

The Virgin Islands Consortium

VI Government Said To Owe VI Behavioral Services \$4.8 Million; Court Hearing Moved To Friday

VIC News / **Published On June 19, 2018 10:25 AM /**

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ST. CROIX -- With roughly two weeks remaining before the Virgin Islands Behavioral Services (V.I.B.S.) shuts its operations in the territory, a lawsuit brought against Governor Kenneth Mapp, Department of Human Services Commissioner Felicia Blyden and Office of Management and Budget Director Julio Rhymer, seeks injunctive and declaratory relief on behalf of the affected children who are residents of V.I.B.S.'s programs, many of whom are victims of child abuse and neglect.

The suit, brought by the Virgin Islands Volunteer Advocates for Children, Inc., (V.I.V.A.) and the Office of the Territorial Public Defender, also requires V.I.B.S. to provide an extended transition period during which V.I.B.S. would be required to continue treatment

while appropriate plans can be put in place to address the ongoing needs of the children.

A court hearing scheduled at the Superior Court here on Monday was pushed to Friday at 9:00 a.m. following hours of closed-door deliberations amongst attorneys representing the government and V.I.V.A.

Senator Nereida Rivera-O'Reilly, who has been working to help extend the stay of the V.I.B.S., said V.I.B.S. contracts with D.H.S. totaled \$6 million, with V.I.B.S. being owed \$4.8 million. "A huge amount of that is services already rendered," Mrs. Rivera-O'Reilly said. In her efforts to prevent a crisis, the senator has been speaking with V.I.B.S. officials, encouraging the firm to extend its stay for another six months.

To that end, Mrs. Rivera-O'Reilly on Friday moved an amendment providing \$4.5 million to V.I.B.S. She said the funding is available, however it remains tangled in a technicality relative to whether the contract was properly executed and ratified.

The amendment, which was part of Bill No. 32-0179, will soon face Mr. Mapp's approval or veto.

The senator said she's been attempting to have discussions with Ms. Blyden about the contract and the potentially catastrophic consequences of V.I.B.S.'s closure, "But it's very difficult to get any accurate information from the commissioner and the Department of Human Services. That's why I took it upon myself to reach out to V.I.B.S.," she said.

Mrs. Rivera-O'Reilly said she conducted a phone meeting with Ms. Blyden on June 8, seeking information on the status of the contract. Even during the Friday session, the senator said she attempted to reach Ms. Blyden "before the amendment, during the amendment, after the amendment, but I haven't been able to speak with her."

It remains to be seen what the outcome of Friday's temporary restraining order hearing will be, but Superior Court Judge Douglas A. Brady, who is overseeing the case, said that since 1993 it has been the territory's policy to concentrate on children's problems as the most important strategy. Judge Brady's words suggest that whatever is discussed, the end result should be beneficial to the affected minors.

The suit requires V.I.B.S. to provide an extended transition period during which V.I.B.S. would be required to continue treatment while appropriate plans can be put in place to address the ongoing needs of the children. The Government of the Virgin Islands is required to make timely payments for services during this period as well.

V.I.B.S., whose closure was announced in May, only has two more weeks before it completely shuts, a move that would leave many children requiring treatment for emotional and behavioral issues, which have often surfaced as a result of childhood trauma experienced by these children, without adequate care, according to the suit. "The abrupt closing of a therapeutic residential program without a properly implemented transitional plan for each of the residents is contrary to the duty owed to these children by V.I.B.S. and the Virgin Islands Government," reads a portion of the suit.

V.I.B.S. operations include its Crisis Stabilization Center, Cottage, Girl's Group Home, and Boy's Group Home on St. Croix, and a community-based program for children known as JWRAP on St. Thomas.

“The children were told by staff that the facility is closing but nothing more and this has left many of them filled with anxiety and worry about what is going to happen to them,” Gail Shearer, executive director of V.I.V.A., told The Consortium on Friday. “Social workers at the Department of Human Services are encouraging children and their representatives to contact Assistant Commissioner Janet Turnbull Kriegger and Commissioner Felicia Blyden because the social workers are not aware of the department’s plan for these children, despite there being only two weeks left until the doors of VIBS are to be closed.”

According to Ms. Shearer, the abruptness of the closing has created a crisis situation and alternative placements are being determined by administrative convenience rather than in response to the continuing needs and well-being of the children, including the accelerated return of children to the homes that they were removed from.

Meanwhile, staff at the facilities set to close are witnessing firsthand how the transition process has been affecting the children, Ms. Shearer said.

Dara Hamilton of The Lotus Center for Well Being, said, “Child and adolescent ‘acting out’ is often interpreted simplistically as a ‘behavior problem.’ However, it has become known that a significant portion of acting out behavior is the result of changes associated with the experience of trauma.”

According to Ms. Hamilton, the trauma includes exposure to traumatic or stressful events caused by the termination of a relationship formed with an institution acting as a surrogate, such as V.I.B.S., which has been the caretaker for some of these children for many years. She said the changes in routine and an entire way of life at a time when these children’s support system and ongoing relationship with their therapists are being terminated, may also serve to amplify the stress.