

1 H.91

2 Introduced by Representatives Lippert of Hinesburg and Pugh of S. Burlington

3 Referred to Committee on

4 Date:

5 Subject: Human services; juvenile judicial proceedings

6 Statement of purpose: This bill proposes to make minor technical corrections
7 to the juvenile judicial proceedings act of 2008. The bill authorizes the
8 inclusion of juvenile protective orders in the statewide database of protective
9 orders, restores a provision of existing law related to transportation of children
10 that was inadvertently omitted, and clarifies that the court may issue a
11 permanent guardianship order in a delinquency case.

12 An act relating to technical corrections to the juvenile judicial proceedings
13 act of 2008

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

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

16 § 1107. FILING ORDERS WITH LAW ENFORCEMENT PERSONNEL;

17 DEPARTMENT OF PUBLIC SAFETY PROTECTION ORDER

18 DATABASE

19 (a) Police departments, sheriff's departments, and state police district
20 offices shall establish procedures for filing abuse prevention orders issued

1 under this chapter, chapter 69 of Title 33, chapter 178 of Title 12, protective
2 orders relating to contact with a child issued under section 5115 of Title 33,
3 and foreign abuse prevention orders and for making their personnel aware of
4 the existence and contents of such orders.

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

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

12 § 5123. TRANSPORTATION OF A CHILD

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

17 (1) prevents physical and psychological trauma;

18 (2) respects the privacy of the individual; and

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

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

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

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

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

12 § 5232. DISPOSITION ORDER

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

15 (1) the child's supervision, care, and rehabilitation;

16 (2) the protection of the community;

17 (3) accountability to victims and the community for offenses committed;

18 and

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

