
**Report to
The Vermont Legislature**

**Annual Report on
Act 201 Implementation Plan Report & Recommendations**

In Accordance with 2018 Act 201 Sec. 12(3)

**Submitted to: Joint Legislative Justice Oversight Committee
Joint Legislative Child Protection Oversight Committee**

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**AGENCY OF HUMAN SERVICES
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Executive Summary

On July 1, 2020, Vermont became the first state in the nation to raise the age of juvenile jurisdiction to include 18-year-olds for most crimes. Most young people accused of violating the law at age 18 (excluding the more serious “Big 12” offenses) are adjudicated in the Family Division of the Superior Court (rather than the adult Criminal Division), with supervision and coordination of services provided by the Department for Children and Families (DCF), rather than the Department of Corrections.

To accomplish such an undertaking, the State enlisted the support of a multitude of partners, stakeholders, and subject matter experts in the development of an implementation plan. On November 1, 2019, a comprehensive and ambitious implementation plan was presented to the legislature. On November 1, 2020, DCF released a status update to the strategies identified in the 2019 implementation plan. This report follows suit and is structured around the recommended objectives which are arranged into seven categories that correlate to the strategies and key components laid out in the implementation plan.

As a matter of unfortunate timing, the first year of implementation coincided with the onset of the COVID-19 pandemic and related economic disruption that stalled or set back many of the objectives laid out in the initial implementation plan. The past year has only seen those challenges escalate for the systems and agencies engaged in implementation efforts. Increasing pressure on the more secure levels of Vermont’s system of care has created placement challenges and stakeholder concerns for providing adequate services for emerging adults. DCF has faced its most challenging year in recent history with regards to placing children and youth within their appropriate level of care. Many residential programs are operating at the limits of their capacity- either in purpose or census. COVID-19 outbreaks have forced programs to suspend services, creating “blocks in the line” of DCF’s system of care. Courts have had to operate on a reduced schedule, which has contributed to backlogs around emergency placements. Systems partners and providers have had to adjust approaches, protocols, and practices to reduce risk of transmission.

Beyond the immediate impact of COVID-19, other challenges have surfaced during this reporting period:

- Known insufficiencies within certain data systems, coupled with a changing Judicial data system, have hampered data collection efforts. Of the data that has been compiled, there is an understanding that much of these two years are aberrant, making it difficult to measure need or success.
- While the objectives of the Family First Prevention Services Act (FFPSA) are aligned to best practices, and not at odds with Act 201, they introduce a new challenge in coordination with initiatives for DCF. For example, one facet of FFPSA requires new judicial proceedings.
- There have been challenges managing youth who are in need of secure placement, including stretching Sheriff’s resources for transportation and challenges to finding appropriately secure settings for youth who come into DCF’s care.

There are imminent new federal compliance mandates that impact where and how youth may be held securely. These will also require additional judicial proceedings.

- Many of DCF’s contracted programs have been developed to support an under-18 population. Some resource providers have not had the time or capacity to consider how to expand these resources to a new population.

Despite implementation challenges, the collaborative spirit and partnerships established over years of juvenile justice reform have continued. The Juvenile Justice Stakeholder Group (JJSG) has continued to meet regularly throughout the year, diligently working through the implementation plan challenges to the extent of stakeholder capacity. The JJSG has evolved in its structure to better maximize workgroup efficiency as is related to juvenile jurisdiction. The JJSG retains some overlap with a larger working group, now referred to as the Juvenile Justice Reform Workgroup (JJRWG) which continues to collaborate on broader questions related to juvenile justice reform. The JJRWG was consulted in the completion of this report.

Similarly, the Children and Family Council for Prevention Programs (CFCPP), the state advisory group to the federal Juvenile Justice Delinquency Prevention Act, continued to meet unabated, working closely with DCF and the JJSG, identifying and supporting efforts that are aligned with implementation plan strategies. During this reporting period, the CFCPP updated its 3-year plan. One of the primary objectives in this plan is to support the implementation of the “Raise the Age” (RTA) initiative.

DCF and its partnering stakeholders have continued to make progress on implementation despite all challenges and setbacks. During this reporting period:

- DCF has developed its network to include two residential programs designed to support this population.
- Vermont Department of Fish and Wildlife has been a strong partner in working to develop a curriculum to support alternatives to fine-only disposition for youths who incur certain hunting or fishing violations.
- Two courts have tested a Judicial efficiency model for their delinquency dockets this year. Broadly speaking, while both courts look at the model optimistically, they both have found that there is insufficient time within the court docket to manage the expedited time frames to fidelity.
- The judiciary administered an internal survey to garner understanding of how restitution is determined around the state. A dedicated stakeholder group is building consensus around a “best practices memo” to develop consistency in every county.
- The JJSG, along with other relevant state agency partners, worked through several identified statutory concerns. Issues that required statutory amendments were included with the miscellaneous Judicial bill this past spring.
- DCF worked with Vermont Law School to support 8 FSD and Balanced and Restorative Justice (BARJ) staff in participation in the Restorative Justice Certificate Program.
- DCF has been working with the staff at Health Education & Training Institute (HETI) of Portland, Maine and will offer FSD and BARJ staff the opportunity to participate in an extensive Motivational Interviewing training.
- The CFCPP approved funding for a re-validation and ethnic and racial disparity assessment of Youth Assessment and Screening Instrument (YASI).
- The CFCPP has funded Bennington College to identify and evaluate existing effective domestic violence intervention programs for the emerging adult population. This evaluation will include recommendations for an effective model for Vermont to utilize.
- The CFCPP funded the Crime Research Group to perform a review of recidivism rates of 18 and 19-year-old Vermonters who were adjudicated in adult court prior to July 1, 2020.

- The CFCPP funded two entities in Chittenden County to address ethnic and racial disparities in their school systems. These programs began during the 2020-2021 school year and will continue in the 2021-2022 school year as well.
- A contract was executed with Burlington Community Justice center to provide law enforcement entities training on restorative justice best practices and the benefits of pre-charge restorative justice alternatives for juveniles and young adults up to age 22.

Though efforts have been robust, there is broad understanding among the juvenile justice stakeholders that the implementation of Act 201 has complexities that must be addressed, and systems that need stabilizing. This report does not lay out a specific legislative package for consideration, stakeholders are working to develop consensus on recommendations where possible during the upcoming legislative session.

Part I: Introduction

Research in adolescent brain science, developmental psychology, and sociology demonstrates that emerging adulthood, between the ages of 18 and 25, is a distinct developmental stage that is critically important to the transition into mature, independent, and productive adulthood. This research indicates that, to some degree, risky and even illegal conduct is normative for adolescents and emerging adults. This developmental period is marked by malleability, which makes this cohort more effectively served by the juvenile justice system's rehabilitative approach than by the adult system's more punitive approach. Fortunately, research shows that: (1) nearly all youth will mature and age out of crime if given the opportunity to do so, and (2) that there are times when less formal intervention is better, as the justice system can unintentionally interfere with the natural desistance process.

Until recently, the adult criminal system paid scant attention to this age group, automatically treating them like 40- or 50-year-olds, and failing to provide effective and developmentally appropriate responses, programs, and opportunities. The failure of this approach is evident: emerging adults are over-represented in the justice system, have the highest recidivism rates, and experience the largest racial disparities of any age group. By incorporating those accused of violating the law as 18- and 19-year-olds into the juvenile justice system, Vermont has created an opportunity to simultaneously improve outcomes for all youth, increase public safety, and reduce costs. Though this reporting period has presented challenges, DCF and all the partnering agencies remain committed to the science and values identified in the 2019 Implementation Plan Report.

Part II: Status Update

The prior legislative report outlined several key strategies for smooth implementation of Act 201 and preparation for the inclusion of 18- and 19-year-old youth in Vermont's juvenile justice system by:

- Increasing opportunities to divert cases from formal justice processing
- Maximizing the efficiency of the Family Court Division
- Ensuring a full continuum of post-dispositional options

Additional topics that were identified as important components to implementation include:

- Victims' rights
- The DCF Operational Plan
- Ongoing data collection/analysis

The prior legislative report also identified a detailed chart of recommended activities related to the noted strategies and components. Progress on those strategies (and more specific objectives in italics) is outlined below.

1. **Increasing opportunities to divert cases from formal justice processing**

JJSG to approach Agency of Education to collaborate on the schools' role for oversight and guidance to handle school-based issues internally.

On May 18, Act 35, “An act relating to the creation of the Task Force on Equitable and Inclusive School Environments” was passed.

“This act creates the Task Force on Equitable and Inclusive School Environments, which shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont public and approved independent schools in order to inform strategic planning, guide statewide and local decision making and resource allocation, and measure the effectiveness of statewide and local policies and practices.

This act also prohibits a student enrolled in a public school who is under eight years of age from being suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.” (Act 35 Bill Summary)

This taskforce is able to collaborate with AOE and is already focusing on this goal.

Beyond the work of the Taskforce, the CFCPP posted a request for proposal to implement a school-based community response that addresses the systemic and institutionalized racism within school systems. This funding is designed to reduce ethnic and racial disparities within school discipline as a prevention tactic towards addressing the disproportionate arrests of youth of color. Schools are a common area where all youth gather, learn, and grow which creates a unique opportunity to provide crucial supports to youth in a safe, healthy, and nurturing environment. Instead of using punitive measures that perpetuate systemic and institutionalized racism, programs such as School-wide Positive Behavior Interventions and Supports (PBIS), trauma-sensitive training, and restorative practices that aim to address root causes of student behaviors and provide needed services both on and off school grounds are a crucial approach to reducing Vermont’s ethnic and racial disparities in arrests.

Two grantees were each awarded \$70,000 in December 2020 to address these issues: Burlington School District and Spectrum Youth and Family Services. Both entities have received a second year of funding starting October 1, 2021.

Outreach to law enforcement (Department of Public Safety and the Criminal Justice Training Council) regarding increasing training and support for schools and police. Subsequent collaboration to increase training.

DCF continues to educate stakeholders and partners in the options available to youth that do not include prosecution. The practice related to making direct referrals to a community justice provider will hopefully increase as the awareness around these options grows.

The CFCPP has utilized \$100,000 of their formula grant to provide law enforcement entities across the state with training on restorative justice best practices and the benefits of pre-charge restorative justice alternatives for juveniles and young adults up to age 22. Successful completion means that no charge is ever filed. By minimizing the degree to which the juvenile/young adult is exposed to the criminal justice

system, an increased use of pre-charge diversion reduces the likelihood that the juvenile/young adult will commit another crime thereby increasing public safety.

The Burlington Community Justice Center has been selected for this work, and their contract started 10/15/2021. Their training shall be designed to increase pre and post charge referrals and decrease racial and ethnic inequities in these referrals.

Increase the use of pre-charge diversion for youth at CBRJs, with the four-year goal of diverting 50-60% of cases pre-charge. Expand and refine the Family Division’s diversion programs, with the four-year goal of diverting an additional 25-30% of cases pre-merits. Expand programs targeted at particular issues such as the Youth Substance Abuse Safety Program, Tamarack, and other youth specific programming.

The following data reflect the number of youths diverted pre-charge and post-charge through various programs in SFY 2021.

Total Diversion Referrals- 2021	
Program	Total Referrals
Dept. Of Corrections (Pre-charge)	98
Balanced and Restorative Justice (Pre-charge)	85
Court Diversion (Post-charge)	300

On June 1, 2021, Act 46 was enacted. The law directs the referral of youth aged 16-20 to Youth Substance Awareness Safety Program (YSASP) for possession of less than 224 milligrams of buprenorphine. Possession of that amount by people 21 years of age and older is decriminalized, and youth under age 16 remain subject to delinquency proceedings in Family Division. YSASP case managers work with youth referred to YSASP for possession of buprenorphine in the same manner as any other referral with one exception: all youth referred for possession of buprenorphine are referred to a clinician for an assessment regardless of the screening results.

The CFCPP has funded Bennington College, the contractor, to do an analysis of domestic violence programming for emerging adults, and the development of a program for Vermont. Based on the contractor’s evaluation and analysis of any existing programs, the contractor shall provide recommendations which Vermont can use to build its own intervention program in accordance with the Vermont’s Statewide Standards for Domestic Violence Accountability Programs and subject to approval by the Vermont Council on Domestic Violence. Additional funding to implement and utilize any such program will be needed. The recommendation for a new program is due in July 2022.

2. Maximizing the efficiency of the Family Court Division

Establish new mandatory court timelines – Preliminary hearing to disposition within 45 days. Improve case processing so cases move through the court process as quickly as possible. Strengthen the use of non-court time to manage schedules and reach case resolution by adding required (pre-trial) case conferences where the parties confer on case.

A pilot program to streamline the process for hearing delinquency cases is in the early stages of implementation in two counties. The data collection window within the Lamoille County Family Court began in September 2020; Bennington County Family Court began in January 2021.

The clear highlight from the pilot project to date was that for successful statewide implementation, more time will need to be added to the existing court dockets. Most counties have a limited number of days in a week dedicated to a juvenile docket. Merits hearings, which often take longer than other hearings, present particular challenges in meeting the 45-day timeline. Also worth noting is the that courts operated at a reduced capacity throughout the pilot window due to the COVID 19 pandemic, which likely impacted this pilot in terms of efficacy, as compared to a more “normal” year.

3. Ensuring a full continuum of post-dispositional options

Expand immediate, short-term, targeted and discrete options (could be in lieu of formal probation, when appropriate) including e-courses that can be used by CJC, BARJ, Court Diversion, direct-referral programs (post disposition), and probation, and encourage their use.

Educational opportunities are currently used in a variety of ways around the state by restorative justice providers. DCF and its partners explore creative approaches and work to operationalize into practices. The current BARJ budget does not include dedicated funding for evaluative procedures, but this is an area of potential future learning.

The Juvenile Justice Stakeholders Group has been working with Vermont Department of Fish and Wildlife on the development of an alternative to adjudication through the Family Division. The goal is to establish a tiered approach that factors in State Game Wardens’ knowledge of the youth, their history, behavior, circumstances. Below is the proposed process for youth who commit F&W offenses:

1. Wardens would issue up to three warnings based on the severity of the offense. A warning is a documented event of corrective action in Spillman or Valcour by the Warden.
2. After these documented warnings, and/or if the offense was of sufficient severity, the Warden would typically recommend that the youth is referred to an online remedial ethics course. This Remedial Ethics Course needs to be developed and would ideally be 1-2 hours long.
3. If the youth complete the remedial ethics course successfully, the Warden would be informed, and a delinquency petition would not be filed in the family division. If the youth fail to complete the course, the State’s attorney would be notified and would file the delinquency petition.

The Children and Family Council for Prevention Programs has approved \$15,000 to develop the webinar, as outlined above. BARJ will be the providers who will work with youth referred for the completion of the remedial ethics course for qualifying offenses.

Increase direct referral, post-adjudication/pre-DCF supervision by the court to community-based restorative justice providers.

As described in the previous section regarding diversion efforts, DCF continues to educate stakeholders in the options available to youth that do not include prosecution. The practice related to making direct referrals to a community justice provider will hopefully increase as the awareness around this option grows. In 2021, the direct referrals post-adjudication to a community justice provider, in this case BARJ, are outlined below. This is a new data set for BARJ so we do not have an annual comparison.

District	BARJ Provider	Number of Court Referred Youth-FY 2021
Middlebury	Easter Seals	15
Bennington	CRJ	19
Burlington	SYFS	0
Morrisville	LRC	2
Newport	NEKCA	7
Rutland	RCCD	12
St. Johnsbury	NEKYS	5

Hartford/Springfield	VCD	124
Barre	WCCD	4
Brattleboro	YS	1
St. Albans	FGRJC	2
Total		191

End the routine use of probation in delinquency cases post-merits, looking to other states for examples.

DCF created the opportunity for post-merits direct referral to BARJ in lieu of probation. Some 191 youth were served in this capacity in FY21. Further exploration of alternatives to probation as a disposition option will continue.

Shorten lengths of probation so they are proportional to the offense; specifically set the maximum time of supervision of 12 months for a felony and a maximum time of supervision of 6 for a misdemeanor.

DCF’s termed probation grid takes into consideration the risk level. Both timeframe for supervision and appropriate level of supervision can be associated with the youth’s presenting risk and treatment needs. A longer term of supervision may be required to complete assessment and treatment recommendations. Notably, probation terms are also impacted by the State’s Attorney and Judge. States Attorneys recommendations are made proportionate to the risks and needs of the offender, taking into consideration the offense.

Use the Positive Youth Development (PYD) Model – Engage youth throughout the life of their case using concrete conditions of probation that are age appropriate, incentive-driven, and take into account important positive relationships outside of traditional family.

In May 2021, DCF held the Youth Justice Summit in conjunction with the Court Administrators Office. The focus of the Summit was Positive Youth Development: A cross-system lens for understanding and supporting youth toward success. According to the Administration for Children and Families,

“Positive Youth Development, or PYD, is based on a body of research suggesting that certain “protective factors,” or positive influences, can help young people succeed and keep them from having problems. According to this research:

- *Young people may have fewer behavioral problems and may be better prepared for a successful transition to adulthood if they have a variety of opportunities to learn and participate at home, at school, in community-based programs and in their neighborhoods.*
- *Some of the elements that can protect young people and put them on the path to success include family support, caring adults, positive peer groups, a strong sense of self and self-esteem, and involvement at school and in the community.*

PYD favors leadership and skill-building opportunities under the guidance of caring adults. It looks at youth as assets to be developed and gives them the means to build successful futures.”

During the Youth Justice Summit, DCF provided an overview of how to infuse Positive Youth Development in our youth justice system. We explored with a panel of stakeholders from Massachusetts their experience in using Positive Youth Development as the model for working with their justice involved youth. Lastly, we had a discussion of the challenges and opportunities that they experienced during implementation and developed suggestions for how this will fit in our juvenile justice system.

Clarify/adjust statute(s) to reflect that 18- and 19-year-olds are in the juvenile justice system and that if DCF has custody over them, it is “physical,” not “legal” custody.

This objective was achieved by the Legislature on July 1, 2020.

Continue to analyze best placement and treatment options for all youth in DCF custody (legal or physical) in the delinquency system.

Discussions have been ongoing within DCF about how to best meet the needs of this new population considering limitations in the current system of care. DCF, in consultation with stakeholder groups, will continue to analyze the need, capacity, and opportunities for increased community-based supports to ensure the system of care can meet all of this population’s needs during the next reporting period.

During this reporting period, \$500,000 was appropriated to DCF through a budget adjustment act request to support developing Raise the Age placements. A portion of this appropriation went towards a contract with DOC to subsume a portion of the Return House program, with whom DOC has been working with for some time. Two of the seven contracted beds can be used for emergency placement. This placement is in a staffed, supervised setting and located in central Vermont. The program helps participants develop the relationships, practical life skills, and behaviors to become lawful, productive, and valued members of their community. To date, DCF has placed two emerging adults in the program, with great success.

The Council has approved spending up to \$60,500 to support the re-validation and ethnic and racial disparity assessment of YASI. DCF is looking to do an extensive series of analysis of predictive accuracy for the full sample (examining various follow-up periods, e.g., 1 year to 5 years, as available). This will examine how YASI performs for different sub-groups like gender and race, as well as different case types. It is possible that these analyses would result in recommendations to change some of the scoring weights and score cut points to work better in Vermont.

DCF worked with the staff at Health Education & Training Institute (HETI) of Portland, Maine and to offer FSD and BARJ staff the opportunity to participate in an extensive Motivational Interviewing (MI) training. This exceptional training/coaching series aims to provide training and coaching for FSD staff and BARJ providers with the goal of creating an internal group of coaches/trainers as MI champions, and teaching FSD staff and BARJ providers how to use MI based conversations in their work. This compassionate style of conversation enhances providers skills and leads to better outcomes for the youth they serve.

4. Victim’s rights

Clarify that victim advocates should be provided in all cases to provide support, information, consultation, and notification and ensure they are assigned in all cases.

DCF, JJSJG, and Juvenile Justice Reform Workgroup (JJRWG-whose membership is explained below in the “DCF Operational Plan” section) remain committed to supporting victim’s rights work. At present, there is anecdotal evidence to suggest that victim’s advocates are not always involved in cases, particularly in juvenile cases. Both the JJRWG and the CFCPP have States Attorney’s Victim’s Advocate (VA) representation within their membership. At present, the JJRWG is determining if the challenges are related to capacity or procedural barriers. The Center for Crime Victim Services has identified victim’s rights in the juvenile delinquency process as an area of focus for this coming legislative season. The CFCPP have also identified victim’s rights as an area of focus for their work. The JJRWG anticipates proposals will be made in the upcoming legislative session to amend statutes related to supporting the needs of victims.

Create consistency in forms used by victim advocates. Clarify the procedure for disseminating the Victim Impact Statement to all parties, the request for notice of release, and the notice of victims' rights to the victim.

During this reporting period, DCF finalized FSD Policy 163: Engaging and Supporting Victims and Impacted Parties was revised in conjunction with the SA Victim Advocates to work toward a more seamless process for victim engagement, notification, and support. The Department of State's Attorneys plans to hire a Victim Assistance Coordinator, and the Vermont Center for Crime Victims Services (CCVS) has onboarded a new Executive Director. The JJRWG anticipates these people will assist in standardizing how victims are given notification throughout juvenile delinquency matters, and ensuring uniform practice and understanding across the state.

Evaluate the process for requesting and receiving restitution in delinquency cases and release an informational memo to instruct practitioners on operations.

The JJRWG recognizes there is some inconsistency on how restitution is ordered across the state. Some judges are inclined to consider amount of loss associated with a crime, while others are more inclined to set restitution based on the offender's ability to pay. A complicating factor was also identified in that the Restitution Unit has limited ability to collect restitution from young offenders. During this reporting period, the Judiciary administered a poll of practice among the judges, and the JJRWG administered a survey of practice among prosecutors, juvenile defenders, victim advocates, Diversion and BARJ providers, and the Vermont Restitution Unit to gather recommendations to feed into a "best practices" memorandum. Some clear language has been developed, and is being discussed in the JJRWG to create a uniform understanding of the Restitution process in Vermont, and the role that the Vermont Restitution Unit serves, among all professionals engaged with juvenile delinquency work.

The JJRWG will continue to work with the restitution unit and victim advocates to identify areas of improvement and develop clarification on when and how it is most appropriate to use.

Formally create regular opportunities for DCF family services workers and victim advocates to meet and communicate.

During this reporting period, DCF has presented to various community DV programs to provide clarity on the new process of victim notification and engagement. DCF will continue to foster connections between family services workers and victims advocates during the course of regular consultation.

5. DCF Operational Plan

Explore and use collaboration, communication, and creative approaches among stakeholders, including incentivizing cooperative efforts between stakeholders to reduce youth in court or custody.

The DCF Commissioner Office convened the Juvenile Justice Stakeholders Group in 2016. This group has continuously met since its creation and includes representatives from all key stakeholders in Vermont's justice system. These juvenile justice system stakeholders, including those from traditionally opposing perspectives, agree that using collaboration, communication, and creative approaches to reduce youth in court or custody is key. They will continue to pilot and implement techniques to support a successful juvenile justice system that is a developmentally appropriate response for emerging adults. This is exemplified when looking at the group's collaborative work to support new methods, such as the pilot for a shortened court process from the preliminary hearing to disposition.

Towards the end of this reporting period, the JJSJG divided its focus into two working groups, informally referred to as the Juvenile Jurisdiction Stakeholders Group, and the Juvenile Justice Reform Work Group, both of whom will contribute towards ongoing implementation efforts. The Juvenile Jurisdiction Stakeholders Group, which is most similar to the original makeup of the JJSJG will maintain a narrower

focus on jurisdiction. The Juvenile Justice Reform Work Group has a larger membership and serves as a collaborative arena to discuss elements of juvenile justice reform that may fall outside of the scope of jurisdiction, some of which are included with in this implementation report. The JJRWG also organized smaller ad hoc working groups to strategize solutions to specific objectives, including efforts related to restitution and alternatives to fine only disposition.

Create the role of Victim Services Specialists at DCF to offer victims support, information, and connection to services post-disposition.

In the upcoming year, DCF will re-evaluate capacity for Victim Services Specialists to be able to respond to the needs of victims.

Develop and implement general program standards related to emerging adults for BARJ, CJs and Court Diversion.

This ongoing discussion continues to occur with the three agencies in state government that fund restorative justice practice- DCF, DOC, and the Attorney General's office. These agencies meet monthly and have discussed shared values, services, training, etc. This exploration continues to occur and opportunities for community conversations are being explored.

During this reporting period, DCF worked with Vermont Law School to support 8 FSD and BARJ staff in their participation in the Restorative Justice Certificate Program. The Professional Certificate in Restorative Justice allows recent college graduates and early and mid-career professionals to learn about restorative justice and how it applies to the field of child protection/youth justice. People who work in the child and family protection/youth justice field need an understanding of the legal environment in which they work as well as how to support and devise creative responses for children and families through challenging times. The Professional Certificate in Restorative Justice provides the opportunity to gain an understanding of restorative justice responses to harm and the ways that restorative responses to family trauma can build on family strengths and keeps families unified to the extent consistent with the child and family's best interests.

When cases are unsuccessful in Court Diversion, allow the court to play a role before proceeding to prosecution.

The State's Attorneys will work with the JJRWG and courts to develop potential strategies towards this objective.

Update data systems and collect data to ensure outcomes of the statutory change are measured and evaluated.

This continues to be one of the most significant barriers to monitoring, implementation and evaluation. The courts have been updating their data management system throughout this reporting period. Unfortunately, the data dashboard that DCF utilized to track much of the juvenile justice data was jeopardized during the court data system migration. A comprehensive child welfare information system (CCWIS) could enhance evaluative possibilities, introduce efficiency into data collection, improve monitoring functions, and interface more smoothly with other systems.

6. Act 201 Implementation: Ongoing data collection and analysis

Identify an entity to aggregate existing data and generate a summary report of relevant data no less than annually.

At present, no stakeholder entities have the capacity to collect the necessary data for this objective exclusively. The Attorney General's Office has drafted two versions of data collection templates that could be completed by multiple stakeholders, but stakeholders still need to reach consensus on data elements. This work should be resumed within the JJRWG.

Compile a list of all data currently collected by various entities focused on youth in the juvenile justice system and assess which pieces of data are most critical to aggregate and review on a regular basis. Collectively identify any missing data that stakeholders believe are critical to allow Vermont to evaluate the impact and success of Raise The Age, assess the barriers to collecting or generating that data, and produce a brief to the legislature outlining what policy or funding changes are required to generate that data.

While some efforts have been made by stakeholders to compile a list of available data, more work is needed to explore and prioritize additional datasets. Overall, the need to improve data collection processes across systems is great. Resources are needed even to assess the barriers to data, in addition to how best to generate it. This is an identified and prioritized goal of the CFCPP in the upcoming year.

Identify composition of outcome study and evaluation that takes into account the important markers for emerging adult desistance and reduced risk including meaningful employment; education completion; stable housing; and positive social connections. These, combined with recidivism rates for this population, will provide Vermont an assessment of the first phase of implementation in preparation for the second phase (19-year-olds).

On October 1, 2020, the Systems Improvement Committee of the Council and DCF began a contract with the Crime Research Group to evaluate recidivism rates of 18 and 19-year-olds who were adjudicated in adult court prior to July 1, 2020. This measurement would provide a benchmark that would allow Vermont at some future point to compare the recidivism rate for this population when criminal charges are processed in adult court to the recidivism rate for the same population when similar charges are processed in the juvenile court. CRG will be submitting the final report in November 2021.

7. Statutory changes

Clarify/set upper age of DCF supervision for emerging adults in the juvenile justice system (age 20 years and 6 months for 18-year-olds; age 21 and 6 months for 19-year-olds). Clarify/adjust statute to reflect that 18- and 19-year-olds are in the juvenile justice system and that DCF has “physical” (not “legal”) custody. Ensure the Tamarack program is available to all 18- and 19-year-olds, regardless of whether their case is handled in the Family or Criminal Division. Partake in technical corrections so that Vermont law consistently reflects Act 201’s expansion of juvenile jurisdiction. Amend state statute 33 V.S.A. § 5206 to clarify which court a youth should be cited to by law enforcement.

All aforementioned statutory changes were completed with Act 124, implemented on 7/1/20.

Three additional statutory amendments supporting the implementation of Raise the Age were enacted with the passage of Act 65 on June 7, 2021. All three amendments were technical in nature.

One amendment corrected ages to consistently reflect the expansion of juvenile jurisdiction. Another made a minor edit to eliminate a potential jurisdictional gap. The third correction prohibits commercial driver's license holders from being served by Family court. Though this third change is more substantive than the other two, it was required to maintain compliance with federal regulations and standards.

Part III: Recommendations

At the time of this report's submission, DCF does not have specific requests of the legislature as Vermont continues the implementation of Act 201. DCF and the other identified agencies of the reporting body have independently identified concerns or barriers to implementation, many of which are included in this report. DCF and other juvenile justice stakeholders will meet regularly over the coming weeks to discuss shared concerns, and attempt to build consensus around potential solutions, which may be presented during the legislative session.

The three areas of need to overcome barriers to full implementation identified in the 2020 implementation report continue to be the most pressing. These needs generally fall into the following categories: supports for secure placement facilities at the highest end of the system of care, workforce supports, and ongoing data collection and evaluation capacity.

Supports for the systems of care continues to be the most immediate area of need and bears the highest concern for stakeholders regarding public safety. While there is broad agreement that DCF's philosophical approach is best suited to the needs of this population, DCF and the courts must consider the safety of Vermont's communities. Without stabilization for community-based services and residential placement facilities, the state runs the risk of not being able to adequately address youth with high acuity security needs.

Workforce support is the second most significant area of need, in large part due to the challenges presented by COVID-19 and ensuing economic impact. The courts have had challenges with backlogs, and both court and DCF staff have had limited bandwidth to dedicate to developing and overseeing new practices, policies, and procedures. These needs tie directly to the stabilization of DCF's system of care, as reduced staffing patterns are the primary driver behind reduced program capacity.

Lastly, enhancement of DCF's data systems would enable a more robust study of programmatic impacts. Ongoing analysis of the 18- and 19-year-old population will better inform what services will most effectively mitigate community safety concerns. Further, dedicated funding to invest in a comprehensive evaluation of Act 201, including a qualitative outcomes study, which would enhance our ability to develop increasingly effective programming.

Summary

This report is a synopsis of the thoughtful, creative, and collaborative work done to further implement Vermont's Raise The Age Act in an otherwise challenging year. The ambitious road map clearly laid out in the 2019 Implementation report continues to be instructive to DCF and stakeholders in maintaining focus towards the ultimate objectives of Act 201, but some of the timelines defined may have been overly optimistic even absent a global pandemic, given ongoing data collection and evaluation capacity challenges and workforce capacity across systems.

DCF and its partners, including the JJSG, JJRWG, CFCPP, courts, provider network, and others have remained dedicated and industrious in their commitment to address each of the key strategies and components of the work. Shifting the practice, culture, and associated supportive infrastructure will continue to take a great deal of time and effort, but DCF remains hopeful that incremental progress can continue to be made.