

Memo

**To: Representative Grad,
House Judiciary Committee Members**
From: Leslie Wisdom, General Counsel
Re: S.23 Juvenile Justice
Date: April 11, 2017

Thank you for the opportunity to speak to you today about the changes to S.23 recommended by the Department for Children and Families. These are the changes that Commissioner Schatz testified about last week in your committee.

DCF has the following additional recommendations to the youthful offender (YO) chapter in section 4 of the bill. The first recommended modifications are found in 33 V.S.A. §5282:

§ 5282. REPORT FROM THE DEPARTMENT

(a) Within 30 days after the case is transferred to the Family Division or a youthful offender petition is filed in the Family Division, unless the court extends the period for good cause shown, the Department for Children and Families shall file a report with the Family Division of the Superior Court.

(b) A report filed pursuant to this section shall include the following elements:

(1) a recommendation as to whether youthful offender status is appropriate for the youth, including a recommendation about whether the case is more appropriate for diversion because the youth has been determined to be low to moderate risk to reoffend;

~~(2) a disposition case plan including proposed services and proposed conditions of juvenile probation in the event youthful offender status is approved and youth adjudicated;~~

~~(3) a description of the services that may be available for the youth when he or she reaches 18 years of age.~~

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DCF is also proposing language to amend the YO hearing procedures as outlined in 33 V.S.A. §5283(c)(2) (also in section 4 of the bill):

§ 5283. HEARING IN FAMILY DIVISION

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(c) Hearing procedure.

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~~(2) Hearings under subsection 5284(a) of this title shall be open to the public.~~ All other youthful offender proceedings shall be confidential.

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Finally, DCF is recommending a technical correction to 33 V.S.A. §5112 to be added to this bill as a new section:

§ 5112. ATTORNEY AND GUARDIAN AD LITEM FOR CHILD

(a) The Court shall appoint an attorney for a child who is a party to a proceeding brought under the juvenile judicial proceedings chapters.

(b) The Court shall appoint a guardian ad litem for a child under age 18 who is a party to a proceeding brought under the juvenile judicial proceedings chapters. In a delinquency proceeding, a parent, guardian, or custodian of the child may serve as a guardian ad litem for the child, providing his or her interests do not conflict with the interests of the child. The guardian ad litem appointed under this section shall not be a party to that proceeding or an employee or representative of such party.

Thank you.

