

## APPROVED

### VERMONT SUPREME COURT ADVISORY COMMITTEE ON RULES FOR FAMILY PROCEEDINGS

#### Minutes of Meeting on TEAMS May 8, 2020

The meeting was called to order by Judge Michael Kainen. Present were Committee members: Penny Bennelli, Laura Bierley, Anne Damone, Judge Gregory Glennon, Sarah Haselton, Magistrate Christine Hoyt, Jody Racht, Karen Reynolds, Alycia Sanders, Susan Ellwood, John Wilson and Judge Meagan Shafritz. Also present were ex-officio members: Justice Beth Robinson and Michele Olvera, Legal Director, Vermont Network; Judge Amy Davenport (ret) was present as the Reporter.

1. **Approval of draft minutes of the meeting of March 13, 2020:** the minutes were unanimously approved as previously distributed.
2. **Status of proposed and recommended amendments.**
  - a. Proposed new V.R.F.P. 4.3(f) (enforcement of money judgments). The rule and the Reporter's Notes have been sent to the Supreme Court for its approval.
  - b. Proposed V.R.F.P. 4.3(b). Amendment abrogating subsection (1) in cases filed before effective date of Vermont Parentage Act, 15 V.S.A. 115A(d)(2) has been sent out for comment by the Supreme Court. Comments were due by April 13, 2020. Judge Kainen reported that no comments were received. The committee voted unanimously to send the proposed rule to the Supreme Court for final approval.
3. **Amendment to Family Rules Consistent with Proposed Amendments to V.R.C.P. 3.1.** Recent proposed amendments to V.R.C.P. 3.1 replace all references to "proceedings in forma pauperis" with "waiver of filing fees and costs." Two amendments to the Family Rules are necessary to make the Family Rules consistent with the Civil Rules, specifically amendments to V.R.F.P. 2(a)(2) which cross references V.R.C.P. 3.1 and V.R.F.P. 4.0(b)(3)(B). The Committee reviewed a draft amendment and voted unanimously to have it sent out for comment.
4. **Vermont Rules for Public Access to Court Records and Live Streaming in Family Court.** Ms. Benelli reported that due to the Covid 19 pandemic, the subcommittee has not had time to work on this issue. She anticipates the subcommittee will take the matter up again when things calm down a bit and will let the Committee know when the subcommittee is ready to offer a report.
5. **Act 72 of 2017. An Act Relating to Juvenile Jurisdiction.** (Section 7 directs the Supreme Court to consider adoption of appropriate rules by July 1, 2018.) Consideration of youthful offender rules in light of Act 45 of 2019 (5/30/19). Marshall Pahl reported that the subcommittee (Mr. Pahl, chair, Ms. Racht and Ms. Reynolds) has concluded that there is a need for a rule regarding the colloquy between the judge and the defendant regarding youthful offender status. He anticipates that the subcommittee will have a proposed rule for the Committee to consider by the next meeting.

**6. New Business:**

- a. **Rule related to a colloquy with juvenile in delinquency proceedings.** Statutory requirements are set forth 33 V.S.A. § 5229(c) and V.R.Cr.P. 11 is incorporated by reference for delinquency proceedings. The Juvenile Subcommittee will review whether any further amendments are necessary.
- b. **Email from Justice Dooley re coordination between Advisory Committee on Electronic Filing and Family Rules.** Justice Dooley is requesting feedback from the Rules Committees regarding Odyssey, the Court's new electronic filing and case management system which is now up and running in Windsor, Orange and Windham counties. Several Committee members commented on their experience with the new system. Judge Kainen requested that members let him know what is not working well. Judge Kainen and Reporter Davenport will schedule a conference call with Justice Dooley to discuss a future meeting with the Committee.

- 7. Dates for next meeting.** The next meeting is scheduled for July 17, 2020 from 9:30 – noon. The Committee agreed that there should be a meeting in October and that the meeting would be in the morning. Reporter Davenport will send out a Doodle Poll.

There being no further business, the meeting was adjourned at 10:30.