

MOTIONS AND PETITIONS

What Is a Motion or a Petition?

- If you want the court to do something in your case, you need to file a request in writing. This is called a Motion or a Petition. The clerk has forms for you to use for the most frequently used motions. For example, Motion to Modify Child Support or Motion to Enforce a Court Order. You can ask the Clerk for assistance in filling out the forms.
- Once you file the Motion with the Court, it is your responsibility to send copies to the other party or his/her attorney, and to the Office of Child Support if that office is involved.

What does the Court do once a Motion is filed?

- Some motions will require a hearing and other motions can be decided by the Judge or Magistrate without a hearing. If the divorce is pending (after the divorce action has been filed, but before a Final Divorce Order has been issued), and the Motion does not involve an emergency, the other party has 15 days to respond to the Motion. The clerk has a form that can be used if the other party has filed a motion and you object to it. You have to put your objection in writing.
- If no hearing is required, the Judge or Magistrate will issue an Order based on the Motion and the Objection, if any, and a copy of the Order will be sent to the parties or their attorneys. If the case is set for hearing, a Notice of Hearing will be sent to the parties or their attorneys. The Court will then issue an order after the hearing, either at the hearing, or in writing, after the hearing.

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**