

VERMONT JUDICIAL COMMISSION ON FAMILY TREATMENT DOCKETS

Charge and Designation

A. Background

1. Opioid addiction and abuse in the State of Vermont drive drug trafficking and other criminal offenses, endangering Vermonters and eroding our way of life; harm children by afflicting their parents and undermining families; and cause needless overdose deaths, particularly among young Vermonters.
2. Substance abuse treatment dockets are specialized problem-solving court dockets that focus on the subset of individuals with substance use disorders who, due to identifiable criminal risk factors and clinical need factors, are identified as “high-risk and high-need.” These individuals are less likely to successfully complete treatment and rehabilitate in a traditional court docket, even if intensive treatment opportunities and other services are provided to them. Through frequent court hearings, the court provides close supervision over a period of time to participants in a treatment docket, holding them accountable for meeting their rehabilitation obligations using rewards and sanctions. Data have shown that despite their high costs, if all of the relevant stakeholders follow best practices, treatment dockets can reduce recidivism, thereby reducing costs to the justice system, corrections system, families, communities, and the State. However, when the treatment dockets are not run pursuant to best practices by all stakeholders, they can be cost-ineffective and in some cases affirmatively counterproductive or even harmful to participants
3. The opioid epidemic in Vermont has contributed to exploding caseloads in the abuse and neglect (CHINS) docket in the Family Division. CHINS filings increased 63% between FY 13 and FY 16. The increase in CHINS filings represents more struggling and broken families, and gives rise to higher short term and long run costs to the State.
4. The use of treatment docket techniques to promote rehabilitation by parents in the abuse and neglect docket who suffer from substance use disorder is a relatively new phenomenon. However, national data suggest that if best practices are followed, these techniques can effectively promote reunification and timely permanency.
5. Vermont currently has no treatment dockets in the Family Division abuse and neglect cases, although stakeholders across branches in at least two counties are developing proposals for pilots.

B. Charge

The Vermont Judicial Commission on Family Treatment Dockets is hereby established to explore the use of treatment docket techniques in the abuse and neglect docket and to make recommendations to the Supreme Court. By July 1, 2018 the Commission shall issue its interim report to the Court and by December 1, 2018 a final report addressing the following areas:

1. The Commission shall identify evidence-based best practices and shared commitments of Judicial Branch partners regarding operation of family division treatment dockets. This should include consideration of risk and need screening and clinical eligibility for treatment docket services; the respective roles and obligations of the court, the Department of Children and Families, States Attorneys', Attorney General, Defense Attorneys and Guardians Ad Litem in the treatment docket process; ADR processes; the relationship between different treatment docket practices and the ultimate goal of promoting the best interests of children; and the goal of timely permanency for children in child protection cases.
2. The Commission shall explore the structures, operations and costs of family treatment dockets in courts around the country, their data regarding best practices, and recommend proposals for pilot family treatment dockets in Vermont to the Supreme Court and methods for affording statewide access to family treatment dockets, if warranted and consistent with the policies of the Court.

C. Designation:

The Supreme Court hereby appoints the following people to the Vermont Judicial Commission on Family Treatment Dockets:

Hon. Paul L. Reiber, Chief Justice of the Vermont Supreme Court, Chair
Hon. Karen R. Carroll, Associate Justice, Co-Chair
Hon. Brian Grearson, Chief Superior Judge
Patricia Gabel, State Court Administrator
Theresa Scott, Chief of Trial Court Operations
T.J. Donovan, Attorney General
Mathew Valerio, Defender General
John Campbell, Executive Director Vermont Association of States Attorneys
Tracy Shriver, Windham County State's Attorney
Ken Schatz, Commissioner Department of Children and Families
Karen Shea, Deputy Commissioner Department of Children and Families
Alice R. George, RN, Assistant Judge Addison County
Dr. Frederick C. Holmes, MD, Fairfax, Vermont
Senator Jane Kitchel, Chair of the Senate Committee on Appropriations
Representative Maxine Grad, Chair of the House Committee on the Judiciary

Mary Alice McKenzie, Colchester, VT
Lisa Ventriss, South Burlington, VT

D. Expenses

In the performance of their duties, members who are state employees will be reimbursed by their state employer at the normal state employee expenses. Members of the Commission who are not state employees will be reimbursed for reasonable and necessary expenses. The Court Administrator's Office will pay from the judicial appropriation all reasonable expenses of the Commission when claims are submitted on proper vouchers approved by the Court Administrator or designee.

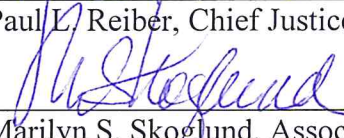
E. Duration of Charge and Designation.

This Charge and Designation shall be effective immediately and shall cease when the Supreme Court accepts or rejects its work product.

Signed in Chambers at Montpelier, Vermont this 8 day of January, 2018.



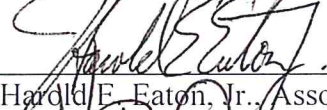
Paul L. Reiber, Chief Justice



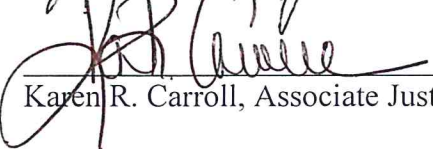
Marilyn S. Skoglund, Associate Justice



Beth Robinson, Associate Justice



Harold F. Eaton, Jr., Associate Justice



Karen R. Carroll, Associate Justice