

**STATE OF VERMONT
VERMONT SUPREME COURT
MAY TERM, 2023**

**Order Promulgating Emergency Amendment to Rule 80.10(c)(3)
of the Vermont Rules of Probate Procedure**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 80.10(c)(3) of the Vermont Rules of Probate Procedure be amended as follows (deleted matter struck through; new matter underlined):

**RULE 80.10. REPRESENTATION BY ATTORNEYS AND GUARDIANS AD LITEM
OF ADULTS IN SPECIFIED PROCEEDINGS**

(c) Appointment of Guardian ad Litem.

(3) *Appointment, Replacement, Discharge.* The court in its discretion may appoint, replace, or discharge a guardian ad litem. The court shall discharge the guardian ad litem immediately upon a finding that the respondent understands the nature of the proceeding and can communicate effectively with counsel. Any party may file a written objection to the appointment, replacement, or discharge of a guardian ad litem provided the written objection is filed with the court no ~~less~~ more than 7 days after the appointment, replacement, or discharge of a guardian ad litem if no prior objection to the appointment, replacement, or discharge has been filed by the party. If a written objection to the appointment, replacement, or discharge has been timely filed, and a written request for hearing has been timely filed by any party, the court shall hold a hearing.

Reporter’s Notes—2023 Amendment

This is a minor corrective revision. The word “more” is substituted for the word “less” in the third sentence to reflect the original intent of the 2020 amendment, which was to limit the time for objection.

2. That this rule, as amended, is prescribed and promulgated to become effective immediately. The Reporter’s Notes are advisory.

3. That the Court finds that this emergency amendment must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, to correct an error made in the 2020 amendment of the rule.

4. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Done in Chambers at Montpelier, Vermont, this 8th day of May, 2023.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice