

TO: House Ways and Means  
FROM: Trial Court Operations, Vermont Judiciary  
DATE: February 2, 2017

RE: Recommended Statutory Fee Language

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The Finance and RIS divisions have reviewed the proposed fee changes with the Court Operations division. Our understanding is that all these proposed fee changes reflect clarification of court procedures where there is currently uncertainty and/or disparity in approach. Given the current uncertainty, we understand that there is variation as to the current level of fee charged. In addition, particularly regarding probate fees which have only recently been incorporated into VTADS, there is relatively little historical data that can provide guidance. For these reasons, it is impossible to identify the number of instances that the new fee would apply to, and the net new revenue, if any, that would be raised. However, given the relatively narrow scope of circumstances that these fees apply to, it can be assumed that any net revenue change would be small.

1. Family – **To Register and Modify a Foreign Order**
  - a. [new statute]: 32 V.S.A. §1431(b)(7) – Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 unless the request for registration is filed with a simultaneous motion to modify, in which event the fee for registration shall be \$40.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.
2. Probate – **Motion to Reopen Estate**
  - a. [new statute]: 32 V.S.A. §1434(a)(29) – Motion to Reopen Estate dependent on the value of the newly found asset pursuant to (a)(1)-(8) of this subsection.
3. Probate – **Motion to Reopen any other existing Probate case**
  - a. [amending existing statute]: 32 V.S.A. §1431(e) - Prior to the filing of any postjudgment motion in the Civil, Criminal, Probate, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, and including motions to reopen existing probate cases, there shall be paid to the clerk of the court for the benefit of the State a fee of \$90.00 except for small claims actions and estates. A filing fee of \$90.00 shall be paid to the clerk of the court for a civil petition for minor settlements.
4. Probate – **Small Estate Affidavit Procedure Pursuant to Vermont Rules of Probate Procedure 80.3(h)**
  - a. [new statute]: 32 V.S.A. §1434(a)(30) –Petitions for Small Estate Affidavit Procedure pursuant to VRPP 80.3(h) - \$50.00
5. Probate – **Request for Findings Regarding Motor Vehicle Title**

- a. [new statute]: 32 V.S.A. §1434(a)(31) – Request for Findings Regarding Motor Vehicle title pursuant to 23 V.S.A. §2023(e)(2), \$50.00
6. Probate – Clarifying current language
  - a. 32 VSA 1434(a)(12) - Annual accounts on decedents' estates filed for any period ending more than one year following the appointment of administrator or executor opening of the estate, \$85.00.
7. All Dockets – **Miscellaneous Fee**
  - a. [new statute] – 32 V.S.A. §1751(b)(1)(G) For exemplified certificates, \$10.00.