



# JUDICIAL BRANCH OVERVIEW

and

# RBA REPORT

January 2020

# Table of Contents

<b>Part One:</b>	<b>Judicial Branch Overview .....</b>	<b>1</b>
	Introduction.....	1
	The Vermont Constitution.....	1
	Constitutional Allocation of Judiciary Responsibilities.....	2
	Mission and Vision of the Vermont Judiciary.....	4
	Principles for Administration of the Vermont Judiciary.....	4
	Case Management Principles .....	4
	Vermont Unified Court System: Chart.....	5
	Vermont Unified Court System: Description .....	6
	<i>The Supreme Court</i> .....	6
	<i>Administration of the Court System and Regulation of Attorneys</i> .....	6
	Superior Court .....	7
	<i>Criminal Division</i> .....	7
	<i>Family Division</i> .....	7
	<i>Civil Division</i> .....	8
	<i>Environmental Division</i> .....	8
	<i>Probate Division</i> .....	9
	<i>The Judicial Bureau</i> .....	9
	Judicial Officers.....	9
	<i>Appointment</i> .....	10
	<i>Qualifications</i> .....	10
	<i>Terms of Service</i> .....	10
	<i>Jurisdiction</i> .....	10
	Court Management .....	11
<b>Part Two:</b>	<b>Court System Funding.....</b>	<b>12</b>
<b>Part Three:</b>	<b>Meeting the Challenges of the Future .....</b>	<b>13</b>
	Technology and the Court System.....	13
	<i>How Much Did We Do?</i> .....	14
	<i>How Well Did We Do It?</i> .....	14
	<i>Is Anyone Better Off?</i> .....	14

<b>Part Four:</b>	<b>Public Education and Access to the Courts</b> .....	15
Court Interpreter Program .....		15
<i>How Much Did We Do?</i> .....		15
<i>How Well Did We Do It?</i> .....		15
<i>Is Anyone Better Off?</i> .....		15
Education for Self-Represented Litigants .....		15
<i>How Much Did We Do?</i> .....		16
<i>How Well Did We Do It?</i> .....		16
<i>Is Anyone Better Off?</i> .....		16
Relief from Abuse Education Program .....		16
<i>How Much Did We Do?</i> .....		17
<i>How Well Did We Do It?</i> .....		17
<i>Is Anyone Better Off?</i> .....		17
Children Coping with Divorce .....		17
<i>How Much Did We Do?</i> .....		18
<i>How Well Did We Do It?</i> .....		18
<i>Is Anyone Better Off?</i> .....		18
Judiciary Information Center .....		18
<i>How Much Did We Do?</i> .....		19
<i>How Well Did We Do It?</i> .....		19
<i>Is Anyone Better Off?</i> .....		19
<b>Part Five:</b>	<b>Children and Families in the Court System</b> .....	20
Attorneys for Children .....		20
Family Mediation .....		20
<i>How Much Did We Do?</i> .....		21
<i>How Well Did We Do It?</i> .....		21
<i>Is Anyone Better Off?</i> .....		21
Parent Coordination .....		21
<i>How Much Did We Do?</i> .....		22
<i>How Well Did We Do It?</i> .....		22
<i>Is Anyone Better Off?</i> .....		22

Home Studies .....	22
Guardian ad Litem Program .....	23
<i>How Much Did We Do?</i> .....	23
<i>How Well Did We Do It?</i> .....	23
<i>Is Anyone Better Off?</i> .....	23
The Juvenile Court Improvement Program .....	24
<i>How Much Did We Do?</i> .....	24
<i>How Well Did We Do It?</i> .....	24
<i>Is Anyone Better Off?</i> .....	25
Justice for Children Task Force .....	25
<b>Part Six:                    Court Response to Crime in the Community</b> .....	27
Treatment Dockets .....	27
<i>How Much Did We Do?</i> .....	27
<i>How Well Did We Do It?</i> .....	27
<i>Is Anyone Better Off?</i> .....	27
<i>Adult Drug Treatment Dockets – Chittenden, Rutland and Washington Counties</i> .....	28
<i>Juvenile Treatment Docket – Franklin County</i> .....	28
<i>Mental Health Treatment Docket – Chittenden County</i> .....	29
<i>South East Regional DUI Treatment Docket</i> .....	29
<b>Part Seven:                Court Security and Safety</b> .....	30
<i>How Much Did We Do?</i> .....	30
<i>How Well Did We Do It?</i> .....	30
<i>Is Anyone Better Off?</i> .....	30
<b>Part Eight:                Judicial Branch Education</b> .....	31
Judicial Officer Education .....	31
Out-of-State Judicial Education .....	31
<i>How Much Did We Do?</i> .....	31
<i>How Well Did We Do It?</i> .....	31
<i>Is Anyone Better Off?</i> .....	31

In-State Judicial Education .....	32
<i>How Much Did We Do?</i> .....	32
<i>How Well Did We Do It?</i> .....	32
<i>Is Anyone Better Off?</i> .....	32
Employee Education.....	32
<i>How Much Did We Do?</i> .....	32
<i>How Well Did We Do It?</i> .....	32
<i>Is Anyone Better Off?</i> .....	33
<b>Part Nine:                  Boards, Committees and Interagency Task Forces</b> .....	34
Judicial Ethics Committee.....	34
Bench/Bar Committees .....	34
Professional Responsibility Program .....	34
Judicial Conduct Board .....	35
Board of Bar Examiners and Character and Fitness Committee .....	35
Mandatory Continuing Legal Education Board .....	36
<b>Part Ten:                  Judicial Administration</b> .....	37
Personnel Policies.....	37
Adoption, Modification and Documentation of Procedures, Policies and Protocols; Creation, Maintenance and Distribution of Forms .....	37
Creation, Maintenance and Distribution of Records.....	37
Compilation of Management and Statistical Information.....	37
Maintenance and Control of Equipment.....	37
Audits of Financial Transactions and Recordkeeping.....	38
Payment of Bills and Expenses .....	38
Creation and Maintenance of Personnel Records.....	38
Facilities Management .....	38
Continuity of Operations .....	38

# Part One: Judicial Branch Overview

## Introduction

Courts provide a forum for resolution of disputes involving the full range of human conflict, including cases that address the protection of individual liberty and property rights, public safety, and business and commercial concerns. Fair and impartial courts are essential to provide access to justice for all Vermonters and to protect individual rights under the Constitution.

As a co-equal branch of state government the Vermont Judiciary is an important element in the constitutional balance of power among the Executive, the Legislative, and the Judicial branches. This balance of power is essential to the vitality of a democracy.

## The Vermont Constitution

In the United States law is found in the following sources:

- Federal and state constitutions;
- Legislation passed by the Congress and by the applicable state legislature; and
- “Common law,” which is the body of historical rules and precedents of the English legal system that evolved in the United States after the time of the American Revolution through court decisions; common law is applicable unless changed by a constitutional provision or statute. This was adopted as the law of Vermont by Title 1, Section 271, of the Vermont Statutes Annotated.

The Vermont Constitution recognizes each separate branch of government as follows:

- The “Supreme Legislative power” shall be exercised by a Senate and House of Representatives [Chapter II, Section 2];
- The “Supreme Executive power” shall be exercised by a Governor; or in the Governor’s absence, a Lieutenant Governor [Chapter II, Section 1]; and
- “The judicial power of the State shall be vested in a unified judicial system which shall be composed of a Supreme Court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.” [Chapter II, Section 4]

Chapter I, Article 4 of the Vermont Constitution provides as follows:

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character, every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

## Constitutional Allocation of Judiciary Responsibilities

Vermont Constitution	Vermont Supreme Court
Ch II, Section 29	Consists of the Chief Justice and four Associate Justices
Ch II, Section 30	Has administrative control of all the courts of the state
Ch II, Section 30	Hears appeals from all lower courts and handles related writs in all cases
Section 30	Has original jurisdiction (determining facts and law, as opposed to hearing appeals from lower courts) “only as provided by law”
Section 30	Has disciplinary authority concerning all judicial officers and attorneys in Vermont
Section 31	May not be divided into geographical or functional divisions
Section 30	Rulemaking authority “not inconsistent with law” re: appeals
Section 31	Rulemaking authority “not inconsistent with law” re: lower courts
Section 31	Rulemaking authority re: establishment of geographical and functional divisions of lower courts “not inconsistent with law”
Section 37	Rulemaking authority “governing the administration of all courts and governing practice and procedure in civil and criminal cases in all courts,” provided that “any rule adopted by the Supreme Court may be revised by the General Assembly”

Vermont Constitution	Superior Court
Ch II, Section 4	Identified as one of the components of the unified judicial system, [along with the Supreme Court and “such other subordinate courts as the General Assembly may from time ordain and establish”]

Vermont Constitution	Other Lower Courts
Ch II, Section 31	All other lower courts of Vermont shall have original and appellate jurisdiction "as provided by law." All courts except the Supreme Court may be divided into geographical and functional divisions as provided by law or by judicial rules adopted by the Supreme Court "not inconsistent with law."

Vermont Constitution	Assistant Judges
Ch II, Section 50	The Assistant Judges shall be elected by the voters of their respective districts "as established by law." Their judicial functions shall be "established by law." Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be "as established by law."

Vermont Constitution	Judges of Probate
Ch II, Section 51	Judges of Probate shall be elected by the voters of their respective districts "as established by law." The General Assembly may "establish by law" qualifications for the election to and holding of such office. Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be "as established by law."

## **Mission and Vision of the Vermont Judiciary**

The Judiciary's mission is to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone their opportunity to have their day in court.

The Judiciary's vision is as follows: The people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.

## **Principles for Administration of the Vermont Judiciary**

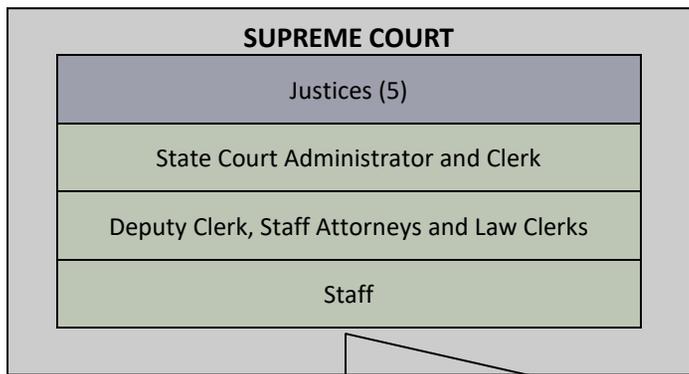
The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that "the judicial power of the State shall be vested in a unified judicial system..."
3. The Vermont Supreme Court will deploy resources in a manner that is cost-efficient for the taxpayer, while providing access to court services that is cost-effective to litigants.
4. Court services will be provided through a system that is open, affordable, and understandable and that offers a level of service that is appropriate to the characteristics of the case.
5. Court services will be provided through a system that ensures access to justice and respect for all litigants and members of the bar.
6. Case decisions will be made by appropriately educated and well-trained judicial officers.
7. Trial court judges will be capable of working in any court, hearing any case that needs to be heard on a particular day.
8. Judicial officers will issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.
9. The Judicial Branch will be organized to minimize redundancies in court structure, procedures, and personnel, and provide an efficient balance of workload among courts.
10. Funding authorities will provide resources that are appropriate to court structure and provide long-term stability in the budgeting, funding, and operations of the Judicial Branch

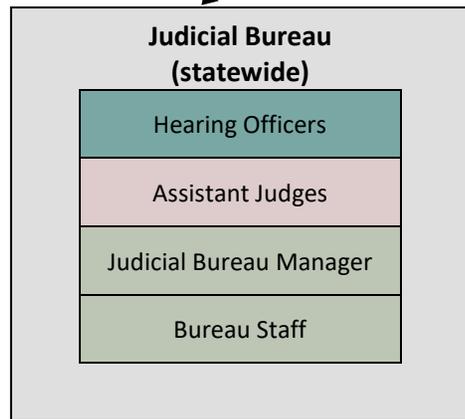
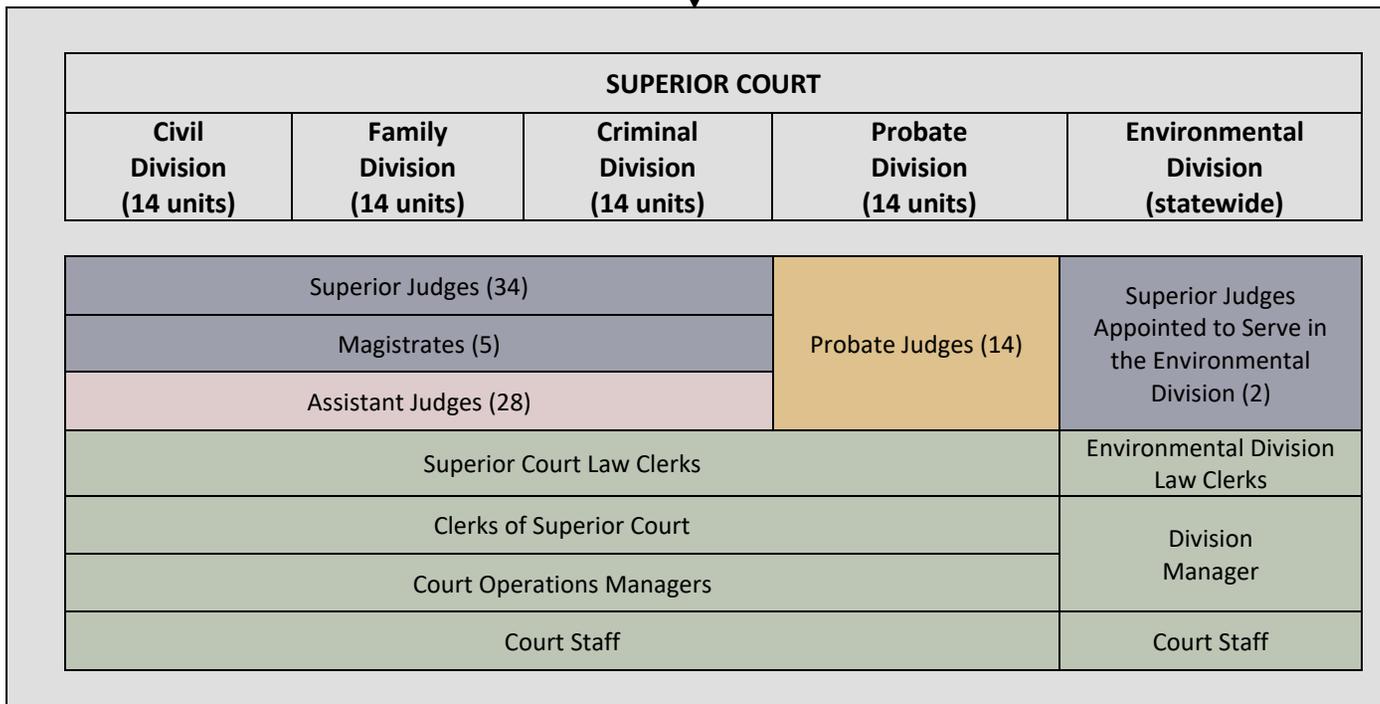
## **Case Management Principles**

1. Every case will receive individual attention.
2. Individual attention will be proportional to need.
3. Decisions and process will demonstrate procedural justice.
4. Judicial control will be exercised over the legal process.

## THE VERMONT UNIFIED COURT SYSTEM



- Appointed;  
Statutory Salary
- Elected;  
Statutory Salary
- State Employee; Hired by  
Supreme Court or Designee
- State Employee;  
Statutory Salary
- Elected;  
Paid by State when sitting alone  
Paid by County when sitting with judge



## **Vermont Unified Court System**

### **The Supreme Court**

The Supreme Court is comprised of the Chief Justice and four Associate Justices. Each Justice is appointed by the Governor from a list of candidates submitted by the Judicial Nominating Board. The Governor's appointment of a Justice must be confirmed by the Senate. The Justices hold six-year terms. Every six years, each Justice who wishes to sit for another six-year term must seek to be retained by the General Assembly. Following a review the General Assembly votes to determine whether each such Justice will continue to sit for another six-year term.

The Supreme Court is the sole appellate level court in Vermont. It hears cases primarily in Montpelier. The Court hears appeals from the Civil, Family, Criminal, and Environmental divisions of the Vermont Superior Court; from certain administrative agency proceedings; and from the Probate Division when a question of law is involved. In special types of cases, the Supreme Court has original or exclusive jurisdiction. In those cases, an appeal is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves approximately 400 cases per year by deciding whether a trial court judge accurately applied Vermont law to the facts in a case. In such cases, the Supreme Court does not take evidence, listen to witnesses, or receive exhibits. Instead, the Court looks at the legal issues to determine whether the law was correctly applied to the facts in the lower court. Decisions of the Supreme Court of Vermont are final unless the case presents a federal question involving the United States Constitution, statutes, or treaties. If there is a federal question, decisions of the Supreme Court of Vermont may be appealed to the United States Supreme Court.

### **Administration of the Court System and Regulation of Attorneys**

The Vermont Constitution gives the Supreme Court the responsibility to administer the Vermont Unified Court System. The Supreme Court exercises its administrative authority collectively as a governing body. The Constitution also authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules adopted by the Court. The Supreme Court also has the power to discipline judges and attorneys, to license attorneys, and to regulate the practice of law.

The Supreme Court appoints a State Court Administrator, who serves as the Chief Executive Officer of the Judiciary. She has responsibility for all budgetary and fiscal operations and personnel administration of all courts, boards, and agencies of the Vermont Judicial Branch. Her responsibilities include oversight of the administrative infrastructure of the Judiciary, including functions related to budget and finance, planning, appellate court administration, human resources and labor relations, information technology, court services and programs, court facilities and security, legal counsel, attorney regulation, and the relationship between the Judiciary and the Legislative and Executive branches of state government.

The Supreme Court also appoints a Chief Superior Judge. He assigns the Superior Judges, Environmental Judges, child support Magistrates, Judicial Bureau Hearing Officer, and Assistant Judges to the trial court divisions, resolves attorney conflicts, and resolves complaints about the trial courts. The Chief Superior Judge assigns each of the judges to sit in each of the trial courts for a specific length of time, generally for

a year. In the smaller counties, one judge may be assigned to sit in the Civil, Criminal, and Family divisions of the Vermont Superior Court concurrently, especially when all three divisions are located in the same building. In the larger counties, a different judge may sit in each of the trial court divisions.

The State Court Administrator and Chief Superior Judge cooperate to ensure that the trial court system operates as efficiently as possible and to work toward the development of uniform and improved procedures in the trial courts. They also work together to oversee the development and implementation of judicial education, orientation, and mentoring programs.

## **Superior Court**

The Vermont Superior Court was created by Act 154 of the 2010 session of the General Assembly. The Act reorganized the trial courts as divisions of the new Superior Court. There is a unit of the Superior Court in every county, comprised of a Civil, Criminal, Family and Probate division. As part of the reorganization, the former Environmental Court became a statewide Environmental Division of the Superior Court. The former district court judges were re-designated superior judges under the Act.

### **Criminal Division**

Each unit of the Superior Court has a Criminal Division. The Criminal Division is responsible for hearing the criminal and civil suspension cases brought by the state's attorneys, Attorney General, and municipal grand jurors. In FY19 there were approximately 17,000 cases filed in the Criminal Division of the Superior Court. The Criminal Division generally operates as follows:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Judges determine the guilt or innocence of people charged with a crime;
- Through sentencing decisions, the Superior Judges impose consequences on people who break the law, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate individuals found to have broken the law; and
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Judges protect the public from arbitrary use of government power.

The Criminal Division also has jurisdiction over the most serious fish and game violations and traffic violations, as well as Judicial Bureau appeals, civil suspension cases, civil contempt for non-payment of municipal ordinance cases, fugitives from justice, forfeitures, and DNA testing, i.e., challenges to cases involving the use of DNA testing evidence. The Criminal Division is also the site of specialized dockets that offer treatment to court-involved individuals with a substance abuse disorder or behavioral health need.

### **Family Division**

Each unit of the Superior Court has a Family Division. The Family Division is responsible for the divorce, annulment and civil union dissolution actions; other domestic actions (primarily parentage), and post-judgment actions. In FY19 there were over 12,000 of these cases filed. Most of the post-judgment actions involve attempts by parents to modify or enforce child support, visitation or custody orders.

The Family Division is also responsible for motions to establish, modify or enforce child support; juvenile delinquency; cases involving the abuse and neglect of children; termination of parental rights actions; cases involving children who may be beyond the control of their parents or truant; petitions for relief from domestic abuse, and other matters, including those relating to how the state should care for persons with mental illness and developmental disabilities. In FY19, there were nearly 13,000 of these cases filed in the Family Division.

In their daily work, Family Division Judicial Officers and court staff do the following:

- Conduct timely hearings and issue timely decisions in order to resolve disputes, to provide support to distressed litigants and to provide protection to victims of family violence and emotional abuse; and
- Provide courteous, calming and helpful service to family members to help them make informed decisions about how to resolve their disputes on their own through mediation and through seeking help through community services.

### **Civil Division**

Each unit of the Superior Court has a Civil Division. The Civil Division of the Superior Court is responsible for a variety of civil actions. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving allegations that a party had failed to abide by the terms of a contract. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Civil Division also hears appeals of some governmental actions and state environmental, consumer protection and civil rights actions. There were approximately 5,700 cases of these types filed in the Civil Division in FY19.

The Civil Division also hears small claims cases and civil protection orders. In FY19 there were approximately 6,600 of these cases filed.

Examples of the kinds of activities Civil Division judicial officers and court staff are involved in are the following:

- Actions regarding whether one person should have to reimburse another for that person's actions or inaction;
- Actions relating to whether a person should start or stop acting in certain ways; and
- Actions relating to whether a person should lose their home or other property for failure to pay a debt; and

Actions relating to unpaid debts, shoddy home improvement, and returns of security deposits. These "small claim" cases benefit from simplified procedural rules.

### **Environmental Division**

The Environmental Division of the Superior Court has statewide jurisdiction and is responsible for hearing cases that fall into one of four general categories, as follows:

1. Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;

2. Environmental enforcement proceedings from various municipalities;
3. Appeals from municipal zoning boards, development review boards and planning commissions; and
4. Appeals from land use determinations made by various Act 250 district commissions and jurisdictional determinations by the Act 250 District Coordinators. The main office and courtroom of the environmental division is located in Chittenden County; however, the two Superior Judges assigned to hear environmental division proceedings travel throughout the state to conduct site visits and trials in the county where the action arises.

There were 166 cases were filed in the Environmental Division in FY19.

### **Probate Division**

Judges in the Probate Division hear cases relating to guardianships, adoptions, decedent estates and testamentary trusts, and for other administrative actions, including change of names and safekeeping of wills. There were approximately 7,700 cases filed in the Probate Division in FY 19.

Probate judges and court staff do the following:

- Assist persons and families administer and settle estates and trusts, and if necessary, resolve disputes regarding the distribution of the assets of estates;
- Determine whether guardianships need to be established for incompetent persons;
- Assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- Monitor cases to ensure fiduciaries meet their responsibilities to estates and guardianships.

### **The Judicial Bureau**

The Judicial Bureau staff are responsible for hearing and processing civil violation complaint tickets issued by state and local law enforcement agencies. There were approximately 80,000 such cases filed in FY19. Nearly all (98%) of these were traffic tickets. The Judicial Bureau is also responsible for processing municipal ordinance violations and fish and wildlife violations. There were approximately 1,700 of these cases filed in FY19

Through court trials, a Hearing Officer and some Assistant Judges sitting as Hearing Officers determine whether people who contested their tickets in FY19 violated the law and whether they must pay civil penalties to the state and municipalities. There were over 12,000 of these cases filed in FY 19. In FY19, the judicial bureau collected \$11,998,811 arising from traffic-related cases.

### **Judicial Officers**

- Chief Justice (1)
- Associate Justices of the Supreme Court (4)
- Superior Judges (34)
- Superior Judges appointed to hear environmental cases (2)
- Magistrates (5)
- Judicial Bureau Hearing Officers (1)

- Probate Judges (14)
- Assistant Judges (28)

## Appointment

The Governor, with the advice and consent of the Senate, fills vacancies for the offices of Chief Justice, Associate Justice, Superior Judge, and Magistrate from a list of nominees presented by the Judicial Nominating Board. Probate Judges and Assistant Judges are elected at the county level. Judicial Bureau Hearing Officers are appointed by the Chief Superior Judge.

## Qualifications

With the exception of Probate Judges who were sitting at the time the judicial restructuring law passed in 2010, and Assistant Judges, all judicial officers must be attorneys licensed to practice law in Vermont.

## Term of Service

Supreme Court justices, Superior Judges, and Magistrates hold office for a six-year term. At the end of each six-year term, the question of their continuance in office is submitted to the General Assembly in a process known as retention. The Justice, Judge, or Magistrate going through the retention process continues in office for another term of six years unless a majority of members vote against continuation in office.

Assistant Judges and Probate Judges are elected. In each case, the term of office is four years.

## Jurisdiction:

- **Superior Judges** hear cases in the Civil, Criminal, and Family divisions of the Vermont Superior Court. Superior Judges appointed to hear environmental cases (also known as “environmental judges”) preside in the Environmental Division. An Environmental Judge may also be assigned by the Chief Superior Judge to hear matters in another division.
- **Magistrates** sit in the Family Division. They are authorized to hear cases involving the establishment, enforcement or modification of child support. They can also hear cases involving certain other issues that arise in domestic cases. Magistrates may be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.
- **A Judicial Bureau Hearing Officer** hears cases filed in the Judicial Bureau. He may also be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.
- **Probate Judges** hear cases in the Probate Division but may be specifically assigned by the Chief Superior Judge to hear cases as an Acting Superior Judge in other divisions.
- **Assistant Judges** There are twenty-eight Assistant Judges in Vermont, two in each of Vermont's fourteen counties. They are county executives who may, under certain circumstances, sit as judicial officers. As county executives, they run county government and levy a tax on towns in their respective counties to fund county government. They are elected to four-year terms. They may choose to sit with a Superior Judge as a trier of fact on cases in the Civil or Family division.

When doing so they are referred to as “side judges.” Assistant judges do not sit as triers of fact on juvenile cases.

Assistant Judges who meet training requirements established by the State Court Administrator’s Office are authorized by statute to hear and decide civil ordinance and traffic violations in the Judicial Bureau and uncontested divorces in the Family Division.

Assistant Judges in Caledonia, Rutland, and Bennington counties may continue to sit on small claims cases filed in their court. These judges have an annual continuing education requirement.

## **Court Management**

Each unit of the Vermont Superior Court is managed by a Superior Court Clerk appointed by the Court Administrator, and a Presiding Judge appointed by the Chief Superior Judge. Presiding judges are chosen from among the Superior Judges. The Presiding Judge for each county unit determines the allocation of judicial resources between Civil, Criminal, and Family Divisions within the unit and may specially assign a superior judge within a division of the unit to preside over one or more cases in a different division. Court Operations Managers manage court staff in each unit and report to a Superior Court Clerk.

The Vermont Supreme Court has directed that the Presiding Judge and the Superior Court Clerk work together on case management, scheduling, and calendaring; the administration of court programs (e.g., education programs for self-represented litigants, referrals to alternative dispute resolution programs such as mediation, and the planning for and implementation of treatment court dockets); the safe and efficient use of space in court facilities; the relationship with the local bar; the relationship with the community; and other issues related to the effective and efficient administration of justice.

## **Part Two: Court System Funding**

The courts are primarily financed through the state's general fund (approximately 88%).

In addition, the Judiciary receives specialized funding from federal grants and other entities to support targeted court activities. Examples of federal grants include: the Stop Violence Against Women Act (STOP VAWA); the U.S. Department of Health and Human Services, Children's Bureau Court Improvement Program grants; and the Washington County Adult Treatment Drug Court Expansion.

Examples of interdepartmental transfers from other state agencies include: support for treatment docket administration from the Vermont Agency of Human Services, Division of Alcohol and Drug Abuse Programs; NCHIP grant from the Department of Public Safety; determination and collection of child support from Office of Child Support (OCS); certain federal formula grants on a sub-recipient basis, such as the STOP VAWA formula grant from the Vermont Center for Crime Victim Services (supporting court programs, education and trainings around the issue of domestic violence); and the Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant as a sub-recipient from the Department of Public Safety.

The fees users pay are generally credited to the state general fund and not dedicated to the courts. Attorney licensing fees are used to fund the boards and staff that oversee licensing, oversight of judicial officers and attorneys, and bar examinations. The Supreme Court may also direct revenue from this source to access to justice initiatives.

Many fines may have administrative fees or surcharges attached that the legislature has specifically identified for use on specific projects.

## **Part Three: Meeting the Challenges of the Future**

### **Technology and the Court System**

Through its research and Information Services (RIS) Division, the Vermont Judiciary provides technology solutions to judges and staff to support daily operations and court case management. The RIS Division is organized into two functional areas – Applications, and Infrastructure and Support, including the Judiciary’s case management systems, business systems analysis, forms, and statistics and reporting. Infrastructure and Support includes the Judiciary’s Help Desk, the maintenance of public and internal wireless network systems, and the deployment of equipment upgrades.

The Judiciary attained a significant milestone in its Next Generation Case Management System (NG-CMS) initiative with the launch of the system in the Judicial Bureau in June 2019. The NG-CMS initiative, which kicked-off in June 2017 with an announcement that the Judiciary had contracted with Tyler Technologies to implement its Odyssey® unified case management system in Vermont, will continue with regional rollouts through 2021, at which time the Judiciary is expected to be fully transitioned to the new system.

Initial funding for the early phases of the Judiciary’s NG-CMS project was appropriated by the Legislature in 2015. Funding for the project was also provided in Capital Bill appropriations in 2017, 2018, and 2019.

Rollout of the required infrastructure necessary to conduct video appearances was completed in 2019. This allows staff in courtrooms and defendants and staff in correctional facilities to interact remotely. Cisco Telepresence units have been successfully installed in courtrooms in Chittenden, Bennington, Franklin, Orleans, Caledonia, Washington, Windsor, and Windham counties. Telepresence devices have also been successfully rolled out to all six correctional facilities in the state. This new technology will allow the courts to be more efficient, flexible, and cost effective.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are continually maintained and supported. The Judiciary works with the Agency of Digital Services (ADS) to ensure that the Judiciary has a reliable and secure technology foundation that can support both current and future needs. Last year, when the Judiciary moved away from a virtual desktop infrastructure to a laptop/desktop computing environment, it was crucial that a new method for remote access was developed. RIS worked with ADS to implement a Virtual Private Network (VPN), using a “OpenVPN” client which allows a Judiciary employee to remotely access the network from anywhere from their Judiciary laptop.

This change required enabling Multi-Factor Authentication (MFA) on all Judiciary employee Office365 accounts. This change promotes ease of access to critical records by judicial officers and court staff, it enhances the security posture of the Judiciary.

The Judiciary has also implemented OneDrive in tandem with the OpenVPN client. OneDrive is a secure document sharing tool which allows judicial officers and Judiciary staff to easily store and transfer files across multiple computing devices.

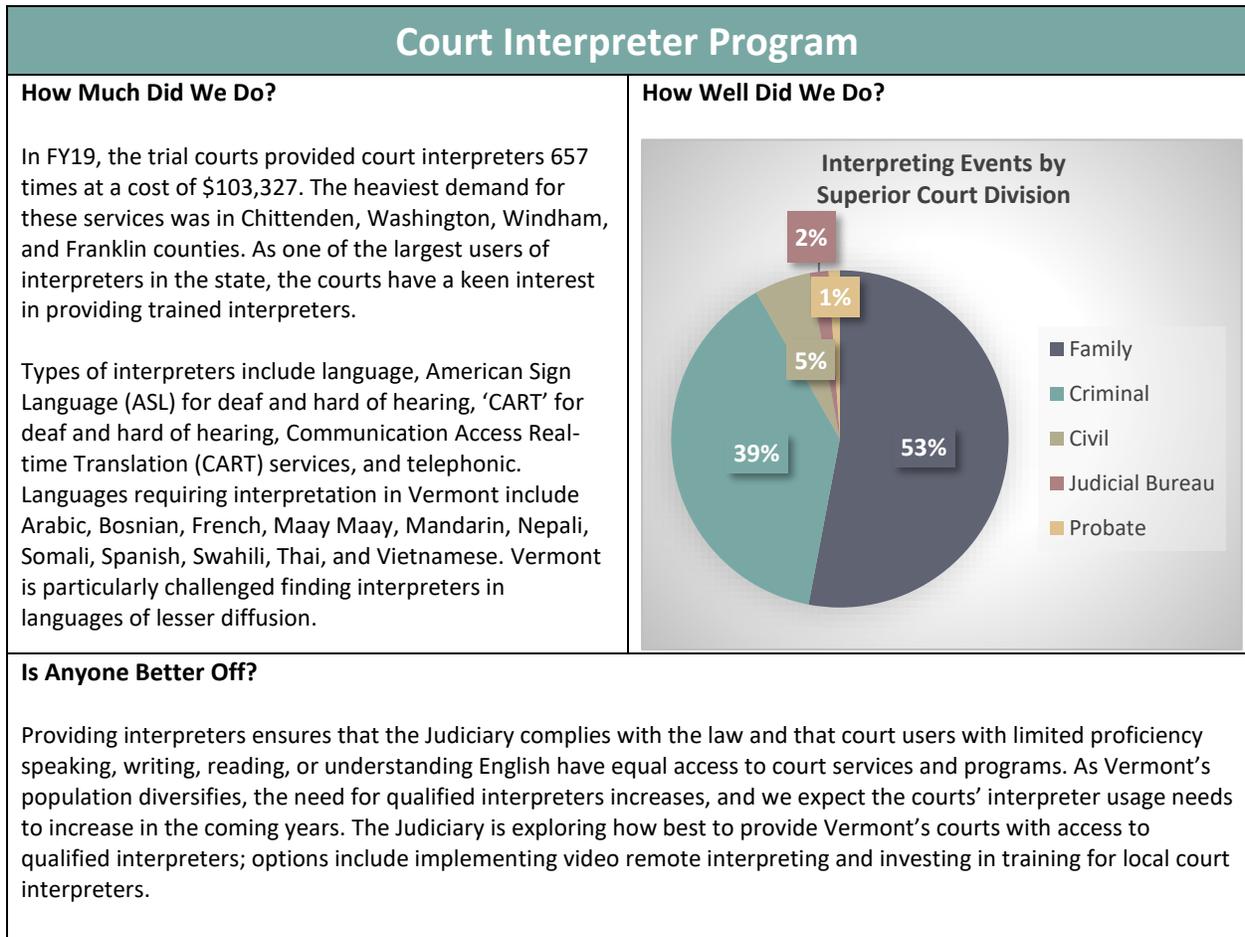
## Technology and the Court System

How Much Did We Do?	How Well Did We Do it?	Is Anyone Better Off?
<b>Supporting Current Operations and Ongoing Improvements in Existing Technology</b>		
Judiciary Help Desk	Supports daily IT operations and requests. The JUD Help Desk supports over 400 users located in 24 courthouses throughout the State, The Helpdesk resolved 14,082 tickets in FY19.	The JUD Help Desk strives to give friendly and timely responses and resolutions to all incoming IT issues and requests.
VPN, MFA, and OneDrive	Every laptop in the Judiciary is configured with OpenVPN Client and every employee who uses a Judiciary laptop is setup with MFA so they can use it. Additionally, every employee with a Judiciary laptop is also setup with access to OneDrive.	The rollout of these three new software technologies was successful as evidenced by the seamless integration of VPN, MFA, and OneDrive in our environment and daily work. The Judiciary has been a leader in the implementation of these secure tools in state government and amongst other statewide court systems.
Information Requests, Statistics and Reporting	In the last twelve months, the JUD Help Desk has received 154 requests for Judiciary information and data, from the public, press, and other organizations and individuals.	VTADS, the Judiciary's legacy case management system has numerous and significant limitations relating to data reporting, but these requests are fulfilled to the best extent possible, generally limited only by rules or statute.
NG-CMS Phase 1 Launch	On June 3 <sup>rd</sup> , the first phase of the Judiciary's NG-CMS initiative went live in the Judicial Bureau.	The launch occurred as scheduled and resulted in no unexcepted disruption to Judicial Bureau operations.
		The daily IT work that is completed allows the Judiciary employees to work at full capacity, which ensures that the public has the best possible experience while interacting with the courts.
		OpenVPN Client allows Judiciary staff to work remotely using their Judiciary laptop. Enabling MFA for the entire user base adds a crucial second layer of security to our technology environment. OneDrive allows Judiciary users a secure and convenient way to transmit files and share data. This promotes more agile and efficient communication.
		Satisfying requests for information is a crucial function of the Judiciary and essential to public understanding, transparency, and access to justice. The Judiciary's new case management system will offer easier and more complete access to information.
		The launch was a critical first step toward the full migration of the Judiciary to a modern electronic case management system. Case record and calendar Information will be available in the new system and will be accessible through a public portal. Payment for Judicial Bureau fines will also be accepted through this portal.

## Part Four: Public Education and Access to the Courts

### Court Interpreter Program

It is the policy of the Vermont Judiciary to pay for interpreter services for all litigants and witnesses who have limited proficiency in the English language or who are deaf or hard of hearing in all court proceedings and court-ordered programs.

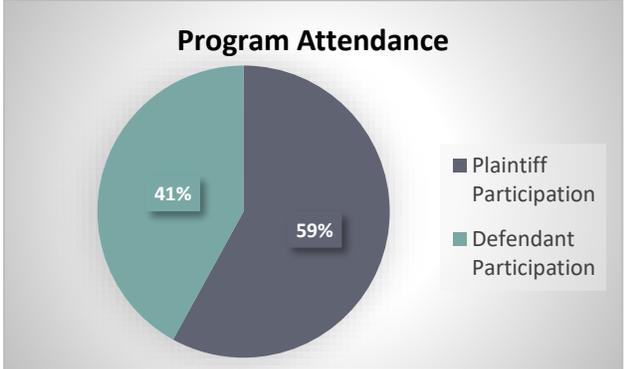


### Education for Self-Represented Litigants

Parties representing themselves in a divorce, separation or civil union dissolution case in the family division are ordered by the court to attend a free Pro Se Litigant Education Program before they appear in court to pursue their claim. One-hour programs are held monthly in each unit in nearly all counties. They are conducted by an attorney who regularly practices in the Family Division. The purpose of the program is to educate litigants about their responsibilities while representing themselves, courtroom etiquette, general procedures relating to family cases, and services available through outside agencies that may be able to assist families in court.

Attendees have an opportunity to learn about how the court works; how to serve process; what the court expects of litigants; when litigants should consider getting help from an attorney; and about the services and programs—such as mediation—that are available to assist parties in a case.

Anyone may attend these classes, even if they are not a party to a case.

Pro Se Education Program							
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• In FY19 28% (890) of the 3,091 litigants eligible to attend the education class completed the program</li> <li>• Plaintiffs (36%) are more likely to attend the program than defendants (22%)</li> <li>• 12 out of 14 counties in the State offered the program on a monthly basis</li> <li>• Family members or persons offering support are welcome to attend</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The chart below illustrates attendance in the pro se education program:</p> <div style="text-align: center;">  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Program Attendance Data</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Plaintiff Participation</td> <td>59%</td> </tr> <tr> <td>Defendant Participation</td> <td>41%</td> </tr> </tbody> </table> </div>	Category	Percentage	Plaintiff Participation	59%	Defendant Participation	41%
Category	Percentage						
Plaintiff Participation	59%						
Defendant Participation	41%						
<p><b>Is Anyone Better Off?</b></p> <p>Anecdotally parties are better prepared for their family hearings after taking the class. This is likely the result of parties better understanding the process by getting answers to important questions prior to their court hearing(s).</p>							

### **Relief from Abuse Education Program**

Since 2007 the Vermont Judiciary has offered a free education program for parties in Relief from Abuse (RFA) cases due to the high volume of unrepresented litigants. Informational handouts describing how to prepare for an RFA hearing are provided to both plaintiff and defendant at the time a temporary order is issued. On the day of, and immediately prior to, the RFA hearing, parties attend an educational video in separate sessions. The video serves as an orientation to the RFA court process, addresses the kinds of requests that parties can make, and contains information about services that may be helpful to the parties. This program is available in all counties. Parties represented by an attorney may also receive this information through counsel.

## Relief from Abuse Education Program

### How Much Did We Do?

- In FY19, 3,300 RFA cases were filed
- It is estimated that 90% of parties who appeared for their hearing watched the educational video
- Every family court in the state offers this educational opportunity
- Family members or persons offering support are welcome to attend

### How Well Did We Do?

The chart below indicates the estimated participation in the educational video of parties in RFA cases:



### Is Anyone Better Off?

Anecdotally parties are better prepared for the hearings after receiving the written information and viewing the video. This is likely due to the following:

- Parties understand the seriousness of the court proceeding.
- Parties are informed that they can ask for a continuance if the other party is represented by counsel and they want an attorney.
- Parties are informed about bringing witnesses to the hearing.
- Parties receive information on how to plan for parent/child contact and child support, if applicable.

## Children Coping with Divorce

The Coping with Separation and Divorce (COPE) program is a joint initiative of the UVM Extension and the Vermont Superior Court Family Division and is designed for parents going through divorce or other family changes involving the court process. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes to the family. Family Division judges require parents of minors who are involved in divorce, establishment of parentage, legal separation, dissolution of civil unions, and changes in parental rights and responsibilities to attend a four-hour COPE seminar. Topics include information about how families experience divorce and other family transitions, reactions of children to family instability, the developmental needs of children, and skills that can help children cope. The cost is \$75 per participant, unless the court determines otherwise. The course is open to the public.

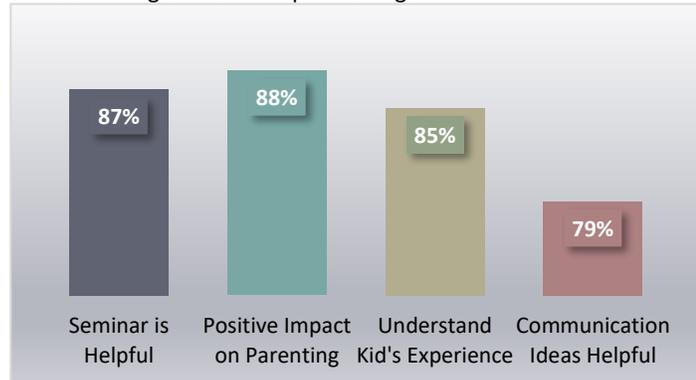
## Children Coping with Divorce

### How Much Did We Do?

- 82 classes were held in FY19
- 1,186 participants attended

### How Well Did We Do It?

Based on information collected by program staff, the majority of people who attended the program in FY19 come away with a better understanding of the court proceedings.



### Is Anyone Better Off?

The COPE Program aims to do the following:

- Help parents learn to handle their family restructuring which makes a big difference in how their children respond to the situation.
- Give parents many positive actions they can take to increase their child's security and acceptance of the family changes.
- Equip parents with information and practical tips help their children adjust to changes in their family life.
- Teach parenting skills to support parents in lessening the impact of changes to the family.
- Give parents important information on the developmental needs of children.
- Equip parents with skills that can help children cope.

## Judiciary Information Center

In January of 2015, the Judiciary established a Service Center as a statewide pilot information center program. The pilot was housed in the Chittenden Unit to include the Civil, Criminal, Probate, and Family divisions. As part of the pilot, all incoming calls to these divisions were directed to go through the Service Center, with the exception of calls from attorneys who choose to by-pass it.

When the pilot officially ended in April of 2016, the oversight of the Service Center became part of Trial Court Operations and staff continued to take all calls for the Chittenden Unit. In 2017, the Service Center pilot evolved into the Judiciary Information Center. If the Information Center is unable to answer a caller's question, the call is transferred to the appropriate clerk's office. Callers typically call the Information Center looking for information about hearing dates; paying fines; status of my motions; ruling on cases.

In October of 2017, Information Center staff began taking calls for the Washington Criminal and Family divisions. Information Center staff also take calls from Washington, Lamoille, Addison, Bennington (Criminal and Family divisions only), Orange, Windham, Franklin, and Caledonia counties on their in-service days. Information center staff also provide coverage on an as-needed basis to the Judicial Bureau.

## Judiciary Information Center

**How Much Did We Do?**

- Total call volume = 59,573 calls
- Answered 96% of calls
- Fully resolved 59% of calls
- Transferred 39% of calls to a court clerk
- 98% of calls were either transferred or resolved
- 7% of the calls were individuals calling to participate by phone for their court hearing

**How Well Did We Do?**

The ability of Information Center staff to resolve calls without having to send them to the courts has steadily improved over time. Since FY16 the percentage of total call volume has increased 56%. The percentage of calls fully resolved has increased 78% since FY16.

**Is Anyone Better Off?**

The Information Center has expanded in size and reach over the last year and the knowledge bank of the operators has increased. As a result, users are benefitting from more greater availability of and more consistency from court staff, with most users able to resolve their questions with just one phone call. A user with a more complex question is transferred directly to the appropriate division. People calling in to participate in hearings by phone are directed to the proper division and courtroom.

Based on feedback, the Information Center improves productivity, allowing staff to focus on docketing, case-flow management, and other daily tasks.

Judiciary staff continue to identify procedures that are in need of standardization across units and divisions.

## **Part Five: Children and Families in the Court System**

### **Attorneys for Children**

Superior Court judges appoint attorneys to represent the interests of minor children in newly-filed parentage, divorce, and Relief from Abuse (RFA) cases, as well as in post-judgment filings in divorce, parentage, and RFA cases. Attorneys who participate are given the option to receive a court subsidized payment of \$50 per hour, up to \$750 per case. Attorneys who represent children provide a service to both the children and the court in giving the court more information to determine the best interests of children.

Judges set the number of hours expected to be needed per case, and based on financial information received from parties, judges determine how much of the payment is to be made by the parties and how much will be paid from court funds. In some instances the parties pay the full amount as set by the court. Attorneys can also provide their services free of charge. In these latter two instances, attorneys do not submit a bill to the judiciary for their services.

In FY19 the amount budgeted for this activity statewide was \$15,500. A total of \$4,636 was billed and paid to attorneys during the fiscal year for a total of 118 hours of attorney services.

The breakdown of case types served by this program in FY19 was as follows: three new parentage cases, four new divorce cases, and two new RFA cases.

### **Family Mediation**

Superior Court judges may order parties to participate in mediation, or the parties may choose to participate on their own. Many final divorce decrees require parties to attempt mediation before the parties can ask the court to enforce or modify a decree. Courts often enforce those mediation provisions and require parents to try mediation, particularly when the parents have previously shared parental rights and responsibilities.

The mediator screens parties to determine if the case is appropriate for mediation. If the case is appropriate, the mediator and the parties make arrangements for mediation sessions. Contracted mediators serving in the Vermont Superior Court Family Mediation Program comply with the program's standards, complete professional development, and agree to charge eligible participants a fee pursuant to the program's fee schedule.

The Judiciary subsidizes the cost of mediation for litigants with limited financial means through a sliding fee scale. The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less. Eligible participants pay part of the mediator's hourly fee pursuant to a sliding-fee scale. The program pays the balance of the mediator's hourly fee for up to ten hours of mediation services per eligible party. The program also pays mediators a modest fee to screen cases to assess whether the dispute is appropriate for mediation. Mediation is not used in cases where a mediator suspects there are issues of abuse.

## Family Court Mediation

### How Much Did We Do?

- Total number of intakes: 448
- Number of intakes appropriate for mediation: 345
- Percent of intakes that became mediations: 77%
- Average duration of mediation session: 2:44

### How Well Did We Do It?

- The Judiciary tracks outcomes of mediation sessions. Based on data received from mediators, few (14%) cases mediated during the period involved the discontinuation of a mediation.
- Agreements were the result of many (59%) mediation sessions that were not discontinued.
- Nearly three in four (71%) of the cases in which there was agreement involved a full agreement; about one-third (29%) of the cases in which there was agreement involved a partial agreement.

### Is Anyone Better Off?

Mediation is a process that helps people communicate and negotiate with each other. Mediators don't favor either party. They rely on their training and they follow important ethical guidelines to help people resolve their differences.

Mediators help parties **communicate** by:

- Listening to what each person has to say;
- Making sure both parties have time to speak and listen to each other;
- Asking each party if the mediator correctly heard what the person said.

Mediators help **negotiate** by:

- Describing an issue or a proposal in a way that makes it easy for parties to consider it;
- Making sure that people focus on meeting their underlying interests instead of advancing their position;
- Developing options that benefit both parties and working out specific, rather than vague, solutions.

## Parent Coordination

Parent coordination is a child-focused alternative dispute resolution process in which a contracted Parent Coordinator helps parents in high-conflict cases develop safe, appropriate parent/child contact plans that are consistent with applicable court orders, including any relief from abuse orders. These plans are based on input from parents and recommendations of any professionals involved with the children. Parent coordinators may also conduct a home visit. They help parents develop parenting plans collaboratively when possible, and they deliver recommendations to the referring court based on observations of the family and other experience. Unlike mediation, which seeks agreement based on face-to-face interactions between and among parties, protocols for parent coordination are principally concerned with child safety issues.

Parenting plans that are developed as part of the parent coordination process are aimed at discouraging and diminishing abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how; and at establishing penalties for non-compliance with court

orders. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale. The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less.

Parent Coordination																			
<p><b>How Much Did We Do?</b></p> <p>Parent coordinators conducted 10 intakes in FY19 and participated in 17 cases statewide during the period.</p>	<p><b>How Well Did We Do It?</b></p> <p>Parent coordinators reported data on three completed cases. Issues addressed by the Parent Coordinator in these cases included the following:</p> <table border="1"> <thead> <tr> <th>ISSUE</th> <th>Case 1: Agreement?</th> <th>Case 2: Agreement</th> <th>Case 3: Agreement?</th> </tr> </thead> <tbody> <tr> <td>Scheduling for the child</td> <td>Full</td> <td>Full</td> <td>Partial</td> </tr> <tr> <td>Transportation</td> <td>Full</td> <td>Full</td> <td>Full</td> </tr> <tr> <td>Parenting Issues</td> <td>Full</td> <td>Full</td> <td>Full</td> </tr> </tbody> </table> <p>Full or partial agreement was reached between the parties in all cases and on all issues.</p>			ISSUE	Case 1: Agreement?	Case 2: Agreement	Case 3: Agreement?	Scheduling for the child	Full	Full	Partial	Transportation	Full	Full	Full	Parenting Issues	Full	Full	Full
ISSUE	Case 1: Agreement?	Case 2: Agreement	Case 3: Agreement?																
Scheduling for the child	Full	Full	Partial																
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Parenting Issues	Full	Full	Full																
<p><b>Is Anyone Better Off?</b></p> <p>Parent coordinators reported data on three completed cases. The data show that parent coordinators served families with a total of four children. One child was under five years old, and three children were between six and 12 years old.</p>																			

## Home Studies

The purpose of a Home Study is to develop information helpful to parents and the court in making decisions about children in divorce, post-divorce, and parentage cases. The purpose of a Home Study is to learn about each parent by studying his or her social history, home environment, and network of relationships with other persons connected with the home. It is a useful approach when the child(ren)'s relationship with others in the parents' lives (for example, stepparents, half-siblings, parents' significant others) is a factor.

One of the ways that home studies are offered is through the Vermont Superior Court Parent Coordination Program. A home study is not intended to be a psychological study of family members, as its focus is on the various factors that contribute to a child's well-being and healthy parent-child relationships.

The Judiciary subsidizes the cost of home studies for qualifying litigants with limited financial means through a sliding fee scale. Parties not qualifying for the subsidy pay at the Parent Coordinator's private rate.

## Guardian ad Litem Program

The Vermont Guardian ad Litem (GAL) Program recruits, trains, and supports qualified volunteers to serve as court-appointed special advocates for children in Family Division proceedings. Vermont statutes and rules require that a GAL be appointed for every child in child protection proceedings (CHINS), certain delinquency cases, and when a child is a witness. In FY19 there were 344 volunteers who advocated for approximately 2,300 children in juvenile cases alone. Guardians are also sometimes appointed in certain other cases including domestic, probate, and mental health cases and in the criminal docket.

Every GAL must complete a three-day pre-service training that focuses on Vermont’s child protection system and is based on a national curriculum developed by the National Court Appointed Special Advocates Association (NCASA). Additionally, GALs are required to attend a training on juvenile delinquency, which is also part of the training required by NCASA.

In FY19 the GAL program offered six Pre-Service trainings to 42 new applicants. In addition, the program provided numerous statewide training opportunities, the topics of which included working with transgender and non-binary youth, promoting resiliency in traumatized youth, youth justice, healing racial trauma, and related topics.

The GAL Program is funded primarily with general funds. In FY19 NCASA awarded the Vermont GAL program a \$35,000 branding grant to develop recruitment and program awareness.

NCASA standards indicate that there should be one full-time equivalent supervisor for every 30 volunteer GALs. In Vermont, the ratio is 1 full time equivalent supervisor for every 77 volunteer GALs. In FY19, the personnel cost for the Regional GAL Coordinators who supervise the volunteers was approximately \$140,404 from the general fund.

Guardian ad Litem Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 35 GALs were trained in FY19</li> <li>• 30 GALs were activated in FY19</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• GALs serve an average of 6.69 children in Juvenile cases alone.</li> <li>• A trained GAL served every child involved in the CHINS process despite the continued increase in demand.</li> <li>• 90% of volunteers who complete training become active.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• Every child or youth involved in the CHINS process was served by a volunteer GAL.</li> <li>• The GAL program offered local or statewide training opportunities for experienced GALs on topics including developmental trauma, promoting resiliency, youth justice, and resources available at the county level to assist children and families.</li> <li>• At least 20% of all volunteer GALs serve children and youth in dockets other than CHINS and delinquency.</li> </ul>	

## The Juvenile Court Improvement Program

The Judiciary’s Court Improvement Program is supported by federal grant funds that are administered by the Children’s Bureau of the U.S. Department of Health and Human Services. The program is focused on improving the court system’s work in child welfare cases. The goal of the program is to do what is needed to help ensure quality court proceedings that promote children’s safety, well-being, and permanency. The program supports activities that promote the timeliness and quality of juvenile court proceedings; education of judges, attorneys, and volunteer guardians assigned to these cases; and data collection. It accomplishes much of its work through collaboration with leaders in the state’s Department for Children and Families, prosecutors, defense attorneys, and others.

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disability, or other complex needs may become involved in juvenile court proceedings. When petitions are filed alleging abuse, neglect, unmanageability, truancy, delinquency, or youthful offender status, the courts need to make timely decisions to ensure a child’s well-being, including a permanent home, if one is needed. Legal permanence is defined as reunification, or if that cannot occur, as adoption or permanent guardianship. Courts must do all of this while protecting the legal rights of all parties. Court Improvement Program activities help them do this.

### Juvenile Court Improvement Program

#### How Much Did We Do?

There were 2,308 new juvenile petitions filed in FY19, the highest number in a decade. Juvenile petitions include CHINS (abuse/neglect, beyond parental control, truancy), delinquency, and youthful offender case types. The trend since FY15 is as follows:

Juvenile petitions filed				
FY15	FY16	FY17	FY18	FY19
2,009	2,068	1,889	2,276	2,307

The number of new juvenile cases filed has been increasing since FY10. Much of the increase has been due to the rise in abuse/neglect filings. In FY19, there was a decrease in the number of CHINS and delinquency cases filed, but an increase in the number of youthful offender cases filed. There were 504 youthful offender cases filed in FY19, compared to 33 youthful offender cases filed in both FY 17 and FY18. This increase is likely due to a change in law in 2017 raising the age of individuals who can be charged as juveniles.

Abuse/neglect cases are time consuming for the courts. They are more likely than other case types to involve DCF-Family Services Division custody and multiple – sometime highly-contested – court hearings. The number of abuse/neglect cases continues to pose a challenge for the courts, attorneys, DCF social workers, and volunteer Guardians ad Litem.

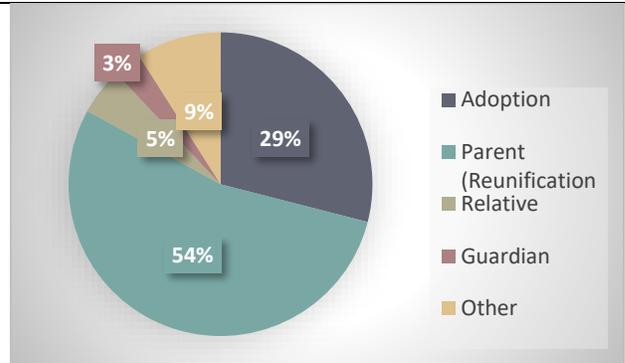
#### How Well Did We Do?

The number of new abuse/neglect cases filed in FY19 was down by 18% compared to the record-high number filed in FY18. Not surprisingly, the courts have struggled to keep current with these cases. Many courts added more time for juvenile hearings, at the expense of other dockets. The surge in abuse/neglect cases had a ripple effect throughout the other dockets. Pressures now created by the increase in youthful offender filings make it difficult for the courts to catch up.

The percentage of children exiting foster care to adoption and reunification are about the same as last year. Department of Children and Families data reveals that in FY19 750 children exited foster care. When youth exit foster care, they can do so in one of several ways. In FY19, these ways were as follows:

Fortunately, the rate of increase in the number of new Termination of Parental Rights (TPR) proceedings in the past three fiscal years has slowed. New TPR cases were at their highest in FY15 and FY16. The trend since FY15 is as follows:

FY15	FY16	FY17	FY18	FY19
319	365	289	277	302



"Other" includes runaway, transfer to agency, and age of majority.

When court intervention is necessary, the courts oversee the process of ordering safe, permanent placements of children. Since FY14, the volume of CHINS and TPR cases have impacted the overall timeliness of those proceedings. According to the Department of Children and Families, these trends are as follows:

Exits from foster care	FY17 (Avg. time in years)	FY18 (Avg. time in years)	FY19 (Avg. time in years)
Adoption	2.2	2.43	2.45
Guardianship	1.58	1.32	1.32
Return to parent(s)	.84	.80	.93
Relative caregiver	.78	.35	.24
<b>COMBINED</b>	<b>1.35</b>	<b>1.21</b>	<b>1.39</b>

### Is Anyone Better Off?

**Children in Foster Care:** Statutes governing the procedures for handling juvenile proceedings allow a parent or relative to have legal custody of a child under court-ordered conditions to safeguard the child’s welfare. This has resulted in fewer children entering DCF custody. Despite this “conditional custody” option, the number of children in foster care remains high.

**Safety:** Since 2013, 98% of Vermont children have remained safe from re-abuse and neglect. The rate of repeat maltreatment in Vermont exceeds the national standard.

**Kinship Care:** When placed with relatives or close family friends, rather than in foster care with strangers, children have better outcomes with respect to placement stability, behavior, and contact with siblings. The rate of Kinship Care in recent years fluctuated from 28% to 35% during the period CY 2013 to the first half of CY19.

**Placement Stability:** Multiple placement changes can have a negative impact on a child’s development. In FY19, 60% of the children in foster care experienced stable placements within the first 12 months of out-of-home care. This is a decrease compared to 71% in FY18.

## Justice for Children Task Force

In 2005, the Vermont Supreme Court created the Justice for Children Task Force as a collaborative, interdisciplinary effort to improve outcomes for children in foster care by identifying systemic barriers which contribute to children remaining in foster care longer than necessary. The Task Force develops solutions designed to reduce the impact of such barriers. Cases involving child abuse or neglect comprise the majority of cases in which children are in foster care or otherwise removed from their home. The Justice for Children Task Force works closely with the Vermont Court Improvement Program to develop

and implement strategies that promote safety, permanency, and well-being for court-involved children, with a particular emphasis on children placed in the custody of the Department of Children and Families.

The Task Force meets quarterly and measures, examines, and reports on its work. Task Force recommendations are submitted to the Vermont Supreme Court when appropriate.

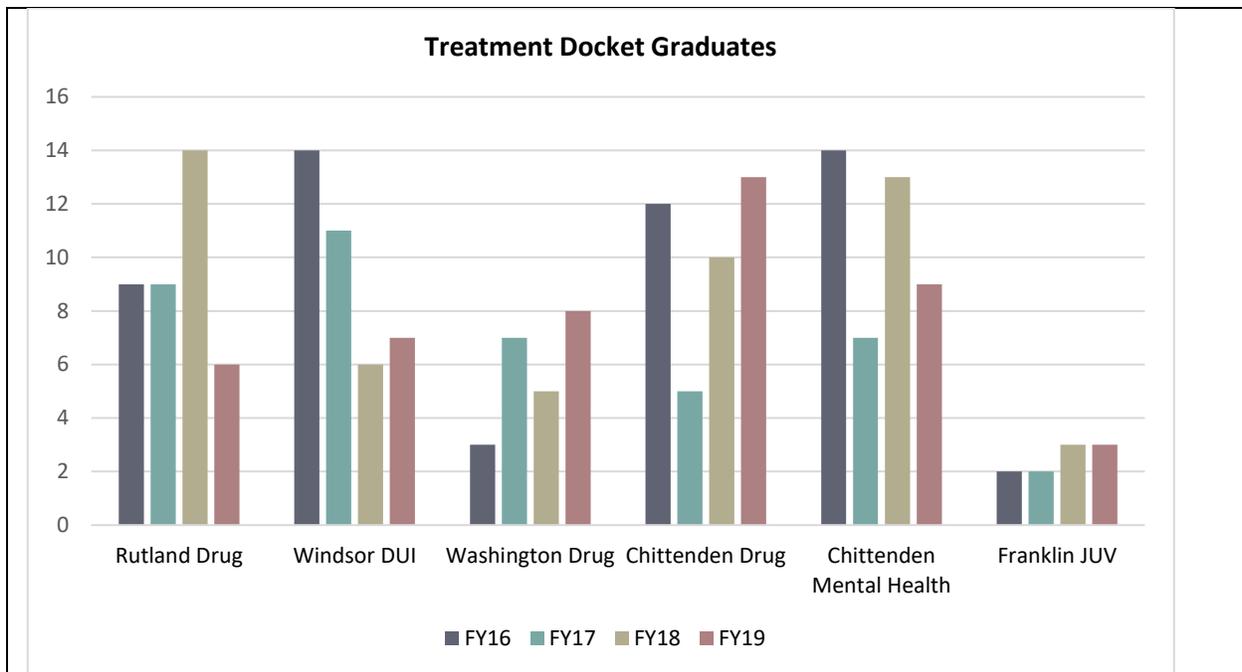
## Part Six: Court Response to Crime in the Community

### Treatment Dockets

During FY19, the Judiciary operated six treatment dockets in the Criminal and Family divisions—adult drug dockets in Chittenden, Rutland, and Washington counties; a driving under the influence (DUI) docket in Windsor County that also serves Orange and Windham counties; a juvenile docket in Franklin County; and a mental health docket in Chittenden County.

These dockets serve defendants who would be likely to continue to engage in criminal behavior without an intensive long-term substance and/or mental health intervention. All programs include early screening and assessment; early onset of treatment; judicial monitoring; mandatory random drug testing; case management and community supervision, and other services to help participants succeed, including health services, housing supports, employment supports, recovery supports, and transportation assistance, to name a few.

Treatment Courts																																																					
<p><b><u>How Much Did We Do?</u></b></p> <p>The table below shows the number of new participants who entered treatment programs in each quarter.</p> <table border="1"> <thead> <tr> <th>Docket</th> <th>Total FY19</th> </tr> </thead> <tbody> <tr> <td>Chittenden Drug</td> <td>14</td> </tr> <tr> <td>Rutland Drug</td> <td>8</td> </tr> <tr> <td>Washington Drug</td> <td>13</td> </tr> <tr> <td>Windsor DUI</td> <td>16</td> </tr> <tr> <td>Franklin Juvenile Drug</td> <td>2</td> </tr> <tr> <td>Chittenden Mental Health</td> <td>5</td> </tr> </tbody> </table> <p>In FY19, the total number of participants enrolled by program type were; 111 in adult drug; 34 in DUI; 6 in juvenile drug and 23 in mental health for a total of 174.</p>		Docket	Total FY19	Chittenden Drug	14	Rutland Drug	8	Washington Drug	13	Windsor DUI	16	Franklin Juvenile Drug	2	Chittenden Mental Health	5	<p><b><u>How Well Did We Do?</u></b></p> <p>The table below shows the percentage of participants who exit the program through graduation, termination, voluntary withdrawal, or other means. This is known as a “retention rate.” Program retention is one of the key predictors of positive program outcome. The longer participants are engaged in the program, the better their outcomes are after leaving the program. Drug courts are six times more likely than regular community supervision programs to keep offenders in treatment long enough for them to get better.</p> <p style="text-align: center;"><b>Retention Rates</b></p> <table border="1"> <thead> <tr> <th>Docket</th> <th>FY16</th> <th>FY17</th> <th>FY18</th> <th>FY19</th> </tr> </thead> <tbody> <tr> <td>Chittenden Drug</td> <td>47%</td> <td>49%</td> <td>48%</td> <td>47%</td> </tr> <tr> <td>Rutland Drug</td> <td>45%</td> <td>78%</td> <td>81%</td> <td>89%</td> </tr> <tr> <td>Washington Drug</td> <td>No data</td> <td>67%</td> <td>61%</td> <td>59%</td> </tr> <tr> <td>Windsor DUI</td> <td>89%</td> <td>84%</td> <td>89%</td> <td>89%</td> </tr> <tr> <td>Franklin Juvenile Drug</td> <td>45%</td> <td>49%</td> <td>46%</td> <td>41%</td> </tr> <tr> <td>Chittenden Mental Health</td> <td>67%</td> <td>63%</td> <td>60%</td> <td>63%</td> </tr> </tbody> </table>			Docket	FY16	FY17	FY18	FY19	Chittenden Drug	47%	49%	48%	47%	Rutland Drug	45%	78%	81%	89%	Washington Drug	No data	67%	61%	59%	Windsor DUI	89%	84%	89%	89%	Franklin Juvenile Drug	45%	49%	46%	41%	Chittenden Mental Health	67%	63%	60%	63%
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<p><b><u>Is Anyone Better Off?</u></b></p> <p>Graduation from a treatment docket is a significant outcome, both for a participant and the program. Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program. Studies have found that reductions in crime last at least three years and can endure for over 14 years for individuals who graduate from a treatment court program. There were 46 graduates from treatment dockets between in FY19.</p>																																																					



### Adult Drug Treatment Dockets – Chittenden, Rutland, and Washington Counties

Vermont Adult Drug Treatment Dockets are voluntary, post-plea programs for defendants over age 18. These programs divert offenders with substance use problems from incarceration into supervised treatment programs with rigorous standards of accountability. These programs rely on a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, and substance abuse treatment providers and include comprehensive case management to address participants’ needs, such as education, housing, and job training. Treatment dockets help participants recover from addiction and prevent future criminal activity while also reducing the cost to the criminal justice system. They offer participants who complete the program the chance to have criminal charges dismissed or reduced.

### Juvenile Treatment Docket – Franklin County

The Juvenile Treatment Court docket takes place within the juvenile docket and serves delinquent youth ages 13 to 17 where drugs and/or alcohol are an issue. The process is similar to the adult treatment court with the exception that the services provided are developmentally appropriate. The Juvenile Treatment Docket is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse and mental health treatment providers, other social service providers, and child protective services. The docket provides an intense regimen of substance abuse, mental health treatment and related health services, wraparound case management, drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, and other needed support. This docket was discontinued in November 2019 due to low enrollment.

### **Mental Health Treatment Docket – Chittenden County**

The Mental Health Docket serves individuals with severe and persistent mental illness and co-occurring disorders. Modeled after drug court dockets and developed in response to the high numbers of people with mental illnesses in the criminal justice system, mental health courts divert defendants with mental illness into judicially supervised, community-based treatment.

### **South East Regional DUI Treatment Docket**

In 2018, the Windsor DUI docket was expanded to include Orange and Windham counties. The DUI docket is post sentence and serves hardcore Driving Under the Influence (DUI) offenders. This includes both DUI-Alcohol (DUI-A) and DUI-Drug (DUI-D) offenders, as well as those engaging in polysubstance abuse. Legally eligible cases include a third or subsequent DUI-A/D; a second DUI-A with a BAC of .15 or higher; a second DUI-D involving an illicit substance; or a first DUI-A/D when accompanied by two or more violations of court orders pertaining to alcohol or drugs, DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4.

The DUI Treatment Docket is a two-year post-adjudication probation program that is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse and mental health treatment providers, other social service providers, and child protective services.

## Part Seven: Court Security and Safety

The Vermont Judiciary’s Safety and Security Program continuously strives to provide safe and secure courthouse environments for the public, court staff, and judicial officers. Since all Vermonters deserve an equal opportunity to access the justice system, the mission of the Safety and Security program is to ensure that people needing to access the courts are free from threats, intimidation, and obstruction. As part of that effort, court security officers provide protection, screening, and courtroom security in all the state’s courts. In most cases, these officers are deputy sheriffs (70%), and in the rest they are state-employed court officers (20%), or private court security officers (10%).

Court staff and judicial officers are further protected through all-hazards emergency response tools and training that include approaches and topics such as de-escalation, evacuation, shelter-in-place, active shooter, threat recognition and reporting, hazardous materials, and medical situations. Equipment used to support this program includes walk-through metal detectors, x-ray screening units, closed circuit video systems, access control technology, duress alarms, and mass notification systems.

Safety and Security Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Continuous safety and security administration for all Vermont Courts.</li> <li>• Statewide threat and incident reporting and incident mitigation.</li> <li>• Threat awareness and personal safety awareness training for judicial staff.</li> <li>• Statewide security camera and duress alarm replacement initiative.</li> <li>• Initiated the routine use of the Judicial Emergency Notification System (JENS) utilizing the state’s VTALERT.GOV system.</li> <li>• Courthouses received new infrastructure security equipment including new multi-mode x-ray screening units.</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• During FY19 there were no significant injuries or loss of life due to violence in Vermont courts.</li> <li>• Due to threat and incident reporting, security staff’s situational awareness was enhanced.</li> <li>• Judiciary staff have become better trained to recognize, report, and mitigate escalated behaviors in the courts.</li> <li>• The installation phase of the statewide security camera and duress alarm replacement initiative has resulted in enhanced security surveillance.</li> <li>• Judiciary staff receive safety notifications.</li> <li>• Statewide Courts Security Officer training sessions were conducted for all Court Security Officers in FY19.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• The Security and Safety program’s continuous threat mitigation and investigation has resulted in enhanced security measures and a greater level of protection for judicial officers, court staff, and all who enter Vermont courts.</li> <li>• Statewide threat and incident identification and mitigation has improved courthouse employee and visitor safety and likely deterred altercations among parties to a case.</li> <li>• Court staff continue to receive hostile intruder, threat recognition awareness, and personnel safety awareness training and corresponding safety measures.</li> <li>• All courts are receiving redesigned and enhanced camera system that significantly increases surveillance and overall building security.</li> <li>• With the initiation of the JENS/VTALERT.GOV system, Judiciary employees are notified of emergencies and potential threats faster, which has enhanced situational awareness.</li> <li>• New courthouse x-ray equipment has improved security staff’s ability to detect weapons and contraband.</li> </ul>	

## Part Eight: Judicial Branch Education

### Judicial Officer Education

The Vermont Judiciary offers a comprehensive program of judicial education. The Division of Planning and Court Services works in collaboration with a Judicial Officer Education Committee and the Chief Superior Judge to improve the administration of justice through comprehensive education and training for judicial officers. This training is designed to enhance the quality of judicial decisions, execute legislative mandates, improve case management and the administration of justice, and promote the implementation of uniform policies throughout the courts.

The Judiciary is known nationally for the high quality of the programs that are offered and for the commitment of judges to participate as faculty, at both in-state and at out of state training events, such as those administered by the National Judicial College.

The Judiciary also manages an out-of-state education program whereby attendance at national programs is supported by grants and scholarships. A small allocation of general funds supplements costs not covered by grants or scholarships.

Out-of-State Judicial Education	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 21 judicial officers attended 10 out of state educational programs.</li> <li>• 5 newly-elected judicial officers participated in “General Jurisdiction” training at the National Judicial College. The two-week course provides a foundation for newly-appointed judges on all aspects of a judge’s responsibility.</li> <li>• 3 newly-elected judicial officers attended the “Enhancing Skills in Domestic Violence Workshop.” The course was hosted by the National Judicial Institute on Domestic Violence.</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>Issues addressed in these programs include:</p> <ul style="list-style-type: none"> <li>• Drug addiction and substance abuse</li> <li>• Family law</li> <li>• Courtroom and jury management</li> <li>• Sex trafficking</li> <li>• Evidence</li> <li>• Decision making</li> <li>• Judicial ethics</li> <li>• Sentencing</li> <li>• Domestic violence</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p>The out of state programs to which judicial officers are sent leads to the improved administration of justice, which in turn leads to increased trust and confidence in the judicial branch. Specifically, the training leads to:</p> <ul style="list-style-type: none"> <li>• Improved quality of judicial decisions;</li> <li>• Improved skill in the management of cases involving self-represented litigants, allegations of child abuse and neglect, claims of domestic violence, cases involving juveniles and cases involving defendants with substance abuse or behavioral health needs;</li> <li>• Improved skill in dealing with complex evidentiary issues, including those issues associated with the presence of digital evidence.</li> </ul>	

In addition to sending judicial officers to out of state programs, the Judiciary holds several annual in-state programs.

In-State Judicial Education	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Superior Court Judges and Assistant Judges were invited to attend Family Law Day</li> <li>• Superior Court Judges were invited to attend Juvenile Law Day</li> <li>• Assistant Judges were invited to attend a training focused on the Judicial Bureau</li> <li>• All Judicial Officers were invited to attend the Judiciary’s Annual week-long Judicial College</li> </ul>	<p><b>How Well Did We Do It?</b></p> <p>Topics addressed in these trainings include:</p> <ul style="list-style-type: none"> <li>• Impact of domestic violence on children</li> <li>• Parent/child contact</li> <li>• Procedural fairness</li> <li>• Youthful offenders</li> <li>• Caseflow management</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p>These trainings lead to improved proficiency which increases the quality of justice in Vermont. Having more Assistant Judges hearing Judicial Bureau matters frees up the Hearing Officer to handle other matters and can result in a more timely resolution of cases.</p>	

### Employee Education

Through a system of regular training and in-services, the Trial Court Operations Division and the Human Resources Department cooperate to enhance the ability of court staff to best serve court users. These efforts promote the personal and professional development of managers, court staff, and administrative personnel. This is accomplished through on-boarding and orientation programs for new employees, ethics and professionalism training, effective customer relations training, and instruction on compliance with sexual harassment and provisions of the Americans with Disabilities Act. Additional programs focus on the implementation of new legislation, rules, and court policies, and the use of the Judiciary’s case management system.

Policy and Compliance Training	
<p><b>How Much Did We Do?</b></p> <p><u>Conducted high priority seminars for employee and managers, including:</u></p> <ul style="list-style-type: none"> <li>• Sexual harassment seminar</li> <li>• Cyber security awareness</li> <li>• Language access best practice</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Training formatted to promote compliance</li> <li>• Content designed to be easy to follow and promote retention</li> </ul>

**Is Anyone Better Off?**

Combining online education with traditional delivery methods reduced travel, and in some cases overtime, costs and provided variety in course design and delivery.

Moving forward, the Judiciary will do the following:

- Continue assessing training needs and developing more content as appropriate; and
- Train and support judges and court staff on the use of the new NG-CMS software.

## **Part Nine: Boards, Committees, and Interagency Task Forces**

The Supreme Court has established a number of boards and committees to help it fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys in the state and to make rules governing practice and procedure in the courts. A significant number of judges, attorneys, and lay persons meet routinely to advise the court on a range of activities related to the Judiciary.

Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family, and probate proceedings.

Quasi-judicial boards and committees have also been established to help the Supreme Court fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys. These are as follows:

### **Judicial Ethics Committee**

In 1995 the Supreme Court established the Judicial Ethics Committee. This committee of lawyers and judges researches and provides independent guidance to judges on questions related to judicial activities that may violate the Vermont Code of Judicial Conduct. The Judicial Ethics Committee helps ensure that judges act in accordance with the high standards of ethical behavior that are enshrined in the Code of Judicial Conduct and which the public has a right to expect. The committee maintains and publishes compilations of its redacted opinions which are available to the courts, the Judicial Conduct Board, individual judges, and members of the public. The committee makes recommendations to the Supreme Court regarding amendments to the Code of Judicial Conduct.

### **Bench/Bar Committees**

Judges, lawyers, and court staff in many counties meet regularly to identify ways to work together to improve the courts. Through these routine, informal meetings, new approaches to scheduling practices, jury and caseload management, and litigant education are developed.

### **Professional Responsibility Program**

The Vermont Supreme Court has the constitutional authority to structure and administer the State's lawyer discipline program. Pursuant to that authority, the Court promulgated an administrative order relating to the establishment and operation of a Professional Responsibility Program (PRP). The Court has three objectives for the PRP: 1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; 2) to investigate and discipline attorney misconduct; and 3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

In addition, the Court has adopted the Vermont Rules of Professional Conduct. The rules, which are often referred to as "the ethics rules," govern attorney conduct.

The Professional Responsibility Board oversees the program. The Board consists of seven members—three lawyers, three non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The program employs two full-time attorneys and one part-time attorney. Disciplinary Counsel investigate and prosecute violations of the Rules of Professional Conduct. Program lawyers also administer the dispute resolution program and respond to inquiries regarding ethics and the practice of law.

### **Judicial Conduct Board**

Judges must follow high ethical standards established by the Supreme Court in the Vermont Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court.

The Supreme Court appoints the nine members of the Board and designates its chair and vice-chair. Three members of the Board are lawyers, three members are citizens, and three members are judges.

Actions that the Board can recommend following an investigation includes, among other things, a finding that a judge has:

- Violated the Code of Judicial Conduct
- Violated the Rules of Professional Conduct
- Committed an offense of moral turpitude (fraud or breach of trust)
- Been convicted of a felony
- Consistently failed to perform judicial duties
- A physical or mental disability that permanently impairs judicial duties
- Committed sexual harassment

According to the Code of Judicial Conduct, the term "judge" "denotes anyone, whether or not a lawyer, who is an officer of the judicial system and who performs judicial functions...". This includes Supreme Court Justices, Superior Judges, Assistant Judges, and Probate Judges. The term also refers to anyone who acts as a judge, such as commissioners, magistrates, hearing officers, masters, referees, and acting judges.

The Judicial Conduct Board reviews complaints. If warranted, the Board will conduct its own investigation into the matter. The Board may hire a special counsel to investigate. Generally, the Board's records and proceedings are confidential. The Board may recommend that the Supreme Court act in certain cases.

Possible disciplinary actions include the public reprimand of the judge, suspension of a judge for a part or the remainder of the judge's term of office, or retirement of the judge. The Supreme Court does not impeach judges. Only the General Assembly has the power to impeach.

### **Board of Bar Examiners and Character and Fitness Committee**

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont. The Supreme Court appoints the chair, vice-chair and the nine other members of the Board of Bar Examiners. Nine of the members are Vermont lawyers and two are non-lawyers.

The Board administers a two-day examination to law school graduates, lawyers who have practiced law in another state for less than five years and individuals who have served a four-year clerkship with a Vermont lawyer. The examination is given every year, in February and July.

Applicants for admission who have practiced law for at least five years in another state are not required to take the bar examination in order to be admitted to practice in Vermont. However, moral character and fitness are investigated for all candidates by the Character and Fitness Committee.

The Supreme Court appoints seven members to the Character and Fitness Committee. One member is a judge (either active or retired), three are lawyers and three are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.

The Supreme Court appoints eight Associate Examiners. The Associate Examiners must have been Vermont attorneys for at least three years prior to their appointment. The chair of the Board of Bar Examiners assigns one associate examiner to assist each member of the Board in the grading of the essay part of the semi-annual bar examination.

### **Mandatory Continuing Legal Education Board**

The Mandatory Continuing Legal Education Board monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The Board makes a written report each year to the Supreme Court on any recommendations it may have regarding policy or procedures for examining and maintaining professional legal competence.

The Supreme Court appoints the seven members: one is a judge (either active or retired), four are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.

For more information about these boards and committees: <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees>

## **Part Ten: Judicial Administration**

The Supreme Court oversees the following ongoing activities of the Court Administrator's Office (CAO):

### **Personnel Policies**

The Human Resource Department seeks to provide clear, consistent, rational, and fair policies relating to the rights and responsibilities of the employees of the Judicial Branch.

### **Adoption, Modification, and Documentation of Procedures, Policies and Protocols; Creation, Maintenance and Distribution of Forms**

CAO staff continuously review, identify, and finalize policies, procedures, and forms needed to achieve the goals and objectives of the Judiciary. Policies and forms are developed with significant input from stakeholders and are continuously reviewed for opportunities to make them as useful and clear as possible. Forms are maintained by CAO staff and distributed throughout the branch upon promulgation or revision.

### **Creation, Maintenance and Distribution of Records**

CAO staff, with the assistance of a Records Management Committee, provides direction and assistance to court staff by creating procedures and public access policies that address the creation, storage, retrieval, dissemination, and destruction of all judicial records. These policies are in compliance with state and federal record-keeping requirements and developed in collaboration with the Judiciary's oversight committees, the Vermont State Archives and Records Administration, and other stakeholders.

### **Compilation of Management and Statistical Information**

CAO staff compile monthly, quarterly, and annual statistical caseload reports for all courts and conducts special studies such as:

- caseload projections
- public defender reimbursements
- legislative initiative impact assessments (pre and post)
- workload studies
- caseload studies

Staff also work with judges and managers to develop outcome measures for programs and projects and to develop information systems to measure and accomplish those outcomes.

### **Maintenance and Control of Equipment**

The CAO contracts with numerous vendors for the purchase and maintenance of electronic equipment such as court recording equipment, telephone systems, copiers, and scanners. Staff continually seek to improve those systems to provide greater functionality with higher reliability at lower cost. Office staff maintain an inventory of equipment required for insurance purposes.

Judiciary staff operate and support a server and networking infrastructure that has been implemented in the State of Vermont Private Cloud. This virtual infrastructure provides the Judiciary with a scalable and reliable technical foundation to support both current and future operations.

### **Audits of Financial Transactions and Recordkeeping**

CAO staff process financial transactions for all programs and activities within the Judiciary. Staff monitor and reconcile the funds appropriated to finance the operations of the court system on a continuous basis. Routine audits ensure the integrity of financial information. Financial records are centrally maintained with comprehensive support documents to aid in identifying deficiencies that warrant adjustment and to provide historical information for planning and audit purposes.

### **Payments of Bills and Expenses**

CAO staff review, process, and help track expenditures throughout the Judiciary. CAO staff work with trial court staff to ensure bills for goods and services are paid timely and properly and charged to the appropriate budget. Financial reports are routinely provided to management as both a communication and a planning tool for tracking and allocating financial resources.

### **Creation and Maintenance of Personnel Records**

CAO staff maintain personnel records for all Judiciary employees. All recruitment of personnel and personnel actions are performed centrally, consistent with equal employment opportunity laws. Payroll and benefits are administered centrally and the records are held and later stored as public records. Classification and compensation plans are maintained to ensure uniform and consistent practice. All mandatory sexual harassment and Americans with Disabilities trainings are administered centrally. A comprehensive personnel policy was created and is maintained with recommendations to the Court Administrator.

### **Facilities Management**

The State Court Administrator and her designee(s) work closely with the Department of Buildings and General Services (BGS) to meet the needs of the Judicial Branch. Court operations are located in 27 facilities, which are a mix of both state and county owned buildings. This makes standardization and efficiency a challenge. Aging facilities create particular challenges associated with court security.

The State Court Administrator and her designee(s) also work with BGS and Assistant Judges to address facility design, construction, renovation, and maintenance. The use of standard physical security systems is essential.

Among the general needs of the Judiciary are space, audio systems, automated recording systems for hearings, furniture, and equipment.

### **Continuity of Operations**

The Governor has emphasized the need for robust Continuity of Operations Plans (COOP) within state government. A well-developed COOP is essential to providing uninterrupted services during a time of

emergency. Hurricane Irene provided an example of how Vermont is not immune to emergency or crisis situations. The CAO maintains a COOP to address emergencies through use of an “all hazards” approach, the development of which has benefited from collaboration with the Vermont Department of Public Safety, Division of Emergency Management.