

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

**Minutes of Meeting on
January 23, 2026**

The meeting was called to order by Judge McDonald-Cady. Present were Committee members: Judge Jennifer Barrett, Judge Justin Jiron, Judge Kathryn Kennedy, Maggie Villeneuve, Laura Bierley, Kyle Hatt, Marshall Pahl, Emily Zukauskas, Nate Hine, Rachel Streker, Sharon Gentry, Breanna Weaver 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. Welcome: Judge McDonald-Cady welcomed Breanna Weaver, the newest member of the Committee. She and the members of the committee introduced themselves.
2. Approval of draft minutes for the meeting of October 24, 2025. The draft Minutes were unanimously approved.
3. Status of proposed amendments: The Committee reviewed the status of rules and rule amendments, all of which are now effective.
 - a. Amendment to Rule 9(c) related to the issuance of ex parte temporary relief from abuse orders: The amendment permits the judge ruling on an ex parte request for a temporary RFA to request an additional affidavit from the plaintiff if there is insufficient information in the initial affidavit to determine whether a temporary order should issue. This is in lieu of the prior language which appeared to entitle the plaintiff to a hearing if the judge determined that there was insufficient evidence to support an 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. 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, 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. 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. The Supreme Court

promulgated the amendment on August 4 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. On July 11, the Committee voted to propose promulgation to the Supreme Court. The Supreme Court promulgated the amendment on August 4 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. On July 11, the Committee voted to propose promulgation to the Supreme Court. The Supreme Court promulgated the new rule on August 4 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, Nate Hine, Judge Barrett, Kyle Hatt, Susan Ellwood and Justice Waples) proposed an amendment to Rule 2. Following discussion of the proposed amendment, the Committee agreed to two minor changes and voted unanimously to request that the Supreme Court send the amendment 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) proposed a memo to be sent to the Criminal Rules Committee regarding amendments to V.R.Cr.P. 41 related to NTOs when the subject of the NTO is a juvenile. Following discussion, the Committee voted to have Judge McDonald-Cady send the memo to the Criminal Rules Committee.
 6. Amendment to V.R.F.P. 4.3(b)(2) to resolve inconsistency between the rule and 15 V.S.A. §§ 782 and 783 with respect to wage withholding petitions. Magistrate Peterson, Kyle Hatt and Judge Davenport presented an amendment to Rule 4.3(b)(2)(C) on wage withholding procedures. Following discussion, the Committee voted unanimously to request that the Supreme Court send the proposed amendment out for comment.
 7. Proposal to review Family Rules for respectful language: Acknowledging that the Committee’s work in 2025 had left no time to focus on this project, Judge McDonald-Cady stated her intent to move forward with it in 2026.
 8. New Business:
 - a. Proposal for further amendment to Rule 9(c) related to requests for temporary orders in RFA proceedings. The Committee reviewed a further amendment to Rule 9(c) suggested by Rep. LaLonde at a meeting of the Legislative Committee on Judicial Rules (LCJR). After some discussion, it was agreed to put this over until the Committee’s next meeting in April.

- 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). Judge Davenport, Kyle Hatt and Magistrate Peterson will work on a draft rule amendment to be presented at the April meeting.
9. 2026 Meeting Schedule: The dates for meetings in 2026 are: April 10, July 17 and October 23.
10. Adjourn