 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>162</h1>
Chapter:	Juvenile Justice	
Subject:	Violations of Juvenile Probation	Page 1 of 5
Approved:	Frederick M. Ober, Division Director	Effective: 10/9/98 INTERIM
Supersedes:	Casework Procedure 1303	Dated: 9/8/95

Purpose

To describe available responses to a youth's violation of the conditions of his or her probation certificate.

Policy


When a youth on juvenile probation fails to comply with the conditions of his or her probation certificate, the juvenile probation officer (social worker) may initiate a violation of probation proceeding. Prompt violation of probation should be used to:

- promote compliance with conditions of probation when casework interventions have failed;
- support community-based programming.

When a youth violates the condition of his or her probation certificate, it may be an indication that detention and/or a change of placement is necessary. Decisions to violate juvenile probation should be made keeping in mind the juvenile's case plan and the division's juvenile justice philosophy.

Violations of conditions associated with high risk behavior for an individual, such as drug use by a youth recently out of rehabilitation, possession of a weapon, non-compliance with a relapse prevention plan, will ordinarily indicate the need to file a petition with the court alleging the violation of a condition of probation.

Minor violations (e.g. cutting classes, late for curfew, missed appointment) should be evaluated in light of patterns of behavior and what can be accomplished by initiating a violation hearing or other casework interventions.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>162</h1>
Chapter:	Juvenile Justice	
Subject:	Violations of Juvenile Probation	Page 2 of 5
Approved:	Frederick M. Ober, Division Director	Effective: 10/9/98 INTERIM
Supersedes:	Casework Procedure 1303	Dated: 9/8/95

Vehicles for Violation of Probation

Violation of probation proceeding may be initiated in one of two ways:

1. Filing a Complaint

The juvenile probation officer may initiate a proceeding to "establish that the juvenile is in violation of probation conditions." (33 VSA §5555(a)) Based on the Probation Violation Complaint, on which the worker specifies the conditions violated and other information, the court will determine if there is probable cause to hold a hearing.


2. Probation Detention

The law states that 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 (Detention of Juvenile Probationer FS-316) setting forth that the juvenile has, in the judgement of the juvenile probation officer, violated a condition of probation. (33 VSA § 5556 (2))

A probable cause hearing on the detention must be held before a judge on the next working day. If probable cause is found, the juvenile "shall be held for a hearing to determine if the juvenile violated a condition of probation." (33 VSA §5557 (d))

This method of initiating violation of probation proceedings may be employed when the juvenile has violated a condition of his/her probation certificate and the juvenile's behaviors constitute:

- immediate risk to public safety;
- immediate risk to abscond; or
- a chronic pattern (three or more) of minor violations.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>162</h1>
Chapter:	Juvenile Justice	
Subject:	Violations of Juvenile Probation	Page 3 of 5
Approved:	Frederick M. Ober, Division Director	Effective: 10/9/98 INTERIM
Supersedes:	Casework Procedure 1303	Dated: 9/8/95

A juvenile probation officer will detain a probationer only with the assistance of a law enforcement officer. The juvenile probation officer is responsible for promptly informing the court that the juvenile is in need of a hearing by the close of the next business day.

Placement of a Youth Detained on Probation

The full range of placements available to delinquents in custody may be considered for a youth on Probation Detention. Depending on the needs of the juvenile and the risks posed, detention placement may be made at home or in substitute care, including Woodside. The probation officer may place reasonable restrictions or limitations on the detained probationer to assure his or her presence in court on the next business day.

Social Worker Tasks

Filing a Complaint to Violate Probation

- Reviews with supervisor the documented behaviors which violate the juvenile's conditions of probation, the attempts made to address the violation with the juvenile and his or her family, the purpose of a violation proceeding in the context of the case plan and the desired outcome.
- Receives supervisor's approval to file violation complaint.
- Prepares Probation Violation Complaint (Court Form 62) affidavit specifying the condition(s) of probation violated and the supporting information. Files Probation Violation Complaint according to local protocols.
- If probable cause is found, attends preliminary hearing. If appropriate, requests that the court order Conditions of Release (Court Form 111) to support existing probation conditions during the violation proceeding.
- Provides state's attorney necessary information and witness list if the case goes to a

Chapter:	Juvenile Justice	
Subject:	Violations of Juvenile Probation	Page 4 of 5
Approved:	Frederick M. Ober, Division Director	Effective: 10/9/98 INTERIM
Supersedes:	Casework Procedure 1303	Dated: 9/8/95

contested Violation Hearing.

- At the Violation Hearing, testifies as necessary. Either:
 - comes prepared with modified conditions of probation or disposition alternatives; or,
 - requests a Hearing to Modify Disposition and prepares Supplemental Disposition to support significant changes to the Disposition Order.

Detaining a Juvenile on Probation

- Consults with supervisor on the need for probation detention. Discusses the type of placement necessary to meet the need and specific restrictions that may be necessary to support the detention.
- Receives supervisory approval to proceed with detention and for type of detention placement.
- Secures placement resource.
- Completes Detention of Juvenile Probationer (FS-316).
- Provides FS-316 and copy of Juvenile Probation Certificate to a law enforcement officer. With assistance from officer, detains juvenile in least secure, available placement capable of addressing the identified risks. (When a law enforcement officer authorized by FS-316 is to detain a juvenile after hours, the probation officer, if not present, informs Emergency Services of specific placement plans.)
- Provides copy of the FS-316 to the placement.
- Promptly informs the court of the detention and of the need for a hearing on the next working day.
- Informs the parent, custodian or guardian who signed the probation warrant of the scheduled hearing.
- Prepares an affidavit (Court Form 62), including the specific conditions violated and supporting information and Reasonable Efforts Affidavit (FS-602a), filing both before the hearing.
- If probable cause is found at the hearing and the juvenile will continue in detention, requests that the court issue a detention order.

Chapter:	Juvenile Justice	
Subject:	Violations of Juvenile Probation	Page 5 of 5
Approved:	Frederick M. Ober, Division Director	Effective: 10/9/98 INTERIM
Supersedes:	Casework Procedure 1303	Dated: 9/8/95

- Places juvenile, now a delinquent in custody, in the least restrictive, available placement that can meet his or her needs.
- At a Violation Hearing, testifies as necessary, either:
 - coming with modified conditions of probation or disposition alternatives;
 - or requesting a Hearing to Modify Disposition.
- If hearing to modify disposition will be held, prepares Supplemental Disposition Report to support significant changes to the disposition order.