

**VERMONT SUPREME COURT  
ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE**

2024 Annual Report

**I. Summary**

The Advisory Committee on the Rules of Probate Procedure submits this report to the Vermont Supreme Court pursuant to Administrative Order No. 24, section 4. This report covers the Committee's activities in the calendar year 2024, including all rules that became effective in 2024. The Committee met four times, on January 25, 2024, May 2, 2024, August 8, 2024, and November 26, 2024.

During the year Hon. Kathryn Kennedy was appointed to replace Hon. Jeffrey Kilgore as Chair of the Committee. Danielle Fogarty was appointed to replace Noman C. Smith.

**II. Amendments Promulgated by the Court**

The following amendments were promulgated by the Court during the year:

V.R.P.P. 5.1 - The Committee's proposed amendment concerning specific service and notice requirements to interested persons was sent out for comment on May 12, with comments due on July 12. The LCJR reviewed the rule at its meeting on June 19, 2023, and had no comments. No other comments were received. The amendment was promulgated on November 6, 2023, effective on January 8, 2024.

V.R.P.P. 12(a) - The Committee's proposed amendment concerning initial notice of hearing was amended to delete a reference to an abolished statute. The amendment was sent out for comment on May 12, 2023, with comments due on July 12, 2023. The LCJR reviewed the rule and its meeting on June 19, 2023 and had no comments. No comments were received by the bar. The amendment was promulgated on November 6, 2023, effective on January 8, 2024.

V.R.P.P. 40(d)(3) - The Committee's proposed housekeeping amendment concerning the procedure for motions to disqualify a probate judge was sent out for comment on May 12, 2023, with comments due on July 12, 2023. No comments were received. The amendment was promulgated on November 6, 2023, effective on January 8, 2024.

V.R.P.P. 16.1(b) and (d) - The Committee's proposed amendment concerning mediation was sent out for comment on November 8, 2023, with comments due on January 8, 2024. No comments were received. The amendment was promulgated on February 5, 2024, effective on July 1, 2024.

V.R.P.P. 7(d) and (e) - The Committee's proposed amendment concerning the procedure for hearings on motions was sent out for comment on November 8, 2023, with comments due on January 8, 2024. No comments were received from the bar. The amendment was promulgated on February 5, 2024, effective July 1, 2024.

**III. Pending Proposed Rules**

VRPP 3(b)(1)(B)(3) - The Committee's proposed amendment concerning allowance of a will by consent was sent out for comment on December 17, 2024, with comments due on February 17, 2025.

#### **IV. Matters Remaining on Committee's Agenda**

V.R.P.P. 54 - The Committee will be proposing a rule amendment that specifies which orders are immediately appealable from the probate division.

V.R.P.P. 13 - The Committee will be proposing a rule amendment that more clearly delineates the rights of a surviving spouse and minor children of a decedent.

V.R.P. P. 4 - The Committee is considering an amendment to Rule 4 that expands and specifies service options at the beginning of a proceeding.

V.R.P.P. 80.1 - The Committee will be considering abrogation of this rule.

V.R.P.P. 80.4 - The Committee will be considering an amendment that addresses who can view a will that has been filed for safekeeping and an amendment that addresses any information needed prior to accepting a will for safekeeping.

In closing, the Committee wishes to thank all the members of the Vermont bench and bar, the members of the Joint Legislative Committee on Judicial Rules, Court Administrator Therese Corsones, Deb Laferriere, Emily Wetherell, Esq., and others who have participated in the rule-making process through their thoughtful suggestions, comments, and assistance and to especially thank Norman Smith, Esq. for his long and valued service and guidance as a member. The committee also wishes to thank Hon. William Cohen for his service as the Supreme Court liaison.

Respectfully submitted,

Hon. Kathryn A.C. Kennedy, Chair

For the Committee:

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Hon. Fred Glover

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