



Administrative Directive No. 25

**Supreme Court
February Term, 2006**

**FAMILY COURT CASE DISPOSITION GUIDELINES
FOR DOMESTIC DOCKET**

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

- A. The State Court Administrator and Administrative Judge for Trial Courts are directed, within available resources, to:
 - 1. assist family courts in implementing caseflow management plans that incorporate case processing time guidelines established pursuant to this directive;
 - 2. gather information from family courts on compliance with case disposition guidelines; and
 - 3. assess the effectiveness of management plans in achieving the guidelines established by this directive.

- B. Family courts are directed to:
 - 1. Maintain current caseflow management plans consistent with case processing time guidelines established in this directive;
 - 2. Collect and maintain accurate caseflow management data;
 - 3. Cooperate with the Administrative Judge for Trial Courts and Court Administrator's Office in assessing caseflow management plans implemented pursuant to this directive.

The following time guidelines for domestic docket case processing are provided as goals

for the administration of court caseloads. These guidelines do not supersede procedural requirements in court rules or statutes for specific cases, or supersede reporting requirements in court rules or statutes.

**Vermont Family Court
Differentiated Case Management System
for Divorce and Parentage Dockets**

Vermont's differentiated case management system for divorce and parentage cases (DDCM) establishes time frames for resolution of various types of disputes in divorce and parentage cases. It is a "differentiated" case management system because it recognizes that the length of time it takes to resolve a dispute depends on a number of factors including the type of dispute and the level of complexity of the facts or issues in a particular case.

Types of Dispute: The domestic docket includes divorce and parentage cases and is divided into two broad "subdockets": pending (i.e. newly filed cases) and post judgment. The pending docket includes three subgroups: divorces with children, divorces without children and parentage cases. The post judgment docket is made up of two subgroups: post judgement enforcement motions and post judgment modification motions. In the pending docket, cases with children typically require both temporary orders and final orders. For each type of case within each of these subgroups, the DDCM sets a time frame in standard and complex cases which is tailored to the type of issue which needs to be resolved, statutory time frames (such as waiting periods and ripe dates), discovery considerations and scheduling requirements. The time frames are designed to be goals within which litigants can reasonably expect to have their cases heard and resolved. We recognize that some cases will exceed these goals, but this should happen only when there is good reason to justify the delay not because a case falls through the cracks.

Standard and Complex Cases: With a few exceptions, each type of dispute has one time frame for standard cases and a longer time frame for complex cases. At the time of filing, all cases are viewed as "standard," meaning we begin with the assumption that the case can be resolved within a time frame which fits the majority of cases within that particular type. The decision to designate a case as a "complex" case which will require a longer time frame, is made based on specific factors enumerated on page 3. Track designation is a decision made by the judicial officer in consultation with the court manager and/or case manager.

Tracking from time of service: The DDCM time frames track cases from the date of service as opposed to the filing date. In family court matters, the time between filing and service can vary anywhere from zero to six months or more. The DDCM time standards are designed to measure the court's ability to get disputes resolved in a timely fashion. Because there is wide variation in the time between filing and service and because the court has little or no ability to control the length of time service takes, time frames must begin at the time of service in order to effectively measure performance.

| Time Frames for Cases Heard by Judges | | | |
|--|---|---------------|--------------------------|
| Case Type | | Standard | Complex |
| 1A Pending Divorce with Children | | | |
| | Temporary/Interim Order¹ | 3 mo | n/a |
| | Final Order | 9 mo | 18 mo² |
| 1B Pending Divorce with No Children | | | |
| | Temporary Order (if requested) | 3 mo | n/a |
| | Final Order | 9 mo | 18 mo |
| 1C Pending Parentage | | | |
| | Temp/Interim Order with Paternity Test | 3.5 mo | n/a |
| | Temp/Interim Order no Paternity Test | 3 mo | n/a |
| | Final Order | 6 mo | 9 mo |
| 2 Post Judgment Enforcement | | | |
| | 2A Enforcement -all issues except child support contempt | 2 mo | n/a |
| | 2B Child Support Contempt | 3 mo | 6 mo |
| 3 Post Judgment Modification | | | |
| | 3A Modification of PR&R | 3 mo | 6 mo |
| | 3B Modification of PC Contact | 2 mo | 3 mo |
| | 3C Modification of Child Support | 3 mo | 4 mo |
| | 3D Spousal Maintenance | 4 mo | 6 mo |
| 4 Child Support Appeals | | | |
| | 4A Child Support Appeals | 4 mo | 6 mo |

¹When temporary issues are contested, an interim or status quo order should be issued pending resolution of the contested issues in order to provide stability and financial support for the children. The standard/complex distinction does not apply because even in complex cases an interim order can be issued within the 90 day time frame.

²When complex cases involve issues related to children as well as money issues, the issues related to the children should be resolved in 12 months.

| Time Frames for Cases Heard by Magistrates | | | |
|---|---|-----------|------------|
| Case Type | | Standard | Complex |
| Pending Divorce and Parentage | | | |
| | 1E Establishment of Child Support by Temp/Interim Order | 90 | 120 |
| | 1F Finalize Child Support (Track from date of Final Order) | 60 | 90 |
| Post Judgment Divorce and Parentage | | | |
| | 2A Enforcement of Child Support | 60 | n/a |
| | 3C Modification of Child Support | 90 | 120 |

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|-------------------|
| Track Designation |
|-------------------|

Standard Track: All cases except for those designated by the Judge and CM as Complex.

Complex Track: Cases in which at least one of the following factors is present

| Complex Track Factors | |
|------------------------------------|---|
| Factors related to Children | <ul style="list-style-type: none"> Contested allegations of: physical or sexual abuse of children Severe parenting deficits (request for no PC contact or supervised contact) Chronic or severe domestic violence Child is very young and case requires ongoing review and adjustment of PC contact schedule Case requires parent coordination Post judgment relocation of one parent when parents have co-parented child High level of conflict between parents (any contact results in an “incident”) and/or attorneys |
| \$ Factors | <ul style="list-style-type: none"> Self Employed parent with allegations of substantial unreported income Sole proprietorship, partnership or family owned business requiring valuation Significant amounts of property with major discrepancies in valuation Request for permanent spousal maintenance Bankruptcy filed while proceeding is pending High level of conflict between parties (relief from abuse orders) and/or attorneys Child support contempt cases where obligor is ordered to pay into court |

This directive shall become effective immediately.

Done in Chambers at Montpelier, Vermont this 10th day of February 2006.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice