

1 H.175

2 Introduced by Representative LaLonde of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Juvenile justice; allocation of federal money

6 Statement of purpose of bill as introduced: This bill proposes to modernize
7 the Children and Family Council for Prevention Programs to comply with
8 changes to the federal Juvenile Justice and Delinquency Prevention Act. This
9 bill changes the name of the Council to the Council for Equitable Youth Justice
10 and amends its role to more accurately reflect its current responsibilities and
11 management of federal funds to support juvenile justice efforts in Vermont.

12 An act relating to modernizing the Children and Family Council for
13 Prevention Programs

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 ~~Sec. 1. 33 V.S.A. chapter 33 is amended to read:~~

16 § 3301. DEFINITIONS

17 As used in this chapter:

18 (1) "Council" means the ~~Children and Family Council for Prevention~~
19 ~~Programs~~ Council for Equitable Youth Justice.

1 (2) ~~“Primary prevention” means efforts to reduce the likelihood of~~
2 ~~juvenile delinquency, truancy, substance abuse, child abuse, and other socially~~
3 ~~destructive behaviors before intervention by authorities~~ “JJRA” means the
4 federal Juvenile Justice and Delinquency Prevention Act of 1973 as
5 reauthorized and as amended by the Juvenile Justice Reform Act of 2018, 34
6 U.S.C. § 11133.

7 (3) “OJJDP” means the Office of Juvenile Justice and Delinquency
8 Prevention within the U.S. Department of Justice.

9 (4) “DCF” means the Vermont Department for Children and Families.

10 § 3302. ~~CHILDREN AND FAMILY COUNCIL FOR PREVENTION~~

11 ~~PROGRAMS COUNCIL FOR EQUITABLE YOUTH JUSTICE~~

12 (a) ~~A Children and Family Council for Prevention Programs is established.~~
13 ~~The Council shall consist of 21 members who shall be appointed by the~~
14 ~~Governor with the advice and consent of the Senate for three-year terms. In~~
15 ~~the appointment of the members, consideration shall be given to the selection~~
16 ~~of persons who will adequately represent the interests of the beneficiaries of~~
17 ~~the primary prevention programs~~ Creation. There is created the Council for
18 Equitable Youth Justice within DCF to serve as the State advisory group for
19 Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance
20 with the core requirements of the JJRA and promotes an effective Vermont

1 ~~juvenile justice system consistent with the legislative findings under 33 V.S.A.~~

2 § 5101a.

3 ~~(b) The Council shall elect a chairperson, vice chairperson, and clerk from~~
4 ~~its members who shall serve for one year or until their successors are elected~~

5 Membership.

6 (1) The Council shall consist of up to 25 members who shall be
7 appointed by the Governor with the advice and consent of the Senate for three-
8 year terms.

9 (2) In appointing members, consideration shall be given to the selection
10 of persons who adequately represent the interests of youth who are in the
11 juvenile justice system and their families.

12 (3) Membership shall be consistent with the federal requirements for
13 State advisory groups pursuant to 34 U.S.C. § 11133(a)(3).

14 (4) A majority of the members, including the Chair, shall not be full-
15 time employees of federal, State, or local government.

16 ~~(c) A majority of the members of the Council shall constitute a quorum.~~
17 ~~The Council shall act only by vote of a majority of its members present and~~
18 ~~voting at a meeting at which a quorum is in attendance Officers. The Council~~
19 ~~shall elect a chair, vice chair, and secretary or treasurer, or both, from its~~
20 ~~members who shall serve for one year or until their successors are elected.~~

1 ~~(d) Vacancy. In the event a vacancy occurs on the Council, the vacancy~~
2 ~~shall be filled in the same manner as provided in subsection (a) subdivision~~
3 ~~(b)(1) of this section. The term of a person appointed to fill a vacancy shall~~
4 ~~terminate on the date on which the original appointment would have~~
5 ~~terminated if the vacancy had not occurred.~~

6 (e) Compensation. Council members are authorized to receive per diem
7 compensation from federal funds as specified in 32 V.S.A. § 1010(b).

8 (f) Quorum. A majority of the members of the Council shall constitute a
9 quorum. The Council shall act only by vote of a majority of its members and
10 voting at a meeting at which a quorum is in attendance.

11 § 3303. COUNCIL; DUTIES COUNCIL DUTIES AND
12 RESPONSIBILITIES

13 (a) ~~The Council shall assist State agencies and the departments in the~~
14 ~~development, improvement, and coordination of primary prevention programs~~
15 ~~and activities at the State and local levels. In providing this service, the~~
16 ~~Council shall~~ Subject to the provisions of 32 V.S.A. § 3309, the Council shall
17 support monitoring and reporting compliance with the core requirements of the
18 JJRA, including:

19 (1) ~~acquire and provide pertinent research data and technical assistance~~
20 ~~related to the development and practice of primary prevention programs the~~
21 ~~deinstitutionalization of status offenders,~~

1 ~~(2) develop a State primary prevention plan that coordinates and~~
2 ~~consolidates the primary prevention planning efforts of the State agencies and~~
3 ~~departments specified in section 3305 of this title the separation of juveniles~~
4 ~~from incarcerated adults;~~

5 ~~(3) evaluate and prepare recommendations on the prevention policies~~
6 ~~and programs developed and implemented under section 3305 of this title and~~
7 ~~submit the recommendations on or before January 1 to the Governor, the~~
8 ~~House Committees on Human Services and on Appropriations, and the Senate~~
9 ~~Committees on Health and Welfare and on Appropriations the removal of~~
10 ~~juveniles from adult jails and lockups; and~~

11 ~~(4) the reduction of racial and ethnic disparities in Vermont's juvenile~~
12 ~~justice system.~~

13 ~~(b) [Repealed.]~~

14 ~~(c) Subject to the provisions of 32 V.S.A. § 5, the Council may apply for~~
15 ~~and receive federal or private funds, or any combination thereof in order to~~
16 ~~accomplish the purposes of this chapter. To the extent that funding under the~~
17 ~~Juvenile Justice and Delinquency Prevention Act of 1974, as amended,~~
18 ~~permits, the Council may award grants to State and local organizations for~~
19 ~~primary prevention activities in accordance with the provisions of that act~~
20 ~~Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and~~
21 ~~receive federal funds for activities consistent with the legislative findings~~

1 ~~pursuant to 33 V.S.A. § 5101a and the requirements of the JJRA. The Council~~
2 ~~may obtain grants for activities pursuant to 34 U.S.C. § 11133(a)(9).~~

3 (d) ~~The Council shall be attached for administrative purposes to the Agency~~
4 ~~of Human Services. On December 1, 2024, and every three years thereafter, the~~
5 ~~Council shall develop a State juvenile justice plan designed to promote an~~
6 ~~effective juvenile justice system. The plan shall be consistent with the~~
7 ~~requirements of the JJRA and the legislative findings pursuant to 33 V.S.A.~~
8 ~~§ 5101a.~~

9 (e) ~~On January 15, 2024, and every two years thereafter, the Council shall~~
10 ~~submit a written report to the Governor, the Joint Legislative Justice Oversight~~
11 ~~Committee, and DCF describing the efforts it has made to comply with the~~
12 ~~requirements of the JJRA, including the reduction of racial disparities and~~
13 ~~improving Vermont's juvenile justice system. The report shall include an~~
14 ~~overview of federal funds received and expended to address these purposes~~
15 ~~and recommendations to improve the juvenile justice system.~~

16 (f) ~~In carrying out its duties and responsibilities, the Council shall rely on~~
17 ~~all available data related to the State's juvenile justice system and shall make~~
18 ~~efforts to include youth and family voice whenever possible, particularly the~~
19 ~~voices of youth and members of their families who have been impacted by the~~
20 ~~system.~~

1 ~~§ 3304. STATE PRIMARY PREVENTION PLAN~~

2 ~~(a) The State Primary Prevention Plan shall provide for the use of State~~
3 ~~resources in ways that will strengthen the commitment of local communities to~~
4 ~~altering conditions that contribute to delinquency or other problem behaviors~~
5 ~~so that the burden of State-funded treatment and crisis-oriented service~~
6 ~~programs will be reduced. The Plan shall set forth specific goals, objectives,~~
7 ~~and key result areas and shall include proposals to integrate and build upon~~
8 ~~successful methods of primary prevention.~~

9 ~~(b) By July 1 of each even-numbered year, the Council shall revise the~~
10 ~~State Primary Prevention Plan, which shall be submitted to the Governor, the~~
11 ~~House Committee on Human Services, the House Committee on~~
12 ~~Appropriations, the Senate Committee on Health and Welfare, and the Senate~~
13 ~~Committee on Appropriations. [Repealed.]~~

14 ~~§ 3305. IMPLEMENTATION AND EVALUATION OF PRIMARY~~
15 ~~PREVENTION PLAN~~

16 ~~Primary prevention policies and implementation practices shall be targeted~~
17 ~~to specific goals, objectives, and key result areas and shall be consistent with~~
18 ~~the State Primary Prevention Plan. The following departments and agencies~~
19 ~~shall formulate the policies and practices:~~

20 ~~(1) the Agency of Education;~~

21 ~~(2) the Agency of Human Services, including all departments,~~

- 1 ~~(3) the Department of Motor Vehicles;~~
- 2 ~~(4) the Office of the Attorney General;~~
- 3 ~~(5) the Agency of Commerce and Community Development;~~
- 4 ~~(6) the Department of Labor;~~
- 5 ~~(7) the Department of Public Safety; and~~
- 6 ~~(8) the Department of Forests, Parks and Recreation. [Repealed.]~~

7 § 3306. CHILDREN'S TRUST FUND

8 ~~(a) A Children's Trust Fund is established for the purpose of providing~~
9 ~~funds for community-based primary prevention programs that have been~~
10 ~~shown to be effective for juveniles. The Fund shall be maintained by the~~
11 ~~Agency of Human Services.~~

12 ~~(b) The Fund shall be composed of revenues from the following sources:~~

13 ~~(1) any private donations made by individuals or organizations to the~~
14 ~~Fund for the purposes of this chapter;~~

15 ~~(2) when authorized by the General Assembly, funds appropriated~~
16 ~~directly or combined with other funds appropriated for services or programs~~
17 ~~having purposes consistent with primary prevention;~~

18 ~~(3) funds received from the federal government as matching funds or~~
19 ~~other funds for the purposes set forth in this chapter, and~~

1 ~~(1) funds held, donated to, or acquired by any State agency for purposes~~
2 ~~generally consistent with the purposes of this chapter and transferred at the~~
3 ~~direction of the Governor to the Children's Trust Fund.~~

4 ~~(c) All interest accrued or generated by revenue in the Fund shall remain in~~
5 ~~the Fund and be available for the payment of grants awarded from the Fund.~~

6 ~~(d) The administrator of the Children's Trust Fund shall annually provide~~
7 ~~the Commissioner of Taxes the number of copies requested of an annual report~~
8 ~~of the items of income and expense of the Fund for the most recent fiscal year.~~

9 [Repealed.]

10 § 3307. TRUST FUND PROGRAM

11 ~~(a) The Council shall plan, implement, and encourage primary prevention~~
12 ~~programs.~~

13 ~~(b) The Secretary of Human Services and the Council shall solicit~~
14 ~~proposals for grant awards from public and private persons and agencies. The~~
15 ~~Council shall evaluate the proposals and submit to the Secretary its priorities~~
16 ~~for awarding and funding grants.~~

17 ~~(c) Proposals shall be evaluated on the basis of the following criteria:~~

18 ~~(1) the demonstrated effectiveness of the program upon which the~~
19 ~~proposal is based;~~

20 ~~(2) the need for such services within the community;~~

1 ~~(3) other resources available to meet the need for primary prevention~~
2 ~~services;~~

3 ~~(4) the ability of the applicant to obtain funding from another source to~~
4 ~~cover a portion of the program costs.~~

5 ~~(d) To the extent that funds permit, the Secretary shall award grants to~~
6 ~~applicants of proposals that are recommended by the Council and shall~~
7 ~~administer such grants. The Council and Secretary shall monitor expenditures~~
8 ~~by grantees and evaluate the effectiveness of the programs, assistance, or~~
9 ~~services financed by the Children's Trust Fund.~~

10 ~~(e) The Secretary of Human Services in conjunction with the Council shall~~
11 ~~develop guidelines for the coordination of programs and the application for~~
12 ~~and distribution of assistance from the Children's Trust Fund. [Repealed.]~~

13 * * *

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2023.~~

Sec. 1. 33 V.S.A. chapter 33 is amended to read:

§ 3301. DEFINITIONS

As used in this chapter:

*(1) "Council" means the ~~Children and Family Council for Prevention~~
~~Programs Council for Equitable Youth Justice.~~*

~~(2) “Primary prevention” means efforts to reduce the likelihood of juvenile delinquency, truancy, substance abuse, child abuse, and other socially destructive behaviors before intervention by authorities. “DCF” means the Vermont Department for Children and Families.~~

~~(3) “JJRA” means the federal Juvenile Justice and Delinquency Prevention Act of 1973 as reauthorized and as amended by the Juvenile Justice Reform Act of 2018, 34 U.S.C. § 11133.~~

~~(4) “OJJDP” means the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice.~~

~~§ 3302. CHILDREN AND FAMILY COUNCIL FOR PREVENTION~~

~~PROGRAMS COUNCIL FOR EQUITABLE YOUTH JUSTICE~~

~~(a) A Children and Family Council for Prevention Programs is established. The Council shall consist of 21 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms. In the appointment of the members, consideration shall be given to the selection of persons who will adequately represent the interests of the beneficiaries of the primary prevention programs. Creation. There is created the Council for Equitable Youth Justice to serve as the State advisory group for Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance with the core requirements of the JJRA and promotes an effective Vermont juvenile justice system consistent with the legislative findings under 33 V.S.A. § 5101a.~~

~~(b) The Council shall elect a chairperson, vice chairperson, and clerk from its members who shall serve for one year or until their successors are elected Membership.~~

(1) The Council shall consist of up to 25 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms.

(2) In appointing members, consideration shall be given to the selection of persons who adequately represent the interests of youth who are in the juvenile justice system and their families.

(3) Membership shall be consistent with the federal requirements for State advisory groups pursuant to 34 U.S.C. § 11133(a)(3).

(4) A majority of the members, including the Chair, shall not be full-time employees of federal, State, or local government.

~~(c) A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which a quorum is in attendance Officers. The Council shall elect a chair, vice chair, and secretary or treasurer, or both, from its members who shall serve for one year or until their successors are elected.~~

(d) Vacancy. In the event a vacancy occurs on the Council, the vacancy shall be filled in the same manner as provided in subsection (a) subdivision (b)(1) of this section. The term of a person appointed to fill a vacancy shall

terminate on the date on which the original appointment would have terminated if the vacancy had not occurred.

(e) Compensation. Council members are authorized to receive per diem compensation from federal funds as specified in 32 V.S.A. § 1010(b).

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§ 3303. COUNCIL; DUTIES COUNCIL DUTIES AND

RESPONSIBILITIES

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(1) ~~acquire and provide pertinent research data and technical assistance related to the development and practice of primary prevention programs~~ the deinstitutionalization of status offenders;

(2) ~~develop a State primary prevention plan that coordinates and consolidates the primary prevention planning efforts of the State agencies and~~

~~departments specified in section 3305 of this title the separation of juveniles from incarcerated adults;~~

~~(3) evaluate and prepare recommendations on the prevention policies and programs developed and implemented under section 3305 of this title and submit the recommendations on or before January 1 to the Governor, the House Committees on Human Services and on Appropriations, and the Senate Committees on Health and Welfare and on Appropriations the removal of juveniles from adult jails and lockups; and~~

~~(4) the reduction of racial and ethnic disparities in Vermont's juvenile justice system.~~

~~(b) [Repealed.]~~

~~(c) Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal or private funds, or any combination thereof in order to accomplish the purposes of this chapter. To the extent that funding under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, permits, the Council may award grants to State and local organizations for primary prevention activities in accordance with the provisions of that act~~
Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal funds for activities consistent with the legislative findings pursuant to 33 V.S.A. § 5101a and the requirements of the JJRA. The Council may obtain grants for activities pursuant to 34 U.S.C. § 11133(a)(9).

~~(d) The Council shall be attached for administrative purposes to the Agency of Human Services. On December 1, 2024, and every three years thereafter, the Council shall, in coordination with DCF, develop a State juvenile justice plan designed to promote an effective juvenile justice system. The plan shall be consistent with the requirements of the JJRA and the legislative findings pursuant to 33 V.S.A. § 5101a.~~

~~(e) On January 15, 2025, and every two years thereafter, the Council shall submit a written report to the Governor, the Joint Legislative Justice Oversight Committee, and DCF describing the efforts it has made to comply with the requirements of the JJRA, including the reduction of racial disparities and improving Vermont's juvenile justice system. The report shall include an overview of federal funds received and expended to address these purposes and recommendations to improve the juvenile justice system.~~

~~(f) In carrying out its duties and responsibilities, the Council shall rely on all available data related to the State's juvenile justice system and shall make efforts to include youth and family voices, particularly the voices of youth and members of their families who have been impacted by the system.~~

§ 3304. STATE PRIMARY PREVENTION PLAN

~~(a) The State Primary Prevention Plan shall provide for the use of State resources in ways that will strengthen the commitment of local communities to altering conditions that contribute to delinquency or other problem behaviors~~

~~so that the burden of State-funded treatment and crisis-oriented service programs will be reduced. The Plan shall set forth specific goals, objectives, and key result areas and shall include proposals to integrate and build upon successful methods of primary prevention.~~

~~(b) By July 1 of each even-numbered year, the Council shall revise the State Primary Prevention Plan, which shall be submitted to the Governor, the House Committee on Human Services, the House Committee on Appropriations, the Senate Committee on Health and Welfare, and the Senate Committee on Appropriations. [Repealed.]~~

~~§ 3305. IMPLEMENTATION AND EVALUATION OF PRIMARY
PREVENTION PLAN~~

~~Primary prevention policies and implementation practices shall be targeted to specific goals, objectives, and key result areas and shall be consistent with the State Primary Prevention Plan. The following departments and agencies shall formulate the policies and practices:~~

- ~~(1) the Agency of Education;~~
- ~~(2) the Agency of Human Services, including all departments;~~
- ~~(3) the Department of Motor Vehicles;~~
- ~~(4) the Office of the Attorney General;~~
- ~~(5) the Agency of Commerce and Community Development;~~
- ~~(6) the Department of Labor;~~

~~(7) the Department of Public Safety; and~~

~~(8) the Department of Forests, Parks and Recreation. [Repealed.]~~

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.