

1 H.192

2 Introduced by Representatives Arsenault of Williston and Rachelson of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Human services; delinquency proceedings; placement in secure

7 facilities; solitary confinement

8 Statement of purpose of bill as introduced: This bill proposes to prohibit the
9 use of solitary confinement or room confinement for children held in secure
10 facilities. Specifically, this bill proposes to prohibit solitary confinement
11 except as a temporary response to behavior of a child who poses a serious and
12 immediate risk of physical harm. The bill proposes de-escalation requirements
13 prior to confinement along with strict time and behavior requirements for
14 release.

15 An act relating to prohibiting solitary confinement for children

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 33 V.S.A. § 5295 is added to read:

18 § 5295. PROHIBITION ON SOLITARY CONFINEMENT FOR CHILDREN

19 (a) No solitary or room confinement shall be used on any child for
20 discipline, punishment, retaliation, or any other reason other than as a

1 temporary response to behavior of a child who poses a serious and immediate
2 risk of physical harm to the child or any other person.

3 (b) A staff member of a facility shall attempt to use less restrictive
4 techniques before placing a child in solitary or room confinement. The
5 techniques shall include:

6 (1) attempting to de-escalate the situation by talking with the child; and

7 (2) permitting a qualified mental health professional to talk with the
8 child.

9 (c) After attempting to use less restrictive techniques as required by
10 subsection (b) of this section, a staff member of a facility may place a child in
11 temporary room confinement if the staff member:

12 (1) determines that the child's behavior poses a serious and immediate
13 risk of physical harm to the child or another person;

14 (2) explains to the child the reasons for the room confinement; and

15 (3) informs the child that release from room confinement will occur:

16 (A) immediately when the child regains self-control such that the
17 child's behavior no longer poses a serious and immediate risk of physical harm
18 to the child or another person; or

19 (B) not later than the time periods specified in subdivision (d)(2) of
20 this section.

1 (d) If a child is placed in temporary room confinement pursuant to
2 subsection (c) of this section, the child shall be released:

3 (1) immediately when the child regains self-control such that the child's
4 behavior no longer poses a serious and immediate risk of physical harm to the
5 child or another person; or

6 (2) if the child does not regain self-control as described in subdivision
7 (1) of this subsection:

8 (A) not more than three hours after being placed in room
9 confinement if the child's behavior poses a serious risk of physical harm to
10 others; or

11 (B) not more than 30 minutes after being placed in room confinement
12 if the child's behavior poses a serious risk of physical harm to the child.

13 (e) Staff at the facility shall check on a child at least once every 15 minutes
14 while the child is in room confinement.

15 (f) If the child's behavior continues to pose a serious and immediate risk of
16 physical harm to the child or another person after the expiration of the time
17 periods specified in subdivision (d)(2) of this section, the child shall be
18 transferred to another facility or location where services other than room
19 confinement can be provided to the child.

20 (g) Nothing in this section shall be construed to:

1 (1) limit the use of single-person rooms or cells for the housing of
2 children in detention facilities and does not apply to regular sleeping hours.
3 Further, this section is not intended to apply to such situations where only one
4 child is housed within a detention facility; or

5 (2) conflict with any law providing greater or additional protections to
6 minors.

7 (h) As used in this section, “solitary confinement” or “room confinement”
8 means a form of physical separation in which the incarcerated child is placed
9 in a locked room or cell for approximately 20 hours or more out of a 24-hour
10 period. This includes administrative segregation and disciplinary segregation.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2025.