

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 e-filing in the Family Division.*
- 2) *During the initial launch of Vermont's new Odyssey File and Serve e-filing 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.*

Contents

Accessing Odyssey File & Serve	1
Registration.....	2
Training and Support	2
Filing New Cases.....	2
Filing into Existing Cases	6
Post Judgment Motions	7
Agency Filers	7
Waiver of Filing Fees (Former “In Forma Pauperis” Process).....	7
After Hours Emergency Filings.....	8
Requesting Copies, Public Record Retrieval and other Optional Services.....	8
Support and Troubleshooting.....	9

Accessing Odyssey File & Serve

All Vermont Courts are adopting universal e-filing 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/ofswweb>

Registration

Registration for efilings 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 efilings system.

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 efilings system works, but they have no greater meaning: all of these case types continue to be heard in the Family Division in Vermont.

- Case Types**

- 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. Filers may use a “waiver” account (a payment method the OFS user must add in their account settings) when filing these cases.

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”. *Note: the “eServe” option is generally not available for new case filings since it requires the other party/attorney to already be entered as a service contact in OFS.*
- 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.

¹ VREF 5(b)(5 & 6); and PACR 7(a)(1)

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.

Agency Filers

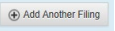
Government agency filers and other entities who are exempt by rule or statute from paying any court filing fees will continue to be exempt from paying fees when filing in OFS. Such filers should set up a “waiver” payment account when registering and use this for filings made in the course of their official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

Regular photocopies, certified copies and exemplified copies of court documents may be requested in the “optional services” section when submitting a filing.

IMPORTANT: when selecting any of these services, please also upload document (the format does not specifically matter, and the filing code of “Document(s)” can be used) clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy. There are different fees for each 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)).

Please also indicate clearly on your filed request document whether you want the documents mailed to you (if so, specify address), or whether you wish to be notified when the copies are available for pickup (if so, specify notification method).

Certified Documents: Documents may be certified electronically and delivered to you via email if electronic certification is suitable for your purposes. Please specify if you would like that option (likely shorter turnaround time) or need a hard copy with a raised/embossed seal (may be required for some foreign jurisdictions).

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.