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Agency of Human Services

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Dear Chair White and Chair Copeland-Hanzas,

Thank you for giving the Department for Children and Families the opportunity to discuss the confidentiality of juvenile records. As you know, DCF has been working to create a system of juvenile justice that focuses on long-term rehabilitation with the twin goals of improving public safety and promoting positive youth development.

Over the past five years, DCF has worked with numerous stakeholders to develop a response to challenging juvenile behaviors that focuses on harnessing strengths of the growing adolescent brain. What we know about juvenile brain development is not only that it is not as equipped as an adult brain to consider long-term consequences, and equally important, it has incredible potential to grow in a pro-social way when adults respond appropriately to juvenile misbehavior. What we know about the positive youth development framework is that when adults engage with delinquent youth in all the essential areas of their life – education, employment, family, health, and housing - juveniles can emerge with greater resiliency and a significantly decreased likelihood of re-offense. This is not just intuitive but borne out by research.

It is imperative that youth and emerging adults have opportunities for engagement and reflection when they have engaged in behavior that results in their justice-involvement. To the issue before the Committee today, DCF asks the Committee to commit to a legislative framework that holds juvenile names confidential at every point of state contact. The Legislature took similar action two years ago, when it passed the Raise The Age legislation, allowing for youth charged with crimes to use the rehabilitative justice model of the family courts rather than the retributive model in the criminal courts. Expanding the State's recognition of appropriate response to juvenile behavior at point of contact supports the State's current policies around juvenile confidentiality in judicial proceedings. This is not to say that emerging adults should not be held responsible for their actions, but rather to say that they should be held responsible *and* have the opportunity to learn, be supported, take reparative and rehabilitative steps, and be afforded the opportunity to live a productive and healthy life, in all the areas in which they choose to engage.

It is imperative that youth and emerging adults have opportunities for engagement and reflection when they have engaged in behavior that forces them to become justice-involved. Maintaining confidentiality at every point of State contact will serve the short-term



interest of the juvenile and their caregivers, as well as the long-term interests of Vermont.

Thank you for the opportunity to provide this testimony. I am happy to provide any additional information the Committees may require.

Sincerely,

Jennifer Myka
DCF General Counsel