

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

**Minutes of Meeting on
April 10, 2026**

The meeting was called to order by Judge McDonald-Cady. Present were Committee members: Judge Jennifer Barrett, Judge Justin Jiron, Magistrate Barry Peterson, Judge Kathryn Kennedy, Maggie Villeneuve, Laura Bierley, Kyle Hatt, Ashley Harriman, Emily Zukauskas, Nate Hine, and Breanna Weaver. Also present were ex-officio members Justice Christina Nolan from the Vermont Supreme Court and Eddie Poff, from the Vermont Network Against Domestic Violence. Judge Amy Davenport (ret.) was present as the Reporter.

1. Welcome: Judge McDonald-Cady welcomed Justice Nolan who was recently appointed by the Vermont Supreme Court to serve as liaison between the Committee and the Court.
2. Approval of draft minutes for the meeting of January 31, 2026. 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 2 related to the testimony of children. The proposed amendment to Rule 2 (d) requires parties in CHINS and TPR proceedings to provide notice of intent to call a minor child as a fact witness under oath and permits the court to order special arrangements in appropriate circumstances. The amendment is out for comment. Comments are due by April 13. Judge McDonald-Cady reported that she had not received any comments as of yet.
 - b. 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. The proposed amendment to Rule 4.3(b) strikes paragraph (b)(2) related to procedures for establishing wage withholding of child support and spousal support and replaces it with new paragraphs (2) and (3) describing the procedures under 15 V.S.A. § 782 and § 783, respectively. Comments are due by April 13. Judge McDonald-Cady reported that she had not received any comments as of yet.
4. Proposal for further amendment to Rule 9(c) related to requests for temporary orders in RFA proceedings. A further revision to Rule 9(c) to clarify that a request for additional information related to a request for an emergency order may be made whenever the information provided is insufficient “to rule on the request” rather than insufficient to “support the issuance of an order” as currently stated. The Committee continued its discussion from the meeting in January and ultimately voted to recommend to the

Supreme Court that the proposed amendment be sent out for comment. A proposal to insert “the” prior to “court” was unanimously approved.

5. 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). The committee discussed a draft that would incorporate the provisions of A.O. 50. Kyle Hatt, the representative on the Committee from OCS, explained that there is a discrepancy between the way the proposed rule is phrased and the way service via email occurs in actual practice. Judge Kennedy commented that a recent amendment to the Probate Court rules allows service by email. It was agreed that Kyle Hatt and Judge Davenport continue to work on the proposal and that it be included on the Agenda for the July meeting.
6. Applicability of V.R.Cr.P. 41.1 (Non-Testimonial Orders) to Juvenile Proceedings. In January, the Committee voted to approve recommendations to the Criminal Rules Committee related to children who are the subject of an NTO. Judge McDonald-Cady reported that she had sent the Committee’s language to Judge Gray. Judge Gray was supportive and planned to bring it to the next meeting of the Criminal Rules Committee.
7. Proposal to review Family Rules for respectful language: It was agreed that Judge McDonald-Cady and Judge Barrett would each pick a rule to review.
8. New Business:
 - a. Proposal to amend Rule 7(d) related to child witnesses in domestic proceedings: The Committee discussed an amendment to Rule 7(d) that would add the accommodations listed in the proposed rule for child witnesses in juvenile cases to Rule 7(d) which governs the procedure for child witnesses in proceedings subject to Rule 4 and to add this matter to the agenda for the July meeting.
 - b. Proposal to amend Rule 4.3(a) related to consolidation of Relief from Abuse actions and actions subject to Rule 4.0. The Judiciary’s Trial Court Operations Division proposes amending the rule to require automatic consolidation by the court regardless of which proceeding was filed first as long as the parties are the same and there is a pending action or there are orders in effect. After a lively discussion concerning the problems with the current rule (it’s confusion, it leaves a vacuum, etc.), the Committee decided to form a subcommittee to work on an amendment. The subcommittee includes Judge McDonald-Cady, Maggie Villeneuve, Eddie Poff and Breanna Weaver.
9. 2026 Meeting Schedule: The dates for the remaining meetings in 2026 are: July 17 and October 23.
10. The Committee adjourned at 3 p.m.