

# Delaware Developmental Disabilities Council

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To: Ann Visalli, Director Office of Management and Budget

From: The Developmental Disabilities Council

Date: 11/15/12

RE: Department of Services for Children, Youth & Families

Good morning. My name is Pat Maichle and I am the Director of the Developmental Disabilities Council (DDC). Thank you for allowing us to present testimony today in regards to the budget of the Department of Services for Children, Youth & Families (DSCYF).

The Developmental Disabilities Council is represented on Division of Prevention and Behavioral Health Services Advisory and Advocacy Council and has taken an active role in providing input and recommendations to the DSCYF over the years to ensure quality services to all children in Delaware, but in particular, to the children with developmental disabilities. To continue in that role, we offer the following to the Office of Management and Budget for consideration.

In the past year, the Department, in particular, the Division of Prevention and Behavioral Health Services (DPBHS), has undergone a self-evaluation with the outcome product of "Review and Needs Assessment of Delaware's Mental Health and Substance Use System for Youth." This undertaking is always an increased workload for everyone involved, but more importantly, it is a courageous and valuable process that is to be commended. The product information will enable the Department to plan forward and enable the system to become more responsive to the needs of children and youth with disabilities. We urge you to thoughtfully use this to plan for and make fiscal decisions for the DSCYF.

At the same time, the DPBHS gathered a group of professionals and families to review and evaluate the system of care for those with significant behavioral challenges with the end product of a Final Report on the path forward for the Department. We want to thank the DPBHS and the Department as a whole for this review and the opportunity to provide input for positive systems change.

Considering these activities and the recommendations that have been documented, we provide the following recommendations.

- 1) Support the Department's request for a Targeted Prevention Programs and Expanded Evaluation in Sussex and Kent Counties at the cost of \$225,000. We are all aware of the numbers of youth suicides in this area of our state and the work that needs to be done in this area most assuredly could be at an even higher request.



- 2) Support the request to expand the use of Middle School Behavioral Health Consultants at the rate of \$397.0.
- 3) Strengthen in-state treatment services at the Middletown Silver Lake Center at the rate of \$262.7.

The Developmental Disabilities Council, in collaboration with other advocacy Councils and organizations, has been researching the use of restraints and seclusion on the children in our state and in our country. Current anecdotal information nationally supports the belief that students with disabilities are subject to restraint and seclusion more frequently and for longer periods of time than their typical peers and that students with disabilities are restrained and secluded at a higher rate due to their disabilities (National Disability Rights Network, School is Not Supposed to Hurt, 2009, [www.ndrn.org](http://www.ndrn.org), Government Accountability Office, Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers, 2009, <http://www.gao.gov/new.items/d09719t.pdf>. The U.S. Department of Education in 2012 provided a guidance document for all United States Schools with 15 Principles regarding the use of seclusion and restraints. Much more research and reports can be found on the DD Council web site at [ddc.delaware.gov](http://ddc.delaware.gov).

Through the process of reviewing the Best Practices in this area with the DPBHS and other organizations, we were able to make recommendations based on the research and reports that have been completed to date. We encourage the use of positive reinforcement for treatment vendors through the state contractual process by the DSCYF so that treatment vendors will value the decreased use of seclusion and restraints and the increased use of more humane interactions with children and youth with significant behavioral challenges.

In addition, as we voiced last year, we highly recommend that the DSCYF revise their Child Care Licensing Regulations concerning the use of restraints and seclusion in child care facilities and residential schools. We contend that these procedures should be implemented only as a last resort when a child or others are in immediate danger and only with the express written consent of the parents or legal guardians of the child. Neither restraints nor seclusion should be used as a punishment to force compliance. State funds are used to support children in these settings. In this era of transparent government and accountability, we also recommend a formal requirement of data collection on the use of restraints and seclusion and oversight and attention by state agencies; such as, the Child Care Licensing office and/or the Department of Education.

Finally, work is in process for evaluating the requirement of criminal background checks for “Camps” in Delaware. There is a gap in this area for protection of all children and youth. Official recommendations will be submitted to the Child Protection and Accountability Commission (CPAC) in the near future regarding this need. It is our hope that the Office of Management and Budget will support the needs of the DSCYF when the recommendations are brought forward.

Again, thank you for your time in allowing us to provide testimony for this Department.

