

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

2025 Annual Report

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, 2025 through December 31, 2025.

During this period, the committee met on four occasions: January 31, April 25, July 18 and October 24.

Changes in Committee Membership: Attorney Breanna Weaver was appointed to replace Susan Buckholz.

II. Amendments Promulgated by the Court

- 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. On October 24, the Committee voted to recommend that the rule be promulgated. The Supreme Court promulgated the amendment on October 29, 2025, with an effective date of January 1, 2026. The amendment was approved by the LCJR on December 12 with a suggestion for a further amendment (see current work below).
- 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, 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. No comments were received. On October 24, the Committee voted to recommend promulgation to the Supreme Court. The 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. At the request of the Committee, the amendment was sent out for comment by the Supreme Court. On July 11, 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, 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, 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.

III. Pending Proposed Rules

None

IV. Matters Currently on Committee's Agenda for Consideration

- a. 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.
- b. Amendment to V.R.F.P. 2 related to the testimony of child witnesses.
- c. A further amendment to V.R.F.P. 9(c) related to the procedure for judicial review of a motion for an ex parte temporary order.
- d. At the request of the Criminal Rules Committee, the Committee is currently considering recommendations to amend the provisions of V.R.Cr.P. 41 that relate to minors.
- e. Amendments to Rule 4.1(a)(2) related to service by OCS in domestic proceedings where OCS is providing IVD services to one of the parties. The amendment would incorporate into the Family Rules, the temporary rule amendments set forth A.O. 50.

V. Future Projects

- a. Proposal to review Family Rules for respectful language.
- b. Amendments to Rule 7(d) related to child witnesses in domestic and RFA 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 retiring member, Sue Buckholz, for her contributions 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,

Hon. Kerry McDonald-Cady, Chair

For the Committee:

Hon. Jennifer Barrett	Nate Hine
Hon. Justin Jiron	Kyle Hatt
Hon. Kathryn Kennedy	Hon. Nancy Waples, Supreme Court Liaison
Hon. Barry Peterson	Eddie Poff, Vermont Network Liaison
Maggie Villeneuve	Hon. Amy M. Davenport, Reporter
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