

Dear Maxine,

I have been following with interest the progress of S. 224, the juvenile proceedings bill from the Senate. As you may remember, I have been a member of the Children and Family Council for Prevention Programs since my retirement from the bench. The major focus of the Council's work revolves around issues of juvenile justice.

I am attaching a letter that the Council sent to you earlier this month regarding S. 224. On the whole, the Council supports S. 224, but did have a few concerns with respect to Section 10 of the bill as it came over from the Senate. Our major concern, which is described in greater detail in the letter, is that the Senate version allows victims to "reasonably express their views concerning the offense and the youth" at any hearing. We believe that the appropriate time for a victim to express their views "concerning the offense and the youth" to the court is at the disposition hearing. This is consistent with the rights victims are given in the criminal context which specifically permits the victim to express their views about the offense and the defendant at sentencing. See 13 V.S.A. Sec 5231(a)(2).

I would be happy to speak with you further about this concern if it would be helpful. I noticed that your committee is taking the bill up tomorrow and I assume that you are getting ready to mark it up so I hope this is not too late.

Best regards always,
Amy

Amy Davenport
Superior Judge (ret.)
Member, Children and Family Council for Prevention Programs