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Chapter:	Working with Adolescents and Justice-Involved Youth	
Subject:	Youthful Offender Status	Page 1 of 16
Approved:	Karen Shea, Deputy Commissioner	Effective: 11/5/18
Supersedes:	Youthful Offender Status Youthful Offender Status	Dated: 9/13/18 Dated: 7/1/18

Purpose

The purpose of this policy is to outline the responsibilities of the Department for Children and Families (DCF) Family Services Division and the Department of Corrections (DOC) in implementing the requirements of the Youthful Offenders Statutes, 33 V.S.A §§ 5280-5288 and 28 V.S.A. §§ 1161-1162. This document was developed to create consistent understanding and practice between DCF and DOC. This policy correlates with the Department of Corrections Directive 429.01.

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Related Policies

[Family Services Policy 80: Working with Families in Court – Definitions](#)

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Policy

The Department for Children and Families - Family Services Division (hereafter referred to as “DCF”) and the Department of Corrections (DOC) are committed to collaborating on all cases in which a youth is adjudicated as a youthful offender. This collaboration includes the sharing of information, participation in mutual case conferences, and, when appropriate, in housing of youthful offenders over the age of 18 in a DOC correctional facility.

Introduction

In 2016, the Vermont State legislature made changes to the juvenile jurisdiction system to more closely align our system with brain development research and best practices for serving youth. Charging youth in Criminal Division has the potential to cause life-long collateral consequences for youth. Studies have shown that youth are much more amenable to treatment and rehabilitation, and as such should be treated differently than adults. These legislative changes expanded the population of youth that are eligible for consideration of youthful offender status.

When a youth is on youthful offender status, both a Family Services Worker and DOC Assigned Officer supervise probation and help make sure the youth meets the conditions of probation. By connecting eligible youth to family division and the Department for Children and Families (DCF), Youthful Offender status allows youth to receive age-appropriate treatment and supervision. For youth with this status who complete the terms of their probation successfully, their Family Division record sealed thus avoiding the conviction in their permanent record.

The State will employ a restorative approach to youth justice. The following restorative justice principles guide the work with Youthful Offenders:


- Harmful actions are violations of people and relationships;
- Violations create obligations; and
- Restorative justice seeks to engage and support those who have been harmed or victimized.

Engagement and Service Delivery

DCF and DOC shall each designate a Family Services Worker/Assigned Officer who will be responsible for the supervision of and for providing services to the youthful offender until the end of their probation term. The youth shall be eligible for appropriate community-based programming and services provided by both Departments (33 V.S.A. § 5284d).

Principles for Engagement with Youthful Offenders include:

- (1) Partner with youth in taking responsibility and developing competency using restorative justice practices.
 - Youth will take responsibility for illegal acts.
 - Youth and the community will benefit from youth making amends for their actions.

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- 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 youth 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.

- Illegal behaviors are evaluated in the context of the youth’s unique circumstances.
- A youth's needs are assessed in context of their 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.

The Role of the Victim in Youthful Offender Proceedings

**Notification and Participation for
Impacted Parties in *Youthful Offender Proceedings***

Party responsible for sharing information with victims	Youthful Offender Status 33 V.S.A. § 5288
Prosecutor's Office/Victim's Advocates	Their legal rights.
	When a court proceeding is scheduled and when a court proceeding will not take place as scheduled.
	To be notified by the prosecutor as to the final disposition of the case.
Court	To be present during all court proceedings subject to the provisions of Rule 615 of the Vermont Rules of Evidence and to express reasonably their views concerning the offense and the youth. No youthful offender proceeding shall be delayed or voided by reason of the failure to give the victim the required notice or the failure of the victim to appear.
	At a hearing on a motion for youthful offender treatment, the court shall ask if the victim is present and whether the victim would like to be heard regarding disposition. In ordering disposition, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed views regarding disposition and shall take those views into consideration in ordering disposition.
Agency w/custody of the youth	Upon request, the victim will be notified before the youth is discharged from a residential facility.

Youthful Offender Filing Options/Eligibility

Age at the time of the	Cases with Criminal Division jurisdiction	Youthful Offender Eligibility (effective 7/1/18) 33 V.S.A. Chapter 52A
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alleged offense		
10 and 11	None	Not applicable.
12 and 13	Big 12	Big 12 offenses must be filed in the Family Division per 33 VSA 5201(c). Court may transfer to Criminal per 33 VSA 5204(a). Can be transferred back down as Youthful Offender per 33 VSA 5281(a).
14 and 15	Big 12	Big 12 offenses must be filed in Criminal per 33 VSA 5201(c). Can be transferred back down as youthful offender per 33 VSA 5281(a).
16 and 17	Felonies	Felonies must be filed in Family per 33 VSA 5201(e) but can be transferred to Criminal per 33 VSA 5204(a) and then transferred back down as youthful offender (33 VSA 5281(a)).
	Big 12	Big 12 offenses filed in Criminal per 33 VSA 5201(c) but may be transferred down as youthful offender (33 VSA 5281(a)).
18 - 21	Any Offense	All cases start in Criminal unless the State's Attorney decides to file youthful offender petition directly in Family (33 VSA 5280(b)). Any case that starts in Criminal may be transferred to Family for youthful offender status consideration upon motion (33 VSA 5281(b)).

Consideration of Youthful Offender Status

Please see the chart above to understand which cases may be eligible for youthful offender status. For a case to be considered for youthful offender status, there must be criminal court jurisdiction. Most cases for youth under 18 years old will not be eligible for YO treatment.

Pursuant to the new youthful offender law effective July 1, 2018, there is no criminal court admission for a case to be considered for youthful offender treatment. Cases are either transferred from the Criminal Division, or a youthful offender petition is filed directly in the Family Division (only for youth 18 – 21). In either case, the Family Division will hold a youthful offender consideration hearing. If the youth does have conditions of release, they will remain in effect until new conditions of juvenile probation are issued.

The Youth Assessment and Screening Instrument (YASI) Prescreen is a requirement at the Youthful Offender Consideration Stated and the risk level is used to inform the recommendation about whether or not the youth should be referred to Diversion. The State's Attorney has 15 days from the filing of a Youthful Offender petition, or 15 days after transfer to Family Division, to offer the youth the opportunity to complete the risk and needs screening. The youth then has 15 days to complete the risk and needs screening.

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As outlined in 33 V.S.A. § 5280 (2) there will be a presumption of Diversion for youth who score low-to-moderate risk on the YASI unless the State’s Attorney states on the record why Court Diversion does not meet the ends of justice. If the case is not sent to Court Diversion, or accepted by Court Diversion, and they are low to moderate-risk, the supervision protocol for low-to-moderate risk youth will be followed.

For youth that have allegedly committed a sexual offense prior to age 18, the YASI is not validated to provide the risk to reoffend in a sexual manner, further evaluation with a clinician trained in sexual offending/harmful behaviors would be required to assess the youth’s risk to sexually re-offend. (DCF staff are not trained in completing evaluations of this nature.) Absent further evaluation DCF cannot make a recommendation about referring the case to Diversion or about whether YO status is appropriate.

For youth whose alleged sexual offense occurred at age 18 and over DOC will complete a risk assessment specific to the risk to sexually re-offend. DOC will report the results to DCF which will be submitted to the State’s Attorney to address the presumption of Diversion.

If the youth does not complete the risk assessment, DCF and DOC will not support youthful offender status and the law states that the Family Division judge shall reject the case for youthful offender status unless the court extends the 15-day period for good cause shown. DCF and DOC will consult about the appropriateness of the youth for youthful offender status and complete the youthful offender consideration report. DCF has 30 days after the risk assessment is complete to file the youthful offender consideration report with the Family Division.

Following the submission of the consideration report, the court shall determine whether public safety will be protected should the youth be afforded youthful offender status. If the court finds that public safety will not be protected, the youth will not be given Youthful Offender status. If the court finds that public safety will be protected, the court shall determine if the youth is amenable to treatment as a youthful offender. If youthful offender status is appropriate, the report needs to outline the services that will be available.

Denial of Youthful Offender Status

If the Family Division denies the motion for youthful offender status, the case will be returned to Criminal Division if the case had started in Criminal Division. If the case originated in Family Division, the case will be dismissed, and the State’s Attorney may file the case in Criminal Division. Any information related to the youthful offender proceeding is inadmissible in any subsequent criminal proceeding in Criminal Division involving the youth.

Approval of Youthful Offender Status and Disposition Hearing

If Youthful Offender Consideration is accepted, the case proceeds to merits. Following Youthful Offender Consideration, the Division does not have a role in the case until after merits is found. At this time the DY case should be closed. When merits findings are made, the case proceeds to Disposition at which time we open another case. If merits is not found, the court case would be dismissed and DCF would not have any renewed involvement.

Once the court makes a Merits finding and order, the division must submit a disposition report no later than seven (7) business days before the scheduled disposition hearing. The disposition case plan is a report filed by DCF that contains: proposed services and proposed conditions of juvenile probation (probation certificate), a description of the services that may be available for the youth when they reach 18 years of age if appropriate, and the lead agency. The lead agency will have final decision-making authority over the case plan and provision of services and will follow their own departmental standards for contact and documentation. If DCF and DOC determine that it is in the best interest of the youth to change the lead agency, this can be done without court intervention. If the lead agency changes, this must be documented in case notes. Although DCF will typically be the lead for youth under 18, DOC can also supervise youth that are under 18 if needed.

If the Family Division approves the motion for youthful offender status, the court approves the disposition case plan, and the youth is placed on juvenile probation. For youth under 18, the division may address the custody status of the youth. The court may transfer legal custody of the youth to a parent, relative, person with a significant relationship with the youth, or DCF, provided that any transfer of custody shall expire on the youth's 18th birthday. Housing and residential placement will not be available through the DCF for youth who are granted youthful offender status at or beyond the age of 18.

Supervision Recommendations

Youthful Offender Supervision					
Age at Disposition	Risk Assessment	Risk Level	Lead Agency	Response	Other Considerations
Youth under 18	YASI	LOW to MODERATE*	DCF	DCF provides intervention based on risk level.	Per federal requirements, DCF is required to have face-to-face contact with the youth monthly.
	YASI	HIGH	DCF	Interventions are targeted toward areas of higher risk and where the youth is motivated to change. The length of our involvement will be guided by the termed probation grid .	Per federal requirements, DCF is required to have face-to-face contact with the youth monthly. If the youth is demonstrating a higher need or unsafe behavior, DCF may increase contact with the youth and/or may consider transferring lead agency role to DOC.

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Age at Disposition	Risk Assessment	Risk Level	Lead Agency	Response	Other Considerations
Youth over 18	YASI	LOW to MODERATE*	DOC	<p>“Response Supervision.” If there are violations, these cases will be reviewed for Risk Management Supervision. DCF initiates family division process if a VOP needs to be filed.</p>	<p>For any offense where the affidavit indicates that the behavior was sexually offending, or domestic in nature against an intimate partner, DOC shall supervise the case as Risk Management.</p> <p>Exceptions to supervision level must be approved by the DCF Juvenile Justice Director and the DOC Field Services Director.</p> <p>DCF will join youth meetings with the DOC Assigned Officer.</p>
	YASI	HIGH	DOC	<p>“Risk Management.” DOC may employ electronic monitoring and graduated sanctions (if a part of probation</p>	<p>In cases where there may be domestic violence or sexual offense, DOC may opt to administer any additional assessments to inform</p>

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				certificate), youth have access to DOC treatment groups (risk reduction programming). DCF initiates family division process if a VOP needs to be filed.	programming and case planning. Youth is eligible for DOC treatment groups. DCF will join youth meetings with the DOC Assigned Officer.
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***Youth that were either not referred to, or not accepted by, Court Diversion.**

STAGE OF CASE	DCF FAMILY SERVICES WORKER TASKS	DOC ASSIGNED OFFICER TASKS
Youthful Offender Consideration Hearing	DCF will contact local DOC field office to be in collaboration with development of consideration report.	If applicable complete the Static 99 and VASOR for youth who are alleged to have committed a sexual offense at age 18 or over and provide risk level to DCF. Participate in developing joint consideration report. A DOC Assigned Officer will attend these Youthful Offender Consideration Hearings.
Merits Hearing	DCF and DOC will attend the Merits hearing. If Merits are not found, the case is dismissed and there are no further hearings.	
Disposition Hearing	DCF will contact local DOC field office to collaborate on the development of disposition report. DCF files the disposition report and the lead agency is outlined at that time.	Participate in developing joint disposition case plan. A DOC Assigned Officer will attend all Youthful Offender Dispositional Hearings.
Ongoing Work	<p>When DCF is lead agency, invite DOC to case meetings and include them in any documentation, including treatment team notes, etc. DCF will collaborate with DOC prior to any court involvement on the case.</p> <p>When DOC is lead agency, DCF maintains monthly contact with the youth and DOC, attend meetings as appropriate, attend all court proceedings, and review any documentation received by DOC on the case.</p>	<p>When DCF is lead agency, attend meetings as appropriate and review any documentation received from DCF. DOC will attend any court proceedings when an action is being considered which may eventually lead to a recommendation that DOC assume the lead agency role.</p> <p>When DOC is lead agency, DOC maintains contact with the youth as dictated by Department standards, invite DCF to case meetings and include them in any documentation. Notify DCF prior to any court action on the case.</p>

Youth's 18th Birthday	Three months prior to the Youth's 18 th birthday, work collaboratively with DOC to write the joint plan and report for mandatory court review prior to the youth's 18 th birthday. In report, jointly agree on who will assume lead agency duties once the youth turns 18. The report will specify recommendations, with justifications, either for probation completion or continued jurisdiction over the youthful offender past age 18. If continued jurisdiction is recommended, the report will address which Dept. will assume lead agency duties. If an agreement cannot be reached, seek guidance from administration team (defined below).	Work collaboratively with DCF to develop joint plan and report for mandatory court review prior to the youth's 18 th birthday. In report, jointly agree on who will assume lead agency duties once the youth turns 18. The report will specify recommendations, with justifications, either for probation completion or continued jurisdiction over the youthful offender past age 18. If continued jurisdiction is recommended, the report will address which Dept. will assume lead agency duties. If an agreement cannot be reached, seek guidance from administration team.
Violations and/or Revocations	When there are concerns about compliance with conditions of the juvenile probation certificate, the lead agency will consult with the other Department about potential actions. DCF and DOC will work collaboratively with each other to utilize graduated sanctions, file a VOP, or a motion to revoke disposition at a hearing in the Family Division.	
Closure	If closing case as lead agency at youth's completion, follow regular DCF case closure procedures and treat as regular juvenile case; details cannot be disclosed without release or court order.	If closing case at youth's completion, treat as confidential juvenile record and destroy accordingly; details cannot be disclosed without release or court order. If case closure resulting in return to Criminal Division, DOC assumes sole supervision and responsibilities.
Mutual Decision-Making	In cases when the Family Services Worker and DOC Assigned Officer cannot reach agreement regarding service delivery and/or placement for the youthful offender, then they shall call together a local treatment team meeting, which will include supervisors and may include district managers or designees. If the local team cannot come to agreement, the local supervisor or designee should contact either the DCF Juvenile Justice Director or the DOC Director of Classification and Facility who will organize a meeting with the administration team to include the DCF Juvenile Justice Director, the DCF Residential Services Manager, DCF Operations Managers, DOC Director of Field Services or designees. These members may invite others as indicated.	

Mandatory Court Review Prior to Age 18

The Family Services Worker and partnering DOC Assigned Officer will review the youthful offender's case at least three months before the youthful offender reaches the age of 18 in anticipation of the mandatory review by the Family Division to determine whether the court's jurisdiction should be continued past the age of 18.

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After receiving a notice of review, the State may file a motion to modify or revoke the finding of youthful offender status pursuant to the provisions of 33 V.S.A. § 5285. If such a motion is filed, it shall be consolidated with the Family Division’s review of the case.

DCF shall file a report with the court prior to the hearing. The report will specify recommendations, with justifications, either for probation completion or continued jurisdiction over the youthful offender past age 18. If continued jurisdiction is recommended, the recommendation will address which Department should provide supervision to the youthful offender beyond age 18 as well as services available for completion of juvenile probation.

If the Family Division finds that it is in the best interest of the youthful offender and consistent with public safety to extend the court’s jurisdiction beyond the youthful offender’s 18th birthday, it shall make an order continuing the court’s jurisdiction up to the age of 22 (33 V.S.A. §§ 5104(b) and 5286(d)).

If the Family Division finds that it is not in the youthful offender’s best interest to extend the court’s jurisdiction beyond the youthful offender’s 18th birthday, it will discharge the youthful offender and dismiss the case (33 V.S.A. § 5286(e)).

Continued Review of Youthful Offender Cases

For all youthful offender cases, every six months that a youth is on Youthful Offender status, there will be a review of the goals, case plan, progress toward completion of probation, and the possibility for discharge. If a youth has completed all terms of the probation certificate, the DCF Family Services Worker and the DOC Assigned Officer will review the case and recommend a discharge if discharge is appropriate. The risk assessment will be completed, and results will be considered in the discussion about possible discharge. The DOC will facilitate a criminal record check to ensure that there haven’t been any new charges filed before a discharge recommendation is made.

Graduated Sanctions

The concept of “graduated sanctions” is consistent with the State’s approach to supporting and working with youth on probation. Low risk minor violations of probations do not automatically prompt the DCF Family Services Worker/DOC Assigned Officer to file a violation of probation. DCF graduated sanctions are graduated responses that do not involve the filing of a violation of probation. However, when appropriate, the Departments reserve the right to file a violation of probation for any violation. The purpose of graduated sanctions is to engage youth in the circumstances of the violation that has occurred. Youth should be involved in determining the appropriate graduated sanction based on the violation. The DCF Family Services Worker/DOC Assigned Officer should encourage creativity in determining how youth can repair the harm.

In instances where youth repeatedly refuse to engage, or they do not participate in the graduated sanction, the DCF Family Services Worker/DOC Assigned Officer may consider filing a violation of probation.

The State’s response and consequences for the youth should be proportionate to the harm caused, risk, and patterns of behavior.

For cases where DOC is the lead agency, DOC may impose graduated sanctions for technical violations in lieu of filing a probation violation complaint for youthful offenders as authorized by the probation certificate. DOC shall follow their Youthful Offender Policy when assigning graduated sanctions. DOC Assigned Officer will complete the Graduated Sanctions Report. This form specifies the incident details, graduated sanction, and documents the signatures of the DOC Assigned Officer, the DCF Family Services Worker, and the youth. After the Graduated Sanctions Report has been signed, copies will be provided to the youth attached to the youth’s probation certificate and filed in the case record.

Regardless of the lead agency, all graduated sanctions shall be documented. When DCF is the lead and is issuing a graduated sanction, they will use the [FS-162, Issuance of Graduated Sanction](#). This form specifies the incident details, Family Services Worker intervention/graduated sanction, and documents the signatures of the DCF Family Services Worker/DOC Assigned Officer and youth. After the FS-162 has been signed, copies will be provided to the youth attached to the youth’s probation certificate and filed in the case record.

The lead agency will follow their own guidance and policy regarding issuance of graduated sanctions. Examples of graduated sanctions DCF Family Services may explore include:

Possible Violations	Possible Graduated Sanctions	Possible Interventions
Cutting classes, being late for curfew, missing appointments, failing to report as instructed, lack of progress towards case plan goals, or 1 st positive drug or alcohol test.	Graduated sanction thinking report, apology (verbal or written), verbal warning, written warning, written essay, or other educational activity.	Exploration of additional treatment options, development of a safety plan or relapse prevention plan, increase in face-to-face contact for 30 days, holding a team meeting address the concern, use of a restorative family group conference, restorative panel, or circle.
Continued challenges with substance abuse (2 nd or 3 rd positive drug or alcohol test), contact with restricted persons or non-threatening contact with a victim, other behaviors increasing risks to self and the community, or a pattern of the violations described in the category above.	A combination of the sanctions described above, volunteer service work, or specific activities developed in response to the youth’s behaviors and risk.	A combination of the responses described above, additional referrals for treatment or therapy, modification of the case plan, or other responses based on treatment provider recommendations.

Possible Violations	Possible Graduated Sanctions	Possible Interventions
Threatening behaviors, threatening contact with a victim, violent behaviors, possession of a weapon, new charges, increased risk to self and the community, ongoing challenges with substance abuse (continued positive drug or alcohol tests), ongoing failure to engage in treatment, or ongoing patterns of violations described in the two categories above.	A combination of the sanctions described above, or a violation of probation.	A combination of the responses described above, increased face-to-face contact, additional efforts to engage the youth, or a violation of probation.
Sanctions which restrict youth liberty require due process approval from the court. Examples of these types of sanctions include curfews, restrictions on contact/physical locations, restitution, and additional community service.		

Electronic Monitoring


If DOC is the lead agency electronic monitoring may be employed. Should the Departments want to utilize electronic monitoring, the Family Services Worker and DOC Assigned Officer will seek a Violation of Probation and ask the court to order electronic monitoring to provide a higher level of supervision. Electronic monitoring can also be requested in the initial disposition report and included in the probation certificate. If the Departments are seeking electronic monitoring for a youthful offender under the age of 18 the request will be reviewed and approved by the administration team, which consists of DCF Juvenile Justice Director, the DCF Residential Services Manager, DCF Operations Managers, and DOC Director of Field Services or designees.

Modifying or Revoking Disposition

If the youthful offender has not complied with conditions of the juvenile probation certificate, the assigned DCF Family Services Worker/DOC Assigned Officer will consult about potential Violation of Probation (VOP) or a motion to modify or revoke disposition. If the youthful offender's behavior is unsafe the Family Services Worker or DOC Assigned Officer may detain a youthful offender who has attained the age of 18 in a correctional facility operated by the DOC for violating conditions of probation, using the [Detaining a Youthful Offender form](#) and following the procedures for lodging. The DCF Family Services Worker will file a [Violation of Probation \(VOP\)](#) and request a hearing to modify or revoke disposition in the Family Division.

At the hearing, if the court finds that the youthful offender has violated the terms of their probation, the court may:

- Maintain the youth's youthful offender status, and modify the conditions of juvenile probation; or
- Revoke the youth's youthful offender status and return the case to the Criminal Division for

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sentencing as an adult;

If the youth's status as a youthful offender is revoked, the case is returned to the Criminal Division which will have access to all relevant Family Division records.

When youthful offender status is revoked, and an adult sentence is imposed, DOC assumes sole responsibility for the case, and Family Division jurisdiction ceases. DCF will then close the case and provide DOC with all relevant information that may assist DOC in the performance of its responsibilities.


Procedure for Secure Placement/Lodging of a Youthful Offender

Youth Under 18

If youth are under 18, and DCF and DOC staff feel the youth needs secure placement, they will follow [DCF Family Services Policy 171: Woodside Admissions](#) to determine if the youth meets criteria for placement at Woodside. If the youth does not meet the criteria for placement at Woodside or needs a less secure placement contact the DCF Placement Specialist to discuss options.

Youth 18 and Over

- Youth must be 18 or older and adjudicated as a youthful offender, and the youthful offender must be in violation of probation.
- The Family Services Worker and DOC Assigned Officer agree to lodge the youthful offender.
- The Family Services Worker and DOC Assigned Officer outline the reasons for lodging the youthful offender with their supervisors and notify District Directors or managers of impending action as appropriate.
- DCF/DOC supervisors agree with the lodging.
- The youthful offender clearly poses a significant danger to self, others, or the community; AND the youthful offender demonstrates behavior that cannot be controlled in an available setting less secure than an adult facility.
- The Family Services Worker or DOC Assigned Officer complete a *Detaining a Youthful Offender* form (*Appendix 1*).
- The DCF Family Services Worker/DOC Assigned Officer or supervisor contacts the DCF Juvenile Justice Director or designee to review reasons for lodging the youthful offender. If the Juvenile Justice Director or designee is not available, the DCF/DOC supervisor will contact the appropriate DCF Policy and Operations Manager or designee to discuss.
- If the youthful offender requires detainment **after business hours**: The DOC/DCF supervisor will contact DCF's Centralized Intake and Emergency Services (CIES) to inform them of the youth's situation. CIES will contact the DOC Director of Classification and Facility or designee to consult on the appropriateness of arrest. If CIES and the DOC Director of Classification and Facility, or designee, agree to arrest, CIES will give authorization.
- The Family Services Worker forwards the *Detaining a Youthful Offender* form to the DCF Family Services Central Office. The DCF Juvenile Justice Director or designee approves the lodging and signs the *Detaining a Youthful Offender* form and faxes the form to the Family Services Worker with a copy to the Family Services Residential Services Manager or designee. If an arrest is to take place after hours, the form is faxed to DCF-CIES and the DCF-CIES designee signs and faxes a copy to the Family Services Worker and the Family Services Residential Services Manager or designee.
- The Family Services Worker or DOC Assigned Officer will provide local law enforcement and/or the

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- local DOC Probation & Parole Office with a copy of the *Detaining a Youthful Offender* form.
- The Juvenile Justice Director or designee notify the DOC Director of Classification & Facility who will notify the receiving correctional facility's Booking Officer prior to the youthful offender's arrival.
- When the youthful offender is picked up by law enforcement or the DOC Probation & Parole Office, the DCF Family Services Worker/DOC Assigned Officer will provide the court with the [Violation of Probation Complaint](#) and [Detaining a Youthful Offender](#) form.
- Within five business days following the VOP hearing, and if the youth is still incarcerated, the DCF Juvenile Justice Director, the DCF Residential Services Manager, the DOC Director of Classification & Facility, the DOC Director of Field Services, and/or designees will discuss the case with the DCF Family Services Worker/DOC Assigned Officer and/or supervisors and review the plan for the youth. The team or the court may determine whether the youth will continue to be lodged or whether the youth will be released.

Successful Completion or Continuance of Disposition

If the youthful offender successfully completes the conditions of juvenile probation, any party may file a motion for a hearing in the Family Division to determine whether the youthful offender should be successfully discharged. DCF may also circulate Form 102, Discharge from Juvenile Probation, to the parties and file with the court to request discharge. A court hearing is required to discharge a youthful offender from probation.

In determining whether a youthful offender has successfully completed the terms of juvenile probation, DCF and/or DOC will provide information to the court regarding:

- The degree to which the youthful offender fulfilled the terms of the case plan and the probation order;
- The youthful offender's performance during treatment;
- Reports from treatment providers;
- Any other relevant facts associated with the youthful offender's behavior.

If the court finds that the youthful offender has not successfully completed the terms of the probation order, it may deny the motion, and extend or amend the probation order as it deems necessary.

DOC Documentation Procedure

The DOC shall keep an electronic file of the juvenile case. The file will contain the probation order/certificate, disposition report, offender identification, and other relevant documentation, such as DCF case plans and treatment summaries. If the youthful offender's case is successfully completed as determined by the Family Division, then this information will be expunged from the system. If the youthful offender reaches the age of 18 and the case is transferred to DOC supervision, the information in the file will then be incorporated into an adult offender electronic file.

Case Closure

The youthful offender case will be closed whenever:

- The Family Division discharges the youthful offender; or,
- The Family Division issues an order revoking youthful offender status and transfers the case back to the Criminal Division; or,
- The youthful offender reaches their 22nd birthday.



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