

**STATE OF VERMONT
VERMONT SUPREME COURT
NOVEMBER TERM, 2023**

Order Promulgating Amendment to Rule 12(a) of the Vermont Rules of Probate Procedure

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

1. That Rule 12(a) of the Vermont Rules of Probate Procedure be amended as follows (deleted matter struck through):

RULE 12. NOTICE OF INITIAL HEARING; DEFENSES AND OBJECTIONS—WHEN AND HOW PRESENTED

(a) **Notice of initial hearing; when and how defenses presented.** The notice of the initial hearing in a probate proceeding shall set a date for hearing which shall be at least 14 days after the completion of service upon all persons to be served. ~~However, relinquishment hearings held under 15 V.S.A. 432(b) shall be scheduled as provided in that section.~~ Late service is effective but, unless waived by those persons served late, the court must reschedule the initial hearing to occur at least 14 days after the completion of service upon the last person served and notify those served by first class mail. Any answer to the petition shall be in writing and be filed at or before the hearing except that an oral answer may be made at the hearing unless the court directs otherwise. If an oral answer is made at the hearing, the court may direct that a written answer be filed within a specified period of time. An answer, whether oral or written, may state objections to the action or order sought in the petition or any other matter the party wishes to raise. If a written answer is filed at any time, the hearing may be continued as to all issues involved in the objections or other matter there stated for a period sufficient to allow all parties fairly to be heard on these issues.

Reporter’s Notes—2024 Amendment

This is a housekeeping amendment that removes reference to 15 V.S.A. § 432(b), which was repealed in 1995.

2. That this rule is prescribed and promulgated effective January 8, 2024. The Reporter’s Notes are advisory.

3. That the Court finds that this amendment must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11 to conform the rule to the statutory change.

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

Dated in Chambers at Montpelier, Vermont, this 6th day of November, 2023.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice