

Testimony Follow-up
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To follow up on yesterday's hearing, here is information on the option for the Court to refer a youth adjudicated in Family Division directly to a provider, without placing the youth on probation. DCF has provided each court with names of approved providers. This idea stemmed from a desire to minimize the impact on the DCF caseload, so that DCF would only work with youth who needed a higher level of supervision. Below is the relevant section of 33 VSA Sec5232, and a link to the statute.

(7) Refer a child directly to a youth-appropriate community-based provider that has been approved by the Department, which may include a community justice center or a balanced and restorative justice program. Referral to a community-based provider pursuant to this subdivision shall not require the Court to place the child on probation. If the community-based provider does not accept the case or if the child fails to complete the program in a manner deemed satisfactory and timely by the provider, the child shall return to the Court for disposition.

<http://legislature.vermont.gov/statutes/section/33/052/05232>

As you may know Act 159 (which added the option of direct referral noted above and which went into effect 7/1/2012), also included a provision stating that all youth cited into Family Division would be provided the opportunity to undergo a risk and needs screening (along the lines of the adult pre-trial services bill from last year). That is in 33 VSA Sec5232

(<http://legislature.vermont.gov/statutes/section/33/052/05225>). Some state's attorneys have developed protocols on how the results of the YASI (Youth Assessment Screening Instrument) screening will inform decision making; for example, a youth who is found to be "low risk" for re-offense, would be referred to Diversion. As systems are refined to inform youth and their families about this option, and the benefit of participating, and providing State's Attorneys are guided by the results, this screening might help address concerns about the Courts' workload if more youth are cited into Family Division. As I understand many cases against youth for low-level charges cited into Criminal Division (adult court) are settled at arraignment; typically cases in Family Division are not settled during the preliminary hearing. (As a side note, cases are usually referred to Diversion prior to the preliminary hearing but disposition, i.e. dismissal, doesn't occur till after the young person has successfully completed the program.)

I'd be happy to provide any other information.

I have a meeting to attend when your committee next takes up H.95 but hope that it ends in time for me to hear some of the discussion Friday afternoon.

Regards,
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