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**Report to  
The Vermont Legislature**

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**Report on the  
Expansion of Juvenile Jurisdiction**

**In Accordance with 2018 Act 201 Sec. 12(a)(2)**

**Submitted to: Joint Legislative Justice Oversight Committee  
Joint Legislative Child Protection Oversight Committee**

**Submitted by: Ken Schatz, Commissioner  
Department for Children and Families**

**Prepared by: Karen Vastine, Senior Advisor to the DCF Commissioner**

**Report Date: November 1, 2018**



## Part I: Introduction and Background

With the 2018 Act 201, Vermont took a bold step during this past legislative session to further its juvenile justice reform efforts to include 18 and 19-year-olds under family court jurisdiction. The legislation stages the implementation of these changes so that raising the age of juvenile jurisdiction will go into effect for 18-year-olds on July 1, 2020 and for 19-year-olds on July 1, 2022. This change represents a significant shift for Vermont's courts, the blended child protection and juvenile justice system, prosecutors, public defenders and victim advocates. Act 201 lays out a robust planning and reporting process to ensure that **resource allocation, policy adjustments and an operations plan** are mapped out well in advance of July 1, 2020 in the event that the legislation needs modifications.

The stakeholder partners appreciate that the legislature views the needs of older adolescents in a similar light as that of their younger counterparts and are committed to working on an operations plan that will be inclusive of evidence-based, developmentally appropriate interventions.

The planning structure put in place in Act 201 reflects the belief shared by the stakeholders that to simply shift 18 and 19-year-olds into Family Court and DCF supervision would overwhelm the system unless it was accompanied by structural, programmatic and resource allocation changes. This change requires a re-imagining of aspects of the system; especially the court processes and the approach to supervision; to ensure positive outcomes for youth and a system that is prepared for the needs that will be presented by older teenagers. In addition to being prepared for the anticipated volume, the system will need to draw upon best practices for young adults especially with respect to supervision.

DCF is responsible for supervising youth who are adjudicated delinquents in Family Court within its Family Services Division of DCF (DCF-FSD). DCF-FSD plays a dual role with child welfare: child protection and juvenile services. Currently, 90% of the DCF-FSD caseload is comprised of child protection cases and 10% is comprised of juvenile services. This blended model fits squarely within Vermont's lens on children who have committed delinquent acts; that children, regardless of their entry point into the system, have needs that are best met by the social work model employed by DCF-FSD.

The approach utilized by DCF-FSD to supervise youth is different and more resource intensive than that of DOC as it takes into account the additional factors and barriers that are unique to adolescents.

There are complicating but not insurmountable factors that will need to be considered for successful transformation of the juvenile justice system. This includes the capacity challenges currently facing the courts and DCF-FSD; the significant increase of youth being considered for Youthful Offender status; and changes to Woodside Secure Treatment Facility.

## Part II: Current Status of the Work

Please find a comprehensive timeline at the end of this report, entitled 'Addendum 2.0: Act 201 Timeline.'

### Data analysis

We recognized that a first step in this process was to understand where the system stands currently with respect to the numbers of 18 and 19-year-olds currently flowing through the criminal justice system. As

such, DCF entered into an MOU with the judiciary so that Judge Davenport, the former Chief Administrative Judge, could analyze what is happening now to charges and adjudications involving 18 and 19-year-olds along two broad categories: filings and case disposition. Her report will include data that answers the questions listed below.

<b>Court Filings</b>	<b>Case Disposition &amp; Adjudications</b>
<ul style="list-style-type: none"> <li>- The number of charges filed annually involving 18 and 19-year-olds;</li> <li>- How many are misdemeanors?</li> <li>- How many are felonies?</li> <li>- How many are Big Twelve felonies?</li> <li>- How do these charges break down in terms of the 9 broad categories of offenses: assault, DUI, public order, theft, reckless driving, MV-other, and sex offenses?</li> <li>- How does this breakdown compare to a similar breakdown of existing delinquencies currently in the Family Division.</li> </ul>	<ul style="list-style-type: none"> <li>- The number of misdemeanor and non-Big-Twelve felony adjudications involving 18 and 19-year-olds;</li> <li>- The number of “fine only” cases;</li> <li>- The number placed on probation;</li> <li>- The number given a sentence to serve and how many of these cases involved a “significant” to serve sentence since this may be the best indication of the kinds of felony cases where the State’s Attorney is likely to request a transfer from the Family Division to the Criminal Division;</li> <li>- These numbers need to be broken down in terms of the 9 broad categories of offenses mentioned above so that we can better predict the types of cases likely to be resolved through diversion or restorative justice programs.</li> </ul>

### **Preparing DCF for Act 201 Implementation**

As highlighted earlier in this report, successful implementation of Act 201 will require DCF-FSD to undergo changes that allow for the absorption of 18 and 19-year-olds while not interfering with its child protection charge. To that end, DCF-FSD shifted the duties of one its experienced district directors to take on the role of Lead Investigator for Act 201 reforms. The Lead Investigator began her role on October 15<sup>th</sup> and will be assisting the division with the following:

- Analysis of national best practice recommendations for supervision of youth to determine policy and practice shifts at DCF would both serve this population well and where possible, realize efficiencies;
- Considering structural, policy and practice changes that will ensure that child protection work will not be negatively impacted by this change;
- Cataloguing and analyzing existing community-based resources and services to determine where geographic and service type gaps exist; and
- Assisting DCF-FSD with the expansion of Youthful Offender Status.

### **Consultant**

A Request for Proposals (RFP) was drafted and posted in late September. The RFP stressed the need for a consultant who could guide Vermont with system change management through the lens of national best practice. The consultant will specifically be assisting DCF and the Juvenile Justice System stakeholders with analyzing the system, mapping an operations plan ensures that youth who are low-risk

are diverted and minimizes cost, and recommending ways that Vermont can continue to work towards geographic consistency.

The RFP specifically asks bidders to respond with a proposal that:

- Heavily draws upon local expertise/knowledge;
- Involves the Juvenile Justice Stakeholder group;
- Draws upon best practices and evidence-based approaches;
- Recommends base-line and futures outcomes to measure; and
- Gives weighted consideration to the structure of DCF-FSD which has a blended child protection and juvenile justice system.

Proposals are due to DCF on November 8<sup>th</sup> and the juvenile justice system stakeholder group will review and score the proposals the following week with a 12.15.18 anticipated start date.

### **Part III: Conclusion**

DCF and the stakeholder partners remain excited about the transformational reforms to the juvenile justice system that lie ahead. A change of this scale, complexity and scope will require time and careful planning to ensure that Vermont ‘gets it right’. The eyes of the nation are on Vermont as it readies for these ground-breaking reforms. While we are only at the beginning of the planning process, consistent with the legislation, we will be formally reporting back on November 1, 2019. However, we are committed to updating the relevant legislative committees on an on-going basis.

**Addendum A: Relevant Act 201 Excerpt**

Sec. 12. DEPARTMENT FOR CHILDREN AND FAMILIES; EXPANDING JUVENILE JURISDICTION; REPORT

*(a) The Department for Children and Families, in consultation with the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Court Administrator, and the Commissioner of Corrections, shall:*

*(1) consider the implications, including necessary funding, of expanding juvenile jurisdiction under 33 V.S.A. chapter 52 to encompass persons 18 and 19 years of age beginning in fiscal year 2021;*

*(2) on or before November 1, 2018, report to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Oversight Committee on the status and plan for the expansion, including necessary funding, measures necessary to avoid a negative impact on the State's child protection response, and specific milestones related to operations and policy, including:*

*(A) identification of and a timeline for structural and systemic changes within the juvenile justice system for the Family Division, the Department for Children and Families, the Department of Corrections, the Department of State's Attorneys and Sheriffs, and the Office of the Defender General;*

*(B) an operations and business plan that defines benchmarks, including possible changes to resource allocations; and*

*(C) a clearly defined path for geographic consistency and court alternatives and training needs; and*

*(3) provide status update reports to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Oversight Committee on or before November 1, 2019, November 1, 2020, and November 1, 2021.*

*(b) The Joint Legislative Justice Oversight Committee and Joint Legislative Child Protection Oversight Committee shall review the November 1, 2018 report, the plan for expansion, the necessary funding, and the subsequent status reports as required by subsection (a) of this section to determine whether adequate funding and supports are in place to implement the expansion of juvenile jurisdiction to encompass persons 18 and 19 years of age in accordance with the effective dates of this act, and shall:*

*(1) on or before December 1, 2019, December 1, 2020, and December 1, 2021, issue findings as to whether the milestones identified in subdivision (a)(2) of this section related to operations and policy have been met and whether an appropriate funding plan has been developed; and*

*(2) on or before December 1, 2018, December 1, 2019, December 1, 2020, and December 1, 2021, recommend legislation to amend the timeline for the rollout of the expansion unless adequate funding and supports for the expansion are available and milestones related to policy and operations have been met.*

## Addendum B: Act 201 Timeline

Activity	Current Status	July - Sept 2018	Oct - Dec 2018	Jan-March 2019	April-June 2019	July- Sept 2019	Oct-Dec 2019
<b>Data</b> collection, compilation and analysis	Court data project well underway and nearly complete	Identify: data needs and scope of project. Enter into MOU with the Judiciary	Court Data complete, data added from DCF, DOC and others. With partners, identify data points to add.	Connect data to work with consultant.		Update with end of FY19 data.	
<b>Consultant</b> assist DCF and stakeholder partners w/ systems change preparation and planning	Request for Proposals (RFP) issued, awaiting proposals.	Met with numerous national experts regarding Act 201, drafted RFP.	Proposals due to DCF: 11.8 Selection of bidder: 11.13 Contract start date: 12.15	Consultant project underway	Consultant project underway	Report to DCF and stakeholders in July	
Analysis of <b>DCF's capacity</b> to absorb and supervise 18 and 19-year-olds	DCF staff person hired on 10.15.		DCF staff person reviewing national best practices re: supervision of youth	Work w/ DCF staff, ready the department for 18 and 19-year-olds and collaborate with consultant.	Work w/ DCF staff, ready the department for 18 and 19-year-olds and collaborate with consultant.	Assist with system reform design	Make system reform recommendations.
Analysis of <b>community services</b> and supports available to 18 and 19-year-olds	Same as above, staff person started on 10.15		Meeting with community support stakeholders through-out VT	Meeting with community support stakeholders through-out VT	Map services and where there are gaps.	Connect work with that of consultant.	
<b>Operations Plan:</b> including court alternatives and geographic consistency.	Will commence with consultant.				Consultant assist DCF and stakeholders	Analyze operations plan with stakeholders	Determine feasibility, prepare presentation for legislature.
<b>Budget Planning</b>	Will commence once analysis of business-operations plan is complete.					Start to prepare 2020 budget that reflects proposed and agreed upon elements of the operations plan	Determine if the stakeholders need to request postponing implementation dates.