

<p align="center">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p>Title: YOUTHFUL OFFENDER STATUS</p>	<p align="right">Page 1 of 14</p>						
<p>Chapter: Classification and Case Planning</p>	<p align="center"># 429.01</p>	<p>Supersedes Interim Procedure Youthful Offender Status & Interim Rev. Memo Dated 06/06/11</p>						
<p>Attachments, Forms & Companion Documents:</p> <ol style="list-style-type: none"> 1. Tasks for DCF and DOC Collaboration on Youthful Offender Cases 2. Youthful Offender Flow Chart 3. Procedure for Lodging of Youthful Offender in an Adult Correctional Facility Operated by DOC 4. Arrest of Youthful Offender Form 5. Juvenile Probation Violation Complaint 								
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: "B" – Anyone may have access to this document.</p>								
<p>Approved:</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: center; vertical-align: bottom;">  <hr style="width: 100%;"/> </td> <td style="text-align: center; vertical-align: bottom;"> <p><u>March 26, 2013</u></p> </td> <td style="text-align: center; vertical-align: bottom;"> <p><u>May 1, 2013</u></p> </td> </tr> <tr> <td style="text-align: center;"> <p>Andrew A. Pallito, Commissioner</p> </td> <td style="text-align: center;"> <p>Date Signed</p> </td> <td style="text-align: center;"> <p>Date Effective</p> </td> </tr> </table>			 <hr style="width: 100%;"/>	<p><u>March 26, 2013</u></p>	<p><u>May 1, 2013</u></p>	<p>Andrew A. Pallito, Commissioner</p>	<p>Date Signed</p>	<p>Date Effective</p>
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PURPOSE

The purpose of this policy is to outline the responsibilities of the Vermont Department for Children and Families (DCF) and the Vermont Department of Corrections (DOC) in implementing the requirements of the Youthful Offender Statute, 33 V.S.A §§ 5281, 5283, 5284, 5285, 5286, 5287 and 5288. This document was developed to create consistent understanding and practice between DCF and DOC, and to serve as joint policy for DCF and directive for DOC regarding the services to youthful offenders.

POLICY

The Department for Children and Families- Family Services Division (hereafter referred to as DCF) is committed to collaborating with the Department of Corrections (DOC) in 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 facility or facilities.

AUTHORITY

33 V.S.A. §§ [5284](#), [5285](#), [5286](#) and [5287](#).

REFERENCE

Act of the Vermont General Assembly No. 185 An Act Relating to Juvenile Judicial Proceedings, from the 2007-2008 legislative session. Department of Corrections Policy #08 [Relationship of the Department with Outside Individuals or Groups](#). Department for Children & Families Policy #70 & Policy #156.

DEFINITIONS

Criminal Act: An act designated a crime under the laws of this state (listed in Title 13 of the V.S.A.), charged in the Criminal Division of the Vermont Superior Court.

Criminal Court: Criminal Division of the Vermont Superior Court.

Disposition Case Plan: A report filed by DCF that contains: 1) recommendation as to whether youthful offender status is appropriate for the youth, based on DCF's assessment of the youth's risk to public safety, amenability to treatment, and service availability 2) a disposition case plan, including proposed services and proposed conditions of juvenile probation in the event youthful offender status is approved, and 3) a description of the services that may be available for the youth when he or she reaches 18 years of age.

Family Court: Family Division of the Vermont Superior Court.

Juvenile Probation: The legal status created by order of the Family Court in proceedings involving a violation of law, whereby a delinquent youth is subject to supervision by DCF.

Lead Agency: Either DOC or DCF, as designated by the Family Division of the Vermont Superior Court, tasked with the primary responsibility of supervision, service provision, and decision making over the juvenile probation of a youthful offender.

Lead Case Manager: Employee of the lead agency, either a DCF Family Services Social Worker or DOC Probation Officer, assigned to supervise a specific youthful offender.

Family Services Social Worker: DCF Family Services Social Worker tasked as Juvenile Probation Officer with the supervision of a youth placed on juvenile probation with youthful offender status by the Family Division of the Vermont Superior Court. Used interchangeably with the term "Juvenile Probation Officer" in legal and practice situations.

DOC Probation Officer: DOC Probation Officer tasked with the supervision of a youth placed on juvenile probation with youthful offender status by the Family Division of the Vermont Superior Court.

Violation of Probation: 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 Courts.

Youthful Offender: A person who has attained the age of 10 but not the age of 22, and who was charged with a criminal act prior to the age of 18.

Youthful Offender Status: A youth who the court has found to be appropriate for treatment under the Youthful Offender statute based on the determination that public safety will be protected, the youth is amenable to treatment and sufficient services are available.

PROCEDURAL GUIDELINES

1. Determining Youthful Offender Status

- a. If a youth is charged in Criminal Court and is between the ages of 10 -18 at the time of the offense, the State's Attorney, the youth, by way of their attorney, or the Criminal Court judge, may file a motion for youthful offender status. If a motion to consider youthful offender status is filed and a conditional plea of guilty by the youth is entered, the Criminal Court shall enter an order deferring the sentence. The youth's case is then transferred to Family Court for a hearing on the motion.
- b. Criminal Court conditions of release and any existing DOC supervision will remain in effect until the Family Court approves the motion for youthful offender status and juvenile conditions of probation are ordered.
- c. DCF, with input from DOC, prepares a written disposition case plan report for the Family Court (which is due within 30 days after the case is transferred to the Family Court unless the Court extends the period for good cause shown). The report from DCF includes:
 - i. A recommendation as to whether youthful offender status is appropriate for the youth based on DCF's assessment of the youth's risk to public safety, amenability to treatment, and service availability;
 - ii. A disposition case plan, which will be used as the basis for both adjudication and disposition in the Family Court; this report delineates service needs and proposed conditions of juvenile probation, if appropriate;
 - iii. A description of the services that may be available to the youth when they reach 18 years of age.
- d. Following the submission of this report, the Court shall consider whether by treating the youth as a youthful offender the interest of public safety will be maintained. If public safety will be protected, the Court will then consider whether:
 - i. The youth is amenable to treatment or rehabilitation as a youthful offender;
 - ii. DCF can provide and make available sufficient services to meet the youth's treatment needs.

2. Approval of Youthful Offender Status

- a. If the Family Court approves the motion for youthful offender status, the Court approves the disposition case plan, and the youth is placed on juvenile probation. Custody of the youth may be determined at disposition. 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. The youth may not remain in DOC custody once approval of youthful offender status has taken place.

- b. If the Court approves the motion for youthful offender status, a DOC Probation Officer (PO) will be assigned to participate in the case with a Family Services Social Worker (See *Attachment 2, Youthful Offender Flow Chart*).

3. Denial of Youthful Offender Status

- a. If the Family Court denies the motion for youthful offender status, the case will be returned to the Criminal Court and the youth will be permitted to withdraw the plea. Any information related to the youthful offender proceeding is inadmissible in any subsequent criminal proceeding in the Criminal Court involving the youth.
- b. If the youth is not granted youthful offender status and is convicted in the Criminal Court, the case is the sole responsibility of DOC.
- c. If the youth is not granted youthful offender status but the case is transferred to the Family Court and the youth is adjudicated as delinquent in the Family Court, the case is the sole responsibility of DCF.

4. Delivering Services to Youthful Offenders

- a. DCF is the lead agency for the duration of juvenile probation and is responsible for supervision and providing services except in cases when a modification by the Family Court occurs. DCF will assign a Family Services Social Worker to deliver supervision and services as a Juvenile Probation Officer.
- b. In cases where DOC is designated the lead agency by the Family Court, DOC will assign a Probation Officer who is responsible for providing supervision and services to the youthful offender.
- c. When DCF is the lead agency, the DOC Probation Officer shall be invited to all Family Court hearings, treatment team meetings, and case plan reviews by the Family Services Social Worker.
- d. When DOC is acting as the lead case manager for a youthful offender, DCF staff will assist DOC staff at Family Court hearings.
- e. In cases when DOC is acting as the lead agency for a youthful offender, regardless of age, DOC shall invite the Family Services Social Worker to all treatment team meetings and case plan reviews.
- f. Regardless of who is assigned lead agency, the Family Services Social worker or DOC Probation Officer will maintain contact with the youthful offender consistent with Departmental contact standards. For the Family Services Social Worker, this shall be at least monthly in-person contact, the majority made with the youthful offender in their living situation (refer to DCF Policy 70), even in cases when DOC is the lead agency. When DCF is the lead agency, contact frequency may be determined (per DCF Policy 70) based on the

assessed risk level of the youthful offender.

- g. When the DOC is the lead agency, the assigned Probation Officer will formulate their minimum number of contacts with the youth by following [Directive 430.10](#), *Risk Management Supervision*.
- h. When DCF is the lead agency, DOC staff will reference [DCF Policy 70](#) (*Frequency and Quality of Social Work Visits*). DOC will plan contacts with the youth consistent with Policy 70.
- i. In cases when the Family Services Social Worker and DOC Probation Officer cannot reach agreement regarding service delivery and/or placement for the youthful offender, they shall call together a local treatment team meeting, which will include supervisors and may include District Managers and/or Departmental representation of the DCF Client Placement Specialist and DOC Corrections Casework Director or designees. For cases which involve youthful offenders adjudicated of sex offenses, the Vermont Treatment Program for Sexual Abusers (VTPSA) Program Director or designee will be invited.

5. Documentation

- a. DOC Procedure:
 - i. The DOC Probation Officer shall keep a 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 Court, then this information will be destroyed. 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 offender file.
 - ii. DOC will not create an electronic case for a youthful offender unless youthful offender status has been revoked and supervision is assumed by DOC through a conviction in the Criminal Court.
 - iii. If the youthful offender is admitted to a correctional facility and later released, the paper documentation will be forwarded to the assigned Probation Officer.
- b. DCF Procedure: The Family Services Social Worker shall document the youthful offender case consistent with all other Juvenile Services cases.
- c. Case information and documentation relevant to the youthful offender case shall be shared between DCF and DOC. Relevant information does not include records which either Department has as a result of past involvement with a youth or family.

6. Modifying or Revoking Disposition

- a. If the youthful offender has not complied with conditions of the juvenile probation certificate, the assigned lead case manager will consult with or notify the other Department of potential action. The lead case manager may file a *Juvenile Probation Violation Complaint* (Attachment 5) or a motion to modify or revoke disposition at a hearing in the Family Court. The supervising Family Services Social Worker or DOC Probation Officer may detain a youthful offender who has attained the age of 18 in a correctional facility operated by DOC for violating conditions of probation, using the *Arrest of Youthful Offender form* (Attachment

4) and following the procedures for lodging. (See section 7 below.)

- b. At the hearing, if the Court finds that the youthful offender has violated the terms of their probation, the Court may:
 - i. Maintain the youth's youthful offender status, and modify the conditions of juvenile probation;
 - ii. Revoke the youth's youthful offender status and return the case to the Criminal Court for sentencing as an adult;
 - iii. Maintain the youth's youthful offender status and transfer supervision of the youthful offender to DOC.
- c. If the youth's status as a youthful offender is revoked, the case is returned to the Criminal Court which will have access to all relevant Family Court records.
- d. If an adult sentence is imposed, DOC assumes sole responsibility for the case, and Family Court 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. Appropriate releases will be signed prior to the transfer of information.

7. Procedure for Lodging of Youthful Offender in an Adult Correctional Facility Operated by DOC (Also see *Attachment 3*.)

- a. Youth must be over 18 and adjudicated after January 1, 2009 as a youthful offender, and the youthful offender must be in violation of probation.
- b. The Family Services Social Worker and DOC Probation Officer are in agreement to lodge the youthful offender.
- c. The Family Services Social Worker and DOC Probation Officer outline the reasons for lodging the youthful offender with their supervisors and notify District directors or managers of impending action as appropriate.
- d. DCF/DOC supervisors agree with the lodging.
- e. 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.
- f. The Family Services Social Worker or DOC Probation Officer complete an *Arrest of Youthful Offender Form (Attachment 4)*.
- g. The DOC/DCF supervisor contacts the DCF Client Placement Specialist to review reasons for lodging the youthful offender. If the Client Placement Specialist is not available, the DCF/DOC supervisor will contact the DCF Residential Services Manager or designee to discuss.
- h. If the youthful offender requires detainment after business hours: The DOC/DCF supervisor will contact DCF's Emergency Services Program (ESP) to inform them of the youth's situation. ESP will contact the Client Placement Specialist or the Residential Services

Manager or designee to consult on the appropriateness of arrest. If the Client Placement Specialist or Residential Services Manager or designee agrees to arrest, ESP will give authorization.

- i. The Family Services Social Worker faxes the *Arrest of Youthful Offender Form* to the DCF Family Services Central Office. The Client Placement Specialist or the Residential Services Manager or designee approves the lodging and signs the *Arrest of Youthful Offender Form*. If an arrest is to take place after hours, the form is faxed to DCF-ESP, and the DCF-ESP designee signs.
- j. The Family Services Social Worker or DOC Probation Officer will provide local law enforcement and/or the local DOC Probation & Parole Office with a copy of the *Arrest of Youthful Offender Form*.
- k. The Family Services Social Worker or DOC Probation Officer will notify the receiving correctional facility's Booking Officer prior to the youthful offender's arrival.
- l. When the youthful offender is picked up by law enforcement or the DOC Probation & Parole Office, the lead case manager will provide the Court with the *Juvenile Probation Violation Complaint (Attachment 5)*.

8. Mandatory Court Review Prior to Age 18

- a. The Family Services Social Worker and partnering DOC Probation Officer will review the youthful offender's case at least three (3) 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.
- b. 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.
- c. DCF shall file a report with the Court prior to the hearing. The report will specify:
 - i. 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;
 - ii. If DCF recommends that DOC be responsible for supervision of the youthful offender, DCF shall notify DOC prior to submission of the report, and DOC shall report on the services which would be available for the youthful offender in the event supervision over him or her is transferred to DOC.
- d. If the Family Court finds that it is in the best interests 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\(d\)](#)). The order shall specify whether the youthful offender will be supervised by DCF or DOC.
- e. Regardless of which Department is specified in the Court Order, DCF and DOC shall jointly

develop a case plan for the youthful offender and coordinate services and share information to ensure compliance with and completion of the juvenile disposition.

- f. If the Family Court finds that it is not in the youthful offender's best interests to extend the Court's jurisdiction beyond the youthful offender's 18th birthday, it will discharge the youthful offender and dismiss the criminal case (33 V.S.A. § 5286.)

9. Successful Completion or Continuance of Disposition

- a. If the youthful offender successfully completes the conditions of juvenile probation, any party may file a motion for a hearing in the Family Court to determine whether the youthful offender should be successfully discharged.
- b. In determining whether a youthful offender has successfully completed the terms of juvenile probation, DCF and/or DOC will provide information to the Court:
 - i. The degree to which the youthful offender fulfilled the terms of the case plan and the probation order;
 - ii. The youthful offender's performance during treatment;
 - iii. Reports from treatment providers;
 - iv. Any other relevant facts associated with the youthful offender's behavior.
- c. If the Court finds that the youthful offender has not successfully completed the terms of the disposition order, it may deny the motion, and extend or amend the probation order as it deems necessary.

10. Case Closure

The youthful offender case will be closed whenever:

- a. The Family Court discharges the youthful offender; or,
- b. The Family Court issues an order revoking youthful offender status and transfers the case back to the Criminal Court; or,
- c. The youthful offender reaches his/her 22nd birthday if the Court had previously extended its jurisdiction.

11. The Role of the Victim in Youthful Offender Proceedings

The victim has the following rights in a youthful offender proceeding ([33 V.S.A. §5288](#)):

- a. To be notified by the prosecutor of Court proceedings;
- b. To be present during all Court proceedings subject to Rule 615 of the Vermont Rules of Evidence and to express reasonably their views concerning the offense and the youthful offender;
- c. To request notification by the agency having custody of the youthful offender before the youthful offender is released from a residential facility;
- d. To be notified by the prosecutor as to the final disposition of the case; and

- e. To be notified by the prosecutor of the victim's rights.

At the youthful offender disposition hearing the Court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding disposition. If the victim is not present, the Court shall ask whether the victim has expressed views regarding disposition either orally or in writing, and shall take those views into consideration in ordering disposition.

TRAINING

1. Central Office for both DOC and DCF is responsible for providing ongoing statewide training for all necessary staff of both Departments.
2. Central Office staff from both DOC and DCF will train the District Manager and Supervisors during their regular monthly meetings prior to the implementation of this directive.
3. Each site director or manager will ensure that all necessary staff have read and understood this DCF Policy/DOC Administrative Directive.
4. At the 2013 Youth Justice Summit staff will have the opportunity to be trained in this Directive.
5. A live online training will be available to staff. The online training will be filmed and made available for future use.
6. DOC and DCF staff remains available to deliver training in person, assuming the audience size is sufficient to warrant an in person training.

QUALITY ASSURANCE

1. The Director of Field Services and the DCF Residential Services Manager will meet monthly to discuss youthful offender cases needing review.
2. The Director of Field Services and the DCF Residential Services Manager will review the DCF youthful offender tracking spreadsheet on a quarterly basis.
3. District Managers will review the DCF youthful offender tracking spreadsheet on a quarterly basis to ensure all cases are accounted for.
4. District Managers will review youthful offender caseloads at their site to ensure that an electronic case file was not created for the youthful offender.
5. Superintendents will review all youthful offender lodgings to ensure that an electronic case file was not created for the youthful offender.
6. The Director of Field Services and the Director of Classification will review all youthful offender lodgings for compliance with this administrative directive.

ATTACHMENT 1 - SAMPLE

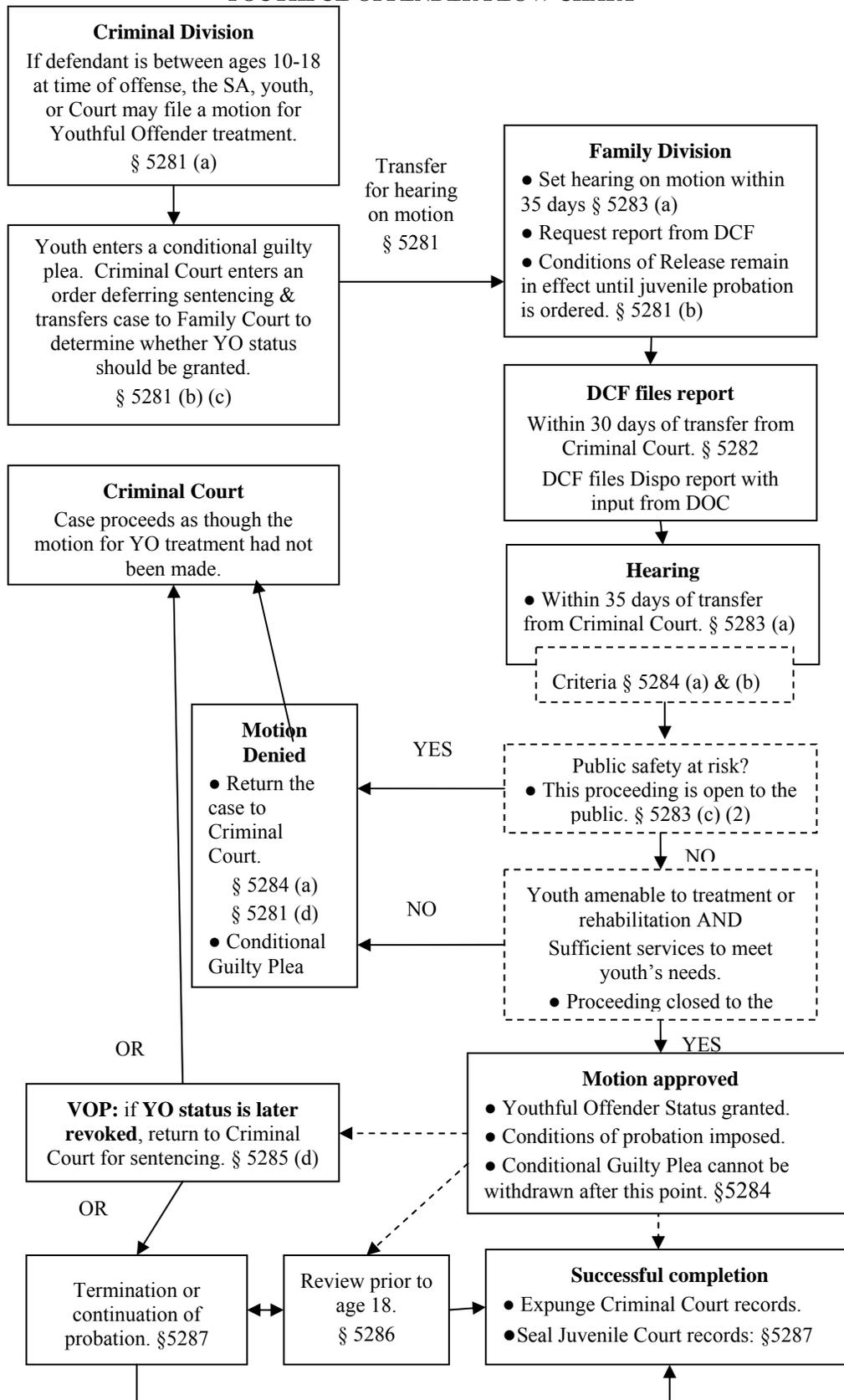
TASKS FOR DCF AND DOC COLLABORATION ON YOUTHFUL OFFENDER CASES

STAGE OF CASE	FAMILY SERVICES SOCIAL WORKER (DCF) TASKS	DOC PROBATION OFFICER TASKS
Pre-Adjudication	Immediately notify the local DOC field office and develop joint dispositional case plan in these circumstances.	Participate in developing joint dispositional case plan. A DOC Probation Officer will attend these Youthful Offender Dispositional Hearings.
Once YO Status has been Granted by the Court	When DCF assigned as lead agency, send copy of Family-Court-approved dispositional case plan to DOC. Arrange with DOC to meet jointly with youth within first month.	Assign a DOC Probation Officer who will maintain collaboration with DCF. Arrange with DCF to meet jointly with youth.
Ongoing Work	When DCF is lead agency, keep DOC connected to the case by inviting them to case meetings and include them in any documentation, including treatment team notes, etc. Notify DOC prior to any Court action on the case. 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.	When DCF is lead agency, attend meetings as appropriate and review any documentation received from DCF. Attend any Court proceedings when an action is being considered which may eventually lead to a recommendation that DOC assume the lead agency role. 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.
Youth's 18 th Birthday	Work collaboratively with DOC 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. If an agreement cannot be reached, seek guidance from administration team.	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. If an agreement cannot be reached, seek guidance from administration team.
Ongoing Work Specific to 18-22 Year-Old Youth	DCF continues as lead if specified in Court Order extending jurisdiction. If feel appropriate as lead agency to utilize the adult correctional system to house the youth, notify DOC Probation Officer. Follow " <i>Procedure for Lodging of Youthful Offender in an Adult Correctional Facility Operated by DOC.</i> "	DOC assumes lead agency responsibilities when the youth turns 18 if the Court Order from review designates DOC as lead agency upon age 18. If appropriate may to utilize the adult correctional system to house the youth, notify DCF worker. Follow " <i>Procedure for Lodging of Youthful Offender in an Adult Correctional Facility Operated by DOC.</i> "
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 Court, DOC assumes sole supervision and responsibilities.

Participate in developing joint dispositional case plan. A DOC Probation Officer will attend these Youthful Offender Dispositional Hearings.

ATTACHMENT 2 - SAMPLE

YOUTHFUL OFFENDER FLOW CHART



ATTACHMENT 3 – SAMPLE**PROCEDURE FOR LODGING OF YOUTHFUL OFFENDER IN AN ADULT CORRECTIONAL FACILITY OPERATED BY THE DOC**

1. The YO clearly poses a significant danger to self, others or the community; AND the YO demonstrates behavior that cannot be controlled in an available setting less secure than an adult facility.
2. Youth must be over 18 and adjudicated after January 1, 2009 as a youthful offender (YO), and youth must be in violation of probation.
3. Department for Children and Families (DCF) Family Services Social Worker and Department of Corrections (DOC) Probation Officer are in agreement to lodge the YO.
4. Family Services Social Worker and DOC Probation 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.
5. Family Services Social Worker or DOC Probation Officer complete *Arrest of Youthful Offender Form (Attachment 4.)*
6. DOC/DCF PO/Social Worker contacts DCF Client Placement Specialist to review reasons for lodging the YO. If the Client Placement Specialist is not available, DCF/DOC supervisor will contact the Residential Services Manager or designee to discuss.
7. If YO requires detainment after business hours: The DOC/DCF supervisor will contact DCF's Emergency Services Program (ESP) to inform them of the youth's situation. ESP will contact the Client Placement Specialist or the Residential Services Manager or designee to consult on the appropriateness of arrest. If the Client Placement Specialist or Residential Services Manager or designee agrees to arrest, ESP will give authorization.
8. Family Services Social Worker or DOC Probation Officer faxes *Arrest of Youthful Offender* form to DCF Family Services Central Office (fax: (802)769-2122). DCF Client Placement Specialist, Residential Services Manager, or designee approve the lodging and sign the *Arrest of Youthful Offender* form. If arrest to take place after hours, form is faxed to DCF Emergency Services Program (fax: (802) 241-3301), and DCF designee signs.
9. Family Services Social Worker or DOC Probation Officer will provide local law enforcement and/or the local DOC Probation & Parole Office with a copy of the *Arrest of Youthful Offender Form*.
10. Family Services Social Worker or DOC Probation Officer will notify the receiving correctional facility's Booking Officer prior to the YO's arrival.
11. When the YO is picked up by law enforcement or the local DOC P&P Office, the lead case manager will provide the Court with the *Juvenile Probation Violation Complaint (Attachment 5)*.

ATTACHMENT 4 - SAMPLE

ARREST OF YOUTHFUL OFFENDER

By the authority vested in me by Title 33 Chapter 52, Section 5285 (a) and Section 301 (2) of the Vermont Statutes as annotated, which allows an arresting authority to lodge a DCF client who is over the age of 18 and was adjudicated as a Youthful Offender after January 1, 2009, in a correctional facility that is operated by the Vermont Department of Corrections.

I hereby (have arrested) or (authorize any law enforcement officer to arrest) _____, _____, who is over the age of 18, for the
(Youthful Offender's Name) (DOB)

following violations of his/her probation agreement:

Condition(s):

A copy of this statement will be delivered with the probationer by the arresting officer to the Supervising Officer of the Correctional Facility to which he/she is brought for detention. A copy will also be furnished to the arrested probationer.

Supervising Probation Officer (DOC) Date

Supervising Social Worker (DCF) Date

DCF Client Placement Specialist or Designee Date

You, the arrested probationer, are entitled to have legal counsel at the probation violation hearing.

STATE of VERMONT

_____ County, ss.

At _____, in said County, on the _____ day of _____ A.D. 20_____, by virtue of this precept I apprehended and detained the body of the within named

(Probationer's Name)

and read the same in his/her hearing and furnished him/her a copy of the complaint, and committed him/her for safekeeping at the:

(Name of Correctional Facility)

SIGNED: _____ TITLE: _____

DATE: _____

DISTRIBUTION:

Probationer, copy to be delivered with the Probationer by the arresting officer, to the supervising officer of the Correctional Facility to which he/she is brought for detention, copy for arresting officer, copy for Probation & Parole Office file, copy for Juvenile Probation Officer

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Xxxx Unit

Docket No. xxxx

In Re: First Last

JUVENILE PROBATION VIOLATION COMPLAINT

On behalf of the Commissioner of the Department for Children and Families, the undersigned juvenile probation officer makes the following violation of juvenile probation complaint:

On (month dd, yyyy), [First Last name of child] was placed on juvenile probation under the supervision of the Commissioner of the Department for Children and Families. During the period of juvenile probation, the juvenile has violated the condition(s) of his/her probation as follows:

AFFIDAVIT

I respectfully request the Court to find [First Last name of child] in violation of the condition(s) of juvenile probation.

I hereby swear or affirm that the foregoing information is true to the best of my knowledge and belief.

Date: Signature: _____

Printed name: _____

Subscribed and sworn to before me:

Date: _____ Signature of Notary Public: _____ Expiration Date. _____

Original: Court Copies Probation Officer Juvenile Parent/Guardian State's Attorney

<input type="checkbox"/> Probable Cause Found	
Date: _____	_____ Superior Court Judge