

STATE OF VERMONT
VERMONT SUPREME COURT
AUGUST TERM, 2025

**Order Promulgating Amendments to Rule 1(b)
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 1(b) of the Vermont Rules for Family Proceedings be amended as follows (new matter underlined; deleted matter struck through):

RULE 1. PROCEDURE FOR JUVENILE DELIQUENCY PROCEEDINGS

(b) Petition; Submission of Jurisdictional Facts; Scheduling.

(1) *Petition.* A proceeding under this rule shall be commenced by a petition as provided under Chapter 52 of Title 33 of the Vermont Statutes Annotated. The petition shall be supplemented by facts regarding the race and ethnicity of the subject child contained in Form 101, Law Enforcement Juvenile Data Sheet, prepared by law enforcement.

(2) *Submission of Jurisdictional Facts.* The party filing a petition pursuant to paragraph (1) of this subdivision shall supplement the petition with the information required by 15 V.S.A. § 1079(a) to the extent known to that party at that time. At the initial hearing the parents of the child and any other person acting as a parent shall complete and submit an affidavit as to that information on a form to be provided by the clerk. At the hearing, the court may inquire as to any additional facts deemed necessary, and the parties shall answer under oath as provided in 15 V.S.A. § 1079(c). All parties have the continuing duty to supplement the information as provided in 15 V.S.A. § 1079(d).

(3) *Temporary Conditions of Release Pending Preliminary Hearing.* Pending a preliminary hearing, the court may set temporary conditions of release. If temporary conditions of release are ordered, the court shall set a preliminary hearing within 72 hours of the issuance of such order. Temporary conditions may be imposed in any case where the court:

(A) finds probable cause that a delinquent act has been committed and the juvenile named in the petition has committed it; and

(B) determines that temporary conditions are necessary to prevent bodily injury to the child or to the person of another or harm to property.

~~(3)~~ 4) *Scheduling.* A petition under Chapter 52 of Title 33 of the Vermont Statutes Annotated, a motion under §§ 5113 or 5115 of 33 V.S.A. Chapter 51, or any other motion if cause is shown for an expedited hearing, shall be set for hearing at the earliest possible time. A hearing on the merits of a petition or disposition hearing shall be continued only for good cause shown and found by the court.

Reporter's Notes—2026 Amendment

33 V.S.A. § 5225(f) authorizes the court to order a child who is the subject of a delinquency petition to abide by conditions of release pending a merits or disposition hearing. Rule 1(b) is amended to allow a judicial

officer to set temporary conditions of release prior to a preliminary hearing providing that the judicial officer has found probable cause and has determined that conditions are necessary to prevent bodily injury to the juvenile or another person or harm to property. The threshold finding for issuance of temporary conditions prior to the preliminary hearing parallels the language in V.R.Cr.P. 4(c)(1)(D).

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 4th day of August, 2025.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice