



February 5, 2015

TO: Rep. Maxine Grad, Chair
Rep. William Jewett, Vice-Chair
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy
RE: H.95 - jurisdiction over delinquency proceedings by the Family Division of the Superior Court

Thank you for the invitation to speak to you about H. 95. which proposes to require that all charges involving criminal conduct by children under 18 years of age be filed as delinquency proceedings in the Family Division of the Superior Court rather than the Criminal Division. The bill also provides the Family Division with the authority to transfer the proceedings to the Criminal Division in certain circumstances depending on the age of the child and the seriousness of the offense.

Under current law, the State's Attorney (guided by statute) decides whether to charge a juvenile as an adult in the criminal division or as a juvenile in the family division. One of the starkest differences between the two is that information and proceedings are public in the criminal division and confidential in the family division. This distinction means that victim rights are also very different between the two divisions. Victim rights in the criminal division (as described in 13 V.S.A. ch. 165) are more expansive than victim rights in the family division (as described in 33 V.S.A. sections 5226, 5233, 5234, and 5235).

While we support the legislative intention to provide intensive supervision and wider options to juvenile offenders through the family division, it is critical that victim rights be carefully considered. Our concern is that if a case is moved from criminal court to family division, victims may lose their right to critical information, their right to share input about the impact of the crime, and their right to appear at hearing if they should so choose. It is critical that a victim of an interpersonal crime, especially a listed crime, is given information about how the system is holding the offender accountable and what measures are being taken to rehabilitate the offender. A lack of information only further contributes to the continuation of fear and trauma in the life of a victim. If a victim of sexual assault, for example, has information about how the juvenile offender is being held accountable, there is a greater likelihood that the victim will find a path toward a sense of security, wholeness and healing.

Therefore, the Network respectfully requests that you consider expanding rights of victims in juvenile proceedings.

Thank you.