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Chapter:	Working with Adolescents & Justice-Involved Youth	
Subject:	Engaging & Supporting Victims and Impacted Parties	Page 1 of 9
Approved:	Aryka Radke, Deputy Commissioner	Effective: 8/31/2022
Supersedes:	Notifying Victims of Juvenile Delinquency	Dated: 2/4/2020

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Introduction

As a division, we are committed to engaging victims appropriately while respecting the confidentiality of justice-involved youth. By statute, juvenile court is confidential and set up to protect against the collateral consequences of harmful behavior. We value the voices of impacted parties while being attentive to the outcomes for youth that make mistakes and become involved in the justice system. We recognize that these two objectives may often feel in conflict. Our goal is to ensure that victims are respected and included, and that the victim’s voice is considered in repairing the harm. The more significant a crime, the more crucial the victim’s voice. DCF’s community partners are critical to ensuring engagement with and support for victims. The goal is to create effective and comprehensive responses to harm caused in partnership with communities, service providers, and most especially, victims.

Related Policies

- [Family Services Policy 61: Responding to Domestic Violence in Child Safety Interventions](#)
- [Family Services Policy 250: Staff Safety](#)
- [Family Services Policy 251: HOPE \(Helping Ours Peers Excel\) Team](#)

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Definitions

Victim: A person who sustains physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency and shall also include the family members of a minor victim, a person who has been found to be incompetent, or a homicide victim.

Staff-Secure Program: A residential program (1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the program; and (3) in which the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision (24 hours/day staffing, awake overnight, and on school grounds).

Policy

This policy describes all aspects of victim involvement and notification as outlined in [33 V.S.A. § 5234](#) and [33 V.S.A. § 5288](#). The chart below outlines the expectations for all parties involved in the Court process and their responsibilities for victim notification. In addition, this policy describes the process for engaging victims in the case planning/restorative process, as well as the relationship among DCF and the State’s Attorney Victim Advocates and lastly the resources and supports available to victims.

Notification and Participation for Victims in <u>Delinquency</u> Proceedings		
Party responsible for sharing information with victims	Listed Crimes 33 V.S.A. § 5234	Non-Listed Crimes 33 V.S.A. § 5234a
Law Enforcement Agency	After initial contact between a victim and a law enforcement agency responsible for investigating the offense, the agency shall promptly give in writing to the victim: <ol style="list-style-type: none"> (1) an explanation of the victim’s rights under this chapter and chapters 52 and 52A of this title; and (2) information concerning the availability of: <ol style="list-style-type: none"> (A) assistance to victims, including medical, housing, counseling, and emergency services; (B) compensation for victims under 13 V.S.A. chapter 167 and the name, street address, and telephone number of the Center for Crime Victim Services; (C) protection for the victim, including protective court orders; 	

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	<p>and</p> <p>(D) access by the victim and the offender to records related to the case that are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 (access to public records).</p> <p>(b) Information to victims of listed crimes. As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, all of the following:</p> <ul style="list-style-type: none"> • information as to the offender’s identity unless inconsistent with law enforcement purposes; • information as to whether the offender has been taken into custody; • the file number of the case and the name, office street address, and telephone number of the law enforcement officer currently assigned to investigate the case; • the prosecutor’s name, office street address, and telephone number; • an explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition; and • information concerning any conditions of release imposed on the offender prior to an initial court appearance, unless otherwise limited by court order. 	
Prosecutor's Office/Victim's Advocates	When a delinquency petition has been filed, the name of the child/youth and any conditions of release initially ordered for the child or modified by the court will be shared, unless otherwise limited by court order	
	Their legal rights, information regarding how a delinquency proceeding is adjudicated, the confidential nature of delinquency proceedings.	
	When a court proceeding is scheduled and when a court proceeding will not take place as scheduled.	
	Whether delinquency has been found and disposition has occurred, any conditions of release or conditions of probation and any restitution unless otherwise limited by court order.	
	Information and consultation through the delinquency proceedings.	
Court	To file a written or recorded impact statement re: the delinquent act and the need for restitution.	To file a written or recorded impact statement re: the delinquent act and the need for restitution.
	To be present during all court proceedings subject to the	The victim will only be present at the disposition hearing to share their impact statement. The court

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	<p>provisions of Rule 615 of the Vermont Rules of Evidence; to attend the disposition hearing and to present a victim impact statement and to express reasonably the victim's views concerning the offense and the youth, including testimony in support of the victim's claim for restitution pursuant to section 5235 of this title, to be notified as to the disposition, including probation; and to submit oral or written statements to the court at such other times as the court may allow. The court shall consider the victim's statement when ordering disposition.</p>	<p>may also determine that the victim's presence is necessary for other aspects of the hearing.</p> <p>To have the court take their views into consideration in the court's disposition order. If the victim is not present, the court shall consider whether the victim has expressed views and shall take those views into account when ordering disposition.</p>
<p>Agency with custody of the delinquent child/youth</p>	<p>When a juvenile has been adjudicated of an act listed in <u>13 V.S.A. § 5301</u>, the victim will receive the Notification for Victims of Crimes in Family Division (FS-320). The State's Attorney Victim Advocates will provide the form to victims.</p> <p>A victim or the State's Attorney Victim Advocate must send the FS-320 to DCF Central Office (Specialized Services Unit, SSU). SSU will track requests for notification. If the juvenile is released into the community for three days or longer from a secure, or staff-secure, residential program, the SSU will notify the victim by phone or by mailing the Victim Notification Letter (FS-321) to the contact information</p>	<p>When a juvenile has been adjudicated of a non-listed crime, and there is agreement among the parties, the victim will receive the Notification for Victims of Crimes in Family Division (FS-320). The State's Attorney Victim Advocates will provide the form to victims.</p> <p>A victim or the State's Attorney Victim Advocate must send the FS-320 to DCF Central Office (Specialized Services Unit, SSU). SSU will track requests for notification. If the juvenile is released into the community for three days or longer from a secure, or staff-secure, residential program, the SSU will notify the victim by phone or by mailing the Victim Notification Letter (FS-321) to the contact information provided on</p>

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	<p>provided on the FS-320.</p> <p>Central office must attempt to notify the victim before the juvenile is released to the community from a secure or staff-secure residential program. The name of the program will not be disclosed.</p>	<p>the FS-320.</p> <p>Central office must attempt to notify the victim before the juvenile is released to the community from a secure or staff-secure residential program. The name of the program will not be disclosed.</p>
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Notification and Participation for Victims in Youthful Offender Proceedings

Party responsible for sharing information with victims	<p style="text-align: center;">Any Crime 33 V.S.A. § 5288</p>
Prosecutor's Office/Victim's Advocates	Will notify victims when a court proceeding is scheduled, when a court proceeding will not take place as scheduled, the final disposition of the case, and victim rights.
Court	The victim can be present at all hearings and to reasonably express their views concerning the offense and the youth.
	To have the court take their views into consideration at a hearing on a motion for youthful offender treatment. The court will ask if the victim is present and 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 if the victim has expressed, either orally or in writing, views regarding disposition and shall take those views into consideration when ordering disposition.
	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.
Agency with custody of the Youthful Offender	<p>When a youth has been adjudicated as a Youthful Offender, the victim will receive the Notification for Victims of Crimes in Family Division (FS-320). The State's Attorney Victim Advocates will provide the form to victims.</p> <p>A victim or the State's Attorney Victim Advocate must send the FS-320YO to DCF Central Office (Specialized Services Unit (SSU)). SSU will track requests for notification. The SSU will notify the victim by</p>

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	<p>phone or by mailing the Victim Notification Letter (FS-321) to the contact information provided on the FS-320.</p> <p>Central office must attempt to notify the victim before the youth is released to the community from a secure or staff-secure residential program for three days or more. The name of the program will not be disclosed. If the victim cannot be reached, the release will still occur.</p>
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Special Considerations

Victim Engagement

DCF will ask all justice-involved youth to sign the FS-163, Authorization for Victim Engagement prior to sharing any information with the victim (other than notification of release in the community). The youth’s Guardian ad Litem (if applicable), their attorney, and their guardian/custodian (if applicable) must also sign the release of information. DCF will work with the State’s Attorney Victim Advocate to obtain information related to the victim. DCF will communicate with the youth about the information that is shared with the victim. The Family Services Worker will help the youth to understand the harm that was caused and to support them in repairing the harm. In communicating with victims during this process, the Family Services Worker will explain both the importance of victim engagement, as well as the victim’s legal responsibility to maintain confidentiality and avoid any redisclosure of information learned through the restorative process or as a result of the release of information. The Family Services Worker can direct the victim to the State’s Attorney Victim’s Advocate for support related to redisclosure.

If the youth does not provide DCF with authorization to engage with the victim this does not prohibit the victim from contacting DCF and providing thoughts/concerns related to the case. DCF will not be able to discuss the case however they can note the concerns provided.

The DCF and State’s Attorney Victim’s Advocate Relationship

Regular communication between the DCF Family Services Worker and the [Victim's Advocate](#) is an important piece in supporting cases where there have been harmful behaviors. The Victim’s Advocate is an expert in navigating the Criminal Division process, legal specifics, recent changes to the law, and they may also have a stronger awareness of information that may impact DCF cases (both when youth are victims and delinquent). If the Victim’s Advocate receives a Victim Impact Statement, they will send it to the District Director of the local DCF office. The Family Services Worker may include appropriate/relevant information in the youth’s Disposition Case Plan. Communication

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takes the form of regular meetings between DCF and the Victim’s Advocate and frequent email and telephone contact regarding specific cases. Victim’s Advocates are resources for ongoing cases. Family Services Workers may also register with the court to get notices related to these cases and court events.

Safety Planning and Consultation for Domestic and Sexual Violence

Case consultation by the Domestic Violence Unit is an important resource for identifying specific strategies and safety planning in cases where domestic violence is present. DCF Domestic Violence Specialists also work closely with Victim’s Advocates. Family Services Workers and Supervisors are expected to utilize case consultation provided by the Domestic Violence Unit in conjunction with knowledge previously learned through training and case consultations. The goal of consultation is to maximize resources, improve consistency of response throughout the life of the case, and achieve outcomes of safety, permanency, and well-being.

When the Victim is in DCF Custody

The Family Services Worker will assist the harmed youth with connecting to the Victim’s Advocate. DCF will coordinate any necessary/available services for the victim with the Victim’s Advocate and both parties will assist the harmed youth when there is an ongoing court process. Generally, the Family Services Worker will join all meetings between the Victim’s Advocate and children and youth in DCF custody, unless the circumstances support an independent meeting. The Victim’s Advocate will communicate with the Family Services Worker when there are updates regarding ongoing cases. The Victim’s Advocate, the Family Services Worker, and/or the harmed youth’s clinician may assist the victim with writing a Victim’s Impact Statement. DCF may also write an impact statement for the court.

DCF will work with relevant parties to ensure there is safety and support for victims in custody. With the harmed youth’s permission, the Family Services Worker will provide the victim’s address to the Victim’s Advocate when the harmed youth exits DCF custody so information about court proceedings and notifications regarding the justice-involved youth can be forwarded to the victim.

When the victim is a sibling and is also in DCF custody, whenever appropriate, efforts to repair the harm and the relationship will occur with both the victim and the responsible youth.

Keeping Youth Safe in Placements

In the circumstance where victims and responsible parties are placed in the same

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residential setting, or if offending behavior occurs in a program, the staff of the program should immediately make necessary steps to ensure the safety of both youth and to separate the youth. The Family Services Worker should request that the Specialized Services Manager explore alternative placement options for either party. In some instances, if safety can be established and restorative work occurs, the two youth may remain in the same program when appropriate. If there has been offending behavior by one youth against the other that is known in advance, the youths will not be placed together.

When DCF Staff are Victims

At times, Family Services employees and/or their families may be threatened with harm or actually harmed. See [Family Services Policy 250: Staff Safety](#) and [Family Services Policy 251: HOPE \(Helping Ours Peers Excel\) Team](#) for additional guidance related to circumstances where DCF employees are victims of harm.

Supports for Victims

The Vermont Center for Crime Victim Services (CCVS) is a key resource for victims of crime and those who interact with victims and youth. Two direct service programs at CCVS include the Victims Compensation Program and the Vermont Restitution Unit. These programs represent two opportunities for victims to recover financial losses resulting from crimes.

The **Victims Compensation Program** provides limited financial assistance for financial losses that are the direct result of a crime reported to law enforcement that can't be reimbursed through other sources. Losses eligible for reimbursement might include medical co-pays and deductibles, replacement costs for lost or broken glasses or medical equipment, unreimbursed mental health counseling costs, lost wages due to missed work, limited rent/relocation expenses, and/or safety and security expenses like lock replacement. Property and financial crime losses generally are not eligible. Victims must apply for Victims Compensation and a Claim Specialist will work with victims and those supporting them to understand eligibility: www.ccvv.vermont.gov or 1-802-241-1250.

When a **Restitution Judgement Order** has been issued by the court, the Vermont Restitution Unit is responsible for collecting restitution on behalf of victims and the state. Victim Liaisons work directly with victims to forward on any amounts collected on their behalf and to determine their eligibility for a restitution advance from the Vermont Crime Victims Restitution Special Fund. The Restitution Special Fund allows certain individual (non-business) victims to recover some portion of uninsured losses owed to them as part of a restitution order, rather than waiting for the youth to pay in full. The youth is then responsible for repaying the Special Fund. The court may issue a restitution judgement order. This is a separate order that enables the Vermont Restitution Unit to collect

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restitution (from youth over 18) when necessary. If a Restitution Judgment Order is issued, ensuring that youth are connected with the Restitution Unit is important to ensure that restitution is paid in an efficient manner. Victim Liaisons can provide more information about the victim services they provide: www.ccvv.vermont.gov or 1-802-241-4688.

Appendix

"[Listed crime](#)" means any of the following offenses:

- A. stalking;
- B. aggravated stalking;
- C. domestic assault;
- D. first degree aggravated domestic assault;
- E. second degree aggravated domestic assault;
- F. sexual assault;
- G. aggravated sexual assault;
- H. lewd or lascivious conduct;
- I. lewd or lascivious conduct with a child;
- J. murder;
- K. aggravated murder;
- L. manslaughter;
- M. aggravated assault;
- N. assault and robbery with a dangerous weapon;
- O. arson causing death;
- P. assault and robbery causing bodily injury;
- Q. maiming;
- R. kidnapping;
- S. unlawful restraint in the second degree;
- T. unlawful restraint in the first degree;
- U. recklessly endangering another person;
- V. violation of abuse prevention order, excluding violation of an abuse prevention order (emergency relief);
- W. operating vehicle under the influence of alcohol or other substance with either death or serious bodily injury resulting;
- X. careless or negligent operation resulting in serious bodily injury or death;
- Y. leaving the scene of an accident with serious bodily injury or death;
- Z. burglary into an occupied dwelling;
- AA. the attempt to commit any of the offenses;
- BB. abuse, abuse by restraint, neglect, sexual abuse, financial exploitation, and exploitation of services;
- CC. aggravated sexual assault of a child;
- DD. human trafficking; and
- EE. aggravated human trafficking.