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H.428

Introduced by Representatives Cina of Burlington and Logan of Burlington
Referred to Committee on
Date:
Subject: Guardianship; training requirements for guardians
Statement of purpose of bill as introduced: This bill proposes to require that
special training requirements be established for persons whom a probate court
appoints as a guardian for an adult with disabilities.

An act relating to training requirements for guardians

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 14 V.S.A. § 3071 is amended to read:

§ 3071. DUTIES OF GUARDIAN

(a) The guardian shall maintain close contact with the person under
guardianship and encourage maximum self-reliance on the part of the person
under guardianship.

(b) In addition to the powers vested in the guardian by the court pursuant to
section 3069 of this title, the court may order the guardian to ~~assure~~ ensure that
the person under guardianship receives those benefits and services to which ~~he~~
~~or she~~ the person is lawfully entitled and needs to maximize ~~his or her~~ the

1 person's opportunity for social and financial independence. Those benefits and
2 services include, but are not limited to:

3 (1) education services for a person under guardianship who is of school
4 age;

5 (2) residential services for a person under guardianship who lacks
6 adequate housing;

7 (3) nutrition services;

8 (4) medical and dental services, including home health care;

9 (5) therapeutic and habilitative services, adult education, vocational
10 rehabilitation, or other appropriate services.

11 (c) The guardian shall always serve the interests of the person under
12 guardianship and shall bring any potential conflicts of interest to the attention
13 of the court.

14 (d)(1) When the court appoints a guardian for an adult with disabilities, the
15 court shall ensure that the guardian understands the powers and duties of
16 guardianship and complies with the following requirements of a mandatory
17 training program jointly established by the Probate Division of the Superior
18 Court and the Department of Disabilities, Aging, and Independent Living:

19 (A) The training shall include a review of a guardianship handbook
20 approved by the Probate Division of the Superior Court and the Department of
21 Disabilities, Aging and Independent Living.

1 (B) The training shall be specific to the constitutional and statutory
2 rights of the person under guardianship, including rights afforded to the person
3 under guardianship by the U.S. and Vermont Constitutions and by section
4 3068a of this title.

5 (C) The training shall include definitions of civil rights and how they
6 apply to adults with disabilities.

7 (2) The proposed guardian shall attend the training program established
8 pursuant to this subsection prior to the commencement of the guardianship and
9 every three years thereafter while the guardianship remains in effect.

10 Sec. 2. EFFECTIVE DATE

11 This act shall take effect on September 1, 2025.