

**STATE OF VERMONT  
VERMONT SUPREME COURT  
SEPTEMBER TERM, 2006**

**Order Promulgating Emergency Amendment to § 6 (b)(27)  
of Rules for Public Access to Court Records**

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

1. That § 6(b)(27) of the Rules for Public Access to Court Records is amended to read as follows (new matter underlined, deleted matter overstruck):

**§ 6. Case Records**

(b) *Exceptions.* The public shall not have access to the following judicial branch records:

\* \* \* \* \*

(27) The complaint and affidavit filed pursuant to 15 V.S.A. §§ 1103, 1104, or 12 V.S.A. §§ 5133, 5134, but not a temporary order, until the defendant has an opportunity for a hearing pursuant to 15 V.S.A. §§ 1103(b) or 1104(b) or 12 V.S.A. §§ 5133(b) or 5134(b);

**Reporter's Notes—2006 Amendment**

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In Act 193 of 2005 (Adj. Sess.), the Legislature enacted provisions enabling people to obtain protective orders against stalking and sexual assault. See 12 V.S.A. §§ 5131-5138, effective October 1, 2006. The Act establishes procedures and protections similar to those available to family or household members. See 15 V.S.A. § 1101 et seq. This amendment limits public access to stalking and sexual assault case records in the same way as public access is limited to domestic abuse records.

2. That the emergency amendment to § 6(b)(27) of the Rules for Public Access to Court Records are prescribed and promulgated to become effective October 1, 2006. The Reporter's Notes are advisory.

3. That the Court finds that the emergency amendment to § 6(b)(27) of the Rules for Public Access to Court Records must be promulgated without resort to the notice and comment

procedures set forth in Administrative Order No. 11 in order to make the amendment effective at the same time as the provisions of 12 V.S.A. §§ 5131-5138. The Court's Advisory Committee on the Rules for Public Access is directed to consider and report to the Court on the emergency amendment of V.R.P.A. § 6(b)(27) pursuant to Administrative Order No. 11 by April 2, 2007.

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

Dated in Chambers at Montpelier, Vermont, this 29<sup>th</sup> day of September, 2006.

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Paul L. Reiber, Chief Justice

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice

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Brian L. Burgess, Associate Justice