

DCF supports the increase in minimum age for delinquency from 10 to 12. In the last five years we have only had 5 youth who have worked with DCF on probation who are between the ages of 10 and 11. (Section 1)

We are neutral on the idea of extending jurisdiction by a year for youth ages 16-18. The extra year may have a positive impact for some youth, however, if a youth does not want to engage, they can choose not to, and the system's response is limited. It would not increase accountability for lack of engagement but would provide a longer term for youth to potentially engage. (Section 2)

Regarding the delay in implementation of RTA, we appreciate the delay, although we cannot guarantee that in the next 2 years our system will have the foundation to support the additional youth, which is why the administration has proposed repealing RTA for 19-year-olds. Delaying is a better policy than moving forward with the April 1st implementation. (Sections 3-9)

We appreciate that there is an attempt to address the concerns of accountability related to delinquent youth. We are interested in exploring additional measures for accountability but feel that those policy discussions should take place in the context of a separate bill, which DCF would like to work with the committee on this session, following the passage of H.2, given the urgency of the April 1st deadline. (Sections 10-12)

We believe the best way to address the concerns related to the ping pong effect is to return to the process that we had for many years prior to the changes that went into effect in 2018, which is having a conditional plea of guilty in Criminal Division in order for the youth to be considered for Youthful Offender status. I know that the Defender General's Office has outlined concerns about the Constitutionality of this practice, however, we have no state law in Vermont that prohibits conditional pleas. This was the practice for nine years, and it was never litigated.

This would eliminate two hearings in the Family Division and would cut the process down for a youth to be placed on Youthful Offender probation significantly. It would also reduce concerns with youth who may not engage with DCF and DOC, because they are taking a level of responsibility and accountability for their actions from the outset. (Section 13)