



# JUVENILE JUSTICE IN VERMONT:

House Human Services  
4.6.17  
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# INTRODUCTION TO JUVENILE JUSTICE

What role does DCF play with respect to Juvenile Justice?

The Family Services Division has a dual role with child welfare:

- Child Protection - 90% of current caseload
- Juvenile Services - 10% of current caseload

Every District Office has dedicated JS staff:

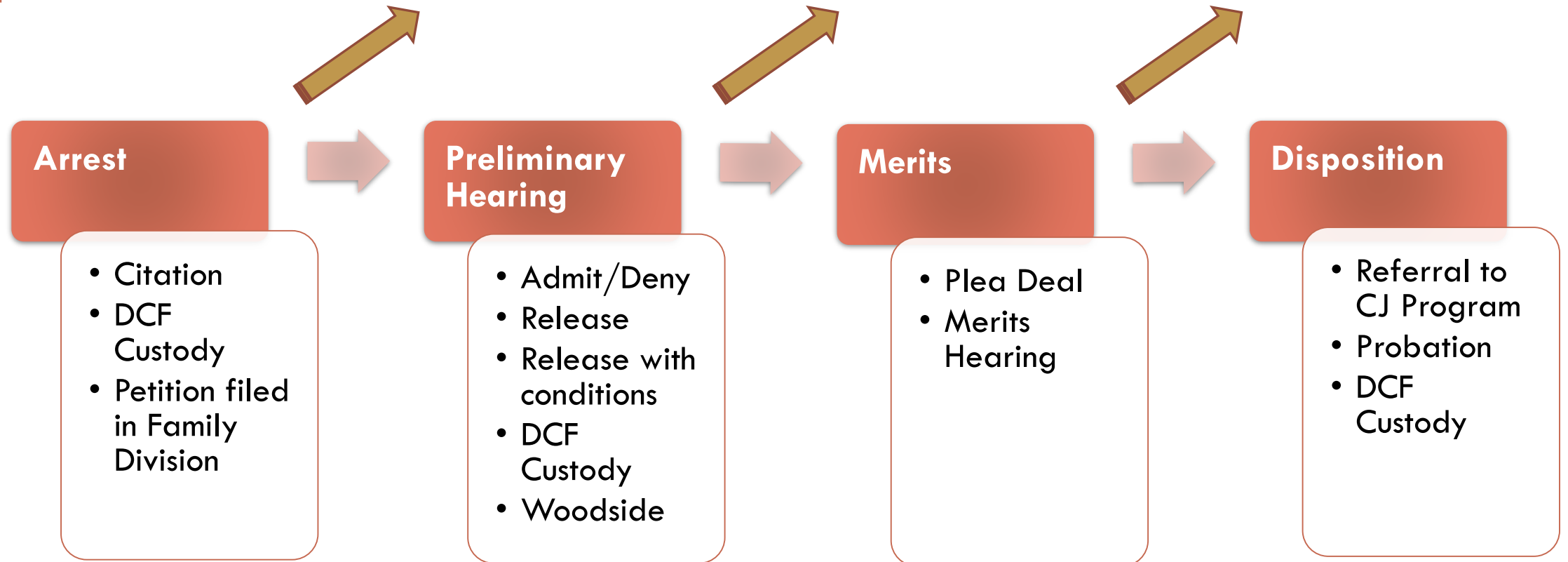
- three offices have a high enough caseload that they can have their JS workers have a straight JS caseload youth who've committed delinquent acts.

# INTRODUCTION TO JUVENILE JUSTICE

The options for youth who have engaged in delinquent behavior:

- Pre-charge Program
- Direct Referral – CJC or BARJ
- Court Diversion
- Direct Referral (post Merits)– CJC or BARJ
- Juvenile Probation (possibly termed)
- Juvenile Probation with DCF Custody
- Youthful Offender Status
- Charges filed in Criminal Division

# JUVENILE DELINQUENCY PROCESS



# JUVENILE JUSTICE BACKGROUND

Confidentiality

Attorney Representation

Authority of law enforcement to detain

Adjudication of guilt or innocence

- Jury Decision vs. Judge Decision

DCF supervision

# JUVENILE JUSTICE BACKGROUND

## **Core Principles of Effective Supervision Employed by DCF JS Workers:**

### **Risk Principle:**

The level of supervision or services should be matched to the risk level of the youth to reoffend. (ie: higher risk should receive more intensive services).

### **Need Principle:**

The targets for interventions should target youth characteristics that have the most effect on the likelihood of re-offending.

### **Responsivity Principle:**

Interventions should be matched, or responsive, to the characteristics and values of the youth.

# JUVENILE JUSTICE BACKGROUND

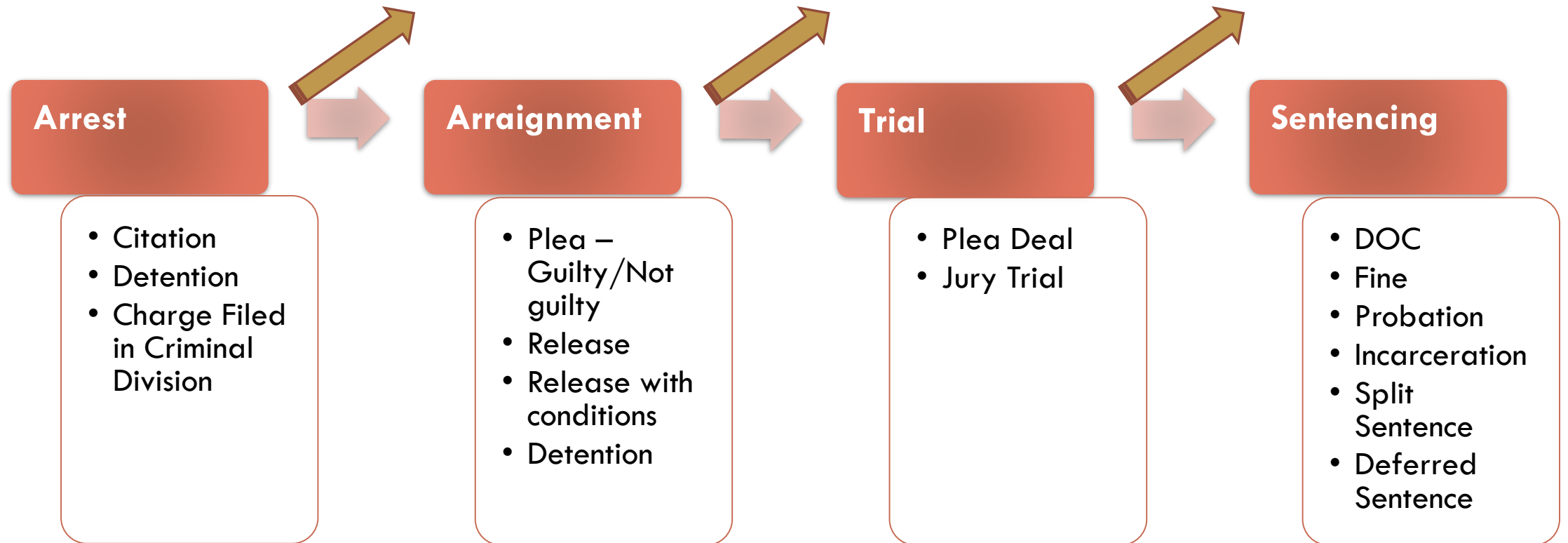
## **Youth Assessment and Screening Instrument (YASI)**

*Adopted by Family Services as an Evidenced- Based Risk Assessment Tool designed to target case planning and reduce recidivism.*

Pre-Screen – provides the level of risk to reoffend.

Full Assessment – provides an assessment of the areas that are contributing to risk.

# CRIMINAL PROCESS





# CRIMINAL PROCESS/ADULT COURT

Court Process and Records are Public

Attorney Representation

Authority of law enforcement to detain

Conviction of guilt or acquittal of innocence

- Jury Decision or Judge Decision

DOC supervision

# YOUTHFUL OFFENDER STATUS

## HYBRID APPROACH:

This is a designated status, not intended to be a description of a person in this context.

- Youth enters a conditional guilty plea in Criminal Court.
- Criminal Court defers sentencing and transfers case to Family Court to determine whether YO status should be granted.
- DCF files a report on the youth that recommends whether: Public safety is at risk; the youth is amenable to treatment; and there are sufficient services.
- If YO motion is approved, conditions of probation, DCF and DOC staff are assigned to work with youth.

# YO PROCESS — BLENDED OR HYBRID SYSTEM

## Filing of Charge

- Directly in Family **OR**
- Filed in Criminal and transferred to Family

## DCF Report

- Recommend Diversion
- Recommend YO
- Proposed Services

## Hearing in Family Div

- Can public safety be protected?
- Is Youth amenable to treatment or rehabilitation
- Are there sufficient services in the juvenile system to serve the youth

# OPTIONAL OUTCOMES IN YO CASES

If the Judge decides the answer to either question is No –

- Case is returned to Criminal Division and processed like an adult case

If the Answer to the questions is YES

- Case remains in Family Division and follows delinquency process

If Youth successfully completes all conditions

- YO status is terminated
- Case is dismissed in both Family and Criminal Division

If Youth does not successfully complete conditions

- YO status is terminated
- Case is returned to Criminal Division for sentencing

# BACKGROUND ON YOUTHFUL OFFENDER STATUS

## Pre- Act 153

### Benefits of YO status:

- Youth can receive support and supervision from a social worker in accessing treatment and services.
- If youth successfully completes their probation requirements, their criminal court record is expunged and their family court record is sealed.

### Drawbacks of YO status:

- DOC is not empowered to utilize all of its tools for supervision in the community.
- Because of the initial filing in Criminal Court, aspects of criminal record remain available to the public even post expungement.

# JUVENILE JUSTICE REFORM WORK

Keep youth out of Adult Court so that they can avoid collateral consequences for behavior that they are likely to grow out of.

Adolescent brain development – youth's brains are not fully developed until 25 which means:

- Low impulse control
- Social affirmation is prioritized
- Long-term decision making not completely on-line.
- More likely to respond to treatment

# JUVENILE JUSTICE REFORM

Acts 153 and 72 change a number of aspects of the juvenile justice system, including:

- Making it mandatory to file cases involving 16 and 17 year-olds (except for the Big 12 offenses) in family court
- Beginning 7.1.18 - Expanding Youthful Offender (YO) Status to:
  - include young adults up to the age of 21;
  - allow cases to start in family court so confidentiality can be afforded to youth eligible for YO status; and
  - incorporate supervision tools and strategies utilized by DOC to allow more young adults to be supervised in their community.

AGE	OFFENSE	
	OFFENSES other than big 12	BIG TWELVE
10-12	Proceedings start in Family; NO Transfer	Proceedings start in Family; NO Transfer
12-14		Proceedings start in Family; Transfer is an option
14-16		Proceedings start in Crim.; Transfer is an option
16-17	All Proceedings start in Family Misdemeanors: NO Transfer Felonies: Transfer upon motion	Proceedings start in Crim.; Transfer is an option
18-21	All cases start in Criminal unless SA decides to file YO petition directly in Family Any case can be transferred from Crim to Family for YO status consideration upon motion – note 14-21 are eligible for YO	



# JUVENILE JUSTICE REFORM

## **Woodside admissions – law as of 7.1.2018**

- During the last legislative session, DCF proposed legislation to provide court only ordered admissions to Woodside for any placement prior to the disposition stage of a delinquency case.
- Act 72 (2017) changed the due process considerations for Woodside admissions consistent with DCF's request to change the current law.

# JUVENILE JUSTICE REFORM WORK

Juvenile Justice Stakeholder group:

- DCF
- DOC
- Judiciary
- Office of the Defender General
- Department of State's Attorneys and Sheriffs.

# OVER-ARCHING RECOMMENDATION FROM STAKEHOLDER GROUP: ENSURE THAT YOUTH ARE DIVERTED WHEN APPROPRIATE

Our overall vision for Acts 153 and 72 implementation is that youth who commit low level offenses will be diverted from the system.

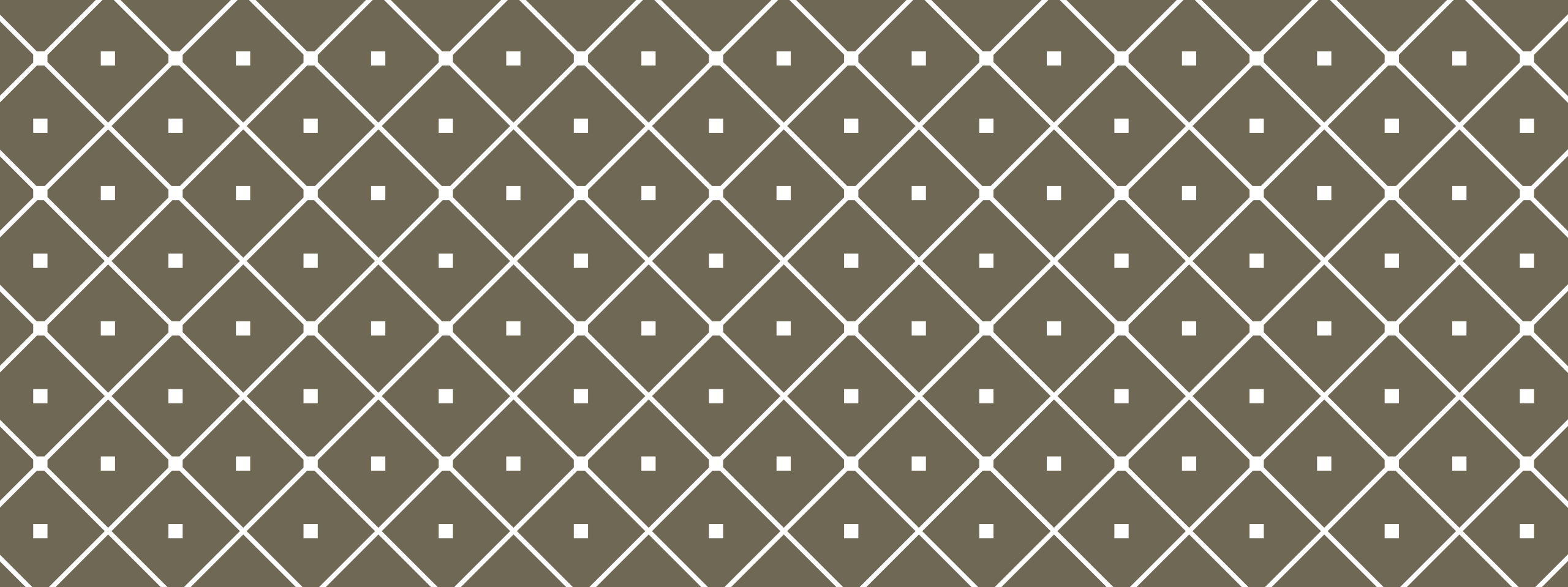
We want to avoid building a system that ends up involving more youth in court. Therefore we recommend:

- Continuing to explore pre-filing options for youth; and
- Seeking geographic consistency.

# WORK WITH CSG'S JUSTICE CENTER

DCF, with a grant from the Children and Family Council for Prevention Programs, contracted with the Justice Center of the Council of State Government to map policy adjustments and the potential impact of the reforms on the existing system.

The Justice Center conducted numerous stakeholder focus groups and analyzed data available to put together a report and recommendations presented to Joint Justice Oversight on October 26th, 2017.



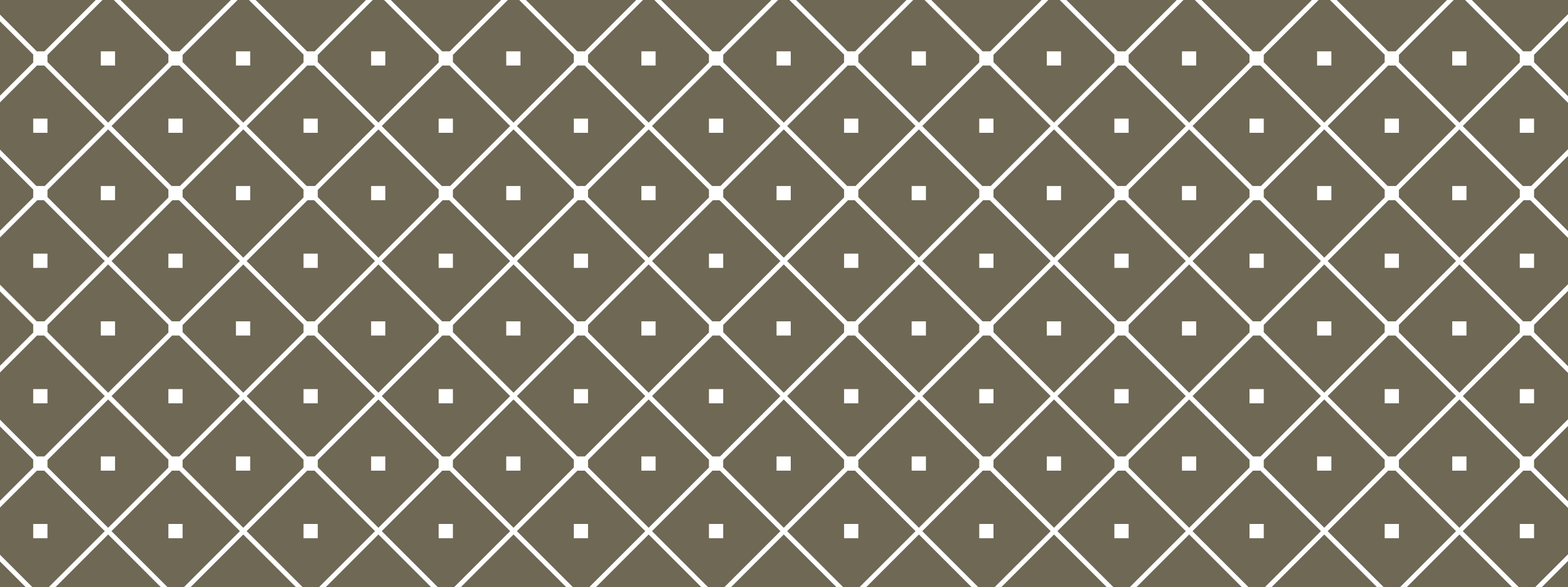
# CHANGES INCLUDED IN S234

Technical changes and furthering  
juvenile justice reform

# *TAKING JUVENILE JUSTICE REFORM FORWARD*

## **S234 Proposes:**

- Family court jurisdiction to include 18 and 19 year olds.
- Allow for immediate expungement for cases involving 18-21 year olds for low level offenses upon successful completion of probation or supervision.
- A default option: diversion for low risk youth or young adults, but States Attorneys have authority to override with specified circumstances
- Risk assessments inform charging decisions by State's Attorneys



# UPDATE ON WOODSIDE

Overview of next steps to  
restore Medicaid Funding

# WOODSIDE FUNDING

## Background:

Woodside lost Medicaid funding effective 10.1.2016 during the last waiver negotiation with CMS.

Determination at that time was that youth served at Woodside were considered inmates of a public institution and were, therefore, ineligible for Medicaid funding.



# WOODSIDE FUNDING

AHS and DCF met in December with representatives of CMS in Baltimore to discuss the restoration of Medicaid funding for Woodside.

A path forward for supporting Woodside with federal Medicaid funding was identified at the December meeting:

- Woodside will apply for certification as a PRTF.
- Woodside has many PRTF requirements already in place, including physician-directed services and accreditation by CARF (Council on Accreditation of Rehabilitation Facilities).

# WOODSIDE FUNDING

There are a few steps still needed:

- Adopt state regulations consistent with federal PRTF requirements
- State law will need to be amended to provide that youth currently in the program who turn 18 years old may, if they choose, remain in the program as long as the continued treatment is medically necessary (but no later than age 21) **This is included in S234.**

We anticipate that Woodside could achieve PRTF certification in SFY19.



# CONTACTS

If you have other questions or feedback you would like to share with us, please contact:

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