

1 H.2

2 Representative LaLonde of South Burlington moves that the bill be
3 amended by striking out all after the enacting clause and inserting in lieu
4 thereof the following:

5 * * * Family Division Delinquency Jurisdiction * * *

6 Sec. 1. 33 V.S.A. § 5102 is amended to read:

7 § 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

8 As used in the juvenile judicial proceedings chapters:

9 * * *

10 (2) “Child” means any of the following:

11 * * *

12 (C) an individual who has been alleged to have committed or has
13 committed an act of delinquency after becoming ~~10~~ 12 years of age and prior
14 to becoming 22 years of age, unless otherwise provided in chapter 52 or 52A
15 of this title; provided, however:

16 (i) ~~that an individual who is alleged to have committed an act~~
17 ~~before attaining 10 12 years of age that would be murder as defined in~~
18 ~~13 V.S.A. § 2301 if committed by an adult may be subject to delinquency~~
19 ~~proceedings; and~~

20 (ii) that an individual may be considered a child for the period of
21 time the court retains jurisdiction under section 5104 of this title.

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Sec. 2. 33 V.S.A. § 5103(c) is amended to read:

(c)(1) Except as otherwise provided by this title and by subdivision (2) of this subsection, jurisdiction over a child shall not be extended beyond the child’s 18th birthday.

(2)(A) Jurisdiction over a child with a delinquency may be extended until six months beyond the child’s:

(i) ~~19th~~ 20th birthday if the child was 16 or 17 years of age when ~~he or she~~ the child committed the offense; or

(ii) ~~20th~~ 21st birthday if the child was 18 years of age when ~~he or she~~ the child committed the offense.

* * *

* * * Raise the Age * * *

Sec. 3. 2024 Acts and Resolves No. 125, Secs. 7–11 are amended to read:

Sec. 7. [Deleted.]

Sec. 8. [Deleted.]

Sec. 9. [Deleted.]

Sec. 10. [Deleted.]

Sec. 11. [Deleted.]

Sec. 4. 2024 Acts and Resolves No. 125, Sec. 21 is amended to read:

1 (c) If it appears to the State’s Attorney that the defendant was under ~~19~~ 20
2 years of age at the time the felony offense charged was alleged to have been
3 committed and the felony charged is not an offense specified in subsection
4 5204(a) or subdivision 5201(c)(2) or (3) of this title, the State’s Attorney shall
5 file charges in the Family Division of the Superior Court, pursuant to section
6 5201 of this title. The Family Division may transfer the proceeding to the
7 Criminal Division pursuant to section 5204 of this title.

8 * * *

9 Sec. 7. 33 V.S.A. § 5204 is amended to read:

10 § 5204. TRANSFER FROM FAMILY DIVISION OF THE SUPERIOR
11 COURT

12 (a) After a petition has been filed alleging delinquency, upon motion of the
13 State’s Attorney and after hearing, the Family Division of the Superior Court
14 may transfer jurisdiction of the proceeding to the Criminal Division of the
15 Superior Court if the child had attained 16 years of age but not ~~19~~ 20 years of
16 age at the time the act was alleged to have occurred and the delinquent act set
17 forth in the petition is a felony not specified in subdivisions (1)–(11) of this
18 subsection or if the child had attained 12 years of age but not 14 years of age at
19 the time the act was alleged to have occurred, and if the delinquent act set forth
20 in the petition was any of the following:

21 * * *

1 ~~*** DCF Authority to Take Physical Custody of Persons aged 18-21 ***~~

2 ~~Sec. 10. 33 V.S.A. § 5232 is amended to read:~~

3 ~~§ 5232. DISPOSITION ORDER~~

4 ~~(a) If a child is found to be a delinquent child, the court shall make such~~
5 ~~orders at disposition as may provide for:~~

6 ~~(1) the child's supervision, care, and rehabilitation;~~

7 ~~(2) the protection of the community;~~

8 ~~(3) accountability to victims and the community for offenses committed;~~

9 ~~and~~

10 ~~(4) the development of competencies to enable the child to become a~~
11 ~~responsible and productive member of the community.~~

12 ~~(b) In carrying out the purposes outlined in subsection (a) of this section,~~
13 ~~the court may:~~

14 ~~(1) Place the child on probation subject to the supervision of the~~
15 ~~Commissioner, upon such conditions as the court may prescribe. The length of~~
16 ~~probation shall be as prescribed by the court or until further order of the court.~~

17 ~~(2) Order custody of the child be given to the custodial parent, guardian,~~
18 ~~or custodian. For a fixed period of time following disposition, the court may~~
19 ~~order that custody be subject to such conditions and limitations as the court~~
20 ~~may deem necessary and sufficient to provide for the safety of the child and~~
21 ~~the community. Conditions may include protective supervision for up to six~~

1 ~~months following the disposition order unless further extended by court order.~~

2 ~~The court shall hold review hearings pursuant to section 5320 of this title to~~

3 ~~determine whether the conditions continue to be necessary.~~

4 ~~(3) Transfer custody of the child to a noncustodial parent, relative, or~~

5 ~~person with a significant connection to the child. The court may order that~~

6 ~~custody be subject to such conditions and limitations as the court may deem~~

7 ~~necessary and sufficient to provide for the safety of the child and community,~~

8 ~~including protective supervision, for up to six months unless further extended~~

9 ~~by court order. The court shall hold review hearings pursuant to section 5320~~

10 ~~of this title to determine whether the conditions continue to be necessary.~~

11 ~~(4) Transfer custody of the child to the Commissioner.~~

12 ~~(5) Terminate parental rights and transfer custody and guardianship to~~

13 ~~the Department without limitation as to adoption.~~

14 ~~(6) Issue an order of permanent guardianship pursuant to 14 V.S.A. §~~

15 ~~2664.~~

16 ~~(7) Refer a child directly to a youth appropriate community based~~

17 ~~provider that has been approved by the Department, which may include a~~

18 ~~community justice center or a balanced and restorative justice program.~~

19 ~~Referral to a community based provider pursuant to this subdivision shall not~~

20 ~~require the court to place the child on probation. If the community based~~

21 ~~provider does not accept the case or if the child fails to complete the program~~

1 ~~in a manner deemed satisfactory and timely by the provider, the child shall~~
2 ~~return to the court for disposition.~~

3 ~~(8) If the person has attained 18 years of age but not 22 years of age,~~
4 ~~direct the Commissioner to take physical custody of the person.~~

5 ~~(c) If the court orders the transfer of custody of the child pursuant to~~
6 ~~subdivisions (b)(4) and (5) of this section, the court shall establish a~~
7 ~~permanency goal for the child and adopt a case plan prepared by the~~
8 ~~Department designed to achieve the permanency goal. If the court determines~~
9 ~~that the plan proposed by the Department does not adequately support the~~
10 ~~permanency goal for the child, the court may reject the plan proposed by the~~
11 ~~Department and order the Department to prepare and submit a revised plan for~~
12 ~~court approval.~~

13 Sec. 10. AGENCY OF HUMAN SERVICES PROGRESS REPORTS

14 ~~(a) On or before December 1, 2025, July 1, 2026, and December 1, 2026,~~
15 ~~the Agency of Human Services shall report to the Joint Legislative Justice~~
16 ~~Oversight Committee, the Senate and House Committees on Judiciary, the~~
17 ~~House Committee on Corrections and Institutions, the Senate Committee on~~
18 ~~Institutions, the House Committee on Human Services, and the Senate~~
19 ~~Committee on Health and Welfare on its progress toward implementing the~~
20 ~~requirement of this act that the Raise the Age initiative take effect on July 1,~~
21 ~~2027. The progress reports required by this section shall describe progress~~

1 toward implementation of the Raise the Age initiative, as measured by
2 qualitative and quantitative data related to the following priorities:

3 (1) establishing a secure residential facility;

4 (2) expanding capacity for nonresidential treatment programs to provide
5 community-based services;

6 (3) ensuring that residential treatment programs are used appropriately
7 and to their full potential;

8 (4) expanding capacity for Balanced and Restorative Justice (BARJ)
9 contracts;

10 (5) expanding capacity for the provision of services to children with
11 developmental disabilities;

12 (6) establishing a stabilization program for children who are
13 experiencing a mental health crisis;

14 (7) enhancing long-term treatment for children;

15 (8) programming to help children, particularly 18- and 19-year-olds,
16 transition from youth childhood to adulthood;

17 (9) developing district-specific data and information on family services
18 workforce development, including turnover, retention, and vacancy rates; times
19 needed to fill open positions; training opportunities and needs; and instituting a
20 positive culture for employees;

1 (10) installation of a comprehensive child welfare information system;

2 and

3 (11) plans for and measures taken to secure funding for the goals listed
4 in this section.

5 ~~(b)(1) The report required by this section shall include a transition plan for~~
6 ~~moving to the Family Division cases against persons that:~~

7 ~~(A) were commenced in the Criminal Division prior to July 1, 2027;~~

8 ~~and~~

9 ~~(B) would have been commenced in the Family Division under the~~
10 ~~Raise the Age initiative on or after July 1, 2027.~~

11 ~~(2) Prior to drafting the transition plan required by this subsection, the~~
12 ~~Department shall conduct community engagement for the purpose of~~
13 ~~incorporating into the plan perspectives from impacted residents, local~~
14 ~~government officials, service providers, community groups, and other~~
15 ~~interested parties. The community engagement shall be conducted in~~
16 ~~consultation with the Office of Racial Equity and other parties identified by the~~
17 ~~Department, and may include community fora, surveys, listening sessions,~~
18 ~~interviews with persons with lived expertise, and other methods of public~~
19 ~~engagement.~~

20 ~~(b) The report required by this section shall provide utilization data for the~~
21 ~~Red Clover Treatment Facility, including how many youths utilize the Facility~~

1 on a monthly and annual basis, the length of stay, the treatment needs of the
2 youths who are placed at the Facility, racial and gender demographic data for
3 youths who are placed at the Facility, and any other data deemed relevant by
4 the Department.

5 (c) Failure to meet one or more of the progress report elements listed in
6 subsection (a) of this section shall not be a basis for extending the
7 implementation of the Raise the Age initiative beyond July 1, 2027.

8 * * * Effective Dates * * *

9 Sec. 11. EFFECTIVE DATES; APPLICABILITY

10 (a) Secs. 1, 2, and 10 shall take effect on July 1, 2025.

11 (b) Secs. 3 and 4 and this section shall take effect on March 31, 2025.

12 (c) Secs. 5–9 shall take effect on July 1, 2027 and shall only apply to
13 proceedings filed on or after that date.