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Family Division E-Filing Guide

NOTE: This guide is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve System. It provides supplemental division-specific guidance for e-filing in the Family Division. Detailed instructions about registering and using the e-filing system are available at: <https://vermont.tylertech.cloud/OfsWeb/> - Self-Help section of the e-filing website contains links to manuals for general system use, as well as various other help resources including training videos and webinars.

<https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> - VT Judiciary website e-filing page, contains division-specific filer guides, videos and training and support information.

Contents

Accessing Odyssey File & Serve	2
Registration	2
Training and Support	2
Filing New Cases	3
Filing into Existing Cases.....	7
Motion for Permission to File Pursuant to 15 VSA Sec 1185.....	8
Post Judgment Motions	8
Agency Filers.....	10
Fees	10
Waiver of Filing Fees (Former “In Forma Pauperis” Process).....	11
After hours Emergency Filings.....	12
eService	12
Requesting Copies	12
Viewing Case Records	13
Refiling after Rejection	13

Accessing Odyssey File & Serve

All Vermont Courts have adopted universal e-filing in all dockets through the Odyssey File & Serve (OFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device. OFS can be accessed via a link on the Vermont Judiciary's website's e-filing page at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> or directly at: <https://vermont.tylertech.cloud/OfsWeb/>

Registration

Registration for e-filing is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the "self-help" section of the OFS homepage

Note: all users including attorneys and self-represented litigants who choose to efile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user's registration information.

Training and Support

- For general information and questions about use of the e-filing system, on the OFS homepage <https://vermont.tylertech.cloud/OfsWeb/> there is a "self-help" section with numerous resources:
 - Live web training sessions and recorded trainings that can be viewed any time
 - A Database of FAQs
 - Chat, messaging and other contact options for support
 - Training videos
 - Downloadable user guides
- Vermont-specific guides about filing in various division and case types are on the Judiciary website's e-filing page <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>, also accessible here from the homepage:



- There is also a Judiciary efilng helpdesk for Vermont-specific efilng procedural questions at JUD.EFileSupport@vermont.gov *Please use this email for efilng questions and do not send efilng questions to the main Judiciary Helpdesk email.*

Filing New Cases

- a. **Case Category:** Select “Family” for all family division case types, except for
 - mental health and guardianship proceedings, which are under the “Probate or Mental Health” case category in OFS and
 - juvenile delinquency and youthful offender cases (for agency filers only) which are under the “Criminal” category in OFS. *Note: These designations are a configuration necessary in the efilng system but have no greater meaning: all of these case types continue to be heard in the Family Division in Vermont.*

- b. **Case Types**

- i. **Dissolution Cases**

In the Odyssey system, Divorce, Legal Separation, Annulment and Civil Union Dissolution are all *subtypes* of one of the following case types, which you will select on the “Case Type” dropdown menu when you file:

Dissolution – Contested with No Minor Children
Dissolution – Contested with Minor Children
Dissolution – Stipulated with No Minor Children
Dissolution – Stipulated with Minor Children

You do not need to select divorce, legal separation or other sub-type during the filing process. Court staff will enter this in the case record when they review and process the filing.

For Nonresident Civil Union Dissolution cases (in which neither party is a current Vermont resident), there is a separate case type:

Dissolution – Nonresident Civil Union Dissolution

- ii. **Parentage Cases**

There are 2 parentage case types:

Parentage – Contested

Parentage – Stipulated (must have agreements on all issues)

Note: cases formerly filed by the Office of Child Support as “Support and Recovery of Debt” cases are now filed as

parentage cases.

iii. **Registration of Foreign Order**

- When seeking to register and modify or enforce a foreign (from another state or jurisdiction outside of Vermont) custody or divorce order, select the case type “Registration of a Foreign Order”. Requests to modify or enforce the order will be selected with the correct filing codes (see sections below on filing codes). The total fees for these filings depend on the relief requested.

Filing fees (32 VSA 1431):

- Registration Only: \$90 (Use filing code “*Motion to Register a Foreign Order- Registration Only*”)
 - Register + Modify a Foreign Order: \$40 registration fee + \$120 motion fee: \$160 (Use filing code “*Motion to Modify a Foreign Order Concurrent with Registration*”)
 - Register + Enforce a Foreign Order: \$40 registration fee + \$90 motion fee: \$130. (Use filing code “*Motion to Enforce a Foreign Order Concurrent with Registration*”)
- When seeking to register a foreign *abuse prevention* order, select the case type “Registration of a Foreign Abuse Prevention Order” (see below).

iv. **Relief From Abuse**

There are 3 Relief From Abuse case types:

- Relief From Abuse
- Relief From Abuse On Behalf of (OBO)
Minor(s) used when a filer is seeking protection only for a minor child, and not for themselves
- Relief From Abuse, Neglect and Exploitation

There are no filing fees associated with RFA cases. Filers may use a “waiver” account (a payment method the OFS user must add in their account settings) when filing any type of RFA case.

Filers seeking to register an out-of-state protective order in Vermont may file this in the Family Division using the case type “Registration of a Foreign Abuse Prevention Order.

v. **Extreme Risk Protection Orders**

Extreme Risk Protection Orders are also filed in the Family Division. They may be filed only by designated state agency personnel.

vi. Juvenile Cases

Usually only the state may initiate juvenile (CHINS, Delinquency and Youthful Offender) cases. These case types are marked in OFS as “agency filers only”, though in the rare circumstances when a non-agency filer is statutorily authorized to file one of these cases, they may do so regardless of the “agency filers only” label. Please see the juvenile efilings guide on the Judiciary’s efilings page for more detailed instructions about these case types.

vii. Vulnerable Noncitizen Child

To file the petition, choose Filing Code of Initial Filing. There are no filing fees associated with this case type, and the filer must choose a Payment Account of “Waiver” to avoid paying the efilings use fee.

viii. Permission to File Pursuant to 15 VSA sec 1185

To petition the court for an order restricting abusive litigation. There are no filing fees associated with this case type, and the filer must choose a Payment Account of “Waiver” to avoid paying the efilings use fee.

c. Party Information

- i. Fill in all party information as completely and accurately as possible.
- ii. Required parties in each case type will be listed by default and must be added. Additional parties may be added by clicking the “add another party” button.
 - 1. *Note: for case types with minor children, 1 minor child is generally a default required party. Additional minor children can be added to a filing by clicking “add another party”.*

d. Filings

- i. Filing Type: If using the “eServe” feature (see info in user guides), select “eFile & Serve” from the Filing Type dropdown menu. Otherwise select “eFile”.
- ii. Filing Code: For all new cases in the family division, select “**Initial Filing**” as the filing code for uploading the Complaint and other initiating documents. *

*The only exception is for Registration of Foreign Order Cases: see section I (b)(iii) above for codes to be used in that case type.

NOTE: WHEN USING THE FILING CODE “INITIAL FILING” TO INITIATE A CASE IN THE FAMILY DIVISION, YOU DO NOT NEED TO ALSO INDIVIDUALLY ADD FILING CODES FOR THE STANDARD MOTIONS/FORMS OF RELIEF THAT ARE ALWAYS ADDRESSED WITHIN A CASE TYPE. (For instance, dissolution and parentage cases with minor children will always include orders on parental rights and child support – these motions need not be filed separately, but are included as part of the divorce complaint).

iii. Documents:

- Documents must be uploaded in PDF Format.
- PDF documents must be “flat”, meaning without any fillable fields, electronic stickers or other embedded data or objects. *For documents with such features, it may require printing to PDF rather than just saving before submitting.*
- The complaint or other initiating document should be uploaded as the “lead” document using the “initial filing” filing code.
- Other required documents should be individually uploaded as separate filings (by clicking “add another filing”)
- “Attachments” can be made to a lead document in a filing when the document being attached is directly supporting the lead document (such as an affidavit in support of a motion).
- Confidential documents must be labeled confidential (with the security dropdown) when uploading.
- Public documents containing pieces of confidential information such as bank accounts or social security numbers must have 2 versions filed: an original unredacted version (which may be labeled “confidential”) and a redacted public version omitting or covering the non-public information, as required by the new Rules of Electronic Filing¹.
- For documents in Juvenile and Mental Health cases, generally also select “confidential” as the document security. For documents filed in most other Family Division cases (Dissolution, Parentage, etc), select “Public Limited”. Court staff will verify the document security and adjust it as needed during the review and acceptance process.

iv. Service Fees

- For domestic cases in which the court is being asked to serve the other party, select the appropriate

method of service (usually certified mail when minor children are involved, and first class mail when there are no minor children) from the “Optional Services and Fees” section in the filing.

IMPORTANT: SERVICE FEES ARE NOT AUTOMATICALLY INCLUDED IN FILING FEES FOR NEW CASES AND POSTJUDGMENT MOTIONS REQUIRING SERVICE. IF YOU DO NOT INCLUDE AN APPROPRIATE SERVICE FEE WITH YOUR FILING IT WILL CAUSE DELAYS IN YOUR CASE.

Service Fees are generally required for:

- New Domestic Cases: Dissolution (Divorce and other sub-types), Parentage, Registration of Foreign Order case types
- Post Judgement Motions to modify or enforce existing orders. If unsure if a fee is due, consult with court staff or check listing of all filing fees at <https://www.vermontjudiciary.org/fees>.

Service Fees are generally not required for:

- Stipulated Filings (these filings should include written agreements on all issues as well as an acceptance of service form or other proof of service document signed by the non-filing party)
- Motions in *pending* cases (where final orders have not yet been issued)
- Relief From Abuse filings (Relief From Abuse, Relief From Abuse OBO Child, Relief From Abuse/Neglect/Exploitation)
- Filings made by government agencies or others who are statutorily exempt from paying filing fees.

IF YOU ARE APPLYING TO HAVE FILING AND SERVICE FEES WAIVED (IFP), PLEASE INCLUDE A COMPLETED APPLICATION FORM AND SELECT A SERVICE FEE NONETHELESS. IT WILL BE WAIVED IF THE APPLICATION IS GRANTED.

Filing into Existing Cases

All existing pending and closed cases that were in the old case management system (VTADS) will be searchable in OFS and available for making subsequent filings. For these cases, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end. Use dashes and no spaces in the numbers, then a space before the letters). Some case and party types are “masked” in OFS for confidentiality reasons, meaning that names and other identifying

information are not displayed to filers. These types include Juvenile, Mental Health and Relief from Abuse filings. For these types, you will need to know the county/unit and the docket/case number in order to file into it.

For very old cases (generally pre-1990) that were never in the VTADS system, they will not be searchable to file into in OFS. Any filings for such cases may/must be submitted to the court through alternative means (mail or email with clerk's permission).

Motion for Permission to File Pursuant to 15 VSA Sec 1182

To petition the court for an order to restrict abusive litigation in an existing case. There is no filing fee and filer may use a waiver account to avoid all fees.

Post Judgment Motions

Motions requesting modification or enforcement of existing final orders in cases often require a filing fee as well as service of the motion on the non-filing party.

In domestic cases, the following are the most common post-judgment filing codes:

- Motion to Modify Final Order (used for Parental Rights/Parent- Child Contact and Spousal Maintenance)
- Motion to Enforce Final Order (used for Parental Rights/Parent-Child Contact, Property/Debt and Spousal Maintenance)
- Motion to Modify Child Support
- Motion to Enforce Child Support

Other motion type filing codes are also available for filers to select. Any post-judgment motions that do not fit into one of the available motion types should be filed using the "Motion Miscellaneous" filing code. You will receive notification from the court for any filing fee that must be paid.

When filing, the motion itself should be the lead document and any affidavits or other supporting documentation to the motion can be attachments. If multiple motions are being filed, each should be its own lead document.

Post Judgment Motions to Modify Parental Rights and Responsibilities (PRR) and/or Parent Child Contact (PCC):

- There is a post-judgment filing fee of \$120 (not including any applicable service fees) for filing one or both of these motions; the fee is only charged once even if both motions are filed, as long as they are filed together at the same time (if filed at different times, a fee would apply to each). To efile a motion to modify PRR and/or PCC, you should select the filing code “Motion to Modify Final Order”, which will assess the required filing fee.
- Although the general rules for efilings require separate motions to be filed separately, a motion to modify both PRR and PCC may be filed together on one motion form, whether using court form #843 (available on the Judiciary website under “court forms”) or an individually drafted motion. When court staff accept and docket the filing, they will enter separate motion events for each type of relief being requested.
- Filers may also see available filing codes for “Motion to Modify PRR” and “Motion to Modify PCC”, but please be aware that these will not assess the appropriate fee and should only be selected if used as a 2nd/additional filing code in addition to the “Motion to Modify Final Order” code, or in a situation in which a filing fee would not be required for some other reason, such as a request to modify an order pre-judgment.

Post Judgment Motions to Enforce Orders (non-child support):

- For Post-Judgment PRR/PCC enforcement motions, use the filing code for “Motion to Enforce Final Order”^{*} which will assess the required \$90 filing fee. This can be used for enforcement of PRR and/or PCC. Separate filing codes for each are not required.
**However, if the enforcement motion is being filed concurrently with another motion with a higher fee (such as a motion to Modify the Final Order), do not use this filing code, but instead use another available filing code- “Motion to Enforce PRR”, “Motion to Enforce PCC” or the generic filing code “Motion to Enforce” – see section below on Filing Multiple Post Judgment Motions with Different Fees for more details).*
- The filing code “Motion to Enforce Final Order” may also be used for issues related to Property or Spousal Support. It should NOT be used for child support enforcement issues (see separate section below).

Post Judgment Motions to Modify Child Support

- Post-judgment motions to modify child support require a \$45 filing fee (not including applicable service fees). Use the filing code for “Motion to Modify Child Support- Post- judgment Fee Required \$45” unless the motion to modify child support is being filed concurrently with another post-judgment motion with a higher fee (see section below on Filing Multiple Post-Judgment Motions with Different Fees). In those situations, use the filing code for “Motion to Modify Child Support – prejudgment/no fee”.

Post Judgment Motions to Enforce Child Support

- Use the filing code for “Motion to Enforce Child Support”. There is no filing fee for this motion, but filers are still generally obligated to pay the applicable

service fees for serving the motion on the other party(s) (service fee is added under optional services).

Filing Multiple Post Judgment Motions with Different Fees:

- Family Division fee rules specify that when multiple related post-judgment motions with fees are filed together in a case, the filer is only charged one fee (whichever one is highest) and does not have to pay the additional lower fees for other motions.

Therefore, when filing in these situations, choose the filing code as stated in the sections above for the motion with the higher fee, and choose alternate filing codes without fees for other related motions.

Agency Filers

Government agency filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in OFS. Such filers should set up a “waiver” payment account when registering and use this for filings made in the course of their official job duties.

Fees

The Vermont Judiciary has instituted a new per case filing fee structure for the e-Filing system, effective **April 1, 2021**. This new fee structure is the result of a collaborative effort and the culmination the e-Filing Fees Study Committee, as well as continued dialogue with the Vermont Bar Association and Tyler Technologies. The new per case fee is \$14.00 per filer or firm, payable upon a party’s first filing. Convenience fees remain in place with a 2.89% processing fee for credit card payments and \$1.00 per case for eCheck payments. However, a number of exemptions remain in place. All criminal filings are automatically exempt from the case fee and for any case type where there is no court fee, the party filing will not incur the user fee either.

Please note:

- *The new per case fee is \$14 per party, per filer within a firm, charged once upon first filing. If a party’s representation changes from one firm to another, the fee will be charged again upon the new firm’s first filing into the case. A pro se litigant who chooses to use the eFiling system is also required to pay the fee upon first filing. If a pro se litigant later seeks representation, the fee would be charged again upon the firm’s first filing against the firm’s payment account.*
- *Some filers may be erroneously re-assessed the \$14 charge as a result of merging of system entities in Odyssey (a process to correct duplicate records for the same individual). When a party entity for whom the per case fee has been paid is merged into another entity for whom the fee has not been paid, the fee will assess again. Filers in those situations may contact Tyler Technologies for a refund.*

For the following exemptions, parties must still choose a waiver account when filing:

Statutory or rule exemptions

- Government and appointed filers, pursuant to 32 V.S.A. § 1433 and Rule 10(d)(1) of the Rules for Electronic Filing (2021)
- Stalking & Sexual Assault cases, pursuant to 12 V.S.A. § 5133(f)
- Relief from Abuse cases, pursuant to 15 V.S.A. § 1103(f)
- Abuse Prevention for Vulnerable Adult, pursuant to 33 V.S.A § 6933(b)

As applied economic hardship exemptions

- Fee waiver determination, pursuant to 32 V.S.A. § 1431(h) or 32 V.S.A. § 1434(b) in Probate cases, and
- Fee waiver determination, pursuant to V.R.C.P. 3.1 and V.R.P.P. 3.1

Government agency filers and others who are statutorily exempt from paying filing fees may file via a “waiver” account that can be set up for each registered user. There is a guide to creating a waiver account posted at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

A waiver account would also be used by anyone filing an Application to Waive Filing and Service Fees (*formerly IFP/In Forma Pauperis*). Filers upload the completed application in PDF format along with their other filing(s) and are notified after court review whether the application has been granted. If the request is denied, the filing will still be accepted but the filer will be sent a notice of a deadline for making payment of the appropriate fee.

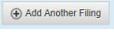
Case filing fees paid to the Court are established by statute. Current fees and authorizing statutes are available at <https://www.vermontjudiciary.org/fees>.

The latest updates and answers to frequently asked questions regarding electronic filing are available on the Judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

Waiver of Filing Fees (Former “In Forma Pauperis” Process)

To request a waiver of filing and service fees when submitting either a new or a subsequent case filing through OFS, select “waiver” as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer’s OFS account settings).

You must include, as a separate filing in your envelope, a completed Application to Waive Filing Fees (form # 228, available on www.vermontjudiciary.org) in PDF format.

Important: Do not upload the form as an attachment to your lead document; rather, after uploading your other documents, click on “Add another Filing”  then use the filing code “Application

to Waive Filing and Service Fees”.

Cases will be accepted by the court through OFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the eFiling system. If the request to waive fees is denied, or if the filer fails to submit the required documentation, they will receive notice from the court instructing them on corrective actions needed to avoid dismissal of the filing.

After hours Emergency Filings

Filings submitted through OFS are generally only reviewed during the court’s business hours. Filings received after hours will be reviewed when the Court is open.

After hours filings for RFAs, Juvenile matters and other emergencies should continue to be submitted through the current/existing procedures until further notice.

eService

The eFiling system contains a “Serve” feature that allows filers to simultaneously submit documents to the court and serve them on opposing parties/counsel who are also registered in the eFiling system.

Vermont’s Rules for Electronic Filing require service of filed documents on other efilers to take place through the system unless the parties agree in writing to an alternative method. Please see the eService Guide and other related materials on the Judiciary’s eFiling page for further details on using the Serve function.

When a filing is submitted through the eFiling system but is served on any parties through any alternative means (because the recipient is not an efiler or because there is an agreement between the parties), the filer must also submit a certificate of service in compliance with applicable rules.

Requesting Copies

Note: many documents in newer and active cases are available to be printed and downloaded for free from the Public Portal for users with a right of access. Most older cases that have not had recent activity continue to be held in paper files from which copies must be requested.

Regular photocopies, certified copies and exemplified copies of court documents may be requested through the eFiling system by filing a request into the case from which you are requesting document copies. Requests may be submitted on their own or in conjunction with other filings.

1. Using the filing code “Copy Request”, submit a letter or document

clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy and how you would like the document(s) sent to you (mail or email). Please note that certified copies produced and delivered electronically will have a certification stamp image and signature electronically applied. For some purposes and in some other jurisdictions a raised seal and original signature is required, so requests should state clearly which method is needed.

2. To submit payment for the copies, in addition to selecting the filing code and attaching a written request, the filer must select the appropriate copy type and fee from the “Optional Services” section. There are different fees for each type of copy so be sure to select the correct option.
 - Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00 (select the option for “photocopies1-4”).
 - Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total# of pages of the document(s)).
 - Certified copies have a fee of \$5.00 per document.
 - Exemplified copies have a fee of \$10.00 per document

Viewing Case Records

Case records (docket entries, orders, etc) cannot be viewed in the efilings system. Case records are available on the Vermont Judiciary Public Portal at: <https://publicportal.courts.vt.gov/Portal/>.

User guides and other information about the Public Portal is located at <https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>.

Refiling after Rejection

- a. When a filing is rejected:
 - i. Filer will receive an email with the rejection reason and any comment the court may add
 - ii. Filer can see the envelope on the Dashboard of Filer’s Account
 1. Click Returned Filings
 2. Find rejected envelope
 3. Click Actions
 4. View Envelope Details
 5. Click to Expand Filings Section
- b. If filing was rejected, filer has **7 days** to refile with a correct document in order to retain the original filing date.
- c. **Process to follow to refile after rejection:**

- i. Click on Returned folder
- ii. On the rejected filing, to far right, click Actions / "Copy this envelope"

