

NO. 301. AN ACT TO PROVIDE FOR JUDICIAL PROCEEDINGS RELATING TO JUVENILES AND TO REPEAL 33 V.S.A. §§ 601 THROUGH 627 AND §§ 671 THROUGH 678 WITH CERTAIN EXCEPTIONS AND TO AMEND 13 V.S.A. § 6503(a) AND (c).

(S. 1110)

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

Sec. 1. Purposes

(a) The purposes of this act are:

(1) to provide for the care, protection and wholesome moral, mental and physical development of children coming within the provisions of this act;

(2) to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to provide a program of treatment, training, and rehabilitation consistent with the protection of the public interest;

(3) to achieve the foregoing purposes, whenever possible, in a family environment, separating the child from his parents only when necessary for his welfare or in the interests of public safety; and

(4) to provide judicial procedure through which the provisions of this act are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

This act shall be construed to effectuate these purposes.

(b) The provisions of this act shall be construed as superseding the provisions of the criminal law of this state to the extent the same are inconsistent herewith.

Sec. 2. Definitions and provisions of general application

(a) As used in this act, unless the context otherwise requires:

(1) "Child" means an individual under the age of eighteen years for the purposes of paragraphs (12) and (18) of this section, or an individual who has committed an act of delinquency after becoming ten years of age and prior to becoming sixteen years of age, for the purposes of paragraph (4) of this section.

(2) "Custodian" means a person other than a parent or legal guardian to whom legal custody of the child has been given by order of the juvenile court.

(3) "Delinquent act" means an act designated a crime under the laws of this state, or of another state if the act occurred in another state, or under federal law, provided, however, that traffic offenses committed by an individual after becoming 16 years of age shall not be deemed delinquent acts except for violations of subchapter 5 of chapter 13 and of section 1091 of Title 23 V.S.A.

(4) "Delinquent child" means a child who has committed a delinquent act.

(5) "Detention" means the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition.

(6) "Guardianship of the person of a minor" means the legal status created by order of the juvenile court under the authority of this act which invests in a party to a proceeding under this act or another person, which party or person may also be the legal custodian of the minor, the following rights:

(A) the authority to consent to marriage, and to enlistment in the armed forces of the United States; to represent the minor in legal actions; to make other decisions concerning the minor of substantial legal significance;

(B) the authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;

(C) the authority to consent to the adoption of the minor if so specifically ordered by the court.

(7) "Judge" means a judge of the juvenile court.

(8) "Juvenile court" means the district court established under chapter 9 of Title 4 V.S.A. acting under the authority of this act.

(9) "Law enforcement officer" means a state police officer, sheriff, deputy sheriff, municipal police officer, or constable.

(10) "Legal custody" means the legal status created by order of the juvenile court under the authority of this act which invests in a party to a proceeding under this act or another person, which party or person may also be the guardian of the person of the minor, the right to have the physical possession of a minor and to determine where and with whom he shall live, the authority to consent to major medical, psychiatric, and surgical treatment, and the right and duty to protect, train, and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of

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