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**Memo**

**To: Representative Grad**  
**House Judiciary Committee Members**

**From: Karen Vastine, Senior Advisor to the DCF Commissioner**  
**Leslie Wisdom, DCF General Counsel**

**Re: S.234 proposed amendments**

**Date: March 27, 2018**

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Thank you for the opportunity to speak to you today in support of S.234. In addition to the proposed changes in this bill, DCF also recommends a few additional amendments and clarifications.

**1. Clarification of jurisdiction language in the delinquency system.** Chapter 52 of Title 33 sets forth the law around court jurisdiction of cases in the juvenile system. With the exception of “Big 12” offenses for some youth (14 to 17 years old), proceedings for youth under age 18 must originate in the Family Division. Language in 33 V.S.A. § 5103, which addresses the extended supervision of youth in the juvenile system, is confusing with respect to youth who turn 18 years old with a pending case in the juvenile system. We believe that striking the language below will provide clarity and ensure that courts will not dismiss cases pending in the Family Division.

33 V.S.A. § 5103 is amended to read:

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(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child’s 18<sup>th</sup> birthday.

(2)(A) Jurisdiction over a child ~~who has been adjudicated delinquent~~ may be extended until six months beyond the child’s 19<sup>th</sup> birthday if the child was 16 or 17 years of age when he or she committed the offense.

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**2. Add language in statute in response to recent Office of Juvenile Justice and Delinquency Prevention audit findings.** The Formula Grants Program authorized under the federal Juvenile Justice and Delinquency Prevention Act encourages states to protect youth from certain harmful conditions in the juvenile justice system. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) is charged with administering the Formula Grants Program. OJJDP awards grants to support states in achieving and maintaining compliance with protections of the Formula Grants Program. In order to determine the adequacy of a state’s compliance monitoring system, OJJDP conducts periodic compliance monitoring field audits to assess states’



implementation of elements of the JJDPA. In the most recent audit of Vermont, the OJJDP found that DCF, the state's compliance monitoring agency, did not have explicit authorization in state law to inspect facilities and collect data for purposes of compliance with the JJDPA. DCF responded to the audit that authority has never been an issue before, but it would nevertheless pursue specific legislative authority. As a result, DCF is proposing the following language to be added to title 33.

33 V.S.A. § 3309 is added to read:

The Department for Children and Families, within the Agency of Human Services, is the state agency designated for supervising the preparation and administration of the Juvenile Justice and Delinquency Prevention Act state plan and is also designated as the state agency responsible for monitoring and data collection for purposes of compliance with the Juvenile Justice and Delinquency Prevention Act.

**3. Add language to S.234 to require certification from the executive and judiciary branches of government that Vermont is ready to implement adding 18 and 19-year olds to the juvenile justice system.**

Sec. 17. EFFECTIVE DATES:

(a) This section, Sec. 4, and Sec. 16 shall take effect on passage.

(b) Secs. 1-3 and 5-8 shall take effect on July 1, 2018.

(c) Secs. 9-12 shall take effect on July 1, 2020. This effective date is contingent upon the joint certification by the Secretary of Administration and the State Court Administrator to the Joint Justice Oversight Committee on or before November 1, 2019 that the executive and judiciary branches of government are prepared to implement these changes.

(d) Secs. 13-15 shall take effect on July 1, 2022. This effective date is contingent upon the joint certification by the Secretary of Administration and the State Court Administrator to the Joint Justice Oversight Committee on or before November 1, 2021 that the executive and judiciary branches of government are prepared to implement these changes.

Thank you.