

# FACT SHEET: ACT 201

## CHANGES TO DELINQUENCY

- Act 201 expands jurisdiction in the future to include 18 and 19-year-olds and planning for that expansion. (See Chart entitled “Summary of Juvenile Jurisdiction on reverse side)
- There is a presumption of diversion for low to moderate risk youth.

## CHANGES TO DIVERSION

- Act 201 requires prosecutors to consider results of risk and needs screenings in all decisions about prosecutions.
- Act 201 creates a presumption of diversion for low and moderate risk youth for both delinquency and youthful offender cases.
- The YASI prescreen informs presumption of diversion question, except where the youth has been alleged to have committed a sexual offense.
- Youth under 18 at the time of the offense will need to complete an evaluation with a trained clinician to inform this decision. Youth 18 or over at the time of the offense will be assessed with validated screening tools by DOC.
- State’s Attorneys may overcome the presumption by stating on the record why the interests of justice will not be served by diverting the case. This is a decision solely within the prosecutor’s discretion.

## IMPLEMENTATION

On November 1<sup>st</sup>, with input from the Juvenile Justice Stakeholder group, DCF will submit a report to the legislature detailing a plan for incorporating 18/19 year-olds into the juvenile justice system.

- This report will include recommendations from the Justice Lab and this conference to aide with Act 201 implementation.

## Summary of Juvenile Justice Jurisdiction

Age (at time of alleged offense)	All Offenses Other Than Big 12	Big Twelve Offenses	Youthful Offender Options (only available for cases with potential for Criminal Division jurisdiction)
10-11	All proceedings commenced in Family Division. <b>No transfer</b> to Criminal Division. <i>See 33 V.S.A. §§ 5201(d) &amp; (e), 5204(a).</i>	Proceedings commenced in Family Division. <b>No transfer to</b> Criminal Division. <i>See 33 V.S.A. §5201(c).</i>	none
12-13		Proceedings commenced in Family Division. <b>Option to</b> transfer to Criminal Division. <i>See 33 V.S.A. §§ 5201(c) &amp; 5204(a).</i>	Big 12 offenses only
14-15		Proceedings commenced in Criminal Division. <b>Option to</b> transfer to Family Division as delinquency (or YO). <i>See 33 V.S.A. §§ 5201(c) &amp; 5203(b).</i>	Big 12 offenses only
16-17	Proceedings commenced in Family Division <ul style="list-style-type: none"> <li>• <b>Misdemeanors:</b> <b>No transfer</b> to Criminal Division.</li> <li>• <b>Felonies:</b> <b>Option</b> to transfer to Criminal Division.</li> </ul> <i>See 33 V.S.A. §§ 5201(d) &amp; (e), 5204(a).</i>	Proceedings commenced in Criminal Division. <b>Option to</b> transfer to Family Division as delinquency (or YO). <i>See 33 V.S.A. §§ 5201(c) &amp; 5203(b).</i>	Big 12 offenses <b>and</b> felonies (no misdemeanors)
18-21	<b>Now</b> – only juvenile jurisdiction is through YO		<b>Now</b> – all cases
18	<b>Effective July 1, 2020</b> , 18-year-olds treated same as 16 and 17-year-olds <i>per Act 201 (2018)</i> .	Criminal Division jurisdiction now and also as of July 1, 2020. No option to transfer except through YO.	<b>Effective July 1, 2020:</b> Big 12 offenses <b>and</b> felonies (no misdemeanors).
19	<b>Effective July 1, 2022</b> , 19-year-olds treated same as 16 to 18-year-olds <i>per Act 201 (2018)</i> .	Criminal Division jurisdiction now and also as of July 1, 2022. No option to transfer except through YO.	<b>Effective July 1, 2022,</b> Big 12 offenses <b>and</b> felonies (no misdemeanors).