

**VERMONT'S RAISE THE AGE LAW:  
State Fails to Collect and Analyze Relevant Data**

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Lael E. H. Chester<sup>1</sup>

Soon after Vermont enacted the “Raise the Age” (RtA) law in 2018,<sup>2</sup> the Department for Children and Families (DCF) led a thoughtful and in-depth planning process to prepare for a gradual, two-phase implementation plan established by the statute: Phase 1 raised the upper age of the juvenile justice system from the 18<sup>th</sup> to the 19<sup>th</sup> birthday on July 1, 2020, and Phase 2 raised it from the 19<sup>th</sup> to the 20<sup>th</sup> birthday on July 1, 2022. DCF collaborated closely with all the key justice system stakeholders (government and non-governmental organizations) during the planning process, which culminated in a comprehensive report submitted to the Legislature on November 1, 2019.<sup>3</sup> One of the critical, concrete recommendations highlighted in this report was to ensure ongoing data collection and analysis.”<sup>4</sup>

Vermont implemented the first phase of the RtA law successfully and on time. However, multiple delays have slowed full implementation of the reform. April 1, 2025, the date most recently set for implementation of Phase 2, is fast approaching, and Vermont is again considering another delay of implementation until 2027. Consequently, the relevant data are as important as ever. **So how has the collection and monitoring of data been going for the last 6 years? Not well.**

As noted in the 2019 legislative report, “[m]onitoring the implementation of the first phase will provide Vermont valuable information that will greatly assist with the second phase.” This report made three specific recommendations focusing specifically on data and, as explained below, Vermont is far from adopting any of them in any significant way. These three recommendations were:

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<sup>1</sup> Lael Chester was the Director of the Emerging Adult Justice Project at the Columbia Justice Law from 2017 – 2024. She continues to work at the Lab as the Lab winds down, and she also partners with philanthropy.

<sup>2</sup> Vermont Governor Phil Scott signed Act 201 in May 2018.

<sup>3</sup> The report can be found at <https://legislature.vermont.gov/assets/Legislative-Reports/20191101Vermont-RTA-DCF-Report-Final.pdf>

<sup>4</sup> The legislative report identified three key strategies for the successful implementation of RtA; (1) Increasing opportunities to divert cases from formal justice processing, (2) maximizing the efficiency of the court process, and (3) ensuring the full continuum of post-dispositional options.

1. Create and/or maintain data systems for ongoing data analysis and planning.

**Assessment:** *Either Vermont's current data systems are insufficient for proper analysis and planning and/or Vermont is failing to provide available and relevant data.* Vermont has not yet reported such basic information as the number of 18-year-olds who have been included in the Family Court each year after the implementation of Phase 1 of the RtA law. This does not mean that officials from various branches of the government have not either advocated for more resources or worked to improve data systems over the years. But in the end, the discussions about RtA have been severely hampered by the data collection and analysis. This was avoidable, as the 2019 legislative report provided a clear and comprehensive list of all relevant data points. This list is attached to the report as Appendix A.

2. Designate an agency or entity to collect and aggregate data from different stakeholders and present it in a user-friendly manner.

**Assessment:** *DCF has been tasked by the Legislature with providing updates on plans to implement RtA on a quarterly basis, but critical information from its own agency, as well as the other relevant justice partners, is missing, confusing or unhelpful.* The legislative reports fail to provide data from all the key stages of the juvenile and adult justice systems that are relevant to tracking RtA (such as arrests, arraignments, pre-merit detention, dispositions, etc.) for youth under 18 and, as of 2020, also for 18-year-olds charged with delinquency offenses. Further, information about the age, gender and race/ethnicity of the youth, as well as the types of offenses charged, are all data points that are typically collected by states when monitoring and assessing their youth justice systems. But Vermont does not consistently track these. The reports often combine delinquency cases with youthful offender cases, two separate legal processes, as well as non-delinquency cases (such as CHINS-C and CHINS-D cases). This mixing of apples and oranges makes it impossible to track the RtA cases and analyze the impact of RtA.

3. Designate an agency or a group of the key juvenile justice stakeholders to monitor implementation of the Raise the Age law so any challenges can be addressed in a timely fashion.

**Assessment:** Vermont has made limited strides with this recommendation. Although there does not appear to be an official agency or group responsible for monitoring RtA, the Legislature has tasked DCF with submitting quarterly reports. In addition,

some entities have made comments publicly about their interest and ongoing efforts in collecting and analyzing caseload data to monitor the implementation of RtA, including Vermont's State Advisory Group, the Council for Equitable Youth Justice (CEYJ),<sup>5</sup> and the Office of the Child, Youth, and Family Advocate (OCYFA), a relatively new independent agency. And yet both CEYJ and OCYFA have noted the hurdles caused by the lack of data and, in the meantime, Vermont still has not identified an agency or organization to "own" this important responsibility.

## CONCLUSION:

Last year, the Emerging Adult Justice Project (EAJP) published a report that reviewed publicly available data from multiple sources in Vermont and found that three years post-partial implementation of RtA, "the delinquency caseloads have decreased, despite the addition of 18-year-olds in the juvenile justice system."<sup>6</sup> This is consistent with results in other states that have raise the upper age of juvenile jurisdiction. Yet over the course of a year, Vermont has failed to provide updates for even the most basic caseload data and the data that has been shared is unhelpful and/or confusing.

As highlighted in some detail in the 2019 report to the Legislature, the problems with data collection are not new to Vermont. Moreover, the EAJP has found that there was even *less* relevant data made publicly available in 2025 than there was last year. **Hopefully, the worthy goals of RtA, to improve youth outcomes and increase public safety, will not be undercut by these data failures; Vermont can proceed to *simultaneously* improve data collection and fully implement the RtA law.** Again, EAJP's analysis last year showed a decrease in delinquency caseloads despite the addition of 18-year-olds, setting the stage nicely for the long-planned implementation of the second phase of the RtA law.

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<sup>5</sup> Information about the CEYJ can be found at <https://dcf.vermont.gov/contacts/boards/cfcpp>.

<sup>6</sup> <https://tinyurl.com/dytc4sfz>

## APPENDIX A

The following is a list of data identified in the 2019 legislative report<sup>7</sup> as important to collect and monitor before and during the implementation of RtA:

- *Data on the total number of youths under 20 arrested in Vermont, by age, race, gender, and offense. (This data is reported annually to the FBI by most states and has been previously provided to the FBI by Vermont.)*
- *Data on the total number of youths charged in the Family Division, by county, and the disposition of their cases. This data can be disaggregated to show delinquency, youthful offender, and Big 12 cases, including cases transferred to/from adult court. It is possible to disaggregate this data by age, gender, race/ethnicity, and offense type.*
- *Dispositions of youth cases charged in the Family Division, by county, including a breakdown of the type of disposition (dismissal by Court/State, successful diversion, transfer, adjudication) and the number of cases that are adjudicated delinquent where diversion was attempted and failed. It is possible to disaggregate this data by age, gender, race/ethnicity, and offense type.*
- *Data on the total number of youths referred to Court Diversion, by age, gender, race/ethnicity, offenses and counties*
- *Data on the average length of time to process a delinquency case in the Family Division*
- *Data on the total number of youths who are placed in the custody of DCF, by age, gender, and race/ethnicity. Data is also available on what placements (foster home, relative placement, intensive treatment, etc.) that these youth are in.*
- *Data on the total number of youths referred to BARJ, by age, gender, race/ethnicity, and county; data indicating how many youth successfully complete BARJ, their reason for referral, and the number of restorative processes convened, as well as, and offenses of youth served by BARJ.*
- *Data on the total number of youths on probation supervised by DCF, by age, gender, race/ethnicity and offenses of youth served by DCF's Probation program; the length of time on probation (if on probation but not in DCF custody).*
- *Data on the total number of youths held in non-secure, out-of-home placements at a particular point in time, as well as the age, gender, race/ethnicity, and hometown of these youths.*
- *Data on the total number of youths held in secure, out-of-home placements at a particular point in time, as well as the total number of admissions to the school at Woodside, the age, gender, race/ethnicity, and hometown of these youths, and their educational progress during their time at Woodside. [Note: Woodside is now closed so the reporting should focus on other secure placements operating now].*
- *Data on the risk/need profile of all youth who are given the YASI screen by DCF.*

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<sup>7</sup> See pages 46 of the report, available at <https://legislature.vermont.gov/assets/Legislative-Reports/20191101Vermont-RTA-DCF-Report-Final.pdf>