

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 4 V.S.A. § 1 is amended to read:

**§ 1. ~~Supreme court~~ Unified court system established**

The judicial branch shall be a unified court system under the administrative control of the Supreme Court. It shall consist of an appellate division, which shall be the Supreme Court, and a trial division, which shall consist of a trial court of general jurisdiction to be known as the superior court. It may also include such other adjudicatory and administrative bodies and staff established by law or by rules of the Supreme Court consistent with law.

Sec. 2. 4 V.S.A. § 2 is amended to read:

**§ 2. Supreme court established; Jurisdiction**

(a) There shall be a supreme court for the state, which shall be held at the times and places appointed by law. The supreme court shall have exclusive jurisdiction of appeals from judgments, rulings and orders of the superior court, ~~the district court~~, the environmental court and all other courts, administrative agencies, boards, commissions and officers unless otherwise provided by law.

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Sec. 3. 4 V.S.A. § 21a is amended to read:

**§ 21a. Duties of the administrative judge**

(a) The administrative judge shall assign and specially assign superior ~~and district~~ judges, including himself or herself, and environmental judges to the superior and ~~environmental, district, and family~~ courts. If the administrative judge determines that additional judicial time is needed to address cases filed in environmental court, the judge may assign or specially assign up to four judges on a part-time basis to the environmental court. When assigning or specially

assigning judges to the environmental court, the administrative judge shall give consideration to experience and expertise in environmental and zoning law, and shall assign or specially assign judges in a manner to provide appropriate attention to all geographic areas of the state. All judges shall be subject to the requirements of rotation as ordered by the supreme court. Assignments made pursuant to the rotation schedule shall be subject to the approval of the Supreme Court.

(b) In making any assignment under this section, the administrative judge shall give consideration to the experience, temperament, and training of a judge and the needs of the court. In making an assignment to the environmental court, the administrative judge shall give consideration to experience and expertise in environmental and land use law.

(c) In making any assignments to the environmental court under this section, the administrative judge shall regularly assign ~~both environmental judges through August 2008 and a minimum of two judges thereafter~~, at least one of whom shall be an environmental judge. An environmental judge may be assigned to ~~another superior court only with the judge's consent and~~ for a period of time not exceeding two years. When assigned to superior court, the environmental judge shall have all the powers and responsibilities of a superior judge.

Sec. 4. 4 V.S.A. § 22(a) and (b) are amended to read:

(a) The chief justice may appoint and assign a retired justice or judge with his or her consent or a superior judge ~~or district judge~~ to a special assignment on the supreme court. The chief justice may appoint and the administrative judge shall assign an active or retired justice or a retired judge, with his or her consent, to any special assignment in the ~~district, family~~, environmental or superior courts or the judicial bureau. The administrative judge shall assign a judge to any special assignment in the ~~district, family~~, environmental or superior court. ~~Preference shall be given to superior judges to sit in superior courts. Preference shall be given to district judges to sit in district courts.~~

(b) The administrative judge may appoint and assign a member of the Vermont bar residing within the state of Vermont to serve temporarily as:

- (1) an acting judge in a ~~district, family, environmental, or~~ superior court;
- (2) an acting magistrate; or
- (3) an acting hearing officer to hear cases in the judicial bureau.

Sec. 5. 4 V.S.A. § 25(c) is amended to read:

(c) The supreme court may allow supreme court justices, superior court judges, ~~district court judges,~~ environmental court judges, magistrates, hearing officers, probate court judges, superior court clerks, or any state compensated employees of the judicial branch not covered by a collective bargaining agreement to take an administrative leave of absence without pay or with pay if the person is called to active duty in support of an extended national or state military operation. These judicial officers and state employees shall be entitled to be compensated in the same manner as judicial branch employees covered by a collective bargaining agreement called to active duty. The court administrator, at the direction of the supreme court, shall include provisions in the personnel rules of the judiciary to administer these leaves of absence.

Sec. 6. 4 V.S.A. § 26 is amended to read:

#### **§ 26. Half-time judges**

Of the superior ~~and district~~ judge positions authorized by this title, up to two may be shared, each by two half-time judges. Of the magistrate positions authorized by this title, one may be shared by two half-time magistrates. Of the hearing officer positions authorized by this title, one may be shared by two half-time hearing officers. Half-time superior ~~and district~~ judges, magistrates and hearing officers shall be paid proportionally and shall receive the same benefits as state employees who share a job. Half-time judges, magistrates and hearing officers shall not engage in the active practice of law for remuneration.

Sec. 7. 4 V.S.A. § 50 is added to read:

**§ 50. Superior Court**

A superior court having statewide jurisdiction is created. It shall have all the subject matter jurisdiction of the superior, district, family and probate courts as they formerly existed. The superior court shall have four divisions:

- (a) civil;
- (b) criminal;
- (c) family;
- (d) probate

Division designations are specified for the provision of judicial services to litigants and for the organization of the work of the superior court and are not jurisdictional. The Supreme Court shall by rule divide the Superior Court into geographical units, which shall follow county lines. The superior court shall be held in each unit of the state. Cases will be assigned to divisions pursuant to rules of the supreme court by the presiding judge in each unit. The court administrator shall provide appropriate court officer and security services for each court in the state when it is open to the public. Terms of the superior court shall be stated by administrative orders of the supreme court.

Sec. 8. 4 V.S.A. § 51 is added to read:

**§ 51. Composition of the Court.**

Unless otherwise specified by law, the superior court is composed of one superior judge sitting alone.

Sec. 9. 4 V.S.A. § 52 is added to read:

**§ 52. Venue.**

The venue for all actions filed in the superior court, whether heard in the civil, criminal, family or probate division, shall be determined by rule of the Vermont Supreme Court. The rule shall specify the venue for any case pending on the effective date of this section. Until the Court has adopted venue rules pursuant to this section, and they have been reviewed pursuant to 12 V.S.A. § § 3 & 4, the venue requirements in effect pursuant to statute shall remain in effect.

Sec. 10. 4 V.S.A. §§ 71(a), (e) and (f) are amended to read:

(a) There shall be ~~45~~ 32 superior judges, whose terms of office shall, except in the case of an appointment to fill a vacancy or unexpired term, begin on April 1 in the year of their appointment or retention, and continue for six years.

(e) The supreme court shall designate one of the superior ~~or district~~ judges to serve as administrative judge. The administrative judge shall serve at the pleasure of the supreme court.

(f) The judicial office of district judge is abolished. On the effective date of this section, each district judge shall become a superior judge and have all of the powers and duties of a superior judge. The term of each superior judge who reached the office by virtue of this subsection shall be the same as if the person had remained a district judge.

Sec. 11. 4 V.S.A. § 73 is amended to read:

**§ 73. Assignment**

(a) ~~The supreme court may establish no more than three geographic divisions for the assignment of superior judges. In accordance with the direction of the supreme court, the administrative judge shall assign the superior judges among the geographic units and divisions of the superior court, and shall establish a rotation schedule, both within and outside the division to which the judges are regularly assigned. The rotation schedule shall be on file in the office of the clerk of each superior court, and copies shall be furnished upon request. The administrative judge shall assign a presiding judge to each unit and may assign a judge to preside in more than one unit. Only~~ In a

case where a superior judge is disqualified or unable to attend any term of court or part thereof to which he has been assigned ~~may~~ the administrative judge may assign another superior judge to act as ~~presiding~~ judge at that term or part thereof ~~and only~~ for that period during which the assigned judge is disqualified or unable to attend. Where during a term of the superior court the court in a unit is unable to complete all or part of the work before it in a reasonable time, the administrative judge, with the approval of the supreme court, may modify judge assignments to reduce delays in that unit.

(b) Pursuant to section 21a of this title, the administrative judge shall ~~specialy~~ assign superior judges to hear and determine family court matters. The administrative judge shall insure that such hearings are held promptly. Any contested divorce case which has been pending for more than one year shall be advanced for prompt hearing upon the request of any party.

(c) As necessary to ensure the efficient operation of the superior court, the presiding judge of the unit may specially assign a superior judge assigned to a division in the unit, including the presiding judge, to preside over one or more cases in a different division. As the administrative judge determines necessary for the operation of the superior court throughout the state, and with the approval of the supreme court, the administrative judge may additionally assign for a specified period of time a superior judge to preside over a particular type of case, or over a particular type of motion or other judicial event, in all or part of the units in the state.

~~(e) Notwithstanding subsection (b) of this section, the administrative judge may, pursuant to section 21a of this title, specially assign a district court judge to family court to hear matters specified in subsection (b).~~

Sec. 12. 4 V.S.A. § 75 is amended to read:

**§ 75. Powers of justice of , superior judge ~~or district judge~~ after expiration of term or vacation of office**

Whenever the term of office of a justice, superior judge, environmental judge, magistrate or hearing officer ~~or district judge~~ expires or he otherwise vacates the office, he shall have the same authority to conclude causes partly or fully heard before him that he would have had if he had remained in that office. He may make and sign findings and orders for judgments or decrees in causes pending before him and may make interlocutory orders and decrees. He shall be paid compensation commensurate with that paid specially assigned judicial officers as provided by section 23 of this title.

Sec. 13. 4 V.S.A. § 111 is amended to read:

**§ 111. Superior court sessions**

- (a) A superior court shall be held in each unit county ~~at the times and places appointed by law.~~
- (b) When the business of a superior court cannot otherwise be disposed of with reasonable dispatch, by direction of the administrative judge there may be held additional sessions of that superior court simultaneously with the regular session ~~consisting of a presiding judge and one or more assistant judges, if available.~~
- (c) A superior court may be temporarily recessed or adjourned from the place designated for holding a regular term or session to another place ~~in the county~~ having adequate facilities, when the regular facilities at the county designated courthouse are not adequate.
- ~~(d) A superior court may be temporarily recessed or adjourned from the place designated for holding a regular term or session to another place outside the county having adequate facilities, when the regular facilities at the county courthouse are not adequate and when the court and all litigants in the case agree to said transfer.~~
- ~~(e) The administrative judge may assign assistant judges, with their consent, to a special assignment in a court where they have jurisdiction in another county when assistant judges of that county are unavailable or the business of the courts so require.~~

Sec. 14. 4 V.S.A. § 112 is amended to read:

**§ 112. ~~Composition of court~~ Cases involving both legal and equitable claims**

(a) ~~The superior court shall consist of one presiding judge and two assistant judges, if available.~~

(b) ~~Questions of law and fact. In all proceedings, questions of law shall be decided by the presiding judge. In cases not tried before a jury, questions of fact shall be decided by the court. Mixed questions of law and fact shall be deemed to be questions of law. The presiding judge alone shall decide which are questions of law, questions of fact, and mixed questions of law and fact. Written or oral stipulations of fact submitted by the parties shall establish the facts related therein, except that the presiding judge, in his discretion, may order a hearing on any such stipulated fact. Neither the decision of the presiding judge under this subsection nor participation by an assistant judge in a ruling of law shall be grounds for reversal unless a party makes a timely objection and raises the issue on appeal.~~

(c) ~~Availability of assistant judges. If two assistant judges are not available, the court shall consist of one presiding judge and one assistant judge. In the event that court is being held by the presiding judge and one assistant judge, and they do not agree on a decision, a mistrial shall be declared. If neither assistant judge is available, the court shall consist of the presiding judge alone, and the unavailability of an assistant judge shall not constitute reversible error.~~

(d) ~~Method of determining availability. Before commencing a hearing in any matter in which the court by law may consist of the presiding judge and assistant judges, the assistant judges physically present in the courthouse shall determine whether they are available for the case. If two or more cases are being heard at one time, and assistant judges may by law participate in either, each assistant judge may determine in which case he will participate.~~

(e) ~~Duty to complete hearing or trial. After an assistant judge has decided to participate in a hearing or trial, he shall not withdraw therefrom except for cause. However, if he is not available for a scheduled hearing or trial or becomes unavailable during trial, the matter may continue without his participation, and he may not return to participate.~~



~~(f) Emergency relief. A presiding judge may hear a petition for emergency relief when the court is not sitting, and may issue temporary orders as necessary.~~

~~(g) Jury trial.~~ In order to preserve the right to trial by jury, when the claims of one party sound in equity and the claims of the opposing party sound in law, the latter party may demand that the claims be tried separately. Where a party has a right to trial by jury, that party does not waive the right by also seeking temporary or preliminary injunctive relief in the same action.

Sec. 15. 4 V.S.A. § 115 is amended to read:

**§ 115. Stated terms of superior court**

The superior court shall operate continuously irrespective of the term in which events occur. The terms are designated for purposes of determining the rotation schedule of superior judges and the responsibility of a superior judge once a term has expired. When at the expiration of a term a superior judge is no longer assigned to a specified unit, the judge shall complete any matters that have been heard or taken under advisement for that unit. The administrative judge, pursuant to rules of the supreme court, may specially assign a superior judge to continue to preside over one or more cases even though the judge is no longer assigned to the unit of origin of the case or cases. In the absence of such a direction, or assignment pursuant to § 73(c), a judge who at the end of a term is no longer assigned to a unit has no further responsibility for cases in that unit.  
~~Terms of the superior court shall be stated by the administrative orders of the supreme court.~~

Sec. 16. 4 V.S.A. § 219 is amended to read:

**§ 219. Powers of chancellor**

The powers and jurisdiction of the courts that were heretofore vested in the courts of chancery are vested in the superior court. Superior, environmental ~~District~~ and probate judges have the powers of a chancellor in passing upon all civil matters which may come before them.

Sec. 17. 4 V.S.A. § 271 is amended to read:

**§ 271. Probate ~~Single districts; probate judges. counties~~**

- (a) For purpose of the election of probate judges, the state is divided into five probate districts: the northern district, the central district, the Chittenden district, the southeastern district and the southwestern district. The northern district shall contain the counties of Franklin, Grand Isle, Orleans, Essex and Caledonia. The central district shall contain the counties of Lamoille, Washington and Orange. The chittenden district shall contain the county of Chittenden. The southeastern district shall contain the counties of Windsor and Windham. The southwestern district shall contain the counties of Addison, Rutland and Bennington. The counties of Addison, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans and Washington shall each constitute a probate district, which shall be designated by the name of the county.
- (b) Each of the probate judges elected to districts as provided in subsection (a) and each superior judge shall have the power of the probate judge as they existed on July 1, 2010. Of the cases formerly heard by probate judges, the presiding judge of each unit shall determine which categories of cases or events shall continue to be heard by a probate judge or alternatively will be heard by a superior judge.
- (c) Each probate judge shall work full time and shall be admitted by the Supreme Court to practice law before being elected to the position.
- (d) The administrative judge may specially assign a probate judge to hear a case in a geographical district other than the district for which the probate judge was elected.

Sec. 18. 4 V.S.A. § 311 is amended to read:

**§ 311. ~~Jurisdiction generally~~ Probate Court Elimination**

The probate court is eliminated and all cases, files and staff are transferred to the superior court. The probate court shall have jurisdiction of the probate of wills, the settlement of estates, trusts created by will, trusts of absent person's estates, charitable, cemetery and philanthropic trusts,

~~irrevocable trusts created by inter vivos agreements solely for the purpose of removal and replacement of trustees pursuant to subsection 2314(c) of Title 14, the appointment of guardians, and of the powers, duties and rights of guardians and wards, proceedings concerning chapter 231 of Title 18, accountings of attorneys in fact where no guardian has been appointed and the agent has reason to believe the principal is incompetent, relinquishment for adoption, adoptions, uniform gifts to minors, changes of name, issuance of new birth certificates, amendment of birth certificates, correction or amendment of marriage certificates, correction or amendment of death certificates, emergency waiver of premarital medical certificates, proceedings relating to cemetery lots, trusts relating to community mausoleums or columbariums, civil actions brought under subchapter 3 of chapter 107 of Title 18 relating to disposition of remains, proceedings relating to the conveyance of a homestead interest of a spouse under a legal disability, the issuance of declaratory judgments, issuance of certificates of public good authorizing the marriage of persons under 16 years of age, appointment of administrators to discharge mortgages held by deceased mortgagees, appointment of trustees for persons confined under sentences of imprisonment, fixation of compensation and expenses of boards of arbitrators of death taxes of Vermont domiciliaries, and as otherwise provided by law.~~

Sec. 19. 4 V.S.A. § 354 is amended to read:

**§ 354. Disqualification of judge or register; penalty**

A probate judge or register shall not act as guardian, executor, administrator, trustee or in any other fiduciary capacity or as attorney in any ~~probate~~ matter pending in any court in the state while holding either office. A judge or register who violates a provision of this section shall be imprisoned not more than six months, or fined not more than \$500.00, or both.

Sec. 20. 4 V.S.A. § 355 is amended to read:

**§ 355. Disqualification or disability of judge**

When a probate judge is incapacitated for the duties of his office by absence, removal from the district, resignation, sickness, death or otherwise or if he, his wife or child is heir or legatee under a will filed in his district, or if he is executor or administrator of the estate of a deceased person in his district, or is interested as a creditor or otherwise in a question to be decided by the court, he shall not act as judge. His duties shall be performed by a superior judge as assigned by the presiding judge of the unit ~~the register, if not disqualified, or a judge of another district or an assistant judge of the superior court of the county in which such district is situated. The register or judge shall have jurisdiction to act while such disqualification, incapacity or vacancy exists.~~

Sec. 21. 4 V.S.A. § 356(b) and (c) are amended to read:

(b) The jurisdiction conferred by subsection (a) of this section shall not be exercised if the presiding judge of the unit determines that the successor to the presiding judge will assume jurisdiction for all or part of the cases. ~~unless the successor to the retiring judge shall file and cause to be recorded in such cause or proceeding within 30 days from the time of assuming office a certificate stating that such cause or proceeding was partly or fully heard before such retiring judge and that jurisdiction thereof shall be retained by such retiring judge.~~

(c) A probate judge who exercises the jurisdiction conferred by subsection (a) of this section shall receive compensation at a rate fixed by the court administrator. ~~successor judge, and the compensation and necessary expenses allowed by the successor judge shall be paid by the state.~~

Sec. 22. 4 V.S.A. § 357 is amended to read:

**§ 357. Registers of probate; appointment and removal; compensation; clerks**

~~(a) The clerk of the superior court in each unit shall be the register of probate and, subject to the approval of the court administrator, may designate one or more staff persons as additional registers. probate judge shall appoint and remove registers of probate and clerical assistants for the probate courts, who shall be paid by the state and shall be state employees and shall be~~

~~entitled to all fringe benefits and compensation accorded classified state employees who are similarly situated, as determined by the court administrator subject to any applicable statutory limits, unless otherwise covered by the provisions of a collective bargaining agreement setting forth the terms and conditions of employment, negotiated pursuant to chapter 28 of Title 3.~~

~~(b) Subject to the approval of the court administrator, more than one register of probate may be appointed in any probate district as the business of the court requires.~~

Sec. 23. 4 V.S.A. § 362 is amended to read:

**§ 362. Oaths**

A probate judge or register may administer oaths necessary in the transaction of their business ~~before the probate court and oaths required to be administered to persons executing trusts under the appointment of such court.~~

Sec. 24. 4 V.S.A. § 364 is amended to read:

**§ 364. Commitment to enforce orders**

If a person does not comply with an order, sentence or decree of the superior court in a proceeding formerly within the jurisdiction of the probate court, the court may issue a warrant committing the person to the custody of the commissioner of corrections until compliance is given.

Sec. 25. 4 V.S.A. § 369 is amended to read:

**§ 369. Nonresident's estate; notice to commissioner of taxes; information to banks**

(a) When an executor or administrator is appointed to administer within this state an estate of a deceased person who resided in another state or country at the time of his death, the judge ~~of probate~~ so appointing shall notify in writing forthwith the commissioner of taxes of such appointment giving the name and residence of such deceased person at the time of his death, the

name and residence of the executor or administrator, the date of his appointment and identifying the ~~probate~~ court making such appointment.

(b) The commissioner shall keep a full record in each case and upon inquiry made of him by any savings bank or savings institution in the state shall at once notify such bank or institution whether, as shown by his record, an executor or administrator has been appointed by any ~~probate~~ court in the state to administer the estate of the deceased person named in such inquiry. If there has been such an appointment, the commissioner shall furnish the above information to such bank or institution forthwith.

Sec. 26. 4 V.S.A. § 436 is amended to read:

**§ 436. District court ~~created~~**

The district court is eliminated. The cases, staff and files are transferred to the superior court.

~~One district court having statewide jurisdiction is created. For administrative purposes, the supreme court from time to time may organize the district court in territorial units, designating the towns within the units and may organize the territorial units into two or more circuits. It shall designate the location of the principal office in each unit. The district court may hold its sessions in any town designated by the supreme court where adequate facilities exist for disposing of court business. It shall hold sessions in each county as often as the court administrator finds the caseload of the county requires.~~

Sec. 27. 4 V.S.A. § 436a is amended to read:

**§ 436a. -Special circuit at Waterbury<sup>28</sup>.**

There is hereby established a special unit of the family division of the superior court ~~district court~~ to hold sessions in the town of Waterbury for the sole purpose of exercising jurisdiction over applications for treatment of mentally ill individuals under Title 18. That unit shall have exclusive jurisdiction of any application for involuntary hospitalization arising under the

provisions of 18 V.S.A. §§ 7801, 7803 and 8001 where the proposed patient is confined to the Vermont State Hospital at Waterbury. The special unit shall not exercise any other civil or criminal jurisdiction otherwise exercised by the superior court ~~district court created under section 436 of this title~~. A superior ~~district~~ judge shall be assigned by the administrative judge to the special unit, who need not be a resident of the town of Waterbury or of the territorial unit in which the town of Waterbury is otherwise located. ~~The district judge assigned to the special unit may be assigned by the administrative judge to serve temporarily in another unit where he may exercise the same jurisdiction as any district judge. If another district judge is assigned to the special unit temporarily, he shall exercise only the jurisdiction conferred on that unit.~~

Sec. 29. 4 V.S.A. § 451 is amended to read:

**§ 451. Family court**

The family court is eliminated. The cases, staff and files are transferred to the superior court. (a)

~~One family court having statewide jurisdiction is created. The supreme court shall make and promulgate rules governing practice, procedure and administration in the family court, subject to review by the judicial rules committee.~~

(b) ~~Employees of the family court shall be state employees who shall be appointed and removed pursuant to rule of the supreme court. Employees of family court shall be entitled to all fringe benefits and compensation accorded classified state employees who are similarly situated as determined by the court administrator, unless otherwise covered by a collective bargaining agreement that sets forth the terms and conditions of employment negotiated pursuant to chapter 28 of Title 3. Notwithstanding section 1181 of Title 32, the court administrator may increase the compensation of county clerks who are assigned additional duties and responsibilities in the family or district courts, consistent with the pay scale of district and superior court clerks.~~

Sec. 30. 4 V.S.A. § 461(a) is amended to read:

(a) The office of magistrate is created within the superior court ~~family court~~. Except as provided in section 463 of this title, the office of magistrate shall have nonexclusive jurisdiction ~~concurrent with the family court~~ to hear and dispose of the following cases and proceedings :

(1) Proceedings for the establishment, modification and enforcement of child support.

(2) Cases arising under the Uniform Interstate Family Support Act.

(3) ~~Child support in~~ Proceedings to determine parentage and establish child support in parentage cases. ~~after parentage has been determined.~~

(4) Cases arising under section 5533 of Title 33, when delegated by the presiding judge of the superior court ~~family court~~.

(5) Proceedings to establish, modify or enforce temporary orders for spousal maintenance in accordance with sections 594a and 752 of Title 15.

(6) Proceedings to establish, modify or enforce temporary parental rights and responsibilities or parent-child contact orders or to modify or enforce final parent-child contact orders. ~~issued pursuant to this title.~~

Sec. 31. 4 V.S.A. § 462 is amended to read:

**§ 462. Findings; orders; stipulations**

(a) The magistrate shall make findings of fact, conclusions and a decision and shall issue an order. An order issued by a magistrate may be enforced by the superior family court in the unit county in which the magistrate hearing was held. ~~A motion for contempt of a magistrate's order shall be heard as expeditiously as possible by the family court judge upon motion of either party or upon motion of the family court judge or magistrate.~~

(b) A magistrate may issue an order based on a stipulation regarding any preliminary matter necessary to issue a child support order.

(c) If the stipulation of the parties regarding child support includes matters other than preliminary matters necessary to issue a child support order, the stipulation may be accepted and approved by



the magistrate in respect to those preliminary matters and signed by the magistrate as an order of the superior family court.

(d) A magistrate shall issue an order for child support based upon the actual physical living arrangements of the children during the prior three months if the parties have not stipulated concerning parental rights and responsibilities. If parental rights and responsibilities are contested, the superior family court shall make an order allocating parental rights and responsibilities.

Sec. 32. 4 V.S.A. § 463 is amended to read:

**§ 463. Jurisdiction of superior family court over child support**

Upon motion of either party, upon motion of the magistrate or upon the ~~family~~ court's own motion, a judge of the superior family court may hear and determine the issue of child support, provided there is a prior existing support order in effect or an interim or temporary order and the court finds one of the following:

\* \* \*

(4) Such good and substantial cause as the ~~family~~ court may find, consistent with the principle that support cases shall be heard in a timely manner.

Sec. 33. 4 V.S.A. § 601(a) is amended to read:

(a) A judicial nominating board is created for the nomination of supreme court justices, and superior ~~and district~~ judges.

Sec. 34. 4 V.S.A. § 602(a) and (b) are amended to read:

**§ 602. -Duties**

(a) Prior to submission of names of candidates for justices of the supreme court, and superior judges ~~and district judges~~ to the governor or general assembly as set forth in subsection (b) of this

section, the board shall submit to the court administrator of the supreme court a list of all candidates, and he shall disclose to the board information solely about professional disciplinary action taken or pending concerning any candidate. From the list of candidates presented, the judicial nominating board shall select by majority vote, provided that a quorum is present, qualified candidates as set forth in subsection (b).

(b) Whenever a vacancy occurs in the office of a supreme court justice, ~~or a superior or district~~ judge, or when an incumbent does not declare that he will be a candidate to succeed himself, the judicial nominating board shall submit to the governor the names of as many persons as it deems qualified to be appointed to the office. There shall be included in the qualifications for appointment that the person shall be an attorney at law who has been engaged in the practice of law or a judge in the state of Vermont for a period of at least five out of the ten years preceding his appointment, and with respect to a candidate for superior ~~or district~~ judge particular consideration shall be given to the nature and extent of his trial practice.

Sec. 35. 4 V.S.A. § 603 is amended to read:

**§ 603. Judges; appointment**

Whenever the governor appoints a supreme court justice or a superior ~~or district~~ judge, he shall do so from the list of names of qualified persons submitted to him by the judicial nominating board. The names of candidates submitted and not selected shall remain confidential.

Sec. 36. 4 V.S.A. § 605 is amended to read:

**§ 605. Political activity by judges prohibited**

Superior ~~and district~~ judges shall not make any contribution to or hold any office in a political party or organization or take part in any political campaign.

Sec. 37. 4 V.S.A. § 608(a), (b) and (g) are amended to read:

(a) Declarations submitted to the general assembly by a supreme court justice under subsection 4(c) of this title, or by a superior court judge under subsection 71(b) of this title ~~or by a district court judge under subsection 604(a) of this title~~ shall be referred immediately to the joint committee on judicial retention. The declarations shall be accompanied by a supporting statement by the judge or justice seeking retention. In the case of a ~~district or~~ superior court judge, the declaration shall also be accompanied by information on the next succeeding rotation schedule for the judge seeking retention.

(b) The joint committee responsible for the recommendation of retention shall review the candidacies of those justices, and superior judges ~~and district judges~~ desiring to succeed themselves. In conducting its review the committee shall evaluate judicial performance, including but not limited to such factors as integrity, judicial temperament, impartiality, health, diligence, legal knowledge and ability and administrative and communicative skills.

(g) The votes on retention under subsections 4(c), and 71(b) ~~and 604(a)~~ of this title shall be conducted in one joint assembly of the general assembly, except that in the event that the joint committee reports to the general assembly that it is not able to make its recommendation on a particular justice or judge under subsection (b) of this section on or before the date set for such joint assembly, the vote on such individual or individuals shall be deferred to a subsequent joint assembly and separate ballots shall be used despite any other statutory provisions relating to the votes on retention.

Sec. 38. 4 V.S.A. § 651 is amended to read:

**§ 651. ~~County clerk as~~ Clerks of courts**

The court administrator shall appoint a superior court clerk for each unit. The court administrator may appoint the same person to be clerk in more than one unit. With approval of the court administrator, the clerk shall appoint office staff. The clerk shall have the powers and responsibilities formerly held by the clerk of the district court or the family court or the register of

the probate court and may delegate specific powers and responsibilities to assigned staff. Unless designated so by the assistant judges, with the approval of the court administrator, a superior court clerk shall not also serve as a county clerk. ~~Each county clerk shall be clerk of the superior court for the county.~~ The court administrator shall act as clerk of the supreme court as provided in § section 8 of this title.

Sec. 39. 4 V.S.A. § 652 is amended to read:

**§ 652. Records of judgments and other proceedings; dockets; certified copies**

The clerk shall:

\* \* \*

(4) Except as provided in section 454 of Title 22, ~~he~~ shall keep on file and preserve all process, pleadings and papers relating to causes in superior court which together with the records of the court, the clerk ~~he~~ shall give to any person, on demand and tender of the legal fees, certified copies of any of the records, proceedings or minutes in his office, and all proper certificates, under the seal of the court. However, the clerk shall not disclose the filing of an action or release any records, proceedings, or minutes pertaining to it until service of process has been completed; nor shall the clerk ~~he~~ disclose any materials or information required by law to be kept confidential. Original court records shall be maintained for two years after final court action and thereafter may be maintained on microfilm or electronic media.

Sec. 40. 4 V.S.A. § 657 is amended to read:

**§ 657. Transcribing damaged records**

When records in the court clerk's office become faded, defaced, torn or otherwise injured, so as to endanger the permanent legibility or proper preservation of the same, by an order in writing recorded in the court clerk's office, the court administrator shall direct the court clerk to provide suitable books and transcribe such records therein. At the end of a transcript of record so made,

he shall certify under his official signature and the seal of the court that the same is a true transcript of the original record. Such transcript or a duly certified copy thereof shall be entitled to the same faith and credit and have the same force as the original record. The expense of making such transcript shall be paid by the state ~~county~~.

Sec. 41. 4 V.S.A. § 658 is amended to read:

**§ 658. Supreme court records**

Whenever the records of the supreme court are transcribed by the superior court ~~county~~ clerk, the clerk ~~he~~ shall forthwith transmit the original of such record to the court administrator for safekeeping, together with a certified copy thereof. The superior court ~~county~~ clerk shall keep on file an additional certified copy of such transcription in place of the original so transmitted. A copy of such original record certified by the court administrator from the original or a copy certified by the superior court ~~county~~ clerk from the transcript retained on file ~~by him~~ shall be entitled to the same faith and credit and have the same force as the original record. The expense of making such transcript and of transmittal of the original record shall be paid by the state.

Sec. 42. 4 V.S.A. § 659 is amended to read:

**§ 659. Preservation ~~Microfilming~~ of court records**

(a) The supreme court by administrative order may provide for permanent preservation of all court records by microfilming, or by any other photographic or electronic process which will provide compact records in reduced size, in accordance with standards established by the secretary of state ~~department of buildings and general services of the Vermont agency of administration~~ which take into account the quality and security of the ~~microphotographed~~ records, and ready access to the ~~micrographic~~ record of any cause so recorded.

(b) After preservation in accordance with subsection (a) ~~microfilming~~, the supreme court by administrative order may provide for the disposition of original court records by destruction or in

cases where the original court record may have historical or intrinsic value by transfer to an appropriate institutional facility such as the archives of the secretary of state, the department of buildings and general services of the agency of administration, the Vermont historical society, or the university of Vermont.

Sec. 43. 4 V.S.A. § 691 is amended to read:

**§ 691. Clerks and assistants; appointment; compensation**

The superior court clerk, with the approval of the court administrator, ~~with the advice of the district judge concerned,~~ may appoint and remove staff ~~clerks and assistant clerks~~ for the superior ~~district~~ court subject to the terms of any applicable collective bargaining agreement. The clerks and staff ~~assistant clerks~~ shall be state employees and shall be entitled to all fringe benefits and compensation accorded classified state employees who are similarly situated, subject to any applicable statutory limits, unless covered by a collective bargaining agreement that sets forth the terms and conditions of employment negotiated pursuant to the provisions of chapter 28 of Title 3.

Sec. 44. 4 V.S.A. § 740 is amended to read:

**§ 740. Court records; dockets; certified copies**

The supreme court by administrative order shall provide for the preparation, maintenance, recording, indexing, docketing, preservation and storage of all ~~family~~ court records and the provision, subject to confidentiality requirements of law or court rules ~~chapter 55 of Title 33~~, of certified copies of those records to persons requesting them.

Sec. 45. 4 V.S.A. § 798 is amended to read:

**§ 798. Probative force of transcripts**

All transcripts of evidence or proceedings in a cause or hearing tried in superior court, ~~probate court or district court~~ or before an auditor, referee, or commissioner, ordered to be reported by a superior ~~the presiding judge, probate or district judge,~~ and made by or under the direction of the reporter and duly certified by him to be a verbatim transcript of his verbatim stenographic notes of such evidence or proceedings, shall be received as evidence in any action, civil or criminal, if relevant thereto.

Sec. 46. 4 V.S.A. § 803(a) and (b) are amended to read:

(a) Subject to any rules prescribed by the supreme court pursuant to law, electronic sound, or sound and video, recording equipment may be used for the recording of any civil, criminal, or probate proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by any attorney or judge, oral instructions given by the judge, and any other judicial proceedings to the same extent as any recording by a stenographer or reporter permitted or required under existing statutes.

(b) For the purpose of operating the ~~sound~~ recording equipment the judge may appoint or designate the official reporter of that court, a special reporter, the clerk of the court, any staff ~~assistant clerks~~ of the court, the court officer or any other designated court personnel. The person operating the sound recording equipment shall subscribe to an oath that the operator will well and truly operate it to record all matters and proceedings.

Sec. 47. 4 V.S.A. § 952(a) is amended to read:

(a) The court administrator, subject to the approval of the supreme court, shall make rules regarding the qualifications, lists and selection of all jurors and prepare questionnaires for prospective jurors. Each superior court clerk ~~jury commission~~ shall, in conformity with said rules, prepare a list of jurors from residents of its unit ~~county~~. The rules shall be designed to assure that

the list of jurors prepared by the jury commission shall be representative of the citizens of its unit ~~county~~ in terms of age, sex, occupation, economic status, and geographical distribution.

Sec. 48. 4 V.S.A. § 953(a), (b) and (e) are amended to read:

(a) The clerk jury commission, in order to ascertain names of persons eligible as jurors, may consult the latest census enumeration, the latest published city, town, or village telephone or other directory, the listers' records, the elections records, and any other general source of names.

(b) Notwithstanding any law to the contrary, the court administrator may obtain the names, addresses, and dates of birth of persons which are contained in the records of the department of motor vehicles, the department of labor, the department of taxes, the department of health, and the department for children and families. The court administrator may also obtain the names of voters from the secretary of state. After the names have been obtained, the court administrator shall compile them and provide the names, addresses, and dates of birth to the clerk jury commission in a form that will not reveal the source of the names. The clerk jury commission shall include the names provided by the court administrator in the list of potential jurors.

(e) All public officers shall, on request, furnish the clerk jury commission or the court administrator without charge, any information it may require to enable it to select eligible persons, ascertain their qualifications, or determine the number needed.

Sec. 49. 4 V.S.A. § 954 is amended to read:

**§ 954. Deposit of list**

Prior to the first day of July in each biennial year, the clerk jury commission shall prepare and file a current master list of jurors in the office of the county clerk and certify its completion and filing to the court administrator. The current master lists shall contain the number of names necessary adequately to serve the needs of the courts involved for a two-year period beginning July 1.



Sec. 50. 4 V.S.A. § 955 is amended to read:

**§ 955. Questionnaire**

The ~~clerk jury commission~~ shall send a jury questionnaire prepared by the court administrator to each person selected. When returned, it shall be retained in the ~~county~~ superior court clerk's office, ~~except that those questionnaires submitted by prospective jurors for service in the district court of Vermont shall be deposited with the clerk of the district court concerned.~~ The questionnaire shall at all times during business hours be open to inspection by the court and attorneys of record of the state of Vermont.

Sec. 51. 4 V.S.A. § 957 is amended to read:

**§ 957. Drawing and summoning jurors**

The manner of drawing and summoning jurors from the lists provided shall be in accordance with the rules of the court in which they are called to serve and all applicable statutes, including section 952 of this title, requiring that the panel shall be representative of the citizens of the unit ~~county~~ in terms of age, sex, occupation, economic status and geographical distribution.

Sec. 52. 4 V.S.A. § 959 is amended to read:

**§ 959. Grand jurors; venire**

The ~~clerk jury commission~~, as directed by the judges of each superior court, shall summon 18 judicious persons within the unit ~~county~~ to appear at any stated or special term of that court to serve as grand jurors of the unit ~~county~~. The clerk of the court shall issue a venire accordingly.

Sec. 53. 4 V.S.A. § 961(a) is amended to read:

(a) Any person who fails to return a completed questionnaire within ten days of its receipt may be summoned by the superior court ~~county~~ clerk forthwith to appear before the clerk to fill out a jury questionnaire. Any person so summoned who fails to appear as directed shall be ordered

forthwith by the presiding judge to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance may be found in contempt of court and shall be subject to the penalties for contempt.

Sec. 54. 4 V.S.A. § 1001(e) and (f) are amended to read:

(e) Venue for the environmental court, including the place of hearing, shall be determined by rule of the Supreme Court. ~~Evidentiary proceedings in the environmental court shall be held in the county in which all or a portion of the land which is the subject of the appeal is located or where the violation is alleged to have occurred, unless the parties agree to another location; provided, however, that the environmental judge shall offer expeditious evidentiary hearings so that no such proceedings are moved to another county to obtain an earlier hearing.~~ Unless otherwise ordered by the court, all nonevidentiary hearings may be conducted by telephone using an audio or video record. If a party objects to a telephone hearing, the court may require a personal appearance for good cause.

(f) ~~The environmental court shall be provided with a dedicated minimum of one court manager, two law clerks, one case manager, and two docket clerk courtroom operators. These positions shall not be subject to any rotation with other courts. The environmental court shall receive the same funding and provisions for security as provided to county courthouses.~~

Sec. 55. 4 V.S.A. § 1102 is amended to read:

**§ 1102. Judicial bureau; jurisdiction**

(a) A judicial bureau is created within the judicial branch under the supervision of the supreme court.

(b) The judicial bureau shall have jurisdiction of the following matters:

- (1) Traffic violations alleged to have been committed on or after July 1, 1990.
- (2) Civil ordinance violations alleged to have been committed on or after July 1, 1994.
- (3) Minor fish and wildlife violations alleged to have been committed on or after September 1, 1996.
- (4) Violations of subsection 1005(a) of Title 7, relating to possession of tobacco products by a person less than 18 years of age.
- (5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under the age of 18 years.
- (6) Violations of 24 V.S.A. § 2201, relating to littering, burning of solid waste, and illegal dumping.
- (7) Violations of chapter 1 of subchapter 9 of Title 16, relating to hazing.
- (8) Violations of 20 V.S.A. § § 2056a, 2056b, and 2056c, relating to unauthorized disclosure of criminal record information.
- (9) Violations of 7 V.S.A. § 656, relating to illegal possession of alcoholic beverages.
- (10) Violations under subdivision 658(c)(1) of Title 7, relating to an employee of a second class licensee selling alcohol to a minor during a compliance check.
- (11) Violations of 18 V.S.A. § 4234b(b), relating to selling ephedrine base, pseudoephedrine base, or phenylpropanolamine base.
- (12) Violations of 13 V.S.A. § 352(3), (4), and (9), relating to cruelty to animals.
- (13) Violations of 18 V.S.A. § 4249, relating to the introduction of tobacco or tobacco products into a correctional facility.
- (14) Violations of chapter 5 of subchapter 1 of Title 21, relating to conditions for employment.

Subdivision (b)(15) repealed effective July 1, 2009; see notes set out below.

(15) Violations of 9 V.S.A. § 3023(a), relating to the purchase and sale of scrap metal.

(16) Violations of chapter 38 of 18 V.S.A. that are subject to civil penalties pursuant to subsection 1760a(a), relating to reducing lead hazards in housing.

(17) Violations of 10 V.S.A. §§ 2645(a), 2648(a), relating to open burning and slash removal.

(c) The judicial bureau shall not have jurisdiction over municipal parking violations.

(d) Three hearing officers appointed by the court administrator shall determine waiver penalties to be imposed for violations within the judicial bureau's jurisdiction, except that municipalities shall adopt full and waiver penalties for civil ordinance violations pursuant to section 1979 of Title 24. For purposes of municipal violations, the issuing law enforcement officer shall indicate the appropriate full and waiver penalty on the complaint. (Added 1997, No. 121 (Adj. Sess.), § 4; amended 1999, No. 63, §

Sec. 56. 4 V.S.A. § 1103 is amended to read:

**§ 1103. Venue**

Venue for violation hearings in the judicial bureau shall be determined by rules of the supreme court ~~in the unit of the district court where the violation is alleged to have occurred.~~

Sec. 57. 4 V.S.A. § 1104 is amended to read:

**§ 1104. Appointment of hearing officers**

The administrative judge shall appoint members of the Vermont bar to serve as hearing officers to hear cases. Hearing officers shall be subject to the Code of Judicial Conduct. ~~At least one hearing officer shall reside in each territorial unit of the district court.~~

Sec. 58. 4 V.S.A. § 1107(a) and (c) are amended to read:

(a) A decision of the hearing officer may be appealed to the superior ~~district~~ court. The proceeding before the ~~district~~ court shall be on the record, or at the option of the defendant, de novo. ~~The defendant shall have the right to trial by jury.~~ An appeal shall stay payment of a penalty and the imposition of points.

(c) No appeal as of right exists to the supreme court. On motion made to the supreme court by a party, the supreme court may allow an appeal to be taken to it from the superior ~~district~~ court.

Sec. 59. 5 V.S.A. § 43 is amended to read:

**§ 43. Review by superior court**

A party to a cause who feels aggrieved by the final order, judgment or decree of the board may appeal to a superior court under Rule 74 of the Vermont Rules of Civil Procedure. However, the board, before final judgment, may permit an appeal to be taken by any party to a superior court for determination of questions of law in the same manner as the supreme court may by rule provide for appeals before final judgment from a superior court ~~or a district court.~~

Notwithstanding the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules of Appellate Procedure, neither the time for filing a notice of appeal nor the filing of a notice of appeal, as provided in this section, shall operate as a stay of enforcement of an order of the board unless the board or a superior court grants a stay under the provisions of section 44 of this title.

Sec. 60. 5 V.S.A. § 3535 is amended to read:

**§ 3535. Right of action on nonpayment of damages**

When a railroad corporation has entered upon and used land and real estate for the construction and accommodation of its railroad, and has, by its engineers, agents or servants, entered upon

land contiguous to the railroad or the works connected therewith, and taken materials to use in the construction of its road, and has not paid the owner therefor, nor, within two years from such entry, had the damages appraised by commissioners, and an award made and delivered, a person claiming damages, within six years after such entry, may bring an action therefor before a superior ~~district~~ court, ~~if the claim is not over \$200.00, otherwise in the superior court.~~ An answer justifying the entry under the act incorporating the company shall not bar the action, but the plaintiff shall recover only his actual damages.

Sec. 61. 6 V.S.A. § 484(b) is amended to read:

(b) The secretary or his inspector may enter upon the premises of a licensed dealer or processor, at reasonable times, for purposes of inspecting the premises, records, equipment and inventory in a reasonable manner to determine whether the provisions of this chapter and the rules adopted hereunder are being observed. If entry is refused, the secretary may apply to a superior ~~or district~~ court judge for an administrative search warrant.

Sec. 62. 6 V.S.A. § 3316(b) is amended to read:

(b) ~~the Washington County superior court, or any other~~ superior court, has legal and equitable jurisdiction to enforce, prevent and restrain violations of this chapter and has legal and equitable jurisdiction in all other cases arising under this chapter. The superior ~~and district~~ courts are granted jurisdiction to handle criminal matters arising under this chapter and rules.

Sec. 63. 9 V.S.A. § 2154 is amended to read:

**§ 2154. Assignee's bond**

The assignee shall execute to the superior court for the unit ~~county~~ in which the assignor resides a bond with sureties to the satisfaction of such court and conditioned for the faithful performance of such trust. The assignee shall execute such bond at the time of making such assignment, and the

same may be prosecuted by parties aggrieved as provided in chapter 101 of Title 14, relative to bonds governed by that chapter ~~taken to the probate court.~~

Sec. 64. 10 V.S.A. § 497 is amended to read:

**§ 497. Removal of signs**

The owner of a sign which is not licensed under this chapter and which is not a legal on-premise or exempt sign meeting the requirements set forth in this chapter, other than a sign which was lawfully erected and maintained prior to March 23, 1968, shall be in violation of this chapter until it is removed. The travel information council, or the secretary of transportation or his designee pursuant to authority delegated by the council, may, upon failure of the owner to remove such sign, order its removal by the agency of transportation, and the agency of transportation shall thereupon remove the sign without notice or further proceeding, at the expense of the owner. The expense may be recovered by the state in an action on this statute, which shall be instituted in the superior court or Vermont district court in the unit for the having jurisdiction in the area in which the sign is located. A copy of the notice of removal shall be sent by certified mail to the owner at the last known address. If an illegal sign is re-erected after the initial removal notice is executed, the agency of transportation shall have the authority to remove that illegal sign without additional prior notice to the owner. The agency of transportation or the legislative body of a municipality shall have the authority to remove or relocate, or both, without prior notice, any sign, device or display which is temporary in nature and not affixed to a substantive structure which is erected within 24.75 feet of the actual centerline of any highway under its jurisdiction and within the public highway right-of-way.

Sec. 65. 10 V.S.A. § 2671 is amended to read:

[ “The judicial bureau ~~district court~~ shall have exclusive jurisdiction over uniform fire prevention tickets issued under this subchapter.”

Sec. 66. 10 V.S.A. § 6205(c) is amended to read:

(c) A leaseholder may bring an action against the park owner for a violation of sections 6236-6243 of this title. The action shall be filed in ~~district~~ superior court for the ~~district unit~~ in which the alleged violation occurred. ~~If the leaseholder's claim against the owner exceeds the jurisdictional limit of the district court, an action may be brought in superior court in the county in which the alleged violation occurred.~~ No action may be commenced by the leaseholder unless the leaseholder has first notified the park owner of the violation by certified mail at least 30 days prior to bringing the action. During the pendency of an action brought by a leaseholder, the leaseholder shall pay rent in an amount designated in the lease, or as provided by law, which rental amount shall be deposited in an escrow account as directed by the court.

Sec. 67. 10 V.S.A. § 8014(a) and (b) is amended to read:

(a) The secretary may seek enforcement of a final administrative order or a landfill extension order in the superior ~~or district~~ court or before the environmental court.

(b) If a penalty is assessed and the respondent fails to pay the assessed penalty within the time prescribed, the secretary may bring a collection action in any superior ~~or district~~ court. In addition, when a respondent, except for a municipality, fails to pay an assessed penalty or fails to pay a contribution under subdivision 8007(b)(2) of this title within the prescribed time period, the secretary or the land use panel shall stay the effective date or the processing of any pending permit application or renewal application in which the respondent is involved until payment in full of all outstanding penalties has been received. When a municipality fails to pay an assessed penalty or fails to pay a contribution under subdivision 8007(b)(2) of this title within the prescribed time period, the secretary or the land use panel may stay the effective date or the processing of any pending permit application or renewal application in which the municipality is involved until payment in full of all outstanding penalties has been received. For purposes of this



subsection, "municipality" shall mean a city, town, or village. The secretary or the land use panel may collect interest on an assessed penalty that a respondent fails to pay within the prescribed time. The secretary or the land use panel shall collect interest on a contribution under subdivision 8007(b)(2) of this title that a respondent fails to pay within the prescribed time.

Sec. 68. 11 V.S.A. § 441 is amended to read:

**§ 441. Corporation to produce books on notice**

(a) A corporation doing business within this state, whether organized under the laws of this or any other state or country, when notice therefor is served upon it according to the provisions of section 442 of this title, shall produce before any court, magistrate, grand jury, tribunal or commission, acting under the authority of this state, all books, documents, correspondence, memoranda, papers and data which may contain any information concerning any suit, proceedings, action, charge or subject of inquiry pending before or to be determined by the court, magistrate, grand jury, tribunal or commission, except a civil action in a superior court ~~or the district court~~, and which have been made or kept at any time within this state, and are in the custody or control of the corporation in this state or elsewhere at the time of service of the notice upon it.

(b) When notice therefor is served upon it according to the provisions of section 442 of this title, the corporation shall produce before any court, magistrate, grand jury, tribunal or commission acting under the authority of this state, all books, documents, correspondence, memoranda, papers and data which may contain any information concerning any suit, proceedings, action, charge or subject of inquiry pending before or to be determined by the court, magistrate, grand jury, tribunal or commission, except a civil action in a superior court ~~or the district court~~, and which in any way relate to or contain entries, data or memoranda concerning any transaction within this state or with any party residing or having a place of business within this state, and which are in

the custody or control of the corporation in this state or elsewhere at the time of service of notice upon it.

Sec. 69. 12 V.S.A. § 5 is amended to read:

**§ 5. Dissemination of electronic case records**

(a) The court shall not permit public access via the Internet to criminal or family case records ~~or family court case records~~. The court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

(b) This section shall not be construed to prohibit the court from providing electronic access to:

(1) court schedules of the ~~district or family~~ superior court, or opinions of the ~~district~~ superior court; or

(2) state agencies in accordance with data dissemination contracts entered into under Rule 6 of the Vermont Rules of Electronic Access to Court Records.

Sec. 70. 12 V.S.A. § 122 is amended to read:

**§ 122. Superior judge, or superior court ~~and district court~~**

When a party violates an order made against him in a cause brought to or pending before a superior judge or a superior court ~~or the district court~~ after service of the order upon that party, contempt proceedings may be instituted against him before the court or any superior judge.

When, in a cause no longer on the docket of the court, the proceedings are brought before a superior judge, that judge shall order forthwith the cause to be brought forward on the docket of the court and may issue concurrently with the order a summons or capias against the party. The issuing of the summons or capias and any further proceedings thereon shall be minuted on the docket.

Sec. 71. 12 V.S.A. § 402 is amended to read:

**§ 402. Superior court actions, venue generally; ~~railroads~~**

(a) An action before a superior court shall be brought in the unit county in which one of the parties resides, if either resides in the state; otherwise, on motion, the complaint shall be dismissed. If neither party resides in the state, the action may be brought in any unit county.

Actions concerning real estate shall be brought in the unit county in which the lands, or some part thereof, lie.

(b) An action brought by a domestic railroad corporation to the superior court may be brought either in the unit county in which the corporation has its principal office for the transaction of business, or in the unit county in which a defendant resides. An action or suit brought to the superior court, in which the corporation is defendant, may be brought in any unit county in which a road owned or operated by the corporation is located.

Sec. 72. 12 V.S.A. § 404 is amended to read:

**§ 404. Removal to another unit county**

(a) When it appears to a presiding judge of a superior court that there is reason to believe that a civil action pending in such court cannot be impartially tried in the unit county where it is pending, on petition of either party, such judge shall order the cause removed to the superior court in another unit county for trial.

~~(b) Such petition shall be verified by affidavit and served upon the adverse party like a writ of summons, at least twelve days before the time of hearing. If the adverse party resides without the state, it may be served upon his attorney of record in the cause.~~

~~(c) When an order is made to remove a cause from one superior court to another and such order is filed with the clerk of the court in which the cause is pending, he shall forthwith transmit to the clerk of the court to which such cause is removed, the original papers with a certified copy of the docket entries therein and of the order of removal. He shall thereupon enter the same upon the~~

~~docket and further proceedings shall be had as if the cause had been originally brought to and entered in such court.~~

(d) Attachments, recognizances, bonds and orders in such cause, made before such removal, shall have the same validity as if the cause had continued in the court to which it was originally brought.

Sec. 73. 12 V.S.A. § 654(b) is amended to read:

(b) The signing of original writs is a ministerial act and may be done in advance of issuance. The signature of an attorney, except when he is the plaintiff, to a writ, pleading, notice of appeal or other form constitutes and shall be deemed security, by way of recognizance, for the issuance of such writ or the filing of such pleading, notice of appeal or other form and such attorney shall be liable to each defendant ~~in the sum of \$10.00 for writs returnable before the district court and in the sum of \$50.00 for writs returnable to a superior court.~~

Sec. 74. 12 V.S.A. § 1644 is amended to read:

**§ 1644. Witnesses may be examined separately**

On the trial of a civil cause, in its discretion, upon the application of either party, the superior court ~~or district court~~ may order the witnesses of the adverse party examined separately and apart from each other.

Sec. 75. 12 V.S.A. § 1691(a) is amended to read:

(a) In the trial of actions at law, and on motion and due notice thereof given, supreme, and ~~superior and district~~ courts may require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue or relative to the action, and if the party fails to comply with the order, the court may render judgment against such party by nonsuit or default.

Sec. 76. 12 V.S.A. § 2136 is amended to read:

**§ 2136. Costs in supreme, ~~county~~, and ~~district~~ superior courts when nominal damages are recovered**

When the plaintiff in an action in ~~district~~, superior or supreme court recovers judgment for a nominal sum for debt or damages, in its discretion, the court may make such order in respect to plaintiff's costs as is equitable, but not to exceed his taxable costs.

Sec. 77. 12 V.S.A. § 2357 is amended to read:

**§ 2357. Appeals in probate proceedings from ~~probate court~~—**Fraud, accident or mistake****

When the petitioner has been prevented from taking or entering an appeal in a probate proceeding by fraud, accident or mistake, on petition and proof thereof, the supreme or superior court in its discretion may grant leave to file a notice of appeal from an order, sentence, decree or denial of a superior probate court or from a determination of commissioners on the estate of a deceased person in those cases which are by law appealable.

Sec. 78. 12 V.S.A. § 2386 is amended to read:

**§ 2386. Passing causes before final judgment**

(a) Before final judgment in civil actions or proceedings in the superior courts, ~~the probate courts,~~ or ~~the district court~~, an appeal to the supreme court for the determination of questions of law may be taken in such manner and under such conditions as the supreme court may by rule provide.

(b) In its discretion and before final judgment a superior court ~~or the district court~~ may permit an appeal to be taken by the respondent or the state in a criminal cause to the supreme court for determination of questions of law. The supreme court shall hear and determine the questions and render final judgment thereon or remand the proceedings as justice and the state of the cause may require.

Sec. 79. 12 V.S.A. § 2551 is amended to read:

**§ 2551. Supreme court jurisdiction of probate proceedings in superior ~~and probate~~ courts**

The supreme court shall have jurisdiction of questions of law arising in the course of the proceedings of the superior ~~and probate~~ courts in probate matters, as in other causes.

Sec. 80. 12 V.S.A. § 2556(a) is amended to read:

(a) In the two following cases, an executor, administrator or creditor may appeal to the superior court from the decision and report of the commissioners, if notice of appeal is filed with the clerk of the superior court appealed to ~~and the register of the probate court~~ within thirty days after the return of the commissioner's report:

\* \* \*

Sec. 81. 12 V.S.A. § 3011 is amended to read:

**§ 3011. Actions**

Trustee process may be used in any civil action commenced in a superior court ~~or the district court~~ except in actions for malicious prosecution, libel, slander or alienation of affections.

Sec. 82. 12 V.S.A. § 3087 is amended to read:

**§ 3087. Costs--Recognizance for trustee's costs**

The plaintiff in a trustee process shall give security for costs to the trustee by way of recognizance by some person other than the plaintiff. The security shall be ~~in the sum of \$10.00 for a summons returnable before the district court and~~ in the sum of \$50.00 for a summons returnable to a superior court. If trustee process issues without a minute of the recognizance, with the name of the surety and the sum in which he is bound, signed by the clerk, thereon, the trustee shall be discharged.

Sec. 83. 12 V.S.A. § 3151 is amended to read:

**§ 3151. Mortgagor of personal property summoned as trustee of mortgage-- Trustee may file bond and sell property**

When such action is pending in the supreme, or superior, ~~or district~~ court, the trustee may sell the property and the purchaser shall hold the same released from the mortgage and attachment, if such trustee files with the clerk of such court ~~or with the judge of such district court~~:

\* \* \*

Sec. 84. 12 V.S.A. § 4251 is amended to read:

**§ 4251. Actions for accounting--Jury**

The superior courts shall have original jurisdiction, ~~exclusive of the district court~~, in actions for an accounting other than accountings involved in the administration of trusts under Title 14A.

When the defendant in such an action brought in one of the following ways pleads in defense an answer which, if true, makes him or her not liable to account, the issue thus raised may be tried to a jury:

\* \* \*

Sec. 85. 12 V.S.A. § 4711 is amended to read:

**§ 4711. Declaratory judgment; scope**

Superior courts ~~and probate courts~~ within their ~~respective~~ jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed.

An action or proceeding shall not be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect.

Such declarations shall have the force and effect of a final judgment or decree.

Sec. 86. 12 V.S.A. § 5136(c) is amended to read:

(c) The office of the court administrator shall ensure that the superior court ~~and the district court~~ have has procedures in place so that the contents of orders and pendency of other proceedings can be known to ~~both~~ all courts for cases in which an order against stalking or sexual assault proceeding is related to a criminal proceeding.

Sec. 87. 12 V.S.A. § 5702 is amended to read:

§ 5702. Jurisdiction and venue

The Vermont ~~district~~ superior court shall have exclusive jurisdiction over proceedings under this chapter, any provision of any statute, municipal charter or ordinance to the contrary notwithstanding, except as provided in chapter 24 of Title 23. Venue for adjudicating offenses prosecuted by use of the uniform snowmobile/boating complaint shall be in the unit of the ~~district~~ superior court having jurisdiction over the geographical area where the offense is alleged to have occurred.

Sec. 88. 12 V.S.A. § 5705(b) and (d) are amended to read:

(b) Three ~~district~~ superior court judges appointed by the court administrator shall establish schedules, within the limits prescribed by law, of the amounts of fines to be imposed. The court administrator shall appoint three persons who shall meet with the ~~district~~ superior judges and recommend a fine schedule. One person appointed shall be a member of the department of public safety, one shall be a delegate from the Vermont association of snow travellers and one shall be a member of the general public who has an interest in boating and boating safety.

(d) If a defendant fails to answer or appear as directed on a uniform snowmobile/boating complaint or by the ~~district~~ superior court judge, or fails to pay the fine imposed after judgment, the court may proceed under section 5704 of this title.



Sec. 89. 12 V.S.A. § 5852 is amended to read:

**§ 5852. Oaths of office; by whom administered**

When other provision is not made by law, oaths of office may be administered by any justice of the supreme court, superior judge, assistant judge, justice of the peace, ~~judge of the district court,~~ notary public or the presiding officer, secretary or clerk of either house of the general assembly or by the governor.

Sec. 90. 12 V.S.A. § 7105 is amended to read:

**§ 7105. Rules of procedure**

Windsor county court diversion in conjunction with the board, and after consultation with the youth court officers, the Windsor county state's attorney, the office of the public defender for Windsor county, and the presiding judges in the unit of the superior court that includes Windsor County ~~Windsor family and district courts~~ shall adopt rules of procedure for the youth court prior to its first hearing.

Sec. 91. 12 V.S.A. § 7109(a) is amended to read:

(a) The Windsor county youth court advisory board is created. The board shall consist of the presiding ~~family~~ superior court judge for the unit that includes in Windsor county or designee, the Windsor county state's attorney or designee, the superintendents of the Hartford, Springfield and Windsor southeast supervisory union school districts or their designees, three youth court officers, three persons to be appointed by the Vermont supreme court and the chair of the Windsor county court diversion or designee. All members of the board shall be appointed or designated by August 15, 1995, for terms expiring on June 30, 1999. The supreme court appointees shall each be licensed to practice law in this state, and at least one of the supreme court appointees shall have at least three years' experience in representing delinquent children. The members of the board shall serve on a voluntary basis without compensation.

Sec. 92. 12 V.S.A. § 7152 is amended to read:

**§ 7152. Jurisdiction**

The superior ~~probate~~ court shall have exclusive jurisdiction over all proceedings concerning the emancipation of minors.

Sec. 93. 12 V.S.A. § 7153(a) is amended to read:

(a) A minor may petition the superior ~~probate~~ court in the unit ~~probate district~~ in which the minor resides at the time of the filing for an order of emancipation. The petition shall state:

- (1) The minor's name and date of birth.
- (2) The minor's address.
- (3) The names and addresses, if known, of the minor's parents.
- (4) The names and addresses of any guardians or custodians, including the commissioner of social and rehabilitation services, appointed for the minor, if appropriate.
- (5) Specific facts in support of the emancipation criteria in section 7151(b) of this chapter.
- (6) Specific facts as to the reasons why emancipation is sought.

Sec. 94. 12 V.S.A. § 7155(d) is amended to read:

(d) Any order of guardianship or custody shall be vacated before the court may issue an order of emancipation. Other orders of the superior, family or probate court may be vacated, modified or continued in this proceeding if such action is necessary to effectuate the order of emancipation.

Child support orders relating to the support of the minor shall be vacated, except for the duty to make past-due payments for child support, which, under all circumstances, shall remain enforceable.

Sec. 95. 13 V.S.A. § 4 is amended to read:

**§ 4. Accessory before the fact**

A person who is accessory before the fact by counseling, hiring or otherwise procuring an offense to be committed may be informed against or indicted, tried, convicted and punished as if he were a principal offender in the superior court in the unit ~~county or in the district court in the territorial unit~~ where the principal might be prosecuted.

Sec. 96. 13 V.S.A. § 6 is amended to read:

**§ 6. Accessory after the fact; prosecution and venue**

Such accessory after the fact may be prosecuted, convicted, and punished whether the principal has or has not been previously convicted, or is or is not amenable to justice, in the superior court in the unit ~~county or in the district court in the territorial unit~~ where such person became an accessory or where the principal offense is committed.

Sec. 97. 13 V.S.A. § 901 is amended to read:

**§ 901. Duties of officers**

A ~~district~~ superior judge, sheriff, deputy sheriff or constable having notice or knowledge of the unlawful, tumultuous or riotous assemblage of three or more persons within his jurisdiction, among or as near as he can safely come to such rioters, shall command them in the name of the state of Vermont immediately and peaceably to disperse. If after such command such rioters do not disperse, such officer or magistrate and such other person as he commands to assist him shall apprehend and forthwith take them before a ~~district~~ superior court.

Sec. 98. 13 V.S.A. § 2502 is amended to read:

**§ 2502. Petit larceny**

~~Superior and district courts shall have concurrent jurisdiction of the~~ For offenses mentioned in section 2501 of this title where the money or other property stolen does not exceed \$900.00 in value, the court ~~and~~ may sentence the person convicted to imprisonment for not more than one year or to pay a fine of not more than \$1,000.00, or both.

Sec. 99. 13 V.S.A. § 2561(c) is amended to read:

(c) A buyer, receiver, seller, possessor or concealer under subsection (a) or (b) of this section may be prosecuted and punished in the superior court in the unit county ~~or in the district court in the territorial unit~~ where the person stealing the property might be prosecuted, although such property is bought, received or concealed in another county or territorial unit.

Sec. 100. 13 V.S.A. § 3011 is amended to read:

**13 § 3011. Officers in charge of jury**

An officer, sworn to take charge of a jury impaneled by the superior ~~or district~~ court for the trial of a cause, who, after they have been charged by the court, suffers a person to speak to them upon matters submitted to their charge, or speaks to them himself about the same, except to ask if they are agreed upon a verdict, before they deliver their verdict in court, or are discharged, shall be fined not more than \$500.00. The constable or other person having charge of a jury impaneled by a justice, who in like manner offends, shall be fined not more than \$200.00.

Sec. 101. 13 V.S.A. § 3256(a) is amended to read:

(a) The victim of an offense involving a sexual act may obtain an order from the superior ~~district~~ ~~or family~~ court in which the offender was convicted of the offense, or was adjudicated delinquent,

requiring that the offender be tested for the presence of the etiologic agent for acquired immune deficiency syndrome (AIDS) and other sexually-transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis. If requested by the victim, the state's attorney shall petition the court on behalf of the victim for an order under this section. For the purposes of this section, "offender" includes a juvenile adjudicated a delinquent.

Sec. 102. 13 V.S.A. § 4601 is amended to read:

**§ 4601. General rule**

When not otherwise provided, criminal causes shall be tried in the superior court in the unit ~~county, or in the district court in the territorial unit,~~ where an offense within the jurisdiction of such court is committed.

Sec. 103. 13 V.S.A. § 4631 is amended to read:

**§ 4631. Authority**

The supreme court may by rule provide for change of venue in criminal prosecutions ~~in the superior and district courts~~ upon motion, for the prevention of prejudice to the defendant or for the convenience of parties and witnesses and in the interests of justice. The court to which a prosecution is transferred shall thereby have jurisdiction of the cause and the same proceedings shall be had therein as though venue had not been changed ~~such court were in the county or territorial unit in which the offense was committed.~~

Sec. 104. 13 V.S.A. § 4635 is amended to read:

**§ 4635. Order for removal of defendant**

When a motion for change of venue has been granted and the defendant is in custody, the judge granting the motion shall issue an order in writing to the officer having the defendant in custody,

commanding him to deliver the defendant to the keeper of the jail serving the ~~county or territorial~~  
unit ~~of the district court~~ in which the further proceedings are ~~trial is~~ ordered to be had.

Sec. 105. 13 V.S.A. § 4638 is amended to read:

**§ 4638. Which state's attorney to prosecute**

The state's attorney of the county in which the respondent is informed or complained against or indicted shall appear in behalf of the state ~~at the trial of the respondent~~ in the court to which the case ~~trial~~ is removed, and in proceedings relating thereto he shall have the same powers and be subject to the same duties and liabilities as though the trial were had in the county for which he is such attorney.

Sec. 106. 13 V.S.A. § 4903 is amended to read:

**§ 4903. Transporting prisoner through state**

Whenever an offender is apprehended in a neighboring state, and it may be necessary to transport him through this state to the place where the offense was committed, the superior court, a presiding judge thereof, or a superior judge ~~or a judge of a district court~~ upon application and proof that lawful process has issued against such offender, shall issue a warrant under his hand and seal, directed to a sheriff or his deputy, or to a person by name who shall be sworn to the faithful performance of his duty, authorizing such conveyance.

Sec. 107. 13 V.S.A. § 4953 is amended to read:

**§ 4953. Arrest prior to requisition**

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state, and, except in cases arising under section 4946 of this title, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having

broken the terms of his bail, probation or parole, or whenever complaint shall have been before a superior judge, ~~assistant judge of the superior court, or judge of a district court~~ within this state, setting forth on the affidavit of a credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of a crime, and, except in cases arising under section 4946, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to have been found in this state, such judge shall issue a warrant directed to any sheriff or constable directing him to apprehend the person charged, wherever he may be found in this state, and bring him before the same or any other superior judge, ~~assistant judge of the superior court or judge of a district court~~ who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Sec. 108. 13 V.S.A. § 4954 is amended to read:

**§ 4954. Arrest without a warrant**

The arrest of a person may be lawfully made by an officer or a private citizen without a warrant upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one year. When so arrested, the accused shall be taken before a superior judge, ~~assistant judge of the superior court, or judge of a district court~~ as soon as may be and complaint shall be made against him under oath setting forth the ground for the arrest as in section 4953 of this title; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Sec. 109. 13 V.S.A. § 5043 is amended to read:

**§ 5043. Hearing, commitment, discharge**

If an arrest is made in this state by an officer of another state in accordance with the provisions of section 5042 of this title, he shall without unnecessary delay take the person arrested before a superior judge, ~~assistant judge of the superior court, or a judge of a district court~~ of the unit ~~county~~ in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If such judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit such person to bail pending the issuance of such warrant. If such judge determines that the arrest was unlawful, he shall discharge the person arrested.

Sec. 110. 13 V.S.A. § 5131 is amended to read:

**§ 5131. Application for inquest**

Upon the written application of the state's attorney a judge of the superior court, ~~or of a district court~~, may institute and conduct an inquest upon any criminal matter under investigation by the state's attorney.

Sec. 111. 13 V.S.A. § 6642 is amended to read:

**§ 6642. Summoning witnesses in this state to testify in another state**

If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in an action in this state, certifies under the seal of such court that there is such action pending in such court, that a person being within this state is a material witness in such action, and that his presence will be required for a specified number of days, upon presentation of such certificate to any superior judge ~~or a judge of a district court~~ in the unit ~~county~~ in which such person is, such judge shall fix a time and place for a hearing in such county and shall notify the witness thereof by an order stating the purpose of the hearing and directing him to appear therefor at a time and place certain.



Sec. 112. 13 V.S.A. § 6646 is amended to read:

**§ 6646. Witness from another state summoned to testify in this state**

If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in an action in this state, is a material witness in such action pending in a court of record in this state, a superior judge ~~or a judge of a district court~~ may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Such certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. Such certificate shall be presented to a judge of a court of record of the state in which the witness is found.

Sec. 113. 13 V.S.A. § 7004 is amended to read:

**§ 7004. Record of convictions; report to commissioner of public safety**

In all cases of felony or misdemeanor in which a conviction or plea of guilty is had in their respective courts, clerks of superior ~~and district~~ courts shall forthwith forward to the commissioner of public safety, on quadruplicate forms to be furnished by him, for file in the identification and records division of the department of public safety, a certified report of such conviction, together with the sentence and such other facts as may be required by the commissioner. A fee of fifty cents for such certified report shall be allowed by the commissioner of finance and management in settlement of the accounts of such courts.

Sec. 114. 13 V.S.A. § 7034 is amended to read:

**§ 7034. Commitment for different offenses on one mittimus; when appeals from several justice's judgments are not entered**

If such person appeals to the ~~county or district~~ superior court from two or more judgments by the same justice at different times, and fails to enter his appeals within the time required, the justice

may issue a single mittimus to carry his judgments into effect, as provided in section 7033 of this title, and the twenty-four hours shall commence from the time of signing the mittimus, and such time shall be indorsed thereon.

Sec. 115. 13 V.S.A. § 7043(i) is amended to read:

“(i) The restitution unit may bring an action to enforce a restitution order against an offender in the superior ~~or small claims~~ court of the unit ~~county~~ where the offender resides or in the unit ~~county~~ where the order was issued. In an action under this subsection, a restitution order issued by the ~~district~~ superior court shall be enforceable in superior ~~or small claims~~ court in the same manner as a civil judgment. Superior ~~and small claims~~ court filing fees shall be waived for an action under this subsection, and for an action to renew a restitution judgment.”

Sec. 116. 13 V.S.A. § 7178 is amended to read:

**§ 7178. Suspension of fines**

A superior ~~or district~~ court judge, in his discretion, may suspend all or any part of the fine assessed against a respondent.

Sec. 117. 13 V.S.A. § 7401 is amended to read:

**§ 7401. Appeal**

In criminal actions or proceedings in the superior courts ~~or the district court~~, the defendant may appeal to the supreme court as of right all questions of law involved in any judgment of conviction and in any other order or judgment as to which the state has appealed, provided that if the state fails to perfect or prosecute such appeal, the appeal of the defendant shall not be heard.

Sec. 118. 13 V.S.A. § 7403 is amended to read:

**§ 7403. Appeal by the state**

(a) In a prosecution for a misdemeanor, questions of law decided against the state by a superior ~~or district~~ court shall be allowed and placed upon the record before final judgment. The court may pass the same to the supreme court before final judgment. The supreme court shall hear and determine the questions and render final judgment thereon, or remand the cause to such superior ~~or district~~ court for further trial or other proceedings, as justice and the state of the cause may require.

(b) In a prosecution for a felony, the state shall be allowed to appeal to the supreme court any decision, judgment or order of a ~~district or~~ superior court dismissing an indictment or information as to one or more counts.

(c) In a prosecution for a felony, the state shall be allowed to appeal to the supreme court from a decision or order of a ~~district or~~ superior court:

\* \* \*

Sec. 119. 13 V.S.A. § 7554(d) and (f) are amended to read:

(d)(1) A person for whom conditions of release are imposed and who is detained as a result of his or her inability to meet the conditions of release or who is ordered released on a condition that he or she return to custody after specified hours shall, within 48 hours of application, be entitled to have the conditions reviewed by a judge in the court having original jurisdiction over the offense charged. A person applying for review shall be given the opportunity for a hearing. Unless the conditions of release are amended as requested, the judge shall set forth in writing or orally on the record a reasonable basis for continuing the conditions imposed. In the event that a judge in the court having original jurisdiction over the offense charged is not available, any ~~district or~~ superior judge may review such conditions.

(2) A person for whom conditions of release are imposed shall, within five working days of application, be entitled to have the conditions reviewed by a judge in the court having original jurisdiction over the offense charged. A person applying for review shall be given the opportunity

for a hearing. Unless the conditions of release are amended as requested, the judge shall set forth in writing or orally on the record a reasonable basis for continuing the conditions imposed. In the event that a judge in the court having original jurisdiction over the offense charged is not available, any ~~district or~~ superior judge may review such conditions.

(f) The term "judicial officer" as used in this section and section 7556 of this title shall mean a clerk of a superior ~~or district~~ court or a superior ~~or district~~ court judge.

Sec. 120. 13 V.S.A. § 7560a(a) is amended to read:

(a) If a person who has been released on a secured or unsecured appearance bond or a surety bond fails to appear in court as required:

(1) The court may:

(A) issue a warrant for the arrest of the person; and

(B) upon hearing and notice thereof to the bailor or surety, forfeit any bail posted on the person.

(2)(A) The state's attorney may file a motion to forfeit the amount of the bond against the surety in the superior ~~or district~~ court where the bond was executed.

(B) A motion filed under this subdivision shall:

(i) include a copy of the bond;

(ii) state the facts upon which the motion is based; and

(iii) be served upon the surety.

Sec. 121. 14 V.S.A. § 101 is amended to read:

**§ 101. Will not effective until allowed**

A will shall not pass either real or personal estate unless it is proved and allowed in the superior ~~probate~~ court, or by appeal in the superior ~~or supreme~~ court.

Sec. 122. 14 V.S.A. § 203 is amended to read:

**§ 203. Probate proceedings ~~within the exclusive jurisdiction of probate court~~; service;  
jurisdiction over persons**

In probate proceedings ~~within the exclusive jurisdiction of the probate court~~ where notice is required, interested persons may be bound by the orders of the court in respect to property in or subject to the laws of this state by notice in conformity with law or the rules of probate procedure. An order is binding as to all who are given notice of the proceeding though less than all interested persons are notified.

Sec. 123. 14 V.S.A. § 1728 is amended to read:

**§ 1728. Court to determine questions of advancement**

Questions as to an advancement made, or alleged to have been made by the deceased to an heir, may be heard and determined by the ~~probate~~ superior court and shall be specified in the decree assigning the estate. The final decree of the ~~probate superior~~ court, or of the ~~superior or supreme~~ court on appeal, shall be binding on the persons interested in the estate.

Sec. 124. 14 V.S.A. § 2664 is amended to read:

**§ 2664. Creation of permanent guardianship**

(a) The ~~superior family~~ court may establish a permanent guardianship at a permanency planning hearing or at any other hearing in which a permanent legal disposition of the child can be made, including a child protection proceeding pursuant to 33 V.S.A. § 5528, or a delinquency proceeding pursuant to 33 V.S.A. § 5529. The court shall also issue an order permitting or denying visitation, contact or information with the parent at the same time the order of permanent guardianship is issued. Before issuing an order for permanent guardianship, the court shall find by clear and convincing evidence all of the following:

\* \* \*

~~(c) After the family court issues a final order establishing permanent guardianship, the case shall be transferred to the appropriate probate court in the district in which the permanent guardian resides. Jurisdiction shall continue to lie in the probate court. Appeal of any decision by the probate court shall be de novo to the family court.~~

Sec. 125. 14 V.S.A. § 2927 is amended to read:

**§ 2927. Remedy, after guardian's discharge, reexamination of accounts**

After the trust of a guardian is terminated, if the ward or the ward's legal representatives are dissatisfied with the account as allowed by the ~~probate~~ superior court during the continuance of the trust, within two years, and if the ward or the legal representatives do not at the time of the termination of the trust reside in this state, within four years thereafter, they may file a motion to reopen the estate for a reexamination of the account. After notice as provided by the rules of probate procedure, the court shall reexamine accounts previously allowed. A party may appeal from the decision of the superior ~~probate~~ court to the supreme ~~superior~~ court. The final allowance of accounts in these proceedings shall be conclusive between the parties.

Sec. 126. 14 V.S.A. § 3062 is amended to read:

**§ 3062. Jurisdiction; review of guardian's actions**

(a) The ~~probate~~ superior court shall have exclusive original jurisdiction over all proceedings brought under the authority of this chapter or pursuant to section 9718 of Title 18.

(b) The ~~probate~~ superior court shall have supervisory authority over guardians. Any interested person may seek review of a guardian's proposed or past actions by filing a motion with the court.

Sec. 127. 15 V.S.A. § 658(d) and (e) are amended to read:

(d) The ~~family~~ superior court judge or magistrate may order a parent who is in default of a child support order, to participate in employment, educational, or training related activities if the court finds that participation in such activities would assist in addressing the causes of the default. The court may also order the parent to participate in substance abuse or other counseling if the court finds that such counseling may assist the parent to achieve stable employment. Activities ordered under this section shall not be inconsistent with any requirements of a state or federal program in which the parent is participating. For the purpose of this subsection, "employment, educational, or training related activities" shall mean:

\* \* \*

(e) A consent to the adoption of a child or the relinquishment of a child, for the purpose of adoption, covered by a child support order shall terminate an obligor's duty to provide future support for the adopted child without further order of the ~~family~~ court. Unpaid support installments accrued prior to adoption are not discharged and are subject to the jurisdiction of the ~~family~~ court. In a case involving a child covered by a Vermont child support order, the ~~probate~~ court shall also file the consent or relinquishment in the case in which ~~with the family court that issued the support order~~ was issued and shall notify the office of child support of any order terminating parental rights and of the final adoption decree. Upon receipt of the consent or relinquishment the office of child support shall terminate the obligor's duty to provide further support.

Sec. 128. 15 V.S.A. § 1011(a) is amended to read:

(a) A superior, or juvenile ~~or probate~~ court which has considered or is considering the custody or visitation of a minor child may award visitation rights to a grandparent of the child, upon written request of the grandparent filed with the court, if the court finds that to do so would be in the best interest of the child.

Sec. 129. 15 V.S.A. § 1101 is amended to read:

**§ 1101. Definitions**

The following words as used in this chapter shall have the following meanings:

\* \* \*

(3) A "foreign abuse prevention order" means any protection order issued by the court of any other state that contains provisions similar to relief provisions authorized under this chapter, the Vermont Rules for Family Court Proceedings ~~Rules~~, chapter 69 of Title 33, or chapter 178 of Title 12.

Sec. 130. 15 V.S.A. § 1102 is amended to read:

**§ 1102. Jurisdiction and venue**

(a) The superior ~~family~~ court shall have jurisdiction over proceedings under this chapter.

(b) Emergency orders under section 1104 of this title may be issued by a judge of the ~~district,~~ superior ~~or family~~ court.

\* \* \*

Sec. 131. 15 V.S.A. § 1106 is amended to read:

**§ 1106. Procedure**

(a) Except as otherwise specified in this chapter, proceedings commenced under this chapter shall be in accordance with the Vermont Rules for Family Proceedings ~~family court rules~~ and shall be in addition to any other available civil or criminal remedies.

(b) The court administrator shall establish procedures to insure access to relief after regular court hours, or on weekends and holidays. The court administrator is authorized to contract with public or private agencies to assist plaintiffs to seek relief and to gain access to ~~district,~~ superior ~~and family~~ courts. Law enforcement agencies shall assist in carrying out the intent of this section.



(c) The office of the court administrator shall ensure that the superior family court and the district court ~~has have~~ procedures in place so that the contents of orders and pendency of other proceedings can be known to all both courts for cases in which an abuse prevention proceeding is related to a criminal proceeding.

Sec. 132. 15A V.S.A. § 6-102(c) is amended to read:

(c) Within 30 days after a decree of adoption becomes final, the clerk register of the superior probate court or the clerk of the family court shall send to the registry a copy of any document signed pursuant to section 2-105 of this title.

Sec. 133. 17 V.S.A. § 2103 is amended to read:

**§ 2103. Definitions**

As used in this title, unless the context or a specific definition requires a different reading:

\* \* \*

(10) "County officer" means ~~judge of probate~~, assistant judge of the superior court, state's attorney, sheriff, high bailiff, and justice of the peace.

\* \* \*

(43) "Probate district clerk" means, in each probate district, the clerk of the county having the largest population in the district. Each probate district is defined in 4 V.S.A. §271.

Sec. 134. 17 V.S.A. § 2323 is amended to read:

**§ 2323. Probate district committee**

The "probate district committee" of a party shall consist of those members of ~~the~~ each county committee residing in a probate district. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. The chair of the county committee in the county having the largest population within the district may

call the first meeting by giving at least five days' written notice to all other members; thereafter the committee shall meet at the call of the probate district chair.

Sec. 135. 17 V.S.A. § 2355 is amended to read:

**§ 2355. Number of signatures required**

The number of signatures on primary petitions shall be not less than:

- (1) For state and congressional officers, five hundred;
- (2) For county officers, probate judges or state senator, one hundred;
- (3) For representative to the general assembly, fifty.

Sec. 136. 17 V.S.A. § 2357(a) is amended to read:

(a) Primary petitions and consent forms shall be filed as follows:

- (1) For state and congressional officers, with the secretary of state;
- (2) For county officers with the county clerk;
- (3) For probate judge, with the probate district clerk;
- ~~(4) (3)~~ For state senator, with the senatorial district clerk;
- ~~(5) (4)~~ For representative to the general assembly, with the representative district clerk.

Sec. 137. 17 V.S.A. § 2368 is amended to read:

**§ 2368. Canvassing committee meetings**

After the primary election is conducted, the canvassing committee for state and national offices and statewide public questions shall meet at 10 a.m. one week after the day of the election. The canvassing committee for county offices, probate judge and countywide public questions and state senator shall meet at 10 a.m. on the third day following the election. The canvassing committees for local offices and local public questions, including state representative, shall meet at 10 a.m. on the day after the election, except that in the case of canvassing committees for state

representative in multi-town representative districts, the committees shall meet at 10 a.m. on the third day after the election.

Sec. 138. 17 V.S.A. § 2382 is amended to read:

**§ 2382. Which committee to nominate**

Nominations of party candidates pursuant to this subchapter shall be made by the following political committee of the party:

- (1) By the state committee in the case of state or congressional officers;
- (2) By the county committee in the case of county officers;
- (3) By the probate district committee in the case of probate judges;
- (4) ~~(3)~~ By the senatorial district committee in the case of the office of state senator;
- (5) ~~(4)~~ By the representative district committee in the case of the office of representative to the general assembly;
- (6) ~~(5)~~ By the town committee in the case of the office of justice of the peace.

Sec. 139. 17 V.S.A. § 2402(b) is amended to read:

- (b) To constitute a valid nomination, a statement shall contain signatures of voters qualified to vote in an election for the office in question, equal in number to at least:
- (1) For presidential and vice presidential offices, 1,000;
  - (2) For state and congressional offices, 500;
  - (3) For county officers, probate judges, or state senators, 100;
  - (4) For representative to the general assembly, 50;
  - (5) For justice of the peace, 30 or one percent of the legal voters of the municipality, whichever is less.

Signatures need not all be contained on one paper.

Sec. 140. 17 V.S.A. § 2592 is amended to read:

**§ 2592. Canvassing committees; canvass of votes in general or special elections**

\* \* \*

(c) For probate judge, the probate district clerk and the county chair of each major party in the county having the largest population within the district (or designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.

(d) ~~(e)~~ For state senator, the senatorial district clerk and the chair of the county committee of each major political party (or designee) in the county for which the senatorial district clerk is clerk shall constitute a canvassing committee to receive and tally returns and issue certificates.

(e) ~~(d)~~ For state representative, the representative district clerk and one other election official from the district shall serve as a canvassing committee to receive and, if necessary, tally returns and issue certificates.

(f) ~~(e)~~ In the case of the canvassing committees in subsections (b) through ~~and~~ (d) ~~(e)~~ of this section, if there is no party organization or party chair in the county, the state committee chairman may designate a person to serve on the appropriate canvassing committee.

(g) ~~(f)~~ In the case of primary elections, the canvass of votes shall be made as provided in subchapter 1 of chapter 49 of this title.

(h) ~~(g)~~ In the case of general or special elections, each canvassing committee shall meet at 10:00 a.m. one week after the day of the election and proceed to canvass the votes as provided in subsections (i) ~~(h)~~ through (n) ~~(m)~~ of this section. The canvassing committee may recess from time to time until it has completed its work.

(i) ~~(h)~~ ~~(1)~~ The canvassing committee shall declare the person receiving the largest number of votes for each office to be elected, and it shall issue a certificate of election, signed by a majority of the canvassing committee, in substantially the following form:

State of Vermont )

) s.s.

..... County )

At ....., on the ..... day of ..... 20 ....., a canvassing committee appointed by law completed a canvass of the returns cast at a general election held on the ..... day of ....., 20 ..... for the office of ..... The committee hereby certifies that ..... of ..... was duly elected to the office by the voters present and voting.

.....  
.....

(2) The committee shall send or deliver the certificate to the candidate elected. In the case of representatives to the general assembly, the committee shall also send or deliver a copy of each certificate to the secretary of state.

(j) ~~(i)~~ In the case of justices of the peace, the town clerk shall send or deliver a certificate signed by the town clerk and one other election official to each candidate elected. The secretary of state shall provide certificate forms for this purpose. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and shall notify the secretary of state of any changes in the list as filed.

(k) ~~(j)~~ The certificate shall be a sufficient credential of such person's election, unless superseded by a court order as provided by subchapter 9 of this chapter.

(l) ~~(k)~~ In the case of the offices of governor, lieutenant governor, treasurer, secretary of state, attorney general, and auditor of accounts, the canvassing committee shall prepare a certificate of election but shall not sign it. The prepared certificate shall be presented to the official canvassing committee appointed by the general assembly, pursuant to chapter II, section 47 of the Vermont constitution, for their use if they desire.

(m) ~~(l)~~ In the case of a tie vote, the canvassing committee shall forthwith petition the appropriate superior court for a recount pursuant to section 2602 of this title.

(n) ~~(m)~~ Each canvassing committee shall file a report of its findings with the secretary of state, who shall preserve the reports as permanent records.

Sec. 141. 17 V.S.A. § 2602(b) is amended to read:

(b) In the case of recounts other than specified in subsection (a) of this section, the following procedure shall apply. A petition for a recount shall be filed within 10 days after the election. The petition shall be filed with the superior court, Washington County, in the case of candidates for state or congressional office, or for a presidential election; the petition shall be filed with the superior court in the county with the largest population ~~in any county~~ in which votes were cast for the office to be recounted, in the case of any other office. The petition shall be supported, if possible, by a certified copy of the certificate of election prepared by the canvassing committee, verifying the total number of votes cast and the number of votes cast for each candidate.

Sec. 142. 17 V.S.A. § 2603(c) is amended to read:

(c) The complaint shall be filed within 15 days after the election in question, or if there is a recount, within 10 days after the court issues its judgment on the recount. In the case of candidates for state or congressional office, for a presidential election, or for a statewide public question, the complaint shall be filed with the superior court, Washington county. In the case of any other candidate or public question, the complaint shall be filed with the superior court in the county with the largest population ~~in any county~~ in which votes were cast for the office or question being challenged.

Sec. 143. 17 V.S.A. § 2805a(a) is amended to read:

**§ 2805a. Campaign expenditure limitations; amounts**

(a) The following campaign expenditure limitations shall apply to all candidates, for all primary, general, and local elections, whether or not a candidate accepts Vermont campaign finance grants under subchapter 6 of this chapter, is financing his or her campaign from private contributions, or from the candidate's own resources or that of his or her immediate family.

\* \* \*

(4) A candidate for state senator, probate judge, or county office shall limit campaign expenditures to no more than \$4,000.00 plus, in the case of state senator, an additional \$2,500.00 for each additional seat in the senate district, in any two-year general election cycle.

\* \* \*

Sec. 144. 17 V.S.A. § 2821 is amended to read:

**§ 2821. Campaign reports; county office and probate judge candidates**

(a) Each candidate for county office or probate judge who has made expenditures or accepted contributions of \$500.00 or more shall file campaign finance reports with the officer with whom his or her nomination papers are filed as follows:

- (1) 10 days before the primary election;
- (2) 10 days before the general election;
- (3) further campaign reports shall be filed on the 15th day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(b) Within 40 days after the general election, each candidate for county office or probate judge who has made expenditures or accepted contributions of \$500.00 or more shall file a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his or her campaign activities.

(c) Copies of reports filed under this section shall be forwarded by the officer to the secretary of state within five days of receipt.

Sec. 145. 18 V.S.A. § 1055 is amended to read:

**§ 1055. Tuberculosis--Compulsory examinations**

When the commissioner of health has reasonable cause to believe that any person has tuberculosis in an active stage or in a communicable form, he may request the person to undergo an examination at a clinic or hospital approved by the secretary of the agency of human services for that purpose at the expense of the state by a physician qualified in chest diseases. If the person refuses the examination, the commissioner may petition the ~~district~~ superior court for the unit ~~district~~ where the person resides for an order requiring the person to submit to examination. When the court finds that there is reasonable cause to believe that the person has tuberculosis in an active stage or in a communicable form, it may order the person to be examined.

Sec. 146. 18 V.S.A. § 4053(b) is amended to read:

(b) In addition to the other remedies provided in this chapter, the board is hereby authorized through the attorney general or state's attorneys to any superior-~~or district~~ court to apply for, and the court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter, irrespective of whether or not there exists an adequate remedy at law.

Sec. 147. 18 V.S.A. § 4055(b) is amended to read:

(b) When an article detained or embargoed under subsection (a) has been found by the agent to be adulterated, or misbranded, he shall petition the presiding judge of the superior court ~~or district court~~ in whose jurisdiction the article is detained or embargoed, for a libel for condemnation of the article. When the agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking.

Sec. 148. 18 V.S.A. § 5144(a) is amended to read:

(a) Marriages may be solemnized by a supreme court justice, a superior court judge, a ~~district judge~~, a judge of probate, an assistant judge, a justice of the peace, an individual who has



registered as an officiant with the Vermont secretary of state pursuant to section 5144a of this title, a member of the clergy residing in this state and ordained or licensed, or otherwise regularly authorized thereunto by the published laws or discipline of the general conference, convention, or other authority of his or her faith or denomination, or by such a clergy person residing in an adjoining state or country, whose parish, church, temple, mosque, or other religious organization lies wholly or in part in this state, or by a member of the clergy residing in some other state of the United States or in the Dominion of Canada, provided he or she has first secured from the superior probate court of the unit district within which the marriage is to be solemnized a special authorization, authorizing him or her to certify the marriage if such probate judge determines that the circumstances make the special authorization desirable. Marriage among the Friends or Quakers, the Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the manner heretofore used in such societies.

Sec. 149. 18 V.S.A. § 5231(a) and (f) are amended to read:

(a) Any individual who is a near relative of the decedent or the custodian of the decedent's remains may file an action in probate superior court requesting the court to appoint an individual to make decisions regarding the disposition of the decedent's remains or to resolve a dispute regarding the appropriate disposition of remains, including any decisions regarding funeral goods and services. The court or the individual filing the action may move to join any necessary person under the jurisdiction of the court as a party. The agency of human services may also be joined as a party if it is suggested on the record that there will be insufficient financial resources to pay for funeral goods and services.

(f) No appeal of right exists to the supreme court. On motion made to the supreme court by a party to the action, the supreme court may allow an appeal from the superior court. ~~Any appeal from the probate court shall be on the record to the superior court. There shall be no appeal as a matter of right to the supreme court.~~

Sec. 150. 18 V.S.A. § 5531(c) is amended to read:

(c) The superior ~~probate~~ court shall have jurisdiction to determine all questions arising under the provisions of this section.

Sec. 151. 18 V.S.A. § 7106 is amended to read:

**§ 7106. Notice of hospitalization and discharge**

Whenever a patient has been admitted to a hospital or training school other than upon his own application, the head of the hospital or school shall immediately notify the patient's legal guardian, spouse, parent or parents, or nearest known relative or interested party, if known. If the involuntary hospitalization or admission was without court order notice shall also be given to the ~~district~~ superior court judge for the ~~district~~ unit wherein the hospital is located. If the hospitalization or admission was by order of any court, the head of the hospital or training school admitting or discharging an individual shall forthwith make a report thereof to the commissioner and to the court which entered the order for hospitalization or admission.

Sec. 152. 18 V.S.A. § 8010(b) is amended to read:

(b) In that event and if the head of the hospital determines that the patient is a patient in need of further treatment, the head of the hospital may detain the patient for a period not to exceed four days from receipt of the notice to leave. Before expiration of the four-day period the head of the hospital shall either release the patient or apply to the ~~district~~ superior court in the ~~district~~ unit in which the hospital is located for the involuntary admission of the patient. The patient shall remain in the hospital pending the court's determination of the case.

Sec. 153. 18 V.S.A. § 8845(a) and (b) are amended to read:

(a) A person committed under this subchapter may be discharged from custody by a ~~district~~ superior judge after judicial review as provided herein or by administrative order of the commissioner.

(b) Procedures for judicial review of persons committed under this subchapter shall be as provided in section 8834 of this title except that proceedings shall be brought in the ~~district~~ superior court in which the person resides or, if the person resides out of state, in the unit which issued the original commitment order.

Sec. 154. 18 V.S.A. § 9052 is amended to read:

**§ 9052. Transfer of patients**

The compact administrator shall consult with the immediate family of any person whom he proposes to transfer from a state institution to an institution in another state which is a party to this compact and shall take final action as to the transfer of such person only with the approval of the ~~district~~ superior court of the ~~district~~ unit of original commitment.

Sec. 155. 18 V.S.A. § 9303 is amended to read:

**§ 9303. Jurisdiction and venue**

(a) The ~~superior family~~ court shall have exclusive jurisdiction over all proceedings brought under the authority of this chapter. Proceedings under this chapter shall be commenced in the superior ~~family~~ court for the unit ~~county~~ in which the person with developmental disabilities is residing.

~~(b)(1) The probate court shall have concurrent jurisdiction to appoint the commissioner to serve as a temporary guardian for a person in need of guardianship when:~~

~~(A) a petition has been filed pursuant to section 3063 of Title 14;~~

~~(B) the probate court finds that the respondent is a person in need of guardianship as defined in subdivision 9302(5) of this title; and~~156.

~~(C) no suitable private guardian can be located.~~

~~(2) Within 60 days after appointment as a temporary guardian, the commissioner shall file a petition in family court for appointment under this chapter and for modification or termination of the probate court order.~~

Sec. 157. 18 V.S.A. § 9316(a) and (b) are amended to read:

(a) The commissioner shall provide guardianship services in accordance with the order of the ~~probate or family~~ superior court until termination or modification thereof by the court.

(b) The commissioner, the person with developmental disabilities or any interested person may petition the ~~appointing court or the family~~ superior court for the unit ~~district~~ where the person resides to modify or terminate the judgment pursuant to which the commissioner is providing guardianship. The petitioner, or the commissioner as petitioner, and the respondent shall be the parties to a petition to modify or terminate guardianship.

Sec. 158. 20 V.S.A. § 26 is amended to read:

**§ 26. Change of venue because of enemy attack**

In the event that the place where a civil action or a criminal prosecution is required by law to be brought, has become and remains unsafe because of an attack upon the United States or Canada, such action or prosecution may be brought in or, if already pending, may be transferred to the ~~superior or district court as appropriate in an unaffected county or territorial~~ unit and there tried in the place provided by law for such court.

Sec. 159. 20 V.S.A. § 1882 is amended to read:

**§ 1882. Subpoenas**

In connection with any investigation into the internal affairs of the department, the commissioner may request subpoenas for the testimony of witnesses or the production of evidence. The fees for travel and attendance of witnesses shall be the same as for witnesses and officers before a ~~district~~

superior court. The fees in connection with subpoenas issued on behalf of the commissioner or the department shall be paid by the state, upon presentation of proper bills of costs to the commissioner. Notwithstanding 3 V.S.A. §§ 809a and 809b, subpoenas requested by the commissioner shall be issued and enforced by the ~~district~~ superior court of the ~~district~~ unit in which the person subpoenaed resides in accordance with the Vermont ~~District Court Civil~~ Rules of Civil Procedure.

Sec. 160. 20 V.S.A. § 1935 is amended to read:

**§ 1935. Procedure if person refuses to give sample**

(a) If a person who is required to provide a DNA sample under this subchapter refuses to provide the sample, the commissioner of the department of corrections or public safety shall file a motion in the ~~district~~ superior court for an order requiring the person to provide the sample.

\* \* \*

(f) Venue for proceedings under this section shall be in the territorial unit of the ~~district~~ superior court where the conviction occurred. Hearings under this section shall be conducted by the superior ~~district~~ court without a jury and shall be subject to the ~~District Court~~ Vermont Rules of Civil Procedure Rules as consistent with this section. The state has the burden of proof by a preponderance of the evidence. Affidavits of witnesses shall be admissible evidence which may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five days prior to the hearing.

(g) A decision of the ~~district~~ superior court under this section may be appealed as a matter of right to the supreme court. The court's order shall not be stayed pending appeal unless the respondent is reasonably likely to prevail on appeal.

Sec. 161. 20 V.S.A. § 2056 is amended to read:

§ 2056. Certified records

Upon the request of a superior or ~~district court~~ judge, the attorney general or a state's attorney, the center shall prepare the record of arrests, convictions or sentences of a person. The record, when duly certified by the commissioner of public safety or the director of the center, shall be competent evidence in the courts of this state. Such other information as is contained in the center may be made public only with the express approval of the commissioner of public safety.

Sec. 162. 23 V.S.A. § 1205 is amended to read:

**§ 1205. Civil suspension; summary procedure**

\* \* \*

(d) Form of notice. The notice of intention to suspend and of suspension shall be in a form prescribed by the supreme court. The notice shall include an explanation of rights, a form to be used to request a hearing, and, if a hearing is requested, the date, time and location of the ~~district~~ superior court where the person must appear for a preliminary hearing. The notice shall also contain, in boldface print, the following:

\* \* \*

(3) If you wish to request a hearing before the ~~district~~ superior court, you must mail or deliver your request for a hearing within seven (7) days after (date of notice).

\* \* \*

(f) Review by ~~district~~ superior court. Within seven days following receipt of a notice of intention to suspend and of suspension, a person may make a request for a hearing before the ~~district~~ superior court by mailing or delivering the form provided with the notice. The request shall be mailed or delivered to the commissioner of motor vehicles who shall then notify the ~~district~~ superior court that a hearing has been requested and who shall then provide the state's attorney with a copy of the notice of intention to suspend and of suspension and the officer's affidavit.

\* \* \*

(h) Final hearing. If the defendant requests a hearing on the merits, the court shall schedule a final hearing on the merits to be held within 21 days of the date of the preliminary hearing. In no event may a final hearing occur more than 42 days after the date of the alleged offense without the consent of the defendant or for good cause shown. The final hearing may only be continued by the consent of the defendant or for good cause shown. The issues at the final hearing shall be limited to the following:

\* \* \*

No less than seven days before the final hearing, and subject to the requirements of ~~District Court~~ Vermont Rule of Civil Procedure Rule 11, the defendant shall provide to the state and file with the court a list of the issues (limited to the issues set forth in this subsection) that the defendant intends to raise. Only evidence that is relevant to an issue listed by the defendant may be raised by the defendant at the final hearing. The defendant shall not be permitted to raise any other evidence at the final hearing, and all other evidence shall be inadmissible.

\* \* \*

(j) Venue and conduct of hearings. Venue for proceedings under this section shall be in the territorial unit of the ~~district~~ superior court where the offense is alleged to have occurred. Hearings under this section shall be summary proceedings conducted by the ~~district~~ superior court without a jury and shall be subject to the Vermont Rules of ~~District Court~~ Civil Procedure Rules only as consistent with this section. The state has the burden of proof by a preponderance of the evidence. Affidavits of law enforcement officers, chemists of either party, or expert witnesses of either party shall be admissible evidence which may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five days prior to the hearing.

(k) Appeal. A decision of the ~~district~~ superior court under this section may be appealed as a matter of right to the supreme court. The suspension shall not be stayed pending appeal unless the defendant is reasonably likely to prevail on appeal.

\* \* \*

Sec. 163. 23 V.S.A. § 1213c(c) is amended to read:

(c) Service of notice. The notice of hearing shall be served as provided for in the ~~District Court~~ Civil-Vermont Rules of Civil Procedure on the registered owner or owners and any lienholders as shown on the certificate of title for the vehicle as shown in the records of the department of motor vehicles in the state in which the vehicle is registered or titled.

Sec. 164. 23 V.S.A. § 3021(b) and (d) are amended to read:

(b) In addition to the powers specifically granted to the commissioner in this chapter, he may:

\* \* \*

(5) compel the attendance of witnesses and order the production of any relevant books, records, papers, vouchers, accounts or other documents of any person the commissioner has reason to believe is liable for the payment of a tax or of any person believed to have information pertinent to any matter under investigation by the commissioner at any hearing held under this chapter. The fees for travel and attendance of witnesses summoned or used by the commissioner and fees for officers shall be the same as for witnesses and officers before a ~~district~~ superior court and shall be paid by the state upon presentation of proper bills of cost to the commissioner of finance and management, but no fees or expenses shall be payable to a witness charged with a use tax liability.

(d) Any superior or ~~district~~ judge upon application of the commissioner may compel the attendance of witnesses, the giving of testimony, and the production of any books, records, papers, vouchers, accounts or documents before the commissioner in the same manner, to the same extent, and subject to the same penalties as if before a superior or ~~district~~ court.

Sec. 165. 24 V.S.A. § 71a is amended to read:

**§ 71a. Courthouses**



(a) Except as provided herein, each county shall provide and own a suitable courthouse, pay all utility and custodial services and keep such courthouse suitably furnished and equipped for use by the superior court. ~~and probate court, together with suitable offices for the county clerk, assistant judges and probate judges. Office space for the probate court may be provided elsewhere by the county. The county shall provide at least the facilities for judicial operations, including staff, that it provided on July 1, 2009. A courthouse will not be considered suitable unless it complies with the Americans with Disabilities Act for judicial services. Each county shall provide fireproof safes or vaults for the safekeeping of the official files and records required to be kept by county officials, including the files and records of a justice of the peace who has vacated his or her office. Use of the county courthouse by the supreme court, district court, family court or the judicial bureau may be permitted by the assistant judges when such use does not conflict with the use of the building by the superior court, provided that the office of court administrator shall pay the cost of any such use should the assistant judges choose not to pay the cost by use of county funds.~~

(b) If all judicial operations in a county are housed in one court building owned by the state, the state provides a building in which the superior court is held, the county clerk and assistant judges may also be located in the same building. The assistant judges, the court administrator and the commissioner of buildings and general services shall be the superintendents of the building. They shall make decisions regarding building construction, space allocations and use of the facility after consulting with the district court and the superior court presiding judge and the assistant judges and the probate judge if housed in the building. The county shall no longer be required to maintain a courthouse.

(c) The court administrator, in consultation with the presiding judge of the superior court shall determine what judicial operations will occur in the county courthouse.

Sec. 166. 24 V.S.A. § 72 is amended to read:

## **§ 72. -Expenses of the superior court**

~~(a)~~ The expenses connected with the superior court, unless otherwise provided, shall be paid by the state.

~~(b) All filing fees in small claims actions, including postjudgment fees, shall be held by the county in which they are filed.~~

Sec. 167. 24 V.S.A. § 75 is amended to read:

### **§ 75. Telephone**

Each county shall provide adequate telephone service for the county courthouse, the offices of the county clerk, ~~probate judge or register thereof~~, and sheriff.

Sec. 168. 24 V.S.A. § 77 is amended to read:

### **§ 77. County lands; purchase; condemnation**

(a) Each county may acquire and own such lands and rights in lands as in the opinion of the assistant judges are needful for county purposes.

(b) A county may condemn land in situations similar to those in which a municipality may condemn under section 2805 of this title by complying with the procedures established in sections 2805 through 2812 of this title, with the assistant judges performing the duties assigned by those sections to the selectmen.

~~(c) In any proceeding brought by a county under subsection (b) of this section, the assistant judges shall be disqualified, and the proceeding shall be heard by the presiding judge, sitting alone.~~

Sec. 169. 24 V.S.A. § 131 is amended to read:

### **§ 131. Powers and duties**

The assistant judges ~~of the superior court~~ shall have the care and superintendence of county property, may take deeds and leases of real estate to the county, rent or sell and convey unused lands belonging to the county, keep the courthouse, jail and other county buildings insured and make needed repairs and improvements in and around the same. They shall have no judicial functions.

Sec. 170. 24 V.S.A. § 137 is amended to read:

**§ 137. Jurisdiction**

~~District and s~~ Superior courts, within their respective jurisdictions, may take cognizance of actions in favor of or against the county.

Sec. 171. 24 V.S.A. § 171 is amended to read:

**§ 171. Appointment**

The assistant judges ~~of the superior court, with the concurrence of the presiding judge of such court,~~ shall appoint a county clerk who shall be sworn and hold his office during the pleasure of such judges and until his successor is appointed and has qualified.

Sec. 172. 24 V.S.A. § 175 is amended to read:

**§ 175. Bond to county**

Before entering upon the duties of his office, a county clerk shall become bound to the county in the sum of \$3,000.00, with sufficient sureties, by way of recognizance, before the assistant judges ~~two of the judges of the superior court~~, or give a bond to the county executed by principal and sureties in like sum to be approved by the assistant judges ~~two of the judges of the superior court~~, conditioned for the faithful performance of his duties. Such bonds of county clerks shall be taken biennially in the month of February and recorded in the office of the county clerk.

Sec. 173. 24 V.S.A. § 176 is amended to read:

**§ 176. Deputy clerk**

A county clerk may, subject to the approval of the assistant judges, appoint one or more deputies who may perform the duties of clerk for whose acts he or she shall be responsible and whose depositions he or she may revoke at pleasure. A record of the appointments shall be made in the office of the clerk. In case of the death of the clerk or his or her inability to act, the deputy or deputies in order of appointment shall perform the duties of the office until a clerk is appointed. In case of the suspension of the clerk's duties as a condition of release pending trial for violating 13 V.S.A. § 2537, the assistant judges of the county shall appoint a person to perform the duties of the office until the charge of violating 13 V.S.A. § 2537 is resolved. ~~If the assistant judges cannot agree upon appointing a person, the judge of the superior court of the county shall make the appointment.~~ The compensation for the clerk and deputy clerk shall be fixed by the assistant judges and paid for by the county. Such compensation may include such employment benefits as are presently provided to state employees including, but not limited to, health insurance, life insurance, and pension plan, the expense for which shall be borne by the county and the employees.

Sec. 174. 24 V.S.A. § 178 is amended to read:

**§ 178. Record of sheriff's commission; copies; evidence**

Such clerk shall record, in a book kept for that purpose, sheriffs' commissions with the oath of office indorsed thereon, ~~and recognizances taken by the judges of the superior court, out of court, for the appearance of criminals confined in jail.~~ In case of loss or destruction of an original commission or recognizance, a certified copy of the record may be used in court as evidence of the facts therein contained.

Sec. 175. 24 V.S.A. § 183 is amended to read:

**§ 183. Certificate of appointment of notary public ~~or master~~**

Immediately after the appointment of a notary public ~~or master~~, the county clerk shall send to the secretary of state a certificate of such appointment, on blanks furnished by such secretary, containing the name, signature, and legal residence of the appointee, and the term of office of each notary public. Such secretary shall cause such certificates to be bound in suitable volumes and to be indexed. Upon request, such secretary may certify the appointment, qualification and signature of such notary public ~~or master~~ on tender of his legal fees.

Sec. 176. 24 V.S.A. § 211 is amended to read:

**§ 211. Appointment; vacancy**

Biennially, on February 1, the assistant judges ~~of the superior court~~ shall appoint a treasurer for the county who shall hold office for two years and until his or her successor is appointed and qualified. If such treasurer dies or in the opinion of the assistant judges becomes disqualified, they may appoint a treasurer for the unexpired term. If the treasurer has his or her duties suspended as a condition of release pending trial for violating 13 V.S.A. § 2537, the assistant judges of the county shall appoint a person to perform the duties of the treasurer until the charge of violating 13 V.S.A. § 2537 is resolved. If the assistant judges cannot agree upon whom to appoint, the auditor of accounts shall make the appointment.

Sec. 177. 24 V.S.A. § 212 is amended to read:

**§ 212. Bond**

Before entering upon the duties of his office, a county treasurer shall become bound to the county in the sum of \$5,000.00, with sufficient sureties, by way of recognizance, before the assistant judges ~~two of the judges of the superior court~~, or give a bond to the county executed by principal and sureties in like sum to be approved by the assistant judges ~~two of the judges of the superior court~~, conditioned for the faithful performance of his duties. Such recognizance or bond shall be

lodged with and recorded by the county clerk. Such bond shall be renewed annually in the month of February.

Sec. 178. 24 V.S.A. § 291 is amended to read:

**§ 291. Bond; oath**

Before entering upon the duties of his office, a sheriff shall become bound to the treasurer of the county in the sum of \$100,000.00, with two or more sufficient sureties by way of recognizance, before ~~a justice of the supreme court or the two assistant judges of the superior court~~ in such county, or give a bond to the treasurer executed by such sheriff with sufficient sureties in like sum to be approved by ~~a justice of the supreme court or by the two assistant judges of the superior court~~, conditioned for the faithful performance of his duties and shall take the oath of office before one of such judges, who shall certify the same on the sheriff's commission. Such recognizance or bond and the commission shall be forthwith recorded in the office of the county clerk.

Sec. 179. 24 V.S.A. § 294 is amended to read:

**§ 294. Sheriff imprisoned**

If a sheriff is confined in prison by legal process, his functions as sheriff shall be suspended. When he is released from imprisonment during his term of office, he shall file a certificate of his discharge signed by one of the assistant judges of the superior court, in the office of the county clerk, and deliver a like certificate to the high bailiff. Thereupon he shall resume the powers and execute the duties of sheriff.

Sec. 180. 24 V.S.A. § 361(a) is amended to read:

(a) A state's attorney shall prosecute for offenses committed within his county, and all matters and causes cognizable by the supreme and, superior ~~and district~~ courts in behalf of the state; file

informations and prepare bills of indictment, deliver executions in favor of the state to an officer for collection immediately after final judgment, taking duplicate receipts therefor, one of which shall be sent to the commissioner of finance and management, and take measures to collect fines and other demands or sums of money due to the state or county.

Sec. 181. 24 V.S.A. § 441 is amended to read:

**§ 441. Appointment; jurisdiction; ex officio notaries; application**

(a) The assistant judges of the superior court may appoint as many notaries public for the county as the public good requires, to hold office until ten days after the expiration of the term of office of such judges, whose jurisdiction shall extend throughout the state.

(b) The clerk of the supreme court, county clerks, superior district court clerks, deputy superior family court clerks, justices of the peace, and town clerks and their assistants shall be ex officio notaries public.

(c) Every applicant for appointment and commission as a notary public shall complete an application to be filed with the county clerk of the superior court stating that the applicant is a resident of the county and has reached the age of majority, giving his business or home address and providing a handwritten specimen of the applicant's official signature.

(d) An ex officio notary public shall cease to be a notary public when he vacates the office on which his status as a notary public depends.

Sec. 182. 24 V.S.A. § 441a is amended to read:

**§ 441a. Nonresident notary public**

A nonresident may be appointed as a notary public, provided the individual resides in a state adjoining this state and maintains, or is regularly employed in, a place of business in this state.

Before a nonresident may be appointed as a notary public, the individual shall file with the assistant judges of the superior court in the county where the individual's place of employment is

located an application setting forth the individual's residence and the place of employment in this state. A nonresident notary public shall notify the assistant judges of the superior court, in writing, of any change of residence or of place of employment in this state.

Sec. 183. 24 V.S.A. § 442 is amended to read:

**§ 442. Oath; certificate of appointment recorded; form**

A person appointed as notary public shall cause the certificate of his appointment to be filed and recorded in the office of the county clerk where issued. Before entering upon the duties of his office he, as well as an ex officio notary, shall take the oath prescribed by the constitution, and shall duly subscribe the same with his correct signature, which oath thus subscribed shall be kept on file by the county clerk as a part of the records of such county.

The certificate of appointment shall be substantially in the following form:

STATE OF VERMONT, ss.

\_\_\_\_\_ County }

This is to certify that A.B. of \_\_\_\_\_ in such county, was, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, appointed by the assistant judges of the superior court for such county a notary public for the term ending on February 10, 20 \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ }  
\_\_\_\_\_  
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\_\_\_\_\_ }  
\_\_\_\_\_  
\_\_\_\_\_ }

And at \_\_\_\_\_ in such county, on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ personally appeared A.B. \_\_\_\_\_ and took oath of office prescribed in the constitution.

Before me,

C. D. \_\_\_\_\_



(Designation of the officer administering the oath).

Sec. 184. 24 V.S.A. § 1974(c) is amended to read:

(c) Prosecutions of criminal ordinances shall be brought before the ~~district~~ superior court ~~pursuant to section 441 of Title 4.~~

Sec. 185. 24 V.S.A. § 3117 is amended to read:

**§ 3117. Appeal from order**

An owner or person interested who is aggrieved by such order may appeal as provided in the case of a person aggrieved by an order of a building inspector. However, the provisions of this section shall not prevent such municipality from recovering the forfeiture provided in section 3116 of this title from the date of the service of the original notice, unless such order is annulled by the board of arbitration, ~~district court~~ or a superior judge, as the case may be.

Sec. 186. 24 V.S.A. § 3808 is amended to read:

**§ 3808. Liability of person bound to build fence**

When a person bound to support a portion of the division fence does not make or maintain his portion, he shall be liable for damages done to or suffered by the opposite party in consequence of such neglect. An owner or occupant of adjoining lands, after ten days from the time notice is given to the opposite party, may make or put in repair the fence and recover from the opposite party damages arising from the neglect, with the expense of building or repairing the fence.

~~Actions under this section may be brought before a district court when the amount claimed does not exceed \$200.00.~~

Sec. 187. 28 V.S.A. § 103 is amended to read:

**28 V.S.A. § 103. Inquiries and investigations into the administration of the department**

\* \* \*

(c) In any inquiry or investigation conducted by the commissioner, he shall have the same powers as are possessed by ~~district court or~~ superior judges in chambers, and which shall include the power to:

- (1) Administer oaths;
- (2) Compel the attendance of witnesses;
- (3) Compel the production of documentary evidence.

(d) If any person disobeys any lawful order or subpoena issued by the commissioner pursuant to this section or refuses to testify to any matter regarding which he may be questioned lawfully, any ~~district court or~~ superior judge, upon application by the commissioner, shall order the obedience of the person in the same manner as if the person had disobeyed an order or subpoena of the ~~district court or~~ superior judge.

(e) The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the ~~district or~~ superior courts of the state and shall be reimbursed by the commissioner out of any appropriation or funds at the disposal of the department.

Sec. 188. 28 V.S.A. § 1531 is amended to read:

**§ 1531. Appropriate court**

The phrase "appropriate court" as used in the agreement on detainers, with reference to the courts of this state, means the superior court where the Vermont charge is pending ~~or the district court.~~

189.

Sec. 190. 29 V.S.A. § 1158 is amended to read:

**§ 1158. Distribution of documents by state librarian; acts and resolves; Vermont Statutes Annotated; distribution**

(a) The state librarian shall deliver the acts and resolves as follows: to the secretary of state, six copies; to the clerk of the United States supreme court for the use of the court, one copy; to the

governor's office and to the governor and lieutenant governor, one copy each; to the library of Congress, four copies; to each county clerk, three copies; one to each of the following officers and institutions: each department of the United States government and upon request to federal libraries, elective and appointive state officers, the clerk of each state board or commission, superintendent of each state institution, the library of the university of Vermont, the libraries of Castleton, Johnson and Lyndon state colleges, Vermont technical college, Middlebury college, Norwich university, St. Michael's college, senators and representatives of this state in Congress, members of the general assembly during the session at which such laws were adopted, the secretary and assistant secretary of the senate, clerk and assistant clerks of the house of representatives, the judges, attorney, marshall and clerk of the United States district court in this state, the judge of the second circuit United States court of appeals from Vermont, justices and ex-justices of the supreme court, superior judges, ~~district court judges~~, the reporter of decisions, judges and registers of probate, sheriffs, state's attorneys, town clerks; one each, upon request and as the available supply permits, to assistant judges of the superior court, justices of the peace, chairman of the legislative body of each municipality and town treasurers; one within the state, to the Vermont historical society, to each county or regional bar law library, and one copy to each state or territorial library or supreme court library, and foreign library which makes available to Vermont its comparable publication, provided that if any of these officials hold more than one of the offices named, that official shall be entitled to only one copy.

(b) The state librarian shall distribute the copies of Vermont Statutes Annotated and cumulative pocket part supplements thereto, when issued, as follows: one each to the governor, lieutenant governor, speaker of the house of representatives, the state treasurer, secretary of state, auditor of accounts, adjutant general, commissioner of buildings and general services, commissioner of taxes, sergeant at arms and the head of each administrative department; four copies to the attorney general; one to each town clerk, three to each county clerk; one to each probate judge and two to the clerk of the supreme court; one to each ex-justice and justice of the supreme court, each

superior judge, ~~district judge~~, and state's attorney; two to the judge of the second circuit United States court of appeals from Vermont and four to the United States district judges for the district of Vermont. One copy shall be given to each state institution, each county or regional bar law library, each university, college and public library, as requested, and as many sets as are needed to effect exchange with state libraries and state law libraries. Current copies of the Vermont Statutes Annotated and supplements shall be kept for use in the offices of the officers and institutions mentioned. One copy shall be given to each member of the commission established by chapter 1 of Title 1 and counsel therefor, unless they are authorized to receive one in another capacity, and one to each of the fifteen members of the joint special committee on revision of the laws authorized by No. 86 of the Acts of 1959. Additional copies may be sold to parties identified in this subsection at a price to be fixed by the state librarian.

Sec. 191. 30 V.S.A. § 12 is amended to read:

**§ 12. Review by supreme court**

A party to a cause who feels himself aggrieved by the final order, judgment or decree of the board may appeal to the supreme court. However, the board, in its discretion and before final judgment, may permit an appeal to be taken by any party to the supreme court for determination of questions of law in such manner as the supreme court may by rule provide for appeals before final judgment from a superior court ~~or the district court~~. Notwithstanding the provisions of the Vermont rules of civil procedure or the Vermont rules of appellate procedure, neither the time for filing a notice of appeal nor the filing of a notice of appeal, as provided herein, shall operate as a stay of enforcement of an order of the board unless the board or the supreme court grants a stay under the provisions of section 14 of this title.

Sec. 192. 32 V.S.A. § 467 is amended to read:

**§ 467. Accounts with county clerks**

The commissioner of finance and management shall issue his or her warrant in favor of each superior court ~~county~~ clerk when such clerk requires money for election or court expenses, and the state treasurer shall charge the same to the clerk. The clerk shall be credited for moneys properly disbursed by him or her, and the balance shall be paid by the clerk into the treasury.

Sec. 193. 32 V.S.A. § 469 is amended to read:

**§ 469. Requisition for court expenses**

With the approval of the court administrator, the supreme court, the environmental court, the judicial bureau, ~~the probate court, and~~ the superior court, ~~the district court and the family court~~ may requisition money from the state to pay fees and expenses related to grand and petit jurors, fees and expenses of witnesses approved by the judge, expenses of guardians ad litem, expenses of elections and other expenses of court operations. The cash advances shall be administered under the provisions of section 466 of this title.

Sec. 194. 32 V.S.A. § 503 is amended to read:

**§ 503. Payment of moneys into treasury**

Quarterly and oftener if the commissioner of finance and management so directs, superior court ~~county~~ clerks and other collectors and receivers of public money, except justices, shall pay all such money collected or held by them into the state treasury.

Sec. 195. 32 V.S.A. § 504 is amended to read:

**§ 504. Fines paid ~~county~~ superior court clerk**

Damages and costs received in actions to which the state is a party, fines and the amount of bonds and recognizances to the state taken in any county, shall be paid to the superior court ~~county~~ clerk. His or her receipt shall be the only valid discharge thereof and he or she shall pay the same into the state treasury.

Sec. 196. 32 V.S.A. § 505 is amended to read:

**§ 505. Superior court ~~County~~ clerk's report**

Upon receiving money for the state, the superior court ~~county~~ clerk shall report the same to the commissioner of finance and management within ten days, except such as he or she may receive for fees in causes pending in court.

Sec. 197. 32 V.S.A. § 506 is amended to read:

**§ 506. Failure of superior court ~~county~~ clerk to pay over**

If a ~~county~~ superior court clerk neglects to make a return or pay into the state treasury any money as provided in this chapter, the commissioner of finance and management shall forthwith notify the state's attorney, who shall immediately prosecute the clerk and the sureties on his or her official bond.

Sec. 198. 32 V.S.A. § 508 is amended to read:

**§ 508. Receipts given by state officers**

State officers, except superior court ~~county~~ clerks and superior ~~district~~ judges, and every person in the employ of the state under salary or per diem established by statute, receiving money belonging to or for the use of the state, shall give the person paying such money a receipt therefor in such form as shall be prescribed by the state treasurer.

Sec. 199. 32 V.S.A. § 541 is amended to read:

**§ 541. Collection of fines and costs**

All fines, costs, including costs taxed as state's attorneys' and court fees, bail, and unclaimed fees collected by judges of ~~district courts~~ shall be paid into the proper treasury.

Sec. 200. 32 V.S.A. § 561 is amended to read:

**§ 561. Statement of fees**

Quarterly, ~~the clerk of each superior court~~ each judge of probate shall return to the commissioner of finance and management an itemized statement, verified by his or her oath ~~and that of his or her register~~, of all fees which have been paid to the state for probate matters ~~business~~ transacted in his or her office during the quarter next preceding. If a ~~clerk~~ judge of probate neglects for one month to render such quarterly account, he or she shall forfeit \$500.00, to be recovered in a civil action on this statute, in the name of the state. The commissioner of finance and management shall enforce the provisions of this section.

Sec. 201. 32 V.S.A. § 581 is amended to read:

**§ 581. Unclaimed costs to revert to state**

Fees allowed in a bill of costs to a ~~justice or judge~~ which are not demanded by the party to whom such fees are due within six months after such bill is allowed, shall revert to the use of the state ~~and, in the case of a justice, shall be paid by the justice to the county clerk within 30 days from the expiration of such period of six months~~; and such ~~justice or judge~~, after the expiration of six months, shall be relieved from all liability to parties to whom such fees were due.

Sec. 202. 32 V.S.A. § 809 is amended to read:

**809. Accounts of probate judges**

The auditor shall examine the accounts of the superior court clerks for probate cases ~~judges of probate~~ and ascertain whether their fees are properly and uniformly charged and rendered, and if he or she finds they are not, he or she shall direct the proper corrections to be made. He or she shall endeavor to obtain a uniform practice in the superior probate ~~probate~~ courts in that respect.

Sec. 203. 32 V.S.A. § 1141 is amended to read:

**§ 1141. Assistant judges of ~~superior courts~~**

Assistant judges shall receive no compensation from state funds.

~~(a) The compensation of each assistant judge of the superior court, which shall be paid by the state, shall be \$136.28 a day as of July 9, 2006 and \$142.04 a day as of July 8, 2007 for time spent in the performance of official duties and necessary expenses as allowed to classified state employees. Compensation under this section shall be based on a half day minimum and hourly thereafter.~~

~~(b) Assistant judges of the superior court shall receive pay for such days as they attend court when it is in actual session, or during a court recess when engaged in the special performance of official duties.~~

Sec. 204. 32 V.S.A. § 1142 is amended to read:

**§ 1142. ~~Judges of p~~Probate judges**

(a) The annual salaries of the ~~judges of probate~~ judges in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

Annual Salary

as of

July 8, 2007

\$92,641

~~(1) Addison \$59,321~~

~~(2) Bennington 51,559~~

~~(3) Caledonia 59,321~~

~~(4) Chittenden 91,402~~

~~(5) Essex 28,853~~

~~(6) Fair Haven 43,594~~

~~(7) Franklin 59,321~~



(8) ~~Grand Isle 28,853~~

(9) ~~Hartford 59,321~~

(10) ~~Lamoille 43,594~~

(11) ~~Manchester 43,594~~

(12) ~~Marlboro 51,559~~

(13) ~~Orange 51,559~~

(14) ~~Orleans 51,559~~

(15) ~~Rutland 75,859~~

(16) ~~Washington 75,859~~

(17) ~~Westminster 43,594~~

(18) ~~Windsor 51,559~~

(b) ~~Judges of p~~Probate judges shall be paid by the state their actual and necessary expenses under the rules and regulations pertaining to classified state employees.

Sec. 205. 32 V.S.A. § 1143 is amended to read:

**§ 1143. -Compensation of appointees**

Persons acting under the authority of the superior court in probate cases ~~court~~ shall be paid as follows:

- (1) For each day's attendance by executor, administrator, trustee, agent or guardian, on the business of their appointment, \$4.00;
- (2) For each day's attendance of commissioners, appraisers or committee, \$4.00; and
- (3) The superior probate court may allow in cases of unusual difficulty or responsibility, such further sum as it judges reasonable.

Sec. 206. 32 V.S.A. § 1144 is amended to read:

**§ 1144. -Compensation of appraisers**

An appraiser appointed in accordance with the provisions of chapters 181 and 183 of this title shall receive \$4.00 a day and his or her necessary expenses shall be paid by the state on the certificate of the judge of probate. But in cases requiring the appointment of an expert, the judge of probate may allow such further sum as he or she deems reasonable.

Sec. 207. 32 V.S.A. § 1145 is amended to read:

**§ 1145. -Illegal fees**

A probate judge or register of probate who directly or indirectly accepts or receives, under color of his or her office, money or other valuable thing, by way of fees, remuneration, or compensation for the performance of an act as such judge or register, except as provided in this title, shall be fined not more than \$500.00 nor less than \$200.00.

Sec. 208. 32 V.S.A. § 1431 is amended to read:

**§ 1431. Fees in supreme, superior, ~~district, family,~~ and environmental courts**

(a) Prior to the entry of any cause in the supreme court there shall be paid to the clerk of the court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (b)(2) – (b)(5), Prior to the entry of any cause in the superior court or environmental court there shall be paid to the clerk of the court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the superior ~~family~~ court there shall be paid to the clerk of the court for the benefit of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in this section; however, if the divorce or annulment complaint is filed with a stipulation for a final order acceptable to the court, the fee shall be \$75.00.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under chapter 5 of Title 15 in the superior ~~family~~ court there shall be paid to the clerk of the court for the

benefit of the state a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section; however, if the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the court, the fee shall be \$25.00.

(4) Prior to the entry of any motion or petition to enforce an order for parental rights and responsibilities, parent-child contact, or maintenance in the superior family court there shall be paid to the clerk of the court for the benefit of the state a fee of \$75.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify an order for parental rights and responsibilities, parent-child contact, or maintenance in the superior family court, there shall be paid to the clerk of the court for the benefit of the state a fee of \$100.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order acceptable to the court, the fee shall be \$25.00. All motions or petitions filed by one party at one time shall be assessed one fee.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the superior family court there shall be paid to the clerk of the court for the benefit of the state a fee of \$35.00 in lieu of all other fees not otherwise set forth in this section; however, if the motion or petition is filed with a stipulation for an order acceptable to the court, there shall be no fee. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the subdivision (4) fee shall be the only fee assessed.

(c) Prior to the entry of a small claims action there shall be paid to the superior court clerk for the benefit of the county in lieu of all other fees not otherwise set forth in this section, a fee of \$75.00 if the claim is for more than \$1,000.00 and \$50.00 if the claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the superior court clerk for the benefit of the county a fee of \$50.00. The fee for every counterclaim in small

claims proceedings shall be \$25.00, ~~payable to the county~~, if the counterclaim is for more than \$500.00, and \$15.00 if the counterclaim is for \$500.00 or less.

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the supreme court or the superior, or environmental, ~~or district~~ court, there shall be paid to the clerk of the court for the benefit of the state a fee of \$100.00 for every appeal, cross-claim, or third-party claim and a fee of \$75.00 for every counterclaim in the superior or environmental court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the superior family court shall be \$100.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be \$75.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title.

(e) Prior to the filing of any postjudgment motion in the superior, or environmental, ~~or district~~ court, including motions to reopen civil suspensions, there shall be paid to the clerk of the court for the benefit of the state a fee of \$75.00 except for small claims actions.

(f) The filing fee for all actions filed in the judicial bureau shall be \$50.00; the state or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the bureau for the benefit of the state.

(g) Prior to the filing of any postjudgment motion in the judicial bureau there shall be paid to the clerk of the bureau, for the benefit of the state, a fee of \$35.00. Prior to the filing of any appeal from the judicial bureau to the superior district court there shall be paid to the clerk of the court, for the benefit of the state, a fee of \$100.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1, or Vermont Rules of Appellate Procedure 24(a), ~~or District Court Civil Rules 3.1~~, part or all of the filing fee may be waived if the court finds that the applicant is unable to pay it. The clerk of the court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the supreme court.

Sec. 209. 32 V.S.A. § 1434 is amended to read:

**§ 1434. Probate ~~courts~~ cases**

(a) The following entry fees shall be paid to the superior probate court in probate cases for the benefit of the state, ~~except for subdivision (17) of this subsection which shall be for the benefit of the county in which the fee was collected:~~

(1) Estates of \$10,000.00 or less \$25.00

(2) Estates of more than \$10,000.00 \$75.00  
to not more than \$50,000.00

(3) Estates of more than \$50,000.00 \$200.00  
to not more than \$150,000.00

(4) Estates of more than \$150,000.00 \$375.00  
to not more than \$500,000.00

(5) Estates of more than \$500,000.00 \$625.00  
to not more than \$1,000,000.00

(6) Estates of more than \$1,000.00  
\$1,000,000.00 to not more than  
\$5,000,000.00

(7) Estates of more than \$1,500.00  
\$5,000,000.00 to not more than  
\$10,000,000.00

(8) Estates of more than \$1,750.00  
\$10,000,000.00

(9) Testamentary trusts of \$20,000.00 \$50.00  
or less

(10) Testamentary trusts of more than \$100.00

\$20,000.00

(11)Annual accounts on testamentary \$30.00

trusts of more than \$20,000.00

(12)Annual accounts on decedents' \$25.00

estates filed for any period

ending more than one year

following the opening of the

estate

(13)Adoptions \$75.00

(14)Guardianships for minors \$35.00

(15)Guardianships for adults \$50.00

(16)Petitions for change of name \$75.00

(17)Filing of a will for safekeeping, \$20.00

except that there shall be no fee

for the filing of subsequent

wills in that district for the

same person

(18)Corrections for vital records \$25.00

(19)Orders of authorization \$25.00

(20)Conveyances of title to real \$50.00

estate pursuant to section 1801

of Title 14

(21)Petitions for the removal of a \$50.00

trustee pursuant to 14 V.S.A. §

2314(c) of trusts of \$20,000.00

or less

(22) Petitions for removal of a \$100.00

trustee pursuant to 14 V.S.A. §

2314(c) of trusts more than

\$20,000.00

(23) Petitions concerning advance \$75.00

directives pursuant to 18 V.S.A.

§ 9718

(24) Civil actions brought pursuant to \$50.00

subchapter 3 of chapter 107 of

Title 18.

(b) For economic cause, the clerk of the superior court ~~probate judge~~ may waive this fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

(c) A fee of \$5.00 shall be paid for each additional certification of appointment of a fiduciary.

Sec. 210. 32 V.S.A. § 1436(b) is amended to read:

(b) Notwithstanding any statute to the contrary, fees collected as a result of this section shall be in lieu of any payments by the state to the county for the use of the county courthouse by the supreme, superior ~~district, family~~, and environmental courts or by the judicial bureau.

Sec. 211. 32 V.S.A. § 1471 is amended to read:

**§ 1471. Taxation of costs**

(a) There shall be taxed in the bill of costs to the recovering party in the supreme, superior, family, district, or environmental courts or the judicial bureau a fee equal to the entry fees, the cost of service fees incurred and the total amount of the certificate of witness fees paid.

(b) Any costs taxed to the respondent in any action filed by the office of child support shall be paid to the clerk of the court for deposit in the general fund.

Sec. 212. 32 V.S.A. § 1511 is amended to read:

**§ 1511. Grand and petit jurors in superior and district court**

There shall be allowed to grand and petit jurors in the superior and district court the following fees and expenses:

- (1) For attendance, \$30.00 a day, on request, unless the jurors were otherwise compensated by their employer;
- (2) For each talesman, \$30.00 a day, on request, unless the talesmen were otherwise compensated by their employer;
- (3) Upon request and upon a showing of hardship, reimbursement for expenses necessarily incurred for travel from home to court, and return, at the rate of reimbursement allowed state employees for travel under the terms of the prevailing collective bargaining agreement.

Sec. 213. 32 V.S.A. § 1514 is amended to read:

**§ 1514. Board and lodging of jurors**

When in a grand jury investigation or in the trial of a criminal or civil cause jurors are kept together by order of the court, their board and lodging and that of the officers having such jurors in charge shall be paid by the state. ~~This provision shall apply only to grand jurors and petit jurors in superior courts and petit jurors in district courts.~~

Sec. 214. 32 V.S.A. § 1518 is amended to read:



### **§ 1518. Town grand jurors**

In criminal causes ~~before a district court~~, the grand juror or other prosecuting officer shall be paid:

- (1) If the cause is disposed without trial, \$1.50;
- (2) For trial by court, \$2.00;
- (3) For trial by jury, \$2.50;
- (4) For each subsequent day, \$2.00 additional;
- (5) Ten cents a mile travel one way for one trip for each cause, provided a separate trip for such cause has been made; but if a separate trip has not been made, then at \$0.05 a mile one way for each cause;
- (6) No grand juror shall receive in fees more than \$400.00 in any one year.

Sec. 215. 32 V.S.A. § 1551 is amended to read:

### **§ 1551. Attendance fees**

There shall be allowed to witnesses the following fees:

- (1) For attendance before a ~~district or superior court or court of jail delivery~~, or to give a deposition before a notary public, \$30.00 a day;
- (2) For attendance before an appraiser appointed by the commissioner of taxes, \$30.00 a day; such fees to be apportioned as the appraiser may direct;
- (3) For attendance on other courts or tribunals, \$30.00 a day;
- (4) For travel in the state, all witnesses shall receive mileage at the rate of reimbursement allowed state employees for travel under the terms of the prevailing collective bargaining agreement.

Sec. 216. 32 V.S.A. § 1596 is amended to read:

### **§ 1596. Fees forbidden**

Fees shall not be allowed to an officer for the service of a capias, bench warrant or other writ for the arrest of a person who is under a recognizance taken before an ~~district court judge or other~~ officer authorized by law to take such recognizance, requiring the appearance of such person before the superior court.

Sec. 217. 32 V.S.A. § 1631 is amended to read:

**§ 1631. Trustees' fees**

The person summoned as trustee shall be allowed \$0.06 a mile for his or her travel, and \$1.50 for each day's attendance before the superior court, the same for travel and \$0.75 for each day's attendance before a commissioner ~~or district court~~.

Sec. 218. 32 V.S.A. § 1751(b) is amended to read:

(b) Whenever ~~probate, district~~, environmental, family, or superior court officers and employees or officers and employees of the judicial bureau furnish copies or certified copies of records, the following fees shall be collected for the benefit of the state:

\* \* \*

Sec. 219. 32 V.S.A. § 1753 is amended to read:

**§ 1753. Inquests**

The fees and expenses of inquests on the dead, and buildings burned shall be the same as in criminal causes before a ~~district~~ court.

Sec. 220. 32 V.S.A. § 1760 is amended to read:

**§ 1760. Fees of county clerks for index of deeds and index of records**

The county clerks shall receive from the county, for making the general index of existing land records under section 401 of Title 27, \$1.00 for each 100 entries upon such index; and for making

an index as provided in section 656 of Title 4, such sum as the assistant judges of the superior court certify to be reasonable, to be allowed by the commissioner of finance and management in the accounts of the clerks.

Sec. 221. 32 V.S.A. § 5932 is amended to read:

**§ 5932. Definitions**

As used in this chapter:

\* \* \*

(8) "Court" means a superior court, ~~a district court~~, or the judicial bureau.

Sec. 222. 32 V.S.A. § 5936(b) is amended to read:

(b) The final determination of any claimant agency regarding the validity and amount of any debt may be appealed within 30 days to the superior court of the unit ~~county~~ in which the taxpayer resides, ~~except that if the claimant agency is the office of child support the appeal shall be to the family court~~. Upon appeal the provisions of the Vermont Rules of Civil Procedure or the Vermont Rules for Family Proceedings, as appropriate, shall apply and the court shall proceed de novo to determine the debt owed.

**§ 7449. Clerk of superior court ~~Register of probate~~ to send commissioner notice of estate**

The clerk of the superior ~~register of the probate~~ court shall send to the commissioner by mail at the time of granting letters of administration in any estate and upon forms to be furnished by the commissioner, the name of the decedent, the date of his death, and the name and address of the administrator or executor.

Sec. 223. 32 V.S.A. § 8171 is amended to read:

**§ 8171. Recovery of taxes and penalties**

Taxes imposed by this chapter may be recovered in the name of the state in a civil action, on the statute imposing them, returnable to any superior or district court. The penalties so imposed may be so recovered in a civil action on the statute imposing them. The amount of taxes assessed or penalties accrued up to the time of trial may be recovered in such suit; but a court wherein an action is pending to recover a forfeiture, in its discretion, may remit such part thereof as it shall deem just and equitable in the circumstances. The state shall not be required in any proceeding under this chapter to furnish recognizance or bond for costs, nor injunction bonds. Upon final judgment, the court may make such order relating to the payment of costs, by the state or the defendant as it shall deem just and equitable.

Sec. 224. 32 V.S.A. § 10102(a) is amended to read:

(a) In addition to any other powers granted to the commissioner and the secretary in this chapter, they may:

\* \* \*

(5) require the attendance of, the giving of testimony by, and the production of any books and records of any person believed to be liable for the payment of tax or to have information pertinent to any matter under investigation by the commissioner or the secretary. The fees of witnesses required to attend any hearing shall be the same as those allowed witnesses appearing in the superior court but no fees shall be payable to a person charged with a tax liability under this chapter. Any superior or district judge may, upon application of the commissioner or the secretary, compel the attendance of witnesses, the giving of testimony, and the production of books and records before the commissioner or the secretary in the same manner, to the same extent, and subject to the same penalties as if before a superior or district court.

Sec. 225. 33 V.S.A. § 4196a(c)(2) is amended to read:

(2) The administrative review may be stayed upon request of the person alleged to have committed abuse or neglect if there is a related superior court criminal or family ~~court~~ case pending in court which arose out of the same incident of abuse or neglect for which the person was substantiated. During the period the review is stayed, the person's name shall be placed on the registry. Upon resolution of the superior court criminal or family ~~court~~ case, the person may exercise his or her right to review under this section.

Sec. 226. 33 V.S.A. § 4196b(c) is amended to read:

(c) A hearing may be stayed upon request of the petitioner if there is a related superior court criminal or family ~~court~~ case pending in court which arose out of the same incident of abuse or neglect for which the person was substantiated.

Sec. 227. 33 V.S.A. § 5102 is amended to read:

**§ 5102. Definitions and provisions of general application**

As used in the juvenile judicial proceedings chapters, unless the context otherwise requires:

\* \* \*

(8) "Custodian" means a person other than a parent or legal guardian to whom legal custody of the child has been given by order of a Vermont superior, family or probate court or a similar court in another jurisdiction.

\* \* \*

(12) "Guardian" means a person who, at the time of the commencement of the juvenile judicial proceeding, has legally established rights to a child pursuant to an order of a Vermont superior or probate court or a similar court in another jurisdiction.

Sec. 228. 33 V.S.A. § 5103(a) and (b) are amended to read:

(a) The ~~family~~ superior court shall have exclusive jurisdiction over all proceedings concerning a child who is or who is alleged to be a delinquent child or a child in need of care or supervision brought under the authority of the juvenile judicial proceedings chapters, except as otherwise provided in such chapters.

(b) Orders issued under the authority of the juvenile judicial proceedings chapters shall take precedence over orders in other superior ~~family~~ court proceedings and any order of another court of this state, to the extent they are inconsistent. This section shall not apply to child support orders in a divorce, parentage, or relief from abuse proceedings until a child support order has been issued in the juvenile proceeding.

Sec. 229. 33 V.S.A. § 5104(a) is amended to read:

(a) The superior ~~family~~ court may retain jurisdiction over a youthful offender up to the age of 22.

Sec. 230. 33 V.S.A. § 5203(e) is amended to read:

(e) ~~Motions to transfer a case to the family court for youthful offender treatment shall be made under section 5281 of this title.~~

Sec. 231. 33 V.S.A. § 5281 is amended to read:

**§ 5281. Motion in superior ~~district~~ court**

(a) A motion may be filed in the ~~district~~ superior court requesting that a defendant under 18 years of age in a criminal proceeding who had attained the age of 10 but not the age of 18 at the time the offense is alleged to have been committed be treated as a youthful offender. The motion may be filed by the state's attorney, the defendant, or the court on its own motion.

(b) Upon the filing of a motion under this section and the entering of a conditional plea of guilty by the youth, the ~~district~~ court shall enter an order deferring the sentence pending ~~and transferring the case to the family court for a hearing on the motion. Copies of all records relating to the case~~

~~shall be forwarded to the family court.~~ Conditions of release and any department of corrections supervision or custody shall remain in effect until the ~~family~~ court approves the motion for treatment as a youthful offender and orders conditions of juvenile probation pursuant to section 5284 of this title.

(c) A plea of guilty entered by the youth pursuant to subsection (b) of this section shall be conditional upon the ~~family~~ court granting the motion for youthful offender status.

(d)(1) If the ~~family~~ court denies the motion for youthful offender treatment pursuant to subsection 5284 of this title, the case shall remain a criminal proceeding ~~be returned to the district court~~ and the youth shall be permitted to withdraw the plea. The conditions of release imposed by the ~~district~~ court shall remain in effect, and the case shall proceed as though the motion for youthful offender treatment had not been made.

(2) Subject to Rule 11 of the Vermont Rules of Criminal Procedure and Rule 410 of the Vermont Rules of Evidence, the ~~family court's~~ denial of the motion for youthful offender treatment and any information related to the youthful offender proceeding shall be inadmissible against the youth for any purpose in the subsequent criminal proceeding in superior ~~district~~ court.

Sec. 232. 33 V.S.A. § 5282 is amended to read:

**§ 5282. Report from the department**

(a) Within 30 days after the motion case is transferred to family court, unless the court extends the period for good cause shown, the department shall file a report with the ~~family~~ court.

(b) A report filed pursuant to this section shall include the following elements:

(1) A recommendation as to whether youthful offender status is appropriate for the youth.

(2) A disposition case plan including proposed services and proposed conditions of juvenile probation in the event youthful offender status is approved.

(3) A description of the services that may be available for the youth when he or she reaches 18 years of age.

(c) A report filed pursuant to this section is privileged and shall not be disclosed to any person other than the department, the court, the state's attorney, the youth, the youth's attorney, the youth's guardian ad litem, the department of corrections, or any other person when the court determines that the best interests of the youth would make such a disclosure desirable or helpful.

Sec. 233. 33 V.S.A. § 5283 is amended to read:

**§ 5283. Hearing in family court**

(a) Timeline. A hearing on the motion for youthful offender status shall be held no later than 35 days after the motion ~~transfer of the case from the district court.~~

(b) Notice. Notice of the hearing shall be provided to the state's attorney; the youth; the youth's parent, guardian, or custodian; the department; and the department of corrections.

(c) Hearing procedure.

(1) If the motion is contested, all parties shall have the right to present evidence and examine witnesses. Hearsay may be admitted and may be relied on to the extent of its probative value. If reports are admitted, the parties shall be afforded an opportunity to examine those persons making the reports, but sources of confidential information need not be disclosed.

(2) Hearings under subsection 5284(a) of this title shall be open to the public. All other youthful offender proceedings shall be confidential.

(d) The burden of proof shall be on the moving party to prove by a preponderance of the evidence that a child should be granted youthful offender status. If the court makes the motion, the burden shall be on the youth.

(e) Further hearing. On its own motion or the motion of a party, the court may schedule a further hearing to obtain reports or other information necessary for the appropriate disposition of the case.



Sec. 234. 33 V.S.A. § 5285 is amended to read:

**§ 5285. Modification or revocation of disposition**

(a) If it appears that the youth has violated the terms of juvenile probation ordered by the court pursuant to subdivision 5284(c)(1) of this title, a motion for modification or revocation of youthful offender status may be filed in the family court. The court shall set the motion for hearing as soon as practicable. The hearing may be joined with a hearing on a violation of conditions of probation under section 5265 of this title. A supervising juvenile or adult probation officer may detain in an adult facility a youthful offender who has attained the age of 18 for violating conditions of probation.

(b) A hearing under this section shall be held in accordance with section 5268 of this title.

(c) If the court finds after the hearing that the youth has violated the terms of his or her probation, the court may:

(1) maintain the youth's status as a youthful offender, with modified conditions of juvenile probation if the court deems it appropriate;

(2) revoke the youth's status as a youthful offender status and return the case to the criminal docket ~~district court~~ for sentencing; or

(3) transfer supervision of the youth to the department of corrections.

(d) If a youth's status as a youthful offender is revoked and the case is returned to the criminal docket ~~district court~~ under subdivision (c)(2) of this section, the ~~district~~ court shall hold a sentencing hearing and impose sentence. When determining an appropriate sentence, the ~~district~~ court may take into consideration the youth's degree of progress toward rehabilitation while on youthful offender status. ~~The district court shall have access to all family court records of the proceeding.~~

Sec. 235. 33 V.S.A. § 5286(a) and (c) are amended to read:

(a) The ~~family~~ court shall review the youth's case before he or she reaches the age of 18 and set a hearing to determine whether the court's jurisdiction over the youth should be continued past the age of 18. The hearing may be joined with a motion to terminate youthful offender status under section 5285 of this title. The court shall provide notice and an opportunity to be heard at the hearing to the state's attorney, the youth, the department, and the department of corrections.

(c) The following reports shall be filed with the court prior to the hearing:

(1) The department shall report its recommendations, with supporting justifications, as to whether the ~~family~~ court should continue jurisdiction over the youth past the age of 18 and, if continued jurisdiction is recommended, whether the department or the department of corrections should be responsible for supervision of the youth.

\* \* \*

Sec. 236. 33 V.S.A. § 5287(a) and (c) are amended to read:

§ 5287. Termination or continuance of probation

(a) A motion may be filed at any time in the ~~family~~ court requesting that the court terminate the youth's status as a youthful offender and discharge him or her from probation. The motion may be filed by the state's attorney, the youth, the department, or the court on its own motion. The court shall set the motion for hearing and provide notice and an opportunity to be heard at the hearing to the state's attorney, the youth, and the department.

(c) If the court finds th<sup>237</sup>.at the youth has successfully completed the terms of the probation order, it shall terminate youthful offender status, discharge the youth from probation, and file a written order dismissing the ~~family court~~ case, including the criminal case. The family court shall provide notice of the dismissal to the district court, which shall dismiss the district court case.

Sec. 238. 33 V.S.A. § 6932(a) and (b) are amended to read:

(a) The ~~family~~ superior court shall have jurisdiction over proceedings under this subchapter.

(b) Emergency orders under section 6936 of this title may be issued by a judge of the ~~district,~~  
superior ~~or family~~ court.

Sec. 239. 33 V.S.A. § 6938(a) and (c) are amended to read:

(a) Except as otherwise provided in this subchapter, proceedings commenced under this subchapter shall be in accordance with the Rules for Family Proceedings Court Rules and shall be in addition to any other available civil or criminal remedies.

(c) The court administrator shall establish procedures to insure access to relief after regular court hours, or on weekends and holidays. The court administrator is authorized to contract with public or private agencies to assist persons to seek relief and to gain access to ~~district,~~ superior ~~and family~~ court judges. Law enforcement agencies shall assist in carrying out the intent of this section.

#### Sec. 240. REPEALERS AND REPLACEMENTS

(a) The following sections are hereby repealed: 4 V.S.A. § 24, 4 V.S.A. § 111a, 4 V.S.A. § 113, 4 V.S.A. § 114, 4 V.S.A. § 116, 4 V.S.A. § 117, 4 V.S.A. § 119, 4 V.S.A. § 151, 4 V.S.A. § 152, 4 V.S.A. § 153, 4 V.S.A. § 154, 4 V.S.A. § 273, 4 V.S.A. § 275, 4 V.S.A. § 276, 4 V.S.A. § 277, 4 V.S.A. § 311a, 4 V.S.A. § 312, 4 V.S.A. § 313, 4 V.S.A. § 314, 4 V.S.A. § 315, 4 V.S.A. § 351, 4 V.S.A. § 352, 4 V.S.A. § 353, 4 V.S.A. § 358, 4 V.S.A. § 359, 4 V.S.A. § 360, 4 V.S.A. § 361, 4 V.S.A. § 363, 4 V.S.A. § 366, 4 V.S.A. § 367, 4 V.S.A. § 437, 4 V.S.A. § 439, 4 V.S.A. § 440, 4 V.S.A. § 441, 4 V.S.A. § 442, 4 V.S.A. § 443, 4 V.S.A. § 444, 4 V.S.A. § 444a, 4 V.S.A. § 446, 4 V.S.A. § 452, 4 V.S.A. § 453, 4 V.S.A. § 454, 4 V.S.A. § 455, 4 V.S.A. § 456, 4 V.S.A. § 457, 4 V.S.A. § 458, 4 V.S.A. § 459, 4 V.S.A. § 461a, 4 V.S.A. § 461b, 4 V.S.A. § 461c, 4 V.S.A. § 604, 4 V.S.A. § 651a, 4 V.S.A. § 693, 4 V.S.A. § 694, 4 V.S.A. § 799, 4 V.S.A. § 951, 4 V.S.A. § 1108, 12 V.S.A. § 401, 12 V.S.A. § 403, 12 V.S.A. § 405, 12 V.S.A. § 1949, 12 V.S.A. § 2553, 12 V.S.A. § 2555, 12 V.S.A. § 5805, 12 V.S.A. § 5809, 13 V.S.A. § 4602, 13 V.S.A. § 4603, 14

V.S.A. § 905, 24 V.S.A. § 71b, 24 V.S.A. § 76, 24 V.S.A. § 139, 24 V.S.A. § 174, 24 V.S.A. § 182, 24 V.S.A. § 401, 24 V.S.A. § 402, 24 V.S.A. § 403, 24 V.S.A. § 404, 32 V.S.A. § 526, 32 V.S.A. § 527, 32 V.S.A. § 528, 32 V.S.A. § 1146, 32 V.S.A. § 1181, 32 V.S.A. § 1474, and 32 V.S.A. § 1558.

(b) In the following sections, the phrase “district court,” wherever it appears, is replaced with “superior court”: 3 V.S.A. § 965, 3 V.S.A. § 1030, 4 V.S.A. § 23, 4 V.S.A. § 1109, 4 V.S.A. § 1110, 7 V.S.A. § 563, 7 V.S.A. § 572, 7 V.S.A. § 657, 9 V.S.A. § 2575, 10 V.S.A. § 2674, 10 V.S.A. § 4552, 10 V.S.A. § 4555, 12 V.S.A. § 5717, 12 V.S.A. § 5854, 13 V.S.A. § 353, 13 V.S.A. § 354, 13 V.S.A. § 1460, 13 V.S.A. § 4822, 13 V.S.A. § 4823, 13 V.S.A. § 5132, 13 V.S.A. § 5411, 13 V.S.A. § 5411d, 13 V.S.A. § 6504, 13 V.S.A. § 6606, 13 V.S.A. § 7002, 13 V.S.A. § 7573, 17 V.S.A. § 2616, 18 V.S.A. § 1060, 18 V.S.A. § 7312, 18 V.S.A. § 7510, 18 V.S.A. § 7612, 18 V.S.A. § 7615, 18 V.S.A. § 7801, 18 V.S.A. § 7802, 18 V.S.A. § 8403, 18 V.S.A. § 8840, 19 V.S.A. § 5, 19 V.S.A. § 7a, 19 V.S.A. § 726, 20 V.S.A. § 2056c, 20 V.S.A. § 2864, 21 V.S.A. § 1352, 21 V.S.A. § 1622, 21 V.S.A. § 1727, 23 V.S.A. § 105, 23 V.S.A. § 304a, 23 V.S.A. § 1209a, 23 V.S.A. § 1215, 23 V.S.A. § 2202, 23 V.S.A. § 2205, 23 V.S.A. § 3318, 24 V.S.A. § 299, 24 V.S.A. § 1311, 24 V.S.A. § 1932, 24 V.S.A. § 1936a, 24 V.S.A. § 1981, 24 V.S.A. § 1983, 24 V.S.A. § 3109, 28 V.S.A. § 373, 28 V.S.A. § 374, 28 V.S.A. § 504, 28 V.S.A. § 705, 32 V.S.A. § 542, 32 V.S.A. § 543, 32 V.S.A. § 544, 32 V.S.A. § 7781, 33 V.S.A. § 5203, 33 V.S.A. § 5204, and 33 V.S.A. § 5293.

(c) In the following sections, the phrase “probate court,” wherever it appears, is replaced with “superior court”: 3 V.S.A. § 465, 3 V.S.A. § 468, 8 V.S.A. § 2201, 8 V.S.A. § 2407, 8 V.S.A. § 12602, 8 V.S.A. § 14205, 8 V.S.A. § 14405, 9 V.S.A. § 2480n, 9 V.S.A. § 4359, 12 V.S.A. § 2358, 12 V.S.A. § 5136(c), 12 V.S.A. § 7154, 12 V.S.A. § 7159, 14 V.S.A. § 2, 14 V.S.A. § 103, 14 V.S.A. § 104, 14 V.S.A. § 105, 14 V.S.A. § 106, 14 V.S.A. § 107, 14 V.S.A. § 113, 14 V.S.A.

§ 114, 14 V.S.A. § 116, 14 V.S.A. § 202, 14 V.S.A. § 681, 14 V.S.A. § 684, 14 V.S.A. § 902, 14 V.S.A. § 903, 14 V.S.A. § 904, 14 V.S.A. § 906, 14 V.S.A. § 907, 14 V.S.A. § 909, 14 V.S.A. § 917, 14 V.S.A. § 917a, 14 V.S.A. § 919, 14 V.S.A. § 921, 14 V.S.A. § 922, 14 V.S.A. § 923, 14 V.S.A. § 924, 14 V.S.A. § 928, 14 V.S.A. § 929, 14 V.S.A. § 931, 14 V.S.A. § 961, 14 V.S.A. § 962, 14 V.S.A. § 963, 14 V.S.A. § 964, 14 V.S.A. § 965, 14 V.S.A. § 1051, 14 V.S.A. § 1054, 14 V.S.A. § 1056, 14 V.S.A. § 1059, 14 V.S.A. § 1065, 14 V.S.A. § 1066, 14 V.S.A. § 1068, 14 V.S.A. § 1201, 14 V.S.A. § 1204, 14 V.S.A. § 1206, 14 V.S.A. § 1210, 14 V.S.A. § 1410, 14 V.S.A. § 1416, 14 V.S.A. § 1455, 14 V.S.A. § 1492, 14 V.S.A. § 1551, 14 V.S.A. § 1554, 14 V.S.A. § 1557, 14 V.S.A. § 1558, 14 V.S.A. § 1559, 14 V.S.A. § 1611, 14 V.S.A. § 1612, 14 V.S.A. § 1613, 14 V.S.A. § 1614, 14 V.S.A. § 1615, 14 V.S.A. § 1651, 14 V.S.A. § 1652, 14 V.S.A. § 1653, 14 V.S.A. § 1655, 14 V.S.A. § 1656, 14 V.S.A. § 1657, 14 V.S.A. § 1658, 14 V.S.A. § 1659, 14 V.S.A. § 1660, 14 V.S.A. § 1661, 14 V.S.A. § 1662, 14 V.S.A. § 1665, 14 V.S.A. § 1721, 14 V.S.A. § 1729, 14 V.S.A. § 1730, 14 V.S.A. § 1731, 14 V.S.A. § 1736, 14 V.S.A. § 1737, 14 V.S.A. § 1739, 14 V.S.A. § 1741, 14 V.S.A. § 1742, 14 V.S.A. § 1743, 14 V.S.A. § 1801, 14 V.S.A. § 1804, 14 V.S.A. § 1952, 14 V.S.A. § 2101, 14 V.S.A. § 2102, 14 V.S.A. § 2103, 14 V.S.A. § 2104, 14 V.S.A. § 2105, 14 V.S.A. § 2106, 14 V.S.A. § 2107, 14 V.S.A. § 2108, 14 V.S.A. § 2201, 14 V.S.A. § 2202, 14 V.S.A. § 2203, 14 V.S.A. § 2303, 14 V.S.A. § 2305, 14 V.S.A. § 2306, 14 V.S.A. § 2307, 14 V.S.A. § 2318, 14 V.S.A. § 2327, 14 V.S.A. § 2402, 14 V.S.A. § 2403, 14 V.S.A. § 2501, 14 V.S.A. § 2502, 14 V.S.A. § 2602, 14 V.S.A. § 2603, 14 V.S.A. § 2645, 14 V.S.A. § 2650, 14 V.S.A. § 2653, 14 V.S.A. § 2654, 14 V.S.A. § 2656, 14 V.S.A. § 2658, 14 V.S.A. § 2665, 14 V.S.A. § 2666, 14 V.S.A. § 2667, 14 V.S.A. § 2671, 14 V.S.A. § 2684, 14 V.S.A. § 2687, 14 V.S.A. § 2711, 14 V.S.A. § 2712, 14 V.S.A. § 2751, 14 V.S.A. § 2752, 14 V.S.A. § 2753, 14 V.S.A. § 2754, 14 V.S.A. § 2791, 14 V.S.A. § 2792, 14 V.S.A. § 2794, 14 V.S.A. § 2795, 14 V.S.A. § 2800, 14 V.S.A. § 2802, 14 V.S.A. § 2803, 14 V.S.A. § 2804, 14 V.S.A. § 2841, 14 V.S.A. § 2843, 14 V.S.A. § 2846, 14 V.S.A. § 2881, 14 V.S.A. § 2882, 14 V.S.A. § 2886, 14 V.S.A. § 2887, 14 V.S.A. § 2890, 14

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(d) In the following sections, the phrase “family court,” wherever it appears, is replaced with “superior court”: 3 V.S.A. § 476a, 4 V.S.A. § 465, 4 V.S.A. § 466, 14 V.S.A. § 2663, 14 V.S.A. § 2667, 15 V.S.A. § 293, 15 V.S.A. § 303, 15 V.S.A. § 606, 15 V.S.A. § 653, 15 V.S.A. § 668a, 15 V.S.A. § 782, 15 V.S.A. § 787, 15 V.S.A. § 798, 15 V.S.A. § 799, 15 V.S.A. § 1108, 15 V.S.A. § 1206, 15A V.S.A. § 1-112, 15A V.S.A. § 2-407, 15A V.S.A. § 3-101, 15A V.S.A. § 3-207, 15B V.S.A. § 102, 16 V.S.A. § 1946b, 18 V.S.A. § 5004, 18 V.S.A. § 7624, 18 V.S.A. § 9305, 18

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