

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 581 entitled “An act relating to guardianship of minors” respectfully reports
4 that it has considered the same and recommends that that the report of the
5 Committee on Judiciary be amended as follows:

6 First: In Sec. 1, 14 V.S.A. chapter 111, subchapter 2, article 1, by striking
7 out § 2626 in its entirety and inserting in lieu thereof a new § 2626 to read as
8 follows:

9 § 2626. CONSENSUAL GUARDIANSHIP

10 (a) If the petition requests a consensual guardianship, the petition shall
11 include a consent signed by the custodial parent or parents verifying that the
12 parent or parents understand the nature of the guardianship, knowingly waive
13 their parental rights, and voluntarily consent to the guardianship. The consent
14 required by this subsection shall be on a form approved by the Court
15 Administrator.

16 (b) On or before the date of the hearing, the parties shall file an agreement
17 between the proposed guardian and the parents. The agreement shall address:

18 (1) the responsibilities of the guardian;

19 (2) the responsibilities of the parents;

20 (3) the expected duration of the guardianship; and

21 (4) parent-child contact and parental involvement in decision making.

1 (c) Vermont Rule of Probate Procedure 43 (relaxed rules of evidence in
2 probate proceedings) shall apply to hearings under this section.

3 (d) The Court shall grant the petition if it finds after the hearing by clear
4 and convincing evidence that:

5 (1) the child is a child in need of guardianship as defined in subdivision
6 2622(2)(A) of this title;

7 (2) the child’s parents had notice of the proceeding and knowingly and
8 voluntarily waived their rights;

9 (3) the agreement is voluntary;

10 (4) the proposed guardian is suitable; and

11 (5) the guardianship is in the best interests of the child.

12 (e) If the Court grants the petition, it shall approve the agreement at the
13 hearing and issue an order establishing a guardianship under section 2628 of
14 this title. The order shall be consistent with the terms of the parties’ agreement
15 unless the Court finds that the agreement was not reached voluntarily or is not
16 in the best interests of the child.

17 Second: In Sec. 1, 14 V.S.A. § 2628, in subsection (a), by striking out
18 “2626(c)” and inserting in lieu thereof “2626(d)”

19 Third: In Sec. 1, 14 V.S.A. § 2630, by striking subsection (a) in its entirety
20 and inserting in lieu thereof a new subsection (a) to read as follows:

21 (a) The guardian:

1 (1) should permit the child to have contact of reasonable duration and
2 frequency with the child’s parents and siblings; and

3 (2) shall abide by and ensure the child is available for contact with a
4 noncustodial parent pursuant to an existing parent-child contact order issued by
5 the Family Division.

6 Fourth: In Sec. 1, 14 V.S.A. chapter 111, subchapter 2, article 1, by striking
7 out § 2634 in its entirety and inserting in lieu thereof a new § 2634 to read as
8 follows:

9 § 2634. DEPARTMENT FOR CHILDREN AND FAMILIES POLICY

10 The Department for Children and Families shall adopt a policy defining its
11 role with respect to families who establish a guardianship under this article.

12 The policy shall be consistent with the following principles:

13 (1) The Family Services Division shall maintain a policy ensuring that
14 when a child must be removed from his or her home to ensure the child’s
15 safety, the Division will pursue a CHINS procedure promptly if there are
16 sufficient grounds under 33 V.S.A. § 5102.

17 (2) When the Family Services Division is conducting an investigation or
18 assessment related to child safety and the child may be a child in need of care
19 and supervision as defined in 33 V.S.A. § 5102(3), Division staff may provide
20 information but shall not make any recommendation regarding whether a
21 family should pursue a minor guardianship.

1 (3) In response to a request from the Probate judge, the Family Services
2 Division social worker shall attend a minor guardianship hearing and provide
3 information relevant to the proceeding.

4 (4) If a minor guardianship is established during the time that the Family
5 Services Division has an open case involving the minor, the social worker shall
6 inform the guardian and the parents about services and supports available to
7 them in the community and shall close the case within a reasonable time unless
8 a specific safety risk is identified.

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE

14

15