

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

**Minutes of Meeting on TEAMS  
April 25, 2025**

The meeting was called to order by Judge McDonald-Cady. Present were Committee members: Judge Jennifer Barrett, Magistrate Barry Peterson, Judge Kathryn Kennedy, Margaret Villeneuve, Laura Bierley, Kyle Hatt, Ashley Harriman, Marshall Pahl, Emily Zukauskas, Sharon Gentry, Nate Hine, and Susan Ellwood. Also present was ex-officio member Eddie Poff, from the Vermont Network Against Domestic Violence. Judge Amy Davenport (ret.) was present as the Reporter.

1. Approval of draft minutes of the meeting of January 31, 2025: the draft minutes were unanimously approved.
2. Status of proposed amendments:
  - a. Amendment to Rule 4.2(e) Related to Venue for Post-Judgment Motions: Pursuant to the Committee's request, the Supreme Court promulgated the proposed amendment to Rule 4.2(e) related to venue for post-judgment motions on November 6, 2024, as an emergency rule. The deadline for comments on the emergency rule was January 6, 2025. Judge McDonald-Cady reported that she had received no written comments. The Committee reviewed a new draft amending the emergency rule to address an issue raised by Kyle Hatt in January regarding whether a moving party should have the ability to request a venue change to the county where the non-moving party resides if the moving party's address is confidential and the parties both reside in Vermont in counties other than the county that last heard the matter. The Committee discussed the revised language and the additions to the Reporter's Notes. It was suggested that the Reporter's Notes be amended to include a statement that the change in the rule was not intended to permit the court make a change in venue that is contrary to the common law rules related to venue. The Committee agreed to review and vote on changes to the draft via email in order to present the amendment to the Supreme Court as soon as possible.
  - b. Amendment to Rule 17(f) related to hybrid proceedings. The amendment to Rule 17(f) incorporates proceedings related to abuse maltreatment prevention for vulnerable adults (33 V.S.A. §§ 6931-694) into the rule that allows RFA proceedings to be hybrid unless otherwise ordered by the court. The amendment was sent out for comment by the Supreme Court. Comments were due by May 12, 2025. The amendment was also favorably reviewed by the Legislative Committee on Judicial Rules on March 28, 2025. Judge McDonald-Cady to report on any comments she receives at the July Meeting.
3. Amendment to V.R.F.P. 1 (b)(3) to allow the issuance of temporary conditions of release in delinquency proceedings prior to a preliminary hearing. Rule 1 does not currently authorize the issuance of conditions of release prior to a preliminary hearing. V.R.Cr.P. 5(b) which permits the issuance of conditions of release in a criminal proceeding prior to a preliminary hearing, is not applicable to delinquency proceedings pursuant to Rule 1(a)(1). The Committee reviewed a draft amendment to Rule 1(b)(3) proposed by the subcommittee (Judge McDonald-Cady, Nate Hine, Marshall Pahl, Emily Zukauskas and Ashley Harriman) which would permit the issuance of temporary conditions by the court prior to a preliminary hearing. The amendment was discussed, and it was agreed that if the amendment is adopted by the Supreme Court, the matter should be referred to

the Family Oversight Committee to develop procedures to permit law enforcement to contact judicial officers after hours and temporary condition forms that could be served by law enforcement on a youth outlining the conditions set by the court. Committee voted unanimously to recommend that the Supreme Court send the amendment out for comment.

4. V.R.F.P. 19 - Proposed Rule for Extreme Risk Protection Orders (ERPO): The Committee reviewed the draft of Rule 19 as proposed by the ERPO Subcommittee (Judge McDonald-Cady, Rachel Streker, Laura Bierly, Susan Buckholz and Kristin Gozzi). After some discussion regarding whether a family or household member should be able to request a hearing on a denial of a temporary order, the Committee agreed that an “intent to pursue” provision similar to RFA procedure was not appropriate in ERPO proceedings. The Committee concluded that these proceedings are distinctly different from RFA proceedings in that the role of the family/household member is limited to a request for a temporary order. Once that request is decided either in the affirmative or the negative by the court, the State’s Attorney takes control of the plaintiff’s side of the case and can dismiss an ERPO proceeding for any reason. The Committee voted unanimously to approve the draft and recommend that the Supreme Court send the draft it out for comment.
5. Amendment to V.R.F.P. 4.3(b)(2)(C) to resolve inconsistency between the rule and 15 V.S.A. § 783 with respect to the scheduling of wage withholding petitions. The Committee reviewed a draft amendment. Additional changes were suggested. Judge Davenport to prepare a revised draft for discussion at the July meeting.
6. Amendment to Rule 9(c) related to the issuance of ex parte temporary relief from abuse orders: The last sentence of this RFA rule entitles a plaintiff, prior to a denial by the court of motion for an ex parte temporary RFA, to present evidence to the court if the court decides there is insufficient evidence for the temporary order. The Committee discussed a draft amendment that would instead allow the court to request supplemental information in appropriate cases. Additional changes were recommended to subsection (c). Judge Davenport to prepare a revised draft for discussion at the July meeting.
7. Amendment to Rules 2 and 3 related to the testimony of children. The Subcommittee (Ashley Harriman, Marshall Pahl, Judge Kennedy and Nate Hine) considering this amendment has been unable to meet since the January meeting. A new meeting will be scheduled, and the subcommittee will report on progress in July.
8. Applicability of V.R.Cr.P. 41.1 (Non-Testimonial Orders) to Juvenile Proceedings. The Committee has proposed a joint meeting with members from the Criminal Rules Committee to discuss the issues. Members from this Committee are: Judge McDonald- Cady, Marshall Pahl, Emily Zukauskas and Judge Davenport. A joint meeting is scheduled for May 23, 2025.
9. Proposal to Amend Rule 16(c)(4)(D)(i) related to the scheduling of review hearings in child support contempt proceedings once a mittimus is issued: This rule requires the court to schedule a review hearing every 14 days when a child support obligor is incarcerated on a mittimus. The purpose of the hearing is to consider whether the obligor has the ability to pay the purge amount. 15 V.S.A. § 603(h)(4)(A) requires a review hearing every 15 days in identical circumstances. The Committee agreed that the rule should be consistent with the statute. Judge Davenport to prepare a revised draft for discussion at the July meeting.

10. Future Projects: The following projects have been on hold due to the amount of other work before the Committee:
  - a. Proposal to review Family Rules for respectful language.
  - b. Amendment to Rule 4.2(f) to require an automatic scheduling of a child support hearing when the extent of parent-child contact is modified: It was agreed that this matter could now move forward. The subcommittee consisting of Mag. Peterson, Kyle Hatt (replacing Jessica Semen), Rachel Strecker and Judge Davenport as Reporter will attempt to meet to begin discussion relating to a rule that would trigger an automatic case manager conference to review child support when substantial changes are made to parent child contact.
11. 2025 Meeting Schedule: It was agreed to change the July meeting date from July 18 to July 11. The October meeting date remains as October 24.
12. The meeting adjourned at 3:15 p.m.