

STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2025

Order Promulgating Amendments to Rule 9(c) of the Vermont Rules for Family Proceedings

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 9(c) of the Vermont Rules for Family Proceedings be amended as follows (new matter underlined; deleted matter struck through):

RULE 9. ABUSE PREVENTION

(c) Emergency Relief. Temporary orders may be issued ex parte, without written or oral notice to defendant or defendant’s attorney, upon motion and affidavit and findings by the court as required by 15 V.S.A. § 1104. ~~If a request for emergency relief is presented to a district or superior judge who is not sitting in the family court, the judge shall accept the request on behalf of the family court and file the request, documents accompanying the request and the order, if any, in the family court.~~ If the court determines that the contents of the affidavit are insufficient to support the issuance of a temporary order, ~~the plaintiff shall be entitled to present evidence to the court before the court decides whether to grant or deny a temporary order~~ court, prior to making a decision on the motion, may request that the plaintiff provide the court with additional information regarding the facts alleged in the affidavit. Any additional factual allegations shall be set forth in a supplemental affidavit.

Reporter’s Notes—2026 Amendment

Vermont Rule for Family Proceedings 9(c) is amended as follows. First, the language related to “district and superior” judges and “family court” is deleted. The 2010 unification of all divisions into one superior court with statewide jurisdiction renders that language obsolete. See 4 V.S.A. § 30(a). Second, the amendment replaces the procedure that permitted a plaintiff to present evidence to the court if the court determined that the contents of the affidavit were insufficient to support the issuance of an order, with a more workable solution allowing the court to request a supplemental affidavit instead. Since the majority of requests for temporary relief are filed after hours, a hearing before the court has never been a workable solution. On the other hand, a self-represented plaintiff may initially provide the court with an affidavit that inadvertently omits important details which could make the difference between facts that meet the jurisdictional requirements for a temporary order and facts that do not. The amendment permits the court to make further inquiry via a request for a supplemental affidavit.

2. That this amendment be prescribed and promulgated, effective on **January 1, 2026**. The Reporter's Notes are advisory.

3. That the Chief Justice is authorized to report this amendment to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 29th day of October, 2025.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice