



LEGISLATIVE BRIEFING SHEET



Streamlining Juvenile Proceedings – Lean Analysis

Overview

With financial and technical assistance from the Department of Environmental Conservation, the Judiciary convened an interdisciplinary working group in October 2016 to explore improvements to abuse/neglect proceedings. The group analyzed how courts schedule and resolve matters from inception of the case up to merits hearings.

The working group included a judge, a court clerk, a public defender, a prosecutor, an assistant attorney general, four DCF employees, and 2 guardians ad litem.

During its weeklong analysis, the group concluded that:

Findings

- Courts often fail to reserve sufficient time when scheduling temporary care hearings, and default times vary from county to county (ranging from 15-minute blocks to 30-minute ones)
 - While recent increases in abuse/neglect filings contributed to delays in filing initial case plans, other factors also caused delay, including whether the bench and bar work collaboratively
 - The process of requiring each party to obtain medical and educational information is inefficient; delays could be mitigated if all parties received these essential documents timely
 - Needlessly inflammatory affidavits impede settlement
 - Judges should conduct hearings with improved direction, collaboration, and efficiency
 - Hearings are sometimes rescheduled because attorneys can't reach their clients to remind them about the hearings; many clients lack access to reliable phone services
 - Courts underutilize conditional care orders
-

Status

The Supreme Court **is currently reviewing** the recommendations discussed below

Among the working group's recommendations, some of which require approval from the Court:

Options

- Improve the **quality of the initial affidavit**
 - Improve **consistency of prosecutors' review of affidavits**
 - Improve the quality of **collaboration among parties outside of court**
 - Increase **time allocated for hearings**, and schedule subsequent hearings from the bench at the temporary care hearing in consultation with courtroom scheduling staff
 - Increase resources for **supervised visitation**
 - Improve training for all stakeholders on **mediation and collaboration**
 - Establish a pilot program to **hold a "collaboration hearing"** prior to the temporary care hearing
 - Assign a judicial master or person with similar authority to coordinate services and foster collaborative resolutions to disputes
 - Assign a GAL
 - Encourage prosecutors to withdraw emergency care petitions if parents comply with substance abuse treatment or other needed services
 - In cases where there is noncompliance with services, the judicial master (or similar individual) can prepare a report for the judge outlining placement and treatment options, risk factors, and recommendations
-

For More Information

Patricia Gabel, State Court Administrator

patricia.gabel@vermont.gov