

No. 28. An act relating to technical corrections to the juvenile judicial proceedings act of 2008.

(H.91)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 15 V.S.A. § 1107 is amended to read:

§ 1107. FILING ORDERS WITH LAW ENFORCEMENT PERSONNEL;

DEPARTMENT OF PUBLIC SAFETY PROTECTION ORDER

DATABASE

(a) Police departments, sheriff's departments, and state police district offices shall establish procedures for filing abuse prevention orders issued under this chapter, chapter 69 of Title 33, chapter 178 of Title 12, protective orders relating to contact with a child issued under section 5115 of Title 33, and foreign abuse prevention orders and for making their personnel aware of the existence and contents of such orders.

(b) Any court in this state that issues an abuse prevention order under section 1104 or 1103 of this chapter, or that files a foreign abuse prevention order in accordance with subsection 1108(d) of this chapter, or that issues a protective order relating to contact with a child under section 5115 of Title 33, shall transmit a copy of the order to the department of public safety protection order database.

Sec. 2. 33 V.S.A. § 5123 is added to read:

§ 5123. TRANSPORTATION OF A CHILD

(a) The commissioner of the department for children and families shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner that:

(1) reasonably avoids physical and psychological trauma;

(2) respects the privacy of the child; and

(3) represents the least restrictive means necessary for the safety of the child.

(b) The commissioner of the department for children and families shall have the authority to select the person or persons who may transport a child under the commissioner's care and custody.

(c) The commissioner shall assure supervisory review of every decision to transport a child using mechanical restraints. When transportation with restraints for a particular child is approved, the reasons for the approval shall be documented in writing.

(d) It is the policy of the state of Vermont that mechanical restraints are not routinely used on children subject to this chapter unless circumstances dictate that such methods are necessary.

Sec. 3. 33 V.S.A. § 5232 is amended to read:

§ 5232. DISPOSITION ORDER

(a) If a child is found to be a delinquent child, the court shall make such orders at disposition as may provide for:

- (1) the child's supervision, care, and rehabilitation;
- (2) the protection of the community;
- (3) accountability to victims and the community for offenses committed;

and

(4) the development of competencies to enable the child to become a responsible and productive member of the community.

(b) In carrying out the purposes outlined in subsection (a) of this section, the court may:

* * *

(6) Issue an order of permanent guardianship pursuant to section 2664 of Title 14.

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Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 21, 2009