

Memorandum

To: Ann Pugh, Chair, House Human Services Committee
From: Karen Vastine, Senior Advisor to the DCF Commissioner
Re: S.234 – Juvenile Justice
Date: April 24, 2018

Thank you for the time and attention you are giving to S.234, the juvenile justice bill. Last week, it was our understanding that the committee was not in favor of adding language to the bill that would require the three branches of government to certify that the juvenile justice system was resourced and prepared for the expansion to juvenile jurisdiction. We have a different approach to offer for the committee's consideration that expands the language included in the version of the bill that passed out of House Judiciary two weeks ago. Please find our proposal on the second page of this memo.

Additionally, it was our understanding that the committee wanted assurance that restorative justice approaches are incorporated in juvenile justice reform work. DCF places great value on the existing application of restorative justice in the juvenile justice system. In addition to the use of the Balanced & Restorative Justice programs utilized statewide for most juveniles on probation, V.S.A. 33 Chapter 52 already includes two specific references (33 V.S.A. §§ 5225(b) and 5232(b)(7)) around the use of community-based restorative justice in lieu of adjudication or probation. Both of those references were added to Title 33 as part of the previous juvenile justice reform legislation.

Finally, the committee requested information regarding the numbers of youth placed on Youthful Offender Status. The nature of this status presents challenges to the data-tracking systems within the courts and DCF, however, the Court Administrator's Office provided the data below which we believe will provide the committee a sense of the number of youth who have been extended, accepted and approved for Youthful Offender status in the last three years.

Number of Youth Placed on Youthful Offender Status:

Fiscal Year	2015	2016	2017	2018 (7.1.17-3.30.18)
	21	33	18	17

If you have any questions, please direct all communications to Karen Vastine, karen.vastine@vermont.gov.



Proposed Modification to S.234:**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 18- and 19-year-olds 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 Committee on the status and plan for the expansion, including necessary funding and specific milestones related to operations and policy; and
 - (3) provide status update reports to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee on or before November 1, 2019 and November 1, 2020.
- (b) The Joint Legislative Justice Oversight Committee and Joint Legislative Child Protection 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 18- and 19-year-olds in accordance with the effective dates of this act.
- (1) The Committees shall issue findings on or before December 1, 2019, December 1, 2020 and December 1, 2021 as to whether specific milestones related to operations and policy have been met and whether an appropriate funding plan has been developed. The milestones shall include but not be limited to: identification of and a timeline for structural and systemic changes within the juvenile justice system for Family Court, the Department for Children and Families, the Department of Corrections, the Department of States Attorneys and Sheriffs and the Office of the Defender General; an operations and business plan that defines benchmarks, including possible changes to resource allocations; a clearly defined path for geographic consistency and robustly defined court alternatives and training needs. The milestones will also address how these changes will avoid negatively impacting the state's child protection response.
 - (2) To the extent that milestones related to policy and operation have not been met or if inadequate funding and supports are available for the expansion, the Committees shall, on or before December 1, 2018, December 1, 2019, and December 1, 2021, recommend legislation to address the inadequacies or amend the timeline for the rollout of the expansion.

