

This meeting was not recorded.

2/24/2023

Act 264 Board & Child and Family State Program Standing Committee Minutes

FINAL

Section 1: Act 264 Board

Present Members: Alice Maynard Cinn Smith, Co-Chair Megan Martin Matt Wolfe, Co-Chair Kristin Holsman-Francoeur Heather Freeman Doug Norford

DMH/State Staff: Joanne Crawford Cheryle Wilcox Puja Senning

Public: Laurie Mulhurn Ron Bos Lun Ward Nial Joe Brusatto Liana Redmond Sandy Yandow Sang Pham

Agenda Item	Discussion (follow up items in yellow) 4 members needed for a quorum vote
Opening and Act 264 Business	Meeting convened at 9:30am. Introductions and timekeeper determined.
Review Jan 2023 meeting mins Set March Agenda - 9:35 Chris Allen – 988 Update - Timing TBD Cheryle Wilcox – SIT Update - 12:30 – 1:40 NCSS QnA Discuss meeting in person 2x / year	March Agenda Items: <ul style="list-style-type: none"> • 9:35 Chris Allen – 988 Update • Timing TBD Cheryle Wilcox – SIT/Interagency Update • 12:30 – 1:40 NCSS QnA – Children’s SPSC • Discuss Act 264 Co-Chair positions • Discuss recruitment for the committees • Discuss meeting in person 2x/year • Discussion on 2023 System of Care plan – 20 minutes <ul style="list-style-type: none"> ○ Aspects members want to work on in 2024 ○ Aspects members suggest adding, expanding, or deleting • Discuss <i>Broken System, Broken Promises</i> w/ DCF – [meet with Commissioner Chris Winters at some point in the future] Meet with Deputy Commissioner? Beth Sausville– SIT Co-Chair and DCF representative? Meet with Vermont Commission on Women, Puja will set up meetings

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	<p>Puja will send out what positions are needed on the committee and send out the flier. Committee Members will work on targeted recruitment via email</p> <p>Motion to approve the minutes as amended made by Matt; seconded by Alice. [vote results]. Motion passed.</p>
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Minutes respectfully submitted by Puja Senning, Quality and Program Participant Specialist

Section 2: Act 264 Advisory Board and Child and Family State Program Standing Committee

Present Members: Alice Maynard Cinn Smith, Co-Chair Megan Martin Matt Wolfe, Co-Chair Kristin Holsman-Francoeur Heather Freeman Doug Norford Laurie Mulhurn Ron Bos Lun Ward Nial Joe Brusatto

DMH/State Staff: Joanne Crawford Cheryle Wilcox Puja Senning Steve DeVoe

Public: Liana Redmond Sandy Yandow Sang Pham

Agenda Item	Discussion (follow up items in yellow)	6 members needed for a quorum vote
<p>DMH Commissioner Emily Hawes Update on Legislative session</p>	<p>Section convened at 10:00am.</p> <p>DMH Commissioner Emily Hawes did not make it to the meeting.</p> <p>Discussion on <i>Broken System, Broken Promises</i></p> <ul style="list-style-type: none"> • Report was not surprising to members, given previous experience working with DCF system, foster families, personal experiences, etc. • Members agreed that the recommendations in the report made sense. • Alice noted that many of the recommended changes would have to be made by the legislature as they are in statute, but some could be made by DCF as they are based on policy or procedural practice. • Alice would like to know how much weight the report’s recommendations will carry with the legislature and with DCF. 	

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	<ul style="list-style-type: none"> • Laurie sees changes in administration and momentum as challenges to making changes happen. We need to keep our momentum going despite staffing changes by keeping action items on our agendas; the squeaky wheel get the attention. The key word is TENACIOUS. • Alice: Which committees may we ultimately end up working with, and who within those committees? Possibly House and Senate Ethics Committees and Human Services Committees? • Megean stated that her school district tried to hire someone at the school and this person was on this substantiation list. The candidate had no idea they were on the list and had no idea how to get off it. People may not have the financial standing to pay for access to legal services/knowledge of how to get off it Maybe it's a House Ethics Committees issue. • Megean is writing to VPR to get more press on this report and these issues. • It was on WCAX and on <i>VTDigger</i>. • Sandi Yandow suggested we ask Larry Crist if there's been a lot of press. He has worked in this for a while; it would be good to get his take on who supported it and who did not. • Matt gave a legislative update. He's helped establish a Legislative Youth Council of 28 youths. <ul style="list-style-type: none"> - It's a very diverse group, across race, class, adoptees, new to Vermont, multi-generational Vermonters. - They are being solicited by legislators for their thoughts on pertinent issues and what they're concerned with. - Also these youth are tracking different legislative efforts. - This is the most hope-filled and joyous thing Matt has done in a long time. He was very inspired reading the 200 applications for this council. These young Vermonters have a lot to say about the state's social fabric, economic fabric, mental health, bullying, <i>etc.</i> - Once this committee starts influencing something, figuring out how they make decisions, how they advocate in the legislature, <i>etc.</i> and once they've got their legs under them a bit more, they would really benefit from publicity. • Alice stated that for many years we have tried to get different departments to make their website post Consolidated Service Plans and pretty much failed to see any progress. Maybe we should send letters to each of the commissioners? Matt wondered if we're not poking the right person. Maybe ask the IT person?
Broken System,	<ul style="list-style-type: none"> • Bill: We understand that child abuse and neglect is real in Vermont, and all children have a right to be free from that. and also supports parents in often desperate conditions

Commented [Ma1]: I don't understand this. Is the subject "DCF"?

This meeting was not recorded.

<p>Broken Promises – report and discussion with Larry Crist and Bill Young</p>	<ul style="list-style-type: none">- Once in a while mistakes happen. These issues are systemic. Even though good work is going on, hundreds of kids and families are being harmed. The situation cries out for people to demand change.- We do recognize the need for a strong child protective system for both children and parents.- They haven't gotten anywhere with DCF. They have chatted with every commissioner and Deputy Commissioner (minus current new ones). They have met with them and then no action occurs. <ul style="list-style-type: none">• Larry and Bill believe it's time for legislative action.• There are a few lawsuits in the works.• Alice: It's clear that their organization went for a balanced approach in the report. They weren't trying to vilify DCF, but were trying to make Vermont's system more just, equitable, logical, and rational. This is why she has pushed this Board and Committee to start working on this report. What actions can we take as an advisory board and committee that they think will be most effective?• Bill noted that he was a Commissioner for 15 years straight. However, in a couple of years before he left and right after, almost every district director left and so a large amount of reorganization and change happened relatively quickly. The department lost a lot of knowledge on how to organize the systems and the work.• Alice commented that, when she first joined state government in the mid-1980s, everyone wanted to do their own separate thing; people thought in terms of programs and their own region rather than in terms of state-wide systems. We can't afford that approach at this point. The pace of change in the world keeps accelerating. Compounding that with Covid and IT advances, we need to share what everyone has learned and capitalize on new ways to improve our effectiveness and efficiency.• Alice asked what can we do with what we now know and the given challenges. She really appreciated Bill and Larry's written responses to those first questions; we have follow up questions as well. <ul style="list-style-type: none">• <i>Given the existence and work of the Children's Justice Act Task Force and Larry's involvement with it, do you have an idea of when they might conclude their work?</i>• <i>Do you believe their final report/findings/recommendations will be as broad in scope as your organization's recommendations?</i>• <i>What type of "weight" will their findings carry?</i><ul style="list-style-type: none">- Larry:<ul style="list-style-type: none">- That group [Children's Justice Act Task Force] snuck this issue into the agenda and said this is one of the key things Vermont should look at moving forward.- That group relied a great deal on the information I was presenting from the project.
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	<ul style="list-style-type: none">- There was a smaller subset with key people from DCF and the outside, and myself; we would bring these issues forward with the data. We asked our DCF subset if they believed this is the case and they said yes, they do believe it's correct.- How do we fix the problem? The actual fixing of problem was left to me to design.- These are state employees who are working in a system that is immune to change. <i>Broken System, Broken Promises</i> is not a report from the Children's Justice Act Task Force; it's from the Vermont Parent Representation Center. So it's an interesting position for the Children's Justice Act Task Force to take a formal stance on the report.- He doesn't think DCF will make a written response to this report if left to its own devices. All are waiting to see what happens with the report. He thinks that, with the legislature bringing attention to it, DCF will be forced to make a statement on it.- The questions you pose are exactly what we need to do. We've asked those questions, and they haven't answered them.- We told the feds we'd do it. We've done it, and now the department has to respond to the feds.- There's no reason for DCF to give us answers without legislative pressure.- There was an extensive meeting in Brattleboro raising 30 issues. DCF responded 3 months later saying, "We have a differing opinion" and it's the job of your appointed attorneys to respond to these issues. That's as far as the department has ever gone.- When we presented the report in 2018 on 60 issues, the only response from DCF was we've seen the report and we have a different opinion.- Bill:<ul style="list-style-type: none">- There is some weight to hearing from a variety of people, including parents themselves and people interested in the system. We all need to pay attention to this; it's real.- No one source will tip the scales, but the totality may make a difference.- the more the Legislature hears from others, the more action that could be taken <ul style="list-style-type: none">• <i>Given your opinion that legislative advocacy would be a productive path, which of your legislative recommendations would you advise us to prioritize?</i>• <i>Do you have any suggestions on which legislators might be most helpful?</i><ul style="list-style-type: none">- Larry:
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Commented [SP(2)]: What is the reference to the Feds? Was it a federally funded grant that supported the Vermont Parent Rep Center's writing of the report? Or of the Children's Justice Act Task Force?? Or grant money to DCF?

This meeting was not recorded.

	<ul style="list-style-type: none">- A bill (H. 169) is currently in the House Judiciary Committee; once the Committee announces they will be taking public testimony, he can send comments with the bill. (The bill is difficult to read, as written.) The recommended follow up by the Board/Committee members is for each of you to discuss these issues with your individual legislative representatives.- Many components of our current system do not work. There are not enough adequately trained legal representatives available; poor families cannot afford to hire the ones that do exist; there is a lack of understanding of the relevant law by DCF social workers and their supervisors; the substantiation process itself is an issue and there is data that corroborates this point.- recommendation of the need for oversight of system; presently, there is a lack of oversight that leads to systemic problems.- Bill:<ul style="list-style-type: none">- Our legal system has only a handful of good attorneys who represent children/families well; overall, children/families lack sufficient legal representation.- We could use Federal Title E4 Funding to improve legal representation (50/50 match) and we could discuss Oregon/Washington examples; in these states, improved representation led to shorter custody length of stays.- recommendation to changing the standards of evidence;- recommendation to establish registry of tracking abuse/neglect;- recommendation on using a reasonable standard of evidence (versus a preponderance of evidence): would a reasonable person consider this abuse/neglect? The legal definition of abuse/neglect has changed and is subjective, based on who is reviewing the evidence; discussion about raising the standard of evidence and the process of substantiation• <i>Given your suggestion of involving the Vermont Commission on Women, do you have any suggestions on whom and how to best approach them?</i><ul style="list-style-type: none">- Contacting other groups and discussion of substantiation process can be helpful. Examples:<ul style="list-style-type: none">- Vermont Women’s Commission;- House Judiciary Committee: Write a letter (either individually or as a group) to advocate for passage of H. 169; and- contact your own senators/representatives to advocate taking up bill and for its passage.
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	<ul style="list-style-type: none">- Other follow ups: Senate/House Judiciary Committees, Senate/House Human Service Committees, Senate/House Appropriations Committees; Senate/House Government Operations; Legislature Social Equity Caucus (made up of 2 groups: legislature and other stakeholder organizations);- Megean M. provided a link to draft H. 169 bill: Draft Bill Template (vermont.gov)• <i>General discussion of points of concern:</i><ul style="list-style-type: none">- <i>Bill:</i> Parents didn't understand system of 2 tracks: #1: abuse and neglect and #2: assessment of abuse/neglect. Bill was told by his contacts at DCF:<ul style="list-style-type: none">- Tell the parents not to get upset at the social worker because, if they do get upset, they'll get transferred over to the Abuse and Neglect track and they'll get substantiated.- DCF has experienced some bad situations, so, if in doubt, they want to substantiate and cover their bases. That way, if something bad happens to the child, it's not on DCF, and particularly, the specific employee who made the call won't get fired over it. It is quite possible that an employee could get fired if something did happen based on their NOT substantiating someone.- <i>Larry:</i> There is a big systemic issue; it's bigger than the substantiation piece. Currently DCF has 2 priorities that are in conflict with each other: (1) to investigate specific instances of possible abuse and neglect and (2) to encourage parents to enter services.<ul style="list-style-type: none">- If anything happens to that child after the worker has done their investigation, then they're responsible and could lose their job if they made a wrong decision.- Currently DCF is supposed to protect children from ALL harm; the only way to do that is to substantiate the parents. For example, under current DCF policy, if you're dizzy and in a car with your kids, you have to pull over and call someone for help. If you don't, that's abuse/neglect because you might have caused an accident and then harmed your child. This got extended to, if you think you may get sick/dizzy, you shouldn't drive your children because you could cause harm to them.- We're asking DCF workers to be a police officer and a social worker – at same time. The first role causes people to put up their defenses. The second role requires people to put down their defenses and be open to honest communication and the possibility of change.- Investigators usually only find enough information to substantiate and then stop. Social workers would look for context, possible extenuating circumstances, and ways to engage the family in supportive services.- Investigations should be its own entity – outside of DCF.
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Commented [SP(3)]: Can anyone elaborate/clarity this 2 track system?

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	<ul style="list-style-type: none">- There's no one at the helm who's responsible for this.- The report also found:<ul style="list-style-type: none">▪ Whether the district office liked or disliked the family also mattered. The worker would deal with the family, but it wasn't the worker's opinion that counted; it was the district office's opinion on the family.▪ In many cases, these employees are ill-trained and are offered wrong incentives. So, when a family challenges them, that can cause a worker to say, "I fear for my life," or "They're hiding something, so I need to take the strongest position I have."▪ Families are scared of workers and vice versa.▪ The process is very much based on personalities.▪ In allegations of Domestic Violence, the department's approach is <i>per se</i> that the allegation of DV by itself is child abuse and they won't be nice regarding the partner that has the allegation against them.<ul style="list-style-type: none">- Cinn agreed. She stated: I was a foster parent for 25 years and adopted a child with reactive attachment disorder. I got substantiated at one point because, based on what she was acting out, my consequence for her was considered emotional abuse. But they never took her out of my home and, ever since the investigation of that substantiation, I haven't been a foster parent. The thing we're missing in all this work is that the biggest trauma is the separation of these kids from their parents; I worry about the kids.- Larry replied, "Cinn, that story is the story that legislators needs to hear!"- We've closed our institutions and haven't backfilled with needed services as we said we would – and we expect parents to fill all those roles.- <i>Bill</i>: We, with middle class values, cannot be making calls on abuse and neglect based on our idea that they're being bad parents; it has to be based on specific evidence, and well established facts, not mold in a household. (Talk to slum lord about that.)- <i>Sandy</i>: We used to talk about "imminent risk of harm" and now it has become "risk of harm"; the definition has gotten looser. Also, reunification used to be the goal but is not the current goal in Vermont. Social workers need to be looking at Act 264 and Coordinated Service Plans and asking themselves what services can we bring to these children and their families? And if you can't, get out of there.- <i>Laurie</i>: Many families are under tremendous stress and need support. The statistics on families with disabilities winding up in divorce are very high, something like 80%; add relationship issues, home
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Commented [SP(4)]: This seems to contradict the point below about the specific worker making the call.. Can anyone clarify?

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	<p>environment, school environment and the community – and then you’re putting this on 1-2 people, saying nothing of their housing status, financial situation, education level, mental health status, and disability issues.</p> <ul style="list-style-type: none">- <i>Matt:</i> Having been working the system tangentially, I appreciate Larry’s comments about a check and balance system that is no longer in place. This can be about personalities and a very white middle class culture we’re imposing on people. To Laurie and Cinn’s recent points – as stress level goes up, your brain function goes down; you can’t be creative, both the overworked, underappreciated, underpaid social worker and the parents/families. We must put the checks and balances back in place; that is the lever that we can move.- <i>Alice:</i> Wants to try to get DCF to write down in the course of our conversation with them whether they support each specific recommendation or not and, if not, why not.- Larry – will send documents to Puja and she will distribute.- <i>Laurie:</i> Curious about Vermont Legal Aid – Rachel Seleg – she’s met with many times regarding her kids and their needs, and her experience of finding an attorney for their kids; it’s so expensive, even the deposit, and usually families are in crisis at this point. She wondered what kind of activity VT Legal Aid has with this sort of situation? Their only priority is education for kids according to Cinn. <ul style="list-style-type: none">• Members of the Board and the Committee were very appreciative of the information shared by Larry and Bill both in the report and in today’s conversation.• Alice: Suggested that, at our next meeting, we narrow our focus and take some steps, specifically:<ul style="list-style-type: none">- contact legislative committees listed above with a letter and promote this bill;- contact our own legislative representatives to promote this bill;- zero in on a detailed conversation with DCF to get answers on specific recommendations;- get in touch with these other groups as time and energy permit; and- continue to promote the use of the Coordinated Service Plan. It makes people get together and think creatively around solutions, hopefully before a crisis occurs.
11:55 – 12:00	None.

This meeting was not recorded.

Public Comment Period	
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Minutes respectfully submitted by Puja Senning, Quality and Program Participant Specialist

Section 3: Child and Family State Program Standing Committee

Present Members: Cinn Smith, Chair Laurie Mulhurn Ron Bos Lun Ward Nial Joe Brusatto

DMH/State Staff: Joanne Crawford Cheryle Wilcox Puja Senning

Public: Alice Maynard Megan Martin Matt Wolfe Kristin Holsman-Francoeur Doug Norford Heather Freeman Sang Pham

Agenda

- [enter CYFS SPSC portion here]

Agenda Item	Discussion (follow up items in yellow)	3 members needed for a quorum vote
CYFS SPSC Committee Business Review NCSS documents and create questions for meeting with them at next month's meeting	Section convened at 12:30. Membership discussed questions that Ron had posed, and looked over NCSS documents and wrote additional questions. Puja will send Children's SPSC the Agency Review surveys – concern over language	

This meeting was not recorded.

Close Meeting/Adjournment	Motion to adjourn meeting. Made by Cinn, seconded by Joe. Motion passes.
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Minutes respectfully submitted by Puja Senning, Quality and Program Participant Specialist