

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

**Minutes of Meeting on TEAMS
July 22, 2022**

The meeting was called to order by Judge Michael Kainen. Present were Committee members: Laura Bierley, Margaret Villeneuve, Judge Megan Shafritz, Alycia Sanders, Althea Lloyd, Jessica Seman, Jody Racht, Dickson Corbett, Nate Hine and Marshall Pahl. Also present was ex-officio member: Eddie Poff from the Vermont Network Against Domestic Violence. Judge Amy Davenport (ret.) was present as the Reporter.

1. Approval of draft minutes of the meeting of July 22, 2022: the draft minutes were unanimously approved.
2. Welcome to New Member: Judge Kainen welcomed Nate Hine, a GAL serving Washington, Orange and Windsor counties, who was recently appointed by the Vermont Supreme Court to replace John Wilson.
3. Status of proposed amendments:
 - a. Amendment to V.R.F.P. 9(b) and 9(g)(1) and V.R.F.P. 4.3(a)(7) to provide email addresses in RFA proceedings and define period during which proceedings are confidential. This deadline for comments on this proposed rule amendment was July 11, 2022. Judge Kainen reported that he has not received any comments. The Committee voted to recommend that to the Supreme Court that the rules be promulgated.
 - b. V.R.F.P. 1.1 Procedure for Youthful Offender Proceedings in the Family Division. The deadline for comments on the proposed rule was July 11, 2022. Marshall Pahl for the Subcommittee on Juvenile Proceedings reported that two comments had been received. In response to a comment by Deputy States' Attorney Kristin Gozzi, the subcommittee proposes Rule 1.1(h) so that youthful offender records are expunged and sealed only if required by 33 V.S.A. § 5287(c). In response to a comment by Judge Tom Devine, the Committee proposes rewording subsection (b)(1) so that it tracks legislation recently enacted by the Legislature related to risk screening notification. The Committee voted unanimously in favor of the two amendments proposed by the subcommittee and to send the amended proposal to the Supreme Court for promulgation. The Committee also agreed to recommend to the Court that the risk screening order be on a standardized court form.
4. Amendment to V.R.F.P. 4.3(a)(3) to allow for automatic consolidation when divorce filing precedes an RFA proceeding. A redraft of an amendment to Rule 4.3(a) based on the Committee's discussion in April was discussed specifically with respect to whether there should be automatic consolidation if the request for a temporary RFA was denied and the Plaintiff did not request a final hearing. The Committee agreed that confidentiality should be maintained in those instances and that the automatic consolidation should only be triggered if a temporary order was issued or, in the case of a denial, the plaintiff requested a final hearing. Judge Davenport will redraft and the matter will be on the agenda for the next meeting.

5. Amendment to V.R.F.P.(1)(b)(1) to provide enforcement of the requirement to in the rule to provide race and ethnicity data at the time of filing a petition. Corbett Dickson reported that the case management software used by the State's Attorneys cannot be modified as originally hoped and that he therefore agrees with the language that was proposed earlier by Marshall Pahl. Marshall will send the proposal to the full Committee prior to the next meeting.
6. Request by Probate Rules Committee for joint subcommittee to consider whether legislation giving family and probate divisions jurisdiction to make findings related to Special Immigration Status (SIJ) requires rules. See 4 V.S.A. § 33(18), 4 V.S.A. § 35, 14 V.S.A. § 3098. Legislation which substantially revises the statute on vulnerable non-citizen children was enacted by the Legislature. Judge Davenport will contact Judge Kilgore about a joint subcommittee to consider whether new rules are required. Members of the Joint Subcommittee from the Family Rules Committee are: Judge Carlson, Marshall Pahl, Jody Racht and J. Davenport.
7. New Business: Marshall Pahl reported the Special Advisory Committee on Remote Hearings is working on proposals to amend V.R.C.P. 43.1 and V.R.F.P. 17. The Committee, of which Marshall is a member, has come up with two alternative amendments related to delinquency proceedings and would like to get some input from the Family Rules Committee. Marshall agreed to send the two proposals out to the Committee following this meeting.
8. Future Meetings: The next scheduled meeting of the Committee is October 21, 2022.
9. The meeting was adjourned at 2:30 p.m.