1	TO THE HOUSE OF REPRESENTATIVES:	
2	The Committee on Judiciary to which was referred House Bill No. 400	
3	entitled "An act relating to various changes to judicial procedure" respectfully	
4	reports that it has considered the same and recommends that the bill be	
5	amended by striking out all after the enacting clause and inserting in lieu	
6	thereof the following:	
7	Sec. 1. 14 V.S.A. § 2666 is amended to read:	
8	§ 2666. MODIFICATION; TERMINATION	
9	* * *	
10	(b) Where the permanent guardianship is terminated by the probate division	
11	of the superior court Probate Division of the Superior Court order or the death	
12	of the permanent guardian, the custody and guardianship of the child shall not	
13	revert to the parent, but to the commissioner for children and families	
14	Commissioner for Children and Families as if the child had been abandoned.	
15	(1) Upon the death of the permanent guardian or when the permanent	
16	guardianship is otherwise terminated by order of the Probate Division, the	
17	Probate Division shall issue an order placing the child in the custody of the	
18	Commissioner and shall immediately notify the Department for Children and	
19	Families, the State's Attorney, and the Family Division.	

1	(2) The order transferring the child's legal custody to the Commissioner		
2	shall have the same legal effect as a similar order issued by the Family		
3	Division under the authority of 33 V.S.A. chapters 51–53.		
4	(3) After the Probate Division issues the order transferring legal custody		
5	of the child, the State shall commence proceedings under the authority of		
6	33 V.S.A. chapters 51–53 as if the child were abandoned.		
7	* * *		
8	Sec. 2. 14 V.S.A. § 2667 is amended to read:		
9	§ 2667. ORDER FOR VISITATION, CONTACT, OR INFORMATION;		
10	IMMEDIATE HARM TO THE MINOR		
11	(a) The probate division of the superior court Probate Division of the		
12	Superior Court shall have exclusive jurisdiction to hear any action to enforce,		
13	modify, or terminate the initial order issued by the family division of the		
14	superior court Family Division of the Superior Court for visitation, contact, or		
15	information.		
16	(b) Upon a showing by affidavit of immediate harm to the child, the		
17	probate division of the superior court Probate Division of the Superior Court		
18	may temporarily stay the order of visitation or contact on an ex parte basis		
19	until a hearing can be held, or stay the order of permanent guardianship and		
20	assign parental rights and responsibilities transfer legal custody of the child to		

1	the commissioner for children and families Commissioner for Children and		
2	Families.		
3	(1) The order transferring the child's legal custody to the Commissioner		
4	shall have the same legal effect as a similar order issued by the Family		
5	Division under the authority of 33 V.S.A. chapters 51–53.		
6	(2) The Probate Division shall then immediately notify the Department		
7	for Children and Families, the State's Attorney, and the Family Division when		
8	it has issued an order transferring the child's legal custody to the		
9	Commissioner, and nothing in this subsection shall prohibit the State from		
10	commencing proceedings under 33 V.S.A. chapters 51-53.		
11			
11	* * *		
11	* * * Sec. 3. 33 V.S.A. § 5223 is amended to read:		
12	Sec. 3. 33 V.S.A. § 5223 is amended to read:		
12 13	Sec. 3. 33 V.S.A. § 5223 is amended to read: § 5223. FILING OF PETITION		
12 13 14	<ul> <li>Sec. 3. 33 V.S.A. § 5223 is amended to read:</li> <li>§ 5223. FILING OF PETITION</li> <li>(a) When notice to the child is provided by citation, the State's Attorney</li> </ul>		
12 13 14 15	<ul> <li>Sec. 3. 33 V.S.A. § 5223 is amended to read:</li> <li>§ 5223. FILING OF PETITION <ul> <li>(a) When notice to the child is provided by citation, the State's Attorney</li> <li>shall file the petition and supporting affidavit at least 10 <u>business</u> days prior to</li> </ul> </li> </ul>		
12 13 14 15 16	<ul> <li>Sec. 3. 33 V.S.A. § 5223 is amended to read:</li> <li>§ 5223. FILING OF PETITION <ul> <li>(a) When notice to the child is provided by citation, the State's Attorney</li> <li>shall file the petition and supporting affidavit at least 10 <u>business</u> days prior to</li> <li>the date for the preliminary hearing specified in the citation.</li> </ul> </li> </ul>		
12 13 14 15 16 17	<ul> <li>Sec. 3. 33 V.S.A. § 5223 is amended to read:</li> <li>§ 5223. FILING OF PETITION <ul> <li>(a) When notice to the child is provided by citation, the State's Attorney</li> <li>shall file the petition and supporting affidavit at least 10 <u>business</u> days prior to</li> <li>the date for the preliminary hearing specified in the citation.</li> <li>(b) The Court shall send or deliver a copy of the petition and affidavit to all</li> </ul> </li> </ul>		

1	Sec. 4. 33 V.S.A. § 5229 is amended to read:	
2	§ 5229. MERITS ADJUDICATION	
3	* * *	
4	(g) If, based on the child's admission or the evidence presented, the Court	
5	finds beyond a reasonable doubt that the child has committed a delinquent act,	
6	the Court shall order the Department to prepare a disposition case plan within	
7	28 days of the merits adjudication and shall set the matter for a not later than	
8	seven business days before the disposition hearing. In no event, shall a	
9	disposition hearing be held later than 35 days after a finding that a child is	
10	delinquent.	
11	(h) The Court may proceed directly to disposition providing that the child,	
12	the custodial parent, the State's Attorney, and the Department agree.	
13	Sec. 5. 33 V.S.A. § 5230 is amended to read:	
14	§ 5230. DISPOSITION CASE PLAN	
15	(a) Filing of case plan. The Following the finding by the Court that a child	
16	is delinquent, the Department shall file a disposition case plan $\frac{1}{1000}$ between the states of	
17	28 days from the date of the finding by the Court that a child is delinquent	
18	seven business days before the scheduled disposition hearing. The disposition	
19	case plan shall not be used or referred to as evidence prior to a finding that a	
20	child is delinquent.	

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1	Sec. 6. 33 V.S.A. § 5315 is amended to read:	
2	§ 5315. MERITS ADJUDICATION	
3	* * *	
4	(f) If the Court finds that the allegations made in the petition have not been	
5	established, the Court shall dismiss the petition and vacate any temporary	
6	orders in connection with this proceeding. A dismissal pursuant to this	
7	subsection is a final order subject to appeal.	
8	(g) If the Court finds that the allegations made in the petition have been	
9	established based on the stipulation of the parties or on the evidence if the	
10	merits are contested, the Court shall order the Department to prepare a	
11	disposition case plan within 28 days of the merits hearing and shall set the	
12	matter for a not later than seven business days before a scheduled disposition	
13	hearing. An adjudication pursuant to this subsection is not a final order subject	
14	to appeal separate from the resulting disposition order.	
15	* * *	
16	Sec. 7. 33 V.S.A. § 5315a is added to read:	
17	<u>§ 5315a. MERITS STIPULATION</u>	
18	(a) At any time after the filing of the CHINS petition and prior to an order	
19	of adjudication on the merits, the Court may approve a written stipulation to	
20	the merits of the petition and any or all elements of the disposition plan,	
21	including the permanency goal, placement, visitation, or services.	

1	(b) The Court may approve a written stipulation if:	
2	(1) the parties to the petition, as defined in subdivision $5102$ (22) of this	
3	title, agree to the terms of the stipulation; and	
4	(2) the Court determines that:	
5	(A) the agreement between the parties is voluntary;	
6	(B) the parties to the agreement understand the nature of the	
7	allegation; and	
8	(C) the parties to the agreement understand the rights waived if the	
9	Court approves of and issues an order based upon the stipulation.	
10	Sec. 8. 33 V.S.A. § 5316 is amended to read:	
11	§ 5316. DISPOSITION CASE PLAN	
12	(a) The Following a finding by the Court that a child is in need of care or	
13	supervision, the Department shall file a disposition case plan ordered pursuant	
14	to subsection 5315(g) of this title no not later than 28 days from the date of the	
15	finding by the Court that a child is in need of care or supervision seven	
16	business days before the scheduled disposition hearing.	
17	* * *	

1	Sec. 9. EFFECTIVE DATE	
2	This act shall take effect on passage.	
3		
4		
5	(Committee vote:)	
6		
7		Representative
8		FOR THE COMMITTEE