

H.624

Introduced by Representatives LaLonde of South Burlington and Goodnow of
Brattleboro

Referred to Committee on

Date:

Subject: Probate; guardianships; Adult Involuntary Guardianship Working
Group

Statement of purpose of bill as introduced: This bill proposes to create the
Adult Involuntary Guardianship Working Group to study jurisdiction of
proceedings involving the involuntary guardianship of adults.

An act relating to creating the Adult Involuntary Guardianship Working
Group

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

Sec. 1. ADULT INVOLUNTARY GUARDIANSHIP WORKING

GROUP; REPORT

(a) Creation. There is created the Adult Involuntary Guardianship Working
Group to study jurisdiction of proceedings involving the involuntary
guardianship of adults. The Working Group shall examine the advisability of
consolidating adult involuntary guardianships under 14 V.S.A. chapter 111,
subchapter 12 (Title 14 involuntary guardianships) with guardianships for

1 persons with developmental disabilities under 18 V.S.A. chapter 215 (Title 18
2 guardianships), or otherwise amending the statutes to ensure that respondents
3 under Title 18 guardianships have access to voluntary guardianships that is
4 equal to the access to voluntary guardianships available under Title 14.

5 (b) Membership. The Adult Involuntary Guardianship Working Group
6 shall be composed of the following members:

7 (1) the Commissioner of Disabilities, Aging, and Independent Living or
8 designee;

9 (2) the Chief Superior Court Judge or designee;

10 (3) the Court Administrator or designee;

11 (4) a superior judge with experience in Title 18 guardianships,
12 appointed by the Chief Justice;

13 (5) a probate judge, appointed by the Chief Justice;

14 (6) a guardian ad litem, appointed by the Court Administrator;

15 (7) an attorney with experience in adult guardianships, appointed by the
16 Vermont Bar Association;

17 (8) an attorney with experience in adult guardianships, appointed by
18 Vermont Legal Aid;

19 (9) an independent mental health evaluator, appointed by the
20 Commissioner of Disabilities, Aging, and Independent Living; and

1 (10) a member, appointed by the Vermont Center for Independent
2 Living.

3 (c) Meetings.

4 (1) The Commissioner of Disabilities, Aging, and Independent Living
5 shall call the first meeting of the Working Group to occur on or before August
6 1, 2026.

7 (2) The Working Group shall select a chair from among its members at
8 the first meeting.

9 (3) A majority of the membership shall constitute a quorum.

10 (d) Report.

11 (1)(A) On or before December 15, 2026, the Working Group shall report
12 its recommendations, including any proposed legislative changes, to the House
13 and Senate Committees on Judiciary, the House Committee on Human
14 Services, and the Senate Committee on Health and Welfare.

15 (B) The report shall recommend whether:

16 (i) Title 14 involuntary guardianship proceedings and Title 18
17 guardianship proceedings should be consolidated in one division of the
18 Superior Court; or

19 (ii) Title 14 involuntary guardianship proceedings and Title 18
20 guardianship proceedings should remain in separate divisions of the Superior
21 Court as provided for in existing law.

1 (2) With respect to subdivisions (1)(B)(i) and (ii) of this subsection, the
2 report shall address:

3 (A) the judicial resources and oversight that would be required;

4 (B) whether, notwithstanding 12 V.S.A. § 2553 or 2555, the Vermont
5 Supreme Court should have appellate jurisdiction over guardianship
6 proceedings;

7 (C) the relationship between guardianships under subdivisions
8 (1)(B)(i) and (ii) of this subsection (d) and voluntary guardianships under
9 14 V.S.A. § 2671;

10 (D) any legislative changes that would need to be made under either
11 recommendation to ensure that respondents under Title 18 guardianships have
12 access to voluntary guardianships that is equal to the access to voluntary
13 guardianships available under Title 14; and

14 (E) any other matters deemed relevant by the Working Group,
15 including any matters not currently under the jurisdiction of Title 14
16 guardianships or Title 18 guardianships.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.