

Standing Order for In-Person and Remote Appearances
before Judge Lisa Warren in Orleans Family Court

Effective immediately, and subject to changes in the future, the following order governs in person and remote appearances in the Domestic, Relief From Abuse, Stalking, Juvenile, and Mental Health dockets before Judge Warren.

Domestic

For status conferences, uncontested dissolution hearings and other non-evidentiary hearings, parties and their attorneys may appear remotely without prior approval.

For evidentiary hearings, all parties and attorneys shall appear in person, unless they have received prior approval from the Court to appear remotely. Any requests to appear remotely shall be timely filed and input/attempts to obtain input from the opposing party shall be included in the motion.

Relief from Abuse/Stalking

All parties may appear remotely.

Juvenile (CHINS/Delinquency/Youthful Offender)

V.R.F.P. 17(b) provides that in Children in Need of Care or Supervision (CHINS) and Termination of Parental Rights (TPR) proceedings remote or hybrid hearings may be held as follows:

Rule 43.1 of the Vermont Rules of Civil Procedure applies to status conferences and pretrial conferences in proceedings under Rules 2 and 3 of these Rules. All other proceedings under Rules 2 and 3 will be in person except that for good cause based on the factors in V.R.C.P. 43.1(h) the court may permit a particular party, counsel, witness, guardian ad litem, or other person to participate by audio or video conference on its own initiative under V.R.C.P. 43.1(d)(1)(B), or in response to a motion or stipulation filed pursuant to V.R.C.P. 43.1(d)(2). The testimony of a party may not be taken by video or audio conference without that party's consent.

The court is cognizant of the need to remain flexible for counsel and parties concerning personal appearances. While the court prefers in person attendance, physical appearance for some hearings may interfere with counsels' commitments to other courts as well as employment or schooling demands for the parties, which could impose undue hardship based on transportation or health concerns for some participants. Pursuant to V.R.C.P. 43.1(d)(1), and in consideration of the factors noted under V.R.C.P. 43.1(h), the court adopts the following standing orders:

1. Evidentiary hearings in CHINS cases scheduled for more than one hour of hearing time shall be hybrid, though the parties are highly encouraged to appear in person.

TPR hearings (evidentiary or voluntary relinquishments) shall be scheduled for in person. Parties/counsel who seek to appear remotely shall file timely written requests for remote appearance.

All other hearings may be held in a remote or hybrid format.

2. Individual parties and/or attorneys may appear in person for any hybrid hearing without requesting permission from the court. However, parties without reliable internet connectivity or video capabilities on an electronic device are strongly encouraged to attend hearings in person; and
3. Guardians ad litem may appear remotely for all hearings without prior approval of the court, regardless of whether the juvenile and/or his or her attorney appear in person.

The court retains authority to direct the appearance of some or all parties, and/or their counsel, to appear in person if the factors set forth under V.R.C.P. 43.1(h) require such, or where parties or counsel have been unable to effectively participate in hearings based on connectivity or technological limitations, or where there are concerns over decorum and civility in the proceedings.

For delinquency and youthful offender cases, V.R.F.P. 17(c) provides more limitations on the use of hybrid or remote hearings:

1. V.R.C.P. 43.1 applies to status conferences and pretrial conferences in proceedings under V.R.F.P. 1 and 1.1. Remote participation satisfies the attendance requirement under V.R.F.P. 1(e).
2. In all other proceedings, hearings shall be in person except that for good cause based on the factors in V.R.C.P. 43.1(h), the court may permit a particular party, counsel, witness, guardian ad litem, or other person to participate by audio or video conference on its own initiative under V.R.C.P. 43.1(d)(1)(B), or in response to a motion or stipulation filed pursuant to V.R.C.P. 43.1(d)(2). Any remote witness testimony allowed in a merits proceeding will be by video conference and must be in accordance with the provisions of V.R.Cr.P. 26.2, V.R.F.P. 1 and 1.1.

In accordance with V.R.C.P. 43.1(d)(1) and in consideration of the factors noted under V.R.C.P. 43.1(h), the court adopts the following standing orders applicable to Juvenile Delinquency and Youthful Offender proceedings, finding good cause to support a permissive view of remote or hybrid hearings given the particular circumstances of the jurisdictions:

1. All preliminary hearings shall be in person, absent a motion and good cause for the excusal of personal appearance.
2. Merits stipulations and uncontested disposition hearings where the juvenile or youth is able to appear by video may be conducted in a remote or hybrid manner
3. Youthful offender consideration hearings and pretrial motions in juvenile or youthful offender cases where the youth is able to appear by video may be conducted in a remote or hybrid manner;
4. A juvenile or youth and his or her attorney may request remote or hybrid appearance for contested merits or disposition hearings at the pretrial hearing or no later than 10-days prior to the scheduled hearing in a manner consistent with V.R.C.P. 43.1(d)(2), otherwise such hearings shall require in person participation, as prescribed by V.R.F.P. 17(c)

5. Guardians ad litem may appear remotely for any hearing without prior approval of the court, irrespective of whether the juvenile appears in person.

Mental Health Cases

Parties and attorneys may appear remotely for all hearings.

Case Manager Conferences

Parties and attorneys may appear remotely or in person, unless directed otherwise by the Case Manager.

Remote Appearance

Any person appearing remotely is expected to have reliable internet service with both video and audio features on during the hearing to allow for meaningful participation in the hearing. (this includes attorneys, parties, witnesses, etc.)

A party or attorney wishing to appear remotely at a hearing that is scheduled as in person shall file a written motion with the court at least 3 days prior to the scheduled hearing stating the basis therefor. Unless contact between parties is prohibited by a court order, the moving party shall also indicate the other party's/parties' position(s) in the motion. Failure to do so will likely result in delay in ruling on the motion.

****This order shall remain in effect until September 4, 2026 unless modified or vacated prior to that date.**