Woodside and Disability Rights Vermont Settle Lawsuit

Waterbury, VT – In June 2019, Disability Rights Vermont (DRVT) filed a federal lawsuit against the Department for Children and Families (DCF) Woodside Juvenile Rehabilitation Facility over concerns of restraint and seclusion practices and the treatment of youth with serious mental health concerns. In August 2019 the Court issued a Preliminary Injunction Order requiring DCF to collaborate with DRVT and its experts to develop revised policies to address the concerns raised in DRVT’s lawsuit. As of April 9, 2020, this lawsuit has been settled.

Throughout the litigation and prior to this settlement, DCF and DRVT worked collaboratively to:

- Create or update policies around intake, screening and clinical crisis services to ensure youth in mental health crises receive the appropriate level of care and services. As part of this work, DCF partnered with Howard Center’s First Call services for mental health intake and screening of youth and with Alpine Telehealth to provide 24/7 access to mental health consultations for youth. These new services are in addition to the child psychiatry services already in place through the University of Vermont Medical Center.
- DCF and DRVT also worked together to outline protocols for emergency safety situations.
- Staff at the Woodside facility have been trained in Safe Crisis Management which is a national model of de-escalation, restraint and seclusion techniques.

The settlement includes these provisions should Woodside remain open following the legislative session (http://www.disabilityrightsvt.org/pdfs/Press_releases/Woodside-settlement.pdf):

- Acknowledges the changes above that have already been made in collaboration with DRVT;
- Institutes a review process for all emergency safety interventions for the next 18 months;
- A review of de-escalation, restraint and seclusion practices in 6-month intervals for the next 18 months;
• An agreement that any Woodside Director will be a PHD level Psychologist or Medical Doctor with substantial experience in adolescent mental health treatment in secure facilities;
• Renovation of the North Unit to include staff offices and therapeutic counseling spaces;
• And for DCF to pay $60,000 in attorney fees and costs to DRVT.

“We have done a lot of work on the programming and safety techniques at Woodside in collaboration with DRVT,” stated Ken Schatz, DCF Commissioner. “We are very proud of the work that has been done and of our dedicated staff who have embraced these changes.”

“We were very concerned about the treatment of the youth at Woodside when we started this litigation process, and we are very proud of the collaborative work that has been done and how well this settlement agreement has turned out” stated Ed Paquin, DRVT Executive Director. “We are more confident now that youth in Woodside programming will receive the appropriate mental health services and care going forward, especially with the level of review that will be taking place over the next 18 months.”

Due to the COVID-19 health crisis, Woodside was slated to be used by the Department of Mental Health as a treatment facility for COVID positive adult psychiatric patients. Youth formerly housed at Woodside are currently being served at the Middlesex Therapeutic Community Residence. All practices and policies that were created and updated for Woodside programming are being maintained at the Middlesex Residence.

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The Vermont Department for Children and Families delivers a wide array of programs and services to Vermonters in areas such as child care, child development, child protection, child support, disability determination, and economic benefits that help meet basic needs.

Disability Rights Vermont is Vermont’s Protection & Advocacy agency and Mental Health Care Ombudsman. DRVT is dedicated to addressing problems, questions and complaints brought to it by Vermonters with disabilities. They provide information, referral and advocacy services, including legal representation when appropriate, to individuals with disabilities throughout Vermont and they advocate to promote positive systemic responses to issues affecting people with disabilities. Their mission is to promote the equality, dignity, and self-determination of people with disabilities.