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# VERMONT JUDICIARY

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*Judicial Branch Overview, Key Judiciary Initiatives,  
and RBA Report, 2021*

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# Part One: Judicial Branch Overview

## Introduction

Courts provide a forum for resolution of disputes involving the full range of human conflict, including cases that address the protection of individual liberty and property rights, public safety, and business and commercial concerns. Fair and impartial courts are essential to provide access to justice for all Vermonters and to protect individual rights under the Constitution.

As a co-equal branch of state government, the Vermont Judiciary is an important element in the constitutional balance of power among the Executive, the Legislative, and the Judicial branches. This balance of power is essential to the durability and vitality of a democracy.

## The Vermont Constitution

In the United States law is found in the following sources:

- Federal and state constitutions;
- Legislation passed by the Congress and by the applicable state legislature; and
- “Common law,” which is the body of historical rules and precedents of the English legal system that evolved in the United States after the time of the American Revolution through court decisions; common law is applicable unless changed by a constitutional provision or statute. This was adopted as the law of Vermont by Title 1, Section 271, of the Vermont Statutes Annotated.

The Vermont Constitution recognizes each separate branch of government as follows:

- The “Supreme Legislative power” shall be exercised by a Senate and House of Representatives [Chapter II, Section 2];
- The “Supreme Executive power” shall be exercised by a Governor; or in the Governor’s absence, a Lieutenant Governor [Chapter II, Section 1]; and
- “The judicial power of the State shall be vested in a unified judicial system which shall be composed of a Supreme Court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.” [Chapter II, Section 4]

Chapter I, Article 4 of the Vermont Constitution provides as follows:

Every person within this 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.

## Constitutional Allocation of Judiciary Responsibilities

Vermont Constitution	Vermont Supreme Court
Ch II, Section 29	Consists of the Chief Justice and four Associate Justices
Ch II, Section 30	Has administrative control of all the courts of the state
Ch II, Section 30	Hears appeals from all lower courts and handles related writs in all cases
Section 30	Has original jurisdiction (determining facts and law, as opposed to hearing appeals from lower courts) "only as provided by law"
Section 30	Has disciplinary authority concerning all judicial officers and attorneys in Vermont
Section 31	May not be divided into geographical or functional divisions
Section 30	Rulemaking authority "not inconsistent with law" re: appeals
Section 31	Rulemaking authority "not inconsistent with law" re: lower courts
Section 31	Rulemaking authority re: establishment of geographical and functional divisions of lower courts "not inconsistent with law"
Section 37	Rulemaking authority "governing the administration of all courts and governing practice and procedure in civil and criminal cases in all courts," provided that "any rule adopted by the Supreme Court may be revised by the General Assembly"

Vermont Constitution	Superior Court
Ch II, Section 4	Identified as one of the components of the unified judicial system, [along with the Supreme Court and "such other subordinate courts as the General Assembly may from time ordain and establish"]

Vermont Constitution	Other Lower Courts
Ch II, Section 31	All other lower courts of Vermont shall have original and appellate jurisdiction "as provided by law." All courts except the Supreme Court may be divided into geographical and functional divisions as provided by law or by judicial rules adopted by the Supreme Court "not inconsistent with law."

Vermont Constitution	Assistant Judges
Ch II, Section 50	The Assistant Judges shall be elected by the voters of their respective districts “as established by law.” Their judicial functions shall be “established by law.” Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

Vermont Constitution	Judges of Probate
Ch II, Section 51	Judges of Probate shall be elected by the voters of their respective districts “as established by law.” The General Assembly may “establish by law” qualifications for the election to and holding of such office. Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

## Mission and Vision of the Vermont Judiciary

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 that “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:

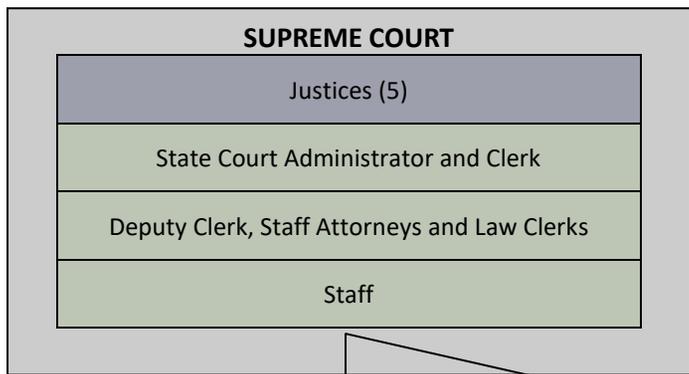
1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that “the judicial power of the State shall be vested 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.

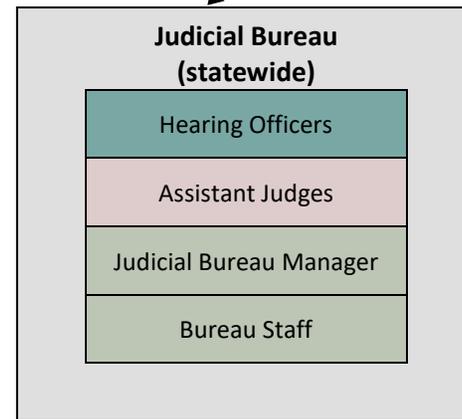
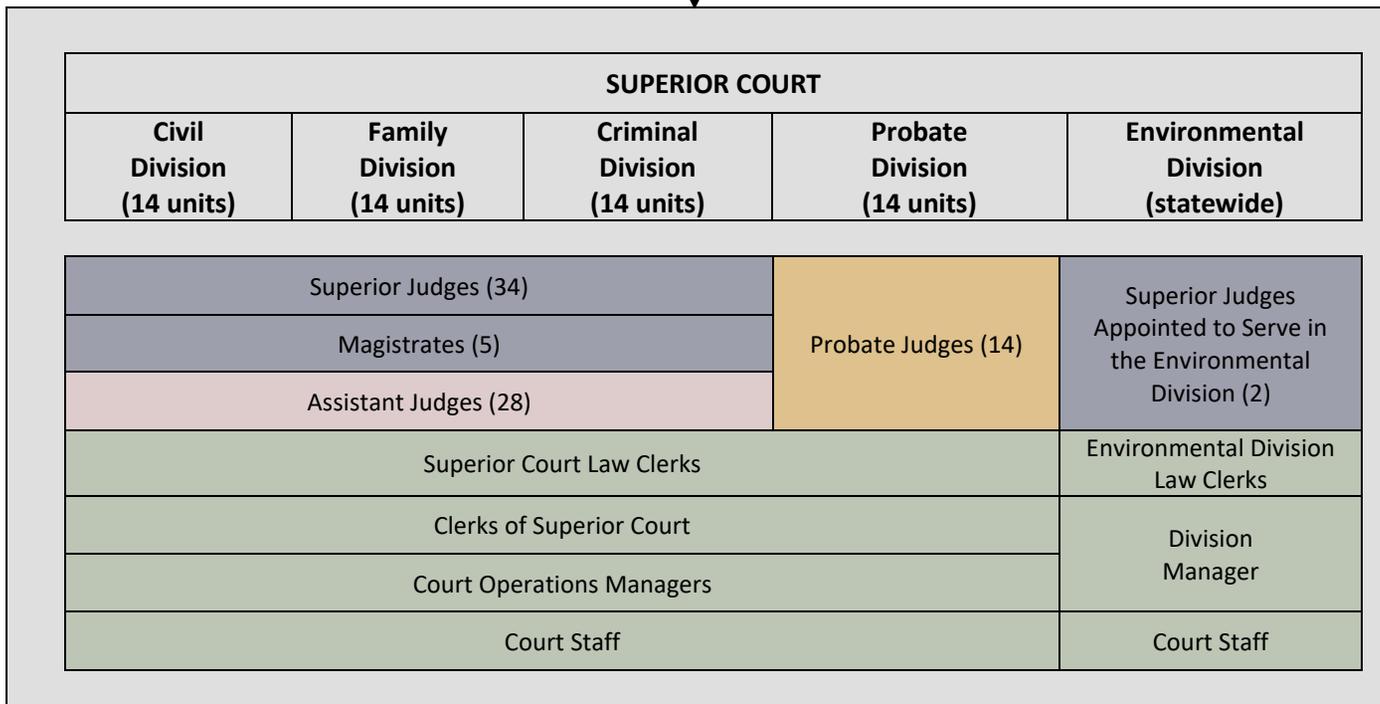
### Case Management Principles

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 a 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 review, 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, an appeal is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves approximately 400 cases per year by deciding whether a trial court judge accurately applied Vermont law to the facts in a case. In such cases, the Supreme Court does not take evidence, listen to witnesses, or receive exhibits. 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, which is composed of all Vermont courts. 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 functions related to budget and finance, planning, appellate court administration, human resources, personnel, 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, Judicial Master, 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 Superior Judges to sit in each of the trial courts for a specific length of time, generally for a year. In the smaller counties, one Superior 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 Superior Judge may sit in each of the trial court divisions.

The State Court Administrator and Chief Superior Judge collaborate 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 work together to 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 as divisions of the new statewide Superior Court. There is a unit of the Superior Court in every county, comprised of a Civil, Criminal, Family and Probate division. As part of the reorganization, 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 of the Superior Court has a Criminal Division. The Criminal Division is responsible for hearing the criminal and civil suspension cases brought by the state's attorneys, Attorney General, and municipal grand jurors. In FY20, there were approximately 14,000 cases filed in the Criminal Division of the Superior Court. The Criminal Division generally operates as follows:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Judges determine the guilt or innocence of people charged with a crime;
- Through sentencing decisions, the Superior Judges impose consequences on people who break the law, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate individuals found to have broken the law; and
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Judges protect the public from arbitrary use of government power.

The Criminal Division also has jurisdiction over the most serious fish and game violations and traffic violations, as well as Judicial Bureau appeals, civil suspension cases, civil contempt for non-payment of municipal ordinance cases, fugitives from justice, forfeitures, and DNA testing, i.e., challenges to cases involving the use of DNA testing evidence. The Criminal Division is also the site of specialized dockets that offer treatment to court-involved individuals with a substance abuse disorder or behavioral health need.

## Family Division

Each unit of the Superior Court has a Family Division. The Family Division is responsible for divorce, annulment and civil union dissolution actions; other domestic actions (primarily parentage), and post-judgment actions. In FY20, there were almost 8,000 of these cases filed. 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 motions to establish, modify, or enforce child support; juvenile delinquency; cases involving the abuse and neglect of children; termination of parental rights actions; cases involving children who may be beyond the control of their parents or truant; petitions for relief from domestic abuse, and other matters, including those relating to how the state should care for persons with mental illness and developmental disabilities. In FY20, there were over 7,500 of these cases filed in the Family Division.

In their daily work, Family Division judicial officers and court staff do the following:

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

## Civil Division

Each unit of the Superior Court has a Civil Division. The Civil Division of the Superior Court is responsible for a variety of civil actions. 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 allegations that a party had failed to abide by the terms of a contract. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Civil Division also hears appeals of some governmental actions and state environmental, consumer protection and civil rights actions. There were approximately 5,000 cases of these types filed in the Civil Division in FY20.

The Civil Division also hears small claims cases and civil protection orders. In FY20 there were approximately 5,300 of these cases filed.

Examples of the kinds of activities Civil Division judicial officers and court staff are involved in are the following:

- Actions regarding whether one person should have to reimburse another for that person's actions or inaction;
- Actions relating to whether a person should start or stop acting in certain ways; and
- Actions relating to whether a person should lose their home or other property for failure to pay a debt; and
- Actions relating to unpaid debts, shoddy home improvement, and returns of security deposits.

Simplified procedural rules apply in "small claims" cases.

## Environmental Division

The Environmental Division of the Superior Court has statewide jurisdiction and is responsible for hearing cases that fall into one of four general categories, as follows:

1. Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;
2. Environmental enforcement proceedings from various municipalities;
3. Appeals from municipal zoning boards, development review boards and planning commissions; and
4. Appeals from land use determinations made by various Act 250 district commissions and jurisdictional determinations by the Act 250 District Coordinators. The two Superior Judges assigned to hear environmental division proceedings travel throughout the state to conduct site visits and trials in the county where the action arises.

There were 144 cases filed in the Environmental Division in FY20.

## Probate Division

Judges in the Probate Division hear cases relating to guardianships, adoptions, decedent estates and testamentary trusts, and for other administrative actions, including change of names and safekeeping of wills. There were approximately 6,700 cases filed in the Probate Division in FY20.

Probate judges and court staff do the following:

- Assist persons and families administer and settle estates and trusts, and if necessary, resolve disputes regarding the distribution of the assets of 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 cases to ensure fiduciaries meet their responsibilities to estates and guardianships.

## The Judicial Bureau

The Judicial Bureau staff are responsible for hearing and processing civil violation complaint tickets issued by state and local law enforcement agencies. There were over 66,000 such cases filed in FY20. Nearly all (98%) of these were traffic tickets. The Judicial Bureau is also responsible for processing municipal ordinance violations and fish and wildlife violations. There were over 1,000 of these cases filed in FY20.

Through court trials, a Hearing Officer and some Assistant Judges sitting as Hearing Officers determine whether people who contested their tickets in FY20 violated the law and whether they must pay civil penalties to the state and municipalities. There were over 12,000 of these cases filed in FY20. In FY20, the judicial bureau collected \$11,998,811 arising from traffic-related cases that benefits the state's general fund.

## Judicial Officers

- Chief Justice (1)
- Associate Justices of the Supreme Court (4)
- Superior Judges (34)
- Superior Judges appointed to hear environmental cases (2)
- Magistrates (5)
- Judicial Bureau Hearing Officer (1)
- Judicial Master (1)
- Probate Judges (14)
- Assistant Judges (28)

## Appointment

The Governor, with the advice and consent of the Senate, fills vacancies for the offices of Chief Justice, Associate Justice, Superior Judge, and Magistrate from a list of nominees presented by the Judicial Nominating Board. Probate Judges and Assistant Judges are elected at the county level. Judicial Bureau Hearing Officers are appointed by the Chief Superior Judge.

## Qualifications

With the exception of Probate Judges who were sitting at the time the judicial restructuring law passed in 2010, and Assistant Judges, all judicial officers must be attorneys licensed to practice law in Vermont.

## Term of Service

Supreme Court justices, Superior Judges, and Magistrates hold office for a six-year term. At the end of each six-year term, the question of their continuance in office is submitted to the General Assembly in a process known as retention. The Justice, Judge, or Magistrate going through the retention process continues in office for another term of six years unless a majority of members vote against continuation in office.

Assistant Judges and Probate Judges are elected. In each case, the term of office is four years.

## Jurisdiction:

- Superior Judges hear cases in the Civil, Criminal, and Family divisions of the Vermont Superior Court. Superior Judges appointed to hear environmental cases (also known as “environmental judges”) preside in the Environmental Division. An Environmental Judge may also be assigned by the Chief Superior Judge to hear matters in another division.
- Magistrates sit in the Family Division. They are authorized to hear cases involving the establishment, enforcement or modification of child support. They can also hear cases involving certain other issues that arise in domestic cases. Magistrates may be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.

- A Judicial Bureau Hearing Officer hears cases filed in the Judicial Bureau. He may also be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.
- A Judicial Master who assists in the screening, identification, prioritization and overall case management of CHINS cases as a part of a pilot initiative in Chittenden and Franklin counties. The Judicial Master will also preside over select hearings and reviews involving parents involved in regional treatment docket programs, to include any hearings and reviews related to parent-child contact; preliminary hearings and status conferences; and screening cases for mediation or other restorative processes such as family group conferencing.
- Probate Judges hear cases in the Probate Division but may be specifically assigned by the Chief Superior Judge to hear cases as an Acting Superior Judge in other divisions.
- Assistant Judges There are twenty-eight Assistant Judges in Vermont, two in each of Vermont's fourteen counties. They are county executives who may, under certain circumstances, sit as judicial officers. As county executives, they run county government and levy a tax on towns in their respective counties to fund county government. They are elected to four-year terms. They may choose to sit with a Superior Judge as a trier of fact on cases in the Civil or Family division. When doing so they are referred to as "side judges." Assistant judges do not sit as triers of fact on juvenile cases.

Assistant Judges who meet training requirements established by the State Court Administrator's Office are authorized by statute to hear and decide civil ordinance and traffic violations in the Judicial Bureau and uncontested divorces in the Family Division.

Assistant Judges in Caledonia, Rutland, and Bennington counties may continue to sit on small claims cases filed in their court. These judges have an annual continuing education requirement.

## Court Management

Each unit of the Vermont Superior Court is managed by a Superior Court Clerk appointed by the Court Administrator, and a Presiding Judge appointed by the Chief Superior Judge. Presiding judges are chosen from among the Superior Judges. The Presiding Judge for each county unit determines the allocation of judicial resources between Civil, Criminal, and Family Divisions within the unit and may specially assign a superior judge within a division of the unit to preside over one or more cases in a different division. Court Operations Managers manage court staff in each unit and report to a Superior Court Clerk.

The Vermont Supreme Court has directed that the Presiding Judge and the Superior Court Clerk work together on case management, scheduling, and calendaring; the administration of court programs (e.g., education programs for self-represented litigants, referrals to alternative dispute resolution programs such as mediation, and the planning for and implementation of treatment court dockets); the safe and efficient use of space in court facilities; the relationship with the local bar; the relationship with the community; and other issues related to the effective and efficient administration of justice.

## Part Two: Court System Funding

The courts are primarily financed through the state's general fund (approximately 88%).

In addition, the Judiciary receives specialized funding from federal grants and other entities to support targeted court activities. Examples of federal grants include the following: Stop Violence Against Women Act (STOP VAWA); the U.S. Department of Health and Human Services, Children's Bureau Court Improvement Program grants; U.S. Department of Justice, Bureau of Justice Assistance; the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration; and the State Justice Institute.

Examples of interdepartmental transfers from other state agencies include: support for treatment docket administration from the Vermont Agency of Human Services, Division of Alcohol and Drug Abuse Programs; NCHIP grant from the Department of Public Safety; determination and collection of child support from Office of Child Support (OCS); certain federal formula grants on a sub-recipient basis, such as the STOP VAWA formula grant from the Vermont Center for Crime Victim Services (supporting court programs, education and trainings around the issue of domestic violence); and the Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant as a sub-recipient from the Department of Public Safety.

The fees users pay are generally credited to the state general fund and not dedicated to the courts. Attorney licensing fees are used to fund the boards and staff that oversee licensing, oversight of judicial officers and attorneys, and bar examinations. The Supreme Court may also direct revenue from this source to access to justice initiatives.

Many fines may have administrative fees or surcharges attached that the legislature appropriates to specific purposes.

## Part Three: Meeting the Challenges of the Future

### Technology and the Court System

Through its Research and Information Services (RIS) Division, the Vermont Judiciary provides technology solutions to judges and staff to support daily operations and court case management. The RIS Division is organized into two functional areas – Applications, and Infrastructure and Support. Staff in RIS support the Judiciary’s case management systems, conduct business systems analysis, maintain forms, generate statistics, assist in reporting, staff the Judiciary Help Desk, maintain the public and internal wireless network systems, and deploy equipment upgrades.

The Judiciary continued to achieve significant milestones in its Next Generation Case Management System (NG-CMS) initiative as trial court launches in Windham, Orange and Windsor (March 2020) and Bennington, Rutland, Addison, Chittenden and the Environmental Division (September 2020) joined the Judicial Bureau (June 2019) in the use of the new system. The Judiciary rolled out the new system in Grand Isle, Caledonia, Essex, Washington, Orange, Lamoille, and Franklin counties in February 2021. Initial funding for the early phases of the Judiciary’s NG-CMS project was appropriated by the Legislature in 2015. Funding for the project was also provided in Capital Bill appropriations in 2017, 2018, and 2019.

The rollout of infrastructure necessary to conduct video appearances began in 2019 and was completed in early 2020 in all courtrooms across the state. Combined with WebEx and tools that integrate to our NG-CMS, we have the flexibility to allow for remote and hybrid appearances as required to address any situation raised. This new technology allows the courts to be safer, more efficient, flexible, and cost effective while offering the users of the court needed flexibility in methods and logistics of appearing.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are continually maintained and supported. The Judiciary works with the Agency of Digital Services (ADS) to ensure that the Judiciary has a reliable and secure technology foundation that can support both current and future needs. We partner with ADS, as well as an external, Vermont-based specialist, on cybersecurity issues and concerns. We established our own virtual private cloud infrastructure to support the NG-CMS. We are managing this server infrastructure, in conjunction with Vermont-based partners, to ensure that we have the best, most cost-effective, reliable and high availability environment that supports this critical application as our rollout continues.

## Technology and the Court System

How Much Did We Do?		How Well Did We Do it?		Is Anyone Better Off?
<i>Supporting Current Operations and Ongoing Improvements in Existing Technology</i>				
Judiciary (JUD) Help Desk	Supports daily IT operations and requests. The JUD Help Desk supports over 400 users located in 23 courthouses throughout the State, as well as external users of court systems. We received approx. 9,500 help requests in FY2020.	The JUD Help Desk 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 when interacting with the courts.	
Response to COVID-19 - How did we utilize Technology to support the delivery of Court services during the operational disruption from the pandemic?	We worked with vendors Cisco, Presidio and Cloverhound to implement Webex and plan to equip all courtrooms with video conferencing displays, speakers, microphones, and software that will enhance court functionality and integrate with Odyssey scheduling. We increased our supply of laptop computers and acquired FirstNet cellphones to increase our ability for remote work as necessary.	We were able to hold remote hearings, using Webex, the first week of disrupted operations and have continued to refine our processes and procedures to better utilize these tools. We recruited and helped train limited-service staff to assist court personnel with these operations. We have established a solid plan to continue this rollout and automate procedures as needed to ensure sustainability.	Enabling remote operations and appearances has allowed us to effectively continue operations during a time of social distancing and other logistical disruption.	
Information Requests, Statistics and Reporting	In the last twelve months, the JUD Help Desk has received approx. 100 requests for Judiciary information and data, from the public, press, and other organizations and individuals.	VTADS, the Judiciary's legacy case management system has numerous and significant limitations relating to data reporting, but these requests are fulfilled to the best extent possible, generally limited only by rules or statute. During our rollout of NG-CMS, we must refer to both VTADS and NG-CMS for data, creating extra complexity.	Satisfying requests for information is a crucial function of the Judiciary and essential to public understanding, transparency, and access to justice. The Judiciary's new case management system will offer easier and more complete access to information.	

## Technology and the Court System

How Much Did We Do?		How Well Did We Do it?	Is Anyone Better Off?
<p>NG-CMS Phase 2 and 3 Launch</p>	<p>In March 2020, the second phase of the Judiciary’s NG-CMS initiative went live with trial court launches in Windham, Orange and Windsor and in September 2020 phase three went live in Bennington, Rutland, Addison, Chittenden and the Environmental Division. In February 2021, The Judiciary rolled out the new system in Grand Isle, Caledonia, Essex, Washington, Orange, Lamoille, and Franklin counties in February 2021.</p>	<p>These launches occurred as scheduled and resulted in no unexcepted disruption to Court operations.</p>	<p>These launches continued our journey toward the full migration of the Judiciary to a modern electronic case management system. eFiling for each go-live is implemented approx. 6 weeks following the trial courts.</p>

## Part Four: Public Education and Access to the Courts

### 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.

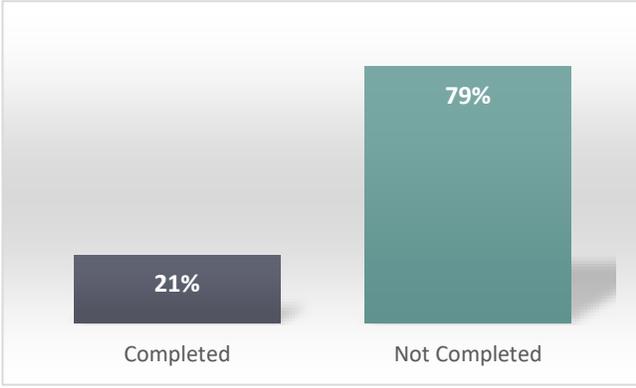
Court Interpreter Program													
<p><b>How Much Did We Do?</b></p> <p>In FY20, the trial courts provided court interpreters 499 times at a cost of \$76,950. The heaviest demand for these services was in Interpreting services in Chittenden, Franklin, and Bennington counties represent over three-fourths (79%) of all services provided during the fiscal year.</p> <p>Languages requiring interpretation include American Sign Language (ASL) Arabic, Burmese, French, Mai Mai, Mandarin, Nepali, Somali, Spanish, Swahili, and Vietnamese. Vermont is particularly challenged finding interpreters in languages of lesser diffusion.</p>	<p><b>How Well Did We Do?</b></p> <p>Interpreting Events by Superior Court Division</p> <table border="1"> <caption>Interpreting Events by Superior Court Division</caption> <thead> <tr> <th>Division</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Criminal</td> <td>45%</td> </tr> <tr> <td>Family</td> <td>43%</td> </tr> <tr> <td>Civil</td> <td>8%</td> </tr> <tr> <td>Probate</td> <td>2%</td> </tr> <tr> <td>Judicial Bureau</td> <td>2%</td> </tr> </tbody> </table>	Division	Percentage	Criminal	45%	Family	43%	Civil	8%	Probate	2%	Judicial Bureau	2%
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<p><b>Is Anyone Better Off?</b></p> <p>Providing interpreters ensures that the Judiciary complies with the law and that court users with limited proficiency speaking, writing, reading, or understanding English have equal access to court services and programs. As Vermont's population diversifies, the need for qualified interpreters increases, and we expect the courts' interpreter usage needs to increase in the coming years. The Judiciary is exploring how best to provide Vermont's courts with access to qualified interpreters. Options include implementing video remote interpreting and investing in training for local court interpreters.</p>													

## Education for Self-Represented Litigants

Parties representing themselves in a divorce, separation, civil union dissolution, or parentage case in the family division are ordered by the court to attend a free Pro Se Litigant Education Program before they appear in court to pursue their claim. One-hour programs are held monthly in each unit in nearly all counties. They are conducted by an attorney who regularly practices in the Family Division. The purpose of the program is to educate litigants about their responsibilities while representing themselves, courtroom etiquette, general procedures relating to family cases, and services available through outside agencies that may be able to assist families in court.

Attendees have an opportunity to learn about how the court works; how to serve process; what the court expects of litigants; when litigants should consider getting help from an attorney; and about the services and programs—such as mediation—that are available to assist parties in a case.

Anyone may attend these classes, even if they are not a party to a case.

Pro Se Education Program							
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>At the end of May 2020, the Judiciary’s Trial Court Operations Division temporarily suspended ordering participation in this class due to COVID-19 and the inability to safely hold these classes in person. Planning has begun regarding how to safely resume in person classes as well as developing an online video version of the class.</li> <li>In FY20 22% (466) of the 2167 eligible to attend the class completed it</li> <li>Plaintiffs are more likely to attend the program than defendants</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 welcome to attend</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The graph below illustrates attendance in the pro se education involvement:</p>  <table border="1"> <caption>Attendance in the Pro Se Education Program</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Completed</td> <td>21%</td> </tr> <tr> <td>Not Completed</td> <td>79%</td> </tr> </tbody> </table>	Category	Percentage	Completed	21%	Not Completed	79%
Category	Percentage						
Completed	21%						
Not Completed	79%						
<p><b>Is Anyone Better Off?</b></p> <p>Anecdotally parties are better prepared for their family hearings after taking the class. This is likely the result of parties better understanding the process by getting answers to important questions prior to their court hearing(s).</p>							

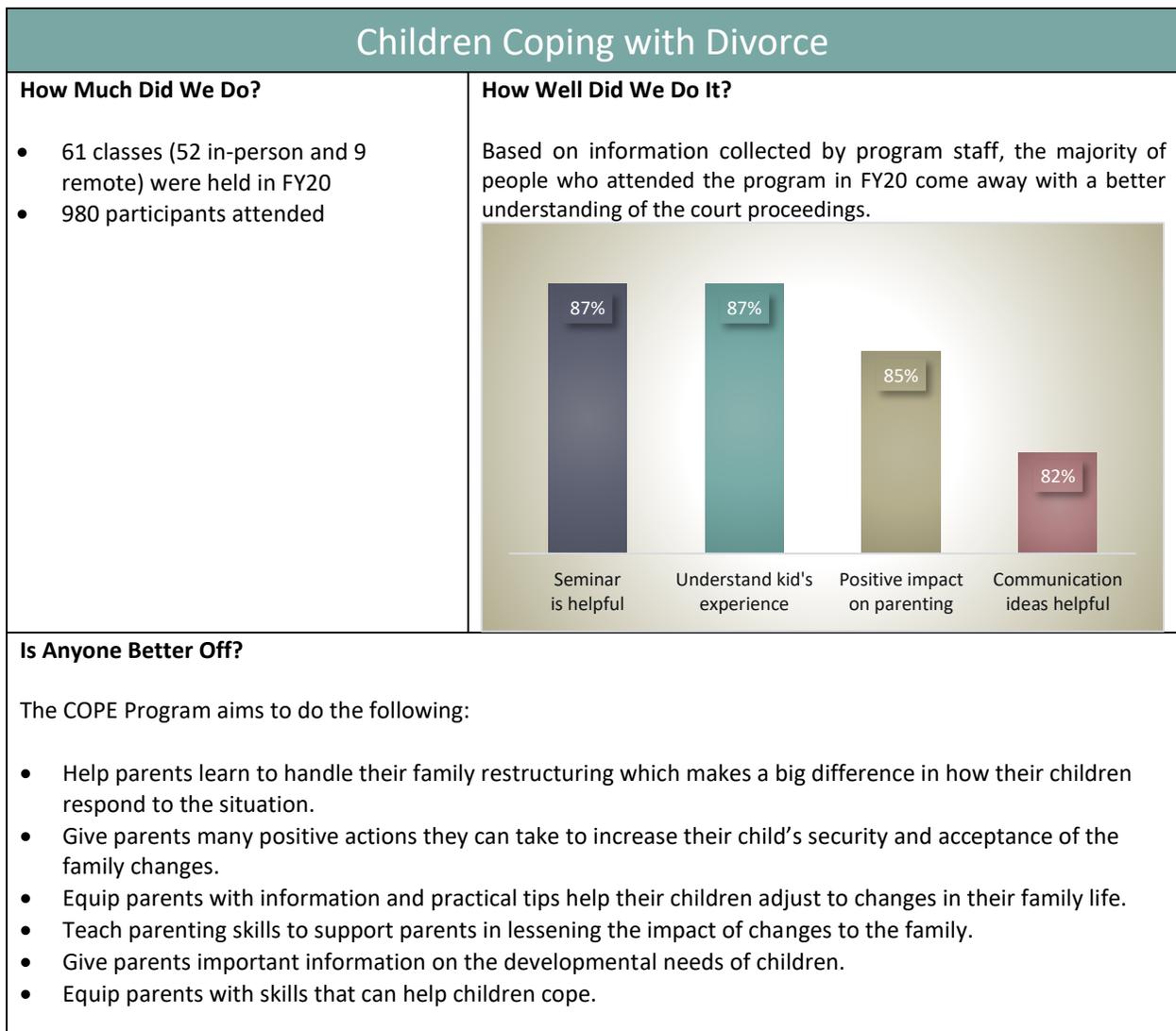
## Relief from Abuse Education Program

Since 2007 the Vermont Judiciary has offered a free education program for parties in Relief from Abuse (RFA) cases due to the high volume of unrepresented litigants. Informational handouts describing how to prepare for an RFA hearing are provided to both plaintiff and defendant at the time a temporary order is issued. On the day of, and immediately prior to, the RFA hearing, parties attend an educational video in separate sessions. The video serves as an orientation to the RFA court process, addresses the kinds of requests that parties can make, and contains information about services that may be helpful to the parties. This program is available in all counties. Parties represented by an attorney may also receive this information through counsel.

Relief from Abuse Education Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 3,122 RFA cases were filed</li> <li>• It is estimated that 90% of parties who appeared for their hearing watched the educational video either in person or online. <ul style="list-style-type: none"> <li>▪ Online videos: ASL version has been viewed 729 times since 2016. Since 2019 the Plaintiff version has been viewed 342 times and the Defendant version been viewed 245 times.</li> </ul> </li> <li>• Every family court in the state offers this educational opportunity</li> <li>• Family members or persons offering support are welcome to attend</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The chart below indicates the estimated participation in the educational video of parties in RFA cases:</p> 
<p><b>Is Anyone Better Off?</b></p> <p>Anecdotally parties are better prepared for the hearings after receiving the written information and viewing the video. This is likely due to the following:</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 if the other party is represented by counsel and they want an attorney.</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.</li> </ul>	

## Children Coping with Divorce

The Coping with Separation and Divorce (COPE) program is a joint initiative of the UVM Extension and the Vermont Superior Court Family Division and is designed for parents going through divorce or other family changes involving the court process. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes to the family. Family Division 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 a four-hour COPE seminar. Topics include information about how families experience divorce and other family transitions, reactions of children to family instability, the developmental needs of children, and skills that can help children cope. In-person COPE classes were canceled in mid-March. Programming resumed in mid-April in an online format. The cost is \$75 per participant, unless the court determines otherwise. The course is open to the public.



## Judiciary Information Center

In January of 2015, the Judiciary established a Service Center as a statewide pilot information center program. The pilot was housed in the Chittenden Unit to include the Civil, Criminal, Probate, and Family divisions. As part of the pilot, all incoming calls to these divisions were directed to go through the Service Center, with the exception of calls from attorneys who choose to by-pass it.

When the pilot officially ended in April of 2016, the oversight of the Service Center became part of Trial Court Operations and staff continued to take all calls for the Chittenden Unit. In 2017, the Service Center pilot evolved into the Judiciary Information Center. If the Information Center is unable to answer a caller's question, the call is transferred to the appropriate clerk's office. Callers typically call the Information Center looking for information about hearing dates; paying fines; status of my motions; ruling on cases. In March of 2020, it became common for the Information Center to receive inquiries about Court accessibility with the onset of the COVID pandemic: am I allowed in the courthouse; how to obtain forms; how to participate in court hearings.

In October of 2017, Information Center staff began taking calls for the Washington Criminal and Family divisions. In late 2019, services provided were expanded to Orange, Windham, and Windsor Units all divisions. And in August of 2020, they began providing coverage to the Rutland Family and Criminal Divisions. Information Center staff also take calls for Washington Civil and Probate Divisions, Lamoille, Addison, Franklin, and Caledonia counties on their in-service days. Information center staff also provide coverage on a daily basis to the Judicial Bureau.

Judiciary Information Center	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Total call volume = 99,102 calls</li> <li>• Answered 94% of calls</li> <li>• Fully resolved 59% of calls</li> <li>• Transferred 39% of calls to a court clerk</li> <li>• Only 2% of calls received were not transferred/resolved</li> <li>• 7% of the calls were individuals calling to participate by phone for their court hearing</li> </ul>	<p><b>How Well Did We Do?</b></p> <p>The ability of Information Center staff to resolve calls without having to send them to the courts has steadily improved over time. Since July 2017, the percentage of calls resolved has consistently risen. There has also been an increase in the number of calls answered during that period.</p>
<p><b>Is Anyone Better Off?</b></p> <p>The Information Center continues to expand in size and reach - almost doubling the total call volume from the previous year. The goal is to provide coverage to additional courts as they transition to Odyssey, the Judiciary's new case management system; allowing staff more time to focus on Odyssey training and working with the new system. A user with a more complex question is still 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>Based on feedback, the Information Center improves productivity, allowing staff to focus on docketing, case-flow management, and other daily tasks.</p> <p>Judiciary staff continue to identify procedures that are in need of standardization across units and divisions.</p>	

## Part Five: Children and Families in the Court System

### Attorneys for Children

Superior Court judges appoint 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 are given the option to receive a court subsidized payment of \$50 per hour, up to \$750 per case. 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.

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 can also provide their services free of charge. In these latter two instances, attorneys do not submit a bill to the judiciary for their services.

In FY20, a total of \$4,080 was billed and paid to attorneys during the fiscal year for a total of 80.34 hours of attorney services.

The breakdown of case types served by this program in FY20 was as follows: three new parentage cases, four new divorce cases, and two new RFA cases.

### Family Mediation

Superior judges may order parties to participate in mediation, or the parties may choose to participate on their own. Many final divorce decrees require parties to attempt mediation before the parties can ask the court to enforce or modify a decree. Courts often enforce those mediation provisions and require parents to try mediation, particularly when the parents have previously shared parental rights and responsibilities.

The mediator screens parties to determine if the case is appropriate for mediation. If the case is appropriate, the mediator and the parties make arrangements for mediation sessions. Contracted 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 Judiciary subsidizes the cost of mediation for litigants with limited financial means through a sliding fee scale. 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 ten hours of mediation services per eligible party. The program also pays mediators a modest fee to screen cases to assess whether the dispute is appropriate for mediation. Mediation is not used in cases where a mediator suspects there are issues of abuse.

## Family Mediation

<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Total number of intakes: 441</li> <li>• Number of intakes appropriate for mediation: 317</li> <li>• Percent of intakes that became mediations: 72%</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• In FY20, few (15%) cases mediated during the period involved the discontinuation of a mediation</li> <li>• In FY20, agreements were the result of nearly half (44%) of the mediation sessions that were not discontinued; nearly one in five (18%) of cases not discontinued resulted in a partial agreement</li> <li>• In FY20, each mediated case involved the mediation of an average of three issues – the top issues mediated were child’s schedule (26%), parenting (17%), and transportation (13%)</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p>Mediation is a process that helps people communicate and negotiate with each other. Mediators don’t favor either party. They rely on their training and they follow important ethical guidelines to help people resolve their differences.</p> <p>Mediators help parties <i>communicate</i> by:</p> <ul style="list-style-type: none"> <li>• Listening to what each person has to say;</li> <li>• Making sure both parties have time to speak and listen to each other;</li> <li>• Asking each party if the mediator correctly heard what the person said.</li> </ul> <p>Mediators help <i>negotiate</i> by:</p> <ul style="list-style-type: none"> <li>• Describing an issue or a proposal in a way that makes it easy for parties to consider it;</li> <li>• Making sure that people focus on meeting their underlying interests instead of advancing their position;</li> <li>• Developing options that benefit both parties and working out specific, rather than vague, solutions.</li> </ul>	

## Parent Coordination

Parent coordination is a child-focused alternative dispute resolution process in which a contracted Parent Coordinator helps parents in high-conflict cases develop safe, appropriate parent/child contact plans that are consistent with applicable court orders, including any relief from abuse orders. These plans are based on input from parents and recommendations of any professionals involved with the children. 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 other experience. Unlike mediation, which seeks agreement based on face-to-face interactions between and among parties, protocols for parent coordination are principally concerned with child safety issues.

Parenting plans that are developed as part of the parent coordination process are aimed at discouraging and diminishing abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how; and at establishing penalties for non-compliance with court

orders. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale. The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less.

Parent Coordination																							
<p><b>How Much Did We Do?</b></p> <p>Parent coordinators conducted 18 intakes in FY20 and participated in 24 cases statewide.</p>	<p><b>How Well Did We Do It?</b></p> <p>Parent coordinators reported data on three completed case. Issues addressed by the Parent Coordinator in these cases included the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">ISSUE</th> <th style="width: 16.5%;">Case 1: Outcome</th> <th style="width: 16.5%;">Case 2: Outcome</th> <th style="width: 16.5%;">Case 3: Outcome</th> </tr> </thead> <tbody> <tr> <td>Scheduling for the child</td> <td>N/A</td> <td>No Agreement</td> <td>Partial Agreement</td> </tr> <tr> <td>Transportation</td> <td>N/A</td> <td>N/A</td> <td>Partial Agreement</td> </tr> <tr> <td>Parenting Issues</td> <td>Full Agreement</td> <td>No Agreement</td> <td>Partial Agreement</td> </tr> <tr> <td>Other</td> <td>Partial Agreement</td> <td>No Agreement</td> <td>Partial Agreement</td> </tr> </tbody> </table>			ISSUE	Case 1: Outcome	Case 2: Outcome	Case 3: Outcome	Scheduling for the child	N/A	No Agreement	Partial Agreement	Transportation	N/A	N/A	Partial Agreement	Parenting Issues	Full Agreement	No Agreement	Partial Agreement	Other	Partial Agreement	No Agreement	Partial Agreement
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<p><b>Is Anyone Better Off?</b></p> <p>Parent coordinators reported data on three completed cases. The data show that parent coordinators served families with a total of four children.</p>																							

## Home Studies

The purpose of a Home Study is to develop information helpful to parents and the court in making decisions about children in divorce, post-divorce, and parentage cases. A Home Study can help the court learn about each parent through a review of the parent’s social history, home environment, and network of relationships with other persons connected with the home. It is a useful approach when the child(ren)’s relationship with others in the parents’ lives (for example, stepparents, half-siblings, parents’ significant others) is a factor.

One of the ways that home studies are offered is through the Vermont Superior Court Parent Coordination Program. A home study is not intended to be a psychological study of family members, as its focus is on the various factors that contribute to a child’s well-being and healthy parent-child relationships.

The Judiciary subsidizes the cost of home studies for qualifying litigants with limited financial means through a sliding fee scale. Parties not qualifying for the subsidy pay at the Parent Coordinator's private rate.

## Guardian ad Litem Program

The Vermont Guardian ad Litem (GAL) Program recruits, trains, and supports qualified volunteers to serve as court-appointed advocates for children in Family Division proceedings. Vermont statutes and rules require that a GAL be appointed for every child in child protection proceedings (CHINS), certain delinquency cases, and when a child is called as a witness. In FY20 there were 337 volunteers who advocated for approximately 1,900 children in juvenile cases alone. Guardians are also sometimes appointed in certain other cases including domestic, probate, and mental health cases and in the criminal docket.

Every GAL volunteer completes a three-day pre-service training that focuses on Vermont's family court process and child protection system. The training is based on a national training curriculum developed by the National Court Appointed Special Advocates/Guardian ad Litem Association (NCASA/GAL). Additionally, GALs are required to attend a training on juvenile delinquency.

Child visitation has also shifted to mostly virtual contact. GALs are still meeting their mandated requirements of connecting with and observing the children to which they are assigned once a month. The GALs have used a variety of virtual and remote platforms and approaches. Some face-to-face visitation is still taking place observing all safety precautions and social distancing guidelines.

In FY20 the GAL program offered two Pre-Service trainings to twenty-four new applicants. In addition, the program provided local and statewide training opportunities, including topics such as: promoting resiliency in traumatized youth, youth justice, healing racial trauma, residential placements, self-care, and other related topics. The GAL coordinators in each county traditionally host a local training opportunity for GALs once a month.

The GAL Program is funded primarily with general funds. In FY20 The Children's Justice Act Task Force also awarded the Vermont GAL program approximately \$20,000 to support volunteer training.

NCASA/GAL standards indicate that there should be one full-time equivalent supervisor for every 30 volunteer GALs. In Vermont, the ratio is one full time equivalent supervisor for every 69 volunteer GALs. In FY20, the personnel cost for the Regional GAL Coordinators who supervise the volunteers was approximately \$204,680 from the General Fund.

Guardian ad Litem Program	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• 24 GALs were trained in FY20</li> <li>• 23 GALs were activated in FY20</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• GALs serve an average of 5.5 children in Juvenile cases alone</li> <li>• A trained GAL served every child involved in the CHINS process</li> <li>• 90% of volunteers who complete training become active</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• Every child or youth involved in the CHINS process was served by a volunteer GAL.</li> <li>• The GAL program offered local or statewide training opportunities for experienced GALs on topics including developmental trauma, promoting resiliency, youth justice, poverty, racial and implicate bias and provided resources available at the county level to assist children and families.</li> <li>• At least 20% of all volunteer GALs serve children and youth in dockets other than CHINS and delinquency.</li> </ul>	

### The Juvenile Court Improvement Program

The Judiciary’s Court Improvement Program is supported by federal grant funds that are administered by the Children’s Bureau of the U.S. Department of Health and Human Services. The program is focused on improving the court system’s work in child welfare cases. The goal of the program is to do what is needed to help ensure quality court proceedings that promote children’s safety, well-being, and permanency. The program supports activities that: 1) promote the timeliness and quality of juvenile court proceedings; 2) provide education of judges, attorneys, and volunteer guardians assigned to these cases; and 3) are focused on data collection. It accomplishes much of its work through collaboration with leaders in the state’s Department for Children and Families, prosecutors, defense attorneys, and others.

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disability, or 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 a child’s well-being, including a permanent home, if one is needed. Legal permanence is defined as reunification, or if that cannot occur, as adoption or permanent guardianship. Courts must do all of this while protecting the legal rights of all parties. Court Improvement Program activities help them do this.

## Juvenile Court Improvement Program

### How Much Did We Do?

There were 1,873 new juvenile petitions filed in FY20, 434 fewer filings than FY19. Juvenile petitions include CHINs (abuse/neglect, beyond parental control, truancy), delinquency, and youthful offender case types. The trend since FY16 is as follows:

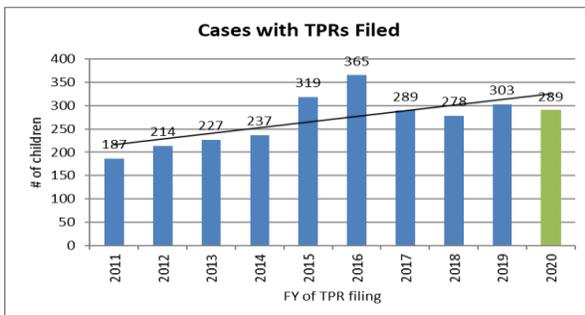
Juvenile Petitions Filed				
FY16	FY17	FY18	FY19	FY20
2,068	1,889	2,276	2,306	1,873

The number of new juvenile cases filed in FY20 is the lowest it has been since FY14. The decrease in new case filings can at least partially be attributed to the COVID -19 virus. In FY20, there was a decrease in the number of CHINs, delinquency and youthful offender cases filed. There were 390 youthful offender cases filed in FY20, compared to 504 youthful offender cases filed in FY19.

Abuse/neglect cases are time consuming for the courts. They are more likely than other case types to involve the Department of Children and Families (DCF) and multiple – sometime highly-contested – court hearings. The number of abuse/neglect cases continues to pose a challenge for the courts, attorneys, DCF social workers, and volunteer GALs.

Fortunately, the rate of increase in the number of new Termination of Parental Rights (TPR) proceedings in the past four fiscal years has slowed as compared to the record high number in FY16. New TPR cases were at their highest in FY16. The trend since FY16 is as follows:

FY16	FY17	FY18	FY19	FY20
365	289	278	303	289



### How Well Did We Do?

The number of new abuse/neglect cases filed in FY20 was down by 20% compared to FY19. The courts still have struggled to keep current with these cases, even given the reduced number of filings. Many courts added more time for juvenile hearings, at the expense of other dockets. The surge in abuse/neglect cases had a ripple effect throughout the other dockets. Pressures now created by the increase in youthful offender filings make it difficult for the courts to catch up. COVID-19 will likely contribute to already backlogged courts.

The percentage of children exiting foster care to adoption and reunification is approximately the same as in FY19. DCF data reveals that in FY20 759 children exited foster care compared to 750 in FY19. When youth exit foster care, they can do so in one of several ways. In FY20, these ways were as follows:



"Other" includes runaway, transfer to agency, and age of majority.

When court intervention is necessary, the courts oversee the process of ordering safe, permanent placements of children. Since FY14, the volume of CHINs and TPR cases have impacted the overall timeliness of those proceedings. According to the DCF, these trends are as follows:

Exits from foster care	FY18 (Avg. time in years)	FY19 (Avg. time in years)	FY20 (Avg. time in years)
Adoption	2.43	2.45	2.55
Guardianship	1.32	1.32	1.81
Return to parent(s)	.80	.93	1.04
Relative caregiver	.35	.24	.45
Overall	1.21	1.24	1.46

### Is Anyone Better Off?

- Children in Foster Care: Statutes governing the procedures for handling juvenile proceedings allow 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.
- Safety: Since 2013, 98% of Vermont children have remained safe from re-abuse and neglect. The rate of repeat maltreatment in Vermont exceeds the national standard.
- 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 fluctuated from 28% to 31% during the period CY 2013 to the first half of CY20.
- Placement Stability: Multiple placement changes can have a negative impact on a child's development. In FY20, 61% of the children in foster care experienced stable placements within the first 12 months of out-of-home care. This is a slight increase compared to 60% in FY19.

## Justice for Children Task Force

In 2005, the Vermont Supreme Court created the Justice for Children Task Force (JFCTF) 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. The Task Force develops solutions designed to reduce the impact of such barriers. Cases involving child abuse or neglect comprise most of the cases in which children are in foster care or otherwise removed from their home. 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 the custody of the Department of Children and Families.

The Task Force traditionally meets quarterly and measures, examines, and reports on its work. Task Force recommendations are submitted to the Vermont Supreme Court when appropriate. The quarterly meetings have shifted to a virtual platform since the start of the Covid-19 pandemic.

## Part Six: Court Response to Crime in the Community

### Treatment Dockets

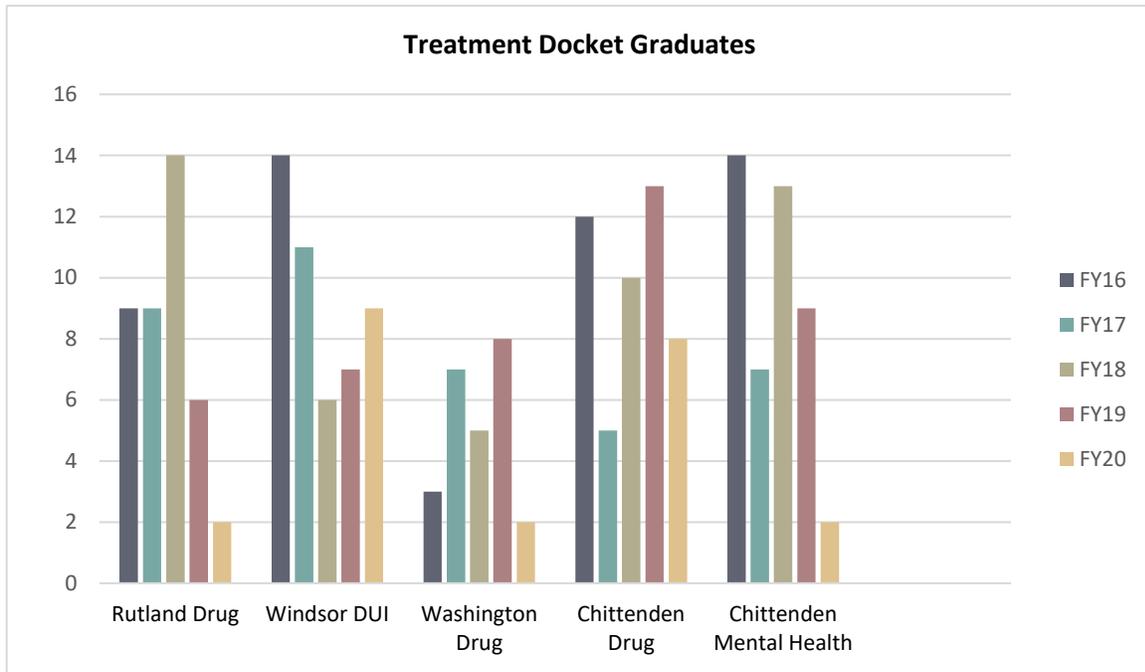
During FY20, the Judiciary operated five treatment dockets in the Criminal and Family divisions—adult drug dockets in Chittenden, Rutland, and Washington counties; a driving under the influence (DUI) docket in Windsor County that also serves Orange and Windham counties; and a mental health docket in Chittenden County.

These dockets serve defendants who would be likely to continue to engage in criminal behavior without an intensive long-term substance and/or mental health intervention. All programs include early screening and assessment; early onset of treatment; judicial monitoring; mandatory random drug testing; case management and community supervision, and other services to help participants succeed, including health services, housing supports, employment supports, recovery supports, and transportation assistance, to name a few.

Treatment Courts																																																																					
<p><b>How Much Did We Do?</b></p> <p>The table below shows the number of new participants who entered treatment programs in each quarter.</p> <table border="1"> <thead> <tr> <th>Docket</th> <th>Total FY20</th> </tr> </thead> <tbody> <tr> <td>Chittenden Drug</td> <td>20</td> </tr> <tr> <td>Rutland Drug</td> <td>6</td> </tr> <tr> <td>Washington Drug</td> <td>21</td> </tr> <tr> <td>Windsor DUI</td> <td>12</td> </tr> <tr> <td>Chittenden Mental Health</td> <td>3</td> </tr> </tbody> </table> <p>In FY20, the total number of participants enrolled by program type were 107 in adult drug; 38 in DUI; and 13 in mental health for a total of 158.</p> <table border="1"> <thead> <tr> <th colspan="2">Services Offered</th> </tr> </thead> <tbody> <tr> <td><i>Case management</i></td> <td><i>Trauma</i></td> </tr> <tr> <td><i>Health services</i></td> <td><i>Medically assisted treatment</i></td> </tr> <tr> <td><i>Housing support</i></td> <td><i>Mental health treatment</i></td> </tr> <tr> <td><i>Employment</i></td> <td><i>Co-occurring disorder treatment</i></td> </tr> <tr> <td><i>Vocational rehabilitation</i></td> <td><i>Intensive outpatient services</i></td> </tr> <tr> <td><i>Educational support</i></td> <td><i>Residential supports</i></td> </tr> <tr> <td><i>Transportation</i></td> <td><i>Gender specific treatment</i></td> </tr> <tr> <td><i>Recovery coaching</i></td> <td><i>Moral reconation</i></td> </tr> <tr> <td><i>Community supervision</i></td> <td></td> </tr> </tbody> </table>	Docket	Total FY20	Chittenden Drug	20	Rutland Drug	6	Washington Drug	21	Windsor DUI	12	Chittenden Mental Health	3	Services Offered		<i>Case management</i>	<i>Trauma</i>	<i>Health services</i>	<i>Medically assisted treatment</i>	<i>Housing support</i>	<i>Mental health treatment</i>	<i>Employment</i>	<i>Co-occurring disorder treatment</i>	<i>Vocational rehabilitation</i>	<i>Intensive outpatient services</i>	<i>Educational support</i>	<i>Residential supports</i>	<i>Transportation</i>	<i>Gender specific treatment</i>	<i>Recovery coaching</i>	<i>Moral reconation</i>	<i>Community supervision</i>		<p><b>How Well Did We Do?</b></p> <p>The table below shows the percentage of participants who exit the program through graduation, termination, voluntary withdrawal, or other means. This is known as a “retention rate.” Program retention is one of the key predictors of positive program outcome. Research indicates that the longer participants are engaged in the program the better their outcomes are after leaving. Drug courts are six times more likely than regular community supervision programs to keep offenders in treatment long enough for them to get better.</p> <p style="text-align: center;"><b>Retention Rates*</b></p> <table border="1"> <thead> <tr> <th>Docket</th> <th>FY16</th> <th>FY17</th> <th>FY18</th> <th>FY19</th> <th>FY20</th> </tr> </thead> <tbody> <tr> <td>Chittenden Drug</td> <td>47%</td> <td>49%</td> <td>48%</td> <td>47%</td> <td>47%</td> </tr> <tr> <td>Rutland Drug</td> <td>45%</td> <td>78%</td> <td>81%</td> <td>89%</td> <td>No data</td> </tr> <tr> <td>Washington Drug</td> <td>No data</td> <td>67%</td> <td>61%</td> <td>59%</td> <td>60%</td> </tr> <tr> <td>Windsor DUI</td> <td>89%</td> <td>84%</td> <td>89%</td> <td>89%</td> <td>88%</td> </tr> <tr> <td>Chittenden Mental Health</td> <td>67%</td> <td>63%</td> <td>60%</td> <td>63%</td> <td>63%</td> </tr> </tbody> </table> <p><small>*The retention rate calculation is the number of graduates plus the number of participants currently enrolled in the program divided by the number of program admissions.</small></p>	Docket	FY16	FY17	FY18	FY19	FY20	Chittenden Drug	47%	49%	48%	47%	47%	Rutland Drug	45%	78%	81%	89%	No data	Washington Drug	No data	67%	61%	59%	60%	Windsor DUI	89%	84%	89%	89%	88%	Chittenden Mental Health	67%	63%	60%	63%	63%
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### Is Anyone Better Off?

Graduation from a treatment docket is a significant outcome, both for a participant and the program. Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program. Studies have found that reductions in crime last at least three years and can endure for over 14 years for individuals who graduate from a treatment court program. There were 46 graduates from treatment dockets between in FY19.



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

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

#### *Mental Health Treatment Docket – Chittenden County*

The Mental Health Docket serves individuals with severe and persistent mental illness and co-occurring substance 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 courts divert defendants with mental illness and co-occurring disorders into judicially supervised, community-based treatment.

#### *South East Regional DUI Treatment Docket*

In 2018, the Windsor DUI docket was expanded to include 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.

The DUI Treatment Docket is a two-year post-adjudication probation program that is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse and mental health treatment providers, other social service providers, and child protective services.

## Part Seven: Court Security and Safety

The Vermont Judiciary’s Safety and Security Program continuously strives to provide safe and secure courthouse environments for the public, court staff, and judicial officers. Since all Vermonters deserve an equal opportunity to access the justice system, the mission of the Safety and Security program is to ensure that people needing to access the courts are free from threats, intimidation, and obstruction. As part of that effort, court security officers provide protection, screening, and courtroom security in all the state’s courts. In most cases, these officers are deputy sheriffs (70%), and in the rest they are state-employed court officers (20%), or private court security officers (10%).

Court staff and judicial officers are further protected through all-hazards emergency response tools and training that include approaches and 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-through metal detectors, x-ray screening units, closed circuit video systems, 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>• Threat awareness and personal safety awareness training for judicial staff</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 walk-through metal detection (WTMD) units</li> <li>• COVID-19 response broadened court security officer scope of duties and functions</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• During FY20 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 was enhanced and protection measures in case specific circumstances.</li> <li>• Judiciary staff are better trained to recognize, report, and mitigate escalated behaviors in the courts.</li> <li>• The installation phase of the statewide security camera and duress alarm replacement initiative has resulted in enhanced security monitoring and response.</li> <li>• Judiciary staff receive safety notifications.</li> <li>• Court Security Officers augmented screening procedures and processes to ensure a higher level of detection due to COVID-19 precautions.</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 the public.</li> <li>• Statewide threat and incident identification and mitigation has improved courthouse employee and visitor safety and likely deterred altercations among parties to a case.</li> <li>• Court staff continue to receive hostile intruder, threat recognition awareness, and personnel safety awareness training and corresponding safety measures.</li> <li>• All 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.GOV system, Judiciary employees are notified of emergencies and potential threats faster, which has enhanced situational awareness.</li> <li>• New security equipment has improved security staff’s ability to detect weapons and contraband.</li> <li>• COVID-19 safety and security operations have enhanced staff and visitor safety.</li> </ul>	

## Part Eight: Judicial Branch Education

### Judicial Officer Education

The Vermont Judiciary offers a comprehensive program of judicial education. The Division of Planning and Court Services works in collaboration with a Judicial Officer Education Committee and the Chief Superior Judge to improve the administration of justice through comprehensive education and training for judicial officers. This training is designed to enhance the quality of judicial decisions, execute legislative mandates, improve case management and the administration of justice, and promote the implementation of uniform policies throughout the courts.

The Judiciary is known nationally for the high quality of the programs that are offered and for the commitment of judges to participate as faculty, at both in-state and at out of state training events, such as those administered by the National Judicial College.

The Judiciary also manages an out-of-state education program whereby attendance at national programs is supported by grants and scholarships. Attendance at out-of-state programs in FY20 was lower than previous years as several programs were cancelled due to COVID-19. A small allocation of general funds supplements costs not covered by grants or scholarships.

Out-of-State Judicial Education	
<b>How Much Did We Do?</b> <ul style="list-style-type: none"><li>• 11 judicial officers attended 7 out of state educational programs.</li><li>• 2 newly-elected judicial officers attended the <i>"Enhancing Skills in Domestic Violence Workshop."</i> The course was hosted by the National Judicial Institute on Domestic Violence.</li></ul>	<b>How Well Did We Do?</b> <p>Issues addressed in these programs include:</p> <ul style="list-style-type: none"><li>• Juvenile justice</li><li>• Child welfare</li><li>• Domestic violence</li><li>• Computer forensics and digital evidence</li><li>• Drug addiction and substance abuse</li><li>• Evidence based sentencing</li><li>• Trial management</li><li>• Judicial ethics</li></ul>
<b>Is Anyone Better Off?</b> <p>The out of state programs to which judicial officers are sent leads to the improved administration of justice, which in turn leads to increased trust and confidence in the judicial branch. Specifically, the training leads to:</p> <ul style="list-style-type: none"><li>• Improved quality of judicial decisions;</li><li>• Improved skill in the management of cases involving self-represented litigants, allegations of child abuse and neglect, claims of domestic violence, cases involving juveniles and cases involving defendants with substance abuse or behavioral health needs;</li><li>• Improved skill in dealing with complex evidentiary issues, including those issues associated with the presence of digital evidence.</li></ul>	

In addition to sending judicial officers to out of state programs, the Judiciary holds several annual in-state programs.

In-State Judicial Education	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Superior Court Judges, Probate Judges and Assistant Judges were invited to attend a combined Criminal and Family Law Day</li> <li>• Superior Court Judges were invited to attend Juvenile Law Day</li> <li>• Assistant Judges were invited to attend a training focused on the Judicial Bureau</li> <li>• Due to COVID-19, the Judiciary’s annual week-long Judicial College was cancelled. Virtual sessions were held over a period of four months. All Judicial Officers were invited to attend these sessions</li> </ul>	<p><b>How Well Did We Do It?</b></p> <p>Topics addressed in these trainings include:</p> <ul style="list-style-type: none"> <li>• Juvenile law</li> <li>• Rotation into all dockets</li> <li>• WebEx/Odyssey</li> <li>• Judicial Stress</li> <li>• CHINs Case Management</li> <li>• Caseflow management</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p>These trainings lead to improved proficiency which 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 can result in a more timely resolution of cases.</p>	

### Employee Education

Through a system of regular training and in-services, the Trial Court Operations Division and the Human Resources Department cooperate to enhance the ability of court staff to best serve court users. These efforts promote the personal and professional development of managers, court staff, and administrative personnel. This is accomplished through on-boarding and orientation programs for new employees, ethics and professionalism training, effective customer relations training, and instruction on compliance with sexual harassment and provisions of the Americans with Disabilities Act. Additional programs focus on the implementation of new legislation, rules, and court policies, and the use of the Judiciary’s case management system. During the COVID-19 period, the Judiciary delivered all its training remotely.

Policy and Compliance Training	
<p><b>How Much Did We Do?</b></p> <p>Conducted high priority seminars for employee and managers, including:</p> <ul style="list-style-type: none"> <li>• Sexual harassment seminar</li> <li>• Cyber security awareness</li> <li>• Language access best practice</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Training formatted to promote compliance</li> <li>• Content designed to be easy to follow and promote retention</li> <li>• Content delivered remotely to avoid COVID-19 risks</li> </ul>

**Is Anyone Better Off?**

Combining online education with traditional delivery methods reduced travel, and in some cases overtime, costs and provided variety in course design and delivery.

Moving forward, the Judiciary will do the following:

- Continue assessing training needs and developing more content as appropriate; and train and support judges and court staff on the use of the new NG-CMS software.

## Part Nine: Boards, Committees, and Interagency Task Forces

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

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 have also been established to help the Supreme Court fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys. These are as follows:

### Judicial Ethics Committee

In 1995 the Supreme Court established the Judicial Ethics Committee. This committee of lawyers and judges researches and provides independent guidance to judges on questions related to judicial activities that may violate the Vermont Code of Judicial Conduct. The Judicial Ethics Committee helps ensure that judges act in accordance with the high standards of ethical behavior that are preserved in the Code of Judicial Conduct and which the public has a right to expect. The committee maintains and publishes compilations of its redacted opinions which are available to the courts, the Judicial Conduct Board, individual judges, and members of the public. The committee makes recommendations to the Supreme Court regarding amendments to the Code of Judicial Conduct.

### Bench/Bar Committees

Judges, lawyers, and court staff in many counties meet regularly to identify ways to work together to improve the courts. Through these routine, informal meetings, new approaches to scheduling practices, jury and caseload management, and litigant education are developed.

### Professional Responsibility Program

The Vermont Supreme Court has the constitutional authority to structure and administer the State's lawyer discipline program. Pursuant to that authority, the Court promulgated an administrative order relating to the establishment and operation of a Professional Responsibility Program (PRP). The Court has three objectives for the PRP: 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 has 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—three lawyers, three non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The program employs two full-time attorneys and one part-time attorney. Disciplinary Counsel investigate and prosecute violations of the Rules of Professional Conduct. Program lawyers also administer the dispute resolution program and respond to inquiries regarding ethics and the practice of law.

## Judicial Conduct Board

Judges must follow high ethical standards established by the Supreme Court in the Vermont 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.

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

Actions that the Board can recommend following an investigation includes, among other things, a finding that a judge has:

- Violated the Code of Judicial Conduct
- Violated the Rules of Professional Conduct
- Committed an offense of moral turpitude (fraud or breach of trust)
- Been convicted of a felony
- Consistently failed to perform judicial duties
- A physical or mental disability that permanently impairs judicial duties
- Committed sexual harassment

According to the Code of Judicial Conduct, the term "judge" "denotes anyone, whether or not a lawyer, who is an officer of the judicial system and who performs judicial functions...". This includes Supreme Court Justices, Superior Judges, Assistant Judges, and Probate Judges. The term also refers to anyone who acts as a judge, such as commissioners, magistrates, hearing officers, masters, referees, and acting judges.

The Judicial Conduct Board reviews complaints. If warranted, the Board will conduct its own investigation into the matter. The Board may hire a special counsel to investigate. Generally, the Board's records and proceedings are confidential. The Board may recommend that the Supreme Court act in certain cases.

Possible disciplinary actions include the public reprimand of the judge, suspension of a judge for a part or the remainder of the judge's term of office, or retirement of the judge. The Supreme Court does not impeach judges. Only the General Assembly has the power to impeach.

## 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. The Supreme Court appoints the chair, vice-chair and the nine other members of the Board of Bar Examiners. Nine of the members are Vermont lawyers and two are non-lawyers.

The Board administers a two-day examination to 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. The examination is given every year, in February and July.

Applicants for admission who have practiced law for at least five years in another state are not required to take the bar examination in order to be admitted to practice in Vermont. However, moral character and fitness are investigated for all candidates by the Character and Fitness Committee.

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

The Supreme Court appoints eight Associate Examiners. The Associate Examiners must have been Vermont attorneys for at least three years prior to their appointment. The chair of the Board of Bar Examiners assigns one associate examiner to assist each member of the Board in the grading of the essay part of the semi-annual bar examination.

### Mandatory Continuing Legal Education Board

The Mandatory Continuing Legal Education Board monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. 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: 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 committee.

For more information about these boards and committees please visit <https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees>.

## Part Ten: Judicial Administration

### Personnel Policies

The Human Resource Department of the Court Administrator's Office ("CAO") seeks to provide clear, consistent, rational, and fair policies relating to the rights and responsibilities of the employees of the Judicial Branch.

### Adoption, Modification, and Documentation of Procedures, Policies and Protocols; Creation, Maintenance and Distribution of Forms

CAO staff continuously review, identify, and finalize policies, procedures, and forms needed to achieve the goals and objectives of the Judiciary. Policies and forms are developed with significant input from stakeholders and are continuously reviewed for opportunities to make them as useful and clear as possible. Forms are maintained by CAO staff and distributed throughout the branch upon promulgation or revision.

### Creation, Maintenance and Distribution of Records

CAO staff, with the assistance of a Records Management Committee, provides direction and assistance to court staff by creating procedures and public access policies that address the creation, storage, retrieval, dissemination, and destruction of all judicial records. These policies are in compliance with state and federal record-keeping requirements and developed in collaboration with the Judiciary's oversight committees, the Vermont State Archives and Records Administration, and other stakeholders.

### Compilation of Management and Statistical Information

CAO staff compile monthly, quarterly, and annual statistical caseflow reports for all courts and conducts special studies such as:

- Caseload projections
- Public defender reimbursements
- Legislative initiative impact assessments (pre and post)
- Workload studies
- Caseflow studies

Staff also work with judges and managers to develop outcome measures for programs and projects and to develop information systems to measure and accomplish those outcomes.

### Maintenance and Control of Equipment

The CAO contracts with numerous vendors for the purchase and maintenance of electronic equipment such as court recording equipment, telephone systems, copiers, and scanners. Staff continually seek to improve those systems to provide greater functionality with higher reliability at lower cost. Office staff maintain an inventory of equipment required for insurance purposes.

Judiciary staff operate and support a server and networking infrastructure that has been implemented in the State of Vermont Private Cloud. This virtual infrastructure provides the Judiciary with a scalable and reliable technical foundation to support both current and future operations. We also manage and maintain a similar private cloud infrastructure that specifically supports our Next Generation Case Management System that is hosted and supported by Vermont-based vendors in a local data center facility.

## Audits of Financial Transactions and Recordkeeping

CAO staff process financial transactions for all programs and activities within the Judiciary. Staff monitor and reconcile the funds appropriated to finance the operations of the court system on a continuous basis. Routine audits ensure the integrity of financial information. Financial records are centrally maintained with comprehensive support documents to aid in identifying deficiencies that warrant adjustment and to provide historical information for planning and audit purposes.

## Payments of Bills and Expenses

CAO staff review, process, and help track expenditures throughout the Judiciary. CAO staff work with trial court staff to ensure bills for goods and services are paid timely and properly and charged to the appropriate budget. Financial reports are routinely provided to management as both a communication and a planning tool for tracking and allocating financial resources.

## Creation and Maintenance of Personnel Records

CAO staff maintain personnel records for all Judiciary employees. All recruitment of personnel and personnel actions are performed centrally, consistent with equal employment opportunity laws. Payroll and benefits are administered centrally and the records are held and later stored as public records. Classification and compensation plans are maintained to ensure uniform and consistent practice. All mandatory sexual harassment and Americans with Disabilities trainings are administered centrally. A comprehensive personnel policy was created and is maintained with recommendations to the Court Administrator.

## Facilities Management

The State Court Administrator and her designee(s) work closely with the Executive Branch, Department of Buildings and General Services (BGS) to meet the needs of the Judicial Branch. Court operations are located in 27 facilities, which are a mix of both state and county owned buildings. This makes standardization and efficiency a challenge. Aging facilities create particular challenges associated with court security.

The State Court Administrator and her designee(s) also work with BGS and Assistant Judges to address facility design, construction, renovation, and maintenance. The use of standard physical security systems is essential.

Among the general needs of the Judiciary are space, audio systems, automated recording systems for hearings, furniture, and equipment.

## Continuity of Operations

In the current environment of the international COVID-19 pandemic, the need for a robust Continuity of Operations Plan (COOP) within state government is essential. A well-developed COOP is crucial to providing uninterrupted services during a time of emergency. COVID-19 provides an example of how Vermont is not immune to an emergency or crisis situation. The Court Administrator's Office maintains a COOP to address emergencies through the use of an "all hazards" approach, the development of which has benefited from collaboration with the Vermont Department of Buildings and General Services and the Department of Public Safety, Division of Emergency Management.

## Part Eleven: Key Judiciary Initiatives

Judiciary staff work diligently every year to administer justice and to address the existing and emerging needs of court users and the expectations of the public. In addition to supporting core Judicial Branch activities, Judiciary staff will dedicate significant time and attention in FY2021 to the initiatives summarized below.

### Judiciary Next Generation Case Management System (NG-CMS)

In 2015, the Judiciary embarked on a multi-year initiative to select and implement a Next Generation Case Management System (NG-CMS). We completed our procurement process in June 2017 with the announcement of a contract with Tyler Technologies. Tyler, the largest public company in the world focused exclusively on state and local government, has implemented their Odyssey Court Case Management System in over a dozen statewide court systems and over 600 county or municipal courts. The phased rollout of the new system in the state's trial courts was as follows:

- Judicial Bureau: June 2019
- Windham, Windsor, and Orange units: March 2020
- Bennington, Rutland, Addison, Chittenden units and the Environmental Division: September 2020
- Grand Isle, Caledonia, Essex, Washington, Orange, Lamoille, and Franklin units; February 2021

Details about the rollout of the system to other counties is available at the [NG-CMS page](#) of the Judiciary's website.

The transition to Odyssey will drive the transformation of the Judiciary's case management process from a paper-driven to an electronic-focused model. This will improve access to justice, strengthening interagency communication, and enable more efficient court operations. Judiciary staff are developing strategies to leverage all of the new system's tools into the ability to improve operations.

### CHINS Reform Activities

#### *Regional Family Treatment Docket Pilot*

Last fiscal year, the State Court Administrator authorized the creation of a regional family treatment docket pilot program. This authorization was consistent with the recommendations of the Vermont Judicial Commission on Family Treatment Dockets, which were adopted by the Supreme Court.

Consistent with the recommendations of the Commission, the pilot docket in Chittenden County is being developed as a "parallel model," meaning that, while cases in the pilot will remain on the CHINS docket, they will be overseen for treatment-related compliance purposes by a regional Judicial Master. It is being modeled on the principles of the Family Treatment Best Practice Standards promulgated by the National

Association of Drug Court Professionals and the Center for Children and Family Futures. The pilot program will begin operation in the spring of 2021.

#### *System Evaluation*

The Judiciary has contracted with the National Center for State Courts (NCSC) to conduct a review of how CHINS cases are processed and adjudicated. The project, which was requested by the Legislature, has involved consideration of best practice models used in other jurisdictions and has included virtual court observations and focus groups from community members, service providers, guardians ad litem, and individuals involved in Family Division proceedings.

The final report, which is expected in the spring of 2021, will include, among other things, the identification of effective and promising court-based strategies and recommendations regarding innovations that may reduce the need for intervention by the Department of Children and Families.

#### *Judicial Master and Statewide Programs Manager*

The Judiciary has hired a Judicial Master to assist in the screening, identification, prioritization and overall case management of CHINS cases around the state, beginning in Chittenden and Franklin counties. The Judicial Master will also preside over select hearings and reviews involving parents involved in regional treatment docket programs, to include any hearings and reviews related to parent-child contact; preliminary hearings and status conferences; and screening cases for mediation or other restorative processes such as family group conferencing.

The Judiciary has also hired a statewide Family Treatment Programs Manager to assist in the development and administration of family behavioral health programs within the Judiciary. This person has been involved in the planning for and administration of regional family treatment docket and is working with representatives in Windham County in support of officials' plans there to submit an application to the Supreme Court to start a docket.

## Access to Justice

#### *Judiciary Access and Resource Center*

The Judiciary is converting space in the Costello Courthouse in Burlington into a Judiciary Access and Resource Center (ARC). The ARC will be a service center for those representing themselves; for those with limited English proficiency; for those in need of information about their case, about the judicial process, or about accessing Judiciary forms and services; and for those who are in need of referral to services, including legal services, language access services, and possibly to other advocacy or social services. The ARC will be physically located on the first floor of the Costello Courthouse in Burlington, though we anticipate that there will be a range of services available through the ARC to people around the state using a variety of remote technology tools and strategies.

Desired features of the Access and Resource Center include the following:

- A walk-up window suitable for convenient and semi-private exchanges between staff and individuals needing assistance, with enough counter space to accommodate more than one person at a time; space at open workstations for more detailed conversation between visitors and staff;
- Adequate and comfortable seating for those waiting to be assisted, with safe and convenient space for youth/children to wait and play;
- Space to make available an array of brochures and informational packets regarding court procedures and resources and services provided by stakeholders (e.g., organizations assisting people needing domestic violence services; organizations serving New Americans; legal services organizations such as Vermont Legal Aid and Legal Services Vermont; and family and youth serving organizations);
- Space for small group training, perhaps doubling as general meeting space for small groups;
- Conference space to be used for informational seminars or public clinics, with the ability to project videos, PowerPoint presentations, and with the ability to record and transmit presentations live to other locations;
- Space from which to deliver video remote interpreting;
- Office space for individuals needing to meet with a volunteer pro-bono or “low bono” lawyer to do so; and
- Space in which to install public access terminals.

Judiciary staff have been working with consultants from the National Center for State Courts (NCSC) on development of the ARC.

#### *Language Access Program Enhancements*

The Judiciary is committed to the ongoing improvement of its Language Access Program. Judiciary staff continue to work with the representatives from the U.S. Department of Justice pursuant to a technical assistance agreement on the identification and implementation of strategies to ensure that persons with limited English proficiency receive the language access services they need. Activities for the year ahead will include, but not be limited to, the following:

- Supporting an External Advisory Committee (EAC) comprised of a cross-section of people with insight into the language access needs of Vermonters. The purpose of the EAC is to provide information to the Court Administrator’s Office about language barriers faced by court-involved individuals with limited English proficiency and to provide input to the Court Administrator’s Office on strategies for remediating language barriers across the Judiciary;
- Assessing the utility of the use of video remote interpreting and developing the capacity to conduct video remote interpreting, as needed and appropriate;
- Updating the Judiciary Language Access Plan and Court Interpreter Manual;
- Addressing interpreter training and qualification issues; and
- Translating key forms into languages other than English