

STATE OF VERMONT  
VERMONT SUPREME COURT  
\_\_\_\_\_ TERM, 2026

**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 the court determines that the contents of the affidavit are insufficient to ~~support the issuance of rule on the request for a temporary order,~~ the 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—2027 Amendment**

On October 29, 2025, the Supreme Court promulgated an amendment to Vermont Rule for Family Proceedings 9(c) to allow judges to request a plaintiff requesting an ex parte temporary relief order file an affidavit with additional information related to the facts alleged in the original affidavit. The amendment became effective January 1, 2026.

The language is further amended so that the wording is more neutral. The prior language assumed that the facts alleged in the initial affidavit were insufficient to support the issuance of a temporary order. The amendment assumes that the judge has made no decision with respect to either the issuance or denial of the requested temporary order.

2. That this amendment be prescribed and promulgated, effective on \_\_\_\_\_, 2027. 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 \_\_\_\_ day of \_\_\_\_\_, 2026.

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Nancy J. Waples, Associate Justice

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Christina Nolan, Associate Justice

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Michael Drescher, Associate Justice

PROPOSED