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Chapter:	Youth Justice	
Subject:	Youth Justice and Juvenile Probation	Page 1 of 7
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## Purpose

To describe the principles and policy that guide youth justice practice and juvenile probation in Vermont.

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## Related Policies


Family Services [Policy 163](#): Notifying Victims of Juvenile Delinquency

Family Services [Policy 179](#): Youth Risk Assessment

## Introduction


The division employs a restorative approach to youth justice. The following restorative justice principles guide the division’s work:

- Delinquency is a violation against people and impacts relationships;
- Violations create obligations; and
- Restorative justice engages victims, the youth who committed the delinquent act, and community members to make amends and repair the harm caused by the crime or delinquent act.

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### Principles for Youth Justice Practice

- (1) Partner with youth in taking responsibility and developing competency through the use of restorative justice practices.
  - Youth will take responsibility for delinquent acts such by writing letters of apology, providing community service, restitution, or other appropriate action.
  - Youth and the community will benefit from youth making amends for their actions.
  - Youth will successfully complete the conditions of probation ordered by the court.
  - Youth will participate in services – therapeutic, educational and vocational – that enhance pro-social connections with their community and increase self-esteem.
  
- (2) Collaborate with family to identify services, provide supervision, and assist in successful completion of probation.
  
- (3) Promote partnership with service providers, state agencies, and community organizations.
  
- (4) Treat each youth as an individual.
  - Delinquent behaviors are evaluated in the context of the youth’s unique circumstances.
  - A youth's needs are assessed in context of his or her strengths, family, and environmental setting. Service and interventions are targeted to specific risk and need.
  - Clear, measurable behavior changes are identified.
  - Services are provided across settings as needed.
  
- (5) Protect the community with risk and need-based interventions.
  
- (6) Support and encourage the youth to repair harm to victims in a variety of different methods. Victims are notified per Family Services [Policy 163](#): Notifying Victims of Juvenile Delinquency
  
- (7) Place youth out of the home only when public safety or the youth’s safety dictates. Such placement is a temporary option employed until treatment or rehabilitation allows for successful reintegration to home or community.

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## Policy

### Juvenile Probation

Juvenile probation supports the least restrictive placement of youth. Court-ordered conditions and supervision are overseen by social workers to ensure the needs of the youth, the victim, and communities are addressed. The purpose of juvenile probation is to:

- restore the harm;
- hold the youth responsible for his or her behavior;
- assess and address the risk factors and increase the protective factors; and
- ensure the safety of the community.

The division includes families and community partners as team members to support the youth in complying with their probation conditions. As Vermont's child welfare and juvenile justice agency, our focus is on public safety as well as addressing the well-being of youth served by the division.

### Violation of Probation


When a youth on juvenile probation fails to comply with the conditions of his or her probation certificate, the social worker may initiate a violation of probation proceeding. Violation of probation is used to provide support and accountability to the youth.

Prompt violation of probation should be used to:

- promote community and personal safety;
- promote adherence with conditions of probation when other interventions have failed; and
- support community-based programming.

When a youth violates conditions of his or her probation certificate it may be an indication that additional interventions are necessary, which may include a change of placement. The following should be taken into consideration when deciding to file a probation violation complaint:

- the youth's case plan;
- overall compliance with probation conditions;
- risk level as determined by the Youth Assessment and Screening Instrument (YASI);
- community safety; and
- personal safety and well-being.

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All of the above considerations should be utilized to inform the most appropriate level of intervention.

Minor violations (e.g. cutting classes, being late for curfew, missing appointments) should be evaluated in light of patterns of behaviors and risks. Social workers should consider whether other social work interventions could be more effective than a probation violation hearing. Other interventions include utilizing engagement strategies, meeting with the child, meeting with the family, exploring the child’s network of supports, and holding a team meeting or restorative group conference.

Probation violations should be filed to modify probation conditions following unsafe or illegal behavior and/or to modify custody status and/or placement to ensure community or youth safety. Violations of conditions associated with high risk behaviors such as substance abuse, possession of a weapon, non-compliance with a relapse prevention plan, or physical aggression may indicate the need to file a petition with the court alleging the violation of a condition of probation.

A violation of probation may be initiated in one of two ways:

- (1) By filing a juvenile probation violation complaint ([FS-103: Juvenile Probation Violation Complaint](#)); or
- (2) Through probation detention ([FS-316: Detention of Juvenile Probationer](#))


Per 33 V.S.A. § [5265](#), the social worker may initiate a proceeding to establish that the juvenile is in violation of probation conditions. The social worker shall specify the conditions violated, supporting information, and safety concerns in the probation violation complaint. The court will determine if there is probable cause to hold a hearing.

Probation detention as a method of initiating violation of probation may be employed when the youth is **not in DCF custody**, has violated a condition of his or her probation certificate, and the youth's behaviors constitute:

- immediate risk to community safety and/or personal safety;
- immediate risk to abscond; or
- a pattern of minor violations.

The social worker shall consult with a supervisor regarding the need for probation detention, and discuss the type of placement necessary to meet the need and specific restrictions that may be necessary to support the detention.

The social worker may detain a juvenile probationer or authorize any law enforcement officer to do so by giving the officer the completed [FS-316: Detention of Juvenile](#)

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[Probationer](#) as well as the [FS-103: Juvenile Probation Violation Complaint](#). The social worker will detain a probationer only with the assistance of a law enforcement officer. The social worker shall promptly inform the court that the youth is in need of a hearing by the close of the next business day. A probable cause hearing on the detention must be held before a judge on the next working day. If probable cause is found to exist, the youth will be held for a hearing to determine if he or she violated the conditions of probation. If probable cause is not found to exist, the proceedings will be dismissed (33 V.S.A. § [5267](#) (c)).

#### Placement of Youth Detained on Probation

The full range of placements available to a youth in custody for a delinquency may be considered for a youth on probation detention. Depending on the needs of the youth and the risks posed, placement may be made in the youth’s home, a foster home or in substitute care, including Woodside. See Family Services [Policy 171](#): Woodside Admissions for full detail about the admissions process. The social worker will secure a placement resource through consultation with the client placement specialist. The social worker may place reasonable restrictions or limitations on the detained probationer to assure his or her presence in court on the next business day.

Following detainment of the youth, the social worker will inform the parents or caretakers that the youth has been detained, where he or she is being held, and of the scheduled hearing.

#### Recommended Length of Probation

Per 33 V.S.A. § [5230](#) (b) (5), “Proposed conditions of probation which address the identified risks and provide for, to the extent possible, repair of the harm to victims and the community. Proposed conditions may include a recommendation as to the term of probation.”

Probation should be used as a way to provide structure, support, and restorative practices for youth. Youth should only be on probation as long as needed to achieve the goals of their probation conditions.

If a youth commits a new delinquency the social worker will complete a Youth Assessment and Screening Instrument (YASI) re-assessment. See Family Services [Policy 179](#): Youth Risk Assessment for information specific to utilizing the YASI risk score to inform the appropriate intervention and reassessment of risk related to the violation of juvenile probation.

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In addition to determining the risks and needs of youth, the YASI informs treatment needs and length of time needed to complete probation. Termed probation is an individualized response to the youth’s risks and needs which allows the division to provide the most appropriate intervention.


The matrix listed below is intended to provide guidance to social workers when determining the length of time for probation. There is a range within the matrix to support social workers basing their decision on factors such as risk, offense, services needed, etc.

<b>Overall Protective Factors</b>	<b>Overall Risk Level on YASI</b>	<b>Recommended Length of Probation</b>
High	Low	3-6 months
	Moderate	3- 9 months
	High	6–12 months
Moderate	Low Risk	6-9 months
	Moderate risk	6-12 months
	High risk	9–12 months
Low	Low Risk	9-12 months
	Moderate risk	12–18 months
	High Risk	12–24 months

If social workers are **making a recommendation for probation to be longer than 24 months**, supervisory approval is required.

Examples of when a youth may be appropriate for supervision longer than 24 months includes:

- Listed crimes
- Pattern of high-risk and/or delinquent behaviors
- Pattern of interventions that have been ineffective in moving a youth towards pro-social behaviors; or
- Community safety is at risk.

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### Discharge from Probation

The court placing the youth on probation may discharge the youth from probation at any time. If the youth has successfully or unsuccessfully completed the requirements of their probation, termed or otherwise, the social worker will complete the [FS-102: Discharge from Juvenile Probation](#). The social worker will include documentation that outlines the youth's progress toward completing the requirements of probation and recommendations with the FS-102. The parties to the case have 15 days from the date the form was sent to file an objection to the discharge recommendation.