

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

Administrative Directive No. 26 is amended to read as follows (new matter underlined, deleted matter overstruck):

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 amended time guidelines for juvenile docket case processing are provided as goals for the administration of court caseloads. These amended time guidelines for CHINS and Delinquency cases replace in their entirety the guidelines adopted by the Court on January 7, 2007. The amended guidelines were made to conform with changes made necessary by the enactment of Act No. 185 of 2007 (Adj. Session) which repealed 33 V.S.A. Chapter 55 covering juvenile proceedings and replaced it with 33 V.S.A. Chapters 51-53. These guidelines do not supersede procedural requirements in court rules or statutes for specific cases, or supersede reporting requirements in court rules or statutes.

## Milestone Standards For CHINS Cases: Children in Custody of DCF or Non-Parent

Juvenile Events/Milestones	Standard	Complex <sup>1</sup>
<b>Removal / Emergency Care Order (ECO) to Disposition</b>	<b>98 days</b>	<b>5.2 months</b>
Removal to Temporary Care Hearing      33 V.S.A. §5307 (a)	3 days	3 days
Temporary Care Order to Merits Adjudication      33 V.S.A. §5313 (b)	60 days	90 days
Merits Adjudication to Disposition Order      33 V.S.A. §5317 (a)	35 days	65 days
<b>Disposition Order to Post-disposition Review</b> (if reunification is goal) §5320	60 days	60 days
<b>Removal / ECO to first Permanency Hearing (33 V.S.A. § 5321)</b>	<b>12 months</b>	<b>12 months</b>
Removal / ECO to first Permanency Hearing if child is under 6 and Permanency Hearing is expedited to 6 months	6 months	6 months
<b>Removal / ECO to Return of Custody Order (plan is reunification)</b>	<b>18 months</b>	<b>21 months</b>
<b>Removal /ECO to Permanent Guardianship Order</b>	<b>18 months</b>	<b>21 months</b>
<b>Removal /ECO to Adoption (excluding appeal time)</b>	<b>20 months</b>	<b>23 months</b>
Removal / ECO to TPR petition filing	12 months	12 months
TPR Petition Filing to First TPR Status      V.R.F.P. 3 (b)	15 days	15 days
Filing of TPR petition to TPR decision	5 months	8 months
TPR decision to Adoption (if no appeal)	3 months	3 months
Affirmed TPR decision to Adoption	2 months	2 months
<b>Removal to Court's signed approval of plan for Another Planned Permanent Living Arrangement ("APPLA")</b> 33 V.S.A. § 5321(a)(5) <sup>2</sup>	<b>24 months</b>	<b>24 months</b>

<sup>1</sup> **Complex Factors** – see next page for a list of factors that might make a case complex.

<sup>2</sup> Another Planned Permanent Living Arrangement ("APPLA") is the least desirable of the permanence outcomes. 171 VT 369 (2000).

**Milestone Standards For CHINS Cases: Children who remain in Custody of Parents**  
(excludes truancy cases)

Juvenile Events/Milestones	Standard	Complex
<b>Removal<sup>3</sup> or Preliminary Hearing to Disposition</b>	<b>98 days</b>	<b>5.2 months</b>
Removal to Temporary Care Hearing (at which custody is returned to parent)	72 hours (3 days)	3 days
Preliminary Hearing <sup>4</sup> to Merits Adjudication 33 V.S.A. §5313 (b)	60 days	90 days
Merits Adjudication to Disposition Order	35 days	65 days

**Factors That Might Make a Case Complex:**

- TPR filed to, or at, disposition (Applies to “Removal to Disposition” time only.)
- Forensic Evaluation (competency of parties or Family Evaluation)
- Additional parties and attorneys (multiple fathers or grandparents, extra parties or 6+ siblings)
- Interpreters (sign language and interpreters for uncommon / obscure languages)
- ICPC (Interstate Compact - out of state placement of child requiring home study in another state)
- Multiple expert witnesses

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<sup>3</sup> “Removal” could be the date of the Emergency Care Order. This category includes children who may spend a very brief period (up to 3 days) in DCF custody and then are returned to the custody of a parent, as well as children who never come into DCF custody at all. If an Emergency Care Order issued, the case should be tracked from that date (date of removal). If no removal occurs, the case is tracked from the preliminary hearing date.

A pretrial hearing is 15 days after the Preliminary Hearing. 33 V.S.A. §5313 (a)

<sup>4</sup> A Temporary Care Hearing would serve as a Preliminary Hearing.

**Milestone Standards for DELINQUENCY Cases: Children in Custody of DCF**  
(Track from date of removal from home; same as CHINS)

Juvenile Events/Milestones	Standard	Complex
<b>Removal to Disposition</b>	<b>98 days</b>	<b>5.2 months</b>
Removal to Temporary Care Hearing <sup>5</sup>	72 hours (3 days)	3 days
Temporary Care Order to Merits Adjudication	60 days	90 days
Merits Adjudication to Disposition Order	35 days	65 days
<b>Disposition Order to Post-disposition Review</b> 33 V.S.A. §5258	60 days	60 days
<b>Removal to first Permanency Hearing</b> (33 V.S.A. § 5258) (same as CHINS)	<b>12 months</b>	<b>12 months</b>
<b>Removal to Return of Custody Order (plan is reunification)</b> (same as CHINS)	<b>18 months</b>	<b>21 months</b>
<b>Removal to Permanent Guardianship Order</b> (same as CHINS)	<b>18 months</b>	<b>21 months</b>
<b>Removal to Adoption (excluding appeal time)</b> (same as CHINS)	<b>20 months</b>	<b>23 months</b>
Removal to TPR petition filing	12 months	12 months
TPR Petition Filing to First TPR Status V.R.F.P. 3 (b)	15 days	15 days
Filing of TPR petition to TPR decision	5 months	8 months
TPR decision to Adoption (if no appeal)	3 months	3 months
Affirmed TPR decision to Adoption	2 months	2 months
<b>Removal to Court's signed approval of plan for Another Planned Permanent Living Arrangement (APPLA)<sup>6</sup></b> (same as CHINS)	<b>24 months</b>	<b>24 months</b>

<sup>5</sup> The Temporary Care Hearing is also the Preliminary Hearing, at which Probable Cause is determined.

<sup>6</sup> Another Planned Permanent Living Arrangement (“APPLA”) is the least desirable of the permanence outcomes. 171 VT 369 (2000).

**Milestone Standards for DELINQUENCY Cases: Children who remain in Custody of Parents**  
 (Track from date of preliminary hearing)

Juvenile Events/Milestones	Standard	Complex
<b>Preliminary Hearing to Disposition</b>	<b>95 days</b>	<b>5 months</b>
Preliminary Hearing to Merits Adjudication <sup>7</sup> 33 V.S.A. §5227 (b)	60 days	90 days
Merits Adjudication to Disposition Order 33 V.S.A. §5231 (a)	35 days	65 days
<b>Violation of Probation Filing to Disposition of VOP Complaint</b>	<b>45 days</b>	<b>60 days</b>

**Factors That Might Make a Case Complex:**

- Sexual offenses
- TPR filed to, or at, disposition (applies to “Removal to Disposition” interval only.)
- Forensic or psychosexual evaluation
- Competency / mental health issues
- Serious physical injury to victim
- Significant restitution issues
- Multiple offenders
- Interpreters (sign language and interpreters for uncommon / obscure languages)
- Multiple expert witnesses
- Out of state residential placement or ICPC (Interstate Compact - out of state placement of child requiring home study in another state)

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<sup>7</sup> Preliminary Hearing to pretrial hearing is 15 days; 33 V.S.A. §5227 (a).

This amended directive shall become effective immediately.

Done in Chambers at Montpelier, Vermont this 13th day of January 2009.

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Paul L. Reiber, Chief Justice

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice

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Marilyn S. Skoglund, Associate Justice

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Brian L. Burgess, Associate Justice