

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON FAMILY RULES**

2024 Annual Report (Submitted on March 28, 2025)

I. Summary

The Advisory Committee on the Rules for Family Proceedings submits this report to the Vermont Supreme Court. This report covers the committee's activities during the following period: January 1, 2024 through December 31, 2024.

During this period, the committee met on four occasions: January 26, April 19, July 19 and October 25.

Changes in Committee Membership: Deputy State's Attorney Emily Zukauskas was appointed to replace Kristin Gozzi as the designee of the Department of State's Attorneys. Attorney Sharon Gentry was appointed to replace Alycia Sanders. Attorney Kyle Hatt was appointed to replace Jessica Semen as the designee of the Secretary of the Agency of Human Services.

II. Amendments Promulgated by the Court

- a. Amendment to V.R.F.P. 1(i)(2)(B) and (7) replacing outdated terms with respectful language. The comment period ended February 12, 2024. No comments were received. The amendment was promulgated August 12, 2024, effective January 1, 2025. It was reviewed favorably by the Legislative Committee on Judicial Rules on June 19, 2024.
- b. Amendment to V.R.F.P. 15(i) eliminating the requirement to obtain an eCabinet registration number. The comment period ended April 26, 2024. No comments were received. The amendment was promulgated August 12, 2024, effective January 1, 2025. It was reviewed favorably by the Legislative Committee on Judicial Rules on October 16, 2024.
- c. Amendment to V.R.F.P. 4.1(a)(2) and (3) and 4.3 related to procedures for motions for special immigration status for vulnerable non-citizen children. The comment period ended October 14, 2024. No comments were received. The amendment was promulgated November 4, 2024, effective January 3, 2025.
- d. Emergency Amendment to V.R.F.P. 4.2(e) related to venue for post judgment motions. The Supreme Court promulgated the rule as an emergency rule amendment on November 6, 2024. The comment period ended January 6, 2024. The Committee is currently considering an amendment to the emergency rule (see below).

III. Pending Proposed Rules

- a. Amendment to V.R.F.P. 4.2(e) related to venue for post judgment motions currently in effect as an emergency rule. (See above)

IV. Matters Currently on Committee's Agenda for Consideration

- a. V.R.F.P. 19 – a new rule outlining the procedure for petitions for Extreme Risk Protection Orders (ERPO) pursuant to 13 V.S.A. § 4051 et seq.
- b. Amendment to Rule 17(f) to include Vulnerable Adult Protection matters in addition to RFA matters as “hybrid” proceedings unless the court orders participation by another method. A proposed amendment was submitted to the Supreme Court in February 2025.
- c. Amendment to V.R.F.P. 4.2(f) related to wage-withholding. Currently the rule is inconsistent with 15 V.S.A. § 783 with respect to the scheduling of hearings on petitions for wage withholding.

- d. Amendment to V.R.F.P. 4.2(e) related to venue for post judgment motions. The Committee is considering a proposal to amend the emergency rule such that in certain limited circumstances the filer of a modification motion would be able to opt to have the matter heard in the county of the opposing party in order to protect the filer's address.
- e. Amendment to V.R.F.P. 1 to permit the issuance of temporary conditions of release in delinquency proceedings prior to the preliminary hearing.
- f. Amendments to V.R.F.P. 2 and 3 related to the testimony of child witnesses.
- g. Amendment to V.R.F.P. 9(c) to clarify the procedure for judicial review of a motion for an ex parte temporary order.

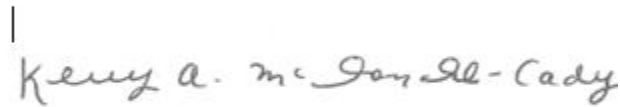
V. Future Projects

- a. Proposal to review Family Rules for respectful language.
- b. Amendment to Rule 4.2(f) to require automatic scheduling of a child support hearing when the extent of parent-child contact is modified.
- c. The Family Rules and the Criminal Rules Committees have agreed to a joint meeting to discuss possible amendments to V.R.Cr.P. 41.1 related to non-testimonial identification orders in juvenile proceedings.

In conclusion, the Committee and Reporter wish to thank all the members of the Vermont bench and bar, the members of the Legislative Committee on Judicial Rules, and others who have participated in the rule-making process through their thoughtful suggestions and comments. In particular, thanks are due to Justice Waples for her assistance and support as Supreme Court liaison; to Alycia Sanders, Jessica Semen and Kristin Gozzi for their multiple contribution to the work of the Committee; and to Court Administrator Teri Corsones; staff attorney Emily Wetherell; and Deb Laferriere of the Court Administrator's staff for their continued and essential support.

Respectfully submitted,

Electronically signed pursuant to V.R.E.F. 9(d).

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Kerry A. McDonald-Cady, Superior Court Judge

For the Committee:

Hon. Kerry McDonald-Cady, Chair
 Hon. Jennifer Barrett
 Hon. Justin Jiron
 Hon. Kathryn Kennedy
 Hon. Barry Peterson
 Maggie Villeneuve
 Rachel Streker
 Laura Bierly

Ashley Harriman
 Marshall Pahl
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 Sharon Gentry
 Sue Buckholz
 Susan Ellwood
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 Kyle Hatt

Hon. Nancy Waples, Supreme Court Liaison
 Eddie Poff, Vermont Network Liaison
 Hon. Amy M. Davenport, Reporter