

STATE OF VERMONT
OFFICE OF THE COURT
ADMINISTRATOR

Administrative Directive
No. 34



State Court Administrator

Probate Court Case Disposition Guidelines

The management of the flow of cases in the Probate Division of the Superior Court is the responsibility of the judiciary. In carrying out that responsibility, the judiciary must balance the rights and interests of individual litigants, the limited resources of the judicial branch and other participants in the justice system, and the interests of the citizens of this state in having an effective, fair, and efficient system of justice.

- A. The State Court Administrator and Administrative Judge for Trial Courts are directed, within available resources, to:
 - 1. Assist the Probate Division of the Superior Court in implementing caseflow management plans that incorporate case processing time guidelines established pursuant to this directive;
 - 2. Gather information from the Probate Division on compliance with case disposition guidelines; and
 - 3. Assess the effectiveness of management plans in achieving the guidelines established by this directive.
- B. The Probate Division of the Superior Court is directed to:
 - 1. Maintain current caseflow management plans consistent with case processing time guidelines established in this directive;
 - 2. Collect and maintain accurate caseflow management data;
 - 3. Cooperate with the Administrative Judge for Trial Courts and Court Administrator's Office in assessing caseflow management plans implemented pursuant to this directive.

The following time guidelines for case processing are provided as goals for the administration of court caseloads. These guidelines do not supersede procedural requirements in court rules or statutes for specific cases, nor supersede reporting requirements in court rules or statutes.

Vermont's differentiated case management system ("DCM") for probate cases establishes time frames for resolution or disposition of various types of cases. It is a "differentiated" case

management system because it recognizes that the length of time it takes to resolve a dispute depends on a number of factors including the type of dispute and the level of complexity of the facts or issues in a particular case.

Types of Dispute: The probate docket includes estates and guardianships and will be separated into two “statuses”: pending (newly filed cases) and set for review, a type of post-judgment status. In the pending docket, cases will primarily be waiting for an issuance of appointment of a fiduciary. In the set for review docket, cases will be managed for periodic review and other actions. The DCM sets a time frame in standard and complex cases.

Standard and Complex Cases: With a few exceptions, each type of dispute has a time frame for standard cases and a longer time frame for complex cases. At the time of filing, all cases are considered “standard,” it is assumed that the case can be resolved within a time frame which fits the majority of cases within that particular type. The decision to designate a case as a “complex” case which will require a longer time frame is made based on specific factors such as (including but not limited to) the following: parties or witnesses have a physical or mental disability; parties or witnesses require an interpreter; parties or witnesses are ill, elderly, or near death;¹ multiple parties and attorneys, multiple claims, need for extensive discovery, expert witnesses, out-of-state parties or witnesses; complexity of legal issues, number of motions, and high level of conflict.² A complex designation is a decision made by the judicial officer in consultation with the court manager.

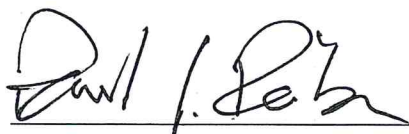
Case Type	Standard Number of Months	Complex Number of Months	Point for Entry of Decision (Case Status Change to Disposition)
Adoption	3	9	Adoption Decree
Adult Involuntary Guardianship	3	6	Appointment of Guardian
Adult Voluntary Guardianship	1	3	Appointment of Guardian
Estate	12	18	Issuance of Final Decree
Minor Guardianship	3	6	Appointment of Guardian
Trust	3	12	Appointment of Trustee or Removal of Trustee

¹ R. Van Duizend and B.K. Uekert, National Probate Court Standards, p. 21, <https://ncsc.contentdm.oclc.org/digital/collection/spcts/id/240>, last accessed 1/25/18.

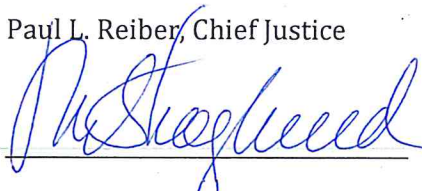
² Administrative Directive 32

This directive shall become effective immediately.

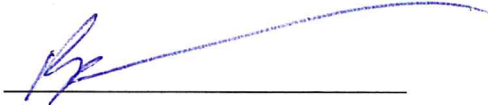
Done in Chambers at Montpelier, Vermont this 16th day of September, 2018

A handwritten signature in black ink, appearing to read "Paul L. Reiber", written over a horizontal line.

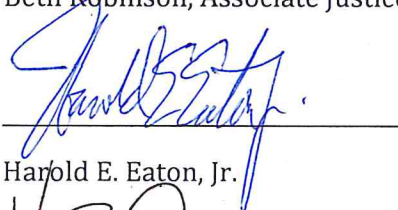
Paul L. Reiber, Chief Justice

A handwritten signature in blue ink, appearing to read "Marilyn S. Skoglund", written over a horizontal line.

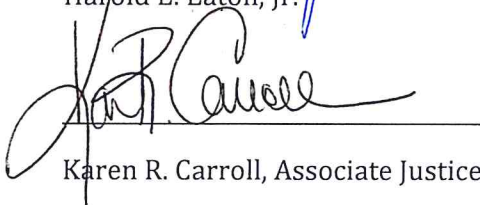
Marilyn S. Skoglund, Associate Justice

A handwritten signature in blue ink, appearing to read "Beth Robinson", written over a horizontal line.

Beth Robinson, Associate Justice

A handwritten signature in blue ink, appearing to read "Harold E. Eaton, Jr.", written over a horizontal line.

Harold E. Eaton, Jr.

A handwritten signature in black ink, appearing to read "Karen R. Carroll", written over a horizontal line.

Karen R. Carroll, Associate Justice