Family Services staffing.

Staffing Issues and Trends

- *Safety*: VCAB reviewed DCF's actions to support staff safety, including implementing updates to training, policies, working with building security and law enforcement.

Action: VCAB will continue to review; FSD receives about 15 safety threats per month.

Budget and Legislation

- **State Budget:** VCAB extensively discussed concerns about the budget, the impact of level funding which equates to a funding decrease, and the need for adequate funding for the Family Services Division.
Action: VCAB voted to write a letter to Governor Scott, with a copy to Agency of Human Services Secretary Al Gobeille and DCF Commissioner Ken Schatz, advocating for increased funding to the Department in order to maintain level staffing for the Family Services Division. A letter was drafted, reviewed and approved via email by VCAB members, and sent on December 18, 2017.
- VCAB approved a number of legislative issues and priorities, including:
 - **Human Services Board:** Allows hearsay testimony on behalf of children at appeals hearings for abuse/neglect, to avoid retraumatizing children during these hearings which includes cross-examination by lawyers. In 2016 DCF did not move forward with maintaining 48 substantiations that were appealed, because victims would have had to testify before the Human Services Board.
Action: VCAB voted to approve this initiative by DCF (December 2017)
 - **Child Registry Review Unit:** protects reviewers from liability and so they can be defended by the Attorney General's Office. Reviewer positions were created specifically to not be employees, so they could remain detached and independent – however they have recently been sued and do not have protections.
Action: VCAB voted to approve this initiative by DCF (December 2017)
 - **Foster parents - Normalcy and Reasonable and Prudent Parent Standards:** H589: Reasonable prudent parent standard for foster parents: this creates more normalcy for foster kids and foster parents, and creates immunity from civil liability for foster parents for making these decisions in good faith.
Action: VCAB voted to approve this initiative by DCF (December 2017)
 - **Family Court – Conditional Custody Orders:** Courts are increasingly issuing conditional custody orders (CCOs). CCO cases should move as quickly as DCF custody cases; undue delays impact children and families and present challenges for DCF. DCF is working with the Court Administrator's office on possible procedural changes, rather than legislation, to improve CCO timeframes.
Action: VCAB voted to approve DCF's work on this initiative (December 2017)
- VCAB reviewed and discussed a number of legislative issues and priorities, including:
 - **Child Fatality Review Team** – H.686 will provide CFRT with statutory authority to conduct child death reviews; this is of particular interest to VCAB due to some overlap in the teams' roles, which has largely been addressed by increasing cross-membership.
 - **Youth Justice:** S.234 regarding juvenile jurisdiction now requires 18-19-year-old youth to be charged in family court, not criminal court, for all charges except the "big 12". This will have a potential significant impact on DCF's youth caseload.

Case Review

- VCAB was re-empaneled October 1, 2017 under the provisions of 33VSA4917.
- *Process* – created new process for Case Review meeting notes to be maintained separately from regular meeting notes, to ensure confidentiality.
- **Action needed:**
 - Create a flow chart on how case review decisions will be made between VCAB and CFRT.
 - Determine a standard and process for deciding what types of cases to bring to VCAB from FSD e.g. serious bodily injury, type of case.
- *Summaries of cases reviewed:*
 - Cases from various DCF Districts throughout the state were reviewed.
 - Case summaries were presented to VCAB by the Deputy Commissioner for Family Services.
 - Scenarios varied widely and included:
 - an infant fatality;
 - a voluntary relinquishment which was a positive outcome for a toddler, birth parent, and adoptive parents;
 - a child in out-of-home care who suffered severe accidental injuries; a teen in DCF custody with significant mental health challenges;
 - two successful reunification situations involving children whose parents were able to make marked changes and parent safely.

Key discussion and action points:

- We need systems-wide awareness of vulnerability of young children and unsafe sleep. VT averages six baby deaths per year due to unsafe sleep practices.
- Fatality case will be reviewed more fully by the Child Fatality Review Team.
- Case review needs more information about how the case was presented in court.
- In two cases with positive outcomes, VCAB requested that acknowledgement of the hard work and creativity of the caseworkers in these cases be sent to the Family Services staff involved.

Background: Vermont Citizen Advisory Board

At its first meeting on September 30 1998 Board members determined that VCAB's success will be measured by answering the following questions. These questions have continued to guide us:

- ◆ *Does Board feel informed and understand the Department in the broad sense?*
- ◆ *Does the Department get leadership from the Board and feel that it is a good use of time?*
- ◆ *Has Board reviewed child fatalities or near fatalities and/or other issues referred?*
- ◆ *Has Board examined the strengths and weaknesses of the DCF system and made recommendations for improvement?*
- ◆ *Has Board evaluated data around trends/issues and discussed implications for future planning?*
- ◆ *Has Board offered useful and significant recommendations to the department?*
- ◆ *Has Board produced annual report?*