



## Vermont Judicial Branch Overview

\*\*\*

## 2019 Legislative Session

\*\*\*

## Courts, Judiciary Programs, and Performance Measures

# Vermont Judicial Branch Overview

\*\*\*\*

## Table of Contents

<u>Section</u>	<u>Page</u>
<b>Vermont Constitution</b> .....	1
<b>Mission and Vision</b> .....	1
Principles for Administration of the Vermont Judiciary .....	2
Case Management Principals.....	2
Vermont Unified Court System: Chart.....	3
Vermont Unified Court System: Description .....	4
<i>The Supreme Court</i> .....	4
<i>Administration of the Court System and Regulation of Attorneys</i> .....	4
<i>Superior Court</i> .....	5
Criminal Division .....	5
Family Division .....	6
Civil Division .....	6
Environmental Division .....	7
Probate Division .....	7
The Judicial Bureau .....	7
<b>Court Response to Crime in the Community</b> .....	8
<i>State of Vermont Treatment Dockets</i> .....	8
<i>How Much Did We Do?</i> .....	8
<i>How Well Did We Do It?</i> .....	8
<i>Is Anyone Better Off?</i> .....	9
<i>Adult Drug Treatment Docket Projects in Chittenden, Rutland, and Washington Counties</i> .....	9
<i>Juvenile Treatment Court Docket – Franklin County</i> .....	9
<i>Mental Health Court Docket – Chittenden County</i> .....	10
<i>South East Regional DUI Docket</i> .....	10
<i>Vermont Judicial Commission on Family Treatment Dockets</i> .....	10

<b>Children and Families in the Court System .....</b>	<b>11</b>
<i>Attorneys for Children .....</i>	<i>11</i>
<i>Vermont Superior Court Family Mediation Program.....</i>	<i>12</i>
<i>How Much Did We Do? .....</i>	<i>12</i>
<i>How Well Did We Do It?.....</i>	<i>12</i>
<i>Is Anyone Better Off? .....</i>	<i>13</i>
<i>Parent Coordination .....</i>	<i>13</i>
<i>How Much Did We Do? .....</i>	<i>14</i>
<i>How Well Did We Do It?.....</i>	<i>14</i>
<i>Is Anyone Better Off? .....</i>	<i>14</i>
<i>Guardian ad Litem Program .....</i>	<i>14</i>
<i>How Much Did We Do? .....</i>	<i>15</i>
<i>How Well Did We Do It?.....</i>	<i>15</i>
<i>Is Anyone Better Off? .....</i>	<i>16</i>
<i>Court Improvement Program .....</i>	<i>16</i>
<i>How Much Did We Do? .....</i>	<i>16</i>
<i>How Well Did We Do It?.....</i>	<i>16</i>
<i>Is Anyone Better Off? .....</i>	<i>17</i>
<b>Court Interpreter Program .....</b>	<b>18</b>
<i>How Much Did We Do? .....</i>	<i>18</i>
<i>How Well Did We Do It?.....</i>	<i>18</i>
<i>Is Anyone Better Off?.....</i>	<i>18</i>
<b>Technology Initiatives .....</b>	<b>18</b>
<i>How Much Did We Do? .....</i>	<i>20</i>
<i>How Well Did We Do It?.....</i>	<i>20</i>
<i>Is Anyone Better Off?.....</i>	<i>20</i>

<b>Court Security</b> .....	22
<i>How Much Did We Do?</i> .....	22
<i>How Well Did We Do It?</i> .....	22
Is Anyone Better Off?.....	22
<b>Judicial Branch Education</b> .....	23
<i>Appointed Judicial Officer Education</i> .....	23
<i>How Much Did We Do?</i> .....	23
<i>How Well Did We Do It?</i> .....	23
Is Anyone Better Off?.....	23
<i>Assistant Judge Education</i> .....	24
<i>How Much Did We Do?</i> .....	24
<i>How Well Did We Do It?</i> .....	24
Is Anyone Better Off?.....	24
<i>Employee Education</i> .....	25
<i>New Hire Orientation</i> .....	25
<i>How Much Did We Do?</i> .....	25
<i>How Well Did We Do It?</i> .....	25
Is Anyone Better Off?.....	25
<i>Building Knowledge and Skills in Courts</i> .....	25
<i>How Much Did We Do?</i> .....	25
<i>How Well Did We Do It?</i> .....	25
Is Anyone Better Off?.....	26
<b>Public Education</b> .....	26
<i>Education for Self-Represented Litigants</i> .....	26
<i>How Much Did We Do?</i> .....	26
<i>How Well Did We Do It?</i> .....	26
Is Anyone Better Off?.....	26

<i>Relief from Abuse Education Program</i> .....	27
<i>How Much Did We Do?</i> .....	27
<i>How Well Did We Do It?</i> .....	27
Is Anyone Better Off?.....	27
<i>Judiciary Information Center</i> .....	28
<i>How Much Did We Do?</i> .....	28
<i>How Well Did We Do It?</i> .....	28
Is Anyone Better Off?.....	28
<i>Children Coping with Divorce</i> .....	29
<i>How Much Did We Do?</i> .....	29
<i>How Well Did We Do It?</i> .....	29
Is Anyone Better Off?.....	29
<b>Boards and Committees</b> .....	30
<i>Professional Responsibility Program</i> .....	30
<i>Judicial Conduct Board</i> .....	30
<i>Board of Bar Examiners and Character and Fitness Committee</i> .....	31
<i>Mandatory Continuing Legal Education Board</i> .....	31

**FY18**

## **Vermont Judicial Branch Overview**

### **Courts, Judiciary Programs, and Performance Measures**

The Vermont Judicial Branch is an important element in the constitutional balance of power among the Executive, Legislative, and Judicial Branches. This balance of power is essential to the vitality of our democracy. The courts provide a forum for resolution of disputes involving the range of human conflict, including cases that address the protection of individual rights, public safety, and business and commercial concerns. A fair and impartial court system is an important element in the preservation and maintenance of an orderly society.

#### **Vermont Constitution**

The ultimate measures of performance for the Judiciary are set forth in the Vermont Constitution, which provides as follows in Chapter I, Article 4:

Every person within the state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay, conformably to the laws.

More specific performance measures and outcomes for the Vermont Judiciary are set forth in this overview.

#### **Mission and Vision**

The Judiciary's mission is to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone their opportunity to have their day in court.

The Judiciary's vision is as follows: The people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.

## **Principles for Administration of the Vermont Judiciary**

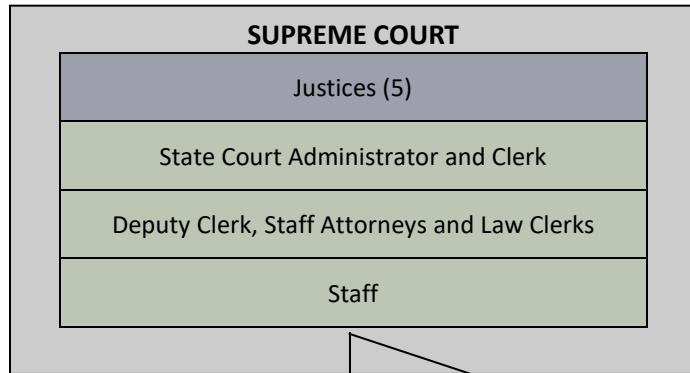
The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that “the judicial power of the State shall be vested in a unified judicial system...”
3. The Vermont Supreme Court will deploy resources in a manner that is cost-efficient for the taxpayer, while providing access to court services that is cost-effective to litigants.
4. Court services will be provided through a system that is open, affordable, and understandable and that offers a level of service that is appropriate to the characteristics of the case.
5. Court services will be provided through a system that ensures access to justice and respect for all litigants and members of the bar.
6. Case decisions will be made by appropriately educated and well-trained judicial officers.
7. Trial court judges will be capable of working in any court, hearing any case that needs to be heard on a particular day.
8. Judicial officers will issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.
9. The Judicial Branch will be organized to minimize redundancies in court structure, procedures, and personnel, and provide an efficient balance of workload among courts.
10. Funding authorities will provide resources that are appropriate to court structure and provide long-term stability in the budgeting, funding, and operations of the Judicial Branch.

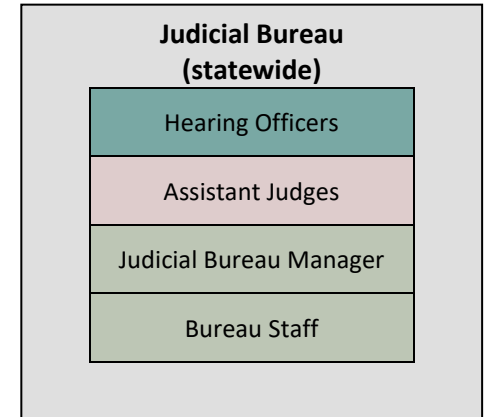
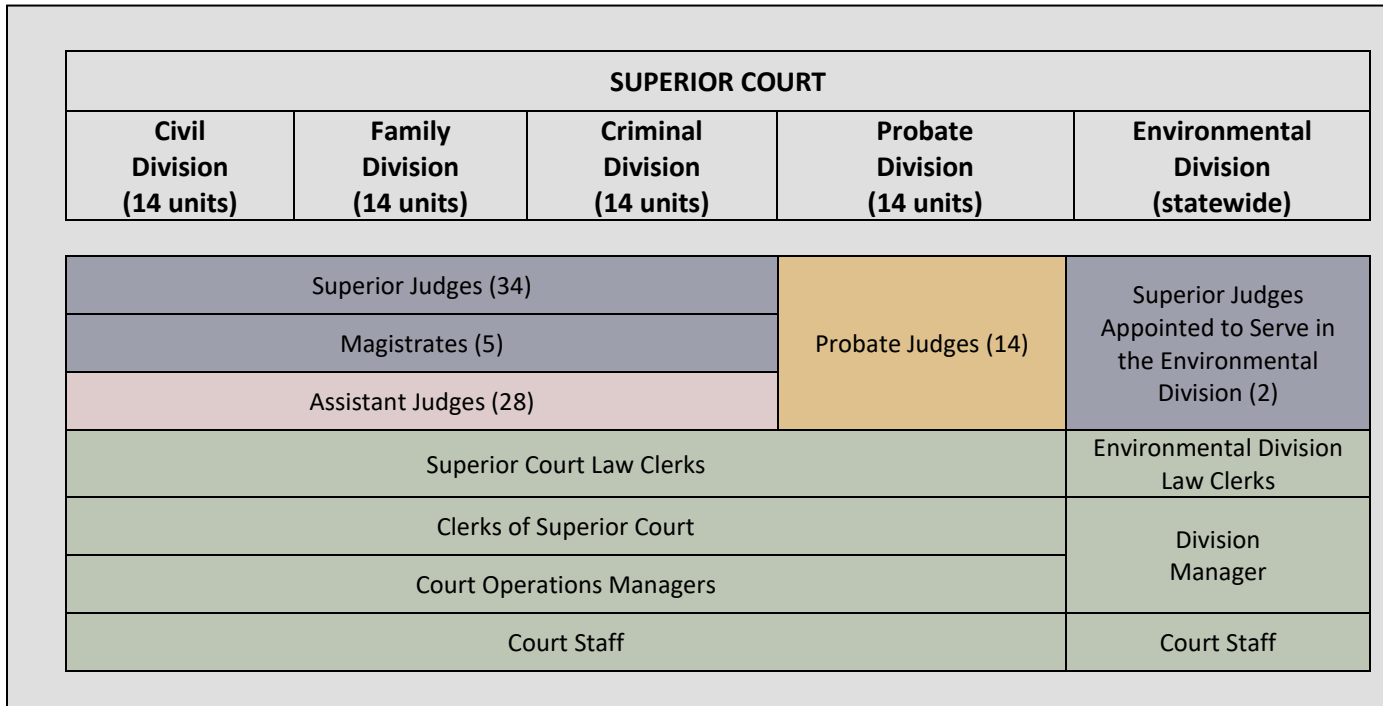
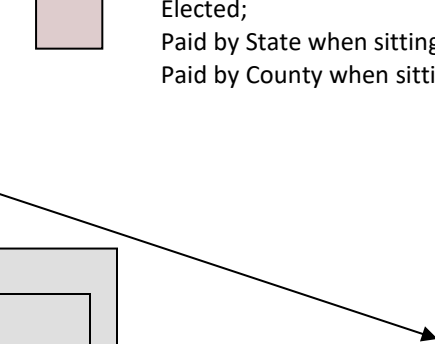
## **Case Management Principles**

1. Every case will receive individual attention.
2. Individual attention will be proportional to need.
3. Decisions and process will demonstrate procedural justice.
4. Judicial control will be exercised over the legal process.

# THE VERMONT UNIFIED COURT SYSTEM



- Appointed;  
Statutory Salary
- Elected;  
Statutory Salary
- State Employee; Hired by  
Supreme Court or Designee
- State Employee;  
Statutory Salary
- Elected;  
Paid by State when sitting alone  
Paid by County when sitting with judge





## **Vermont Unified Court System**

### The Supreme Court

The Supreme Court is comprised of the Chief Justice and four Associate Justices. Each Justice is appointed by the Governor from a list of candidates submitted by the Judicial Nominating Board. The Governor's appointment of a justice must be confirmed by the Senate. The justices hold six-year terms. Every six years, each justice who wishes to sit for another six-year term must seek to be retained by the General Assembly. Following a legislative review process, the General Assembly votes to determine whether each such justice will continue to sit for another six-year term.

The Supreme Court is the sole appellate level court in Vermont. It hears cases primarily in Montpelier. The Court hears appeals from the Civil, Family, Criminal, and Environmental Divisions of the Vermont Superior Court; from certain administrative agency proceedings; and from the Probate Division when a question of law is involved. In special types of cases, the Supreme Court has original or exclusive jurisdiction. In those cases, the matter is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves approximately 450 cases per year by deciding whether the trial court judge accurately applied Vermont law to the facts in the case. In such cases, the Supreme Court does not take evidence, listen to witnesses, or receive exhibits in a case. Instead, the Court looks at the legal issues to determine whether the law was correctly applied to the facts in the lower court. Decisions of the Supreme Court of Vermont are final unless the case presents a federal question involving the United States Constitution, statutes, or treaties. If there is a federal question, decisions of the Supreme Court of Vermont may be appealed to the United States Supreme Court.

### Administration of the Court System and Regulation of Attorneys

The Vermont Constitution gives the Supreme Court the responsibility to administer the Vermont Unified Court System. The Supreme Court exercises its administrative authority collectively as a governing body. The Constitution also authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules adopted by the Court. The Supreme Court also has the power to discipline judges and attorneys, to license attorneys, and to regulate the practice of law.

The Supreme Court appoints a State Court Administrator, who serves as the Chief Executive Officer of the Judiciary. She has responsibility for all budgetary and fiscal operations and personnel administration of all courts, boards, and agencies of the Vermont Judicial Branch. Her responsibilities include oversight of the administrative infrastructure of the Judiciary, including budget and finance, planning, appellate court administration, human resources and labor relations, information technology, court services and programs, court facilities and security, legal counsel, attorney regulation, and the relationship between the Judiciary and the Legislative and Executive branches of state government.

The Supreme Court also appoints a Chief Superior Judge. He assigns the superior judges, environmental judges, child support magistrates, judicial bureau hearing officer, and assistant judges to the trial court

divisions, resolves attorney conflicts, and resolves complaints about the trial courts. The Chief Superior Judge assigns each of the judges to sit in each of the trial courts for a specific length of time, generally for a year. (The environmental judges hear and dispose of most cases in the environmental division, which has statewide jurisdiction.) In the smaller counties, one judge may be assigned to sit in the Civil, Criminal, and Family Divisions of the Vermont Superior Court concurrently, especially when all three divisions are located in the same building. In the larger counties, a different judge may sit in each of the trial court divisions.

The State Court Administrator and Chief Superior Judge cooperate to ensure that the trial court system operates as efficiently as possible and to work toward the development of uniform and improved procedures in the trial courts. They also collectively oversee the development and implementation of judicial education, orientation, and mentoring programs.

### Superior Court

The Vermont Superior Court was created by Act 154 of the 2010 session of the General Assembly. The Act reorganized the trial courts (except the Judicial Bureau) as divisions of the new Superior Court. There is a unit of the Superior Court in every county, comprised of a civil, criminal, family and probate division. The former environmental court became a statewide environmental division of the Superior Court. The former district court judges were re-designated superior judges under the act.

### *Criminal Division*

Each unit has a Criminal Division. The Division is responsible for the approximately 21,000 criminal and civil suspension cases that the State's Attorneys, Attorney General and Municipal Grand Jurors filed in 2017:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Court Judges determine the guilt or innocence of persons charged with crimes;
- Through sentencing decisions, the Superior Court Judges: punish persons who engage in acts not tolerated by society, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate criminals so that they will be productive members of society;
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Court Judges protect the public from arbitrary use of government power.

### *Family Division*

Each unit has a Family Division. The Division is responsible for the approximately 2,400 divorce and annulment actions; 1,300 other domestic actions (primarily parentage) and the 10,187 post-judgment actions filed each year. Most of the post-judgment actions involve attempts by parents to modify or enforce child support, visitation or custody orders.

The Family Division is also responsible for approximately 7,000 motions to establish, modify or enforce child support; 910 juvenile delinquency cases; 1,100 cases involving the abuse and neglect of children; 295 cases in which the state seeks to terminate parental rights; 256 cases involving children who may be beyond the control of their parents or truant; and 3,300 petitions for relief from domestic abuse and approximately 1,100 other family matters including how the state should care for persons with mental illness and developmental disabilities.

The Chief Superior Judge assigns superior judges, child support magistrates and assistant judges to the Family Division. These judicial officers and court staff attempt:

- To conduct timely hearings and issue timely decisions in order to resolve disputes, to provide support to distressed litigants and to provide protection to victims of family violence and emotional abuse; and
- To provide courteous, calming and helpful service to assist family members to make informed decisions about how to resolve their disputes on their own through mediation or other community services.

### *Civil Division*

Each unit has a Civil Division. The Division is responsible for the approximately 5,700 civil actions filed each year. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving the failure to abide by the terms of a contract. State environmental, consumer protection and civil rights actions are filed in the Civil Division. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Division also hears appeals of some governmental actions.

Through jury trials, court trials and pretrial conferences, the Superior Court Judges resolve disputes such as whether:

- One person should have to reimburse another for that person's actions or inaction;
- Persons should start or stop acting in certain ways; and
- Persons should lose their homes or other property for failure to pay their debts.

The Civil Division also decides the approximately 4,400 small claims and 960 civil protection orders filed each year. Citizens and businesses seeking up to \$5,000 for unpaid debts, shoddy home improvement jobs and a return of their apartment security deposit, benefit from simplified procedural rules, and look to the superior court to resolve their disputes.

There are 28 assistant judges in Vermont, two in each of Vermont's 14 counties. They are elected to four-year terms. They are county executives who may, under certain circumstances, sit as judicial officers in the Judicial Branch. As county executives, they run county government and levy a tax on towns in their respective counties to fund county government. The county budgets include funding for the county Sheriff's departments, maintenance of a county courthouse, and provisions of some select expenses.

The assistant judge may serve on non-jury civil trials as members of a unique three-person panel of judges that determine disputed facts. In some county units of the Superior Court, assistant judges sit alone to hear and decide small claims matters and traffic violations.

#### *Environmental Division*

The Environmental Division has statewide jurisdiction and is responsible for hearing and deciding requests to enforce administrative orders issued by the Secretary of the Agency of Natural Resources and requests to review orders issued by the Secretary. The Division also hears appeals from municipal zoning boards and planning commissions and appeals from Act 250 district commissions. The Division is located in Chittenden County; however, cases are heard in the county where the action arises. Two Environmental Judges hear most matters filed with the Division. Approximately 200 cases are filed each year in the Environmental Division.

#### *Probate Division*

The Probate Division is responsible for the approximately 7,700 guardianships, adoptions, decedent estates and testamentary trusts that are filed each year, and for other administrative actions, including change of names and safekeeping of wills.

The Probate Judges and court staff work to:

- Assist persons and families to administer and settle estates and any resulting trusts, and if necessary, resolve any disputes over the distribution of the assets of the estates;
- Determine whether guardianships need to be established for incompetent persons;
- Assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- Monitor the processing of the cases in the court to insure fiduciaries meet their responsibilities to the estates and guardianships.

#### *The Judicial Bureau*

The Judicial Bureau is responsible for the over 90,000 civil violation complaint tickets issued by state and local law enforcement agencies each year. Many of the violations are speeding tickets. The Bureau is also responsible for the processing of 1,031 municipal ordinance violations and 686 fish and wildlife violations each year.

- Through court trials, the hearing officer and some assistant judges determine whether the approximately 11,000 people who contest their tickets each year have violated the law and whether they must pay civil penalties to the state and municipalities.
- In FY18, the Judicial Bureau collected \$12,365,032 arising from traffic related cases.

### Court Response to Crime in the Community

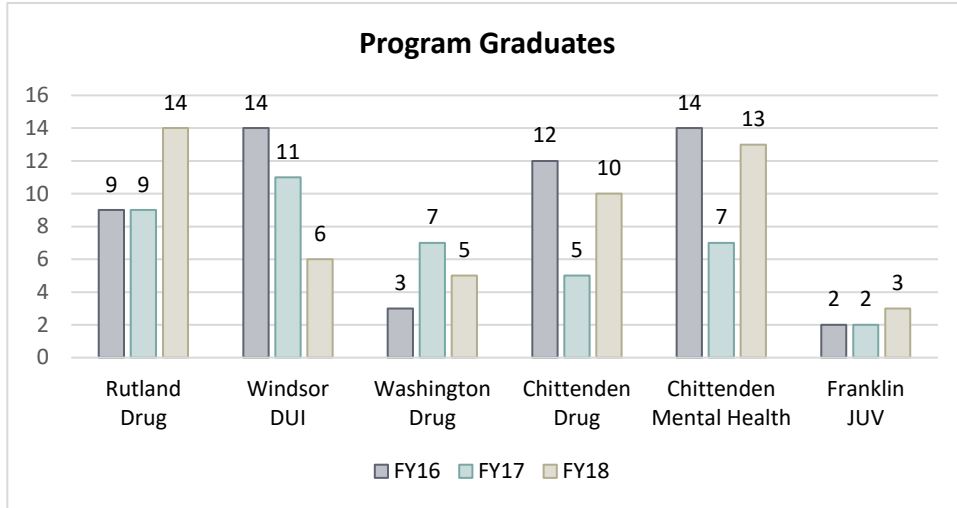
#### State of Vermont Treatment Dockets

The Judiciary operates six treatment court dockets in the criminal and family units; three adult drug dockets in Chittenden, Rutland, and Washington counties; one DUI docket in Windsor that will serve Windsor, Orange and Windham counties, one juvenile docket in Franklin County and one mental health docket in Chittenden County. These dockets serve defendants who are most likely to continue to engage in criminal behavior without an intensive long-term substance and/or mental health intervention. All programs include early treatment intervention, judicial monitoring, mandatory random drug testing, case management, community supervision, and other services to help participants succeed.

Court Response to Crime in the Community																																																																																																
<b>How Much Did We Do?</b>		<b>How Well Did We Do It?</b>																																																																																														
<p>The table below shows the number of new participants who entered treatment programs in each quarter.</p> <table border="1"> <thead> <tr> <th>Program</th> <th>Total FY18</th> <th>Q4</th> <th>Q3</th> <th>Q2</th> <th>Q1</th> </tr> </thead> <tbody> <tr> <td>Chittenden drug</td> <td>28</td> <td>2</td> <td>9</td> <td>9</td> <td>8</td> </tr> <tr> <td>Rutland drug</td> <td>15</td> <td>0</td> <td>7</td> <td>3</td> <td>5</td> </tr> <tr> <td>Washington drug</td> <td>19</td> <td>5</td> <td>3</td> <td>5</td> <td>6</td> </tr> <tr> <td>Windsor DUI</td> <td>14</td> <td>3</td> <td>7</td> <td>0</td> <td>4</td> </tr> <tr> <td>Franklin juvenile</td> <td>7</td> <td>3</td> <td>1</td> <td>0</td> <td>3</td> </tr> <tr> <td>Chittenden mental health</td> <td>23</td> <td>6</td> <td>8</td> <td>0</td> <td>9</td> </tr> </tbody> </table> <p>As of June 30, 2018, the total number of participants enrolled by program type in FY2018 were; 111 in adult drug programs; 21 in the DUI docket; 9 in the juvenile program and 28 in the mental health court for total of 169 participants served in FY2018 down from 197 total served in FY2017.</p> <p><b>Services participants receive while in the program:</b></p> <table border="1"> <thead> <tr> <th>Services</th> <th>Treatment types</th> </tr> </thead> <tbody> <tr> <td>Case management</td> <td>Trauma</td> </tr> <tr> <td>Health services</td> <td>Medically assisted</td> </tr> <tr> <td>Housing support</td> <td>Mental health</td> </tr> <tr> <td>Employment</td> <td>Co-occurring</td> </tr> <tr> <td>Vocation rehab</td> <td>Intensive outpatient</td> </tr> <tr> <td>Educational support</td> <td>Residential</td> </tr> <tr> <td>Transportation</td> <td>Gender specific</td> </tr> <tr> <td>Recovery coaching</td> <td>Criminal thinking</td> </tr> <tr> <td>Making recovery easier</td> <td>Moral reconation</td> </tr> <tr> <td>Community supervision</td> <td></td> </tr> </tbody> </table>		Program	Total FY18	Q4	Q3	Q2	Q1	Chittenden drug	28	2	9	9	8	Rutland drug	15	0	7	3	5	Washington drug	19	5	3	5	6	Windsor DUI	14	3	7	0	4	Franklin juvenile	7	3	1	0	3	Chittenden mental health	23	6	8	0	9	Services	Treatment types	Case management	Trauma	Health services	Medically assisted	Housing support	Mental health	Employment	Co-occurring	Vocation rehab	Intensive outpatient	Educational support	Residential	Transportation	Gender specific	Recovery coaching	Criminal thinking	Making recovery easier	Moral reconation	Community supervision		<p>The table below shows retention rate – the % of participants that exit the program through graduation, termination, voluntary withdrawal, or other means. Program retention is one of the key predictors of positive program outcome. The longer participants are engaged, the better their outcomes after leaving the program. Drug courts are six times more likely to keep offenders in treatment long enough for them to get better.</p> <table border="1"> <thead> <tr> <th>Program</th> <th>FY18</th> <th>FY17</th> <th>FY16</th> </tr> </thead> <tbody> <tr> <td>Chittenden drug</td> <td>48%</td> <td>49%</td> <td>47%</td> </tr> <tr> <td>Rutland drug</td> <td>81%</td> <td>78%</td> <td>45%</td> </tr> <tr> <td>Washington drug</td> <td>61%</td> <td>67%</td> <td>No data</td> </tr> <tr> <td>Windsor DUI</td> <td>89%</td> <td>84%</td> <td>89%</td> </tr> <tr> <td>Franklin juvenile</td> <td>46%</td> <td>49%</td> <td>45%</td> </tr> <tr> <td>Chittenden mental health</td> <td>60%</td> <td>63%</td> <td>67%</td> </tr> </tbody> </table> <p>The retention % rate calculation is the total number of graduates since programs inception + total number currently enrolled) divided by total number of admissions to program since program's inception</p>			Program	FY18	FY17	FY16	Chittenden drug	48%	49%	47%	Rutland drug	81%	78%	45%	Washington drug	61%	67%	No data	Windsor DUI	89%	84%	89%	Franklin juvenile	46%	49%	45%	Chittenden mental health	60%	63%	67%
Program	Total FY18	Q4	Q3	Q2	Q1																																																																																											
Chittenden drug	28	2	9	9	8																																																																																											
Rutland drug	15	0	7	3	5																																																																																											
Washington drug	19	5	3	5	6																																																																																											
Windsor DUI	14	3	7	0	4																																																																																											
Franklin juvenile	7	3	1	0	3																																																																																											
Chittenden mental health	23	6	8	0	9																																																																																											
Services	Treatment types																																																																																															
Case management	Trauma																																																																																															
Health services	Medically assisted																																																																																															
Housing support	Mental health																																																																																															
Employment	Co-occurring																																																																																															
Vocation rehab	Intensive outpatient																																																																																															
Educational support	Residential																																																																																															
Transportation	Gender specific																																																																																															
Recovery coaching	Criminal thinking																																																																																															
Making recovery easier	Moral reconation																																																																																															
Community supervision																																																																																																
Program	FY18	FY17	FY16																																																																																													
Chittenden drug	48%	49%	47%																																																																																													
Rutland drug	81%	78%	45%																																																																																													
Washington drug	61%	67%	No data																																																																																													
Windsor DUI	89%	84%	89%																																																																																													
Franklin juvenile	46%	49%	45%																																																																																													
Chittenden mental health	60%	63%	67%																																																																																													

### Is Anyone Better Off?

Below is a chart of participant graduates. Nation- wide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program. Rigorous studies have found that reductions in crime last at least 3 years and can endure for over 14 years. There were 54 combined program graduates in FY16, 41 in FY17, and 51 in FY18.



#### Adult Drug Treatment Dockets – Chittenden, Rutland, and Washington Counties

Vermont Adult Drug Treatment Dockets are voluntary, post-plea programs for defendants over age 18 that divert non-violent offenders with substance use problems from incarceration into supervised treatment programs with rigorous standards of accountability. They are a coordinated effort of the courts, states attorney, defense attorney, law enforcement, probation, and treatment communities and include comprehensive case management to address participants other needs, such as education, housing, and job training. Treatment dockets help participants recover from addiction and prevent future criminal activity while also reducing the burden and cost to the criminal justice system. They offer participants who complete the program the chance to have criminal charges dismissed or reduced.

#### Juvenile Treatment Docket – Franklin County

The Juvenile Treatment Docket takes place within the juvenile docket and serves youth ages 13-17 found delinquent where drugs and/or alcohol are an issue. The process is similar to the adult treatment docket with the exception that the services provided are developmentally appropriate. The Juvenile Treatment Docket is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse treatment, mental health, social services, and child protective services to actively intervene and break the cycle of substance abuse, addiction, and crime. The Juvenile Treatment Docket provides an intense regimen of substance abuse, mental health and related health services, wraparound case management, drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, and other needed support.

### Mental Health Treatment Docket – Chittenden County

The mental health treatment docket serves individuals with severe and persistent mental illness and co-occurring disorders. Modeled after drug court dockets and developed in response to the high numbers of people with mental illnesses in the criminal justice system, mental health court dockets divert defendants with mental illness into judicially supervised, community-based treatment.

### South East Regional DUI Docket

In 2018, the Windsor DUI docket was expanded to encompass Orange and Windham counties. The DUI docket is post sentence and serves hardcore Driving Under the Influence (DUI) offenders. This includes both DUI-Alcohol (DUI-A) and DUI-Drug (DUI-D) offenders, as well as those engaging in polysubstance abuse. Legally eligible cases include a third or subsequent DUI-A/D, a second DUI-A with a BAC of .15 or higher, a second DUI-D involving an illicit substance, or a first DUI-A/D when accompanied by two or more violations of court orders pertaining to alcohol or drugs, DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4. It is a two-year probation program that relies on the coordinated efforts of the Judge, treatment docket coordinator, case manager, treatment provider, probation department, defense attorney and State's Attorney. The individual is offered intensive treatment and supervision, risk reduction strategies, the possibility of using a Secure Continuous Random Alcohol Monitor (SCRAM), and a behavior modification program that uses sanctions and incentives.

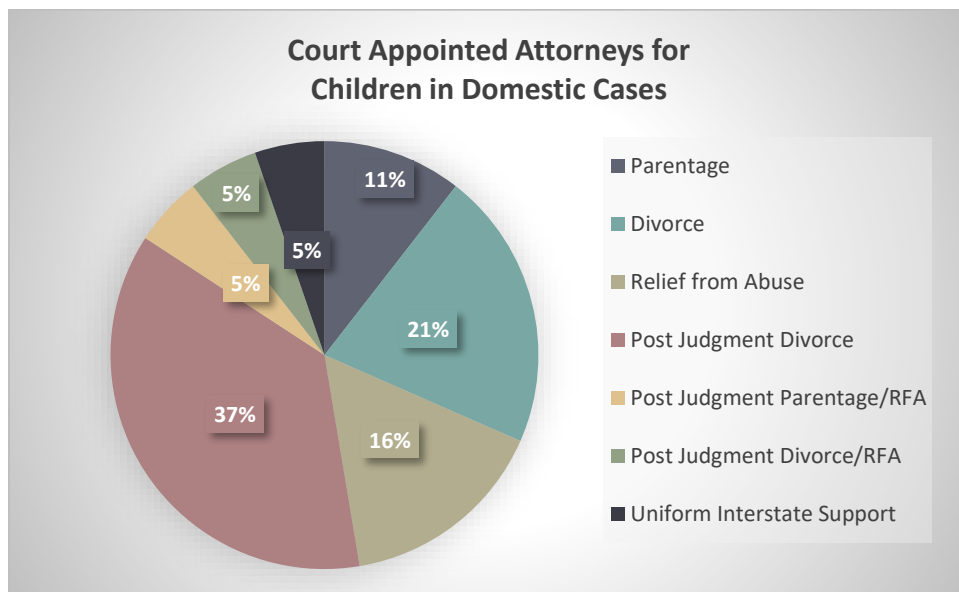
### Vermont Judicial Commission on Family Treatment Dockets

In response to the dramatic upsurge in child protection cases fueled by the opioid crisis, the Supreme Court of Vermont has established the Vermont Judicial Commission on Family Treatment Dockets. Members of the Commission include representatives from all three branches of state government, as well as representatives from the private sector. The mission of the Commission is to work across the justice system to identify the most efficient and effective ways to deliver necessary services, including the involvement of the court, to families with children impacted by the opioid crisis.

## Children and Families in the Court System

### *Attorneys for Children*

The Vermont Superior Court appoints attorneys to represent the interests of minor children in newly filed Parentage, Divorce, and Relief from Abuse (RFA) cases, as well as in post-judgment filings in Divorce, Parentage, and RFA cases. Attorneys who participate in the program are given the option to receive a court subsidized payment up to \$750 per case at \$50 per hour. Local judges set the number of hours expected to be needed per case, and based on financial information received from parties, judges determine how much of the payment is to be made by the parties and how much will be paid from court funds. In some instances, the parties pay the full amount as set by the court. Attorneys also have an opportunity to provide their services pro bono. In these latter two instances, attorneys do not submit a bill to the judiciary for their services. For FY18 the statewide amount budgeted was \$15,500, and Courts encumbered a total of \$9,825. For FY18, \$9,825 was encumbered, and a total of \$5,878 was billed and paid to attorneys during the fiscal year for a total of 124 hours of attorney services. Attorneys who represent children provide a service to both the children and the court in giving the court more information to determine the best interests of children in these difficult cases.



The breakdown of case types served by this program in FY18 was: 2 new Parentage cases, 4 new Divorce cases and 3 new RFA cases; 7 post-judgment Divorce cases; 1 post-judgment Parentage/RFA case; 1 post-judgment Divorce/RFA case; and 1 Uniform Interstate Support case



### Vermont Superior Court Family Mediation Program

The Judiciary subsidizes the cost for eligible parents and guardians to resolve disputes with the assistance of a professional mediator. The mediator helps parents communicate and negotiate with each other so that they can resolve issues arising in divorce, separation, and support proceedings, as well as in similar matters.

The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less. Eligible participants pay part of the mediator’s hourly fee pursuant to a sliding-fee scale. The program pays the balance of the mediator’s hourly fee for up to 10 hours of mediation services per eligible party. The program also pays mediators a modest stipend to screen cases to ensure that the parties’ dispute is appropriate for mediation. Mediation is not used in cases of abusive relationships.

The subsidy is available when a court orders eligible parties to meet with a mediator. The subsidy is also available to eligible parties who contact one of the program’s mediators without a court-ordered referral. Many final divorce decrees require parties to attempt mediation before the parties may ask the court to enforce or modify those decrees. Courts often enforce those mediation provisions and require parents to try mediation, particularly when the parents have previously shared parental rights and responsibilities.

Mediators serving in the Vermont Superior Court Family Mediation Program comply with the program’s standards, complete professional development, and agree to charge eligible participants a fee pursuant to the program’s fee schedule.

The program’s costs include \$3,998 for case supervision services from one of the program’s mediators and \$35,116 in direct services paid to mediators who mediated subsidy-eligible cases. As explained in the footnote below, the data reported reflect services delivered during the second half of FY 18 (January 1, 2018 through June 30, 2018). During that period, the program paid \$18,285 for direct services.

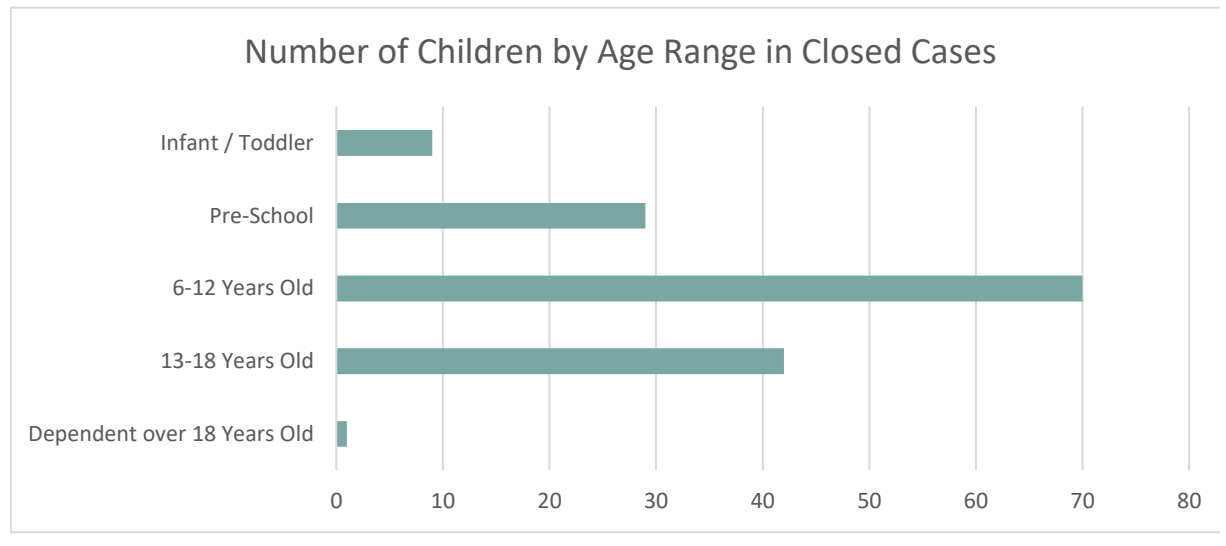
Family Court Mediation Program	
How Much Did We Do?	How Well Did We Do It?
<b>Family Court Mediation Program: Second Half of FY18<sup>1</sup></b>	
Number of Intakes	212
Number of Mediated Cases	256
Total Mediation Hours	347
	During the second half of FY18, parties reached: <ul style="list-style-type: none"><li>• <b>Full agreement</b> in approximately <b>41%</b> of the cases they concluded</li><li>• <b>Partial agreement</b> in approximately <b>38%</b> of the cases they concluded.</li></ul>

<sup>1</sup> **Data reported cover only the period from January 1, 2018 through June 30, 2018.** Midway through FY18, the program changed various data measures, including intake outcomes, mediation session outcomes, and age ranges for children in families who received services.

The **number of intakes** counts cases where the mediator met with at least one party during the fiscal year to discuss whether the case was appropriate for mediation. The **number of mediated cases** includes cases where the mediator held a session after intake with both parties. **Total mediation hours** reflects hours spent in mediation sessions and does not include time spent conducting intakes.

### Is Anyone Better Off?

In the 98 cases that closed during the second half of FY 18 (between January 1, 2018 and June 30, 2018), mediators served families with 151 children. A case is deemed closed if there was at least one mediation session and the outcome of that session is something other than an agreement to return for a subsequent session. Below is a chart showing by age range how many children the program's mediators helped by mediating disputes among the children's parents or guardians.



### Parent Coordination

Parent coordination is a child-focused alternative dispute resolution process in which a third party—the parent coordinator—helps parents in high-conflict cases develop safe, appropriate parent/child contact plans based on existing court orders (including any existing relief from abuse orders), suggestions by the parents, and recommendations of the professionals involved with the children. These parenting plans are designed to meet the needs of the children. If parents can reach agreement, the parent coordinator will draft that agreement for the court's review. The Judiciary subsidizes parent coordination services for eligible parents who are divorcing or separating.

Parenting plans discourage and diminish abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how – and establish penalties for non-compliance. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

On its own initiative or in a response to a party's request, the court may order parties to meet with a designated parent coordinator for an initial intake and information meeting. Parent coordinators meet with the parents, the children, the parties' attorneys, and other professionals involved with the children, as well as family members or others who know the children well. Parent coordinators may also conduct a home visit. They help parents develop parenting plans collaboratively when possible, and they deliver recommendations to the referring court based on observations of the family and their experience.

## Parent Coordination

### How Much Did We Do?

The chart below compares for FY 17 and FY 18 cases where courts appointed a parent coordinator, the number of billable hours those parent coordinators delivered, and the amounts invoiced for those services. Note that costs for mileage are not included.

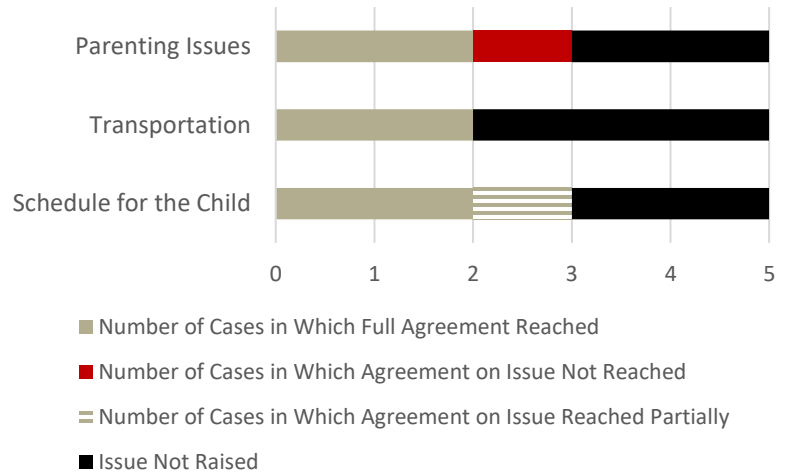
#### Parent Coordination Services: Comparison of Caseload Activity in FY 17 and FY 18

	FY 17	FY 18
Cases Served	15	12
Billable Hours	186	168
<b>Cost</b>	<b>\$8,571</b>	<b>\$10,119</b>

### How Well Did We Do It?

Parent coordinators reported data on five completed cases. Below is a table showing the issues parents discussed with parent coordinators and how frequently the parents reached agreement on each respective issue.

#### Issues Discussed and Resolved in Parent Coordination



### Is Anyone Better Off?

As mentioned above, parent coordinators reported data on five completed cases. The data show that parent coordinators served families with a total of seven children. No children were less than six years old, three children were between six and twelve years old, and two children were between 13 and 18 years old, and two dependents were over 18 years old.

Milestone	Number of Cases in Which Milestone Reached
<i>Partial Stipulation Signed</i>	<b>4</b>
<i>Final Stipulation Signed</i>	<b>1</b>
<i>Recommendation Filed</i>	<b>2</b>
<i>Recommendation Accepted</i>	<b>1</b>

### Guardian ad Litem Program

The Vermont Guardian ad Litem Program (VTGAL) recruits, trains, and supports qualified volunteers to serve as court-appointed special advocates for children in Family divisions proceedings. Vermont statutes and rules require that a guardian ad litem (GAL) be appointed for every child in child protection proceedings (CHINS), delinquency cases, and when a child is a witness. In FY18 there were 302 volunteers who advocated for approximately 2000 children in Juvenile cases alone. VTGAL is focused on recruiting and training volunteers in every county to serve children and youth in the CHINS docket and in delinquency cases when a conflict prevents a parent from doing so. However, volunteer GALs are also

sometimes appointed in certain other cases including domestic, probate, and mental health cases and in the criminal docket.

Every volunteer GAL must complete a 3-day pre-service training that focuses on Vermont’s child protection system and is based on a national curriculum developed by the National Court Appointed Special Advocates Association (NCASA). Additionally, GAL’s are required to attend a Juvenile Delinquency training that completes the 32 hours of training required by NCASA. In FY18 VTGAL offered 10 trainings for 76 new applicants which is the highest number of trained GALs in the program’s history. In addition, VTGAL provided numerous statewide training opportunities including working with transgendered and non-binary youth, promoting resiliency in traumatized youth, youth justice, healing racial trauma and related topics.

The Guardian ad Litem Program is funded primarily through general funds. It also receives funding through the Court Improvement Program. In addition, in FY17 NCASA awarded the program its largest ever grant to develop recruitment and awareness materials. This grant was finalized in June 2018.

NCASA standards indicate that there should be one full-time equivalent supervisor for every 30 volunteer GALs. In Vermont, the ratio is four full time equivalent supervisors for 75.5 volunteer GALs. In FY18, the personnel cost for the Regional GAL Coordinators who supervise the volunteers was approximately \$128,481 from the general fund.

VTGAL also developed a pilot program with Prevent Child Abuse Vermont (PCAVT) to support GALs as a “local program” in Franklin and Grand Isle Counties. PCAVT hired a full-time pilot coordinator. Responsibility for recruiting, training, and supporting GALs in these counties was to transition to the Pilot Coordinator during the Pilot. This Pilot allowed VTGAL and the Judiciary to examine the opportunities and challenges of partnering with community-based non-profits, and those lessons were incorporated into a Request for Proposal (RFP) to find committed, connected and stable community-based nonprofit partners interested in administering a local GAL program in one or more counties of Vermont.

As a result of the of the RFP, the Judiciary entered into contract with the Lamoille Restorative Center to recruit, train, and support Guardians ad Litem in Lamoille County. A second RFP went out to potential not for-profit partners in November 2018. The Judiciary is awaiting proposals for consideration.

Guardian ad Litem Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 76 GALS were trained in FY18.</li> <li>• 57 GALS were activated in FY18.</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• GALs serve an average of 6.85 children in Juvenile cases alone.</li> <li>• A trained GAL served every child involved in the CHINS process despite the continued increase in demand.</li> <li>• 90% of volunteers who complete training become active.</li> <li>• Grant funding allowed us to increase staff time to support GALs by 41%.</li> </ul>

**Is Anyone Better Off?**

- Every Vermont child or youth involved in the CHINS process was served by a volunteer GAL.
- VTGAL offered local or statewide training opportunities for experienced GALs on topics including developmental trauma, promoting resiliency, youth justice, and county specific resources.
- At least 20% of all volunteer GALs serve children and youth in dockets other than CHINS and Delinquency.

*The Juvenile Court Improvement Program*

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disabilities, and other complex needs may become involved in juvenile court proceedings. When petitions are filed alleging abuse, neglect, unmanageability, truancy, delinquency, or youthful offender status, the courts need to make timely decisions to ensure children’s safety, well-being, and permanency. Courts must do so while protecting the legal rights of all parties.

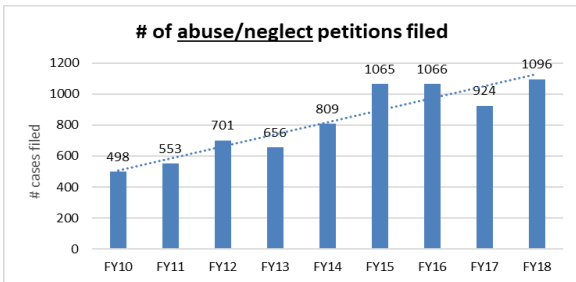
In 2005, the Vermont Supreme Court created the Justice for Children Task Force as a collaborative, interdisciplinary effort to improve outcomes for children in foster care by identifying systemic barriers which contribute to children remaining in foster care longer than necessary, and developing solutions designed to reduce the impact of such barriers. The Justice for Children Task Force works closely with the Vermont Court Improvement Program to develop and implement strategies that promote safety, permanency, and well-being for court-involved children, with a particular emphasis on children placed in DCF custody.

The Court Improvement Program is supported by a federally funded grant focused on improving the court system’s work in child welfare cases.<sup>2</sup> The overall goal of the Vermont Court Improvement Program is quality court proceedings that promote children’s safety, well-being, and permanency. (Legal permanence is defined as reunification, or if that cannot occur, adoption or permanent guardianship.) The Program supports activities that promote the timeliness and quality of juvenile court proceedings; education of judges, attorneys, and volunteer Guardians ad Litem (GALs) assigned to these cases; and data collection. It accomplishes much of its work through collaboration with DCF, prosecutors, defense attorneys, and others.

Juvenile Court Improvement Program															
<p><b>How Much Did We Do?</b></p> <p>2,268 new juvenile petitions were filed in FY18, the highest number in 10 years; a 20% increase from the prior year.</p> <table border="1"><thead><tr><th>FY12</th><th>FY13</th><th>FY14</th><th>FY15</th><th>FY16</th><th>FY17</th><th>FY18</th></tr></thead><tbody><tr><td>1,883</td><td>1,771</td><td>1,746</td><td>2,004</td><td>2,069</td><td>1,885</td><td>2,268</td></tr></tbody></table>	FY12	FY13	FY14	FY15	FY16	FY17	FY18	1,883	1,771	1,746	2,004	2,069	1,885	2,268	<p><b>How Well Did We Do?</b></p> <p>FY18 had a record-high number of new abuse/neglect cases filed. In the past few years, some courts experienced a doubling in the number of abuse/neglect filings. Not surprisingly, the courts continue to struggle with a backlog of these cases. Many courts added more time for juvenile hearings, at the expense of other dockets. This surge in abuse/neglect cases has had a ripple effect through the entire judicial system. Fortunately, the number of new Termination of Parental Rights (TPR) proceedings declined in FY 17 and FY18, after peaking dramatically in FY16.</p>
FY12	FY13	FY14	FY15	FY16	FY17	FY18									
1,883	1,771	1,746	2,004	2,069	1,885	2,268									

<sup>2</sup> The grant is administered by the [Children’s Bureau](#) of the U.S. Department of Health and Human Services.

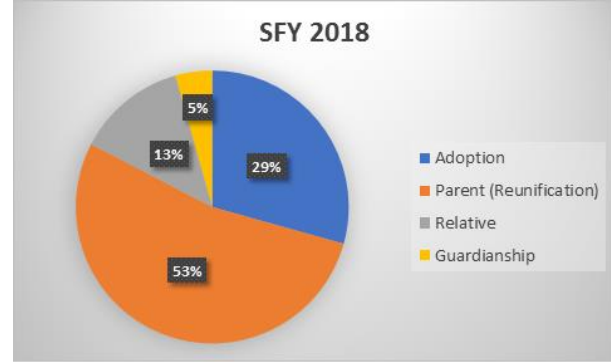
Juvenile petitions include CHINS (abuse/neglect, beyond parent control, truancy) and delinquency/youthful offender case types. The total number of new juvenile petitions filed (all case types) reached a record high in FY18. More abuse/neglect and truancy cases were filed in FY18 than in any other year during the last ten-year period. New delinquency cases were up by 25% from FY17. The dramatic increase in new *abuse/neglect* cases is shown here:



In recent years, abuse/neglect cases accounted for a growing portion of all new juvenile petitions filed: approximately half of all cases in FY16, FY17, and FY18, compared to 37% in FY12 and FY13.<sup>3</sup> Abuse/neglect cases are time consuming for the courts. They are more likely than other case types to involve DCF-Family Services Division custody and multiple court hearings, sometimes highly contested. In the past two fiscal years, the number of children under age 6 in DCF custody decreased by 13%. Parent opioid addiction continues to be a contributing factor for DCF involvement, particularly in cases with children under age 3 who came into DCF custody. The number of abuse/neglect cases still poses a challenge for the courts, attorneys, DCF social workers, and volunteer Guardians ad Litem because of the time these cases take to go through the court system.

When court intervention is necessary, the courts oversee the process of safe, permanent placements of children. Since FY14, the timeliness of juvenile court proceedings has suffered due to the sheer volume of these cases.

**In FY18, 852 children exited foster care:**



**Time to permanency shortened (DCF data):**

Exits from foster care	FY16 (Avg. Yrs)	FY17 (Avg. Yrs)	FY18 (Avg. Yrs)
Adoption	2.01 yrs	2.2 yrs	2.43 yrs
Guardianship	1.68 yrs	1.58 yrs	1.32 yrs
Return to parent(s)	.84 yrs	.84 yrs	.80 yrs
Relative caregiver	.52 yrs	.78 yrs	.35 yrs
<b>COMBINED</b>	<b>1.26 yrs</b>	<b>1.35 yrs</b>	<b>1.21 yrs</b>

**Is Anyone Better Off?**

**Children in Foster Care:** The Juvenile Proceedings law allows a parent or relative to have legal custody of a child under court-ordered conditions to safeguard the child’s welfare. This has resulted in fewer children entering DCF custody. Despite this “conditional custody” option, the number of children in foster care remains high. We are beginning to see a decrease in the number of children under age 6 in care. Compared to two years ago, there are currently 13% fewer children in this age group who are in foster care.

**Safety:** Since 2013, 98% of Vermont children have remained safe from re-abuse and neglect. Vermont exceeds the national standard for repeat maltreatment.

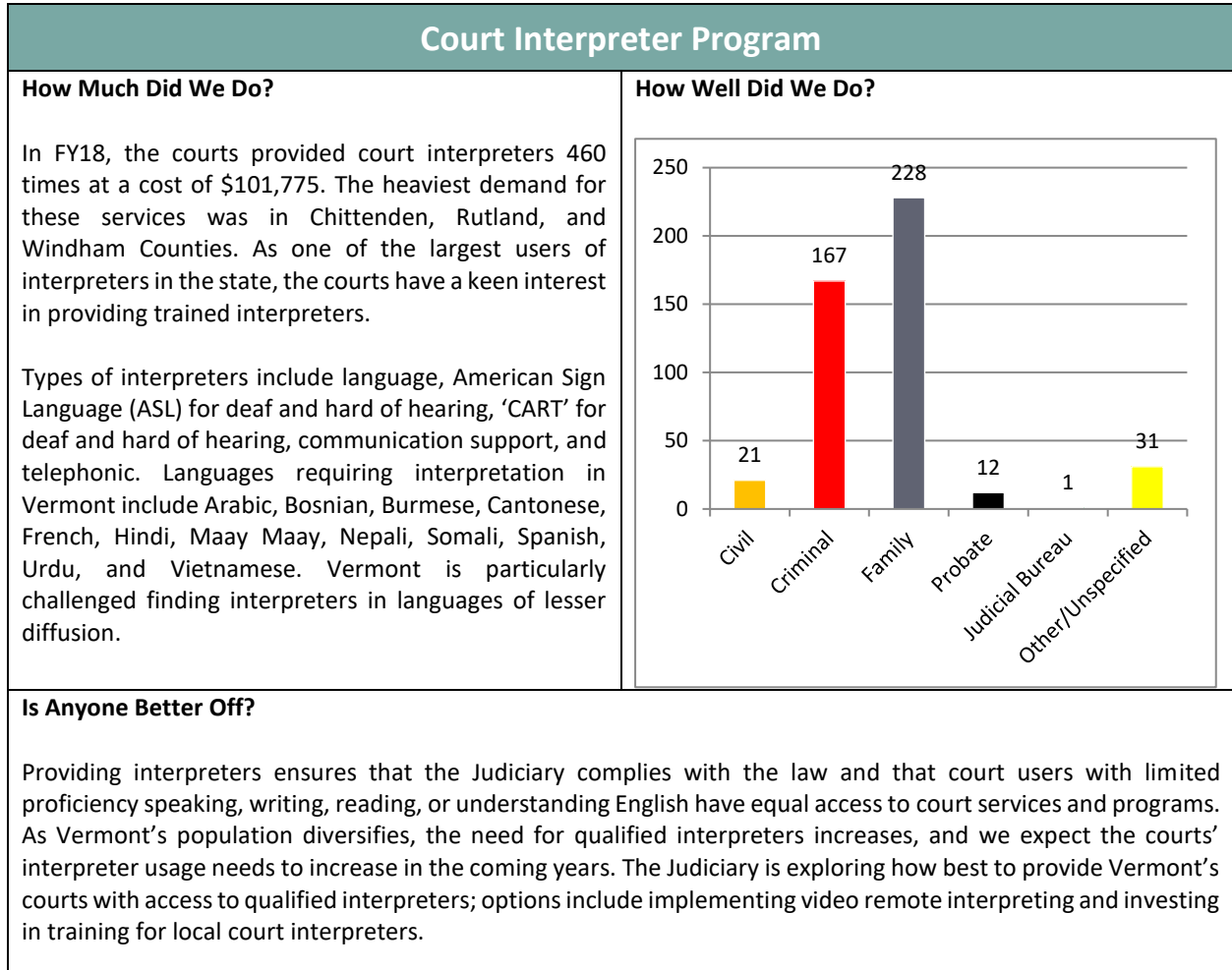
**Kinship Care:** When placed with relatives or close family friends (rather than in foster care with strangers), children have better outcomes with respect to placement stability, behavior, and contact with siblings. The rate of Kinship Care in recent years is: 28% in CY 2013, 34% in CY 2014, 35% in CY 2015, 35% in CY16, 33% in CY17 and 35% first half of CY 2018.

**Placement Stability:** Multiple placement changes have a negative impact on a child’s development. In FY18, 71% of the children in Vermont’s foster care experienced stable placements within the first 12 months of out-of-home care.

<sup>3</sup> Abuse/neglect cases were 52% of all juvenile cases filed in FY16, and 48% in both FY17 and FY18.

## Court Interpreter Program

It is the policy of the Vermont Judiciary to pay for interpreter services for all litigants and witnesses who have limited proficiency in the English language or who are deaf or hard of hearing in all court proceedings and court-ordered programs.



## Technology and the Court System

The Vermont Judiciary uses technology to support both daily operations and court case management. This support is divided among several key disciplines: Applications, which includes our case management systems, business systems analysis, forms, statistics and reporting; and Infrastructure and Support, including our help desk, which assists Judiciary users of technology on a daily basis.

The Judiciary continues to make significant progress in its Next Generation Case Management System (NG-CMS) initiative. After announcing in June 2017 that we had contracted with Tyler Technologies to implement its Odyssey® unified case management system in Vermont, we kicked-off the initiative in September with a presentation held in the Supreme Court that was attended by many of our stakeholders

and partners in State Government. Project execution is underway, with configuration and customization continuing throughout 2018 and training for Court staff to begin early 2019. We have developed a regional rollout plan, with the Judicial Bureau implementation leading in Spring 2019 and the first Trial Courts following several months later. These rollouts will continue through 2021, when we will be fully transitioned to the new system.

Initial funding for the early phases of the Judiciary's NG-CMS project was appropriated by the Legislature in 2015. Additional funding for the project was included in Capital Bill appropriations in 2017 and 2018, with an anticipated final appropriation for completion requested in 2019.

The Video Arraignment rollout is another crucial project that is underway at the Judiciary. This project enables the courtrooms and the correctional facilities to interact remotely. Cisco telepresence units have been successfully installed and tested in Chittenden, Bennington, Franklin, Windham, and Windsor court rooms. These devices have also been successfully rolled out to the following correctional facilities across the state; CRCF, MVRFC, NWSCF, and SSCF. The addition of this new technology will allow the courts to be much more efficient, safe, flexible, and cost effective while supporting remote video appearances.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are constantly maintained and supported. We continue to work with the Agency of Digital Services (ADS) to ensure that the Judiciary has a solid and reliable technical foundation for current and future operations. This year, the Judiciary successfully converted its entire desktop infrastructure from a virtual solution to a local HP laptop/desktop installation. In collaboration with ADS, we rolled out 310 desktops and 180 laptops across all our locations state wide. This substantial change allowed us to modernize our PC fleet to support the arrival of NG-CMS and better enable ongoing productivity improvements such as Office 365, OneDrive and Skype for Business.

We also are required to actively maintain and enhance our legacy case management systems to meet the evolving operational needs of the Judiciary as well as Legislative mandates through extension and modification of our existing tools. This year, major improvements were made in the automation of the process of sending hearing notices, eliminating upwards of eight hours of staff time a week, and in the automation of sending names to the FBI NICS database, a requirement established by Act 14 of 2015 that previously needed manual intervention by staff seven days a week.



How Much Have We Done?	How Well Did We Do it?	Is Anyone Better Off?
<b>Supporting Current Operations and Ongoing Improvements in Existing Technology</b>		
Video Appearances (Continued Rollout)	Program to design and implement improved, more efficient business processes that leverage technology to provide video arraignments for lodged parties. Continued rollout in Courthouse and Correctional Facilities across the state. 60% of the sites are fully completed. The remaining sites are all in progress and should be completed in the coming months.	The configuration and testing of the Cisco Telepresence units went well. Coordination between the various departments to have power and data drops installed at each location is an area we can work to improve on at the remaining locations.
This project has worked to remove the inefficiencies in the existing process in the justice system and facilitate proceedings and case flow. Outcomes include the reduction of the costs and risks associated with transporting alleged offenders and inmates between correctional facilities and the courts. Transport costs are expected to be the main benefit of the continued rollout as the system is utilized in facilities with longer drives between them.	Automation of eNotices batch processing	Sending hearing notices is done with a batch process that no longer requires upwards of eight hours of staff time a week. The automation is independent of software upgrades, eliminating staff hours to make the process compatible with upgrades.
Hearing notices are now sent every hour on the half hour throughout the work day, 9:30 a.m. – 6:30 p.m., rather than just one to three times a day. Staff time has been reduced to about no more than an hour a week to deal with anomalies, when they appear. The new process continues to be stable, regardless of software upgrades.	Attorneys receive more timely notices throughout the day. Staff has more time to dedicate to projects.	Desktop Refresh
100% deployment complete. 310 Desktops & 180 Laptops state wide.	The PC rollout was an overwhelming success and was handled quite efficiently overall. This was a huge change for the Judiciary and the deployment went off without a hitch.	After initial, expected growing pains, the long-term outlook and benefits are positive. This new technology will allow the Judiciary to successfully use NG-CMS when it rolls out in 2019. The addition of the laptops also gives our employees increased work mobility.

How Much Have We Done?		How Well Did We Do it?	Is Anyone Better Off?
Automation of sending names to the FBI NICS database	Uploading to the FBI's National Instant Criminal Background Check System (NICS) any person who is found to be a person in need of treatment, as required by Act 12 of 2015, is now automated using the third-party vendor used by the Department of Public Safety, who is responsible for reporting criminal records.	Meeting the 48-hour NICS reporting criteria established in Act 12 is now accomplished without concern for scheduling uploads for the weekends, and the inherent stressors that accompany offsite access to the Judiciary's computer system.	The Judiciary's regional clerks no longer need to center weekends around manually uploading any possible files to the FBI's NICS database. Public Safety is enhanced by timely registration with NICS.
Judiciary Help Desk Support	In addition to working on various large-scale projects, the Judiciary helpdesk continues to support daily IT operations and requests. The JUD Helpdesk resolved 10,000 tickets this year.	The JUD helpdesk strives to give friendly and timely responses and resolutions to all incoming IT issues and requests.	The daily IT work that is completed allows the Judiciary employees to work at full capacity, which ensures that the public has the best possible experience while interacting in the court systems.

## Court Security and Safety

The Vermont Judiciary Safety and Security Program continuously strives to provide safe and secure courthouse environments for the public, employees, and judicial officers. Since all Vermonters deserve an equal opportunity to access the justice system, the mission of the Safety and Security program seeks to ensure that Courts are free from threats, intimidation, and obstruction. As part of that effort, a court security workforce provides protection, screening, and courtroom security at all Vermont courts. These officers are comprised of contracted Deputy Sheriffs (70%), private court security officers (10%) and State employed court officers (20%). Judicial staff are additionally supported through all-hazards emergency response training and exercises that include topics such as de-escalation, evacuation, shelter-in-place, active shooter, threat recognition and reporting, hazardous materials, and medical situations. Equipment used to support this program includes walk-thru metal detectors, x-ray screening units, closed circuit video surveillance and recording devices, access control technology, duress alarms, and mass notification systems.

Safety and Security Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Continuous Safety and Security administration for all Vermont Courts.</li> <li>• Statewide threat and incident reporting and incident mitigation.</li> <li>• Judicial staff hostile and threat awareness and personal safety awareness training.</li> <li>• Statewide security camera and duress alarm replacement initiative.</li> <li>• Initiated the routine use of the Judicial Emergency Notification System (JENS) utilizing the state's VTALERT.GOV system,</li> <li>• Courthouses received new infrastructure security equipment including new multi-mode x-ray screening units.</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• During FY18 there were no significant injuries or loss of life due to violence in Vermont courts.</li> <li>• Due to threat and incident reporting, security staff's situational awareness is enhanced resulting in fewer citizen conflicts.</li> <li>• Judicial staff have become better trained to recognize, report and mitigate escalated behaviors within Vermont Courts.</li> <li>• In FY 18 the installation phase of the statewide security camera and duress alarm replacement has resulted in enhanced security surveillance.</li> <li>• Judicial staff now receive safety notifications.</li> <li>• All superior courts received training on threat recognition, reporting, and personal safety and security measures.</li> <li>• 3 courthouses received new x-ray screening equipment in FY 18.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• The Security and Safety program's continuous threat mitigation and investigation has resulted in enhanced security measures and a greater level of protection for Judicial officers, court staff, and all who enter Vermont courts.</li> <li>• Statewide threat and incident identification and mitigation has improved courthouse employee and visitor safety and deterred plaintiff/defendant altercations.</li> <li>• Over 90% of all court staff has received hostile intruder, threat recognition awareness and personnel safety awareness training and corresponding safety measures.</li> <li>• All state courts are receiving redesigned and enhanced camera system that significantly increases surveillance and overall building security.</li> <li>• With the initiation of the JENS/VTALERT system, state employees within the Vermont Judiciary are notified faster has enhanced situational awareness.</li> <li>• New courthouse x-ray equipment has improved security staff's ability to detect weapons ad contraband.</li> </ul>	

**Judicial Branch Education**

The Vermont Judicial Branch has offered a comprehensive program of Judicial Education for many years. The Division of Planning and Court Services works in collaboration with a Judicial Officer Education Committee and the Chief Superior Judge for Trial Courts to improve the administration of justice through comprehensive and quality education and training for judicial officers that enhance the quality of judicial decisions, execute legislative mandates, and/or implement uniform policies throughout the courts.

We are known nationally for the high quality of the programs we produce in-state and for the commitment of our judges to participate as skilled faculty presenting well-developed education programs, both in Vermont and, in the case of a number of our judges, at national venues such as National Judicial College.

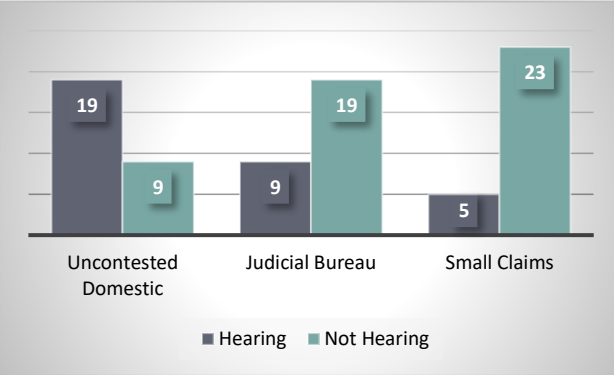
We also support and manage an out-of-state education program whereby attendance at national programs is supported by grant and scholarship funds. A small budget of general funds supplements costs not covered by grants or scholarships.

*Appointed Judicial Officer Education*

Appointed Judicial Officer Education													
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 37 judicial officers attended 12 out of state educational programs.</li> <li>• 79% of these programs were funded with grant funds and/or scholarships</li> <li>• Issues addressed in these programs include those dealing with the drug addiction; mental health disorders; family law; domestic violence; leadership; management; evidence; decision making; judicial ethics; Drug Recognition Experts; sentencing; and handling domestic violence cases.</li> <li>• 4 newly elected judicial officers received “<i>General Jurisdiction</i>” training at the National Judicial College. The two-week course is designed to provide a solid foundation for newly appointed judges.</li> <li>• 6 newly elected judicial officers attended the <i>Enhancing Skills in Domestic Violence Workshop</i></li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The chart below shows how judicial officer training was funded to date:</p> <table border="1"> <caption>Funding Sources for Judicial Officer Training</caption> <thead> <tr> <th>Funding Source</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Scholarships/Grants</td> <td>31%</td> </tr> <tr> <td>Treatment</td> <td>31%</td> </tr> <tr> <td>VAWA</td> <td>25%</td> </tr> <tr> <td>General</td> <td>7%</td> </tr> <tr> <td>CIP</td> <td>6%</td> </tr> </tbody> </table>	Funding Source	Percentage	Scholarships/Grants	31%	Treatment	31%	VAWA	25%	General	7%	CIP	6%
Funding Source	Percentage												
Scholarships/Grants	31%												
Treatment	31%												
VAWA	25%												
General	7%												
CIP	6%												
<p><b>Is Anyone Better Off?</b></p> <p>The out of state programs to which we send our judicial officers lead to improved quality and accuracy of judicial decisions, resulting in increased public confidence and perception of the judicial branch. They also lead to:</p> <ul style="list-style-type: none"> <li>• Improved skills in cases involving self-represented litigants, child abuse and neglect, domestic violence, juvenile delinquency and substance abuse</li> <li>• Improved skills needed to rule on evidentiary issues</li> <li>• Obtained knowledge and insight into presiding over criminal cases involving digital evidence</li> <li>• Enhanced skills in handling civil and criminal domestic violence cases</li> </ul>													

*Assistant Judge Education*

A comprehensive training program is provided to Assistant Judges who seek to qualify to hear judicial bureau and uncontested domestic matters. Continuing education programs are provided to those Assistant Judges who preside over judicial bureau and small claims hearings. Ethics training is offered to all Assistant Judges.

Assistant Judge Education													
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Provided the required 8 hours of continuing education for Assistant Judges currently hearing Judicial Bureau cases.</li> <li>• Provided the required 16 hours of continuing education for Assistant Judges who hear small claims cases</li> <li>• All Assistant Judges were invited to attend Judicial College</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Successfully completed 100% of the legislative mandates for the Assistant Judge continuing education requirements in the Judicial Bureau</li> </ul> <p>The chart below shows how many Assistant Judges are currently hearing the three different case types:</p>  <table border="1"> <caption>Assistant Judges Currently Hearing Case Types</caption> <thead> <tr> <th>Case Type</th> <th>Hearing</th> <th>Not Hearing</th> </tr> </thead> <tbody> <tr> <td>Uncontested Domestic</td> <td>19</td> <td>9</td> </tr> <tr> <td>Judicial Bureau</td> <td>9</td> <td>19</td> </tr> <tr> <td>Small Claims</td> <td>5</td> <td>23</td> </tr> </tbody> </table>	Case Type	Hearing	Not Hearing	Uncontested Domestic	19	9	Judicial Bureau	9	19	Small Claims	5	23
Case Type	Hearing	Not Hearing											
Uncontested Domestic	19	9											
Judicial Bureau	9	19											
Small Claims	5	23											
<p><b>Is Anyone Better Off?</b></p> <p>These trainings lead to improved proficiencies which in turn increases the quality of justice in Vermont. Having more Assistant Judges hearing judicial bureau matters frees up the hearing officer to handle other matters and provides speedier resolution to cases for the public.</p>													

## Employee Education

The Chief of Trial Court Operations and the Human Resources department work to enhance the ability of court staff to serve the litigants and users of the court, while promoting the personal and professional development of managers, court staff, and Judiciary administrative personnel. This is accomplished through a series of orientation programs for new employees, ethics and professionalism training, effective customer relations training, and instruction on compliance with sexual harassment and ADA policies. Additional programs focus on the implementation of new legislation and rules, court policy and procedure and the use of the Judiciary's automated docketing system.

New Hire Orientation	
<p><b>What Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Five day new hire orientation in Montpelier</li> <li>• Thirteen modules offered on-line</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• 90% of employees completed the post-course evaluation</li> <li>• 82% like the on-line, self-paced training format</li> <li>• 86% agree the content was well organized and easy to follow.</li> <li>• 85% agreed the training was <i>Instructive, Important/Relevant to my work, and Meaningful</i></li> <li>• 78% agree the training seemed complete and comprehensive</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p><u>Delivery of online education offers many benefits such as:</u></p> <ul style="list-style-type: none"> <li>• Offering convenient and consistent training that begins immediately after hire.</li> <li>• In-house staff members to maintain and manage courses.</li> <li>• Saving money on mileage, and in some cases overtime hours.</li> <li>• Saving money by eliminating the need for packets of printed training materials.</li> </ul> <p><b>Moving forward</b></p> <ul style="list-style-type: none"> <li>• Continue refining course materials</li> <li>• Add 30-day and 60-day follow up exercises</li> </ul>	

Building Knowledge and Skills in Courts	
<p><b>What Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Increase the amount of training delivered to court employees</li> <li>• Selected content based on employee and organizational needs</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Trial courts in every county unit set aside at least 4 hours each month to communicate with and train employees</li> <li>• Each court employee received approximately 4.5 days cumulative during the year</li> <li>• Original content delivered including: Employee security; VIOP instruction; Work Station Ergonomics; Records Management; Domestic Violence</li> </ul>

**Is Anyone Better Off?**

Increased training for Court employee offers many benefits such as:

- Better trained employees are better able to deliver customer excellence
- Content developed once and then delivered at multiple locations increases operational standardization
- Local delivery saves money on mileage

**Moving forward**

- Expand training with new content based on feedback from managers and employees

**Public Education**

*Pro Se Education Program*

Parties representing themselves in a divorce, separation or civil union dissolution case in the family division are ordered by the court to attend a Pro Se Litigant Education Program before they appear in court to pursue their claims. One-hour programs are held each month and are conducted by an attorney who regularly practices in the family division. The purpose is to educate litigants about the following: their responsibilities while representing themselves, courtroom etiquette, general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, even if they are not a party to a pending case. The cost is free.


Parties have an opportunity to learn things such as: how the court works; how to serve process; what the court expects of litigants; the types of things litigants need to think about-children, debt, property, bank accounts; when litigants should get help from a lawyer; mediation; and what services and programs are available for litigants’ use. Parties can ask the attorney any question they may have about the process.

Pro Se Education Program							
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• In fiscal year 2018, out of 3,378 litigants eligible to attend the education class, 1,028 completed the program</li> <li>• Plaintiffs are more likely to attend the program, at 38% participation, compared to defendant participation of 24%</li> <li>• 12 out of 14 counties in the State offered the program on a monthly basis</li> <li>• Family members or persons offering support are also welcome to attend</li> </ul>	<p><b>How Well Did We Do?</b> The chart below illustrates participation in the pro se education program:</p> <table border="1"> <caption>Participation in Pro Se Education Program</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Plaintiff Participation</td> <td>58%</td> </tr> <tr> <td>Defendant Participation</td> <td>42%</td> </tr> </tbody> </table>	Category	Percentage	Plaintiff Participation	58%	Defendant Participation	42%
Category	Percentage						
Plaintiff Participation	58%						
Defendant Participation	42%						
<p><b>Is Anyone Better Off?</b> Anecdotally parties are better prepared for their family hearings after taking the class.</p> <ul style="list-style-type: none"> <li>• Parties better understand the process</li> <li>• Parties are given the opportunity to get their questions answered prior to their hearing</li> </ul>							

*Relief from Abuse Education Program*

Since 2007, the Vermont Judiciary has offered an education program for parties to a Relief from Abuse case due to the high volume of unrepresented litigants. Informational handouts describing how to prepare for a relief from abuse hearing are distributed to both plaintiff and defendant at the time a Temporary Order is issued. On the day of the hearing, parties attend an educational video in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearing. It includes an orientation to the court process, the kinds of requests that parties can make, and information about services that may be helpful to some parties involved in such cases. This is available in all counties. The cost is free.

Parties represented by attorneys may instead receive information from counsel.

<b>Relief from Abuse Education Program</b>	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• In fiscal year 2018, 3,381 RFA cases were filed</li> <li>• It is estimated that 90% of parties who appeared for their hearing watched the educational video</li> <li>• Every family court in the state offers this educational opportunity</li> <li>• Family members or persons offering support are also welcome to attend</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The chart below illustrates estimated participation in the educational video of parties in RFA cases:</p> <div style="text-align: center;">  <p>90% Participation</p> </div>
<p><b>Is Anyone Better Off?</b></p> <p>Anecdotally parties are better prepared for the emergent hearings after receiving the written information and viewing the video.</p> <ul style="list-style-type: none"> <li>• Parties understand the seriousness of the court proceeding</li> <li>• Parties are informed that they can ask for a continuance of the hearing if the other party is represented by counsel and they, themselves, wish to seek legal counsel</li> <li>• Parties are informed about bringing witnesses to the hearing</li> <li>• Parties receive information on how to plan for parent-child-contact and child support, if applicable to parties' situation</li> </ul>	



*Judiciary Information Center*

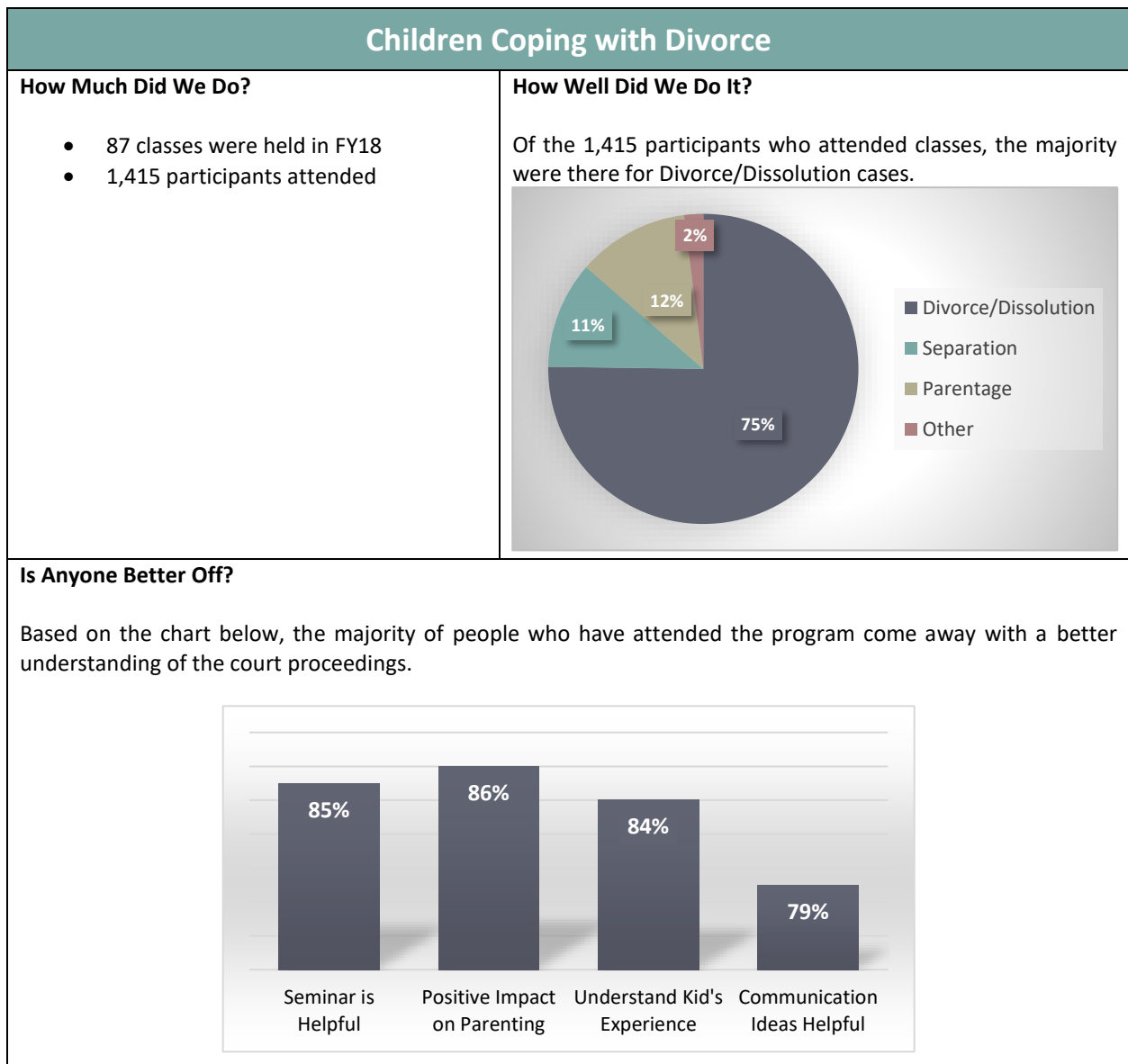
In January of 2015, the Service Center was established as a pilot program for a statewide information center. The implementation started with the Chittenden Unit to include the Civil, Criminal, Probate, and Family Divisions. All incoming calls to the Chittenden Divisions go through the Service Center, with the exception of calls from attorneys who chose to by-pass the Service Center.

When the pilot officially ended in April of 2016, the oversight of the Service Center became part of Trial Court Operations and continued to take all calls for the Chittenden Unit. As of 2017, the Service Center pilot project has evolved into the Judiciary Information Center. In October of 2017, The Information Center began providing coverage to the Washington Criminal and Family Division on a full-time basis. The Information Center provides in-service coverage for the following counties: Washington, Lamoille, Judicial Bureau, Addison, Bennington (Criminal and Family Division), Orange, Windham, Franklin and Caledonia. It also provides ad hoc coverage on an as-needed basis to the Judicial Bureau.

Judiciary Information Center	
<p><b>How Much Did We Do?</b> (time frame-7/3/17 – 7/2/18)</p> <ul style="list-style-type: none"> <li>• Total call volume = 55,489 calls</li> <li>• Answered 52,206 calls (94%)</li> <li>• Fully resolved 33,053 calls (62%)</li> <li>• Transferred 19,448 (37%) calls to court clerk</li> <li>• Number of calls where transferred/resolved not selected: 632 (1%)</li> <li>• Number of calls for hearing: 4,130</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The ability to resolve calls without having to send them to the courts has steadily improved over time. Since July 2017, the total percentage of calls resolved has consistently risen and there has been a greater number of calls answered.</p>
<p><b>Is Anyone Better Off?</b></p> <p>The Information Center has expanded over the last year and the knowledge bank of the operators has also increased. As a result, customers are benefitting from more consistent availability of court staff and assistance with their court needs all with one phone call. If necessary, a customer with a more complex question is transferred directly to the appropriate division. People calling in to participate in hearings by phone are directed to the proper division and courtroom.</p> <p>Feedback from court personnel is that assistance from the Information Center provides improved productivity, allowing them to focus on docketing, case-flow management, and other daily tasks. Feedback from Courts who are provided with in-service coverage is that they are satisfied with the coverage being provided as it allows court staff to return from training without having to return multiple phone calls.</p> <p>As the Information Center continues to expand, we are attempting to identify procedures that are in need of standardization across counties and divisions, so the Information Center may better assist the public.</p>	

## Children Coping with Divorce

COPE is an educational program for parents going through divorce or other family changes involving the court process, which can be difficult for children. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes on their children. To ease these changes to the family unit, Vermont judges require parents of minors who are involved in divorce, establishment of parentage, legal separation, dissolution of civil unions, and changes in parental rights and responsibilities to attend the four-hour COPE Seminar. Topics include information about how families experience divorce and other family transitions, typical reactions of children, development needs of children, skills that help children cope, and pitfalls to avoid. Cost: \$75.00 per participant, unless the court determines otherwise. Course is open to the public.



## **Boards and Committees**

The Supreme Court has established a number of boards and committees to help it to fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys at law in the state and to make rules governing practice and procedure in the courts. A large number of judges, attorneys and lay persons meet routinely to advise the court on actions to be taken.

Several Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family and probate proceedings.

Quasi-judicial boards and committees help the Supreme Court to fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys:

### *Professional Responsibility Program*

The Vermont Constitution authorizes the Supreme Court to structure and administer a lawyer discipline system. Pursuant to that authority, the Court promulgated Administrative Order 9: "*Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program.*" In so doing, the Court's purpose was to establish a Professional Responsibility Program that would "provide a comprehensive system of regulation of the legal profession." *A.O. 9, Purpose.* The Court listed three objectives for the PRP. Those objectives are (1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; (2) to investigate and discipline attorney misconduct; and (3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

In addition, the Court adopted the Vermont Rules of Professional Conduct. The rules, which are often referred to as "the ethics rules," govern attorney conduct.

The Professional Responsibility Board oversees the Program. The Board consists of seven members: 3 lawyers, 3 non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The Program employs two full-time attorneys. Disciplinary Counsel investigates and prosecutes violations of the Rules of Professional Conduct. Bar Counsel administers the dispute resolution program and responds to inquiries regarding ethics and the practice of law.

### *Judicial Conduct Board*

Judicial officers must follow high ethical standards established by the Supreme Court in the Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court. Possible disciplinary actions include public reprimand of the judge, suspension for a part or the remainder of the judge's term of office, or retirement of the judge. The Court does not impeach judges. Only the General Assembly has the power to impeach.

The Supreme Court appoints the nine members of the board and designates the chair and vice-chair. Three members are lawyers, three members are lay citizens and three members are judges.

#### *Board of Bar Examiners and Character and Fitness Committee*

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont, pursuant to the Rules of Admission to the Bar of the Vermont Supreme Court.

Twice a year (in February and July), the Board administers a two-day admissions examination to recent law school graduates, lawyers who have practiced law in another state for less than five years, and individuals who have served a four-year clerkship with a Vermont lawyer.

Applicants for admission who have practiced law for at least five of the last ten years in another state can also be admitted to practice in Vermont, without taking the bar examination.

The Supreme Court appoints nine examiners to the Board of Bar Examiners. Seven of the examiners are Vermont lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the Board.

The Supreme Court also appoints seven associate examiners, all of whom are lawyers. The chair of the Board of Bar Examiners assigns one associate examiner to assist each examiner in the grading of the essay parts of the semi-annual bar examination.

The Character and Fitness Committee determines the moral character and fitness of every applicant to carry out the responsibilities of a lawyer as part of the admission process.

The Supreme Court appoints the five members to the Character and Fitness Committee. One is a judge (either active or retired), two are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the Committee.

#### *Board of Mandatory Continuing Legal Education*

The Board of Mandatory Continuing Legal Education monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The MCLE Board ensures that the Rules for Mandatory Continuing Legal Education are followed by all practicing attorneys in Vermont. The MCLE Board is authorized to accredit courses and activities for CLE credit, to oversee compliance with its Rules among attorneys, and to report non-complying attorneys to the Supreme Court. The Board makes a written report each year to the Supreme Court on any recommendations it may have regarding policy or procedures for examining and maintaining professional legal competence.

The Supreme Court appoints the seven members of the Board. One is a judge (either active or retired), four are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the Board.