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Attorneys - Don't hesitate to use our Family Support Workers to help your clients. Contact **Anna** for approval. Help is available to parents to help them overcome barriers to accessing services required under their case plan.

Alan Rome's Impressions of the National Conference on Substance Abuse, Child Welfare, and the Courts

In September, I attended this conference in Washington, D.C., along with six others from Vermont (Judge Zonay, Karen Crowley (DCF Family Services Division System of Care Manager), Howard Hood (Coordinator of Adolescent Services, Central Vermont Substance Abuse Services), Cami Greenwood and Julie Raboin (Easter Seals case managers), and Patty Brenneman of the Court Administrator's office). Of the sessions I attended, a few stood out. One was presented by the Recovery Specialists in Connecticut. They described a program run by "Recovery Specialists" who are at the Juvenile Court on the very first day of a detention hearing involving the emergency detention of children. Once they determine that the parent is having substance abuse problems, they are, in effect, the ombudsmen helping to solve the parent's many challenges. They help with immediate substance abuse therapy, housing concerns, employment challenges, etc. This challenging job used to be that of the social worker. However, the perception happens to be that that the social worker is not there to help the parent. Therefore,

the Recovery Specialists are now involved.

Another interesting session involved the Tampa, Florida doctors who are running the methadone clinics in Tampa and St. Petersburg. Evidently, Florida is having a terrible crisis with the abuse of pain medications. I learned that people on methadone, once they find their zone of comfort, are not high and go on to productive lives. The interesting point here is that, statistically, 15% of the addict population has a chance to stop using without the help of Methadone or Saboxone. Logically, 85% need help. However, as opposed to the AA and NA folks, some of whom succeed, and are applauded for it, the Methadone and Suboxone users are stigmatized as "copping out" on the system. In fact there are stories of judges and social workers who threaten young parents with the loss of their kids unless they lower their doses of Methadone. Logically, that is an absurd threat, as that discussion should be between the patient and the doctor.

I was invited to attend this conference because the court in Washington Family Division is exploring the use of a tool called the "progress matrix," developed by the mental health & substance abuse subcommittee of the Justice for Children Task Force. It would be

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used by DCF and mental health and substance abuse treatment providers to more effectively report progress on a parent's substance abuse

and mental health treatment as they impact family functioning, using neutral standardized language.

Legislative News

H.751 relating to juvenile court jurisdiction was voted out of House Judiciary and brought to the House floor for first reading on March 16, 2012. This bill proposes to allow for the extension of jurisdiction of the Family Division of the Superior Court over an individual who is adjudicated delinquent at the age of 16 or 17 up to age 20. It would also allow a state's attorney to file a motion to transfer a delinquency case from the Family Division to the Criminal Division anytime before there is a merits finding in the delinquency case. It also would make it clear that if an admission is entered at a preliminary hearing in a delinquency case the parties could agree to waive a disposition case plan and disposition hearing and move directly to disposition. Finally, it would allow the Family Division, as part of a disposition order, to directly refer an adjudicated delinquent to a "youth-appropriate community-based provider that has been approved by the department, (DCF) which may include a community justice center or a balanced and restorative justice program." If such a referral is made the youth would not be placed on juvenile probation.

Criminal Record Sealing Information for Persons Under the Age of 21 at the Time of the Crime

Jenn Wagner has drafted the following information for your 16 – 21 year-old clients in the Criminal Division:

WHY do I want my record sealed?

Education Matters

The importance of educational stability was emphasized last fall as part of the Child and Family Services Improvement and Innovation Act which reauthorized title IV-B of the Social Security Act.

Specifically 42 U.S.C. 675 (1)(G) was amended to specify that with "each" placement, rather than just "the" placement, there is a clear requirement that the child welfare agency consider proximity and appropriateness of the school when making living placement decisions, throughout the time the child is in care, as well as the responsibility to maintain children in the same school unless not in the child's best interest.

16 V.S.A. § 1075(c)(4)(A) provides that DCF shall provide transportation in certain cases, if the home school district allows a student in DCF custody who is placed in a foster home outside the school district to remain in attendance in the home school

If you have pleaded guilty to or have been convicted of a crime in criminal court, you have an adult criminal record. This adult criminal conviction will show up when anyone requests a criminal record check on you. These types of record checks are often done when you apply for a job, try to rent an apartment, or apply for government assistance. Because you have a criminal record, you may be denied a job, apartment or government benefits.

WHAT does it mean to seal my record?

If a crime is sealed on your criminal record, it will mean that the crime will not show up if a criminal record check is done. The court orders the court clerk, prosecutor, the police, and the Department of Corrections to remove information about your crime and conviction from their records.

WHO is eligible to have their record sealed under 33 V.S.A. § 5119 (g) and (h)(2)?

§ 5119 (g): If you were under the age of twenty-one (21) when the crime was committed you may be able to have your conviction sealed two years after your final discharge from probation, or, if the sanction was a fine only, when you have paid your fine in full. You cannot get your record sealed if you were adjudicated delinquent or convicted of a crime defined in 13 V.S.A. § 5301 after the conviction you want to seal, or if there is a pending charge against you for one of those defined crimes. You must also show the court that you have been ‘rehabilitated.’

§ 5119 (h)(2): If you committed the crime prior to turning 18 years old and prior to July 1, 2006, you may be able to have your conviction sealed, as long as two years have elapsed since your final discharge.

HOW & WHERE do get my criminal record sealed?

In order to have your record sealed you will have to go back to the same court you were convicted in and ask the court to seal the record. You may complete and file with that court the appropriate sample “Motion to Seal Record.” You must file a separate motion for each criminal docket number you wish to seal. If you have convictions in different counties, you must file your motion in the counties where you were convicted. You may only use this motion to seal Vermont convictions.

After you have filed the motion, the court will schedule a hearing in court on your request. The State’s Attorney (prosecutor) will be at the hearing, and might agree or might disagree with the sealing of your record.

In order for the court to seal your record the court will have to find that you have not been convicted of other certain crimes during those two years, are not charged with one of those crimes at the time you filled out the application, and that you are rehabilitated. There are many ways to show the court that you are rehabilitated. You will have to talk to the judge to tell him or her about your life since the conviction. You may also bring other people into court to tell the judge about it. There are many ways to show the judge you are rehabilitated. Some of the typical ways are to show the judge are that you have not been convicted of new crimes, you have a job, you are in school, you dealt with the problems you were having at the time you committed the crime, you completed counseling, and you are a productive member of the community, to name a few.

WHEN can I file the request to seal my criminal record?

You can file anytime after two years have elapsed since your final discharge. There is no time limit.

Diversion Program Information for Parents

Useful information not just for parents may be found in this latest brochure:

<http://www.atg.state.vt.us/assets/files/Vermont%20Court%20Diversion%20Parent%20Packet.pdf>

Juvenile Representation at Woodside

Attorney Marshall Pahl is now working with the Office of the Juvenile Defender, particularly with juveniles at Woodside. He is making sure due process and their own procedures are followed at hearings which address the continued placement of juveniles at Woodside. He can be reached at the Central Office in Montpelier.

USSC

The United States Supreme Court heard oral arguments on March 20, 2012 in Miller v. Alabama; Jackson v. Hobbs. The Juvenile Law Center is one of several organizations that have submitted amicus briefs in support of Evan Miller and Kuntrell Jackson, two juveniles serving mandatory life without parole sentences following their convictions of homicide in Alabama and Arkansas, respectively.

Both Miller and Jackson were 14 years old at the time the offenses were committed. Miller was convicted of an intentional killing. Jackson was convicted of felony murder; he did not himself commit the killing, and was not shown to have had any intent or awareness that any killing would take place.

Psychotropic Medication and Children in Foster Care: Tips for Advocates and Judges

The ABA Center on Children and the Law has a new publication which addresses common child and adolescent mental health diagnoses and presents a multimodal approach to managing mental health disorders for children and youth in foster

care. The benefits, drawbacks, and side effects of psychotropic medications are discussed and presented in a table. Recommendations for best practice are listed, and questions that judges and advocates should ask about medication use with children in foster care are included.

The publication can be downloaded for free at:

http://www.americanbar.org/content/dam/aba/administrative/child_law/PsychMed.authcheckdam.pdf

Autism Spectrum Disorders and Juvenile Justice Professionals

A conversation with an ASD teenager may breed confusion. Care must be taken because of the teen's inability to process and respond to requests, commands and questions.

Some suggestions for successful communication include:

- Approach quietly, non-threateningly
- Speak calmly with a moderate voice
- Do not interpret limited eye contact as deceit or disrespect
- Avoid metaphorical questions that cause confusion when taken literally
- Use simple and direct instructions
- Understand the need to repeat and rephrase

More suggestions can be found in Dennis Debbaudt's Juvenile Justice Professionals Briefing Document found here:

<http://www.autismriskmanagement.com/documents/JJ.pdf>

Important Dates

March 23 – 25, 2012 Vermont Foster/Adoptive Family Association

25th Annual Spring Conference, at Sheraton Hotel & Conference Center, Burlington, VT

Institute Speaker – Kevin Creeden, M.A., LMHC

March 23rd

Engaging Youth and Families in Treatment: Attachment, Safety, and Healing

Treatment for children who have experienced early trauma and neglect is complex. An essential component involves creating the safety and attachment necessary for all other healing, and growth to occur. This training will focus on the role that families can and should play in the treatment of trauma related behavior problems. Using an attachment based perspective we will discuss a treatment structure that seeks to educate families in the use of interventions for facilitating improved attunement, stability, and safety. We will also discuss specific interventions that families can use at different stages of development and treatment.

Keynote Address - Jeanine Fitzgerald

March 24th

Nurturing the Nurturer

No matter how much we love children, or how fulfilling we find caring for them, it is difficult and demanding work. There are no instruction manuals or cookbook recipes for raising happy children. Nor are there mandates that require us to take care of ourselves. However, your success as a caregiver is determined, in part, by your ability to renew your energies and meet your needs first. This workshop will explore ways to Nurture the nurturer. It is about creating wellness in life which is much more than stress reduction and management.

Friday, April 20, 2012 - Youth Justice Training Day

9:30 - 3:30 Franklin Conference Center, Rutland

This training will focus on working with adolescents. Topics will include: Trauma and Brain Mapping - which interventions work and which don't; working with families and youth who are on the autism spectrum; and a presentation by a youth panel speaking about their interactions with DCF Family Services Division.

There is no fee to attend. Please reply if you would like to register for this training. We will send more details, including directions to the Franklin Conference Center, to registrants at least a week prior to the event. Lunch is not provided.

****June 4 – 6, 2012 – Defender General training, Essex, Vt – Juvenile law - June 4****