

Family Division E-Filing Guide

*****Notes:**

- 1) *This document is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve System. See information below regarding user guides, trainings and other materials for filers. This document provides supplemental division-specific guidance for efilings in the Family Division.*
- 2) *During the initial launch of Vermont’s new Odyssey File and Serve efilings program, it is anticipated that this and other user guides will be subject to frequent updates and revisions. It is recommended that users NOT print hard copies of this guide, but refer as needed to the version online, which will be kept current with all updates.*

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Accessing Odyssey File & Serve

All Vermont Courts are adopting universal efilings in all dockets through the Odyssey File & Serve (OFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device.

OFS can be accessed via a link on the Vermont Judiciary’s website, or directly at:

<https://vermont.tylerhost.net/ofswb>

Registration

Registration for e-filing is free and simple. All that is required is a valid email address. There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the “self-help” section of the OFS homepage.

Note: all users including attorneys and self-represented litigants must self-register. Court staff cannot complete registrations on behalf of filers.

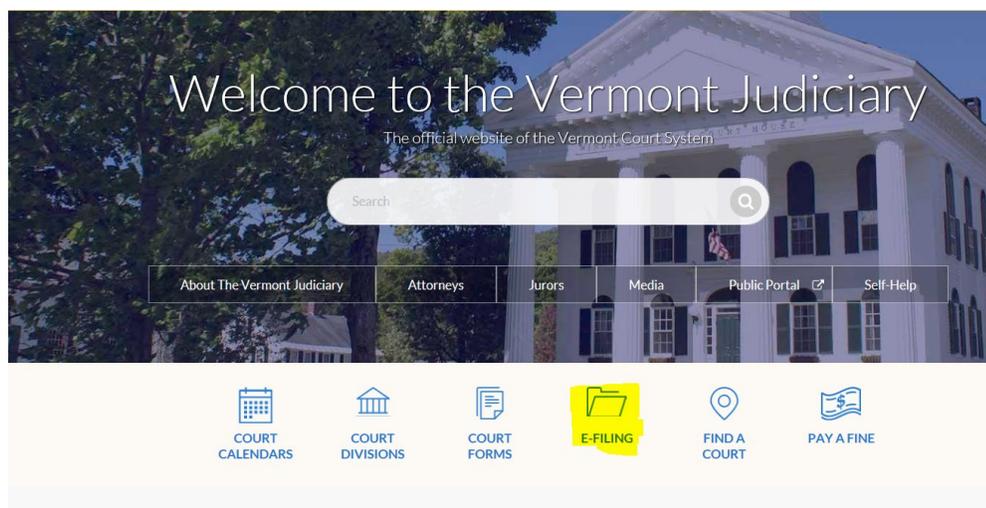
Training and Support

On the OFS homepage there is a “self help” section with numerous resources:

- Live web training sessions and recorded trainings that can be viewed any time
- A Database of FAQs
- Chat and messaging with support personnel
- Training videos
- Downloadable user guides

Note: Odyssey File and Serve is hosted and managed by Tyler Technologies. Court staff have only a limited ability to provide support for questions and issues related to the e-filing system.

There are, however, numerous resources available on the Judiciary website’s e-filing page, including additional user guides, video tutorials and other materials:



Filing New Cases

- Case Category:** Select “Family” for all family division case types, except for (1) mental health and guardianship proceedings, which are under the

“Probate or Mental Health” case category in OFS and (2) juvenile delinquency and youthful offender cases (for agency filers only) which are under the “Criminal” category in OFS. These divisions are necessary based on how the e-filing system works, but they have no greater meaning: all of these case types continue to be heard in the Family Division in Vermont.

b. Case Types

i. Dissolution Cases

In the Odyssey system, Divorce, Legal Separation, Annulment and Civil Union Dissolution are all *subtypes* of one of the following case types, which you will select on the “Case Type” dropdown menu when you file:

Dissolution – Contested with No Minor Children

Dissolution – Contested with Minor Children

Dissolution – Stipulated with No Minor Children

Dissolution – Stipulated with Minor Children

Dissolution – Nonresident Civil Union Dissolution

ii. Parentage Cases

There are 2 parentage case types:

Parentage – Contested

Parentage – Stipulated (must have agreements on all issues)

Note:

- *cases formerly filed by the Office of Child Support as “Support and Recovery of Debt” cases are now filed as parentage cases.*

iii. Registration of Foreign Order

- When seeking to register and modify or enforce a foreign (from another state or jurisdiction outside of Vermont) custody or divorce order, select the case type “Registration of a Foreign Order”. Requests to modify or enforce the order will be selected with the correct filing codes (see sections below on filing codes). The total fees for these filings depend on the relief requested.

Filing fees (32 VSA 1431):

- Registration Only: \$90 (Use filing code “*Motion to Register a Foreign Order- Registration Only*”)
- Register + Modify a Foreign Order: \$40 registration fee + \$120 motion fee: \$160 (Use filing code “*Motion to Modify a Foreign Order Concurrent with Registration*”)
- Register + Enforce a Foreign Order: \$40 registration fee + \$90 motion fee: \$130. (Use filing code “*Motion to Enforce a Foreign Order Concurrent with Registration*”)

- When seeking to register a foreign *abuse prevention* order, select the case type “Registration of a Foreign Abuse Prevention Order”.

iv. **Relief From Abuse**

There are 3 Relief From Abuse case types:

- Relief From Abuse
- Relief From Abuse On Behalf of (OBO) Minor(s) *used when a filer is seeking protection only for a minor child, and not for themselves*
- Relief From Abuse, Neglect and Exploitation There are no filing fees for filing a Relief From Abuse case.

There are no filing fees associated with RFA cases. Filers may use a “waiver” account (a payment method the OFS user must add in their account settings) when filing any type of RFA case.

v. **Juvenile Cases**

Only the state may initiate juvenile (CHINS, Delinquency and Youthful Offender) cases. These case types are marked in OFS as “agency filers only”. Cases filed by any filer other than a designated state agency will not be accepted.

c. **Party Information**

- i. Fill in all party information as completely and accurately as possible.
- ii. Required parties in each case type will be listed by default and must be added. Additional parties may be added by clicking the “add another party” button.
 1. *Note: for case types with minor children, 1 minor child is generally a default required party. More minor children can be added to a filing by clicking “add another party”.*

d. **Filings**

- i. **Filing Type**: If using the “eServe” feature (see info in user guides), select “eFile & Serve” from the Filing Type dropdown menu. Otherwise select “eFile”.
- ii. **Filing Code**: For all new cases in the family division, select “**Initial Filing**” as the filing code for uploading the Complaint and other initiating documents. *

*The only exception is for Registration of Foreign Order Cases: see section I (b)(iii) above for codes to be used in that case type.

NOTE: WHEN USING THE FILING CODE “INITIAL FILING” TO INITIATE A CASE IN THE FAMILY DIVISION, YOU DO NOT NEED ALSO INDIVIDUALLY ADD FILING CODES FOR THE STANDARD MOTIONS/FORMS OF RELIEF THAT ARE ALWAYS ADDRESSED WITHIN A CASE TYPE. (For instance, dissolution and parentage cases with minor children will always include orders on parental rights and child support – these motions need not be filed separately, but are included as part of the divorce complaint).

iii. Documents:

- Documents must be uploaded in PDF Format.
- The complaint or other initiating document should be uploaded as the “lead” document using the “initial filing” filing code.
- Other supporting documents should be individually uploaded as separate filings (by clicking “add another filing”)
- “Attachments” can be made to a lead document in a filing when the document being attached is directly supporting the lead document (such as an affidavit in support of a motion).
- Confidential documents must be labeled confidential (with the security dropdown) when uploading.
- Public documents containing pieces of confidential information such as bank accounts or social security numbers must have 2 versions filed: an original unredacted version (which may be labeled “confidential”) and a redacted public version omitting or covering the non-public information, as required by the new Rules of Electronic Filing¹.
- For documents in Juvenile and Mental Health cases, generally also select “confidential” as the document security. For documents filed in most other Family Division cases (Dissolution, Parentage, etc), select “Public Limited”. Court staff will verify the document security and adjust it as needed during the review and acceptance process.

iv. Service Fees

- For domestic cases in which the court is being asked to serve the other party, select the appropriate method of service (usually certified mail when minor children are involved, and first class mail when there are no minor children) from the “Optional Services and Fees” section.

IMPORTANT: IF YOU DO NOT INCLUDE AN APPROPRIATE SERVICE FEE WITH YOUR FILING IT MAY CAUSE DELAYS IN

YOUR CASE. Service Fees are generally required for:

- New Domestic Cases: Dissolution (Divorce and other sub-types), Parentage, Registration of Foreign Order case types
- Post Judgement Motions to modify or enforce existing orders. If unsure if a fee is due, consult with court staff or check listing of all filing fees at <https://www.vermontjudiciary.org/fees>.

Service Fees are generally not required for:

- Stipulated Filings (these filings should include written agreements on all issues as well as an acceptance of service form or other proof of service document signed by the non-filing party)
- Motions in *pending* cases (where final orders have not yet been issued)
- Relief From Abuse filings (Relief From Abuse, Relief From Abuse OBO Child, Relief From Abuse/Neglect/Exploitation)
- Filings made by government agencies or others who are statutorily exempt from paying filing fees.

IF YOU ARE APPLYING TO HAVE FILING AND SERVICE FEES WAIVED (IFP), PLEASE SELECT A SERVICE FEE NONETHELESS. IT WILL BE WAIVED IF THE APPLICATION IS GRANTED.

Filing into Existing Cases

All existing pending and closed cases will be searchable in OFS and available for making subsequent filings. For older cases that originated in the previous case management system, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end).

Some case and party types are “masked” in OFS for confidentiality reasons, meaning that names and other identifying information are not displayed to filers. These types include Juvenile, Mental Health and Relief from Abuse filings, for these types, you will need to know the county/unit and the docket/case number in order to file into it.

Post Judgment Motions

Motions requesting modification or enforcement of existing final orders in cases generally require a filing fee as well as service of the motion on the non-filing party.

In domestic cases, the following are the most common post-judgment filing codes:

- Motion to Modify Final Order (used for Parental Rights/Parent- Child Contact and Spousal Maintenance)
- Motion to Enforce Final Order (used for Parental Rights/Parent-Child Contact, Property/Debt and Spousal Maintenance)
- Motion to Modify Child Support
- Motion to Enforce Child Support

Other motion type filing codes are also available for filers to select. Any post-judgment motions that do not fit into one of the available motion types should be filed using the “Motion Miscellaneous” filing code. You will receive notification from the court for any filing fee that must be paid.

Post Judgment Motions to Modify Parental Rights and Responsibilities (PRR) and/or Parent Child Contact (PCC):

- There is a post-judgment filing fee of \$120 (not including any applicable service fees) for filing one or both of these motions; the fee is only charged once even if both motions are filed, as long as they are filed together at the same time (if filed at different times, a fee would apply to each). To efile a motion to modify PRR and/or PCC, you should select the filing code “Motion to Modify Final Order”, which will assess the required filing fee.
- Although the general rules for efilings require separate motions to be filed separately, a motion to modify both PRR and PCC may be filed together on one motion form, whether using court form #843 (available on the Judiciary website under “court forms”) or an individually drafted motion. When court staff accept and docket the filing, they will enter separate motion events for each type of relief being requested.
- Filers may also see available filing codes for “Motion to Modify PRR” and “Motion to Modify PCC”, but please be aware that these will not assess the appropriate fee and should only be selected if used as a 2nd/additional filing code in addition to the “Motion to Modify Final Order” code, or in a situation in which a filing fee would not be required for some other reason, such as a request to modify an order pre-judgment.

Post Judgment Motions to Enforce:

- For Post-Judgment PRR/PCC enforcement motions, use the filing code for “Motion to Enforce Final Order”^{*} which will assess the required \$90 filing fee. This can be used for enforcement of PRR and/or PCC. Separate filing codes for each are not required.
**However, if the enforcement motion is being filed concurrently with another motion with a higher fee (such as a motion to Modify the Final Order), do not use this filing code, but instead use another available filing code- “Motion to Enforce PRR”, “Motion to Enforce PCC” or the generic filing code “Motion to Enforce” – see section below on Filing Multiple Post Judgment Motions with Different Fees for more details).*
- The filing code “Motion to Enforce Final Order” may also be used for issues related to

Property or Spousal Support. It should NOT be used for child support enforcement issues (see separate section below).

Post Judgment Motions to Modify Child Support

- Post-judgment motions to modify child support require a \$45 filing fee (not including applicable service fees). Use the filing code for “Motion to Modify Child Support- Post-judgment Fee Required \$45” unless the motion to modify child support is being filed concurrently with another post-judgment motion with a higher fee (see section below on Filing Multiple Post-Judgment Motions with Different Fees). In those situations, use the filing code for “Motion to Modify Child Support – prejudgment/no fee”.

Post Judgment Motions to Enforce Child Support

- Use the filing code for “Motion to Enforce Child Support”. There is no filing fee for this motion, but filers are still generally obligated to pay the applicable service fees for serving the motion on the other party(s).

Filing Multiple Post Judgment Motions with Different Fees:

- Family Division fee rules specify that when multiple related post-judgment motions with fees are filed together in a case, the filer is only charged one fee (whichever one is highest) and does not have to pay the additional lower fees for other motions.
Therefore, when filing in these situations, choose the filing code as stated in the sections above for the motion with the higher fee, and choose alternate filing codes without fees for other related motions.

Agency Filers

Government agency filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in OFS. Such filers should set up a “waiver” payment account when registering and use this for filings made in the course of their official job duties.

Waiver of Filing Fees (Former “In Forma Pauperis” Process)

To request a waiver of filing and service fees when submitting either a new or a subsequent case filing through OFS, select “waiver” as the payment method (the filer must have a waiver account set up as a payment method – this can be done in the filer’s OFS account settings).

You must include, as a separate filing in your envelope, a completed Application to Waive Filing Fees (form # 228, available on www.vermontjudiciary.org) in PDF format.

Important: Do not upload the form as an attachment to your lead document; rather, after uploading your other documents, click on

“Add another Filing”  then use the filing code “Application to Waive Filing and Service Fees”.

Cases will be accepted by the court through OFS regardless of whether the filer qualifies for a waiver or not. Review is completed by court staff after the initial acceptance from the e filing system. If the request to waive fees is denied, or if the filer fails to submit the required documentation, they will receive notice from the court instructing them on corrective actions needed to avoid dismissal of the filing.

After hours Emergency Filings

Filings submitted through OFS are generally only reviewed during the court’s business hours. Filings received after hours will be reviewed when the Court is open.

After hours filings for RFAs, Juvenile matters and other emergencies should continue to be submitted through the current/existing procedures until further notice.

Requesting Copies

Regular photocopies, certified copies and exemplified copies of court documents may be requested through the e filing system by filing a request into the case from which you are requesting document copies. Requests may be submitted on their own or in conjunction with other filings.

1. Using the filing code “Copy Request”, submit a letter or document clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy and how you would like the document(s) sent to you. Please note that certified copies produced and delivered electronically will have a certification stamp image and signature electronically applied. For some purposes and in some other jurisdictions a raised seal and original signature is required, so requests should state clearly which method is needed.
2. To submit payment for the copies, in addition to selecting the filing code and attaching a written request, the filer must select the appropriate copy type and fee from the “Optional Services” section. There are different fees for each type of copy so be sure to select the correct option.
 - Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00 (select the option for “photocopies 1-4”).
 - Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total # of pages of the document(s)).
 - Certified copies have a fee of \$5.00 per document.
 - Exemplified copies have a fee of \$10.00 per document

Support and Troubleshooting

For case and docket- specific questions (e.g., which forms to file for a particular case type), or to check the status of a submitted filing please contact court staff or consult information available at <https://www.vermontjudiciary.org/family> .

- For technical issues or questions related to the functioning of Odyssey File & Serve, please see the resources available in the “Self-Help” section on the OFS homepage. These resources include live assistance with Tyler Technologies support staff through various methods (phone, email, live chat) as well as a variety of user guides, FAQs and other sources of information.
- There are also numerous resources available on the Judiciary website’s efilng page, including additional guides, tutorial videos and other materials. <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>