

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 1 of 9
Approved:	Christine Johnson, Deputy Commissioner	Effective: 7/1/2020
Supersedes:	Family Services Policy 80	Dated: 1/17/2018

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.

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: Each of Vermont's 14 counties has a Superior Court made up of four separate divisions: family, criminal, civil, and probate.

Custody: The legal status created by order of the court under the authority of the juvenile judicial proceedings chapters for children under 18 years of age that invests in a party to a juvenile proceeding or another person the following rights and responsibilities (33 V.S.A. §5102(16)(A)):

- (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;

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 2 of 9

- (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.

(B) If custody of a child under 18 years of age is transferred to a person other than a parent, the rights, duties, and responsibilities so transferred are subject to the residual parental rights of the parents.

(C) Custody for individuals who are 18 years of age or older means the status created by order of the court under the authority of chapter 52 of this title that invests in the Commissioner the authority to make decisions regarding placements.

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 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 felony motor vehicle offenses committed by a youth after becoming 16 years of age and certain snowmobile and motorboat offenses. If there are questions about whether an offense is appropriate for delinquency filing, seek supervisory and/or attorney general consultation.

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

Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 3 of 9

Delinquency Filing Options:

Age at time of offense	Delinquency Filing Options	
	All Offenses (other than big 12)	Big 12 (33 V.S.A. § 5204(a))
10 and 11	Proceedings originate in Family Division. No transfer to Criminal Division § 5204(a).	Proceedings originate in Family Division. No transfer to Criminal Division § 5204(a).
12 and 13	Proceedings originate in Family Division. No transfer to Criminal Division § 5204(a).	Proceedings originate in Family Division. Court may transfer to Criminal Division § 5204(a).
14 and 15	Proceedings originate in Family Division. No transfer to Criminal Division § 5204(a).	Proceedings originate in Criminal Division. Court may transfer to Family Division § 5201(c).
16 and 17	New Proceedings originate in Family Division. Misdemeanors cannot be transferred to Criminal Division. Felonies can be transferred to Criminal Division upon motion and judicial approval § 5204(b).	Proceedings originate in Criminal Division. Court may transfer to Family Division § 5201(c).
	Juvenile probation can be extended to age 19.5 if they were 16 or 17 years old when they committed the offense.	

Disposition Case Plan for CHINS Cases (33 V.S.A. 5316): A report to the juvenile court which is due no later than seven business days before the scheduled disposition hearing. It includes: A permanency goal;

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

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 4 of 9

- (7) A request for child support; and
- (8) 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.

Disposition Case Plan for Delinquency Cases (33 V.S.A. 5230): A report to the juvenile court which is due no later than seven business days before the scheduled disposition hearing. It includes:

- (1) An assessment of the child’s medical, psychological, social, educational, and vocational needs;
- (2) Assessment of the impact of the delinquent act on the victim and the community including whenever possible, a statement from the victim.
- (3) A description of the child’s home, school, community, and current living situation;
- (4) An assessment of the child and family’s strengths and risk factors.
- (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 recommendations as to the term of probation.
- (6) A plan of services that shall describe the responsibilities of the child, the parents, guardian, or custodian, the department, other family members, and treatment providers, including a description of the services required to achieve the goals of probation and if the child has been placed in the custody of the department, the permanency goal.
- (7) A recommendation with respect to legal custody for the child and a recommendation for parent-child contact and sibling contact, if appropriate; and
- (8) A request for child support.

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;

Extended Supervision: As outlined in 33 V.S.A. § 5103 (2)(A), any youth that has been adjudicated can have their juvenile probation extended to age 19.5 if they were 16 or 17 years old when they committed the offense.

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.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 5 of 9

Graduated Sanctions: A response to a violation of probation that does not seek court involvement.

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. §5102(12)).

Guardian ad Litem: A guardian ad litem (GAL) is a court-appointed volunteer who advocates for children involved in court cases. The GAL makes recommendations to the court about what is in the child’s best interests. When appropriate, a parent of the youth may serve as the GAL in delinquency cases.

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.

Justice-Involved: A child that is involved in the justice system (pre-charge program through the community justice center (CJC) or balanced and restorative justice program (BARJ), court diversion, direct referral (CJC or BARJ), juvenile probation, youthful offender, or criminal charges).

Juvenile Probation Worker: Social workers acting on behalf of the Department for Children and Families, Family Services Division. Social workers are tasked 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 worker’ are used interchangeably in legal and practice situations.

Merits: A court hearing and order that determines whether the allegations in the

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 6 of 9

petition have been established. If the court decides that merits have not been found, the case is dismissed along with any temporary custody orders.

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)).

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)).

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

- (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.
- (G) In youthful offender cases brought under chapter 52A of this title, the Commissioner of Corrections.

Placement of a Probationer: A juvenile probation worker may authorize any law enforcement officer to detain a probationer by giving the officer a “written statement” setting forth that the juvenile has, in the judgment of the juvenile probation worker, violated a condition of probation (33 V.S.A. § 5266). The full range of placements available to a youth in custody for a delinquency may be considered for a probationer being detained.

Probation: The legal status created by order of the Family Division of the Superior

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 7 of 9

Court in proceedings involving a violation of law whereby a delinquent child or youthful offender 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 (juvenile probation for delinquencies (33 V.S.A. §5102 (a)(23)) and youthful offender probation for youth with youthful offender status (33 V.S.A. §5284)).

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).

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. § 5115).

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)).

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 with 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 21 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. State holidays shall be excluded from the computation of 72 hours.

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>80</h1>
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 8 of 9

Temporary Care Order (TCO): An order is issued 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.

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.

Termination of Parental Rights: A court hearing to determine whether to terminate parental rights to free a child for adoption.

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 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)).

Youthful Offender: A person who is the subject of a motion for youthful offender status or who has been granted youthful offender status (33 V.S.A. §5102 (a) (28)). See Family Services [Policy 164](#) for additional information regarding youthful offender

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		80
Chapter:	Working with Youth and Families in Court	
Subject:	Working with Youth and Families in Court – Definitions	Page 9 of 9

status.

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