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Approved:	Karen Shea, Interim Deputy Commissioner	Effective: 8/24/2016
Supersedes:	Family Services Policy 80	Dated: 11/14/2008

**Care Provider:** A person other than a parent, guardian, or custodian who is providing the child with routine daily care but to whom custody rights have not been transferred by a court. (33 V.S.A. 5102 (1))

**Child:** An individual who is under the age of 18. (33 V.S.A. 5102 (2))

**Child in Need of Care or Supervision (CHINS):** A child who (33 V.S.A. 5102 (3)):


- (A) has been abandoned or abused by the child's parent, guardian, or custodian. A person is considered to have abandoned a child if the person is: unwilling to have physical custody of the child; unable, unwilling, or has failed to make appropriate arrangements for the child's care; unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child; or has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.
- (B) is without proper parental care or subsistence, education, medical, or other care necessary for his or her well-being;
- (C) is without or beyond the control of his or her parent, guardian, or custodian; or
- (D) is habitually and without justification truant from compulsory school attendance.

**Conditional Custody Order (CCO):** An order issued by the court in a juvenile proceeding conferring legal custody of a child to a parent, guardian, relative, or a person with a significant relationship with the child subject to such conditions and limitations as the court may deem necessary to provide for the safety and welfare of the child. Any conditions and limitations shall apply only to the individual to whom custody is granted. (33 V.S.A. § 5102(A)(5))

**Court:** The Family Division of the Superior Court.

**Custodial Parent:** A parent who, at the time of the commencement of the juvenile proceeding, has the right and responsibility to provide the routine daily care and control of the child. The rights of the custodial parent may be held solely or shared and may be subject to the Court-ordered right of the other parent to have contact with the child. (33 V.S.A. 5102 (7))

**Custodian:** A person other than a parent or legal guardian to whom legal custody of the child has been given by order of a Vermont Superior Court or a similar court in

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another jurisdiction. (33 V.S.A. §5102(A)(8))


**Delinquent Act:** An act designated a crime under the laws of this state, or of another state if the act occurred in another state, or under federal law (33 V.S.A. §5102(A)(9)). Exclusions include certain traffic offenses committed by a youth after becoming 16 years of age and certain snowmobile and motorboat offenses.

**Delinquent Child:** A child who has been adjudicated to have committed a delinquent act (33 V.S.A. §5102(A)(10)). A child may be adjudicated for delinquency after becoming 10 years of age and prior to becoming 18 years of age. However:

- (i) an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining the age of 10 but not the age of 14 may be treated as an adult as provided therein;
- (ii) an individual who is alleged to have committed an act specified in subsection 5204(a) of this title after attaining the age of 14 but not the age of 16 shall be subject to criminal proceedings as in cases commenced against adults, unless transferred to the court in accordance with the juvenile judicial proceedings chapters;
- (iii) an individual who is alleged to have committed an act before attaining the age of 10 which would be murder as defined in section 2301 of Title 13 if committed by an adult may be subject to delinquency proceedings; and
- (iv) an individual may be considered a child for the period of time the court retains jurisdiction over youthful offenders.

**Disposition Case Plan:** A report to the juvenile court, in both delinquency and CHINS cases, which is due no later than seven business days before the scheduled disposition hearing. It includes:

- (1) A permanency goal;
- (2) An assessment of the child’s medical, psychological, social, educational, and vocational needs;
- (3) A description of the child’s home, school, community, and current living situation;
- (4) An assessment of the family’s strengths and risk factors, including a consideration of the needs of children and parents with disabilities, provided that the child’s needs are given primary;
- (5) A statement of family changes needed to correct the problems necessitating state intervention, with timetables for accomplishing the changes;
- (6) A recommendation with respect to legal custody for the child and a recommendation for parent-child contact and sibling contact, if appropriate;
- (7) A plan of services that shall describe the responsibilities of the child, the parents, guardian, or custodian, the department, other family members, and treatment

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providers, including a description of the services required to achieve the permanency goal. The plan shall also address the minimum frequency of contact between the social worker assigned to the case and the family;

- (8) A request for child support; and
- (9) Notice to the parents that failure to accomplish substantially the objectives stated in the plan within the time frames established may result in termination of parental rights.

**Emergency Care Order (ECO):** An order regarding custody and placement issued by the juvenile court when a child:

- has committed a delinquent act;
- is in immediate danger from his or her surroundings and removal from the home is necessary for the child’s protection; or
- has run away.

**Family Court:** The Family Division of the Superior Court.


**Findings and Order:** A document issued by the juvenile court following hearing on the merits of a juvenile petition that includes findings of fact specifying the basis for its determination that a child is in need of care and supervision or a delinquent child.

**Guardian:** A person who, at the time of the commencement of the juvenile judicial proceeding, has legally established rights to a child pursuant to an order of a Vermont probate court or a similar court in another jurisdiction. (33 V.S.A. §5502 (a)(12))

**Indian Child:** Any unmarried person under the age of 18 who is (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of the Indian tribe.

**Indian Tribe:** Any Indian tribe, band, nation, or other organized group community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in federal law.

**Indian Child Welfare Act (ICWA) (25 U.S.C. § 1901-63):** A federal law enacted in 1978 to protect the best interests of Native American children who are members or eligible for membership in federally recognized tribes. The Act affirms the right of tribes to determine the future of their children, recognizing that state courts often fail to recognize the essential tribal relationships of native people and the cultural and social standards important to them.

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**Juvenile Probation:** The legal status created by order of the family court in proceedings involving a violation of law, whereby a delinquent child is subject to supervision by the department.

**Juvenile Probation Officer:** Social workers acting on behalf of the Department for Children and Families, Family Services Division. Social workers are tasked as juvenile probation officers with the supervision of youth placed on juvenile probation or youthful offender status by the Family Division of the Vermont Superior Court. The terms ‘social worker’ and ‘juvenile probation officer’ are used interchangeably in legal and practice situations.

**Legal Custody:** The legal status created by order of the court under the authority of the juvenile judicial proceedings chapters which invests in a party to a juvenile proceeding or another person the following rights and responsibilities (33 V.S.A. §5102(A)(16)):

- (i) the right to routine daily care and control of the child and to determine where and with whom the child shall live;
- (ii) the authority to consent to major medical, psychiatric, and surgical treatment for a child;
- (iii) the responsibility to protect and supervise a child and to provide the child with food, shelter, education, and ordinary medical care;
- (iv) the authority to make decisions which concern the child and are of substantial legal significance, including the authority to consent to civil marriage and enlistment in the U.S. Armed Forces, and the authority to represent the child in legal actions.


If legal custody is transferred to a person other than a parent, the rights, duties, and responsibilities so transferred do not include the residual parental rights of the parents.

**Noncustodial Parent:** A parent who is not a custodial parent at the time of the commencement of the juvenile proceeding. (33 V.S.A. §5102 (a)(18))

**Parent:** A child's biological or adoptive parent, including custodial parents, noncustodial parents, parents with legal or physical responsibilities or both, and parents whose rights have never been adjudicated. (33 V.S.A. §5102 (a)(20))

**Parent-Child Contact:** the right of a parent to have visitation with the child by court order. (33 V.S.A. §5102 (a)(21))

**Party:** Includes the following persons (33 V.S.A. §5102 (a)(22)):

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- (A) the child with respect to whom the proceedings are brought;
- (B) the custodial parent, the guardian, or the custodian of the child in all instances except a hearing on the merits of a delinquency petition;
- (C) the noncustodial parent for the purposes of custody, visitation, and such other issues which the court may determine are proper and necessary to the proceedings, provided that the noncustodial parent has entered an appearance;
- (D) the State's Attorney;
- (E) the Commissioner; and
- (F) such other persons as appear to the Court to be proper and necessary to the proceedings.

**Probation:** The legal status created by order of the Family Division of the Superior Court in proceedings involving a violation of law whereby a delinquent child is subject to supervision by the department under conditions specified in the court's juvenile probation certificate and subject to return to and change of legal status by the Family Division of the Superior Court for violation of conditions of probation at any time during the period of probation. (33 V.S.A. §5102 (a)(23))

**Probation Certificate:** A juvenile court form issued when a youth is placed on probation that spells out the behavior the court requires of the youth while subject to the court's disposition order of juvenile probation. (33 V.S.A. § 5263)


**Probation Detention:** A legal mechanism by which a juvenile probation officer may detain a juvenile probationer or authorize any law enforcement officer to do so by giving the officer a "written statement" setting forth that the juvenile has, in the judgment of the juvenile probation officer, violated a condition of probation. (33 V.S.A. § 5266)

**Protective Order:** An order restraining or otherwise controlling the conduct of a person if the court finds that such conduct is or may be detrimental or harmful to a child. (33 V.S.A. § 5515)

**Protective Supervision:** The authority granted by the court to the department in a juvenile case to take reasonable steps to monitor compliance with the court's conditional custody order, including unannounced visits to the home in which the child currently resides. (33 V.S.A. § 5102(24))

**Reasonable Efforts:** The exercise of due diligence by the department to use appropriate and available services to prevent unnecessary removal of the child from the home or to finalize a permanency plan. When making the reasonable efforts determination, the court may find that no services were appropriate or reasonable considering the circumstances. (33 V.S.A. §5102 (a)(25))



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***Residual Parental Rights and Responsibilities:*** Those rights and responsibilities remaining with the parent after the transfer of legal custody of the child, including the right to reasonable contact with the child, the responsibility for support, and the right to consent to adoption. (33 V.S.A. §5102 (a)(26))

***Safety Network:*** Family, friends, and community members who care about the child and are willing to take action to support the family in keeping the child safe. They are willing to engage child protection staff and understand and accept the concerns.

***Shelter:*** A shelter designated by the DCF Commissioner where a child taken into custody as a runaway may be held for a period not to exceed seven days. (33 V.S.A. §5102 (a)(27))

***Temporary Care Hearing:*** A hearing held within 72 hours of the issuance of an emergency care order or conditional custody order under 33 V.S.A. 5253, to consider whether custody can be returned to the child’s custodial parent, guardian, or custodian, or if the court must issue a ***Temporary Care Order (TCO)*** because:

- (1) The child cannot be controlled at home and is at risk of harm to self or others;
- (2) Continued residence in the home will not protect the community because of the serious and dangerous nature of the act the child is alleged to have committed;
- or
- (3) The child’s welfare is otherwise endangered.

State holidays shall be excluded from the computation of 72 hours.


***Termination of Jurisdiction:*** An order terminating the juvenile court's jurisdiction over a child. No further actions can be taken by the court in the absence of a new petition.

***Vacating an Order:*** Completely setting aside an order. The authority and/or responsibility of a party under the order ends.

***Uniform Child Custody Jurisdiction Act (UCCJEA):*** A uniform act drafted by the National Conference of Commissioners on Uniform State Laws. UCCJEA:

- (1) establishes jurisdiction over a child custody case in one state; and
- (2) protects the order of that state from modification in any other state, so long as the original state retains jurisdiction over the case.

***Violation of Probation (VOP):*** Non-compliance with a condition of probation by an action or behavior, or lack of action or behavior, that fails to comply with and violates a

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condition of probation agreed to by the offender and the court.

**Voluntary Care:** The voluntary, informal transfer of care and custody of a child to the department under conditions agreed upon by the parents and the department, as articulated in a Voluntary Care Agreement. The acceptance of a child by the department shall not abrogate parental rights or responsibilities, but the department may accept from the parents temporary delegation of certain rights and responsibilities necessary to provide care and custody for a period of up to six months under conditions agreed upon by the parents and the department. Upon a stipulation approved by the juvenile court, the period may be extended for additional periods of up to six months each, provided that each extension is first determined by the parties to be necessary, and that it is in the best interest of the child. (33 V.S.A. §4903 (4))

**Youth:** A person who is the subject of a motion for youthful offender status or who has been granted youthful offender status. (33 VSA §5102 (a) (28)).

For child abuse and neglect definitions, see Family Services [Policy 50](#).