

1 S.263

2 Introduced by Senators Sears and Kitchel

3 Referred to Committee on Judiciary

4 Date: January 7, 2014

5 Subject: Judiciary ; composition of Superior Court; child support contempt  
6 proceedings

7 Statement of purpose of bill as introduced: This bill proposes to permit an  
8 assistant judge to sit in a child support contempt proceeding presided over by a  
9 magistrate.

10 An act relating to the authority of assistant judges in child support contempt  
11 proceedings

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 4 V.S.A. § 36 is amended to read:

14 § 36. COMPOSITION OF THE COURT

15 (a) Unless otherwise specified by law, when in session, a ~~superior court~~  
16 Superior Court shall consist of:

17 (1) For cases in the ~~civil~~ Civil or ~~family division~~ Family Division, one  
18 presiding ~~superior~~ Superior judge and two assistant judges, if available.

1           (2)(A) For cases in the ~~family division~~ Family Division, except as  
2 provided in subdivision (B) of this subdivision (2), one presiding ~~superior~~  
3 ~~judge~~ judicial officer and two assistant judges, if available.

4           (B) The ~~family court~~ Family Division shall consist of one presiding  
5 ~~superior judge~~ judicial officer sitting alone in the following proceedings:

6           (i) ~~All~~ all juvenile proceedings filed pursuant to 33 V.S.A.  
7 chapters 51, 52, and 53 ~~of Title 33~~, including proceedings involving “youthful  
8 offenders” pursuant to 33 V.S.A. § 5281, whether the matter originated in the  
9 ~~criminal or family division of the superior court~~ Criminal or Family Division  
10 of the Superior Court;

11           (ii) ~~All~~ all guardianship services proceeding for persons  
12 proceedings filed pursuant to 18 V.S.A. chapter 215 ~~of Title 18;~~

13           (iii) ~~All~~ all mental health proceedings filed pursuant to 18 V.S.A.  
14 chapters 179, 181, and 185 ~~of Title 18;~~

15           (iv) ~~All~~ all involuntary sterilization proceedings filed pursuant to  
16 18 V.S.A. chapter 204 ~~of Title 18;~~

17           (v) ~~All~~ all care for persons with developmental disabilities  
18 proceedings filed pursuant to 18 V.S.A. chapter 206 ~~of Title 18;~~ and

19           (vi) ~~All~~ all proceedings specifically within the jurisdiction of the  
20 office of magistrate except child support contempt proceedings held pursuant  
21 to a magistrate’s jurisdiction under subdivision 461(a)(1) of this title;

