

MEMO

TO: Representative Maxine Grad, Chair House Committee on Judiciary

FROM: Brian J. Grearson, Chief Superior Judge

DATE: April 3, 2019

SUBJECT: Proposed Amendments Court Procedure

- Chapter 206. Care for Persons with Intellectual Disabilities

Subchapter 3. Judicial Proceedings; Persons with an Intellectual Disability who Present a Danger of Harm to Others.

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18 V.S.A. Sec. 8840 Jurisdiction and venue

Proceedings brought under this subchapter for commitment to the Commissioner for custody, care and habilitation shall be commenced by petition in the Family ~~Criminal~~ Division of the Superior Court for the unit in which the respondent resides.

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Section 8845. Judicial Review...

(b) Procedures for judicial review of persons committed under this subchapter shall be as provided in section 8843 ~~8834~~ of this title, except that proceeding shall be brought in the Family ~~Criminal~~ Division of the superior Court in the unit in which the person resides or, if the person resides out of state, in the unit which issued the original commitment order.

- 24 V.S.A. § 1981(a):

Upon the filing of the complaint and entry of a judgment after admission, hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the Judicial Bureau. Upon the expiration of the period to pay the penalty, the person found in violation shall be assessed a surcharge of \$10.00 for the benefit of the municipality. All the civil remedies for collection of judgments shall be available to enforce the final judgment of the Judicial Bureau.

Respectfully submitted,

Brian J. Grearson

Chief Superior Judge