

To: House Judiciary Committee  
From: Jordan Souder, Policy Advocate, ACLU-VT  
Re: H.2 & Raise the Age Amendments  
Date: 2/20/2025

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### **Introduction:**

In 2018, Vermont became the first state in the nation to raise the age of juvenile court jurisdiction to include 18-year-olds. Signed into law by Governor Phil Scott, Act 201, colloquially known as the “Raise the Age” (RTA) initiative, gradually increases the maximum age when a young person can be charged as a juvenile in the Family Division as opposed to as an adult in the Criminal Division.

This juvenile justice reform measure—based on modern youth development research demonstrating that the brain continues to develop well into a person’s mid-20s<sup>1</sup>—is in line with our state’s juvenile justice policy of protecting public safety, connecting youth to age-appropriate services that reduce recidivism, and shielding youth from the adverse impact of a criminal record. For these reasons, the ACLU of Vermont has supported RTA since its inception and continues to advocate for its full implementation.

### **Where are we now:**

The first phase of RTA, which officially expanded juvenile jurisdiction to include 18-year-olds, has been in effect since July 1<sup>st</sup>, 2020. After years of delay, the second phase of RTA, which expands juvenile jurisdiction to 19-year-olds, is currently set to be implemented on April 1<sup>st</sup>, 2025. However, the Governor, as well as the Department of Children and Families (DCF), have now called for the repeal of the second phase of RTA, citing DCF’s lack of capacity to accommodate the inclusion of 19-year-olds into the juvenile system and to address concerns regarding accountability of older youth who fail to engage with required programming.

The ACLU of Vermont strongly opposes the repeal of the Raise the Age initiative. Despite concerns that RTA would overwhelm the juvenile justice system, the current data does not support that conclusion. Columbia University’s Justice Lab reported that delinquency cases have actually decreased in the last decade, even with inclusion of 18-year-olds in the juvenile justice system in 2020.<sup>2</sup> This suggests that RTA is working, and the inclusion of 19-year-olds would also not be overly burdensome to our system.

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<sup>1</sup> Selen Siringil Perker and Lael Chester, *Emerging Adults: A Distinct Population that Calls for an Age-Appropriate Approach by the Justice System* (Harvard Kennedy School, June 2017)

<sup>2</sup> Lael E. H Chester and Maria León, “Update on the Implementation of Vermont’s ‘Raise the Age’ Law: Decline in Delinquency Caseloads After 18-Year-Olds Added To the Juvenile Justice System; Incorporation of 19-Year-Olds Next,” *Columbia Justice Lab*, February 2024



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We have heard from DCF and the administration about the many issues DCF is facing that make the implementation of RTA challenging. While these are valid concerns that must be addressed, we have not heard why a repeal is necessary. The House Judiciary Committee has heard credible testimony from the Office of the Defender General and the Office of Child Youth and Family Advocate (OCYFA) stating that there are straightforward legislative solutions that would address many of the concerns held by DCF that wouldn't require repeal or further delay of this initiative. These solutions include providing DCF with the necessary funding to bolster workforce shortages and streamlining the Family Court to Criminal Court transferring process.



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Repealing RTA would do nothing to address these concerns. While it is unquestionable that DCF requires additional support, this is far from the first time this issue has been raised. This is now the fourth time DCF has claimed that they will not be ready by the legislatively mandated deadline, and we have not seen a good faith effort from the administration to adequately prepare for the second phase of RTA. Further delay, especially without addressing concerns raised numerous times already, could negatively impact the youth within our justice system.

### **Conclusion:**

RTA is nation leading, data-driven legislation that has shown success in supporting young people, promoting public safety, and reducing recidivism.<sup>3</sup> While there are challenges in implementing RTA, many of which can be addressed through legislative measures, to echo the sentiments of OCYFA, relieving DCF of systemic pressures should not come at the expense of our young people.<sup>4</sup>

We were the first state to expand juvenile jurisdiction to 18-year-olds. As we have done in the past, we should continue setting a strong example to other states of what smarter justice legislation should be. Vermont's youth need us to move forward, not backwards. That is why we oppose the repeal of expanding juvenile jurisdiction to 19-year-olds and call for the full implementation of RTA as soon as possible.

Respectfully,  
Jordan Souder, Policy Advocate, ACLU of Vermont

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<sup>3</sup> Matthew Bernstein and Lauren Higbee, "DCF Act 23 Letter of December 1, 2023," *Office of the Child, Youth, and Family Advocate*, February 6<sup>th</sup>, 2024

<sup>4</sup> *Id.*