



April 28, 2016

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

FROM: Auburn Watersong, Associate Director of Public Policy
RE: H.95

Thank you for the invitation to speak to you again about H. 95.

The Network appreciates the efforts of this legislature to create effective juvenile justice reforms. The Network supports your efforts to ensure the well-being of Vermont's youth within our justice system and applauds your commitment to improving the outcomes in their lives.

SECTIONS 31 and 32: Minors and RFAs:

In addition to the focus on justice system improvements for minor offenders, H.95 also includes an important provision for minor victims. Sections 31 and 32 of the Senate passed H.95, include changes to the relief from abuse order statutes which allow that minors make seek these orders at the age of 16 (rather than at 18 as in current statute). *This inclusion is simply the addition of a portion of H.749 which passed out of this committee unanimously earlier this session.*

You may recall from previous testimony that domestic and sexual violence advocates throughout Vermont report the need for older minors to be able to file on their own. According to the Center for Disease Control, : "Among adult victims of rape, physical violence, and/ or stalking by an intimate partner, 22% of women and 15% of men first experienced some form of partner violence between 11 and 17 years of age." This is an alarming figure, and it indicates the importance of providing minors with access to protection orders, the first time they need one.

Unfortunately, many minors never attempt to access the protection offered by our court system because they understand that, as the law currently reads, they will need to engage a parent in this process. This amendment to H.95 allows minors ages 16 and up to access these protections on their own. *The Network strongly encourages you to support this amendment.*

VICTIM NOTIFICATION:

As you know, H.95 allows that, over time, crimes committed by minors that are currently handled in criminal court, will be handled in the family division. One of the starkest differences between the criminal and family division is that information and proceedings are public in the criminal division and confidential in the family division. Victim rights in the criminal division are more expansive than victim rights in the family division.

While we support the legislative intent to provide intensive supervision and wider options to juvenile offenders through the family division, *it is critical that victim rights be carefully protected*. Victims need access to notification and information in order that they are able to most effectively plan for their safety.

Included in H.95, as passed by the Senate, are important provisions for victims of listed crimes committed by minors.

- *The right to know the name of the child who committed the crime [see Section 21 (2)]* Knowledge of the child's name affords the victim the ability to effectively plan for her/his safety and if necessary, the safety of her/his loved ones.
- *The right of a victim to request restitution at disposition hearing [see Section 21 (2) and (3)]* The economic effects of crimes can be a staggering burden for victims: for example, uninsured victims in need of assistance with medical or counseling bills, or victims whose property was damaged in the commission of the crime. The ability for a victim to make this request earlier in the process provides her/him with the ability to move toward normalcy more quickly.
- *The right of the victim to know conditions of release or conditions of probation prior to adjudication [for listed crimes see Section 21(a)(1)(D) and for non-listed crimes see Section 22 (a)(1)(B)]* Advocates and victims have reported challenges in receiving timely notification regarding their offenders' conditions of release. By making such information available *when ordered*, the victim has that much more time to plan for her/his safety and if necessary, the safety of her/his loved ones.

Thank you for your time.