

1 H.507

2 Introduced by Representative Pugh of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Human services; subsidy; guardianship; foster care

6 Statement of purpose: This bill proposes to modify permanent guardianship
7 law for children to comply with new federal provisions and enable guardians to
8 access federal funds for guardianships.

9 An act relating to fostering connections to success in guardianships

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

11 Sec. 1. 14 V.S.A. § 2664(a) is amended to read:

12 (a) The family court may establish a permanent guardianship at a
13 permanency planning hearing or at any other hearing in which a permanent
14 legal disposition of the child can be made, including a child protection
15 proceeding pursuant to ~~33 V.S.A. § 5528~~ section 5318 of Title 33, or a
16 delinquency proceeding pursuant to ~~33 V.S.A. § 5529~~ section 5232 of Title 33.

17 The court shall also issue an order permitting or denying visitation, contact or
18 information with the parent at the same time the order of permanent
19 guardianship is issued. Before issuing an order for permanent guardianship,
20 the court shall find by clear and convincing evidence all of the following:

1 (1) Neither parent is capable or willing to provide adequate care to the
2 child, requiring that parental rights and responsibilities be awarded to a
3 permanent guardian.

4 (2) Neither returning the child to the parents nor adoption of the child is
5 ~~reasonably likely during the remainder of the child's minority~~ likely within a
6 reasonable period of time.

7 (3) The child is at least 12 years old unless the proposed permanent
8 guardian is:

9 (A) a relative; or

10 (B) the permanent guardian of one of the child's siblings.

11 (4) The child has resided with the permanent guardian for at least a year,
12 ~~unless~~ or the permanent guardian is a relative with whom the child has a
13 relationship and with whom the child has resided for at least six months.

14 (5) A permanent guardianship is in the best interests of the child.

15 (6) The proposed permanent guardian:

16 (A) is emotionally, mentally, physically and financially suitable to
17 become the permanent guardian; ~~and~~

18 (B) has expressly committed to remain the permanent guardian for
19 the duration of the child's minority; and

1 (C) has expressly demonstrated a clear understanding of the financial
2 implications of becoming a permanent guardian including an understanding of
3 any resulting loss of state or federal benefits or other assistance.

4 Sec. 2. 33 V.S.A. § 4903(7) is added to read:

5 (7) Providing aid to a child in the permanent guardianship of a relative if
6 the child was in the care and custody of the department and was placed in the
7 home of the relative for at least six months prior to the creation of the
8 guardianship.

9 Sec. 3. 33 V.S.A. § 4904(b)(2) is amended to read:

10 (2) The department shall require a youth receiving services under this
11 section to be employed, to participate in a program to promote or remove
12 barriers to employment, or to attend an educational or vocational program, and,
13 if the youth is working, require that he or she contribute to the cost of services
14 based on a sliding scale, unless the youth meets the criteria for an exception to
15 the employment and educational or vocational program requirements of this
16 section based on a disability or other good cause. The department shall
17 establish rules for the requirements and exceptions under this subdivision.

18 Sec. 4. 33 V.S.A. § 4904(c) is amended to read:

19 (c) The commissioner shall establish by rule a program to provide a range
20 of age-appropriate services for youth to ensure a successful transition to
21 adulthood, including foster care and other services provided under this chapter

1 to children as appropriate, housing assistance, transportation, case management
2 services, assistance with obtaining and retaining health ~~insurance care~~
3 coverage or employment, and other services. At least three months prior to a
4 child attaining his or her 18th birthday, the department shall assist the child in
5 developing a transition plan. When developing the transition plan, the child
6 shall be informed about the range of age-appropriate services and assistance
7 available in applying for or obtaining these services.

8 Sec. 5. 14 V.S.A. § 2663(c)(2) is amended to read:

9 (2) If the child has been in the custody of the commissioner ~~of social~~
10 ~~and rehabilitation services for children and families~~ immediately prior to the
11 creation of the guardianship, the commissioner shall have no further duty of
12 support or care for the child after the establishment of the permanent
13 guardianship unless the family is eligible for kinship guardianship assistance
14 provided for in section 4903 of Title 33 or the commissioner contractually
15 agrees in writing to that support.

16 * * * Technical Corrections * * *

17 Sec. 6. 14 V.S.A. § 2666 is amended to read:

18 § 2666. MODIFICATION; TERMINATION

19 (a) A modification or termination of the permanent guardianship may be
20 requested by the permanent guardian, the child if the child is age 14 or older,
21 or the commissioner ~~of social and rehabilitation services for children and~~

1 families. A modification or termination may also be ordered by the probate
2 court on its own initiative.

3 (b) Where the permanent guardianship is terminated by the probate court
4 order or the death of the permanent guardian, the custody and guardianship of
5 the child shall not revert to the parent, but to the commissioner ~~of social and~~
6 ~~rehabilitation services~~ for children and families as if the child had been
7 abandoned.

8 * * *

9 Sec. 7. 14 V.S.A. § 2667(b) is amended to read:

10 (b) Upon a showing by affidavit of immediate harm to the child, the
11 probate court may temporarily stay the order of visitation or contact on an
12 ex parte basis until a hearing can be held, or stay the order of permanent
13 guardianship and assign parental rights and responsibilities to the
14 commissioner ~~of social and rehabilitation services~~ for children and families.