

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 133
3 entitled “An act relating to authorizing the Probate Division to reopen
4 guardianship proceedings to correct or remedy manifest injustice” respectfully
5 reports that it has considered the same and recommends that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. 14 V.S.A. § 3082 is added to read:

9 § 3082. REOPENING PROCEEDINGS; RELIEF FROM FINAL
10 JUDGMENT TO PREVENT MANIFEST INJUSTICE

11 (a) In addition to the provisions of Rule 60 of the Vermont Rules of
12 Probate Procedure, on motion and upon such terms as are just, the Probate
13 Division may relieve a party or the from a final judgment, order, or proceeding
14 in a guardianship proceeding that has been terminated under this chapter to
15 address or prevent manifest injustice.

16 (b) In addition to the provisions of Rule 60.1 of the Vermont Rules of
17 Probate Procedure, on motion of a party, or a person claiming an interest in a
18 proceeding, or on its own initiative, the Probate Division may order that a
19 proceed be reopened for purposes of modifying or enforcing a decree or for
20 other action of the court. The issuance of an order granting relief pursuant to

1 subsection (a) of this section shall be additional grounds for granting a motion
2 under this subsection.

3 (c) As used in this section, “manifest injustice” includes any circumstance
4 in which the court issued a guardianship order in violation of a right, under
5 State or federal law, of the person for whom the guardianship was granted.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect on passage.

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15 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE