

**1988 Act and Resolves No. 248**  
**18 V.S.A. chapter 208, subchapter 3**

- Petitions for commitment to the Commissioner of Disabilities, Aging, and Independent Living are filed in the Criminal Division of the Superior Court
- The court must determine whether the person is “a person in need of custody, care, and habilitation,” meaning:
  - a person with an intellectual disability;
  - who presents a danger of harm to others; and
  - for whom appropriate custody, care, and habilitation can be provided by the Commissioner in a designated program
- “Danger of harm to others” refers to a person who has inflicted or attempted to inflict serious bodily injury to another or has committed sexual assault or lewd or lascivious conduct with a child.
- If the person is NOT found to be a person in need of custody, care, and habilitation, the court must dismiss the petition
- If the person IS found to be a person in need of custody, care, and habilitation, the court must order the person committed to the custody of the Commissioner for placement in a designated program
- Neither a determination that a person is in need of custody, care, and habilitation, nor an order of commitment establishes a presumption of legal incompetence
- A person may be discharged from a commitment by:
  - a judge after judicial review; or
  - the Commissioner by administrative order.
- Persons committed are entitled to an annual judicial review, but may request a judicial review 90 days after initial commitment and before the end of the first year of commitment
- If at the time of judicial review, the person is found to still require custody, care, and habilitation, the commitment continues for an indefinite or limited time period
- If at the time of judicial review, the person is no longer found to require custody, care, and habilitation, the person is either conditionally or absolutely discharged