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Vermont becomes first state to include 18 and 19-year-olds in youth court

Research indicates new law will improve public safety

NEW YORK, June 27, 2018 - Vermont has become the first state in the 119-year history of America's youth courts to enact a law that will ensure that most 18 and 19-year olds are prosecuted under juvenile law. Prior to this legislation, no state has adjudicated youth age 18 or older in their juvenile justice system. This is a significant development in the rapidly growing interest across the country to find ways to enhance public safety by improving outcomes for emerging adults (a term used to define the developmental stage involving 18 to 25-year-olds).

On May 30, Vermont Governor Phil Scott (R) signed into law Senate Bill 234, **sponsored by Senate Judiciary Chair Dick Sears (D)**. Starting in July 2020, the law raises the age at which emerging adults can be tried in the family division (youth court) from the 18th to the 19th birthday, making 18-year olds eligible for youth programs run by the state's Department of Children and Families (DCF) and, if confined, housed in DCF facilities instead of adult prisons and jails, among other things. In 2022, the law raises the age again, to the 20th birthday.

The practice now employed by all 50 states to automatically prosecute youth for allegedly committing a crime at age 18 in the adult criminal justice system and automatically sentencing them to adult jails and prisons has produced remarkably poor results: Emerging adults have the worst recidivism rates of any age group, with a national study of 30 states finding that 3 out of 4 of emerging adults under age 24 released from incarceration were re-arrested within three years.

The goal of Vermont's new law is to improve public safety. If Vermont can improve the outcomes of youth in the justice system, stop youth from cycling back at later ages at substantial human and societal costs, prevent further victimization, and support youth in transitioning to independent and healthy adulthood, Vermont could be the first to achieve substantial and long-lasting benefits. "I am very pleased to see Vermont be a leader in the effort to treat teenagers in the juvenile justice system rather than the criminal justice system," says Sears. "The more we learn about brain development, the more I believe the old adage 'if you're old enough to do the crime you're old enough to do the time' just doesn't work. These reforms aren't easy but with the support of the courts, prosecutors and the administration, we are moving in the right direction."

The law affords Vermont's juvenile justice system the opportunity to positively intervene and provide developmentally appropriate services so fewer youth end up stuck in the cycle of the adult criminal justice system. A recent body of [research](#) in developmental psychology and

neurobiology has found that emerging adults share many, but not all, attributes with youth under age 18 that are relevant to crime, punishment and rehabilitation. Both juveniles and emerging adults are more volatile in emotionally charged settings; more susceptible to peer influence; greater risk takers, especially in the presence of peers; and less future-oriented.

Further, research in sociology has found that there are certain developmental bridges – most significantly obtaining gainful employment and entering into a stable marriage – that help young people mature out of problematic behavior. This is particularly true for males who commit most violent crime. However, crossing those bridges comes later for today’s youth than youth in previous generations because societal entrance into marriage and employment has been delayed.

A 2016 [scan](#) published by the National Institute of Justice found 56 innovative programs targeted at emerging adults including specialized youth courts; probation and parole programs; district attorney-led programs; community-based partnerships; prison-based programs; advocacy and research programs; and legislative reforms. In addition to Vermont, legislation has been introduced in Connecticut, Illinois and Massachusetts to increase the juvenile justice system beyond the 18th birthday.

“Research and experience has policy makers and practitioners around the country experimenting with ways to create developmentally appropriate responses to crime committed by emerging adults,” says Vincent Schiraldi, Co-Director of the [Columbia University Justice Lab](#). “Vermont now stands at the front of the pack nationally in innovating with emerging adults, something other states will undoubtedly be emulating.”

“This is an area where law and practice are beginning to catch up with the research,” says Lael Chester, Director of the Emerging Adult Project at Columbia University Justice Lab. “For a host of reasons, the youth system has a much greater potential to support youth to age out of crime. Vermont has made a clear statement that it wants to invest in better youth outcomes and increase public safety.”

Additional statements from leaders in Vermont:

“Our justice system is finally seeing what parents, psychologists, and teachers have been telling us for years - adolescents are better treated in juvenile court whether they are under or over 18. The results are better for everyone involved - older adolescents in juvenile court are less likely to reoffend, more likely to complete their education and get stable employment, and less likely to end up on public assistance. Raising the age is the humane thing to do and it is an investment that will pay off many times over.”- **Marshall Pahl, the Deputy Defender General and Chief Juvenile Defender**

“My dad worked in juvenile probation for more than forty years, and I grew up hearing about kids who’d made mistakes. Some kept making them, but most learned from the first one or two and with the right support turned things around. The Vermont Senate recognized that we need to view kids who’ve made mistakes in a new way. We need

these young people to have a bright future. Our work this year will help many, many Vermonters and their families move forward with their lives." - **Tim Ashe, State Senator and President *Pro Tem***

"I am proud of our state for taking this important step forward to support our youth and I believe that our young people have the capacity to change and learn from their mistakes. This policy shift will ensure that youth who successfully complete their supervision, will be able to pursue education and employment opportunities unencumbered by a permanent record." - **Ken Schatz, Vermont Commissioner of the Department for Children and Families**

Information on Columbia University Justice Lab's Emerging Adult Project can be found [here](#). For more information about similar legislation introduced in Connecticut, Massachusetts and Illinois, please contact Lael Chester at 617-949-0172.

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