

1 H.470

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Judiciary; restructuring

6 Statement of purpose: This bill proposes a number of measures to restructure
7 the Vermont courts in response to the recommendations of the commission on
8 judicial operation. The general assembly created the commission and asked it
9 to recommend steps to reduce the judiciary's budget and enhance the efficient
10 and effective delivery of judicial services, addressing such issues as
11 consolidation of staff, regionalization of court administrative functions, use of
12 technology to reduce unnecessary expenditures, improvement of resource
13 flexibility, and reallocation of jurisdiction between courts.

14 The bill proposes the following measures:

15 (1) To consolidate judicial functions by eliminating the probate, family,
16 and district courts and establishing a unified court system under the
17 administrative control of the supreme court. The unified system would consist
18 of an appellate division, the supreme court, and a trial division, the superior
19 court. The superior court would have four divisions: civil, criminal, family,
20 and probate, which would have the same subject matter jurisdiction currently
21 had by the superior, district, family, and probate courts.

(2) Through elimination of the probate court, to eliminate appeals of probate cases to superior court. Instead, a probate case would be appealed directly to the supreme court from the probate division of the superior court.

(3) To reduce the number of probate districts and probate judges from 14 to five, with districts no longer drawn along county lines. Instead, the state would be divided into five regional probate districts: the northern district (containing Caledonia, Essex, Franklin, Grand Isle, and Orleans Counties); the central district (containing Lamoille, Orange, and Washington Counties); the Chittenden district (containing Chittenden County); the southeastern district (containing Windham and Windsor Counties); and the southwestern district (containing Addison, Bennington, and Rutland Counties).

(4) That probate judges be required to be attorneys.

(5) To eliminate the judicial functions of assistant judges.

An act relating to restructuring of the judiciary

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

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

§ 1. ~~SUPREME COURT~~ UNIFIED COURT SYSTEM ESTABLISHED

~~There shall be a supreme court for the state, which shall be held at the times and places appointed by law. The judiciary shall be a unified court system~~
under the administrative control of the supreme court. It shall consist of an

1 appellate division, which shall be the supreme court, and a trial division, which
2 shall consist of a trial court of general jurisdiction to be known as the superior
3 court. It may also include such other adjudicatory and administrative bodies
4 and staff established by law or by rules of the supreme court consistent with
5 law.

6 Sec. 2. 4 V.S.A. § 2 is amended to read:

7 § 2. SUPREME COURT ESTABLISHED; JURISDICTION

8 (a) The supreme court shall have exclusive jurisdiction of appeals from
9 judgments, rulings and orders of the superior court, the ~~district~~ environmental
10 court and all other courts, administrative agencies, boards, commissions and
11 officers unless otherwise provided by law.

12 * * *

13 Sec. 3. 4 V.S.A. § 21a is amended to read:

14 § 21a. DUTIES OF THE ADMINISTRATIVE JUDGE

15 (a) The administrative judge shall assign and specially assign superior ~~and~~
16 ~~district~~ judges, including himself or herself, and environmental judges to the
17 superior, and environmental, ~~district, and family~~ courts. If the administrative
18 judge determines that additional judicial time is needed to address cases filed
19 in environmental court, the judge may assign or specially assign up to four
20 judges on a part-time basis to the environmental court. When assigning or
21 specially assigning judges to the environmental court, the administrative judge

1 shall give consideration to experience and expertise in environmental and
2 zoning law, and shall assign or specially assign judges in a manner to provide
3 appropriate attention to all geographic areas of the state. All judges shall be
4 subject to the requirements of rotation as ordered by the supreme court.

5 Assignments made pursuant to the rotation schedule shall be subject to the
6 approval of the supreme court.

7 (b) In making any assignment under this section, the administrative judge
8 shall give consideration to the experience, temperament, and training of a
9 judge and the needs of the court. In making an assignment to the
10 environmental court, the administrative judge shall give consideration to
11 experience and expertise in environmental and land use law.

12 (c) In making any assignments to the environmental court under this
13 section, the administrative judge shall regularly assign ~~both environmental~~
14 ~~judges through August 2008 and a minimum of two judges thereafter~~, at least
15 one of whom shall be an environmental judge. An environmental judge may
16 be assigned to ~~another~~ superior court ~~only with the judge's consent and~~ for a
17 period of time not exceeding two years. When assigned to superior court, the
18 environmental judge shall have all the powers and responsibilities of a superior
19 judge.

1 Sec. 4. 4 V.S.A. § 22(a) and (b) are amended to read:

2 (a) The chief justice may appoint and assign a retired justice or judge with
3 his or her consent or a superior judge ~~or district judge~~ to a special assignment
4 on the supreme court. The chief justice may appoint and the administrative
5 judge shall assign an active or retired justice or a retired judge, with his or her
6 consent, to any special assignment in the ~~district, family,~~ environmental or
7 superior ~~courts~~ court or the judicial bureau. The administrative judge shall
8 assign a judge to any special assignment in the ~~district, family,~~ environmental
9 or superior court. ~~Preference shall be given to superior judges to sit in superior~~
10 ~~courts. Preference shall be given to district judges to sit in district courts.~~

11 (b) The administrative judge may appoint and assign a member of the
12 Vermont bar residing within the state of Vermont to serve temporarily as:

- 13 (1) an acting judge in a ~~district, family, environmental, or~~ superior court;
14 (2) an acting magistrate; or
15 (3) an acting hearing officer to hear cases in the judicial bureau.

16 Sec. 5. 4 V.S.A. § 25(c) is amended to read:

17 (c) The supreme court may allow supreme court justices, superior court
18 judges, ~~district court judges,~~ environmental court judges, magistrates, hearing
19 officers, probate ~~court~~ judges, superior court clerks, or any state compensated
20 employees of the judicial branch not covered by a collective bargaining
21 agreement to take an administrative leave of absence without pay or with pay if

1 the person is called to active duty in support of an extended national or state
2 military operation. These judicial officers and state employees shall be entitled
3 to be compensated in the same manner as judicial branch employees covered
4 by a collective bargaining agreement called to active duty. The court
5 administrator, at the direction of the supreme court, shall include provisions in
6 the personnel rules of the judiciary to administer these leaves of absence.

7 Sec. 6. 4 V.S.A. § 26 is amended to read:

8 § 26. HALF-TIME JUDGES

9 Of the superior ~~and district~~ judge positions authorized by this title, up to
10 two may be shared, each by two half-time judges. Of the magistrate positions
11 authorized by this title, one may be shared by two half-time magistrates. Of
12 the hearing officer positions authorized by this title, one may be shared by two
13 half-time hearing officers. Half-time superior ~~and district~~ judges, magistrates,
14 and hearing officers shall be paid proportionally and shall receive the same
15 benefits as state employees who share a job. Half-time judges, magistrates and
16 hearing officers shall not engage in the active practice of law for remuneration.

17 Sec. 7. 4 V.S.A. § 30 is added to read:

18 § 30. SUPERIOR COURT

19 (a)(1) A superior court having statewide jurisdiction is created. It shall
20 have all the subject matter jurisdiction of the superior, district, family, and

1 probate courts as they formerly existed. The superior court shall have three
2 divisions:

3 (A) civil;

4 (B) criminal; and

5 (C) family.

6 (2) The division designations of subdivision (1) of this subsection are
7 not jurisdictional, but are specified for the provision of judicial services to
8 litigants and for the organization of the work of the superior court.

9 (b) The supreme court shall by rule divide the superior court into
10 geographical units, which shall follow county lines. The superior court shall
11 be held in each unit of the state. The presiding judge in each unit shall assign
12 cases to divisions pursuant to rules of the supreme court. The court
13 administrator shall provide an appropriate court officer and security services
14 for each court in the state when it is open to the public. Terms of the superior
15 court shall be stated by administrative orders of the supreme court.

16 Sec. 7a. 4 V.S.A. § 30 is amended to read:

17 § 30. SUPERIOR COURT

18 (a)(1) A superior court having statewide jurisdiction is created. It shall
19 have all the subject matter jurisdiction of the superior, district, family, and
20 probate courts as they formerly existed. The superior court shall have ~~three~~
21 four divisions:

- 1 (A) civil;
2 (B) criminal; ~~and~~
3 (C) family; and
4 (D) probate.

5 * * *

6 Sec. 8. 4 V.S.A. § 31 is added to read:

7 § 31. COMPOSITION OF THE COURT

8 Unless otherwise specified by law, the superior court is composed of one
9 superior judge sitting alone.

10 Sec. 9. 4 V.S.A. § 32 is added to read:

11 § 32. VENUE

12 The venue for all actions filed in the superior court, whether heard in the
13 civil, criminal, family, or probate division, shall be determined by rule of the
14 Vermont supreme court. The rule shall specify the venue for any case pending
15 on the effective date of this section.

16 Sec. 10. 4 V.S.A. § 71(a) and (e) are amended and (f) is added to read:

17 (a) There shall be ~~45~~ 32 superior judges, whose terms of office shall,
18 except in the case of an appointment to fill a vacancy or unexpired term, begin
19 on April 1 in the year of their appointment or retention, and continue for six
20 years.

1 (e) The supreme court shall designate one of the superior ~~or district~~ judges
2 to serve as administrative judge. The administrative judge shall serve at the
3 pleasure of the supreme court.

4 (f) The judicial office of district judge is abolished.

5 Sec. 11. 4 V.S.A. § 73 is amended to read:

6 § 73. ASSIGNMENT

7 (a) ~~The supreme court may establish no more than three geographic~~
8 ~~divisions for the assignment of superior judges.~~ In accordance with the
9 direction of the supreme court, the administrative judge shall assign the
10 superior judges among the geographic units and divisions ~~and shall establish a~~
11 ~~rotation schedule, both within and outside the division to which the judges are~~
12 ~~regularly assigned. The rotation schedule shall be on file in the office of the~~
13 ~~clerk of each superior court, and copies shall be furnished upon request of the~~
14 superior court. The administrative judge shall assign a presiding judge to each
15 unit and may assign a judge to preside in more than one unit. ~~Only in~~ In a case
16 where a superior judge is disqualified or unable to attend any term of court or
17 part thereof to which he or she has been assigned ~~may~~, the administrative judge
18 may assign another superior judge to act as ~~presiding~~ judge at that term or part
19 thereof ~~and only~~ for that period during which the assigned judge is disqualified
20 or unable to attend. If during a term of the superior court the court in a unit is
21 unable to complete all or part of the work before it in a reasonable time, the

1 administrative judge, with the approval of the supreme court, may modify
2 judge assignments to reduce delays in that unit.

3 (b) Pursuant to section 21a of this title, the administrative judge shall
4 ~~specially~~ assign superior judges to hear and determine family court matters.
5 The administrative judge shall insure that such hearings are held promptly.
6 Any contested divorce case which has been pending for more than one year
7 shall be advanced for prompt hearing upon the request of any party.

8 (c) ~~Notwithstanding subsection (b) of this section, the administrative judge~~
9 ~~may, pursuant to section 21a of this title, specially assign a district court judge~~
10 ~~to family court to hear matters specified in subsection (b).~~ As necessary to
11 ensure the efficient operation of the superior court, the presiding judge of the
12 unit may specially assign a superior judge assigned to a division in the unit,
13 including the presiding judge, to preside over one or more cases in a different
14 division. As the administrative judge determines necessary for the operation of
15 the superior court throughout the state, and with the approval of the supreme
16 court, the administrative judge may additionally assign for a specified period
17 of time a superior judge to preside over a particular type of case, or over a
18 particular type of motion or other judicial proceeding, in all or part of the units
19 in the state.

1 Sec. 12. 4 V.S.A. § 75 is amended to read:

2 § 75. POWERS OF JUSTICE, OR SUPERIOR JUDGE ~~OR DISTRICT~~
3 ~~JUDGE~~ AFTER EXPIRATION OF TERM OR VACATION OF
4 OFFICE

5 Whenever the term of office of a justice, superior judge ~~or district judge,~~
6 environmental judge, magistrate, or hearing officer expires or he or she
7 otherwise vacates the office, ~~he~~ the justice, judge, magistrate, or hearing officer
8 shall have the same authority to conclude causes he or she has partly or fully
9 heard ~~before him~~ that he or she would have had if ~~he had remained~~ remaining
10 in that office. ~~He~~ The justice, judge, magistrate, or hearing officer may make
11 and sign findings and orders for judgments or decrees in causes pending before
12 him ~~and or her,~~ may make interlocutory orders and decrees. ~~He,~~ and shall be
13 paid compensation commensurate with that paid specially assigned judicial
14 officers as provided by section 23 of this title.

15 Sec. 13. 4 V.S.A. § 111 is amended to read:

16 § 111. SUPERIOR COURT SESSIONS

17 (a) A superior court shall be held in each ~~county at the times and places~~
18 ~~appointed by law~~ unit.

19 (b) When the business of a superior court cannot otherwise be disposed of
20 with reasonable dispatch, by direction of the administrative judge there may be
21 held additional sessions of that superior court simultaneously with the regular

1 session consisting of a presiding judge and one or more assistant judges, if
2 available.

3 (c) A superior court may be temporarily recessed or adjourned from the
4 place designated for holding a regular term or session to another place in the
5 county having adequate facilities, when the regular facilities at the county
6 designated courthouse are not adequate.

7 ~~(d) A superior court may be temporarily recessed or adjourned from the~~
8 ~~place designated for holding a regular term or session to another place outside~~
9 ~~the county having adequate facilities, when the regular facilities at the county~~
10 ~~courthouse are not adequate and when the court and all litigants in the case~~
11 ~~agree to said transfer.~~

12 ~~(e) The administrative judge may assign assistant judges, with their~~
13 ~~consent, to a special assignment in a court where they have jurisdiction in~~
14 ~~another county when assistant judges of that county are unavailable or the~~
15 ~~business of the courts so require.~~

16 Sec. 14. 4 V.S.A. § 112 is amended to read:

17 § 112. ~~COMPOSITION OF COURT~~ CASES INVOLVING BOTH LEGAL
18 AND EQUITABLE CLAIMS

19 ~~(a) The superior court shall consist of one presiding judge and two assistant~~
20 ~~judges, if available.~~

1 ~~(b) Questions of law and fact. In all proceedings, questions of law shall be~~
2 ~~decided by the presiding judge. In cases not tried before a jury, questions of~~
3 ~~fact shall be decided by the court. Mixed questions of law and fact shall be~~
4 ~~deemed to be questions of law. The presiding judge alone shall decide which~~
5 ~~are questions of law, questions of fact, and mixed questions of law and fact.~~
6 ~~Written or oral stipulations of fact submitted by the parties shall establish the~~
7 ~~facts related therein, except that the presiding judge, in his discretion, may~~
8 ~~order a hearing on any such stipulated fact. Neither the decision of the~~
9 ~~presiding judge under this subsection nor participation by an assistant judge in~~
10 ~~a ruling of law shall be grounds for reversal unless a party makes a timely~~
11 ~~objection and raises the issue on appeal.~~

12 ~~(c) Availability of assistant judges. If two assistant judges are not available,~~
13 ~~the court shall consist of one presiding judge and one assistant judge. In the~~
14 ~~event that court is being held by the presiding judge and one assistant judge,~~
15 ~~and they do not agree on a decision, a mistrial shall be declared. If neither~~
16 ~~assistant judge is available, the court shall consist of the presiding judge alone,~~
17 ~~and the unavailability of an assistant judge shall not constitute reversible error.~~

18 ~~(d) Method of determining availability. Before commencing a hearing in~~
19 ~~any matter in which the court by law may consist of the presiding judge and~~
20 ~~assistant judges, the assistant judges physically present in the courthouse shall~~
21 ~~determine whether they are available for the case. If two or more cases are~~

1 ~~being heard at one time, and assistant judges may by law participate in either,~~
2 ~~each assistant judge may determine in which case he will participate.~~

3 ~~(e) Duty to complete hearing or trial. After an assistant judge has decided~~
4 ~~to participate in a hearing or trial, he shall not withdraw therefrom except for~~
5 ~~cause. However, if he is not available for a scheduled hearing or trial or~~
6 ~~becomes unavailable during trial, the matter may continue without his~~
7 ~~participation, and he may not return to participate.~~

8 ~~(f) Emergency relief. A presiding judge may hear a petition for emergency~~
9 ~~relief when the court is not sitting, and may issue temporary orders as~~
10 ~~necessary.~~

11 ~~(g) Jury trial.~~ In order to preserve the right to trial by jury, when the claims
12 of one party sound in equity and the claims of the opposing party sound in law,
13 the latter party may demand that the claims be tried separately. Where a party
14 has a right to trial by jury, that party does not waive the right by also seeking
15 temporary or preliminary injunctive relief in the same action.

16 Sec. 15. 4 V.S.A. § 115 is amended to read:

17 § 115. STATED TERMS OF SUPERIOR COURT

18 ~~Terms of the superior court shall be stated by the administrative orders of~~
19 ~~the supreme court.~~ The superior court shall operate continuously irrespective
20 of the term in which events occur. The terms are designated for purposes of
21 determining the rotation schedule of superior judges and the responsibility of a

1 superior judge once a term has expired. When at the expiration of a term a
2 superior judge is no longer assigned to a specified unit, the judge shall
3 complete any matters that have been heard or taken under advisement for that
4 unit. The administrative judge, pursuant to rules of the supreme court, may
5 specially assign a superior judge to continue to preside over one or more cases
6 even though the judge is no longer assigned to the unit of origin of the case or
7 cases. In the absence of such a direction or of an assignment made pursuant to
8 subsection 73(c) of this title, a judge who at the end of a term is no longer
9 assigned to a unit shall have no further responsibility for cases in that unit.

10 Sec. 16. 4 V.S.A. § 219 is amended to read:

11 § 219. POWERS OF CHANCELLOR

12 The powers and jurisdiction of the courts that were heretofore vested in the
13 courts of chancery are vested in the superior court. ~~District Superior,~~
14 environmental, and probate judges have the powers of a chancellor in passing
15 upon all civil matters which may come before them.

16 Sec. 17. 4 V.S.A. § 272 is added to read:

17 § 272. PROBATE DISTRICTS; PROBATE JUDGES

18 (a) For the purpose of the election of probate judges, the state is divided
19 into five probate districts: the northern district, the central district, the
20 Chittenden district, the southeastern district, and the southwestern district. The
21 northern district shall contain the counties of Caledonia, Essex, Franklin,

1 Grand Isle, and Orleans. The central district shall contain the counties of
2 Lamoille, Orange, and Washington. The Chittenden district shall contain the
3 county of Chittenden. The southeastern district shall contain the counties of
4 Windham and Windsor. The southwestern district shall contain the counties of
5 Addison, Bennington, and Rutland.

6 (b) Each of the probate judges elected to districts as provided in subsection
7 (a) of this section and each superior judge shall have the power of the probate
8 judges as they existed on July 1, 2010. Of the cases formerly heard by probate
9 judges, the presiding judge of each unit shall determine which categories of
10 cases or events shall continue to be heard by a probate judge or alternatively
11 shall be heard by a superior judge.

12 (c) Each probate judge shall work full time and shall be admitted by the
13 supreme court to practice law before being elected to the position.

14 (d) The administrative judge may specially assign a probate judge to hear a
15 case in a geographical district other than the district for which the probate
16 judge was elected.

17 Sec. 18. 4 V.S.A. § 311 is amended to read:

18 § 311. ~~JURISDICTION GENERALLY~~ PROBATE COURT ELIMINATED

19 ~~The probate court shall have jurisdiction of the probate of wills, the~~
20 ~~settlement of estates, the administration of trusts created by will pursuant to~~
21 ~~Title 14A, trusts of absent person's estates, charitable, cemetery and~~

1 ~~philanthropic trusts, irrevocable trusts created by inter vivos agreements solely~~
2 ~~for the purpose of removal and replacement of trustees pursuant to subsection~~
3 ~~2314(c) of Title 14, the appointment of guardians, and of the powers, duties~~
4 ~~and rights of guardians and wards, proceedings concerning chapter 231 of Title~~
5 ~~18, accountings of attorneys in fact where no guardian has been appointed and~~
6 ~~the agent has reason to believe the principal is incompetent, relinquishment for~~
7 ~~adoption, adoptions, uniform gifts to minors, changes of name, issuance of new~~
8 ~~birth certificates, amendment of birth certificates, correction or amendment of~~
9 ~~civil marriage certificates, correction or amendment of death certificates,~~
10 ~~emergency waiver of premarital medical certificates, proceedings relating to~~
11 ~~cemetery lots, trusts relating to community mausoleums or columbariums, civil~~
12 ~~actions brought under subchapter 3 of chapter 107 of Title 18 relating to~~
13 ~~disposition of remains, proceedings relating to the conveyance of a homestead~~
14 ~~interest of a spouse under a legal disability, the issuance of declaratory~~
15 ~~judgments, issuance of certificates of public good authorizing the civil~~
16 ~~marriage of persons under 16 years of age, appointment of administrators to~~
17 ~~discharge mortgages held by deceased mortgagees, appointment of trustees for~~
18 ~~persons confined under sentences of imprisonment, fixation of compensation~~
19 ~~and expenses of boards of arbitrators of death taxes of Vermont domiciliaries,~~
20 ~~and as otherwise provided by law. The probate court is eliminated and all~~
21 ~~cases, files and staff are transferred to the superior court.~~

1 Sec. 19. 4 V.S.A. § 354 is amended to read:

2 § 354. DISQUALIFICATION OF JUDGE OR REGISTER; PENALTY

3 A probate judge or register shall not act as guardian, executor,
4 administrator, trustee, or in any other fiduciary capacity or as attorney in any
5 ~~probate~~ matter pending in any court in the state while holding either office. A
6 judge or register who violates a provision of this section shall be imprisoned
7 not more than six months; or fined not more than \$500.00, or both.

8 Sec. 20. 4 V.S.A. § 355 is amended to read:

9 § 355. DISQUALIFICATION OR DISABILITY OF JUDGE

10 When a probate judge is incapacitated for the duties of ~~his~~ office by
11 absence, removal from the district, resignation, sickness, death, or otherwise or
12 if ~~he, his wife~~ the judge or the judge's spouse or child is heir or legatee under a
13 will filed in ~~his~~ the judge's district, or if ~~he~~ the judge is executor or
14 administrator of the estate of a deceased person in his or her district, or is
15 interested as a creditor or otherwise in a question to be decided by the court, he
16 or she shall not act as judge. ~~His~~ The judge's duties shall be performed by ~~the~~
17 ~~register, if not disqualified, or a judge of another district or an assistant judge~~
18 ~~of the superior court of the county in which such district is situated. The~~
19 ~~register or judge shall have jurisdiction to act while such disqualification,~~
20 ~~incapacity or vacancy exists~~ a superior judge as assigned by the presiding
21 judge of the unit.

1 Sec. 21. 4 V.S.A. § 356 is amended to read:

2 § 356. AUTHORITY OF JUDGE AFTER END OF TERM

3 (a) A probate judge whose term of office has expired, or who has vacated
4 such office, shall have authority to act in the capacity of probate judge to
5 conclude causes and proceedings partly or fully heard before ~~him~~ the judge as
6 probate judge as fully and effectively as he or she could had he or she
7 remained in such office. He or she may make, sign, and enter findings,
8 decisions, orders, and decrees in causes or proceedings so pending before him
9 or her as probate judge, and all such acts so performed by ~~him~~ the judge shall
10 have as full force and effect as they would have had if he or she had remained
11 in office.

12 (b) The jurisdiction conferred by subsection (a) of this section shall not be
13 exercised ~~unless the successor to the retiring judge shall file and cause to be~~
14 ~~recorded in such cause or proceeding within 30 days from the time of assuming~~
15 ~~office a certificate stating that such cause or proceeding was partly or fully~~
16 ~~heard before such retiring judge and that jurisdiction thereof shall be retained~~
17 ~~by such retiring judge~~ if the presiding judge of the unit determines that the
18 successor to the presiding judge will assume jurisdiction for all or part of the
19 cases.

20 (c) A probate judge who exercises the jurisdiction conferred by
21 subsection (a) of this section shall receive compensation at a rate fixed by the

1 ~~successor judge, and the compensation and necessary expenses allowed by the~~
2 ~~successor judge shall be paid by the state~~ court administrator.

3 Sec. 22. 4 V.S.A. § 357 is amended to read:

4 § 357. REGISTERS OF PROBATE; APPOINTMENT AND REMOVAL;
5 COMPENSATION; CLERKS

6 (a) ~~The probate judge shall appoint and remove registers of probate and~~
7 ~~clerical assistants for the probate courts, who shall be paid by the state and~~
8 ~~shall be state employees and shall be entitled to all fringe benefits and~~
9 ~~compensation accorded classified state employees who are similarly situated,~~
10 ~~as determined by the court administrator subject to any applicable statutory~~
11 ~~limits, unless otherwise covered by the provisions of a collective bargaining~~
12 ~~agreement setting forth the terms and conditions of employment, negotiated~~
13 ~~pursuant to chapter 28 of Title 3~~ clerk of the superior court in each unit shall be
14 the register of probate and, subject to the approval of the court administrator,
15 may designate one or more staff persons as additional registers.

16 (b) ~~Subject to the approval of the court administrator, more than one register~~
17 ~~of probate may be appointed in any probate district as the business of the court~~
18 ~~requires.~~

1 Sec. 23. 4 V.S.A. § 362 is amended to read:

2 § 362. OATHS

3 A probate judge or register may administer oaths necessary in the
4 transaction of the judge or register's business ~~before the probate court and~~
5 ~~oaths required to be administered to persons executing trusts under the~~
6 ~~appointment of such court.~~

7 Sec. 24. 4 V.S.A. § 364 is amended to read:

8 § 364. COMMITMENT TO ENFORCE ORDERS

9 If a person does not comply with an order, sentence, or decree of the
10 superior court in a proceeding formerly within the jurisdiction of the probate
11 court, the court may issue a warrant committing the person to the custody of
12 the commissioner of corrections until compliance is given.

13 Sec. 25. 4 V.S.A. § 369 is amended to read:

14 § 369. NONRESIDENT'S ESTATE; NOTICE TO COMMISSIONER OF
15 TAXES; INFORMATION TO BANKS

16 (a) When an executor or administrator is appointed to administer within
17 this state an estate of a deceased person who resided in another state or country
18 at the time of his or her death, the judge ~~of probate~~ so appointing shall notify in
19 writing forthwith the commissioner of taxes of such appointment giving the
20 name and residence of such deceased person at the time of his or her death, the

1 name and residence of the executor or administrator, the date of his or her
2 appointment and identifying the ~~probate~~ court making such appointment.

3 (b) The commissioner shall keep a full record in each case and upon
4 inquiry made of him or her by any savings bank or savings institution in the
5 state shall at once notify such bank or institution whether, as shown by his or
6 her record, an executor or administrator has been appointed by any ~~probate~~
7 court in the state to administer the estate of the deceased person named in such
8 inquiry. If there has been such an appointment, the commissioner shall furnish
9 the above information to such bank or institution forthwith.

10 Sec. 26. 4 V.S.A. § 436 is amended to read:

11 § 436. DISTRICT COURT ~~CREATED~~ ELIMINATED

12 ~~One district court having statewide jurisdiction is created. For~~
13 ~~administrative purposes, the supreme court from time to time may organize the~~
14 ~~district court in territorial units, designating the towns within the units and may~~
15 ~~organize the territorial units into two or more circuits. It shall designate the~~
16 ~~location of the principal office in each unit. The district court may hold its~~
17 ~~sessions in any town designated by the supreme court where adequate facilities~~
18 ~~exist for disposing of court business. It shall hold sessions in each county as~~
19 ~~often as the court administrator finds the caseload of the county requires. The~~
20 district court is eliminated and all cases, files, and staff are transferred to the
21 superior court.

1 Sec. 27. 4 V.S.A. § 436a is amended to read:

2 § 436a. —SPECIAL CIRCUIT AT WATERBURY

3 There is hereby established a special unit of the ~~district~~ family division of
4 the superior court to hold sessions in the town of Waterbury for the sole
5 purpose of exercising jurisdiction over applications for treatment of mentally
6 ill individuals under Title 18. That unit shall have exclusive jurisdiction of any
7 application for involuntary hospitalization arising under the provisions of 18
8 V.S.A. §§ 7801, 7803, and 8001 where the proposed patient is confined to the
9 Vermont State Hospital at Waterbury. The special unit shall not exercise any
10 other civil or criminal jurisdiction otherwise exercised by the ~~district court~~
11 ~~created under section 436 of this title~~ superior court. A ~~district~~ superior judge
12 shall be assigned by the administrative judge to the special unit, who need not
13 be a resident of the town of Waterbury or of the territorial unit in which the
14 town of Waterbury is otherwise located. ~~The district judge assigned to the~~
15 ~~special unit may be assigned by the administrative judge to serve temporarily~~
16 ~~in another unit where he may exercise the same jurisdiction as any district~~
17 ~~judge. If another district judge is assigned to the special unit temporarily, he~~
18 ~~shall exercise only the jurisdiction conferred on that unit.~~

1 Sec. 28. 4 V.S.A. § 451 is amended to read:

2 § 451. FAMILY COURT ELIMINATED

3 ~~(a) One family court having statewide jurisdiction is created. The supreme~~
4 ~~court shall make and promulgate rules governing practice, procedure and~~
5 ~~administration in the family court, subject to review by the judicial rules~~
6 ~~committee.~~

7 ~~(b) Employees of the family court shall be state employees who shall be~~
8 ~~appointed and removed pursuant to rule of the supreme court. Employees of~~
9 ~~family court shall be entitled to all fringe benefits and compensation accorded~~
10 ~~classified state employees who are similarly situated as determined by the~~
11 ~~court administrator, unless otherwise covered by a collective bargaining~~
12 ~~agreement that sets forth the terms and conditions of employment negotiated~~
13 ~~pursuant to chapter 28 of Title 3. Notwithstanding section 1181 of Title 32, the~~
14 ~~court administrator may increase the compensation of county clerks who are~~
15 ~~assigned additional duties and responsibilities in the family or district courts,~~
16 ~~consistent with the pay scale of district and superior court clerks.~~

17 The family court is eliminated, and all cases, files, and staff are transferred
18 to the superior court.

2 § 461. OFFICE OF MAGISTRATE; JURISDICTION; SELECTION; TERM

4 Except as provided in section 463 of this title, the office of magistrate shall
5 have nonexclusive jurisdiction ~~concurrent with the family court~~ to hear and
6 dispose of the following cases and proceedings:

9 (2) Cases arising under the Uniform Interstate Family Support Act.

(4) Cases arising under section 5533 of Title 33, when delegated by the family presiding judge of the superior court.

(6) Proceedings to modify or enforce temporary or final parent-child contact orders issued pursuant to this title.

18 ***

1 Sec. 30. 4 V.S.A. § 462 is amended to read:

2 § 462. FINDINGS; ORDERS; STIPULATIONS

3 (a) The magistrate shall make findings of fact, conclusions, and a decision
4 and shall issue an order. An order issued by a magistrate may be enforced by
5 the ~~family~~ superior court in the ~~county~~ unit in which the magistrate hearing
6 was held. ~~A motion for contempt of a magistrate's order shall be heard as~~
7 ~~expeditiously as possible by the family court judge upon motion of either party~~
8 ~~or upon motion of the family court judge or magistrate.~~

9 (b) A magistrate may issue an order based on a stipulation regarding any
10 preliminary matter necessary to issue a child support order.

11 (c) If the stipulation of the parties regarding child support includes matters
12 other than preliminary matters necessary to issue a child support order, the
13 stipulation may be accepted and approved by the magistrate in respect to those
14 preliminary matters and signed by the magistrate as an order of the ~~family~~
15 superior court.

16 (d) A magistrate shall issue an order for child support based upon the actual
17 physical living arrangements of the children during the prior three months if
18 the parties have not stipulated concerning parental rights and responsibilities.
19 If parental rights and responsibilities are contested, the ~~family~~ superior court
20 shall make an order allocating parental rights and responsibilities.

1 Sec. 31. 4 V.S.A. § 463 is amended to read:

2 § 463. JURISDICTION OF ~~FAMILY~~ SUPERIOR COURT OVER CHILD
3 SUPPORT

4 Upon motion of either party, upon motion of the magistrate or upon the
5 ~~family~~ court's own motion, a judge of the ~~family~~ superior court may hear and
6 determine the issue of child support, provided there is a prior existing support
7 order in effect or an interim or temporary order and the court finds one of the
8 following:

9 * * *

10 (4) Such good and substantial cause as the ~~family~~ court may find,
11 consistent with the principle that support cases shall be heard in a timely
12 manner.

13 Sec. 32. 4 V.S.A. § 601(a) is amended to read:

14 (a) A judicial nominating board is created for the nomination of supreme
15 court justices, and superior ~~and district~~ judges.

16 Sec. 33. 4 V.S.A. § 602 is amended to read:

17 § 602. —DUTIES

18 (a) Prior to submission of names of candidates for justices of the supreme
19 court, and superior judges ~~and district judges~~ to the governor or general
20 assembly as set forth in subsection (b) of this section, the board shall submit to
21 the court administrator of the supreme court a list of all candidates, and ~~he~~ the

1 administrator shall disclose to the board information solely about professional
2 disciplinary action taken or pending concerning any candidate. From the list of
3 candidates presented, the judicial nominating board shall select by majority
4 vote, provided that a quorum is present, qualified candidates as set forth in
5 subsection (b).

6 (b) Whenever a vacancy occurs in the office of a supreme court justice, or a
7 superior ~~or district~~ judge, or when an incumbent does not declare that he or she
8 will be a candidate to succeed himself or herself, the judicial nominating board
9 shall submit to the governor the names of as many persons as it deems
10 qualified to be appointed to the office. There shall be included in the
11 qualifications for appointment that the person shall be an attorney at law who
12 has been engaged in the practice of law or a judge in the state of Vermont for a
13 period of at least five out of the ten years preceding ~~his~~ appointment, and with
14 respect to a candidate for superior ~~or district~~ judge particular consideration
15 shall be given to the nature and extent of ~~his~~ the candidate's trial practice.

16 * * *

17 Sec. 34. 4 V.S.A. § 603 is amended to read:

18 § 603. JUDGES; APPOINTMENT

19 Whenever the governor appoints a supreme court justice or a superior ~~or~~
20 ~~district judge, he shall do so~~ the governor shall select from the list of names of
21 qualified persons submitted to ~~him~~ the governor by the judicial nominating

1 board. The names of candidates submitted and not selected shall remain
2 confidential.

3 Sec. 35. 4 V.S.A. § 605 is amended to read:

4 § 605. POLITICAL ACTIVITY BY JUDGES PROHIBITED

5 Superior ~~and district~~ judges shall not make any contribution to or hold any
6 office in a political party or organization or take part in any political campaign.

7 Sec. 36. 4 V.S.A. § 608(a), (b), and (g) are amended to read:

8 (a) Declarations submitted to the general assembly by a supreme court
9 justice under subsection 4(c) of this title, or by a superior court judge under
10 subsection 71(b) of this title ~~or by a district court judge under subsection~~
11 ~~604(a) of this title~~ shall be referred immediately to the joint committee on
12 judicial retention. The declarations shall be accompanied by a supporting
13 statement by the judge or justice seeking retention. In the case of a ~~district or~~
14 superior court judge, the declaration shall also be accompanied by information
15 on the next succeeding rotation schedule for the judge seeking retention.

16 (b) The joint committee responsible for the recommendation of retention
17 shall review the candidacies of those justices, and superior judges ~~and district~~
18 ~~judges~~ desiring to succeed themselves. In conducting its review the committee
19 shall evaluate judicial performance, including but not limited to such factors as
20 integrity, judicial temperament, impartiality, health, diligence, legal knowledge
21 and ability, and administrative and communicative skills.

1 (g) The votes on retention under subsections 4(c), and 71(b) ~~and 604(a)~~ of
2 this title shall be conducted in one joint assembly of the general assembly,
3 except that in the event that the joint committee reports to the general assembly
4 that it is not able to make its recommendation on a particular justice or judge
5 under subsection (b) of this section on or before the date set for such joint
6 assembly, the vote on such individual or individuals shall be deferred to a
7 subsequent joint assembly and separate ballots shall be used despite any other
8 statutory provisions relating to the votes on retention.

9 Sec. 37. 4 V.S.A. § 651 is amended to read:

10 § 651. ~~COUNTY CLERK AS CLERK~~ CLERKS OF COURTS

11 ~~Each county clerk shall be clerk of the superior court for the county.~~ The
12 court administrator shall act as clerk of the supreme court as provided in
13 section 8 of this title. The court administrator shall appoint a superior court
14 clerk for each unit. The court administrator may appoint the same person to be
15 clerk in more than one unit. With approval of the court administrator, the clerk
16 shall hire office staff. The clerk shall have the powers and responsibilities
17 formerly held by the clerk of the district court or the family court or the
18 register of the probate court and may delegate specific powers and
19 responsibilities to assigned staff. Unless so designated by the assistant judges
20 of a specific county, with the approval of the court administrator, a superior
21 court clerk shall not also serve as a county clerk.

1 Sec. 38. 4 V.S.A. § 652 is amended to read:

2 § 652. RECORDS OF JUDGMENTS AND OTHER PROCEEDINGS;
3 DOCKETS; CERTIFIED COPIES

4 The clerk shall:

5 * * *

6 (4) Except as provided in section 454 of Title 22, ~~he shall~~ keep on file
7 and preserve all process, pleadings, and papers relating to causes in superior
8 court which together with the records of the court, he or she shall give to any
9 person, on demand and tender of the legal fees, certified copies of any of the
10 records, proceedings or minutes in his or her office, and all proper certificates,
11 under the seal of the court. However, the clerk shall not disclose the filing of
12 an action or release any records, proceedings, or minutes pertaining to it until
13 service of process has been completed; nor shall ~~he~~ the clerk disclose any
14 materials or information required by law to be kept confidential. Original
15 court records shall be maintained for two years after final court action and
16 thereafter may be maintained on microfilm or electronic media.

17 Sec. 39. 4 V.S.A. § 657 is amended to read:

18 § 657. TRANSCRIBING DAMAGED RECORDS

19 When records in the court clerk's office become faded, defaced, torn, or
20 otherwise injured, so as to endanger the permanent legibility or proper
21 preservation of the same, by an order in writing recorded in the court clerk's

1 office, the court administrator shall direct the court clerk to provide suitable
2 books and transcribe such records therein. At the end of a transcript of record
3 so made, ~~he~~ the clerk shall certify under ~~his~~ official signature and the seal of
4 the court that the same is a true transcript of the original record. Such
5 transcript or a duly certified copy thereof shall be entitled to the same faith and
6 credit and have the same force as the original record. The expense of making
7 such transcript shall be paid by the ~~county~~ state.

8 Sec. 40. 4 V.S.A. § 658 is amended to read:

9 § 658. SUPREME COURT RECORDS

10 Whenever the records of the supreme court are transcribed by the ~~county~~
11 superior court clerk, ~~he~~ the clerk shall forthwith transmit the original of such
12 record to the court administrator for safekeeping, together with a certified copy
13 thereof. The ~~county~~ superior court clerk shall keep on file an additional
14 certified copy of such transcription in place of the original so transmitted. A
15 copy of such original record certified by the court administrator from the
16 original or a copy certified by the ~~county~~ superior court clerk from the
17 transcript retained on file ~~by him~~ shall be entitled to the same faith and credit
18 and have the same force as the original record. The expense of making such
19 transcript and of transmittal of the original record shall be paid by the state.

1 Sec. 41. 4 V.S.A. § 659 is amended to read:

2 § 659. ~~MICROFILMING~~ PRESERVATION OF COURT RECORDS

3 (a) The supreme court by administrative order may provide for permanent
4 preservation of all court records by microfilming, or by any other photographic
5 or electronic process which will provide compact records in reduced size, in
6 accordance with standards established by the ~~department of buildings and~~
7 ~~general services of the Vermont agency of administration~~ secretary of state
8 which take into account the quality and security of the ~~microphotographed~~
9 records, and ready access to the ~~micrographic~~ record of any cause so recorded.

10 (b) After ~~microfilming~~ preservation in accordance with subsection (a) of
11 this section, the supreme court by administrative order may provide for the
12 disposition of original court records by destruction or in cases where the
13 original court record may have historical or intrinsic value by transfer to an
14 ~~appropriate institutional facility such as the archives of the secretary of state,~~
15 ~~the department of buildings and general services of the agency of~~
16 ~~administration,~~ the Vermont historical society, or the ~~university~~ University of
17 Vermont.

18 Sec. 42. 4 V.S.A. § 691 is amended to read:

19 § 691. CLERKS AND ASSISTANTS; APPOINTMENT; COMPENSATION

20 The superior court clerk, with the approval of the court administrator, ~~with~~
21 ~~the advice of the district judge concerned,~~ may ~~appoint~~ hire and remove clerks

1 ~~and assistant clerks~~ staff for the ~~district~~ superior court subject to the terms of
2 any applicable collective bargaining agreement. The clerks and ~~assistant clerks~~
3 staff shall be state employees and shall be entitled to all fringe benefits and
4 compensation accorded classified state employees who are similarly situated,
5 subject to any applicable statutory limits, unless covered by a collective
6 bargaining agreement that sets forth the terms and conditions of employment
7 negotiated pursuant to the provisions of chapter 28 of Title 3.

8 Sec. 43. 4 V.S.A. § 740 is amended to read:

9 § 740. COURT RECORDS; DOCKETS; CERTIFIED COPIES

10 The supreme court by administrative order shall provide for the preparation,
11 maintenance, recording, indexing, docketing, preservation, and storage of all
12 ~~family~~ court records and the provision, subject to confidentiality requirements
13 of ~~chapter 55 of Title 33~~ law or court rules, of certified copies of those records
14 to persons requesting them.

15 Sec. 44. 4 V.S.A. § 798 is amended to read:

16 § 798. PROBATIVE FORCE OF TRANSCRIPTS

17 All transcripts of evidence or proceedings in a cause or hearing tried in
18 superior court, ~~probate court or district court~~ or before an auditor, referee, or
19 commissioner, ordered to be reported by ~~the presiding judge, probate or district~~
20 a superior judge, and made by or under the direction of the reporter and duly
21 certified by him or her to be a verbatim transcript of ~~his~~ the verbatim

1 stenographic notes of such evidence or proceedings, shall be received as
2 evidence in any action, civil or criminal, if relevant thereto.

3 Sec. 45. 4 V.S.A. § 803(a) and (b) are amended to read:

4 (a) Subject to any rules prescribed by the supreme court pursuant to law,
5 electronic sound, or sound and video, recording equipment may be used for the
6 recording of any civil, criminal, or probate proceedings, testimony, objections,
7 rulings, exceptions, arraignments, pleas, sentences, statements, and remarks
8 made by any attorney or judge, oral instructions given by the judge, and any
9 other judicial proceedings to the same extent as any recording by a
10 stenographer or reporter permitted or required under existing statutes.

11 (b) For the purpose of operating the ~~sound~~ recording equipment, the judge
12 may appoint or designate the official reporter of that court, a special reporter,
13 the clerk of the court, any ~~assistant clerks~~ staff of the court, the court officer, or
14 any other designated court personnel. The person operating the ~~sound~~
15 recording equipment shall subscribe to an oath that the operator will well and
16 truly operate it to record all matters and proceedings.

17 Sec. 46. 4 V.S.A. § 952(a) is amended to read:

18 (a) The court administrator, subject to the approval of the supreme court,
19 shall make rules regarding the qualifications, lists, and selection of all jurors
20 and prepare questionnaires for prospective jurors. Each ~~jury commission~~
21 superior court clerk shall, in conformity with said rules, prepare a list of jurors

1 from residents of its ~~county~~ unit. The rules shall be designed to assure that the
2 list of jurors prepared by the jury commission shall be representative of the
3 citizens of its county in terms of age, sex, occupation, economic status, and
4 geographical distribution.

5 Sec. 47. 4 V.S.A. § 953(a), (b), and (e) are amended to read:

6 (a) The ~~jury commission~~ clerk, in order to ascertain names of persons
7 eligible as jurors, may consult the latest census enumeration, the latest
8 published city, town, or village telephone or other directory, the listers'
9 records, the elections records, and any other general source of names.

10 (b) Notwithstanding any law to the contrary, the court administrator may
11 obtain the names, addresses, and dates of birth of persons which are contained
12 in the records of the department of motor vehicles, the department of labor, the
13 department of taxes, the department of health, and the department for children
14 and families. The court administrator may also obtain the names of voters
15 from the secretary of state. After the names have been obtained, the court
16 administrator shall compile them and provide the names, addresses, and dates
17 of birth to the ~~jury commission~~ clerk in a form that will not reveal the source of
18 the names. The ~~jury commission~~ clerk shall include the names provided by the
19 court administrator in the list of potential jurors.

20 (e) All public officers shall, on request, furnish the ~~jury commission~~ clerk
21 or the court administrator without charge, any information it may require to

1 enable it to select eligible persons, ascertain their qualifications, or determine
2 the number needed.

3 Sec. 48. 4 V.S.A. § 954 is amended to read:

4 § 954. DEPOSIT OF LIST

5 Prior to the first day of July in each biennial year, the ~~jury commission~~ clerk
6 shall prepare and file a current master list of jurors ~~in the office of the county~~
7 ~~clerk~~ and certify its completion and filing to the court administrator. The
8 current master lists shall contain the number of names necessary adequately to
9 serve the needs of the courts involved for a two-year period beginning July 1.

10 Sec. 49. 4 V.S.A. § 955 is amended to read:

11 § 955. QUESTIONNAIRE

12 The ~~jury commission~~ clerk shall send a jury questionnaire prepared by the
13 court administrator to each person selected. When returned, it shall be retained
14 in the ~~county~~ superior court clerk's office, ~~except that those questionnaires~~
15 ~~submitted by prospective jurors for service in the district court of Vermont~~
16 ~~shall be deposited with the clerk of the district court concerned.~~ The
17 questionnaire shall at all times during business hours be open to inspection by
18 the court and attorneys of record of the state of Vermont.

1 Sec. 50. 4 V.S.A. § 957 is amended to read:

2 § 957. DRAWING AND SUMMONING JURORS

3 The manner of drawing and summoning jurors from the lists provided shall
4 be in accordance with the rules of the court in which they are called to serve
5 and all applicable statutes, including section 952 of this title, requiring that the
6 panel shall be representative of the citizens of the ~~county~~ unit in terms of age,
7 sex, occupation, economic status, and geographical distribution.

8 Sec. 51. 4 V.S.A. § 959 is amended to read:

9 § 959. GRAND JURORS; VENIRE

10 The ~~jury commission~~ clerk, as directed by the judges of each superior court,
11 shall summon 18 judicious persons within the ~~county~~ unit to appear at any
12 stated or special term of that court to serve as grand jurors of the ~~county~~ unit.

13 The clerk of the court shall issue a venire accordingly.

14 Sec. 52. 4 V.S.A. § 961(a) is amended to read:

15 (a) Any person who fails to return a completed questionnaire within ten
16 days of its receipt may be summoned by the ~~county~~ superior court clerk
17 forthwith to appear before the clerk to fill out a jury questionnaire. Any person
18 so summoned who fails to appear as directed shall be ordered forthwith by the
19 presiding judge to appear and show cause for his or her failure to comply with
20 the summons. Any person who fails to appear pursuant to such order or who

1 fails to show good cause for noncompliance may be found in contempt of court
2 and shall be subject to the penalties for contempt.

3 Sec. 53. 4 V.S.A. § 1001(e) and (f) are amended to read:

4 (e) ~~Evidentiary proceedings in the environmental court shall be held in the~~
5 ~~county in which all or a portion of the land which is the subject of the appeal is~~
6 ~~located or where the violation is alleged to have occurred, unless the parties~~
7 ~~agree to another location; provided, however, that the environmental judge~~
8 ~~shall offer expeditious evidentiary hearings so that no such proceedings are~~
9 ~~moved to another county to obtain an earlier hearing.~~ Venue for the
10 environmental court, including the place of hearing, shall be determined by
11 rule of the supreme court. Unless otherwise ordered by the court, all
12 nonevidentiary hearings may be conducted by telephone using an audio or
13 video record. If a party objects to a telephone hearing, the court may require a
14 personal appearance for good cause.

15 (f) ~~The environmental court shall be provided with a dedicated minimum of~~
16 ~~one court manager, two law clerks, one case manager, and two docket clerk-~~
17 ~~courtroom operators. These positions shall not be subject to any rotation with~~
18 ~~other courts. The environmental court shall receive the same funding and~~
19 ~~provisions for security as provided to county courthouses.~~

1 Sec. 54. 4 V.S.A. § 1103 is amended to read:

2 § 1103. VENUE

3 Venue for violation hearings in the judicial bureau shall be in the unit of the
4 ~~district~~ superior court where the violation is alleged to have occurred.

5 Sec. 55. 4 V.S.A. § 1104 is amended to read:

6 § 1104. APPOINTMENT OF HEARING OFFICERS

7 The administrative judge shall appoint members of the Vermont bar to serve
8 as hearing officers to hear cases. Hearing officers shall be subject to the Code
9 of Judicial Conduct. ~~At least one hearing officer shall reside in each territorial~~
10 ~~unit of the district court.~~

11 Sec. 56. 5 V.S.A. § 43 is amended to read:

12 § 43. REVIEW BY SUPERIOR COURT

13 A party to a cause who feels aggrieved by the final order, judgment, or
14 decree of the board may appeal to a superior court under Rule 74 of the
15 Vermont Rules of Civil Procedure. However, the board, before final judgment,
16 may permit an appeal to be taken by any party to a superior court for
17 determination of questions of law in the same manner as the supreme court
18 may by rule provide for appeals before final judgment from a superior court ~~or~~
19 ~~a district court~~. Notwithstanding the provisions of the Vermont Rules of Civil
20 Procedure or the Vermont Rules of Appellate Procedure, neither the time for
21 filing a notice of appeal nor the filing of a notice of appeal, as provided in this

1 section, shall operate as a stay of enforcement of an order of the board unless
2 the board or a superior court grants a stay under the provisions of section 44 of
3 this title.

4 Sec. 57. 5 V.S.A. § 3535 is amended to read:

5 § 3535. RIGHT OF ACTION ON NONPAYMENT OF DAMAGES

6 When a railroad corporation has entered upon and used land and real estate
7 for the construction and accommodation of its railroad, and has, by its
8 engineers, agents or servants, entered upon land contiguous to the railroad or
9 the works connected therewith, and taken materials to use in the construction
10 of its road, and has not paid the owner therefor, nor, within two years from
11 such entry, had the damages appraised by commissioners, and an award made
12 and delivered, a person claiming damages, within six years after such entry,
13 may bring an action therefor before a ~~district~~ superior court, ~~if the claim is not~~
14 ~~over \$200.00, otherwise in the superior court.~~ An answer justifying the entry
15 under the act incorporating the company shall not bar the action, but the
16 plaintiff shall recover only his or her actual damages.

17 Sec. 58. 6 V.S.A. § 484(b) is amended to read:

18 (b) The secretary or his or her inspector may enter upon the premises of a
19 licensed dealer or processor, at reasonable times, for purposes of inspecting the
20 premises, records, equipment and inventory in a reasonable manner to
21 determine whether the provisions of this chapter and the rules adopted

1 hereunder are being observed. If entry is refused, the secretary may apply to a
2 superior ~~or district~~ court judge for an administrative search warrant.

3 Sec. 59. 6 V.S.A. § 3316(b) is amended to read:

4 (b) ~~Washington County superior court, or any other~~ The superior court, has
5 legal and equitable jurisdiction to enforce, prevent, and restrain violations of
6 this chapter and has legal and equitable jurisdiction in all other cases arising
7 under this chapter. The superior ~~and district~~ courts are granted jurisdiction to
8 handle criminal matters arising under this chapter and rules.

9 Sec. 60. 9 V.S.A. § 2154 is amended to read:

10 § 2154. ASSIGNEE'S BOND

11 The assignee shall execute to the superior court for the ~~county~~ unit in which
12 the assignor resides a bond with sureties to the satisfaction of such court and
13 conditioned for the faithful performance of such trust. The assignee shall
14 execute such bond at the time of making such assignment, and the same may
15 be prosecuted by parties aggrieved as provided in chapter 101 of Title 14,
16 relative to bonds ~~taken to the probate court~~ governed by that chapter.

17 Sec. 61. 10 V.S.A. § 497 is amended to read:

18 § 497. REMOVAL OF SIGNS

19 The owner of a sign which is not licensed under this chapter and which is
20 not a legal on-premise or exempt sign meeting the requirements set forth in this
21 chapter, other than a sign which was lawfully erected and maintained prior to

1 March 23, 1968, shall be in violation of this chapter until it is removed. The
2 travel information council, or the secretary of transportation or his designee
3 pursuant to authority delegated by the council, may, upon failure of the owner
4 to remove such sign, order its removal by the agency of transportation, and the
5 agency of transportation shall thereupon remove the sign without notice or
6 further proceeding, at the expense of the owner. The expense may be
7 recovered by the state in an action on this statute, which shall be instituted in
8 the superior court ~~or Vermont district court having jurisdiction in~~ the unit for
9 the area in which the sign is located. A copy of the notice of removal shall be
10 sent by certified mail to the owner at the last known address. If an illegal sign
11 is re-erected after the initial removal notice is executed, the agency of
12 transportation shall have the authority to remove that illegal sign without
13 additional prior notice to the owner. The agency of transportation or the
14 legislative body of a municipality shall have the authority to remove or
15 relocate, or both, without prior notice, any sign, device, or display which is
16 temporary in nature and not affixed to a substantive structure which is erected
17 within 24.75 feet of the actual centerline of any highway under its jurisdiction
18 and within the public highway right-of-way.

19 Sec. 62. 10 V.S.A. § 6205(c) is amended to read:

20 (c) A leaseholder may bring an action against the park owner for a
21 violation of sections 6236–6243 of this title. The action shall be filed in

1 ~~district~~ superior court for the ~~district~~ unit in which the alleged violation
2 occurred. ~~If the leaseholder's claim against the owner exceeds the~~
3 ~~jurisdictional limit of the district court, an action may be brought in superior~~
4 ~~court in the county in which the alleged violation occurred.~~ No action may be
5 commenced by the leaseholder unless the leaseholder has first notified the park
6 owner of the violation by certified mail at least 30 days prior to bringing the
7 action. During the pendency of an action brought by a leaseholder, the
8 leaseholder shall pay rent in an amount designated in the lease, or as provided
9 by law, which rental amount shall be deposited in an escrow account as
10 directed by the court.

11 Sec. 63. 10 V.S.A. § 8014(a) and (b) are amended to read:

12 (a) The secretary may seek enforcement of a final administrative order or a
13 landfill extension order in the superior ~~or district~~ court or before the
14 environmental court.

15 (b) If a penalty is assessed and the respondent fails to pay the assessed
16 penalty within the time prescribed, the secretary may bring a collection action
17 in any superior ~~or district~~ court. In addition, when a respondent, except for a
18 municipality, fails to pay an assessed penalty or fails to pay a contribution
19 under subdivision 8007(b)(2) of this title within the prescribed time period, the
20 secretary or the land use panel shall stay the effective date or the processing of
21 any pending permit application or renewal application in which the respondent

1 is involved until payment in full of all outstanding penalties has been received.

2 When a municipality fails to pay an assessed penalty or fails to pay a
3 contribution under subdivision 8007(b)(2) of this title within the prescribed
4 time period, the secretary or the land use panel may stay the effective date or
5 the processing of any pending permit application or renewal application in
6 which the municipality is involved until payment in full of all outstanding
7 penalties has been received. For purposes of this subsection, "municipality"
8 shall mean a city, town, or village. The secretary or the land use panel may
9 collect interest on an assessed penalty that a respondent fails to pay within the
10 prescribed time. The secretary or the land use panel shall collect interest on a
11 contribution under subdivision 8007(b)(2) of this title that a respondent fails to
12 pay within the prescribed time.

13 Sec. 64. 11 V.S.A. § 441 is amended to read:

14 § 441. CORPORATION TO PRODUCE BOOKS ON NOTICE

15 (a) A corporation doing business within this state, whether organized under
16 the laws of this or any other state or country, when notice therefor is served
17 upon it according to the provisions of section 442 of this title, shall produce
18 before any court, magistrate, grand jury, tribunal, or commission, acting under
19 the authority of this state, all books, documents, correspondence, memoranda,
20 papers and data which may contain any information concerning any suit,
21 proceedings, action, charge or subject of inquiry pending before or to be

1 determined by the court, magistrate, grand jury, tribunal or commission, except
2 a civil action in a superior court ~~or the district court~~, and which have been
3 made or kept at any time within this state, and are in the custody or control of
4 the corporation in this state or elsewhere at the time of service of the notice
5 upon it.

6 (b) When notice therefor is served upon it according to the provisions of
7 section 442 of this title, the corporation shall produce before any court,
8 magistrate, grand jury, tribunal or commission acting under the authority of
9 this state, all books, documents, correspondence, memoranda, papers and data
10 which may contain any information concerning any suit, proceedings, action,
11 charge, or subject of inquiry pending before or to be determined by the court,
12 magistrate, grand jury, tribunal or commission, except a civil action in a
13 superior court ~~or the district court~~, and which in any way relate to or contain
14 entries, data or memoranda concerning any transaction within this state or with
15 any party residing or having a place of business within this state, and which are
16 in the custody or control of the corporation in this state or elsewhere at the time
17 of service of notice upon it.

18 Sec. 65. 12 V.S.A. § 5 is amended to read:

19 § 5. DISSEMINATION OF ELECTRONIC CASE RECORDS

20 (a) The court shall not permit public access via the Internet to criminal or
21 family case records ~~or family court case records~~. The court may permit

1 criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to
2 criminal case records for criminal justice purposes, as defined in section 2056a.

3 (b) This section shall not be construed to prohibit the court from providing
4 electronic access to:

5 (1) court schedules of the ~~district or family~~ superior court, or opinions of
6 the ~~district~~ criminal division of the superior court; or

7 (2) state agencies in accordance with data dissemination contracts
8 entered into under Rule 6 of the Vermont Rules of Electronic Access to Court
9 Records.

10 Sec. 66. 12 V.S.A. § 122 is amended to read:

11 § 122. SUPERIOR JUDGE, OR SUPERIOR COURT ~~AND DISTRICT~~
12 ~~COURT~~

13 When a party violates an order made against him or her in a cause brought
14 to or pending before a superior judge or a superior court ~~or the district court~~
15 after service of the order upon that party, contempt proceedings may be
16 instituted against him or her before the court or any superior judge. When, in a
17 cause no longer on the docket of the court, the proceedings are brought before
18 a superior judge, that judge shall order forthwith the cause to be brought
19 forward on the docket of the court and may issue concurrently with the order a
20 summons or capias against the party. The issuing of the summons or capias
21 and any further proceedings thereon shall be minuted on the docket.

1 Sec. 67. 12 V.S.A. § 402 is amended to read:

2 § 402. SUPERIOR COURT ACTIONS, VENUE GENERALLY;

3 **RAILROADS**

4 (a) An action before a superior court shall be brought in the ~~county~~ unit in
5 which one of the parties resides, if either resides in the state; otherwise, on
6 motion, the complaint shall be dismissed. If neither party resides in the state,
7 the action may be brought in any ~~county~~ unit. Actions concerning real estate
8 shall be brought in the ~~county~~ unit in which the lands, or some part thereof, lie.

9 (b) An action brought by a domestic railroad corporation to the superior
10 court may be brought either in the ~~county~~ unit in which the corporation has its
11 principal office for the transaction of business, or in the ~~county~~ unit in which a
12 defendant resides. An action or suit brought to the superior court, in which the
13 corporation is defendant, may be brought in any ~~county~~ unit in which a road
14 owned or operated by the corporation is located.

15 Sec. 68. 12 V.S.A. § 404 is amended to read:

16 § 404. REMOVAL TO ANOTHER ~~COUNTY~~ UNIT

17 (a) When it appears to a presiding judge of a superior court that there is
18 reason to believe that a civil action pending in such court cannot be impartially
19 tried in the ~~county~~ unit where it is pending, on petition of either party, such
20 judge shall order the cause removed to the superior court in another ~~county~~ unit
21 for trial.

1 (b) ~~Such petition shall be verified by affidavit and served upon the adverse~~
2 ~~party like a writ of summons, at least twelve days before the time of hearing. If~~
3 ~~the adverse party resides without the state, it may be served upon his attorney~~
4 ~~of record in the cause.~~

5 (c) ~~When an order is made to remove a cause from one superior court to~~
6 ~~another and such order is filed with the clerk of the court in which the cause is~~
7 ~~pending, he shall forthwith transmit to the clerk of the court to which such~~
8 ~~cause is removed, the original papers with a certified copy of the docket entries~~
9 ~~therein and of the order of removal. He shall thereupon enter the same upon the~~
10 ~~docket and further proceedings shall be had as if the cause had been originally~~
11 ~~brought to and entered in such court.~~

12 (d) ~~Attachments, recognizances, bonds, and orders in such cause, made~~
13 ~~before such removal, shall have the same validity as if the cause had continued~~
14 ~~in the court to which it was originally brought.~~

15 Sec. 69. 12 V.S.A. § 654(b) is amended to read:

16 (b) The signing of original writs is a ministerial act and may be done in
17 advance of issuance. The signature of an attorney, except when he or she is the
18 plaintiff, to a writ, pleading, notice of appeal or other form, constitutes and
19 shall be deemed security, by way of recognizance, for the issuance of such writ
20 or the filing of such pleading, notice of appeal or other form, and such attorney
21 shall be liable to each defendant ~~in the sum of \$10.00 for writs returnable~~

1 ~~before the district court and~~ in the sum of \$50.00 for writs returnable to a
2 superior court.

3 Sec. 70. 12 V.S.A. § 1644 is amended to read:

4 § 1644. WITNESSES MAY BE EXAMINED SEPARATELY

5 On the trial of a civil cause, in its discretion, upon the application of either
6 party, the superior court ~~or district court~~ may order the witnesses of the adverse
7 party examined separately and apart from each other.

8 Sec. 71. 12 V.S.A. § 1691(a) is amended to read:

9 (a) In the trial of actions at law, and on motion and due notice thereof
10 given, supreme, and superior ~~and district~~ courts may require the parties to
11 produce books or writings in their possession or power, which contain
12 evidence pertinent to the issue or relative to the action, and if the party fails to
13 comply with the order, the court may render judgment against such party by
14 nonsuit or default.

15 Sec. 72. 12 V.S.A. § 2136 is amended to read:

16 § 2136. COSTS IN SUPREME, ~~COUNTY,~~ AND ~~DISTRICT~~ SUPERIOR

17 COURTS WHEN NOMINAL DAMAGES ARE RECOVERED

18 When the plaintiff in an action in ~~district~~, superior or supreme court
19 recovers judgment for a nominal sum for debt or damages, in its discretion, the
20 court may make such order in respect to plaintiff's costs as is equitable, but not
21 to exceed his or her taxable costs.

1 Sec. 73. 12 V.S.A. § 2357 is amended to read:

2 § 2357. ~~APPEALS FROM PROBATE COURT~~ IN PROBATE
3 PROCEEDINGS -FRAUD, ACCIDENT, OR MISTAKE

4 When the petitioner has been prevented from taking or entering an appeal in
5 a probate proceeding by fraud, accident, or mistake, on petition and proof
6 thereof, the supreme or superior court in its discretion may grant leave to file a
7 notice of appeal from an order, sentence, decree, or denial of a ~~probate~~ superior
8 court or from a determination of commissioners on the estate of a deceased
9 person in those cases which are by law appealable.

10 Sec. 74. 12 V.S.A. § 2386 is amended to read:

11 § 2386. PASSING CAUSES BEFORE FINAL JUDGMENT

12 (a) Before final judgment in civil actions or proceedings in the superior
13 courts; or the probate courts, ~~or the district court~~, an appeal to the supreme
14 court for the determination of questions of law may be taken in such manner
15 and under such conditions as the supreme court may by rule provide.

16 (b) In its discretion and before final judgment, a superior court ~~or the~~
17 ~~district court~~ may permit an appeal to be taken by the respondent or the state in
18 a criminal cause to the supreme court for determination of questions of law.

19 The supreme court shall hear and determine the questions and render final
20 judgment thereon or remand the proceedings as justice and the state of the
21 cause may require.

1 Sec. 74a. 12 V.S.A. § 2386 is amended to read:

2 § 2386. PASSING CAUSES BEFORE FINAL JUDGMENT

3 (a) Before final judgment in civil actions or proceedings in the superior
4 courts ~~or the probate courts~~, an appeal to the supreme court for the
5 determination of questions of law may be taken in such manner and under such
6 conditions as the supreme court may by rule provide.

7 * * *

8 Sec. 75. 12 V.S.A. § 2551 is amended to read:

9 § 2551. SUPREME COURT JURISDICTION OF PROBATE

10 PROCEEDINGS IN SUPERIOR ~~AND PROBATE~~ COURTS

11 The supreme court shall have jurisdiction of questions of law arising in the
12 course of the proceedings of the superior ~~and probate~~ courts in probate matters,
13 as in other causes.

14 Sec. 76. 12 V.S.A. § 2556(a) is amended to read:

15 (a) In the two following cases, an executor, administrator, or creditor may
16 appeal to the superior court from the decision and report of the commissioners,
17 if notice of appeal is filed with the clerk of the superior court appealed to ~~and~~
18 ~~the register of the probate court~~ within ~~thirty~~ 30 days after the return of the
19 commissioner's report:

20 * * *

1 Sec. 77. 12 V.S.A. § 3011 is amended to read:

2 § 3011. ACTIONS

3 Trustee process may be used in any civil action commenced in a superior
4 court ~~or the district court~~ except in actions for malicious prosecution, libel,
5 slander, or alienation of affections.

6 Sec. 78. 12 V.S.A. § 3087 is amended to read:

7 § 3087. —RECOGNIZANCE FOR TRUSTEE'S COSTS

8 The plaintiff in a trustee process shall give security for costs to the trustee
9 by way of recognizance by some person other than the plaintiff. The security
10 shall be ~~in the sum of \$10.00 for a summons returnable before the district court~~
11 ~~and~~ in the sum of \$50.00 for a summons returnable to a superior court. If
12 trustee process issues without a minute of the recognizance, with the name of
13 the surety and the sum in which he or she is bound, signed by the clerk,
14 thereon, the trustee shall be discharged.

15 Sec. 79. 12 V.S.A. § 3151 is amended to read:

16 § 3151. —TRUSTEE MAY FILE BOND AND SELL PROPERTY

17 When such action is pending in the supreme, or superior, ~~or district~~ court,
18 the trustee may sell the property and the purchaser shall hold the same released
19 from the mortgage and attachment, if such trustee files with the clerk of such
20 court ~~or with the judge of such district court~~:

21 * * *

1 Sec. 80. 12 V.S.A. § 4251 is amended to read:

2 § 4251. ACTIONS FOR ACCOUNTING—JURY

3 The superior courts shall have original jurisdiction, ~~exclusive of the district~~
4 ~~court~~, in actions for an accounting other than accountings involved in the
5 administration of trusts under Title 14A. When the defendant in such an action
6 brought in one of the following ways pleads in defense an answer which, if
7 true, makes him or her not liable to account, the issue thus raised may be tried
8 to a jury:

9 * * *

10 Sec. 81. 12 V.S.A. § 4711 is amended to read:

11 § 4711. DECLARATORY JUDGMENT; SCOPE

12 Superior courts ~~and probate courts~~ within their ~~respective~~ jurisdictions shall
13 have power to declare rights, status, and other legal relations whether or not
14 further relief is or could be claimed. An action or proceeding shall not be open
15 to objection on the ground that a declaratory judgment or decree is prayed for.
16 The declaration may be either affirmative or negative in form and effect. Such
17 declarations shall have the force and effect of a final judgment or decree.

18 Sec. 82. 12 V.S.A. § 5136(c) is amended to read:

19 (c) The office of the court administrator shall ensure that the superior court
20 ~~and the district court have~~ has procedures in place so that the contents of orders
21 and pendency of other proceedings can be known to ~~both~~ all courts for cases in

1 which an order against stalking or sexual assault proceeding is related to a
2 criminal proceeding.

3 Sec. 83. 12 V.S.A. § 5531(c) is amended to read:

4 (c) In small claims actions where the plaintiff makes a claim for relief
5 greater than \$3,500.00, the defendant shall have the right to request a special
6 assignment of a judicial officer. Upon making this request, a superior judge, ~~a~~
7 ~~district judge~~, or a member of the Vermont bar appointed pursuant to 4 V.S.A.
8 § 22(b) shall be assigned to hear the action.

9 Sec. 84. 12 V.S.A. § 5538 is amended to read:

10 § 5538. APPEALS

11 Any party may appeal from a small claims judgment to superior court. The
12 administrative judge shall assign the appeal to a ~~district or~~ superior judge who
13 shall not have participated in any way in the decision being appealed. The
14 appeal shall be heard and decided, based on the record made in the small
15 claims court. No appeal as of right exists to the supreme court. On motion
16 made to the supreme court by a party to the action, the supreme court may
17 allow an appeal from the superior court.

18 Sec. 85. 12 V.S.A. § 5541 is amended to read:

19 § 5541. COMPOSITION OF SMALL CLAIMS COURT

20 For the purposes of this chapter, the superior court shall consist of the
21 presiding judge sitting alone, ~~an assistant judge sitting alone pursuant to~~

1 ~~section 5540 of this chapter~~, or an acting judge assigned pursuant to section
2 22(b) of Title 4.

3 Sec. 86. 12 V.S.A. § 5702 is amended to read:

4 § 5702. JURISDICTION AND VENUE

5 The Vermont ~~district~~ superior court shall have exclusive jurisdiction over
6 proceedings under this chapter, any provision of any statute, municipal charter,
7 or ordinance to the contrary notwithstanding, except as provided in chapter 24
8 of Title 23. Venue for adjudicating offenses prosecuted by use of the uniform
9 snowmobile/boating complaint shall be in the unit of the ~~district~~ superior court
10 having jurisdiction over the geographical area where the offense is alleged to
11 have occurred.

12 Sec. 87. 12 V.S.A. § 5705(b) and (d) are amended to read:

13 (b) Three ~~district~~ superior court judges appointed by the court administrator
14 shall establish schedules, within the limits prescribed by law, of the amounts of
15 fines to be imposed. The court administrator shall appoint three persons who
16 shall meet with the ~~district~~ superior judges and recommend a fine schedule.

17 One person appointed shall be a member of the department of public safety,
18 one shall be a delegate from the Vermont association of snow travellers and
19 one shall be a member of the general public who has an interest in boating and
20 boating safety.

1 (d) If a defendant fails to answer or appear as directed on a uniform
2 snowmobile/boating complaint or by the ~~district~~ superior court judge, or fails
3 to pay the fine imposed after judgment, the court may proceed under section
4 5704 of this title.

5 Sec. 88. 12 V.S.A. § 5852 is amended to read:

6 § 5852. OATHS OF OFFICE; BY WHOM ADMINISTERED

7 When other provision is not made by law, oaths of office may be
8 administered by any justice of the supreme court, superior judge, assistant
9 judge, justice of the peace, ~~judge of the district court~~, notary public or the
10 presiding officer, secretary or clerk of either house of the general assembly, or
11 by the governor.

12 Sec. 89. 12 V.S.A. § 7105 is amended to read:

13 § 7105. RULES OF PROCEDURE

14 Windsor county court diversion in conjunction with the board, and after
15 consultation with the youth court officers, the Windsor county state's attorney,
16 the office of the public defender for Windsor county, and the presiding judges
17 in ~~Windsor family and district courts~~ the unit of the superior court that includes
18 Windsor County shall adopt rules of procedure for the youth court prior to its
19 first hearing.

1 Sec. 90. 12 V.S.A. § 7109(a) is amended to read:

2 (a) The Windsor ~~county~~ County youth court advisory board is created. The
3 board shall consist of the presiding ~~family~~ superior court judge ~~in~~ for the unit
4 that includes Windsor ~~county~~ County or designee, the Windsor ~~county~~ County
5 state's attorney or designee, the superintendents of the Hartford, Springfield,
6 and Windsor southeast supervisory union school districts or their designees,
7 three youth court officers, three persons to be appointed by the Vermont
8 supreme court and the chair of the Windsor county court diversion or designee.
9 All members of the board shall be appointed or designated by August 15, 1995,
10 for terms expiring on June 30, 1999. The supreme court appointees shall each
11 be licensed to practice law in this state, and at least one of the supreme court
12 appointees shall have at least three years' experience in representing
13 delinquent children. The members of the board shall serve on a voluntary
14 basis without compensation.

15 Sec. 91. 12 V.S.A. § 7152 is amended to read:

16 § 7152. JURISDICTION

17 The ~~probate~~ superior court shall have exclusive jurisdiction over all
18 proceedings concerning the emancipation of minors.

1 Sec. 92. 12 V.S.A. § 7153(a) is amended to read:

2 (a) A minor may petition the ~~probate~~ superior court in the ~~probate district~~
3 unit in which the minor resides at the time of the filing for an order of
4 emancipation. The petition shall state:

5 (1) The minor's name and date of birth.

6 (2) The minor's address.

7 (3) The names and addresses, if known, of the minor's parents.

8 (4) The names and addresses of any guardians or custodians, including
9 the commissioner of social and rehabilitation services, appointed for the minor,
10 if appropriate.

11 (5) Specific facts in support of the emancipation criteria in section
12 7151(b) of this chapter.

13 (6) Specific facts as to the reasons why emancipation is sought.

14 Sec. 93. 12 V.S.A. § 7155(d) is amended to read:

15 (d) Any order of guardianship or custody shall be vacated before the court
16 may issue an order of emancipation. Other orders of the superior, family, or
17 probate court may be vacated, modified, or continued in this proceeding if such
18 action is necessary to effectuate the order of emancipation. Child support
19 orders relating to the support of the minor shall be vacated, except for the duty
20 to make past-due payments for child support, which, under all circumstances,
21 shall remain enforceable.

1 Sec. 94. 13 V.S.A. § 4 is amended to read:

2 § 4. ACCESSORY BEFORE THE FACT

3 A person who is accessory before the fact by counseling, hiring, or
4 otherwise procuring an offense to be committed may be informed against or
5 indicted, tried, convicted and punished as if he or she were a principal offender
6 in the superior court in the ~~county or in the district court in the territorial~~ unit
7 where the principal might be prosecuted.

8 Sec. 95. 13 V.S.A. § 6 is amended to read:

9 § 6. —PROSECUTION AND VENUE

10 Such accessory after the fact may be prosecuted, convicted, and punished
11 whether the principal has or has not been previously convicted, or is or is not
12 amenable to justice, in the superior court in the ~~county or in the district court in~~
13 ~~the territorial~~ unit where such person became an accessory or where the
14 principal offense is committed.

15 Sec. 96. 13 V.S.A. § 901 is amended to read:

16 § 901. DUTIES OF OFFICERS

17 A ~~district~~ superior judge, sheriff, deputy sheriff, or constable having notice
18 or knowledge of the unlawful, tumultuous, or riotous assemblage of three or
19 more persons within his or her jurisdiction, among or as near as he or she can
20 safely come to such rioters, shall command them in the name of the state of
21 Vermont immediately and peaceably to disperse. If after such command such

1 rioters do not disperse, such officer or magistrate and such other person as he
2 or she commands to assist him or her shall apprehend and forthwith take them
3 before a ~~district~~ superior court.

4 Sec. 97. 13 V.S.A. § 2502 is amended to read:

5 § 2502. PETIT LARCENY

6 ~~Superior and district courts shall have concurrent jurisdiction of the For~~
7 offenses mentioned in section 2501 of this title where the money or other
8 property stolen does not exceed \$900.00 in value, ~~and the court~~ may sentence
9 the person convicted to imprisonment for not more than one year or to pay a
10 fine of not more than \$1,000.00, or both.

11 Sec. 98. 13 V.S.A. § 2561(c) is amended to read:

12 (c) A buyer, receiver, seller, possessor, or concealer under subsection (a)
13 or (b) of this section may be prosecuted and punished in the superior court in
14 the ~~county or in the district court in the territorial~~ unit where the person
15 stealing the property might be prosecuted, although such property is bought,
16 received, or concealed in another county or territorial unit.

17 Sec. 99. 13 V.S.A. § 3011 is amended to read:

18 § 3011. OFFICERS IN CHARGE OF JURY

19 An officer, sworn to take charge of a jury impaneled by the superior ~~or~~
20 ~~district~~ court for the trial of a cause, who, after they have been charged by the
21 court, suffers a person to speak to them upon matters submitted to their charge,

1 or speaks to them himself or herself about the same, except to ask if they are
2 agreed upon a verdict, before they deliver their verdict in court, or are
3 discharged, shall be fined not more than \$500.00. The constable or other
4 person having charge of a jury impaneled by a justice, who in like manner
5 offends, shall be fined not more than \$200.00.

6 Sec. 100. 13 V.S.A. § 3256(a) is amended to read:

7 (a) The victim of an offense involving a sexual act may obtain an order
8 from the ~~district or family~~ superior court in which the offender was convicted
9 of the offense, or was adjudicated delinquent, requiring that the offender be
10 tested for the presence of the etiologic agent for acquired immune deficiency
11 syndrome (AIDS) and other sexually-transmitted diseases, including
12 gonorrhea, herpes, chlamydia, and syphilis. If requested by the victim, the
13 state's attorney shall petition the court on behalf of the victim for an order
14 under this section. For the purposes of this section, "offender" includes a
15 juvenile adjudicated a delinquent.

16 Sec. 101. 13 V.S.A. § 4601 is amended to read:

17 § 4601. GENERAL RULE

18 When not otherwise provided, criminal causes shall be tried in the superior
19 court in the ~~county, or in the district court in the territorial~~ unit, where an
20 offense within the jurisdiction of such court is committed.

1 Sec. 102. 13 V.S.A. § 4631 is amended to read:

2 § 4631. AUTHORITY

3 The supreme court may by rule provide for change of venue in criminal
4 prosecutions ~~in the superior and district courts~~ upon motion, for the prevention
5 of prejudice to the defendant or for the convenience of parties and witnesses
6 and in the interests of justice. The court to which a prosecution is transferred
7 shall thereby have jurisdiction of the cause and the same proceedings shall be
8 had therein as though ~~such court were in the county or territorial unit in which~~
9 ~~the offense was committed~~ the venue had not been changed.

10 Sec. 103. 13 V.S.A. § 4635 is amended to read:

11 § 4635. ORDER FOR REMOVAL OF DEFENDANT

12 When a motion for change of venue has been granted and the defendant is
13 in custody, the judge granting the motion shall issue an order in writing to the
14 officer having the defendant in custody, commanding him or her to deliver the
15 defendant to the keeper of the jail serving the ~~county or territorial unit of the~~
16 ~~district court~~ in which the ~~trial is~~ further proceedings are ordered to be had.

17 Sec. 104. 13 V.S.A. § 4638 is amended to read:

18 § 4638. WHICH STATE'S ATTORNEY TO PROSECUTE

19 The state's attorney of the county in which the respondent is informed or
20 complained against or indicted shall appear in behalf of the state ~~at the trial of~~
21 ~~the respondent~~ in the court to which the ~~trial~~ case is removed, and in

1 proceedings relating thereto he or she shall have the same powers and be
2 subject to the same duties and liabilities as though the trial were had in the
3 county for which he or she is such attorney.

4 Sec. 105. 13 V.S.A. § 4903 is amended to read:

5 § 4903. TRANSPORTING PRISONER THROUGH STATE

6 Whenever an offender is apprehended in a neighboring state, and it may be
7 necessary to transport him or her through this state to the place where the
8 offense was committed, the superior court, a presiding judge thereof, or a
9 superior judge ~~or a judge of a district court~~ upon application and proof that
10 lawful process has issued against such offender, shall issue a warrant under his
11 or her hand and seal, directed to a sheriff or his or her deputy, or to a person by
12 name who shall be sworn to the faithful performance of his or her duty,
13 authorizing such conveyance.

14 Sec. 106. 13 V.S.A. § 4953 is amended to read:

15 § 4953. ARREST PRIOR TO REQUISITION

16 Whenever any person within this state shall be charged on the oath of any
17 credible person before any judge or magistrate of this state with the
18 commission of any crime in any other state, and, except in cases arising under
19 section 4946 of this title, with having fled from justice, or with having been
20 convicted of a crime in that state and having escaped from confinement, or
21 having broken the terms of his or her bail, probation, or parole, or whenever

1 complaint shall have been before a superior judge, ~~assistant judge of the~~
2 ~~superior court, or judge of a district court~~ within this state, setting forth on the
3 affidavit of a credible person in another state that a crime has been committed
4 in such other state and that the accused has been charged in such state with the
5 commission of a crime, and, except in cases arising under section 4946, has
6 fled from justice, or with having been convicted of a crime in that state and
7 having escaped from confinement, or having broken the terms of his or her
8 bail, probation or parole and is believed to have been found in this state, such
9 judge shall issue a warrant directed to any sheriff or constable directing him or
10 her to apprehend the person charged, wherever he or she may be found in this
11 state, and bring him or her before the same or any other superior judge,
12 assistant judge of the superior court or judge of a district court who may be
13 available in or convenient of access to the place where the arrest may be made,
14 to answer the charge or complaint and affidavit; and a certified copy of the
15 sworn charge or complaint and affidavit upon which the warrant is issued shall
16 be attached to the warrant.

17 Sec. 107. 13 V.S.A. § 4954 is amended to read:

18 § 4954. ARREST WITHOUT A WARRANT

19 The arrest of a person may be lawfully made by an officer or a private
20 citizen without a warrant upon reasonable information that the accused stands
21 charged in the courts of another state with a crime punishable by death or

1 imprisonment for a term exceeding one year. When so arrested, the accused
2 shall be taken before a superior judge, ~~assistant judge of the superior court, or~~
3 ~~judge of a district court~~ as soon as may be and complaint shall be made against
4 him or her under oath setting forth the ground for the arrest as in section 4953
5 of this title; and thereafter his or her answer shall be heard as if he or she had
6 been arrested on a warrant.

7 Sec. 108. 13 V.S.A. § 5043 is amended to read:

8 § 5043. HEARING, COMMITMENT, DISCHARGE

9 If an arrest is made in this state by an officer of another state in accordance
10 with the provisions of section 5042 of this title, he or she shall without
11 unnecessary delay take the person arrested before a superior judge, ~~assistant~~
12 ~~judge of the superior court, or a judge of a district court~~ of the county unit in
13 which the arrest was made, who shall conduct a hearing for the purpose of
14 determining the lawfulness of the arrest. If such judge determines that the
15 arrest was lawful, he or she shall commit the person arrested to await for a
16 reasonable time the issuance of an extradition warrant by the governor of this
17 state or admit such person to bail pending the issuance of such warrant. If such
18 judge determines that the arrest was unlawful, he or she shall discharge the
19 person arrested.

1 Sec. 109. 13 V.S.A. § 5131 is amended to read:

2 § 5131. APPLICATION FOR INQUEST

3 Upon the written application of the state's attorney a judge of the superior
4 ~~court, or of a district court,~~ may institute and conduct an inquest upon any
5 criminal matter under investigation by the state's attorney.

6 Sec. 110. 13 V.S.A. § 6642 is amended to read:

7 § 6642. SUMMONING WITNESSES IN THIS STATE TO TESTIFY IN
8 ANOTHER STATE

9 If a judge of a court of record in any state which by its laws has made
10 provision for commanding persons within that state to attend and testify in an
11 action in this state, certifies under the seal of such court that there is such
12 action pending in such court, that a person being within this state is a material
13 witness in such action, and that his or her presence will be required for a
14 specified number of days, upon presentation of such certificate to any superior
15 judge ~~or a judge of a district court~~ in the ~~county~~ unit in which such person is,
16 such judge shall fix a time and place for a hearing in such county and shall
17 notify the witness thereof by an order stating the purpose of the hearing and
18 directing him or her to appear therefor at a time and place certain.

1 Sec. 111. 13 V.S.A. § 6646 is amended to read:

2 § 6646. WITNESS FROM ANOTHER STATE SUMMONED TO TESTIFY

3 IN THIS STATE

4 If a person in any state, which by its laws has made provision for
5 commanding persons within its borders to attend and testify in an action in this
6 state, is a material witness in such action pending in a court of record in this
7 state, a superior judge ~~or a judge of a district court~~ may issue a certificate
8 under the seal of the court stating these facts and specifying the number of
9 days the witness will be required. Such certificate may include a
10 recommendation that the witness be taken into immediate custody and
11 delivered to an officer of this state to assure his or her attendance in this state.
12 Such certificate shall be presented to a judge of a court of record of the state in
13 which the witness is found.

14 Sec. 112. 13 V.S.A. § 7004 is amended to read:

15 § 7004. RECORD OF CONVICTIONS; REPORT TO COMMISSIONER OF

16 PUBLIC SAFETY

17 In all cases of felony or misdemeanor in which a conviction or plea of
18 guilty is had in their respective courts, clerks of superior ~~and district~~ courts
19 shall forthwith forward to the commissioner of public safety, on quadruplicate
20 forms to be furnished by him or her, for file in the identification and records
21 division of the department of public safety, a certified report of such

1 conviction, together with the sentence and such other facts as may be required
2 by the commissioner. A fee of ~~50 cents~~ \$0.50 for such certified report shall be
3 allowed by the commissioner of finance and management in settlement of the
4 accounts of such courts.

5 Sec. 113. 13 V.S.A. § 7034 is amended to read:

6 § 7034. —~~WHEN APPEALS FROM SEVERAL JUSTICE'S~~ JUSTICES'
7 JUDGMENTS ARE NOT ENTERED

8 If such person appeals to the ~~county or district~~ superior court from two or
9 more judgments by the same justice at different times, and fails to enter his or
10 her appeals within the time required, the justice may issue a single mittimus to
11 carry his or her judgments into effect, as provided in section 7033 of this title,
12 and the 24 hours shall commence from the time of signing the mittimus, and
13 such time shall be indorsed thereon.

14 Sec. 114. 13 V.S.A. § 7043(i) is amended to read:

15 (i) The restitution unit may bring an action to enforce a restitution order
16 against an offender in the superior ~~or small claims~~ court of the ~~county~~ unit
17 where the offender resides or in the ~~county~~ unit where the order was issued. In
18 an action under this subsection, a restitution order issued by the ~~district~~
19 superior court shall be enforceable in superior ~~or small claims~~ court in the
20 same manner as a civil judgment. Superior ~~and small claims~~ court filing fees

1 shall be waived for an action under this subsection, and for an action to renew
2 a restitution judgment.

3 Sec. 115. 13 V.S.A. § 7178 is amended to read:

4 § 7178. SUSPENSION OF FINES

5 A superior ~~or district~~ court judge, in his or her discretion, may suspend all
6 or any part of the fine assessed against a respondent.

7 Sec. 116. 13 V.S.A. § 7401 is amended to read:

8 § 7401. APPEAL

9 In criminal actions or proceedings in the superior courts ~~or the district court~~,
10 the defendant may appeal to the supreme court as of right all questions of law
11 involved in any judgment of conviction and in any other order or judgment as
12 to which the state has appealed, provided that if the state fails to perfect or
13 prosecute such appeal, the appeal of the defendant shall not be heard.

14 Sec. 117. 13 V.S.A. § 7403 is amended to read:

15 § 7403. APPEAL BY THE STATE

16 (a) In a prosecution for a misdemeanor, questions of law decided against
17 the state by a superior ~~or district~~ court shall be allowed and placed upon the
18 record before final judgment. The court may pass the same to the supreme
19 court before final judgment. The supreme court shall hear and determine the
20 questions and render final judgment thereon, or remand the cause to such

1 superior ~~or district~~ court for further trial or other proceedings, as justice and the
2 state of the cause may require.

3 (b) In a prosecution for a felony, the state shall be allowed to appeal to the
4 supreme court any decision, judgment, or order of a ~~district or~~ superior court
5 dismissing an indictment or information as to one or more counts.

6 (c) In a prosecution for a felony, the state shall be allowed to appeal to the
7 supreme court from a decision or order of a ~~district or~~ superior court:

8 * * *

9 Sec. 118. 13 V.S.A. § 7554(d) and (f) are amended to read:

10 (d)(1) A person for whom conditions of release are imposed and who is
11 detained as a result of his or her inability to meet the conditions of release or
12 who is ordered released on a condition that he or she return to custody after
13 specified hours shall, within 48 hours of application, be entitled to have the
14 conditions reviewed by a judge in the court having original jurisdiction over
15 the offense charged. A person applying for review shall be given the
16 opportunity for a hearing. Unless the conditions of release are amended as
17 requested, the judge shall set forth in writing or orally on the record a
18 reasonable basis for continuing the conditions imposed. In the event that a
19 judge in the court having original jurisdiction over the offense charged is not
20 available, any ~~district or~~ superior judge may review such conditions.

1 (2) A person for whom conditions of release are imposed shall, within
2 five working days of application, be entitled to have the conditions reviewed
3 by a judge in the court having original jurisdiction over the offense charged. A
4 person applying for review shall be given the opportunity for a hearing.
5 Unless the conditions of release are amended as requested, the judge shall set
6 forth in writing or orally on the record a reasonable basis for continuing the
7 conditions imposed. In the event that a judge in the court having original
8 jurisdiction over the offense charged is not available, any ~~district or~~ superior
9 judge may review such conditions.

10 (f) The term “judicial officer” as used in this section and section 7556 of
11 this title shall mean a clerk of a superior ~~or district~~ court or a superior ~~or~~
12 district court judge.

13 Sec. 119. 13 V.S.A. § 7560a(a) is amended to read:

14 (a) If a person who has been released on a secured or unsecured appearance
15 bond or a surety bond fails to appear in court as required:

16 (1) The court may:

17 (A) issue a warrant for the arrest of the person; and

18 (B) upon hearing and notice thereof to the bailor or surety, forfeit any
19 bail posted on the person.

1 (2)(A) The state's attorney may file a motion to forfeit the amount of the
2 bond against the surety in the superior ~~or district~~ court where the bond was
3 executed.

4 (B) A motion filed under this subdivision shall:

5 (i) include a copy of the bond;

6 (ii) state the facts upon which the motion is based; and

7 (iii) be served upon the surety.

8 Sec. 120. 14 V.S.A. § 101 is amended to read:

9 § 101. WILL NOT EFFECTIVE UNTIL ALLOWED

10 A will shall not pass either real or personal estate unless it is proved and
11 allowed in the ~~probate~~ superior court, or by appeal in the ~~superior or supreme~~
12 court.

13 Sec. 121. 14 V.S.A. § 203 is amended to read:

14 § 203. PROBATE PROCEEDINGS ~~WITHIN THE EXCLUSIVE~~

15 ~~JURISDICTION OF PROBATE COURT~~; SERVICE; JURISDICTION

16 OVER PERSONS

17 In proceedings within the exclusive jurisdiction of the probate court where
18 notice is required, interested persons may be bound by the orders of the court
19 in respect to property in or subject to the laws of this state by notice in
20 conformity with law or the rules of probate procedure. An order is binding as

1 to all who are given notice of the proceeding though less than all interested
2 persons are notified.

3 Sec. 122. 14 V.S.A. § 1728 is amended to read:

4 § 1728. COURT TO DETERMINE QUESTIONS OF ADVANCEMENT

5 Questions as to an advancement made, or alleged to have been made by the
6 deceased to an heir, may be heard and determined by the ~~probate~~ superior court
7 and shall be specified in the decree assigning the estate. The final decree of
8 the ~~probate~~ superior court, or of the ~~superior~~ or supreme court on appeal, shall
9 be binding on the persons interested in the estate.

10 Sec. 123. 14 V.S.A. § 2664 is amended to read:

11 § 2664. CREATION OF PERMANENT GUARDIANSHIP

12 (a) The ~~family~~ superior court may establish a permanent guardianship at a
13 permanency planning hearing or at any other hearing in which a permanent
14 legal disposition of the child can be made, including a child protection
15 proceeding pursuant to 33 V.S.A. § 5528, or a delinquency proceeding
16 pursuant to 33 V.S.A. § 5529. The court shall also issue an order permitting or
17 denying visitation, contact, or information with the parent at the same time the
18 order of permanent guardianship is issued. Before issuing an order for
19 permanent guardianship, the court shall find by clear and convincing evidence
20 all of the following:

21 * * *

1 (c) After the ~~family~~ superior court issues a final order establishing
2 permanent guardianship, the case shall be transferred to the appropriate probate
3 court in the district in which the permanent guardian resides. Jurisdiction shall
4 continue to lie in the probate court. Appeal of any decision by the probate
5 court shall be de novo to the family court.

6 Sec. 123a. 14 V.S.A. § 2664 is amended to read:

7 § 2664. CREATION OF PERMANENT GUARDIANSHIP

8 * * *

9 ~~(c) After the superior court issues a final order establishing permanent~~
10 ~~guardianship, the case shall be transferred to the appropriate probate court in~~
11 ~~the district in which the permanent guardian resides. Jurisdiction shall~~
12 ~~continue to lie in the probate court. Appeal of any decision by the probate~~
13 ~~court shall be de novo to the family court.~~

14 Sec. 124. 14 V.S.A. § 2927 is amended to read:

15 § 2927. REMEDY, AFTER GUARDIAN'S DISCHARGE,

16 REEXAMINATION OF ACCOUNTS

17 After the trust of a guardian is terminated, if the ward or the ward's legal
18 representatives are dissatisfied with the account as allowed by the ~~probate~~
19 superior court during the continuance of the trust, within two years, and if the
20 ward or the legal representatives do not at the time of the termination of the
21 trust reside in this state, within four years thereafter, they may file a motion to

1 reopen the estate for a reexamination of the account. After notice as provided
2 by the rules of probate procedure, the court shall reexamine accounts
3 previously allowed. A party may appeal from the decision of the ~~probate~~
4 superior court to the ~~superior~~ supreme court. The final allowance of accounts
5 in these proceedings shall be conclusive between the parties.

6 Sec. 125. 14 V.S.A. § 3062 is amended to read;

7 § 3062. JURISDICTION; REVIEW OF GUARDIAN'S ACTIONS

8 (a) The ~~probate~~ superior court shall have exclusive original jurisdiction
9 over all proceedings brought under the authority of this chapter or pursuant to
10 section 9718 of Title 18.

11 (b) The ~~probate~~ superior court shall have supervisory authority over
12 guardians. Any interested person may seek review of a guardian's proposed or
13 past actions by filing a motion with the court.

14 Sec. 126. 15 V.S.A. § 658(d) and (e) are amended to read:

15 (d) The ~~family~~ superior court judge or magistrate may order a parent who is
16 in default of a child support order, to participate in employment, educational,
17 or training related activities if the court finds that participation in such
18 activities would assist in addressing the causes of the default. The court may
19 also order the parent to participate in substance abuse or other counseling if the
20 court finds that such counseling may assist the parent to achieve stable
21 employment. Activities ordered under this section shall not be inconsistent

1 with any requirements of a state or federal program in which the parent is
2 participating. For the purpose of this subsection, “employment, educational, or
3 training related activities” shall mean:

4 * * *

5 (e) A consent to the adoption of a child or the relinquishment of a child, for
6 the purpose of adoption, covered by a child support order shall terminate an
7 obligor’s duty to provide future support for the adopted child without further
8 order of the ~~family~~ court. Unpaid support installments accrued prior to
9 adoption are not discharged and are subject to the jurisdiction of the ~~family~~
10 court. In a case involving a child covered by a Vermont child support order,
11 the probate court shall file the consent or relinquishment with the ~~family~~
12 superior court that issued in the case in which the support order was issued and
13 shall notify the office of child support of any order terminating parental rights
14 and of the final adoption decree. Upon receipt of the consent or
15 relinquishment the office of child support shall terminate the obligor’s duty to
16 provide further support.

17 Sec. 126a. 15 V.S.A. § 658(e) is amended to read:

18 * * *

19 (e) A consent to the adoption of a child or the relinquishment of a child, for
20 the purpose of adoption, covered by a child support order shall terminate an
21 obligor’s duty to provide future support for the adopted child without further

1 order of the court. Unpaid support installments accrued prior to adoption are
2 not discharged and are subject to the jurisdiction of the court. In a case
3 involving a child covered by a Vermont child support order, the ~~probate~~ court
4 shall also file the consent or relinquishment ~~with the superior court~~ in the case
5 in which the support order was issued and shall notify the office of child
6 support of any order terminating parental rights and of the final adoption
7 decree. Upon receipt of the consent or relinquishment the office of child
8 support shall terminate the obligor's duty to provide further support.

9 Sec. 127. 15 V.S.A. § 1011(a) is amended to read:

10 (a) A ~~superior, juvenile or probate~~ court which has considered or is
11 considering the custody or visitation of a minor child may award visitation
12 rights to a grandparent of the child, upon written request of the grandparent
13 filed with the court, if the court finds that to do so would be in the best interest
14 of the child.

15 Sec. 128. 15 V.S.A. § 1101 is amended to read:

16 § 1101. DEFINITIONS

17 The following words as used in this chapter shall have the following
18 meanings:

19 * * *

20 (3) A "foreign abuse prevention order" means any protection order
21 issued by the court of any other state that contains provisions similar to relief

1 provisions authorized under this chapter, the Vermont ~~Family Court~~ Rules for
2 Family Proceedings, chapter 69 of Title 33, or chapter 178 of Title 12.

3 * * *

4 Sec. 129. 15 V.S.A. § 1102 is amended to read:

5 § 1102. JURISDICTION AND VENUE

6 (a) The ~~family~~ superior court shall have jurisdiction over proceedings under
7 this chapter.

8 (b) Emergency orders under section 1104 of this title may be issued by a
9 judge of the ~~district~~, superior ~~or family~~ court.

10 * * *

11 Sec. 130. 15 V.S.A. § 1106 is amended to read:

12 § 1106. PROCEDURE

13 (a) Except as otherwise specified in this chapter, proceedings commenced
14 under this chapter shall be in accordance with the ~~family court rules~~ Vermont
15 Rules for Family Proceedings and shall be in addition to any other available
16 civil or criminal remedies.

17 (b) The court administrator shall establish procedures to insure access to
18 relief after regular court hours, or on weekends and holidays. The court
19 administrator is authorized to contract with public or private agencies to assist
20 plaintiffs to seek relief and to gain access to ~~district~~, superior ~~and family~~

1 courts. Law enforcement agencies shall assist in carrying out the intent of this
2 section.

3 (c) The office of the court administrator shall ensure that the ~~family court~~
4 ~~and the district~~ superior court ~~have~~ has procedures in place so that the contents
5 of orders and pendency of other proceedings can be known to ~~both~~ all courts
6 for cases in which an abuse prevention proceeding is related to a criminal
7 proceeding.

8 Sec. 131. 15A V.S.A. § 6-102(c) is amended to read:

9 (c) Within 30 days after a decree of adoption becomes final, the ~~register~~
10 clerk of the ~~probate~~ superior court ~~or the clerk of the family court~~ shall send to
11 the registry a copy of any document signed pursuant to section 2-105 of this
12 title.

13 Sec. 132. 17 V.S.A. § 2103 is amended to read:

14 § 2103. DEFINITIONS

15 As used in this title, unless the context or a specific definition requires a
16 different reading:

17 * * *

18 (10) "County officer" means ~~judge of probate~~, assistant judge of the
19 superior court, state's attorney, sheriff, high bailiff, and justice of the peace.

20 * * *

1 (43) “Probate district clerk” means, in a probate district as defined in
2 section 272 of Title 4, the clerk of the county having the largest population in
3 the district.

4 Sec. 133. 17 V.S.A. § 2323 is amended to read:

5 § 2323. PROBATE DISTRICT COMMITTEE

6 The “probate district committee” of a party shall consist of those members
7 of ~~the~~ each county committee residing in a probate district. Such a committee
8 shall elect its own officers when called upon to meet, but it need not meet
9 unless required to perform some function under this title. The chair of the
10 county committee in the county having the largest population within the
11 district may call the first meeting by giving at least five days’ written notice to
12 all other members; thereafter the committee shall meet at the call of the probate
13 district chair.

14 Sec. 134. 17 V.S.A. § 2355 is amended to read:

15 § 2355. NUMBER OF SIGNATURES REQUIRED

16 The number of signatures on primary petitions shall be not less than:

17 (1) For state and congressional officers, ~~five hundred~~ 500;

18 (2) For county officers, probate judges, or state senator, ~~one hundred~~
19 100;

20 (3) For representative to the general assembly, ~~fifty~~ 50.

1 Sec. 135. 17 V.S.A. § 2357(a) is amended to read:

2 (a) Primary petitions and consent forms shall be filed as follows:

3 (1) For state and congressional officers, with the secretary of state;

4 (2) For county officers with the county clerk;

5 (3) For probate judge, with the probate district clerk;

6 (4) For state senator, with the senatorial district clerk;

7 ~~(4)~~(5) For representative to the general assembly, with the representative
8 district clerk.

9 Sec. 136. 17 V.S.A. § 2368 is amended to read:

10 § 2368. CANVASSING COMMITTEE MEETINGS

11 After the primary election is conducted, the canvassing committee for state
12 and national offices and statewide public questions shall meet at 10 a.m. one
13 week after the day of the election. The canvassing committee for county
14 offices ~~and, probate judge,~~ countywide public questions, and state senator shall
15 meet at 10 a.m. on the third day following the election. The canvassing
16 committees for local offices and local public questions, including state
17 representative, shall meet at 10 a.m. on the day after the election, except that in
18 the case of canvassing committees for state representative in ~~multi-town~~
19 multitown representative districts, the committees shall meet at 10 a.m. on the
20 third day after the election.

1 Sec. 137. 17 V.S.A. § 2382 is amended to read:

2 § 2382. WHICH COMMITTEE TO NOMINATE

3 Nominations of party candidates pursuant to this subchapter shall be made
4 by the following political committee of the party:

5 (1) By the state committee in the case of state or congressional officers;

6 (2) By the county committee in the case of county officers;

7 (3) By the probate district committee in the case of probate judges;

8 (4) By the senatorial district committee in the case of the office of state
9 senator;

10 ~~(4)~~(5) By the representative district committee in the case of the office
11 of representative to the general assembly;

12 ~~(5)~~(6) By the town committee in the case of the office of justice of the
13 peace.

14 Sec. 138. 17 V.S.A. § 2402(b) is amended to read:

15 (b)(1) To constitute a valid nomination, a statement shall contain signatures
16 of voters qualified to vote in an election for the office in question, equal in
17 number to at least:

18 ~~(1)~~(A) For presidential and vice presidential offices, 1,000;

19 ~~(2)~~(B) For state and congressional offices, 500;

20 ~~(3)~~(C) For county officers, probate judges, or state senators, 100;

21 ~~(4)~~(D) For representative to the general assembly, 50;

1 ~~(5)~~(E) For justice of the peace, 30 or one percent of the legal voters of
2 the municipality, whichever is less.

3 (2) Signatures need not all be contained on one paper.

4 Sec. 139. 17 V.S.A. § 2592 is amended to read:

5 § 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN
6 GENERAL OR SPECIAL ELECTIONS

7 * * *

8 (c) For probate judge, the probate district clerk and the county chair of each
9 major party in the county having the largest population within the district, or
10 the chair's designee, shall constitute a canvassing committee to receive and
11 tally returns and issue certificates.

12 (d) For state senator, the senatorial district clerk, and the chair of the
13 county committee of each major political party (or designee) in the county for
14 which the senatorial district clerk is clerk shall constitute a canvassing
15 committee to receive and tally returns and issue certificates.

16 ~~(d)~~(e) For state representative, the representative district clerk, and one
17 other election official from the district shall serve as a canvassing committee to
18 receive and, if necessary, tally returns and issue certificates.

19 ~~(e)~~(f) In the case of the canvassing committees in subsections (b) ~~and (e)~~
20 through (d) of this section, if there is no party organization or party chair in the

1 county, the state committee chairman may designate a person to serve on the
2 appropriate canvassing committee.

3 ~~(f)~~(g) In the case of primary elections, the canvass of votes shall be made as
4 provided in subchapter 1 of chapter 49 of this title.

5 ~~(g)~~(h) In the case of general or special elections, each canvassing
6 committee shall meet at 10:00 a.m. one week after the day of the election and
7 proceed to canvass the votes as provided in subsections ~~(h)~~(i) through ~~(m)~~(n)
8 of this section. The canvassing committee may recess from time to time until
9 it has completed its work.

10 ~~(h)(1)~~(i)(1) The canvassing committee shall declare the person receiving
11 the largest number of votes for each office to be elected, and it shall issue a
12 certificate of election, signed by a majority of the canvassing committee, in
13 substantially the following form:

14 State of Vermont)

15) s.s.

16 County)

17 At, on the day of 20, a
18 canvassing committee appointed by law completed a canvass of the returns
19 cast at a general election held on the day of, 20
20 for the office of The committee hereby certifies that

1 of was duly elected to the office by the voters
2 present and voting.

3
4

5 (2) The committee shall send or deliver the certificate to the candidate
6 elected. In the case of representatives to the general assembly, the committee
7 shall also send or deliver a copy of each certificate to the secretary of state.

8 ~~(j)~~(i) In the case of justices of the peace, the town clerk shall send or
9 deliver a certificate signed by the town clerk and one other election official to
10 each candidate elected. The secretary of state shall provide certificate forms
11 for this purpose. The town clerk shall also file with the secretary of state a list
12 of the names and addresses of justices of the peace and shall notify the
13 secretary of state of any changes in the list as filed.

14 ~~(j)~~(k) The certificate shall be a sufficient credential of such person's
15 election, unless superseded by a court order as provided by subchapter 9 of this
16 chapter.

17 ~~(k)~~(l) In the case of the offices of governor, lieutenant governor, treasurer,
18 secretary of state, attorney general, and auditor of accounts, the canvassing
19 committee shall prepare a certificate of election but shall not sign it. The
20 prepared certificate shall be presented to the official canvassing committee

1 appointed by the general assembly, pursuant to chapter II, section 47 of the
2 Vermont constitution, for their use if they desire.

3 ~~(4)~~(m) In the case of a tie vote, the canvassing committee shall forthwith
4 petition the appropriate superior court for a recount pursuant to section 2602 of
5 this title.

6 ~~(m)~~(n) Each canvassing committee shall file a report of its findings with the
7 secretary of state, who shall preserve the reports as permanent records.

8 Sec. 140. 17 V.S.A. § 2602(b) is amended to read:

9 (b) In the case of recounts other than specified in subsection (a) of this
10 section, the following procedure shall apply. A petition for a recount shall be
11 filed within 10 days after the election. The petition shall be filed with the
12 superior court, Washington County, in the case of candidates for state or
13 congressional office, or for a presidential election; the petition shall be filed
14 with the superior court in ~~any~~ the county with the largest population in which
15 votes were cast for the office to be recounted, in the case of any other office.
16 The petition shall be supported, if possible, by a certified copy of the certificate
17 of election prepared by the canvassing committee, verifying the total number
18 of votes cast and the number of votes cast for each candidate.

19 Sec. 141. 17 V.S.A. § 2603(c) is amended to read:

20 (c) The complaint shall be filed within 15 days after the election in
21 question, or if there is a recount, within 10 days after the court issues its

1 judgment on the recount. In the case of candidates for state or congressional
2 office, for a presidential election, or for a statewide public question, the
3 complaint shall be filed with the superior court, Washington ~~county~~ County.

4 In the case of any other candidate or public question, the complaint shall be
5 filed with the superior court in ~~any~~ the county with the largest population in
6 which votes were cast for the office or question being challenged.

7 Sec. 142. 17 V.S.A. § 2805a(a) is amended to read:

8 (a) The following campaign expenditure limitations shall apply to all
9 candidates, for all primary, general, and local elections, whether or not a
10 candidate accepts Vermont campaign finance grants under subchapter 6 of this
11 chapter, is financing his or her campaign from private contributions, or from
12 the candidate's own resources or that of his or her immediate family.

13 * * *

14 (4) A candidate for state senator, probate judge, or county office shall
15 limit campaign expenditures to no more than \$4,000.00 plus, in the case of
16 state senator, an additional \$2,500.00 for each additional seat in the senate
17 district, in any two-year general election cycle.

18 * * *

1 Sec. 143. 17 V.S.A. § 2821 is amended to read:

2 § 2821. CAMPAIGN REPORTS; COUNTY OFFICE AND PROBATE

3 JUDGE CANDIDATES

4 (a) Each candidate for county office or probate judge who has made
5 expenditures or accepted contributions of \$500.00 or more shall file campaign
6 finance reports with the officer with whom his or her nomination papers are
7 filed as follows:

8 (1) 10 days before the primary election;

9 (2) 10 days before the general election;

10 (3) further campaign reports shall be filed on the 15th day of July and
11 annually thereafter or until all contributions and expenditures have been
12 accounted for and any indebtedness and surplus have been eliminated.

13 (b) Within 40 days after the general election, each candidate for county
14 office or probate judge who has made expenditures or accepted contributions
15 of \$500.00 or more shall file a “final report” which lists a complete accounting
16 of all contributions and expenditures, and disposition of surplus, and which
17 shall constitute the termination of his or her campaign activities.

18 (c) Copies of reports filed under this section shall be forwarded by the
19 officer to the secretary of state within five days of receipt.

1 Sec. 144. 18 V.S.A. § 1055 is amended to read:

2 § 1055. TUBERCULOSIS-COMPULSORY EXAMINATIONS

3 When the commissioner of health has reasonable cause to believe that any
4 person has tuberculosis in an active stage or in a communicable form, ~~he~~ the
5 commissioner may request the person to undergo an examination at a clinic or
6 hospital approved by the secretary of the agency of human services for that
7 purpose at the expense of the state by a physician qualified in chest diseases.

8 If the person refuses the examination, the commissioner may petition the
9 ~~district~~ superior court for the ~~district~~ unit where the person resides for an order
10 requiring the person to submit to examination. When the court finds that there
11 is reasonable cause to believe that the person has tuberculosis in an active stage
12 or in a communicable form, it may order the person to be examined.

13 Sec. 145. 18 V.S.A. § 4053(b) is amended to read:

14 (b) In addition to the other remedies provided in this chapter, the board is
15 hereby authorized through the attorney general or state's attorneys to any
16 superior ~~or district~~ court to apply for, and the court shall have jurisdiction upon
17 hearing and for cause shown, to grant a temporary or permanent injunction
18 restraining any person from violating any provision of this chapter, irrespective
19 of whether or not there exists an adequate remedy at law.

1 Sec. 146. 18 V.S.A. § 4055 is amended to read:

2 § 4055. MARKING; NOTICE

3 (a) Whenever a duly authorized agent of the board finds or has probable
4 cause to believe that any food, drug, device, or cosmetic is adulterated, or so
5 misbranded as to be dangerous or fraudulent, within the meaning of this
6 chapter, he or she shall affix to such article a tag or other appropriate marking,
7 giving notice that the article is, or is suspected of being, adulterated or
8 misbranded and has been detained or embargoed, and warning all persons not
9 to remove or dispose of the article by sale or otherwise until permission for
10 removal or disposal is given by the agent or the court. It shall be unlawful for
11 any person to remove or dispose of the detained or embargoed article by sale
12 or otherwise without that permission.

13 (b) When an article detained or embargoed under subsection (a) has been
14 found by the agent to be adulterated, or misbranded, he or she shall petition the
15 presiding judge of the superior court ~~or district court~~ in whose jurisdiction the
16 article is detained or embargoed, for a libel for condemnation of the article.

17 When the agent has found that an article so detained or embargoed is not
18 adulterated or misbranded, he or she shall remove the tag or other marking.

19 (c) If the court finds that a detained or embargoed article is adulterated or
20 misbranded, the article shall, after entry of the decree, be destroyed at the
21 expense of the claimant thereof, under the supervision of the agent, and all

1 court costs and fees, and storage and other proper expenses, shall be taxed
2 against the claimant of the article or his or her agent; provided, that when the
3 adulteration or misbranding can be corrected by proper labeling or processing
4 of the article, the court, after entry of the decree and after the costs, fees, and
5 expenses have been paid and a good and sufficient bond, conditioned that the
6 article shall be so labeled or processed, has been executed, may by order direct
7 that the article be delivered to the claimant thereof for such labeling or
8 processing under the supervision of an agent of the board. The expense of the
9 supervision shall be paid by the claimant. The bond shall be returned to the
10 claimant of the article on representation to the court by the board that the
11 article is no longer in violation of this chapter and that the expenses of
12 supervision have been paid.

13 * * *

14 Sec. 147. 18 V.S.A. § 5144(a) is amended to read:

15 (a) Marriages may be solemnized by a supreme court justice, a superior
16 court judge, ~~a district judge,~~ a judge of probate, an assistant judge, a justice of
17 the peace, an individual who has registered as an officiant with the Vermont
18 secretary of state pursuant to section 5144a of this title, a member of the clergy
19 residing in this state and ordained or licensed, or otherwise regularly
20 authorized thereunto by the published laws or discipline of the general
21 conference, convention, or other authority of his or her faith or denomination,

1 or by such a clergy person residing in an adjoining state or country, whose
2 parish, church, temple, mosque, or other religious organization lies wholly or
3 in part in this state, or by a member of the clergy residing in some other state
4 of the United States or in the Dominion of Canada, provided he or she has first
5 secured from the probate court of the district within which the marriage is to be
6 solemnized a special authorization, authorizing him or her to certify the
7 marriage if such probate judge determines that the circumstances make the
8 special authorization desirable. Marriage among the Friends or Quakers, the
9 Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the
10 manner heretofore used in such societies.

11 Sec. 148. 18 V.S.A. § 5231(a) and (f) are amended to read:

12 (a) Any individual who is a near relative of the decedent or the custodian of
13 the decedent's remains may file an action in ~~probate~~ superior court requesting
14 the court to appoint an individual to make decisions regarding the disposition
15 of the decedent's remains or to resolve a dispute regarding the appropriate
16 disposition of remains, including any decisions regarding funeral goods and
17 services. The court or the individual filing the action may move to join any
18 necessary person under the jurisdiction of the court as a party. The agency of
19 human services may also be joined as a party if it is suggested on the record
20 that there will be insufficient financial resources to pay for funeral goods and
21 services.

1 (f) ~~Any appeal from the probate court shall be on the record to the superior~~
2 ~~court. There shall be no appeal as a matter of right to the supreme court.~~

3 [Repealed.]

4 Sec. 149. 18 V.S.A. § 5531(c) is amended to read:

5 (c) The ~~probate~~ superior court shall have jurisdiction to determine all
6 questions arising under the provisions of this section.

7 Sec. 150. 18 V.S.A. § 7106 is amended to read:

8 § 7106. NOTICE OF HOSPITALIZATION AND DISCHARGE

9 Whenever a patient has been admitted to a hospital or training school other
10 than upon his or her own application, the head of the hospital or school shall
11 immediately notify the patient's legal guardian, spouse, parent or parents, or
12 nearest known relative or interested party, if known. If the involuntary
13 hospitalization or admission was without court order notice shall also be given
14 to the ~~district~~ superior court judge for the ~~district~~ unit wherein the hospital is
15 located. If the hospitalization or admission was by order of any court, the head
16 of the hospital or training school admitting or discharging an individual shall
17 forthwith make a report thereof to the commissioner and to the court which
18 entered the order for hospitalization or admission.

19 Sec. 151. 18 V.S.A. § 8010(b) is amended to read:

20 (b) In that event and if the head of the hospital determines that the patient is
21 a patient in need of further treatment, the head of the hospital may detain the

1 patient for a period not to exceed four days from receipt of the notice to leave.
2 Before expiration of the four-day period the head of the hospital shall either
3 release the patient or apply to the ~~district~~ superior court in the ~~district~~ unit in
4 which the hospital is located for the involuntary admission of the patient. The
5 patient shall remain in the hospital pending the court's determination of the
6 case.

7 Sec. 152. 18 V.S.A. § 8845(a) and (b) are amended to read:

8 (a) A person committed under this subchapter may be discharged from
9 custody by a ~~district~~ superior judge after judicial review as provided herein or
10 by administrative order of the commissioner.

11 (b) Procedures for judicial review of persons committed under this
12 subchapter shall be as provided in section 8834 of this title except that
13 proceedings shall be brought in the ~~district~~ superior court in which the person
14 resides or, if the person resides out of state, in the unit which issued the
15 original commitment order.

16 Sec. 153. 18 V.S.A. § 9052 is amended to read:

17 § 9052. TRANSFER OF PATIENTS

18 The compact administrator shall consult with the immediate family of any
19 person whom he or she proposes to transfer from a state institution to an
20 institution in another state which is a party to this compact and shall take final

1 action as to the transfer of such person only with the approval of the ~~district~~
2 superior court of the district of original commitment.

3 Sec. 154. 18 V.S.A. § 9303 is amended to read:

4 § 9303. JURISDICTION AND VENUE

5 (a) The ~~family~~ superior court shall have exclusive jurisdiction over all
6 proceedings brought under the authority of this chapter. Proceedings under
7 this chapter shall be commenced in the ~~family~~ superior court for the county in
8 which the person with developmental disabilities is residing.

9 * * *

10 Sec. 154a. 18 V.S.A. § 9303 is amended to read:

11 § 9303. JURISDICTION AND VENUE

12 ~~(a)~~ The superior court shall have exclusive jurisdiction over all proceedings
13 brought under the authority of this chapter. Proceedings under this chapter
14 shall be commenced in the superior court for the county in which the person
15 with developmental disabilities is residing.

16 ~~(b)(1) The probate court shall have concurrent jurisdiction to appoint the~~
17 ~~commissioner to serve as a temporary guardian for a person in need of~~
18 ~~guardianship when:~~

19 ~~(A) a petition has been filed pursuant to section 3063 of Title 14;~~

20 ~~(B) the probate court finds that the respondent is a person in need of~~
21 ~~guardianship as defined in subdivision 9302(5) of this title; and~~

1 ~~(C) no suitable private guardian can be located.~~

2 ~~(2) Within 60 days after appointment as a temporary guardian, the~~
3 ~~commissioner shall file a petition in family court for appointment under this~~
4 ~~chapter and for modification or termination of the probate court order.~~

5 Sec. 155. 18 V.S.A. § 9316(a) and (b) are amended to read:

6 (a) The commissioner shall provide guardianship services in accordance
7 with the order of the probate or family superior court until termination or
8 modification thereof by the court.

9 (b) The commissioner, the person with developmental disabilities, or any
10 interested person may petition the appointing court, if it exists, or the family
11 superior court for the district unit where the person resides to modify or
12 terminate the judgment pursuant to which the commissioner is providing
13 guardianship. The petitioner, or the commissioner as petitioner, and the
14 respondent shall be the parties to a petition to modify or terminate
15 guardianship.

16 Sec. 155a. 18 V.S.A. § 9316(a) is amended to read:

17 (a) The commissioner shall provide guardianship services in accordance
18 with the order of the ~~probate~~ or superior court until termination or modification
19 thereof by the court.

1 Sec. 156. 20 V.S.A. § 26 is amended to read:

2 § 26. CHANGE OF VENUE BECAUSE OF ENEMY ATTACK

3 In the event that the place where a civil action or a criminal prosecution is
4 required by law to be brought, has become and remains unsafe because of an
5 attack upon the United States or Canada, such action or prosecution may be
6 brought in or, if already pending, may be transferred to the superior ~~or district~~
7 court as appropriate in an unaffected county or territorial unit and there tried in
8 the place provided by law for such court.

9 Sec. 157. 20 V.S.A. § 1882 is amended to read:

10 § 1882. SUBPOENAS

11 In connection with any investigation into the internal affairs of the
12 department, the commissioner may request subpoenas for the testimony of
13 witnesses or the production of evidence. The fees for travel and attendance of
14 witnesses shall be the same as for witnesses and officers before a ~~district~~
15 superior court. The fees in connection with subpoenas issued on behalf of the
16 commissioner or the department shall be paid by the state, upon presentation of
17 proper bills of costs to the commissioner. Notwithstanding 3 V.S.A. §§ 809a
18 and 809b, subpoenas requested by the commissioner shall be issued and
19 enforced by the ~~district~~ superior court of the ~~district unit~~ in which the person
20 subpoenaed resides in accordance with the Vermont ~~District Court Civil~~ Rules
21 of Civil Procedure.

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§ 2056. CERTIFIED RECORDS

§ 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

(d) Form of notice. The notice of intention to suspend and of suspension shall be in a form prescribed by the supreme court. The notice shall include an explanation of rights, a form to be used to request a hearing, and, if a hearing is requested, the date, time, and location of the ~~district~~ superior court where the person must appear for a preliminary hearing. The notice shall also contain, in boldface print, the following:

VT LEG 250188.1

* * *

* * *

* * *

VT LEG 250188.1

1 shall not be permitted to raise any other evidence at the final hearing, and all
2 other evidence shall be inadmissible.

3 * * *

4 (j) Venue and conduct of hearings. Venue for proceedings under this
5 section shall be in the territorial unit of the ~~district~~ superior court where the
6 offense is alleged to have occurred. Hearings under this section shall be
7 summary proceedings conducted by the ~~district~~ superior court without a jury
8 and shall be subject to the ~~District Court Civil Rules~~ Vermont Rules of Civil
9 Procedure only as consistent with this section. The state has the burden of
10 proof by a preponderance of the evidence. Affidavits of law enforcement
11 officers, chemists of either party, or expert witnesses of either party shall be
12 admissible evidence which may be rebutted by witnesses called by either party.
13 The affidavits shall be delivered to the other party at least five days prior to the
14 hearing.

15 (k) Appeal. A decision of the ~~district~~ superior court under this section may
16 be appealed as a matter of right to the supreme court. The suspension shall not
17 be stayed pending appeal unless the defendant is reasonably likely to prevail
18 on appeal.

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1 (d) Any superior ~~or district~~ judge upon application of the commissioner
2 may compel the attendance of witnesses, the giving of testimony, and the
3 production of any books, records, papers, vouchers, accounts, or documents
4 before the commissioner in the same manner, to the same extent, and subject to
5 the same penalties as if before a superior ~~or district~~ court.

6 Sec. 163. 24 V.S.A. § 71a is amended to read:

7 § 71a. COURTHOUSES

8 (a) Except as provided herein, each county shall provide and own a suitable
9 courthouse, pay all utility and custodial services, and keep such courthouse
10 suitably furnished and equipped for use by the superior court and probate
11 court, together with suitable offices for the county clerk, assistant judges, and
12 probate judges. Office space for the probate court may be provided elsewhere
13 by the county. ~~Each county shall provide fireproof safes or vaults for the~~
14 ~~safekeeping of the official files and records required to be kept by county~~
15 ~~officials, including the files and records of a justice of the peace who has~~
16 ~~vacated his or her office. Use of the county courthouse by the supreme court,~~
17 ~~district court, family court or the judicial bureau may be permitted by the~~
18 ~~assistant judges when such use does not conflict with the use of the building by~~
19 ~~the superior court, provided that the office of court administrator shall pay the~~
20 ~~cost of any such use should the assistant judges choose not to pay the cost by~~
21 ~~use of county funds. The county shall provide at least the facilities for judicial~~

1 operations, including staff, that it provided on July 1, 2009. A courthouse shall
2 not be considered suitable unless it complies with the Americans with
3 Disabilities Act for judicial services.

4 (b) ~~If the state provides a building in which the superior court is held~~ all
5 judicial operations in a county are contained in one court building owned by
6 the state, the county clerk and assistant judges may also be located in the same
7 building. ~~The assistant judges, the court administrator and the commissioner~~
8 ~~of buildings and general services shall be the superintendents of the building.~~
9 They shall make decisions regarding building construction, space allocations
10 and use of the facility after consulting with the ~~district court and the superior~~
11 ~~court presiding judges~~ judge and the ~~probate judge if housed in the building~~
12 assistant judges. The county shall no longer be required to maintain a
13 courthouse.

14 (c) The court administrator, in consultation with the presiding judge of the
15 superior court, shall determine what judicial operations will occur in the
16 county courthouse.

17 Sec. 163a. 24 V.S.A. § 71a is amended to read:

18 § 71a. COURTHOUSES

19 (a) Except as provided herein, each county shall provide and own a suitable
20 courthouse, pay all utility and custodial services and keep such courthouse
21 suitably furnished and equipped for use by the superior court ~~and probate~~

1 ~~court, together with suitable offices for the county clerk, assistant judges and~~
2 ~~probate judges. Office space for the probate court may be provided elsewhere~~
3 ~~by the county.~~

4 * * *

5 Sec. 164. 24 V.S.A. § 72 is amended to read:

6 § 72. —EXPENSES OF THE SUPERIOR COURT

7 (a) The expenses connected with the superior court, unless otherwise
8 provided, shall be paid by the state.

9 (b) ~~All filing fees in small claims actions, including postjudgment fees,~~
10 ~~shall be held by the county in which they are filed.~~

11 Sec. 165. 24 V.S.A. § 75 is amended to read:

12 § 75. TELEPHONE

13 Each county shall provide adequate telephone service for the county
14 courthouse, the offices of the county clerk, ~~probate judge or register thereof,~~
15 and sheriff.

16 Sec. 166. 24 V.S.A. § 77 is amended to read:

17 § 77. COUNTY LANDS; PURCHASE; CONDEMNATION

18 (a) Each county may acquire and own such lands and rights in lands as in
19 the opinion of the assistant judges are needful for county purposes.

20 (b) A county may condemn land in situations similar to those in which a
21 municipality may condemn under section 2805 of this title by complying with

1 the procedures established in sections 2805 through 2812 of this title, with the
2 assistant judges performing the duties assigned by those sections to the
3 selectmen.

4 ~~(e) In any proceeding brought by a county under subsection (b) of this~~
5 ~~section, the assistant judges shall be disqualified, and the proceeding shall be~~
6 ~~heard by the presiding judge, sitting alone.~~

7 Sec. 167. 24 V.S.A. § 131 is amended to read:

8 § 131. POWERS AND DUTIES

9 The assistant judges ~~of the superior court~~ shall have the care and
10 superintendence of county property, may take deeds and leases of real estate to
11 the county, rent or sell and convey unused lands belonging to the county, keep
12 the courthouse, jail, and other county buildings insured, and make needed
13 repairs and improvements in and around the same. Assistant judges shall have
14 no adjudicative functions.

15 Sec. 168. 24 V.S.A. § 137 is amended to read:

16 § 137. JURISDICTION

17 ~~District and superior~~ Superior courts, within their respective jurisdictions,
18 may take cognizance of actions in favor of or against the county.

1 Sec. 169. 24 V.S.A. § 171 is amended to read:

2 § 171. APPOINTMENT

3 The assistant judges ~~of the superior court, with the concurrence of the~~
4 ~~presiding judge of such court,~~ shall appoint a county clerk who shall be sworn
5 and hold his or her office during the pleasure of such judges and until his or
6 her successor is appointed and has qualified.

7 Sec. 170. 24 V.S.A. § 175 is amended to read:

8 § 175. BOND TO COUNTY

9 Before entering upon the duties of his or her office, a county clerk shall
10 become bound to the county in the sum of \$3,000.00, with sufficient sureties,
11 by way of recognizance, before ~~two of the judges of the superior court~~ the
12 assistant judges, or give a bond to the county executed by principal and
13 sureties in like sum to be approved by ~~two of the judges of the superior court~~
14 the assistant judge, conditioned for the faithful performance of his or her
15 duties. Such bonds of county clerks shall be taken biennially in the month of
16 February and recorded in the office of the county clerk.

17 Sec. 171. 24 V.S.A. § 176 is amended to read:

18 § 176. DEPUTY CLERK

19 A county clerk may, subject to the approval of the assistant judges, appoint
20 one or more deputies who may perform the duties of clerk for whose acts he or
21 she shall be responsible and whose deputations he or she may revoke at

1 pleasure. A record of the appointments shall be made in the office of the clerk.
2 In case of the death of the clerk or his or her inability to act, the deputy or
3 deputies in order of appointment shall perform the duties of the office until a
4 clerk is appointed. In case of the suspension of the clerk's duties as a
5 condition of release pending trial for violating 13 V.S.A. § 2537, the assistant
6 judges of the county shall appoint a person to perform the duties of the office
7 until the charge of violating 13 V.S.A. § 2537 is resolved. ~~If the assistant~~
8 ~~judges cannot agree upon appointing a person, the judge of the superior court~~
9 ~~of the county shall make the appointment.~~ The compensation for the clerk and
10 deputy clerk shall be fixed by the assistant judges and paid for by the county.
11 Such compensation may include such employment benefits as are presently
12 provided to state employees including, but not limited to, health insurance, life
13 insurance, and pension plan, the expense for which shall be borne by the
14 county and the employees.

15 Sec. 172. 24 V.S.A. § 178 is amended to read:

16 § 178. RECORD OF SHERIFF'S COMMISSION; COPIES; EVIDENCE

17 Such clerk shall record, in a book kept for that purpose, sheriffs'
18 commissions with the oath of office indorsed thereon, ~~and recognizances taken~~
19 ~~by the judges of the superior court, out of court, for the appearance of~~
20 ~~criminals confined in jail.~~ In case of loss or destruction of an original

1 commission or recognizance, a certified copy of the record may be used in
2 court as evidence of the facts therein contained.

3 Sec. 173. 24 V.S.A. § 183 is amended to read:

4 § 183. CERTIFICATE OF APPOINTMENT OF NOTARY PUBLIC
5 ~~OR MASTER~~

6 Immediately after the appointment of a notary public ~~or master~~, the county
7 clerk shall send to the secretary of state a certificate of such appointment, on
8 blanks furnished by such secretary, containing the name, signature, and legal
9 residence of the appointee, and the term of office of each notary public. Such
10 secretary shall cause such certificates to be bound in suitable volumes and to
11 be indexed. Upon request, such secretary may certify the appointment,
12 qualification and signature of such notary public ~~or master~~ on tender of his or
13 her legal fees.

14 Sec. 174. 24 V.S.A. § 211 is amended to read:

15 § 211. APPOINTMENT; VACANCY

16 Biennially, on February 1, the assistant judges ~~of the superior court~~ shall
17 appoint a treasurer for the county who shall hold office for two years and until
18 his or her successor is appointed and qualified. If such treasurer dies or in the
19 opinion of the assistant judges becomes disqualified, they may appoint a
20 treasurer for the unexpired term. If the treasurer has his or her duties
21 suspended as a condition of release pending trial for violating 13 V.S.A.

1 § 2537, the assistant judges of the county shall appoint a person to perform the
2 duties of the treasurer until the charge of violating 13 V.S.A. § 2537 is
3 resolved. If the assistant judges cannot agree upon whom to appoint, the
4 auditor of accounts shall make the appointment.

5 Sec. 175. 24 V.S.A. § 212 is amended to read:

6 § 212. BOND

7 Before entering upon the duties of his or her office, a county treasurer shall
8 become bound to the county in the sum of \$5,000.00, with sufficient sureties,
9 by way of recognizance, before ~~two of the judges of the superior court~~ the
10 ~~assistant judges~~, or give a bond to the county executed by principal and
11 sureties in like sum to be approved by ~~two of the judges of the superior court~~
12 ~~the assistant judges~~, conditioned for the faithful performance of his or her
13 duties. Such recognizance or bond shall be lodged with and recorded by the
14 county clerk. Such bond shall be renewed annually in the month of February.

15 Sec. 176. 24 V.S.A. § 291 is amended to read:

16 § 291. BOND; OATH

17 Before entering upon the duties of his or her office, a sheriff shall become
18 bound to the treasurer of the county in the sum of \$100,000.00, with two or
19 more sufficient sureties by way of recognizance, before ~~a justice of the~~
20 ~~supreme court or the two assistant judges of the superior court~~ in such county,
21 or give a bond to the treasurer executed by such sheriff with sufficient sureties

1 in like sum to be approved by ~~a justice of the supreme court or by the two~~
2 assistant judges ~~of the superior court~~, conditioned for the faithful performance
3 of his or her duties and shall take the oath of office before one of such judges,
4 who shall certify the same on the sheriff's commission. Such recognizance or
5 bond and the commission shall be forthwith recorded in the office of the
6 county clerk.

7 Sec. 177. 24 V.S.A. § 294 is amended to read:

8 § 294. SHERIFF IMPRISONED

9 If a sheriff is confined in prison by legal process, his or her functions as
10 sheriff shall be suspended. When he or she is released from imprisonment
11 during his or her term of office, he or she shall file a certificate of his or her
12 discharge signed by one of the judges of the superior court, in the office of the
13 county clerk, and deliver a like certificate to the high bailiff. Thereupon he or
14 she shall resume the powers and execute the duties of sheriff.

15 Sec. 178. 24 V.S.A. § 361(a) is amended to read:

16 (a) A state's attorney shall prosecute for offenses committed within his or
17 her county, and all matters and causes cognizable by the supreme, and superior
18 ~~and district~~ courts in behalf of the state; file informations and prepare bills of
19 indictment, deliver executions in favor of the state to an officer for collection
20 immediately after final judgment, taking duplicate receipts therefor, one of
21 which shall be sent to the commissioner of finance and management, and take

1 measures to collect fines and other demands or sums of money due to the state
2 or county.

3 Sec. 179. 24 V.S.A. § 441 is amended to read:

4 § 441. APPOINTMENT; JURISDICTION; EX OFFICIO NOTARIES;
5 APPLICATION

6 (a) The assistant judges ~~of the superior court~~ may appoint as many notaries
7 public for the county as the public good requires, to hold office until ten days
8 after the expiration of the term of office of such judges, whose jurisdiction
9 shall extend throughout the state.

10 (b) The clerk of the supreme court, county clerks, ~~district~~ superior court
11 clerks, ~~family~~ deputy superior court clerks, justices of the peace, and town
12 clerks and their assistants shall be ex officio notaries public.

13 (c) Every applicant for appointment and commission as a notary public
14 shall complete an application to be filed with the county clerk ~~of the superior~~
15 ~~court~~ stating that the applicant is a resident of the county and has reached the
16 age of majority, giving his or her business or home address and providing a
17 handwritten specimen of the applicant's official signature.

18 (d) An ex officio notary public shall cease to be a notary public when he or
19 she vacates the office on which his or her status as a notary public depends.

1 Sec. 180. 24 V.S.A. § 441a is amended to read:

2 § 441a. NONRESIDENT NOTARY PUBLIC

3 A nonresident may be appointed as a notary public, provided the individual
4 resides in a state adjoining this state and maintains, or is regularly employed in,
5 a place of business in this state. Before a nonresident may be appointed as a
6 notary public, the individual shall file with the assistant judges ~~of the superior~~
7 ~~court~~ in the county where the individual's place of employment is located an
8 application setting forth the individual's residence and the place of
9 employment in this state. A nonresident notary public shall notify the assistant
10 judges ~~of the superior court~~, in writing, of any change of residence or of place
11 of employment in this state.

12 Sec. 181. 24 V.S.A. § 442 is amended to read:

13 § 442. OATH; CERTIFICATE OF APPOINTMENT RECORDED; FORM

14 (a) A person appointed as notary public shall cause the certificate of his or
15 her appointment to be filed and recorded in the office of the county clerk
16 where issued. Before entering upon the duties of his or her office, he or she, as
17 well as an ex officio notary, shall take the oath prescribed by the constitution,
18 and shall duly subscribe the same with his or her correct signature, which oath
19 thus subscribed shall be kept on file by the county clerk as a part of the records
20 of such county.

1 **(b)** The certificate of appointment shall be substantially in the following
2 form:

3 STATE OF VERMONT, ss.

4 _____ County

5 This is to certify that A.B. of _____ in such county, was, on
6 the _____ day of _____, 20 _____, appointed by the
7 ~~assistant judges of the superior court~~ for such county a notary public for the
8 term ending on February 10, 20 _____.

9 _____ ~~Assistant Judges of the~~

10 _____ ~~superior court.~~

11 _____

12 And at _____ in such county, on this _____ day of
13 _____, 20 _____ personally appeared A.B.

14 _____ and took oath of office prescribed in the constitution.

15 Before me,

16 C. D. _____

17 (Designation of the officer administering the oath).

18 Sec. 182. 24 V.S.A. § 1974(c) is amended to read:

19 (c) Prosecutions of criminal ordinances shall be brought before the ~~district~~
20 superior court pursuant to section 441 of Title 4.

1 Sec. 183. 24 V.S.A. § 3117 is amended to read:

2 § 3117. APPEAL FROM ORDER

3 An owner or person interested who is aggrieved by such order may appeal
4 as provided in the case of a person aggrieved by an order of a building
5 inspector. However, the provisions of this section shall not prevent such
6 municipality from recovering the forfeiture provided in section 3116 of this
7 title from the date of the service of the original notice, unless such order is
8 annulled by the board of arbitration,~~district court~~ or a superior judge, as the
9 case may be.

10 Sec. 184. 24 V.S.A. § 3808 is amended to read:

11 § 3808. LIABILITY OF PERSON BOUND TO BUILD FENCE

12 When a person bound to support a portion of the division fence does not
13 make or maintain his or her portion, he or she shall be liable for damages done
14 to or suffered by the opposite party in consequence of such neglect. An owner
15 or occupant of adjoining lands, after 10 days from the time notice is given to
16 the opposite party, may make or put in repair the fence and recover from the
17 opposite party damages arising from the neglect, with the expense of building
18 or repairing the fence. ~~Actions under this section may be brought before a~~
19 ~~district court when the amount claimed does not exceed \$200.00.~~

1 Sec. 185. 28 V.S.A. § 103 is amended to read:

2 § 103. INQUIRIES AND INVESTIGATIONS INTO THE
3 ADMINISTRATION OF THE DEPARTMENT

4 * * *

5 (c) In any inquiry or investigation conducted by the commissioner, he or
6 she shall have the same powers as are possessed by ~~district court or~~ superior
7 judges in chambers, and which shall include the power to:

8 (1) Administer oaths;

9 (2) Compel the attendance of witnesses;

10 (3) Compel the production of documentary evidence.

11 (d) If any person disobeys any lawful order or subpoena issued by the
12 commissioner pursuant to this section or refuses to testify to any matter
13 regarding which he or she may be questioned lawfully, any ~~district court or~~
14 superior judge, upon application by the commissioner, shall order the
15 obedience of the person in the same manner as if the person had disobeyed an
16 order or subpoena of the ~~district court or~~ superior judge.

17 (e) The fees and traveling expenses of witnesses shall be the same as are
18 allowed witnesses in the ~~district or~~ superior courts of the state and shall be
19 reimbursed by the commissioner out of any appropriation or funds at the
20 disposal of the department.

1 Sec. 186. 28 V.S.A. § 1531 is amended to read:

2 § 1531. APPROPRIATE COURT

3 The phrase “appropriate court” as used in the agreement on detainers, with
4 reference to the courts of this state, means the superior court where the
5 Vermont charge is pending ~~or the district court.~~

6 Sec. 187. 29 V.S.A. § 1158 is amended to read:

7 § 1158. —ACTS AND RESOLVES; VERMONT STATUTES

8 ANNOTATED; DISTRIBUTION

9 (a) The state librarian shall deliver the acts and resolves as follows: to the
10 secretary of state, six copies; to the clerk of the United States supreme court for
11 the use of the court, one copy; to the governor’s office and to the governor and
12 lieutenant governor, one copy each; to the library of Congress, four copies; to
13 each county clerk, three copies; one to each of the following officers and
14 institutions: each department of the United States government and upon
15 request to federal libraries, elective and appointive state officers, the clerk of
16 each state board or commission, superintendent of each state institution, the
17 library of the university of Vermont, the libraries of Castleton, Johnson and
18 Lyndon state colleges, Vermont technical college, Middlebury college,
19 Norwich university, St. Michael’s college, senators and representatives of this
20 state in Congress, members of the general assembly during the session at
21 which such laws were adopted, the secretary and assistant secretary of the

1 senate, clerk and assistant clerks of the house of representatives, the judges,
2 attorney, marshal and clerk of the United States district court in this state, the
3 judge of the second circuit United States court of appeals from Vermont,
4 justices and ex-justices of the supreme court, superior judges, ~~district court~~
5 ~~judges~~, the reporter of decisions, judges and registers of probate, sheriffs,
6 state's attorneys, town clerks; one each, upon request and as the available
7 supply permits, to assistant judges of the superior court, justices of the peace,
8 chairman of the legislative body of each municipality and town treasurers; one
9 within the state, to the Vermont historical society, to each county or regional
10 bar law library, and one copy to each state or territorial library or supreme
11 court library, and foreign library which makes available to Vermont its
12 comparable publication, provided that if any of these officials hold more than
13 one of the offices named, that official shall be entitled to only one copy.

14 (b) The state librarian shall distribute the copies of Vermont Statutes
15 Annotated and cumulative pocket part supplements thereto, when issued, as
16 follows: one each to the governor, lieutenant governor, speaker of the house of
17 representatives, the state treasurer, secretary of state, auditor of accounts,
18 adjutant general, commissioner of buildings and general services,
19 commissioner of taxes, sergeant at arms and the head of each administrative
20 department; four copies to the attorney general; one to each town clerk, three
21 to each county clerk; one to each probate judge and two to the clerk of the

1 supreme court; one to each ex-justice and justice of the supreme court, each
2 superior judge, ~~district judge~~, and state's attorney; two to the judge of the
3 second circuit United States court of appeals from Vermont and four to the
4 United States district judges for the district of Vermont. One copy shall be
5 given to each state institution, each county or regional bar law library, each
6 university, college and public library, as requested, and as many sets as are
7 needed to effect exchange with state libraries and state law libraries. Current
8 copies of the Vermont Statutes Annotated and supplements shall be kept for
9 use in the offices of the officers and institutions mentioned. One copy shall be
10 given to each member of the commission established by chapter 3 of Title 1
11 and counsel therefor, unless they are authorized to receive one in another
12 capacity, and one to each of the ~~fifteen~~ 15 members of the joint special
13 committee on revision of the laws authorized by No. 86 of the Acts of 1959.
14 Additional copies may be sold to parties identified in this subsection at a price
15 to be fixed by the state librarian.

16 Sec. 188. 30 V.S.A. § 12 is amended to read:

17 § 12. REVIEW BY SUPREME COURT

18 A party to a cause who feels himself or herself aggrieved by the final order,
19 judgment or decree of the board may appeal to the supreme court. However,
20 the board, in its discretion and before final judgment, may permit an appeal to
21 be taken by any party to the supreme court for determination of questions of

1 law in such manner as the supreme court may by rule provide for appeals
2 before final judgment from a superior court or the district court.
3 Notwithstanding the provisions of the Vermont ~~rules of civil procedure~~ Rules
4 of Civil Procedure or the Vermont ~~rules of appellate procedure~~ Rules of
5 Appellate Procedure, neither the time for filing a notice of appeal nor the filing
6 of a notice of appeal, as provided herein, shall operate as a stay of enforcement
7 of an order of the board unless the board or the supreme court grants a stay
8 under the provisions of section 14 of this title.

9 Sec. 189. 32 V.S.A. § 467 is amended to read:

10 § 467. ACCOUNTS WITH COUNTY CLERKS

11 The commissioner of finance and management shall issue his or her warrant
12 in favor of each ~~county~~ superior court clerk when such clerk requires money
13 for election or court expenses, and the state treasurer shall charge the same to
14 the clerk. The clerk shall be credited for moneys properly disbursed by him or
15 her, and the balance shall be paid by the clerk into the treasury.

16 Sec. 190. 32 V.S.A. § 469 is amended to read:

17 § 469. REQUISITION FOR COURT EXPENSES

18 With the approval of the court administrator, the supreme court, the
19 environmental court, the judicial bureau, ~~the probate court, and~~ and the superior
20 court, ~~the district court and the family court~~ may requisition money from the
21 state to pay fees and expenses related to grand and petit jurors, fees and

1 expenses of witnesses approved by the judge, expenses of guardians ad litem,
2 expenses of elections, and other expenses of court operations. The cash
3 advances shall be administered under the provisions of section 466 of this title.

4 Sec. 191. 32 V.S.A. § 503 is amended to read:

5 § 503. PAYMENT OF MONEYS INTO TREASURY

6 Quarterly and oftener if the commissioner of finance and management so
7 directs, ~~county~~ superior court clerks and other collectors and receivers of
8 public money, except justices, shall pay all such money collected or held by
9 them into the state treasury.

10 Sec. 192. 32 V.S.A. § 504 is amended to read:

11 § 504. FINES PAID ~~COUNTY~~ SUPERIOR COURT CLERK

12 Damages and costs received in actions to which the state is a party, fines
13 and the amount of bonds and recognizances to the state taken in any county,
14 shall be paid to the ~~county~~ superior clerk. His or her receipt shall be the only
15 valid discharge thereof and he or she shall pay the same into the state treasury.

16 Sec. 193. 32 V.S.A. § 506 is amended to read:

17 § 506. FAILURE OF ~~COUNTY~~ SUPERIOR COURT CLERK TO PAY
18 OVER

19 If a ~~county~~ superior court clerk neglects to make a return or pay into the
20 state treasury any money as provided in this chapter, the commissioner of

1 finance and management shall forthwith notify the state's attorney, who shall
2 immediately prosecute the clerk and the sureties on his or her official bond.

3 Sec. 194. 32 V.S.A. § 508 is amended to read:

4 § 508. RECEIPTS GIVEN BY STATE OFFICERS

5 State officers, except ~~county~~ superior court clerks and ~~district~~ superior
6 judges, and every person in the employ of the state under salary or per diem
7 established by statute, receiving money belonging to or for the use of the state,
8 shall give the person paying such money a receipt therefor in such form as
9 shall be prescribed by the state treasurer.

10 Sec. 195. 32 V.S.A. § 541 is amended to read:

11 § 541. COLLECTION OF FINES AND COSTS

12 All fines, costs, including costs taxed as state's attorneys' and court fees,
13 bail, and unclaimed fees collected by judges of ~~district courts~~ shall be paid into
14 the proper treasury.

15 Sec. 196. 32 V.S.A. § 581 is amended to read:

16 § 581. UNCLAIMED COSTS TO REVERT TO STATE

17 Fees allowed in a bill of costs to a ~~justice or judge~~ which are not demanded
18 by the party to whom such fees are due within six months after such bill is
19 allowed, shall revert to the use of the state ~~and, in the case of a justice, shall be~~
20 ~~paid by the justice to the county clerk within 30 days from the expiration of~~
21 ~~such period of six months; and such justice or judge, after the expiration of six~~

1 months, shall be relieved from all liability to parties to whom such fees were
2 due.

3 Sec. 197. 32 V.S.A. § 809 is amended to read:

4 § 809. ACCOUNTS OF PROBATE JUDGES

5 The auditor shall examine the accounts of the ~~judges of probate~~ superior
6 court clerks for probate cases and ascertain whether their fees are properly and
7 uniformly charged and rendered, and if he or she finds they are not, he or she
8 shall direct the proper corrections to be made. He or she shall endeavor to
9 obtain a uniform practice in the ~~probate~~ superior courts in that respect.

10 Sec. 198. 32 V.S.A. § 1141 is amended to read:

11 § 1141. ASSISTANT JUDGES ~~OF SUPERIOR COURTS~~

12 (a) ~~The compensation of each assistant judge of the superior court, which~~
13 ~~shall be paid by the state, shall be \$136.28 a day as of July 9, 2006 and~~
14 ~~\$142.04 a day as of July 8, 2007 for time spent in the performance of official~~
15 ~~duties and necessary expenses as allowed to classified state employees.~~
16 ~~Compensation under this section shall be based on a half day minimum and~~
17 ~~hourly thereafter.~~

18 (b) ~~Assistant judges of the superior court shall receive pay for such days as~~
19 ~~they attend court when it is in actual session, or during a court recess when~~
20 ~~engaged in the special performance of official duties shall receive no~~
21 compensation from state funds.

1 Sec. 199. 32 V.S.A. § 1142 is amended to read:

2 § 1142. ~~JUDGES OF PROBATE~~ JUDGES

3 (a) The annual salaries of the ~~judges of probate~~ judges in the several
4 probate districts, which shall be paid by the state in lieu of all fees or other
5 compensation, shall be \$92,641. ~~as follows:~~

6		Annual Salary
7		as of
8		July 8, 2007
9	(1) Addison	\$59,321
10	(2) Bennington	59,321
11	(3) Caledonia	59,321
12	(4) Chittenden	91,402
13	(5) Essex	28,853
14	(6) Fair Haven	43,594
15	(7) Franklin	59,321
16	(8) Grand Isle	28,853
17	(9) Hartford	59,321
18	(10) Lamoille	43,594
19	(11) Marlboro	51,559
20	(12) Orange	51,559
21	(13) Orleans	51,559

1	(14) Rutland	75,859
2	(15) Washington	75,859
3	(16) Westminster	43,594
4	(17) Windsor	51,559

5 (b) ~~Judges of probate~~ Probate judges shall be paid by the state their actual
6 and necessary expenses under the rules and regulations pertaining to classified
7 state employees.

8 Sec. 200. 32 V.S.A. § 1143 is amended to read:

9 § 1143. -COMPENSATION OF APPOINTEES

10 Persons acting under the authority of the superior court ~~probate court~~ cases
11 shall be paid as follows:

12 (1) For each day's attendance by executor, administrator, trustee, agent,
13 or guardian, on the business of their appointment, \$4.00;

14 (2) For each day's attendance of commissioners, appraisers, or
15 committee, \$4.00; and

16 (3) The ~~probate~~ superior court may allow in cases of unusual difficulty
17 or responsibility, such further sum as it judges reasonable.

18 Sec. 201. 32 V.S.A. § 1144 is amended to read:

19 § 1144. —COMPENSATION OF APPRAISERS

20 An appraiser appointed in accordance with the provisions of chapters 181
21 and 183 of this title shall receive \$4.00 a day and his or her necessary expenses

1 shall be paid by the state on the certificate of the judge ~~of probate~~. But in cases
2 requiring the appointment of an expert, the judge ~~of probate~~ may allow such
3 further sum as he or she deems reasonable.

4 Sec. 202. 32 V.S.A. § 1145 is amended to read:

5 § 1145. —ILLEGAL FEES

6 A probate judge or register of probate who directly or indirectly accepts or
7 receives, under color of his or her office, money or other valuable thing, by
8 way of fees, remuneration, or compensation for the performance of an act as
9 such judge or register, except as provided in this title, shall be fined not more
10 than \$500.00 nor less than \$200.00.

11 Sec. 203. 32 V.S.A. § 1431 is amended to read:

12 § 1431. FEES IN SUPREME, SUPERIOR, ~~DISTRICT, FAMILY, AND~~
13 ENVIRONMENTAL COURTS

14 (a) Prior to the entry of any cause in the supreme court, there shall be paid
15 to the clerk of the court for the benefit of the state a fee of \$250.00 in lieu of all
16 other fees not otherwise set forth in this section.

17 (b)(1) ~~Prior~~ Except as provided in subdivisions (2)–(5) of this subsection,
18 prior to the entry of any cause in the superior court or environmental court
19 there shall be paid to the clerk of the court for the benefit of the state a fee of
20 \$250.00 in lieu of all other fees not otherwise set forth in this section.

1 (2) Prior to the entry of any divorce or annulment proceeding in the
2 ~~family~~ superior court, there shall be paid to the clerk of the court for the benefit
3 of the state a fee of \$250.00 in lieu of all other fees not otherwise set forth in
4 this section; however, if the divorce or annulment complaint is filed with a
5 stipulation for a final order acceptable to the court, the fee shall be \$75.00.

6 (3) Prior to the entry of any parentage or desertion and support
7 proceeding brought under chapter 5 of Title 15 in the ~~family~~ superior court,
8 there shall be paid to the clerk of the court for the benefit of the state a fee of
9 \$100.00 in lieu of all other fees not otherwise set forth in this section; however,
10 if the parentage or desertion and support complaint is filed with a stipulation
11 for a final order acceptable to the court, the fee shall be \$25.00.

12 (4) Prior to the entry of any motion or petition to enforce an order for
13 parental rights and responsibilities, parent-child contact, or maintenance in the
14 ~~family~~ superior court, there shall be paid to the clerk of the court for the benefit
15 of the state a fee of \$75.00 in lieu of all other fees not otherwise set forth in
16 this section. Prior to the entry of any motion or petition to vacate or modify an
17 order for parental rights and responsibilities, parent-child contact, or
18 maintenance in the ~~family~~ superior court, there shall be paid to the clerk of the
19 court for the benefit of the state a fee of \$100.00 in lieu of all other fees not
20 otherwise set forth in this section. However, if the motion or petition is filed
21 with a stipulation for an order acceptable to the court, the fee shall be \$25.00.

1 All motions or petitions filed by one party at one time shall be assessed one
2 fee.

3 (5) Prior to the entry of any motion or petition to vacate or modify an
4 order for child support in the ~~family~~ superior court, there shall be paid to the
5 clerk of the court for the benefit of the state a fee of \$35.00 in lieu of all other
6 fees not otherwise set forth in this section; however, if the motion or petition is
7 filed with a stipulation for an order acceptable to the court, there shall be no
8 fee. A motion or petition to enforce an order for child support shall require no
9 fee. All motions or petitions filed by one party at one time shall be assessed
10 one fee; if a simultaneous motion is filed by a party under subdivision (4) of
11 this subsection, the subdivision (4) fee shall be the only fee assessed.

12 * * *

13 (d) Prior to the entry of any subsequent pleading which sets forth a claim
14 for relief in the supreme court or the superior, or environmental, ~~or district~~
15 court, there shall be paid to the clerk of the court for the benefit of the state a
16 fee of \$100.00 for every appeal, cross-claim, or third-party claim and a fee of
17 \$75.00 for every counterclaim in the superior or environmental court in lieu of
18 all other fees not otherwise set forth in this section. The fee for an appeal of a
19 magistrate's decision in the ~~family~~ superior court shall be \$100.00. The filing
20 fee for civil suspension proceedings filed pursuant to 23 V.S.A § 1205 shall be

1 \$75.00, which shall be taxed in the bill of costs in accordance with sections
2 1433 and 1471 of this title.

3 (e) Prior to the filing of any postjudgment motion in the superior; or
4 environmental, ~~or district~~ court, including motions to reopen civil suspensions,
5 there shall be paid to the clerk of the court for the benefit of the state a fee of
6 \$75.00 except for small claims actions.

7 (f) The filing fee for all actions filed in the judicial bureau shall be \$50.00;
8 the state or municipality shall not be required to pay the fee; however, if the
9 respondent denies the allegations on the ticket, the fee shall be taxed in the bill
10 of costs in accordance with sections 1433 and 1471 of this title and shall be
11 paid to the clerk of the bureau for the benefit of the state.

12 (g) Prior to the filing of any postjudgment motion in the judicial bureau
13 there shall be paid to the clerk of the bureau, for the benefit of the state, a fee
14 of \$35.00. Prior to the filing of any appeal from the judicial bureau to the
15 ~~district~~ superior court, there shall be paid to the clerk of the court, for the
16 benefit of the state, a fee of \$100.00.

17 (h) Pursuant to Vermont Rules of Civil Procedure 3.1; or Vermont Rules of
18 Appellate Procedure 24(a); ~~or District Court Civil Rules 3.1~~, part or all of the
19 filing fee may be waived if the court finds that the applicant is unable to pay it.
20 The clerk of the court or the clerk's designee shall establish the in forma

1 pauperis fee in accordance with procedures and guidelines established by
2 administrative order of the supreme court.

3 Sec. 203a. 32 V.S.A. § 1431 is amended to read:

4 § 1431. FEES IN SUPREME, SUPERIOR, AND
5 ENVIRONMENTAL COURTS

6 * * *

7 (c) Prior to the entry of a small claims action, there shall be paid to the
8 ~~clerk for the benefit of the county~~ superior court for the benefit of the state in
9 lieu of all other fees not otherwise set forth in this section, a fee of \$75.00 if
10 the claim is for more than \$1,000.00 and \$50.00 if the claim is for \$1,000.00 or
11 less. Prior to the entry of any postjudgment motion in a small claims action,
12 there shall be paid to the ~~clerk for the benefit of the county~~ superior court for
13 the benefit of the state a fee of \$50.00. The fee for every counterclaim in small
14 claims proceedings shall be \$25.00, payable to the ~~county~~ superior court for
15 the benefit of the state, if the counterclaim is for more than \$500.00, and
16 \$15.00 if the counterclaim is for \$500.00 or less.

17 * * *

18 Sec. 204. 32 V.S.A. § 1434 is amended to read:

19 § 1434. PROBATE ~~COURTS~~ CASES

20 (a) The following entry fees shall be paid to the ~~probate~~ superior court in
21 probate cases for the benefit of the state, ~~except for subdivision (17) of this~~

1 ~~subsection which shall be for the benefit of the county in which the fee was~~
2 ~~collected:~~

3 * * *

4 (b) For economic cause, the ~~probate judge~~ clerk of the superior court may
5 waive this fee. No fee shall be charged for necessary documents pertaining to
6 the opening of estates, trusts, and guardianships, including the issuance of two
7 certificates of appointment and respective letters. No fee shall be charged for
8 the issuance of two certified copies of adoption decree and two certified copies
9 of instrument changing name.

10 (c) A fee of \$5.00 shall be paid for each additional certification of
11 appointment of a fiduciary.

12 Sec. 205. 32 V.S.A. § 1436(b) is amended to read:

13 (b) Notwithstanding any statute to the contrary, fees collected as a result of
14 this section shall be in lieu of any payments by the state to the county for the
15 use of the county courthouse by the supreme, ~~district, family~~ superior, and
16 environmental courts or by the judicial bureau.

17 Sec. 206. 32 V.S.A. § 1471 is amended to read:

18 § 1471. TAXATION OF COSTS

19 (a) There shall be taxed in the bill of costs to the recovering party in the
20 supreme, superior, ~~family, district~~, or environmental courts or the judicial

1 bureau a fee equal to the entry fees, the cost of service fees incurred and the
2 total amount of the certificate of witness fees paid.

3 (b) Any costs taxed to the respondent in any action filed by the office of
4 child support shall be paid to the clerk of the court for deposit in the general
5 fund.

6 Sec. 207. 32 V.S.A. § 1511 is amended to read:

7 § 1511. GRAND AND PETIT JURORS IN SUPERIOR ~~AND DISTRICT~~
8 COURT

9 There shall be allowed to grand and petit jurors in the superior ~~and district~~
10 court the following fees and expenses:

11 (1) For attendance, \$30.00 a day, on request, unless the jurors were
12 otherwise compensated by their employer;

13 (2) For each talesman, \$30.00 a day, on request, unless the talesmen
14 were otherwise compensated by their employer;

15 (3) Upon request and upon a showing of hardship, reimbursement for
16 expenses necessarily incurred for travel from home to court, and return, at the
17 rate of reimbursement allowed state employees for travel under the terms of
18 the prevailing collective bargaining agreement.

1 Sec. 208. 32V.S.A. § 1514 is amended to read:

2 § 1514. BOARD AND LODGING OF JURORS

3 When in a grand jury investigation or in the trial of a criminal or civil cause
4 jurors are kept together by order of the court, their board and lodging and that
5 of the officers having such jurors in charge shall be paid by the state. ~~This~~
6 ~~provision shall apply only to grand jurors and petit jurors in superior courts~~
7 ~~and petit jurors in district courts.~~

8 Sec. 209. 32 V.S.A. § 1518 is amended to read:

9 § 1518. TOWN GRAND JURORS

10 In criminal causes ~~before a district court~~, the grand juror or other
11 prosecuting officer shall be paid:

12 (1) If the cause is disposed without trial, \$1.50;

13 (2) For trial by court, \$2.00;

14 (3) For trial by jury, \$2.50;

15 (4) For each subsequent day, \$2.00 additional;

16 (5) Ten cents a mile travel one way for one trip for each cause, provided
17 a separate trip for such cause has been made; but if a separate trip has not been
18 made, then at \$0.05 a mile one way for each cause;

19 (6) No grand juror shall receive in fees more than \$400.00 in any one
20 year.

1 Sec. 210. 32 V.S.A. § 1551 is amended to read:

2 § 1551. ATTENDANCE FEES

3 There shall be allowed to witnesses the following fees:

4 (1) For attendance before a ~~district or superior court or court of jail~~
5 ~~delivery~~, or to give a deposition before a notary public, \$30.00 a day;

6 (2) For attendance before an appraiser appointed by the commissioner of
7 taxes, \$30.00 a day; such fees to be apportioned as the appraiser may direct;

8 (3) For attendance on other courts or tribunals, \$30.00 a day;

9 (4) For travel in the state, all witnesses shall receive mileage at the rate
10 of reimbursement allowed state employees for travel under the terms of the
11 prevailing collective bargaining agreement.

12 Sec. 211. 32 V.S.A. § 1596 is amended to read:

13 § 1596. FEES FORBIDDEN

14 Fees shall not be allowed to an officer for the service of a capias, bench
15 warrant, or other writ for the arrest of a person who is under a recognizance
16 taken before a ~~district court judge or other~~ an officer authorized by law to take
17 such recognizance, requiring the appearance of such person before the superior
18 court.

1 Sec. 212. 32 V.S.A. § 1631 is amended to read:

2 § 1631. TRUSTEES' FEES

3 The person summoned as trustee shall be allowed \$0.06 a mile for his or her
4 travel, and \$1.50 for each day's attendance before the superior court, the same
5 for travel and \$0.75 for each day's attendance before a commissioner or district
6 court.

7 Sec. 213. 32 V.S.A. § 1751 is amended to read:

8 § 1751. FEES WHEN NOT OTHERWISE PROVIDED

9 (a)(1) Officers and persons whose duty it is to record deeds, proceedings,
10 depositions, or make copies of records, proceedings, docket entries, or minutes
11 in their offices, when no other provision is made, shall be allowed:

12 ~~(1)(A)~~ The sum of \$0.60 a folio therefor with a minimum fee of \$1.00;

13 ~~(2)(B)~~ The sum of \$2.00 for each official certificate;

14 ~~(3)(C)~~ For the authentication of documents, \$2.00;

15 ~~(4)(D)~~ For other services such sum as is in proportion to the fees
16 established by law.

17 (2) Provided, however, that no fees shall be charged honorably
18 discharged veterans of the armed forces of the United States, their dependents
19 or beneficiaries for copies of records required in the prosecution of any claim
20 for benefits from the United States government, or any state agency, and fees

1 for copies of records so furnished at the rates provided by law shall be paid
2 such officers by the town or city wherein such record is maintained.

3 (b)(1) Whenever ~~probate, district, environmental, family, or superior~~ court
4 officers and employees or officers and employees of the judicial bureau furnish
5 copies or certified copies of records, the following fees shall be collected for
6 the benefit of the state:

7 ~~(4)~~(A) The sum of \$0.60 a folio with a minimum fee of \$1.00 when a
8 copy is reproduced by typewriter or hand;

9 ~~(2)~~(B) The sum of \$0.25 a page with a minimum fee of \$1.00 when a
10 copy is reproduced photographically;

11 ~~(3)~~(C) For each official certificate, \$5.00; however, one conformed copy
12 of any document issued by a court shall be furnished without charge to a party
13 of record to the action;

14 ~~(4)~~(D) For the authentication of documents, \$5.00;

15 ~~(5)~~(E) For a response to a request for a record of criminal history of a
16 person based upon name and date of birth, \$30.00.

17 ~~(6)~~(F) For appointment as an acting judge pursuant to 4 V.S.A § 22(b)
18 for the purpose of performing a civil marriage, \$100.00.

19 (2) However, the fees provided for in this subsection shall not be
20 assessed by these officers and employees in furnishing copies or certified
21 copies of records to any agency of any municipality, state, or federal

1 government or to veterans honorably discharged from the armed forces of the
2 United States, their dependents or beneficiaries, in the prosecution of any claim
3 for benefits from the United States government, or any state agency.

4 Sec. 214. 32 V.S.A. § 1753 is amended to read:

5 § 1753. INQUESTS

6 The fees and expenses of inquests on the dead, and buildings burned shall
7 be the same as in criminal causes before a ~~district~~ court.

8 Sec. 215. 32 V.S.A. § 1760 is amended to read:

9 § 1760. FEES OF COUNTY CLERKS FOR INDEX OF DEEDS AND
10 INDEX OF RECORDS

11 The county clerks shall receive from the county, for making the general
12 index of existing land records under section 401 of Title 27, \$1.00 for each 100
13 entries upon such index; and for making an index as provided in section 656 of
14 Title 4, such sum as the assistant judges ~~of the superior court~~ certify to be
15 reasonable, to be allowed by the commissioner of finance and management in
16 the accounts of the clerks.

17 Sec. 216. 32 V.S.A. § 5932 is amended to read:

18 § 5932. DEFINITIONS

19 As used in this chapter:

20 * * *

* * *

The ~~register of the probate~~ clerk of the superior court shall send to the commissioner by mail at the time of granting letters of administration in any estate and upon forms to be furnished by the commissioner, the name of the decedent, the date of his or her death, and the name and address of the administrator or executor.

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1 required to attend any hearing shall be the same as those allowed witnesses
2 appearing in the superior court but no fees shall be payable to a person charged
3 with a tax liability under this chapter. Any superior ~~or district~~ judge may, upon
4 application of the commissioner or the secretary, compel the attendance of
5 witnesses, the giving of testimony, and the production of books and records
6 before the commissioner or the secretary in the same manner, to the same
7 extent, and subject to the same penalties as if before a superior ~~or district~~ court.

8 Sec. 221. 33 V.S.A. § 4916a(c)(2) is amended to read:

9 (2) The administrative review may be stayed upon request of the person
10 alleged to have committed abuse or neglect if there is a related superior court
11 criminal or family ~~court~~ case pending in court which arose out of the same
12 incident of abuse or neglect for which the person was substantiated. During
13 the period the review is stayed, the person's name shall be placed on the
14 registry. Upon resolution of the superior court criminal or family ~~court~~ case,
15 the person may exercise his or her right to review under this section.

16 Sec. 222. 33 V.S.A. § 4916b(c) is amended to read:

17 (c) A hearing may be stayed upon request of the petitioner if there is a
18 related superior court criminal or family ~~court~~ case pending in court which
19 arose out of the same incident of abuse or neglect for which the person was
20 substantiated.

1 Sec. 223. 33 V.S.A. § 5102 is amended to read:

2 § 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

3 As used in the juvenile judicial proceedings chapters, unless the context
4 otherwise requires:

5 * * *

6 (8) “Custodian” means a person other than a parent or legal guardian to
7 whom legal custody of the child has been given by order of a Vermont
8 superior, family, or probate court or a similar court in another jurisdiction.

9 * * *

10 (12) “Guardian” means a person who, at the time of the commencement
11 of the juvenile judicial proceeding, has legally established rights to a child
12 pursuant to an order of a Vermont superior or probate court or a similar court
13 in another jurisdiction.

14 Sec. 224. 33 V.S.A. § 5103(a) and (b) are amended to read:

15 (a) The ~~family~~ superior court shall have exclusive jurisdiction over all
16 proceedings concerning a child who is or who is alleged to be a delinquent
17 child or a child in need of care or supervision brought under the authority of
18 the juvenile judicial proceedings chapters, except as otherwise provided in
19 such chapters.

20 (b) Orders issued under the authority of the juvenile judicial proceedings
21 chapters shall take precedence over orders in other ~~family~~ superior court

1 proceedings and any order of another court of this state, to the extent they are
2 inconsistent. This section shall not apply to child support orders in a divorce,
3 parentage, or relief from abuse proceedings until a child support order has been
4 issued in the juvenile proceeding.

5 Sec. 225. 33 V.S.A. § 5104(a) is amended to read:

6 (a) The ~~family~~ superior court may retain jurisdiction over a youthful
7 offender up to the age of 22.

8 Sec. 226. 33 V.S.A. § 5203(e) is amended to read:

9 (e) Motions ~~to transfer a case to family court~~ for youthful offender
10 treatment shall be made under section 5281 of this title.

11 Sec. 227. 33 V.S.A. § 5281 is amended to read:

12 § 5281. MOTION IN ~~DISTRICT~~ SUPERIOR COURT

13 (a) A motion may be filed in the ~~district~~ superior court requesting that a
14 defendant under 18 years of age in a criminal proceeding who had attained the
15 age of 10 but not the age of 18 at the time the offense is alleged to have been
16 committed be treated as a youthful offender. The motion may be filed by the
17 state's attorney, the defendant, or the court on its own motion.

18 (b) Upon the filing of a motion under this section and the entering of a
19 conditional plea of guilty by the youth, the district court shall enter an order
20 deferring the sentence ~~and transferring the case to the family court for pending~~
21 a hearing on the motion. ~~Copies of all records relating to the case shall be~~

1 ~~forwarded to the family court.~~ Conditions of release and any department of
2 corrections supervision or custody shall remain in effect until the ~~family~~ court
3 approves the motion for treatment as a youthful offender and orders conditions
4 of juvenile probation pursuant to section 5284 of this title.

5 (c) A plea of guilty entered by the youth pursuant to subsection (b) of this
6 section shall be conditional upon the ~~family~~ court granting the motion for
7 youthful offender status.

8 (d)(1) If the ~~family~~ court denies the motion for youthful offender treatment
9 pursuant to subsection 5284 of this title, the case shall ~~be returned to the~~
10 ~~district court~~ remain a criminal proceeding and the youth shall be permitted to
11 withdraw the plea. The conditions of release imposed by the ~~district~~ court
12 shall remain in effect, and the case shall proceed as though the motion for
13 youthful offender treatment had not been made.

14 (2) Subject to Rule 11 of the Vermont Rules of Criminal Procedure and
15 Rule 410 of the Vermont Rules of Evidence, the ~~family court's~~ denial of the
16 motion for youthful offender treatment and any information related to the
17 youthful offender proceeding shall be inadmissible against the youth for any
18 purpose in the subsequent criminal proceeding in ~~district~~ superior court.

1 Sec. 228. 33 V.S.A. § 5282 is amended to read:

2 § 5282. REPORT FROM THE DEPARTMENT

3 (a) Within 30 days after the ~~case is transferred to family court~~ motion,
4 unless the court extends the period for good cause shown, the department shall
5 file a report with the family court.

6 (b) A report filed pursuant to this section shall include the following
7 elements:

8 (1) A recommendation as to whether youthful offender status is
9 appropriate for the youth.

10 (2) A disposition case plan including proposed services and proposed
11 conditions of juvenile probation in the event youthful offender status is
12 approved.

13 (3) A description of the services that may be available for the youth
14 when he or she reaches 18 years of age.

15 (c) A report filed pursuant to this section is privileged and shall not be
16 disclosed to any person other than the department, the court, the state's
17 attorney, the youth, the youth's attorney, the youth's guardian ad litem, the
18 department of corrections, or any other person when the court determines that
19 the best interests of the youth would make such a disclosure desirable or
20 helpful.

1 Sec. 229. 33 V.S.A. § 5283 is amended to read:

2 § 5283. HEARING IN FAMILY COURT

3 (a) Timeline. A hearing on the motion for youthful offender status shall be
4 held no later than 35 days after the ~~transfer of the case from district court~~
5 motion.

6 (b) Notice. Notice of the hearing shall be provided to the state's attorney;
7 the youth; the youth's parent, guardian, or custodian; the department; and the
8 department of corrections.

9 (c) Hearing procedure.

10 (1) If the motion is contested, all parties shall have the right to present
11 evidence and examine witnesses. Hearsay may be admitted and may be relied
12 on to the extent of its probative value. If reports are admitted, the parties shall
13 be afforded an opportunity to examine those persons making the reports, but
14 sources of confidential information need not be disclosed.

15 (2) Hearings under subsection 5284(a) of this title shall be open to the
16 public. All other youthful offender proceedings shall be confidential.

17 (d) The burden of proof shall be on the moving party to prove by a
18 preponderance of the evidence that a child should be granted youthful offender
19 status. If the court makes the motion, the burden shall be on the youth.

1 (e) Further hearing. On its own motion or the motion of a party, the court
2 may schedule a further hearing to obtain reports or other information necessary
3 for the appropriate disposition of the case.

4 Sec. 230. 33 V.S.A. § 5285 is amended to read:

5 § 5285. MODIFICATION OR REVOCATION OF DISPOSITION

6 (a) If it appears that the youth has violated the terms of juvenile probation
7 ordered by the court pursuant to subdivision 5284(c)(1) of this title, a motion
8 for modification or revocation of youthful offender status may be filed in
9 ~~family~~ the court. The court shall set the motion for hearing as soon as
10 practicable. The hearing may be joined with a hearing on a violation of
11 conditions of probation under section 5265 of this title. A supervising juvenile
12 or adult probation officer may detain in an adult facility a youthful offender
13 who has attained the age of 18 for violating conditions of probation.

14 (b) A hearing under this section shall be held in accordance with section
15 5268 of this title.

16 (c) If the court finds after the hearing that the youth has violated the terms
17 of his or her probation, the court may:

18 (1) maintain the youth's status as a youthful offender, with modified
19 conditions of juvenile probation if the court deems it appropriate;

20 (2) revoke the youth's status as a youthful offender status and return the
21 case to the ~~district court~~ criminal docket for sentencing; or

1 (3) transfer supervision of the youth to the department of corrections.

2 (d) If a youth's status as a youthful offender is revoked and the case is
3 returned to the ~~district court~~ criminal docket under subdivision (c)(2) of this
4 section, the district court shall hold a sentencing hearing and impose sentence.
5 When determining an appropriate sentence, the district court may take into
6 consideration the youth's degree of progress toward rehabilitation while on
7 youthful offender status. ~~The district court shall have access to all family court~~
8 ~~records of the proceeding.~~

9 Sec. 231. 33 V.S.A. § 5286(a) and (c) are amended to read:

10 (a) The ~~family~~ court shall review the youth's case before he or she reaches
11 the age of 18 and set a hearing to determine whether the court's jurisdiction
12 over the youth should be continued past the age of 18. The hearing may be
13 joined with a motion to terminate youthful offender status under section 5285
14 of this title. The court shall provide notice and an opportunity to be heard at
15 the hearing to the state's attorney, the youth, the department, and the
16 department of corrections.

17 (c) The following reports shall be filed with the court prior to the hearing:

18 (1) The department shall report its recommendations, with supporting
19 justifications, as to whether the ~~family~~ court should continue jurisdiction over
20 the youth past the age of 18 and, if continued jurisdiction is recommended,

1 whether the department or the department of corrections should be responsible
2 for supervision of the youth.

3 * * *

4 Sec. 232. 33 V.S.A. § 5287(a) and (c) are amended to read:

5 (a) A motion may be filed at any time in the ~~family~~ court requesting that
6 the court terminate the youth's status as a youthful offender and discharge him
7 or her from probation. The motion may be filed by the state's attorney, the
8 youth, the department, or the court on its own motion. The court shall set the
9 motion for hearing and provide notice and an opportunity to be heard at the
10 hearing to the state's attorney, the youth, and the department.

11 (c) If the court finds that the youth has successfully completed the terms of
12 the probation order, it shall terminate youthful offender status, discharge the
13 youth from probation, and file a written order dismissing the ~~family court~~ case,
14 including the criminal case. The family court shall provide notice of the
15 dismissal to the district court, which shall dismiss the district court case.

16 Sec. 233. 33 V.S.A. § 6932(a) and (b) are amended to read:

17 (a) The ~~family~~ superior court shall have jurisdiction over proceedings under
18 this subchapter.

19 (b) Emergency orders under section 6936 of this title may be issued by a
20 judge of the ~~district, superior or family~~ court.

1 Sec. 234. 33 V.S.A. § 6938(a) and (c) are amended to read:

2 (a) Except as otherwise provided in this subchapter, proceedings
3 commenced under this subchapter shall be in accordance with the Rules for
4 Family ~~Court Rules~~ Proceedings and shall be in addition to any other available
5 civil or criminal remedies.

6 (c) The court administrator shall establish procedures to insure access to
7 relief after regular court hours, or on weekends and holidays. The court
8 administrator is authorized to contract with public or private agencies to assist
9 persons to seek relief and to gain access to district and superior ~~and family~~
10 court judges. Law enforcement agencies shall assist in carrying out the intent
11 of this section.

12 Sec. 235. Sec. 121(a) of No. 4 of the Acts of 2009 is amended to read:

13 (a) The probate courts of the probate districts of Bennington and
14 Manchester are consolidated as of the effective date of this act to form the
15 probate court of the probate district of Bennington, which is deemed to be a
16 continuation of the probate courts of the probate districts of Bennington and
17 Manchester. The current probate judge for the probate court of the probate
18 district of Manchester shall become the probate judge for the probate court of
19 the probate district of Bennington. The current probate registers of the probate
20 districts of Bennington and Manchester shall become the registers for the
21 probate district of Bennington and shall be allowed to maintain their

1 employment status that was in effect on January 31, 2009 until
2 January 31, 2011, ~~at which time the probate judge taking office~~
3 ~~February 1, 2011 shall appoint a single probate register for the district.~~ The
4 records of the probate courts of the probate districts of Bennington and
5 Manchester shall become the records of the probate court of the probate district
6 of Bennington. The newly consolidated probate court of the probate district of
7 Bennington shall have jurisdiction over all proceedings, records, orders,
8 decrees, judgments and other acts of the probate courts of the probate districts
9 of Bennington and Manchester, including all pending matters and appeals. The
10 probate court of the probate district of Bennington shall have full authority to
11 do all acts concerning all such proceedings and other matters as if they had
12 originated in that court. The assistant judges of Bennington County shall
13 maintain offices for the newly formed district in the former districts which may
14 be used by the probate court full or part time to provide access to probate
15 services. The judge of the newly formed district with the approval of the court
16 administrator shall establish the hours of operation and staffing for each office.

17 Sec. 236. LEGISLATIVE COUNCIL STATUTORY REVISION

18 AUTHORITY

19 The staff of the legislative council, in its statutory revision capacity, is
20 authorized and directed to make such amendments to the Vermont Statutes
21 Annotated as are necessary to effect the purpose of this act, including, where

1 applicable, substituting the words “superior court” for the words “district
2 court,” “family court,” and “probate court.” These amendments shall be made
3 when new legislation is proposed or there is a republication of a volume of the
4 Vermont Statutes Annotated.

5 Sec. 237. TRANSITIONAL PROVISIONS

6 (a) Until venue rules adopted by the court pursuant to section 52 of Title 4
7 take effect, the venue requirements in effect prior to the respective effective
8 date of this act shall remain in effect.

9 (b) On the effective date of Sec. 9 of this act, each district judge shall
10 become a superior judge and have all of the powers and duties of a superior
11 judge. The term of each superior judge who reached the office by virtue of this
12 subsection shall be the same as if the person had remained a district judge.

13 (c) Until February 1, 2011, each county clerk shall provide each superior
14 clerk with deputies to work in the superior court. The number of deputies
15 provided shall be equal to the number of deputies working in the superior court
16 on July 1, 2009.

17 Sec. 238. REPEALS AND REPLACEMENTS

18 (a) The following sections are hereby repealed:

19 (1) 4 V.S.A. §§ 24 (designation and special assignment of district or
20 superior judge to hear child support enforcement actions), 111a (designation
21 and jurisdiction of superior court), 113 (jurisdiction of superior court),

1 114 (criminal jurisdiction of superior court), 116 (special sessions of superior
2 court), 117 (special hearings of superior court), 119 (completion of cases
3 commenced in superior court), 151 (opening and adjournment of court by
4 judge or sheriff), 152 (adjournment of court to another day), 153 (change in
5 time of holding sessions), 154 (designation of time of commencement of term),
6 275 (Fair Haven and Rutland probate districts), 276 (Marlboro and
7 Westminster probate districts), 277 (Hartford and Windsor probate districts),
8 437 (civil jurisdiction of district court), 439 (jurisdiction of district court in
9 felony cases), 440 (jurisdiction of district court in misdemeanor cases),
10 441 (jurisdiction of district court with respect to violations of bylaws or
11 ordinances), 442 (powers of the district court), 443 (appeals from district
12 court), 444 (number, appointment, and assignment of district judges),
13 444a (powers of Essex County assistant judges in district court), 446 (court
14 officer in district court), 452 (composition of family court), 453 (powers of
15 family court), 454 (jurisdiction of family court), 455 (transfer of probate
16 proceedings to family court), 456 (appeals from family court),
17 457 (participation and availability of assistant judges in family court),
18 458 (venue in family court), 459 (powers of assistant judges not restricted),
19 461a (powers of Essex County assistant judges and magistrates in family court
20 proceedings), 461b (powers of Essex and Orleans County assistant judges in
21 parentage proceedings), 461c (powers of assistant judges in divorce

1 proceedings), 604 (district judge declaration of intent to continue office),
2 651a (county clerk to be superior court clerk), 693 (district court docket and
3 records), 694 (filing of process with judge or clerk in district court),
4 799 (assignment of reporters to probate court), 951 (office of jury commission
5 established), and 1108 (jurisdiction of Essex County assistant judges to hear
6 and decide civil ordinance and traffic violations);

7 (2) 12 V.S.A. §§ 401 (venue for actions in supreme court), 403 (venue
8 for actions on patents), 405 (venue for actions on writs in district court),
9 1949 (district court jury), 5540a (assistant judges' jurisdiction over small
10 claims), 5805 (contents of juror's oath for civil cases in district court), and
11 5809 (contents of jury officer's oath in district court);

12 (3) 13 V.S.A. §§ 4602 (venue when act in one county or territorial unit
13 causes death in another) and 4603 (venue for offense committed on county
14 boundary);

15 (4) 24 V.S.A. §§ 76 (county law library), 139 (assistant judge judicial
16 education), 174 (superior court seal may be used as county seal), 182 (county
17 clerk's return of fees to commissioner of finance and management),
18 401 (superior court judges to appoint commissioners of jail delivery),
19 402 (vacancy in office of commissioner of jail delivery), 403 (quorum for
20 transaction of business by commission of jail delivery), and 404 (procedure
21 when commissioners of jail delivery disqualified); and

1 (5) 32 V.S.A. §§ 526 (fees disallowed when justice has not filed return
2 with county clerk), 527 (bill of costs disallowed when justice has not filed
3 returns with county clerk), 528 (penalty when justice fails to make returns),
4 1146 (expenses and fees for district judges), 1181 (salaries of county clerks),
5 and 1474 (costs and fees allowed in district courts).

6 (b) In the following sections, the phrase “district court,” wherever it
7 appears, is replaced with “superior court”:

8 (1) 3 V.S.A. §§ 965 and 1030;

9 (2) 4 V.S.A. §§ 23, 1107, 1109, and 1110;

10 (3) 7 V.S.A. §§ 563, 572, and 657;

11 (4) 9 V.S.A. § 2575;

12 (5) 10 V.S.A. §§ 2671, 2674, 4552, and 4555;

13 (6) 12 V.S.A. §§ 5717 and 5854;

14 (7) 13 V.S.A. §§ 353, 354, 1460, 4822, 4823, 5132, 5411, 5411d, 6504,
15 6606, 7002, and 7573;

16 (8) 17 V.S.A. § 2616;

17 (9) 18 V.S.A. §§ 1060, 7312, 7510, 7612, 7615, 7801, 7802, 8403, and
18 8840;

19 (10) 19 V.S.A. §§ 5, 7a, and 726;

20 (11) 20 V.S.A. §§ 2056c and 2864;

21 (12) 21 V.S.A. §§ 1352, 1622, and 1727;

1 (13) 23 V.S.A. §§ 105, 304a, 1209a, 1215, 2202, 2205, and 3318;

2 (14) 24 V.S.A. §§ 299, 1311, 1932, 1936a, 1981, 1983, and 3109;

3 (15) 28 V.S.A. §§ 373, 374, 504, and 705;

4 (16) 32 V.S.A. §§ 542, 543, 544, and 7781; and

5 (17) 33 V.S.A. §§ 5203, 5204, and 5293.

6 (c) In the following sections, the phrase “family court,” wherever it
7 appears, is replaced with “superior court”:

8 (1) 3 V.S.A. § 476a;

9 (2) 4 V.S.A. §§ 465 and 466;

10 (3) 14 V.S.A. §§ 2663 and 2667;

11 (4) 15 V.S.A. §§ 293, 303, 606, 653, 668a, 782, 787, 798, 799, 1108,
12 and 1206;

13 (5) 15A V.S.A. §§ 1-112, 2-407, 3-101, and 3-207;

14 (6) 15B V.S.A. § 102;

15 (7) 16 V.S.A. § 1946b;

16 (8) 18 V.S.A. §§ 5004, 7624, 9305, 9306, 9309, 9314, and 9315;

17 (9) 24 V.S.A. § 5066a; and

18 (10) 33 V.S.A. §§ 3901, 4102, 4103, 4105, 4108, 4916, 5102, 5117,
19 5118, 5252, 5301, and 6940.

1 Sec. 238a. REPEALS AND REPLACEMENTS

2 (a) The following sections are hereby repealed:

3 (1) 4 V.S.A. §§ 271 (probate districts), 311a (probate court venue), 312
4 (venue for settlement of resident's estate), 313 (venue for settlement of
5 resident's estate), 314 (probate court retention of jurisdiction over estate once
6 taken), 315 (contest of probate court jurisdiction), 351 (record and seal of
7 probate court), 352 (impression of probate court seal to be kept by governor),
8 353 (probate court always open), 358 (duties of probate court register), 359
9 (judge may perform probate court register's duties), 360 (card index required
10 in probate court), 361 (maintenance of ledger in probate court), 363 (powers of
11 probate court), 366 (costs taxed to witnesses in probate court), and 367
12 (security for costs taxed to witnesses in probate court);

13 (2) 12 V.S.A. §§ 2553 (appellate jurisdiction of superior court in probate
14 matters) and 2555 (standing to appeal probate matter to superior court);

15 (3) 14 V.S.A. § 905 (appeal to superior court of probate court order
16 appointing administrator);

17 (4) 24 V.S.A. § 71b (assistant judge and sheriff responsible for county
18 courthouse security);

19 (5) 32 V.S.A. § 1558 (costs for witnesses in probate court); and

20 (6) the following sections of No. 4 of the Acts of 2009: Sec. 122 (single
21 probate districts in each county), Sec. 123 (salaries of probate judges),

1 Sec. 124 (repeal of multiple probate district counties), Sec. 125 (transitional
2 provisions), and Sec. 130(c) (February 1, 2011 effective date of
3 Secs. 122–125).

4 (b) In the following sections, the phrase “probate court,” wherever it
5 appears, is replaced with “superior court”:

6 (1) 3 V.S.A. §§ 465 and 468;

7 (2) 8 V.S.A. §§ 2201, 2407, 12602, 14205, and 14405;

8 (3) 9 V.S.A. §§ 2480n and 4359;

9 (4) 12 V.S.A. §§ 2358, 5136(c), 7154, and 7159;

10 (5) 14 V.S.A. §§ 2, 103, 104, 105, 106, 107, 113, 114, 116, 202, 681,
11 684, 902, 903, 904, 906, 907, 909, 917, 917a, 919, 921, 922, 923, 924, 928,
12 929, 931, 961, 962, 963, 964, 965, 1051, 1054, 1056, 1059, 1065, 1066, 1068,
13 1201, 1204, 1206, 1210, 1410, 1416, 1455, 1492, 1551, 1554, 1557, 1558,
14 1559, 1611, 1612, 1613, 1614, 1615, 1651, 1652, 1653, 1655, 1656, 1657,
15 1658, 1659, 1660, 1661, 1662, 1665, 1721, 1729, 1730, 1731, 1736, 1737,
16 1739, 1741, 1742, 1743, 1801, 1804, 1952, 2101, 2102, 2103, 2104, 2105,
17 2106, 2107, 2108, 2201, 2202, 2203, 2303, 2305, 2306, 2307, 2318, 2327,
18 2402, 2403, 2501, 2502, 2602, 2603, 2645, 2650, 2653, 2654, 2656, 2658,
19 2665, 2666, 2667, 2671, 2684, 2687, 2711, 2712, 2751, 2752, 2753, 2754,
20 2791, 2792, 2794, 2795, 2800, 2802, 2803, 2804, 2841, 2843, 2846, 2881,
21 2882, 2886, 2887, 2890, 2921, 2923, 2924, 2925, 2928, 2961, 2963, 2964,

3001, 3004, 3011, 3063, 3064, 3069, 3075, 3076, 3076, 3081, 3091, 3093,
3094, 3095, 3101, 3201, and 3509;

(6) 15 V.S.A. §§ 811, 812, 813, and 816;

(7) 15A V.S.A. §§ 1-101, 1-105, 1-110, 1-113, 2-105, 2-206, 3-101,
3-102, 5-104, 6-102, 6-103, and 6-105;

(8) 16 V.S.A. §§ 1940 and 1941;

(9) 18 V.S.A. §§ 5075, 5076, 5077, 5150, 5151, 5168, 5169, 5202a,
5212, 5212a, 5219, 5227, 5228, 5230, 5232, 5308, 5438, 5534, 5537, 5576,
7401, 9701, 9703, 9707, 9711, 9714, and 9718;

(10) 24 V.S.A. §§ 5059 and 5061;

(11) 27 V.S.A. §§ 105, 106, 143, 145, 184, 185, 465, 466, and 1270;

(12) 28 V.S.A. § 814;

(13) 32 V.S.A. §§ 7109, 7303, 7304, 7450, 7451, and 745; and

(14) 33 V.S.A. §§ 102, 123, 302, and 4921.

Sec. 239. EFFECTIVE DATE

(a) Except as provided in subsection (b) or (c) of this section, this act shall
take effect on July 1, 2010.

(b) Sec. 42 of this act shall take effect on July 1, 2010, except that the
power to hire and remove staff, which is currently performed by county
employees, as set forth in 4 V.S.A. § 491 as amended by Sec. 42 of this act,
shall take effect on February 1, 2011.

- 1 (c) The following sections of this act shall take effect on February 1, 2011:
- 2 Secs. 7a, 18, 19, 20, 21, 23, 24, 25, 73, 74a, 75, 76, 81, 91, 92, 120, 121, 122,
- 3 123a, 124, 125, 126a, 148, 149, 154a, 155a, 163a, 165, 197, 199, 200, 201,
- 4 203a, 204, and 238a.