

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

**AGENDA FOR MEETING
January 23, 2026**

The Family Rules Committee will meet virtually on TEAMS on January 23, 2026, from 1:30 – 3:00 pm to consider the following agenda:

1. Welcome
2. Approval of draft minutes for the meeting of October 24, 2025. Draft Minutes sent via email with this agenda.
3. Status of proposed amendments:
 - a. 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. At the July 11 meeting, the Committee approved the amendment to Rule 9(c) and voted to recommend to the Supreme Court that it be sent out for comment. Comments were due October 3, 2025. Judge McDonald-Cady to report on any comments she has received. Committee voted to recommend promulgation to the Supreme Court. Supreme Court promulgated the amendment on October 29, 2025, with an effective date of January 1, 2026.
 - b. Amendment to Rule 4.2(e) Related to Venue for Post-Judgment Motions: Pursuant to the Committee’s request, the Supreme Court promulgated a proposed amendment to Rule 4.2(e) related to venue for post-judgment motions on November 6, 2024, as an emergency rule. On July 11, 2025, the Committee voted to approve a further amendment to the rule and to recommend to the Supreme Court that it be promulgated. The Supreme Court sent the new proposal of amendment out for comment. Comments were due on October 3, 2025. Judge McDonald-Cady to report on any comments she has received. Committee voted to recommend promulgation to the Supreme Court. Committee voted to recommend promulgation to the Supreme Court. Supreme Court promulgated the amendment on October 29, 2025, with an effective date of January 1, 2026.
 - c. 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 favorably reviewed by the Legislative Committee on Judicial Rules on March 28, 2025. On July 11, 2025, the Committee voted to propose promulgation to the Supreme Court. The Supreme Court promulgated the amendment on August 4, 2025, with an effective date of January 1, 2026.
 - d. 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. The proposed amendment was sent out for comment by the Supreme Court. Comments were due by July 7, 2025. On July 11, 2025, the Committee voted to propose promulgation to the

Supreme Court. The Supreme Court promulgated the amendment on August 4, 2025, with an effective date of January 1, 2026.

- e. V.R.F.P. 19 - Proposed Rule for Extreme Risk Protection Orders (ERPO): The proposed rule was sent out for comment by the Supreme Court. Comments were due by July 7, 2025. On July 11, 2025, the Committee voted to propose promulgation to the Supreme Court. The Supreme Court promulgated the new rule on August 4, 2025, with an effective date of January 1, 2026.
4. Amendment to Rule 2 related to the testimony of children. Currently, the rules for procedure in CHINS and TPR cases do not address the conditions under which children may testify at these proceedings. The subcommittee on children's testimony (Judge McDonald Cady, Ashley Harriman, Marshall Pahl, Judge Kennedy and Nate Hine) propose an amendment to Rule 2 which has been provided to the Committee. Judge McDonald-Cady to report. Committee to vote on whether to recommend that the proposed amendment to the rule be sent out for comment.
5. Applicability of V.R.Cr.P. 41.1 (Non-Testimonial Orders) to Juvenile Proceedings. The Subcommittee on NTOs in proceedings involving juveniles (Judge McDonald- Cady, Marshall Pahl, Emily Zukauskas and Judge Davenport) proposes recommendations to the Criminal Rules Committee related children who are the subject of an NTA. The recommendations are incorporated in a memo provided to the Committee. Judge McDonald-Cady to report on progress. Committee to vote on whether to send the recommendations to the Criminal Rules Committee.
6. Amendment to V.R.F.P. 4.3(b)(2)(C) to resolve inconsistency between the rule and 15 V.S.A. §§ 782 and 783 with respect to the scheduling of wage withholding petitions. Magistrate Peterson, Kyle Hatt and Judge Davenport have developed an amendment to Rule 4.3(b)(2)(C) on wage withholding procedures. A proposed amendment has been provided to the Committee. Judge Davenport to report.
7. Proposal to review Family Rules for respectful language: Judge McDonald-Cady to report on her review of the rules.
8. New Business:
 - a. Proposal for further amendment to Rule 9(c) related to requests for temporary orders in RFA proceedings.
 - b. Proposal to amend Rule 7(d) related to child witnesses in domestic proceedings: This proposal is on hold until the Committee approves a proposal to amend Rule 2(d) related to child witnesses in CHINS proceedings.
 - c. Proposal to amend Rule 4.1(a)(2) related to service by OCS: Trial Court Operations and OCS have requested that the provisions of Administrative Order No. 50 be adopted as a permanent rule amendment to Rule 41(a)(2). A copy of A.O. 50 has been provided to the Committee.
9. 2026 Meeting Schedule: The dates for meetings in 2026 are: April 10, July 17 and October 23.
10. Adjourn