

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2026

Order Promulgating Amendments to Rule 4.3(b)(2) 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 4.3(b) of the Vermont Rules for Family Proceedings be amended as follows (new matter underlined; deleted matter struck through):

RULE 4.3. SPECIAL PROCEDURES

(b) Action for Wage Withholding.

* * * * *

~~(2) Petitions for wage withholding to secure child support, spousal support, and arrearages of child support or spousal support are governed by this paragraph. If a petition is filed seeking both wage withholding for spousal support and wage withholding for child support, or arrearages thereof, the action will be heard entirely by a single superior judge assigned to the family division without any individualized finding under 4 V.S.A. § 463.~~

~~(A) *Petition.* A petition for wage withholding pursuant to 15 V.S.A. § 780 et seq. must set forth the petitioner’s name, and, if different, the name of the person legally entitled to receive child or spousal support, the defendant, the defendant’s employer(s), if known, and any other information required by law.~~

~~(B) *Service and Filing of Petition.* The court or the Office of Child Support will serve a copy of the petition on the defendant either:~~

~~(i) in person in accordance with V.R.C.P. 4; or~~

~~(ii) by certified mail, return receipt requested with instructions to deliver to addressee only. If acceptance of service is refused, the court may serve the obligor by sending the petition to the obligor by ordinary first class mail and by certifying that such service has been made. In the alternative, the court may provide for mail service as provided in V.R.C.P. 4(f) and (l).~~

~~(C) *Notice of Hearing: Objections.* A plaintiff who seeks wage withholding must submit a blank notice of hearing to the court together with the petition, for completion by the clerk and service with the petition. A hearing date will be scheduled within 14 days of the filing of the petition. A party who objects must present the objection at the hearing provided for~~

in the notice of hearing. If the Office of Child Support has notified the obligor to commence wage withholding pursuant to 15 V.S.A. § 782(f), the obligor must file any objection and a request for hearing within 20 days of receiving the notification.

(D) Findings and Order. The court's ruling will, if contested, contain findings and conclusions, must in all cases contain a separately captioned order, and must also be served on each party and the registry in accordance with V.R.C.P. 5. The order will contain the information required by 15 V.S.A. § 785.

Expedited Petitions Pursuant to 15 V.S.A. § 782. This paragraph governs expedited petitions for wage withholding to secure child support and child support arrearages under orders issued after July 1, 1990.

(A) Petition. A petition for wage withholding pursuant to 15 V.S.A. § 782 must set forth the petitioner's name, and, if different, the name of the person legally entitled to receive child support, the obligor, the obligor's employer(s), if known, and any other information required by law.

(B) Service and Filing of Petition. The court or the Office of Child Support will serve a copy of the petition on the obligor by either:

(i) personal service in accordance with V.R.C.P. 4; or

(ii) certified mail, return receipt requested with instructions to deliver to addressee only. If acceptance of service is refused, the obligor may be served by sending the petition to the obligor by ordinary first-class mail and by certifying that such service has been made. If the obligor resides outside the state, the obligor may be served by mail as provided in V.R.C.P. 4(f).

(C) Notice of Hearing; Objections. A hearing date will be scheduled within 14 days of the filing of the petition. A party who objects must present the objection at the hearing.

(D) Findings and Order. Any order must issue within 15 days of when notice was sent to the obligor and must contain findings of fact if the matter is contested.

(E) Initiating Wage Withholding Prior to Modification of Child Support Order. If the Office of Child Support notifies the obligor's employer to initiate wage withholding prior to modification of the child support order pursuant to 15 V.S.A. § 782(f), the Office of Child Support must notify the obligor of the wage withholding and the obligor's right to object and request a hearing.

(3) Petitions for Wage Withholding Pursuant to 15 V.S.A. § 783. This paragraph governs petitions for wage withholding to secure spousal support, spousal support arrearages and arrearages of child support orders issued before July 1, 1990.

(A) Petition. A petition for wage withholding pursuant to 15 V.S.A. § 783 must set forth the petitioner's name, and, if different, the name of the person legally entitled to receive support, the obligor, the obligor's employer(s), if known, the amount of support arrearages, the terms of the support order, the periodic amount to be withheld, a statement that an objection by the obligor must be filed within 20 days of receiving the petition, and a

statement of the circumstances under which an obligor may move for modification of the support order.

(B) *Service and Filing of Petition.* The court or the Office of Child Support will serve a copy of the petition on the defendant by either:

- (i) personal service in accordance with V.R.C.P. 4; or
- (ii) certified mail, return receipt requested with instructions to deliver to addressee only. If acceptance of service is refused, the court may serve the obligor by sending the petition to the obligor by first-class mail, certifying that such service has been made. If the obligor resides outside of the state, the court may provide for mail service as provided in V.R.C.P. 4(f).

(C) *Objection, Hearing and Judgment Orders.* If the obligor files an objection within 20 days of the receipt of the petition, the matter will be scheduled for hearing. The hearing will be scheduled within 20 days of the receipt of the objection. If the obligor does not file an objection to wage withholding within 20 days of receiving the petition or if the obligor requests a wage withholding order, the court will enter a judgment for wage withholding without requiring a hearing or additional motions or affidavits and will send copies to the parties. In all cases, the court will issue a wage withholding order, if any, within 45 days of notice sent to the responding party.

Reporter's Notes—2026 Amendment

Rule 4.3(b) is amended by striking paragraph (b)(2) related to procedures for establishing wage withholding of child support and spousal support and replacing it with new paragraphs (2) and (3) describing the procedures under 15 V.S.A. § 782 and § 783, respectively. While there are some procedural similarities between the two statutory sections on wage withholding, there are also some material differences. The former paragraph (2) attempted to blend the procedures together which resulted in confusion regarding scheduling, the timing of objections, and the requirement that a hearing be held prior to the issuance of an order in cases where no objection is filed.

Amended Rule 4.3(b)(2) describes the expedited procedure under which the Office of Child Support (OCS) can initiate wage withholding for child support and child support arrearages based on orders made or modified after July 1, 1990, pursuant to 15 V.S.A. § 782. It does not apply to spousal support. The procedures related to the filing of a petition and service in subparagraphs (A) and (B) are unchanged from the former version other than replacing the word “defendant” with “obligor” and aligning the provisions related to service more closely with the provisions of V.R.C.P. 4. Subparagraph

(2)(C) related to hearing and objections reflects the statutory requirement that a hearing be scheduled in 14 days with objections presented at the hearing. The former provision requiring the plaintiff to submit a blank notice of hearing to the court is removed as obsolete. The provisions related to the findings and order from the Court in (2)(D) are reworded for simplicity. Procedures related to the initiation of wage withholding by OCS prior to modification of a child support order are moved to a separate subparagraph (2)(E) to avoid any confusion. Subparagraph (2)(E) addresses the requirement that OCS provide the obligor with notice of the obligor's right to object and request a hearing if OCS commences wage withholding prior to modification of a child support order pursuant to 15 V.S.A. § 782(f).

Amended Rule 4.3(b)(3) describes the procedure under which any obligee may request wage withholding for a spousal support order or a child support order issued prior to July 1, 1990. This new paragraph follows the procedures outlined in 15 V.S.A. § 783. The amendment removes the provision in former paragraph (b)(2) that allowed a single superior judge to be assigned without an individualized finding under 4 V.S.A. § 463 to hear both a child support and a spousal support arrearage claims when both claims are made in the same case. The provision is no longer necessary at this point. Today, 15 V.S.A. § 783 and Rule 4.3(b)(3) apply almost exclusively to the enforcement of spousal support including spousal maintenance because its applicability to child support is limited to orders issued prior to July 1, 1990. The possibility that an arrearage based on a child support order issued prior to July 1, 1990, would still be at issue today is extremely remote. (A child born on June 30, 1990, would be over 35 years old when this amendment takes effect.) Even if such a case existed and was coupled with a spousal support arrearage, it may be more expeditious for the court to consolidate the cases in front of a magistrate rather than a superior court judge. Subparagraph (3)(A) related to the contents of the petition includes the requirements in 15 V.S.A. § 783(a)(1)-(5). Subparagraph (3)(B) related to service of the petition is identical to (2)(B). Subparagraph (3)(C) related to objections, hearings and orders, tracks the requirements of 15 V.S.A. § 783(c)-(e). It requires a hearing to be held only if an objection is filed within 20 days of the receipt of the petition by the obligor. Such hearings must be scheduled within 20 days of the receipt of the objection. If no objection is filed or if the obligor requests wage withholding, the court may enter judgment without a hearing and issue a wage withholding order. Consistent with § 783(e), if the court issues

a wage withholding order, the order must issue within 45 days from the date notice was sent to the obligor.

3. That this amendment be prescribed and promulgated, effective on _____. The Reporter's Notes are advisory.

4. 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 ____ day of _____, 2026.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice

Michael P. Drescher, Associate Justice