

**Vermont Judiciary**  
**Annual Statistical Report for FY17**

# Vermont Judicial Branch Annual Statistical Report

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## Highlights from the Report:

### Family

- FY17 saw a decline in juvenile cases for the first time since FY14. Abuse/neglect filings declined 14%. Delinquency filings declined 6%. Termination of parental rights (TPR) filings declined 20%. While this is encouraging, the filings for abuse/neglect cases are 40% higher than 5 years ago and TPR cases are 31% higher. Abuse/neglect cases rank as one of the most labor-intensive case types not only in the family division, but in any division of the Superior Court.
- Clearance rates for abuse/neglect cases rose from 78% in FY15 to 90% in FY17. The clearance rate for TPR cases rose dramatically in FY17, gaining 35% over the previous year. The clearance rate for delinquencies (at 87%) is the lowest of any group of cases in any division of the Superior Court.
- There has been a 19% decline in divorce/dissolution filings over the past five years. Parentage declined 20% over the past five years. Child support filings and post-judgment motions both showed an increase in the last year, but filings for both case types are significantly lower than 5 years ago (post judgment down 11%; child support down 18%).
- Approximately 69% of the cases disposed in the family division are resolved by agreement of the parties or in a default judgment because one party doesn't participate.
- Petitions for protective orders for relief from abuse have also declined in the past five years by about 10%. Temporary orders were granted in 76% of relief from abuse cases, and final orders in 48%. The number of exploitations of the elderly cases have been slowly declining since FY15, but the number of cases have not changed significantly over the last five years. Temporary orders were granted in 89% of exploitation of the elderly cases, and final orders in 58%.
- Clearance rates for divorce and protection cases have remained steady over the past 5 years. The case types showing the most fluctuation are parentage and child support.
- While still exceeding the number of applications filed 5 years ago, the number of Mental Health involuntary medication applications have dropped significantly in the past year (28%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested. Applications for involuntary treatment rose 13% in the past year.

### Criminal

- Felony filings have risen nearly 10% in the last year. This increase is primarily due to a 23% increase in filings involving drug crimes, which have begun to rebound in the last few years. There was also a slight increase in public order crimes (5%). All other felony case types declined.
- Felony domestic violence filings decreased slightly in the past year; however, case filings in this area are 47% higher than they were a decade ago.
- Misdemeanor filings declined 10% in the last year. Drug offenses are the only misdemeanor case type for which filings increased (13%). The number of misdemeanor domestic violence filings continue to decline (12% over the last 5 years).

- For felonies, less than 2% of the cases were disposed because of jury trial. For misdemeanors, this is true for less than 1% of the cases.

## **Civil**

- FY17 saw a 4% decrease in major civil cases as compared to FY16, mostly because of fewer collection, foreclosure and prisoner cases.
- Small claims filings decreased in FY17 by almost 13% as compared to FY16.
- Request for civil protection orders against stalking and sexual assault have increased 29% in the last five years. Temporary restraining orders were granted in 71% of the cases. Of these cases, a final order was granted in 43%.
- 11% of all major civil cases required either a jury or court trial. 52% were dismissed by the court or withdrawn by parties.
- Clearance rates for major civil cases remain above 100%, meaning more cases are being disposed than opened. Clearance rates for small claims and civil protection order cases fell below 100% in FY17.

## **Probate**

- Filings of minor adoption cases increased by 28% in the last year. When contrasted to 4 years ago, filings of minor adoption cases have risen 64%.
- The number of adult guardianship petitions rose slightly in FY17, while the number of minor guardianships declined. When contrasted to 5 years ago, guardianships have declined 13%.
- The number of intestate cases in Vermont (that is, those without a will), has been steadily growing over the last five years, increasing 20% since FY14. The number of testate cases (those with a will) have declined.
- The number of trust filings in Vermont have stabilized and remained relatively unchanged over the last four years.
- The number of petitions for a change of name has been steadily growing over the last four years (43%).

## **Environmental**

- Cases in the environmental division increased 24% from the previous year, primarily in the areas of environmental enforcement actions and municipal de novo appeals.
- The clearance rate in the environmental division continues to remain above 100%, meaning more cases are being disposed than opened.
- Approximately 47% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued in 37% of the cases. 16% were dismissed or withdrawn by parties.

## **Judicial Bureau**

- The Judicial Bureau processed over 90,000 civil violation complaints in FY17, up 11% from 5 years ago. The clear majority of these were traffic violations. The number of fish and game violations remained level. Municipal ordinance violations continue to decline.



## **Introduction**

The purpose of this report is to highlight trends in the five divisions of the Superior Court and in the Supreme Court with respect to the filing and disposition of cases. In addition to providing data on the number of cases added and disposed, this report also measures performance with respect to timeliness using the three performance measurements that are part of the National Center for State Courts' CourTools. The three measures are:

### **Clearance Rate**

The clearance rate measures the number of disposed cases as a percentage of the number of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

### **Age of Active Pending Caseload**

This is a point in time measurement usually done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that case type set by the Supreme Court to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

### **Time to Disposition**

This measure looks at all of cases disposed during the fiscal year and measures the percentage that were resolved within the disposition time standard or goal for that case type and the percentage that exceeded the goal. It is important to note that it would be very rare indeed for every case to be decided within the disposition goal. (If that were the case, the goal is probably too high and should be lowered.) Typically, if the percentage decided within the disposition time standard is around 80% to 85%, it probably means that the court is doing well provided that the cases that exceeded the goal did so within a reasonable margin.

### **Disposition Time Standards**

The Vermont Supreme Court has adopted by Administrative Directive disposition time standards or goals for many, but not all, case types in the Superior Court. Where time standards have not yet been adopted, it is obviously difficult to use either the second or third NCSC measurement described above. We have noted in this report case types which do not yet have time standards. Where the Court has adopted time standards, it has recognized that in every case type, there are standard cases and then there are complex cases and the complex cases need longer time frames. The Court has therefore adopted a differentiated case management system which sets a time frame as a goal for standard cases and a somewhat longer goal for complex cases. Unfortunately, we lack the capacity in our current case management system to easily identify the complex cases. Therefore, for the most part, our measurement with respect to timely disposition are based on an assumption that all cases are standard, an assumption that we recognize is not accurate.

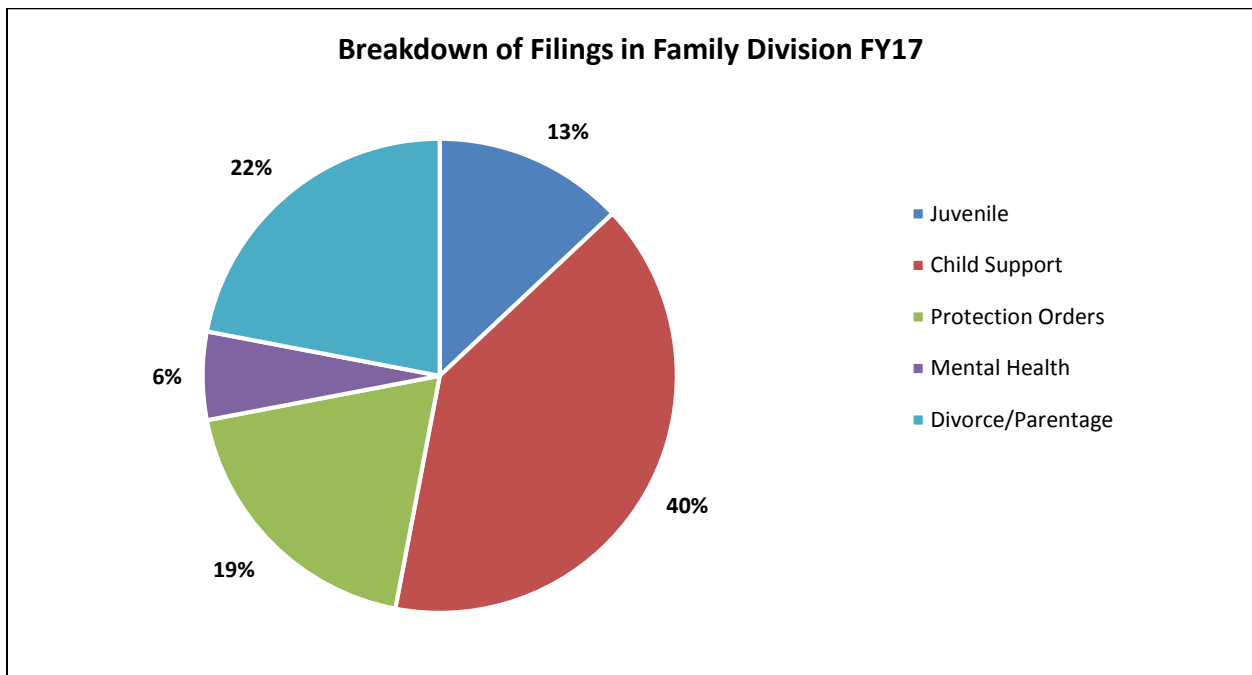
# Family Division

## Statewide Data

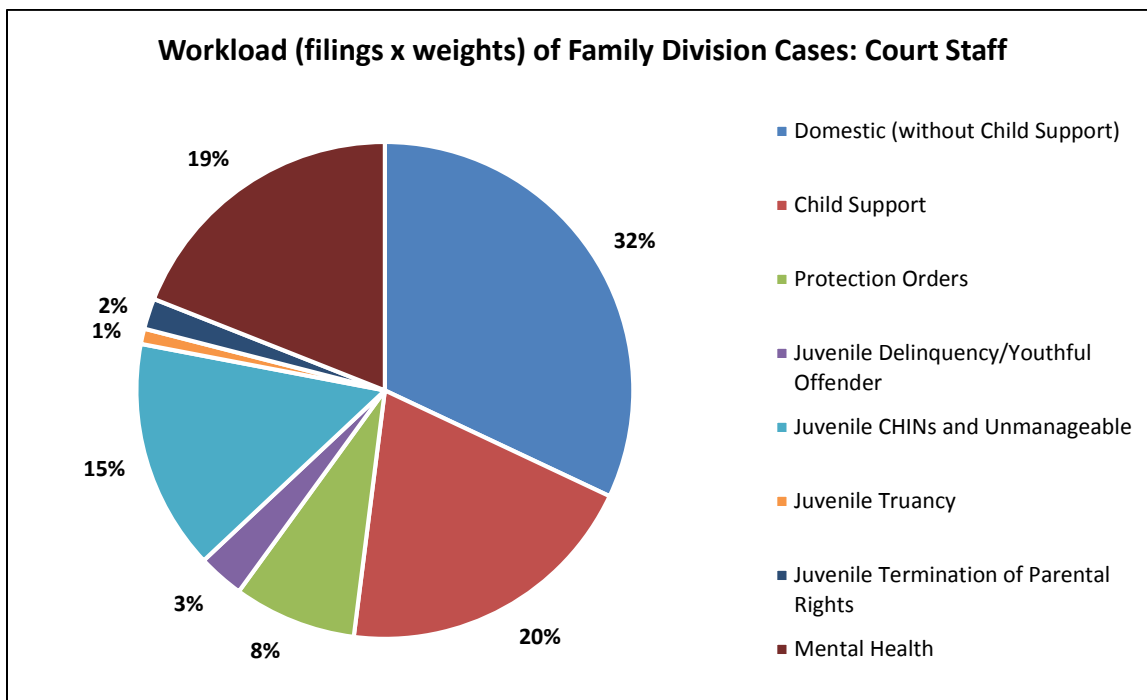
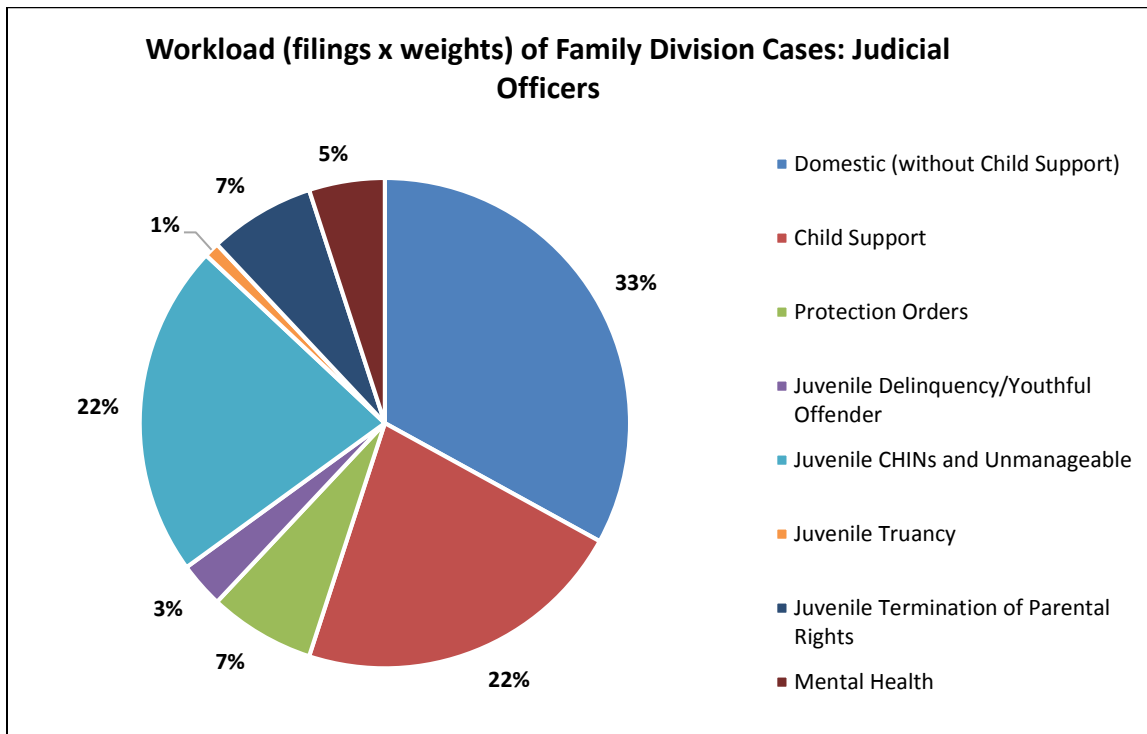
For statistical purposes Family Division cases are divided into three major categories: domestic, juvenile and mental health. Each of these categories is comprised of several different case types as shown below:

<b>JUVENILE</b>	<ul style="list-style-type: none"> <li>Child in Need of Care and Supervision – abuse/neglect, truancy, and beyond parental control</li> <li>Delinquency (including youthful offenders)</li> <li>Termination of Parental Rights</li> </ul>
<b>DOMESTIC</b>	<ul style="list-style-type: none"> <li>Divorce/Dissolution</li> <li>Parentage</li> <li>Post Judgment Motions for Enforcement or Modification of final orders</li> <li>Child Support Establishment and Motions for Enforcement or Modification of final orders</li> <li>Protection Orders for Relief from Abuse and Exploitation of the elderly</li> </ul>
<b>MENTAL HEALTH</b>	<ul style="list-style-type: none"> <li>Application for Involuntary Treatment (Hospitalization)</li> <li>Application for Involuntary Medication</li> </ul>

The chart below depicts the breakdown of the various case types in the family division based solely on numbers of cases filed.



The following charts reflect the relative workload associated with these cases from the perspective of judicial officer and staff resources.



## **Family Division: Juvenile**

There are two major categories of juvenile cases:

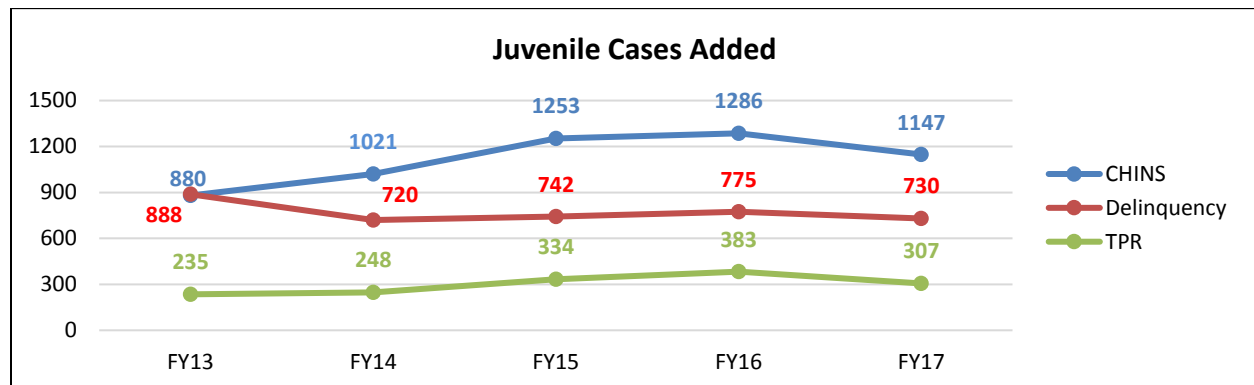
1. Cases involving children who need care and supervision (known as CHINS cases).
2. Cases involving children who have committed a delinquent act (known as delinquencies).

CHINS cases are divided into two subtypes: children who have been abused or neglected and children who are truant or beyond parental control.<sup>1</sup>The delinquency docket includes both youth charged with a delinquent act and youth transferred from adult criminal court as youthful offenders. State custody (i.e. the removal of a child from the custody of the child’s parents) is a potential outcome in all juvenile cases and court records in all juvenile cases are confidential.

Juvenile cases often involve significant post judgment activity. This is particularly true of CHINS cases. If a child who is the subject of a CHINS proceeding is in state custody, multiple review hearings will occur in the family division including a post disposition review and numerous permanency reviews. The purpose of these review hearings is to ensure that the child moves towards a permanent resolution – usually either reunification with a parent or adoption – with as little unwarranted delay as possible. If parents are unable to either reunify or make significant progress towards reunification with the child within a reasonable amount of time, the State will then petition the court to terminate parental rights so that the child can be adopted. Termination of parental rights petitions are resource intensive and for statistical purposes are therefore tracked as a separate case type.

### **Trends**

As indicated in the chart below, FY17 saw a decline in juvenile cases for the first time since FY14. The number of delinquency cases decreased 6% in the last year while the number of CHINS cases decreased 11%. Even more impactful, the number of termination of parental rights petitions decreased 20%. From a workload perspective, CHINS cases rank as one of the most labor-intensive case types not only in the family division, but in any division of the Superior Court.<sup>2</sup>

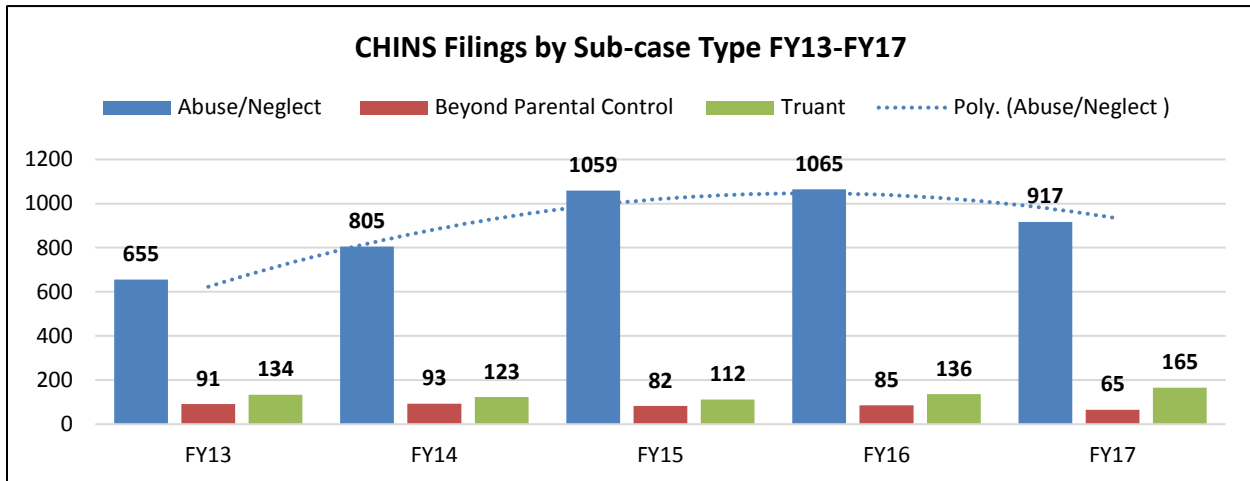


<sup>1</sup> Children beyond parental control are sometimes referred to as “unmanageable.” This category includes youth who have run away from home and youth who are chronically truant from school.

<sup>2</sup> According to the 2015 Weighted Caseload Study by the National Center for State Courts, of the work involved in juvenile cases, a CHINS abuse/neglect case on average requires nearly six times the amount of judicial resources and slightly more than 3 times the amount of staff work compared to the work load involved in disposing a delinquency case.

## CHINS

Of the 1,147 CHINS cases filed in FY17, 917 were abuse/neglect cases, the remainder were beyond parental control or truant. The decrease in CHINS filings in the past year is primarily a result in a decline in abuse/neglect filings. The number of abuse/neglect filings declined 14%, while truancy cases rose 21%. The number of cases filed involving children beyond parental control fell 24%.



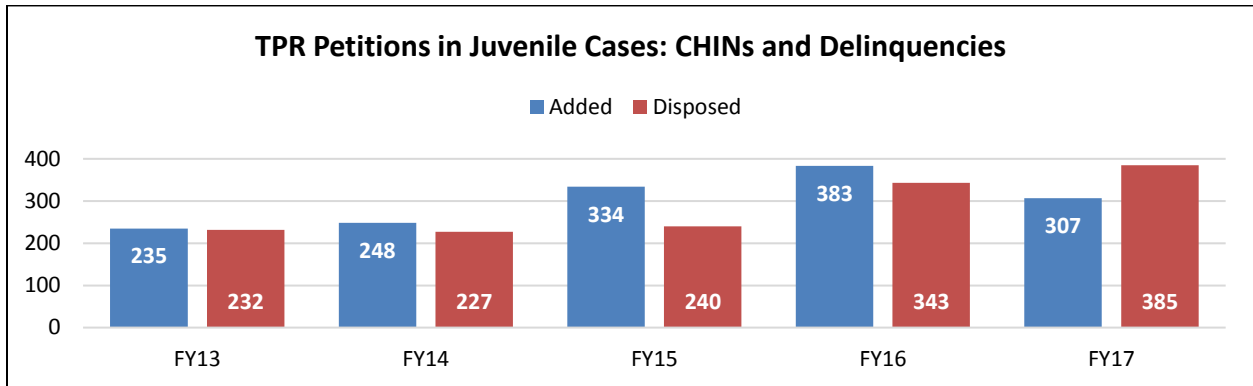
## Delinquency

The overall number of case filings in the delinquency docket declined marginally (6%) in the last year. The largest increases were in the number of drug related and motor vehicle (excluding DWI/DWUI) offenses.

ADDED	FY13	FY14	FY15	FY16	FY17
Domestic Violence	63	58	72	59	60
Drug	106	50	50	40	52
Motor Vehicle -DWI/DUI	8	7	4	7	6
Motor Vehicle- Other	26	25	16	35	44
Other	0	0	0	0	0
Person	193	190	200	234	190
Property	138	104	99	127	119
Protection	8	3	4	7	3
Public Order	346	283	297	266	256
<b>Grand Total</b>	<b>888</b>	<b>720</b>	<b>742</b>	<b>775</b>	<b>730</b>

## Termination of Parental Rights (TPR)

Although TPR petitions have decreased 20% in the last year, they remain significantly higher than five years ago (31%).

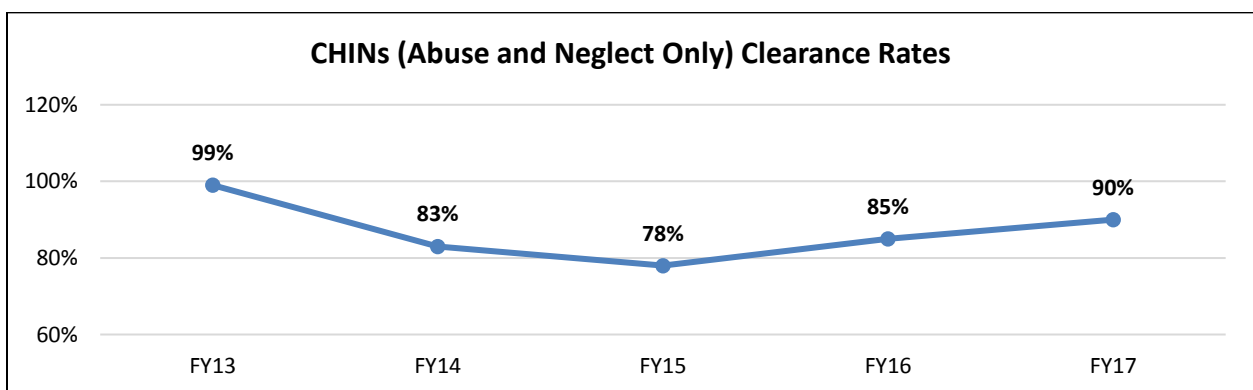


## Clearance Rates

A clearance rate reflects the number of cases closed/disposed divided by the number of cases added/filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

## CHINS

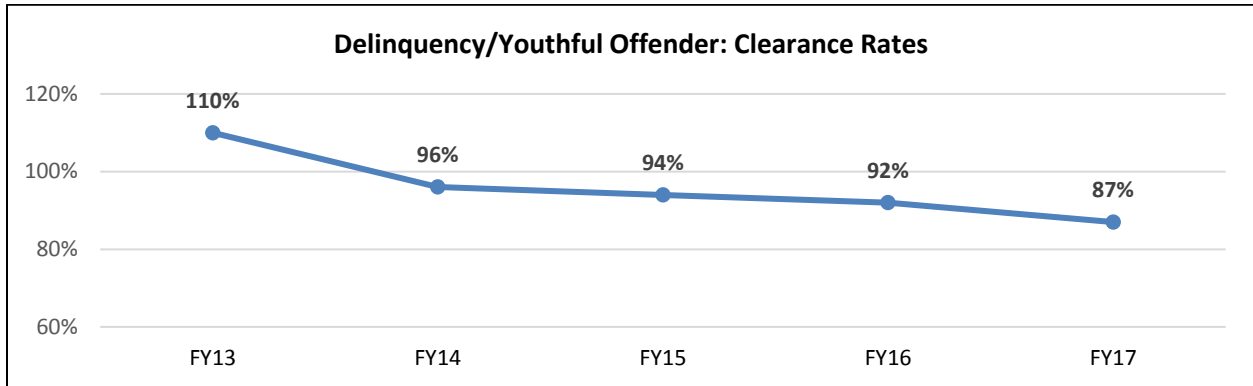
For the second year in a row, the clearance rate for abuse and neglect cases has risen. Although encouraging, the 90% clearance rate remains one of the lowest of any group of cases in any division of the superior court.<sup>3</sup> As pointed out in the introduction to this section, CHINS cases are labor intensive for judges and court staff. They require numerous hearings and the stakes for the litigants are high. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of termination of parental rights if parents are unable to regain custody within a reasonable amount of time. Clearance rates below 100% is a source of concern. It means the development of a backlog of cases that will be difficult to overcome without a dramatic decline in the number of filings or an increase in resources.



<sup>3</sup> The clearance rate for delinquency cases was 87% in FY17.

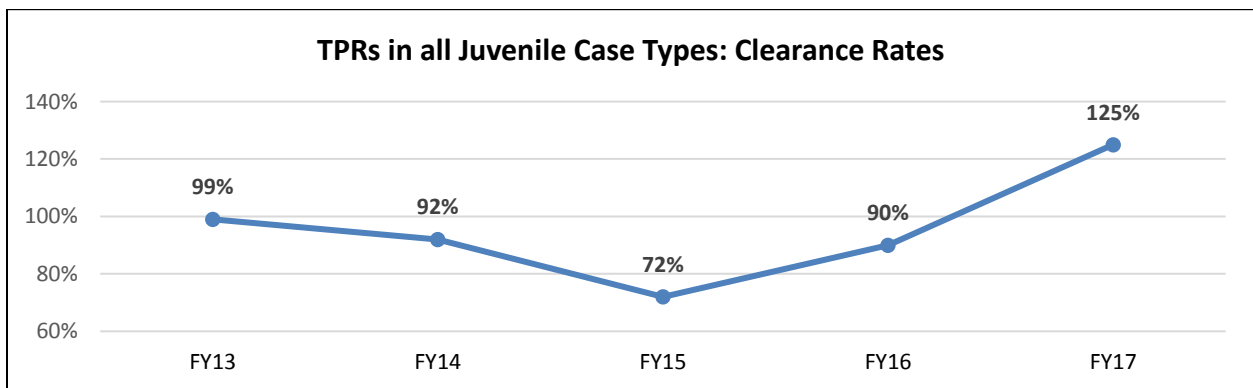
## Delinquency

The clearance rate for delinquency cases has been steadily decreasing over the last five years. This is likely a reflection of the labor-intensive nature of the overall juvenile docket.



## Termination of Parental Rights

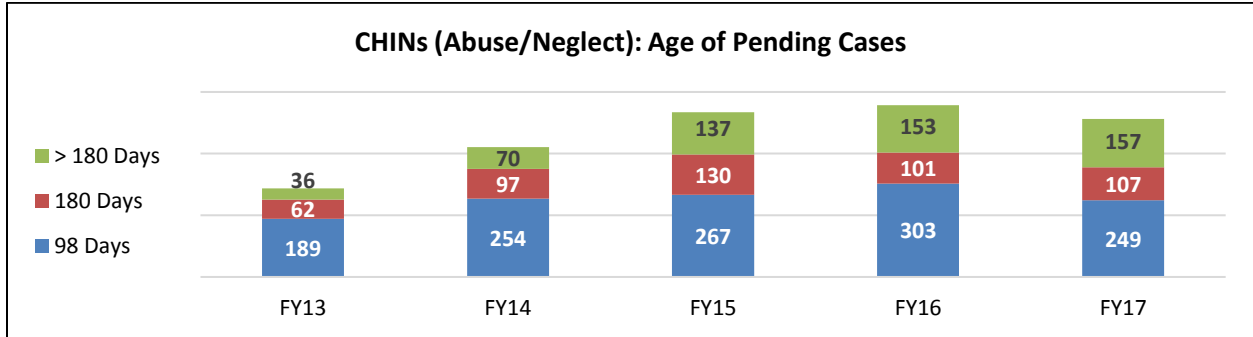
The clearance rate for termination of parental rights petitions rose dramatically in FY17, rising 39% over the previous year.



## Age of Pending Cases

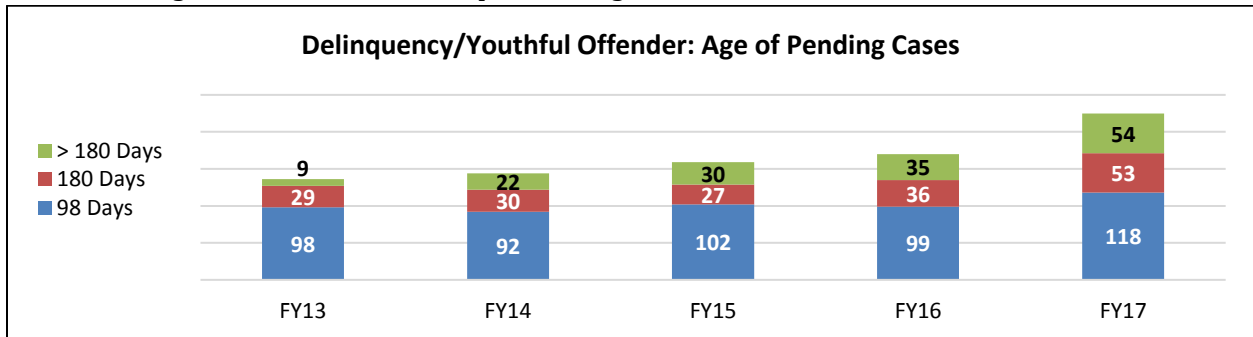
### CHINS

The Supreme Court has established a disposition goal of 98 days for standard (i.e. non-complex) CHINS cases. The chart below shows the age of the cases pending on the last day of FY17. Although the total number of pending cases decreased in the last year, those cases older than the disposition goal increased slightly.



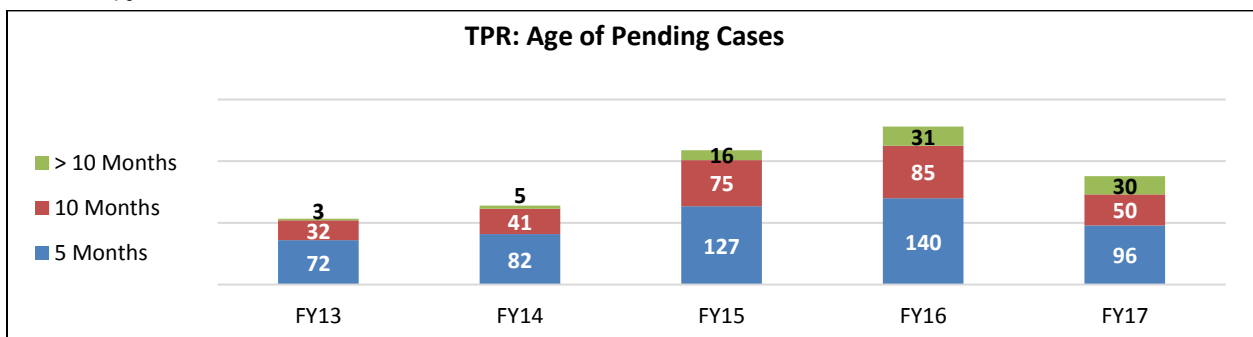
### Delinquency

The disposition goal for delinquency cases is 98 days. There has been a 51% increase in the backlog of delinquency cases older than 98 days. This is likely due to resources being diverted to address the abuse and neglect and termination of parental rights caseloads.



### Termination of Parental Rights

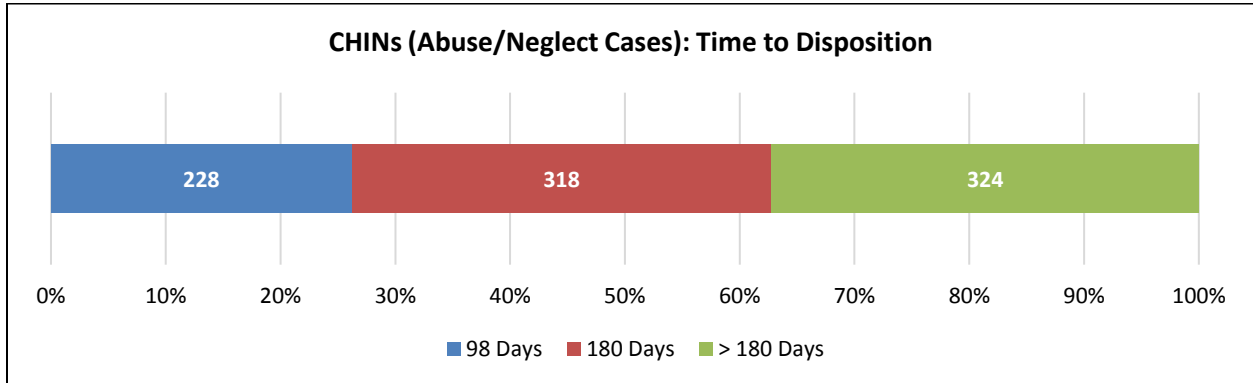
The disposition goal for a non-complex termination of parental rights case is five months. The number of pending cases at the end of FY17 decreased 31% over the previous year, as did the number of cases over goal. This is a remarkable achievement given that the TPR caseload has increased more than 30 % since FY13.





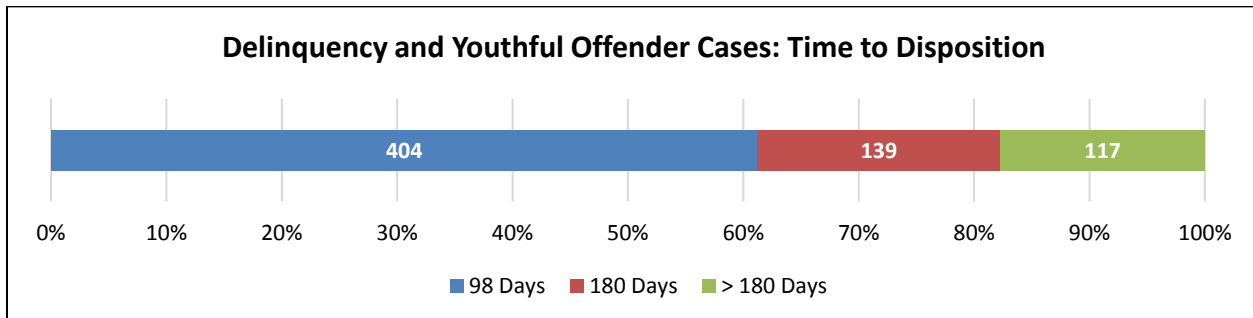
## Time to Disposition

**CHINS** – Only about 26% of CHINS (abuse and neglect) cases were disposed within the 98-day disposition goal set by the Supreme Court. 37% of the disposed cases took longer than six months. \*



\* The chart indicates a total disposition count of 870 while previous tables and appendices indicate there are 823 dispositions- this difference of 47 reflects invalid or missing dispositions whose time to disposition cannot be identified.

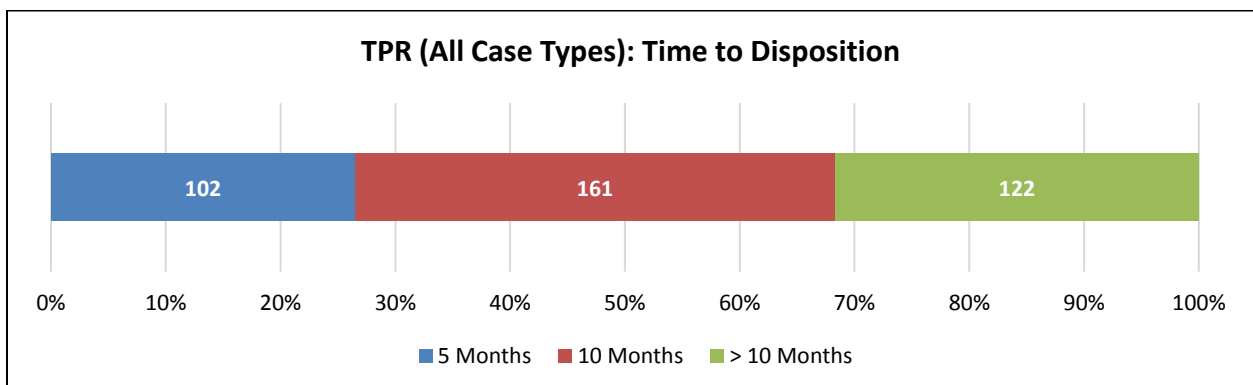
**Delinquency-** By contrast, 61% of the delinquency cases were resolved within the disposition goal of 98 days and less than 18% exceeded six months. \*



\* The chart indicates a total disposition count of 660 while previous tables and appendices indicate there are 636 dispositions- this difference of 24 reflects invalid or missing dispositions whose time to disposition cannot be identified.

## **Termination of Parental Rights**

It continues to be difficult for the Superior Court to meet the time frame for TPRs set by the Supreme Court. 26% of TPR cases were resolved within the five-month time frame for standard cases.



## **Method of Disposition**

### **CHINS (Abuse/Neglect, Truancy, Beyond Control of Parents)**

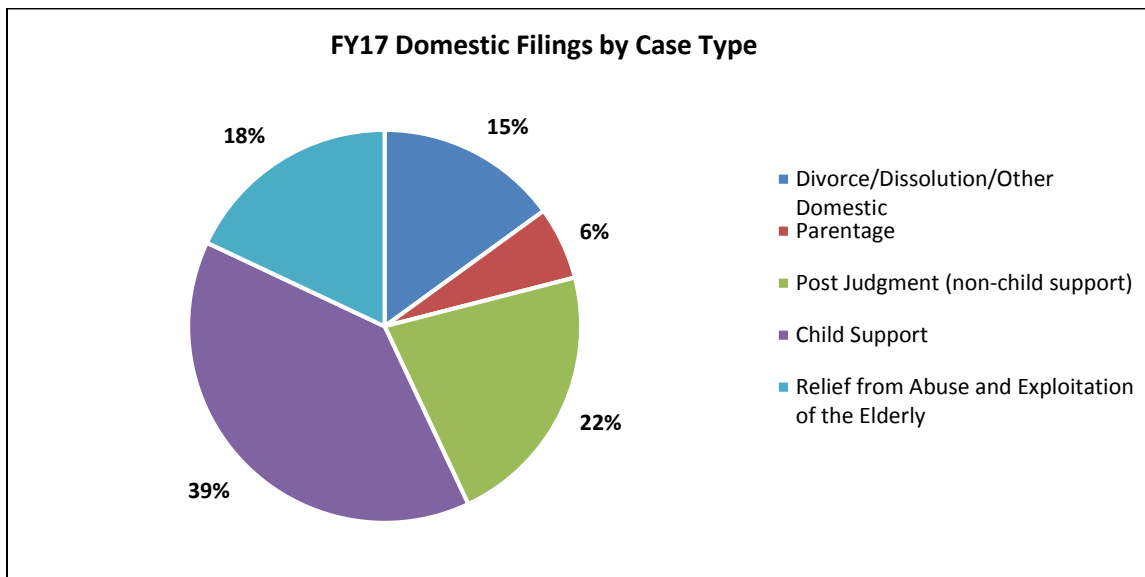
Out of the 996 CHINS cases disposed in FY17, 67% resulted in a finding that the child was a child in need of care and supervision. 33% were either dismissed by the Court, withdrawn prior to disposition, or had a change of venue.

### **Delinquency/Youthful Offender**

Of the 636 delinquency cases disposed in FY17, 33% resulted in a finding of delinquency, 36% were dismissed, withdrawn or resulted in a change of venue, and 31% completed diversion satisfactorily.

## **Family Division: Domestic**

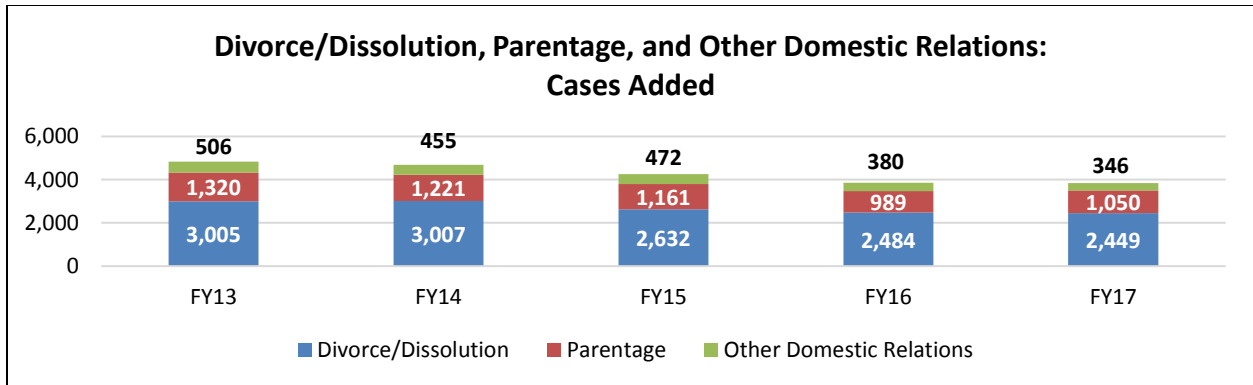
The domestic docket is made up of five different case groupings: initially filed divorce and civil union dissolution; initially filed parentage cases; cases re-opened because of a post judgment filing for enforcement or modification on an issue other than child support; child support cases including establishment, enforcement and modification of child support; and civil protection orders for relief from abuse or exploitation of the elderly. The distribution of the cases in FY17 based on filings is shown in the chart below:



## Trends

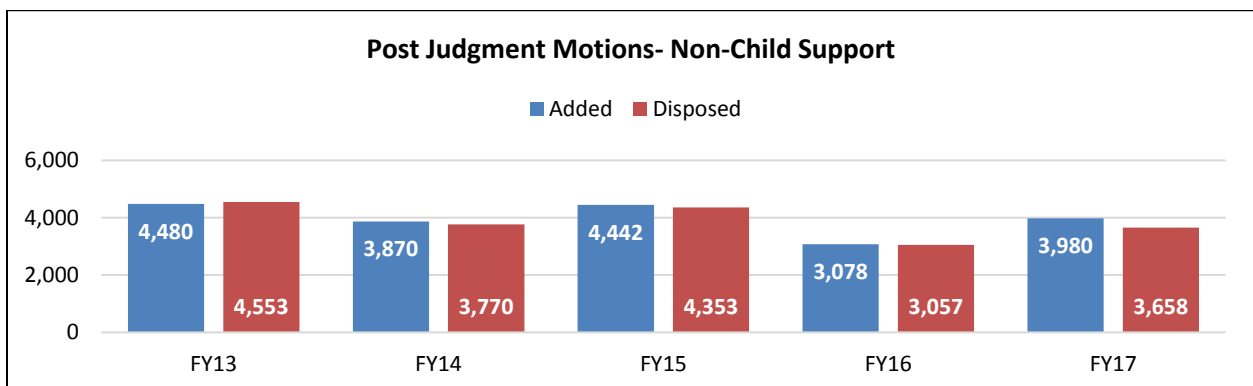
### **Divorce/Dissolution, Parentage, and Other Domestic Relations**

The Divorce/Dissolution docket includes newly filed divorce and civil union dissolution cases. Divorce/dissolution filings have declined 19% in the last five years while parentage filings have decreased 20%. Other Domestic Relations, which includes cases relating to the recovery of debt by the Office of Child Support and Uniform Reciprocal Enforcement of Support Act cases (UIFSA), have increased 32%. In divorce or dissolution cases, there are often multiple issues that the parties or the court must resolve in addition to ending the divorce or civil union. Issues can include property division and spousal support, as well as issues of parental rights and responsibilities (custody), parent child contact (visitation) and child support if the case involves children. Parentage cases are cases where either a parent or the State is seeking to establish parentage for children whose parents were not married when the child was born. These cases also involve the resolution of issues related to parental rights and responsibilities, parent child contact and child support.



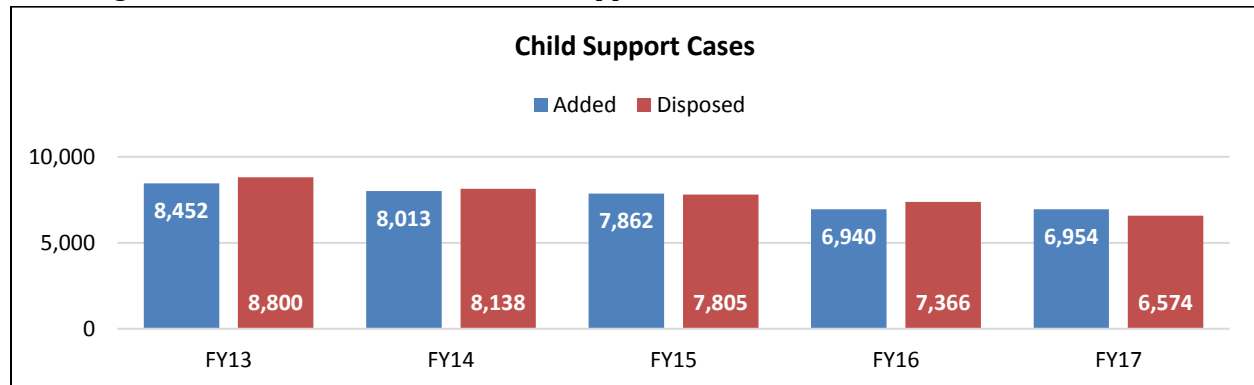
### **Post Judgment Motions for Enforcement and Modification (Non-Child Support)**

Once a divorce or civil union dissolution is finalized, either of the parties may file what is known as a “post judgment” motion to either enforce or modify a provision of the final order. Property division cannot be modified post judgment, but provisions related to parental rights and responsibilities, parent child contact, child support and spousal maintenance can be modified upon a showing of a substantial change in circumstance. The figures shown in the chart below include all post judgment motions except motions to modify or enforce child support. Post judgment filings (non-child support) increased 29% in the past year; however, filings are 11% lower than 5 years ago.



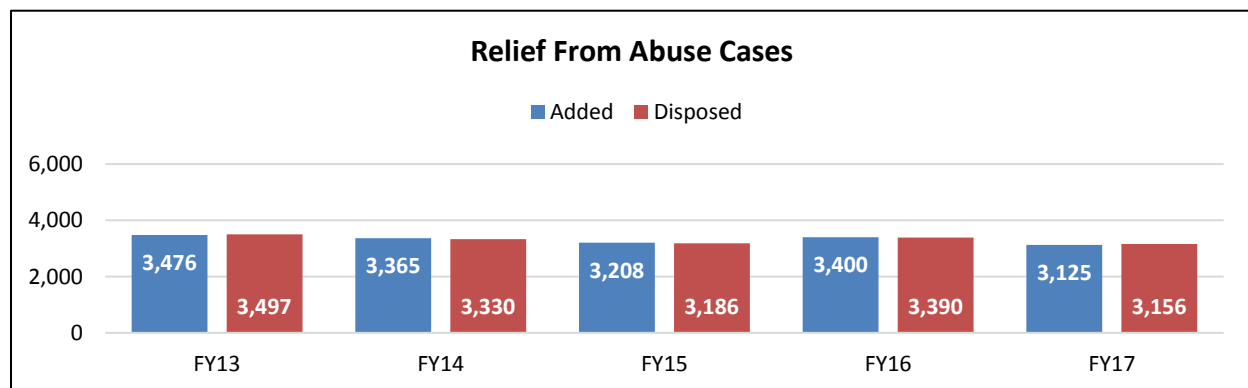
## Child Support: Establishment, Enforcement and Modification

In Vermont, issues related to child support in divorce, dissolution or parentage cases are heard by magistrates as opposed to superior judges. Five magistrates cover the entire state. In FY17, about 35% of child support cases involved the establishment of an initial amount of child support. 65% involved post judgment motions to modify or enforce existing child support orders. There is a significant overlap between the cases in the child support docket and the cases in the divorce, parentage and post judgment dockets discussed above. Child support is established in virtually every divorce and dissolution case involving children and every parentage case. Many of the post-judgment motions to modify parental rights and responsibilities and/or parent child contact, if granted, will involve modifications of child support. 74% of the child support cases in FY17 were IV-D cases involving assistance from the Office of Child Support.<sup>4</sup>



## Protection Orders for Relief from Abuse

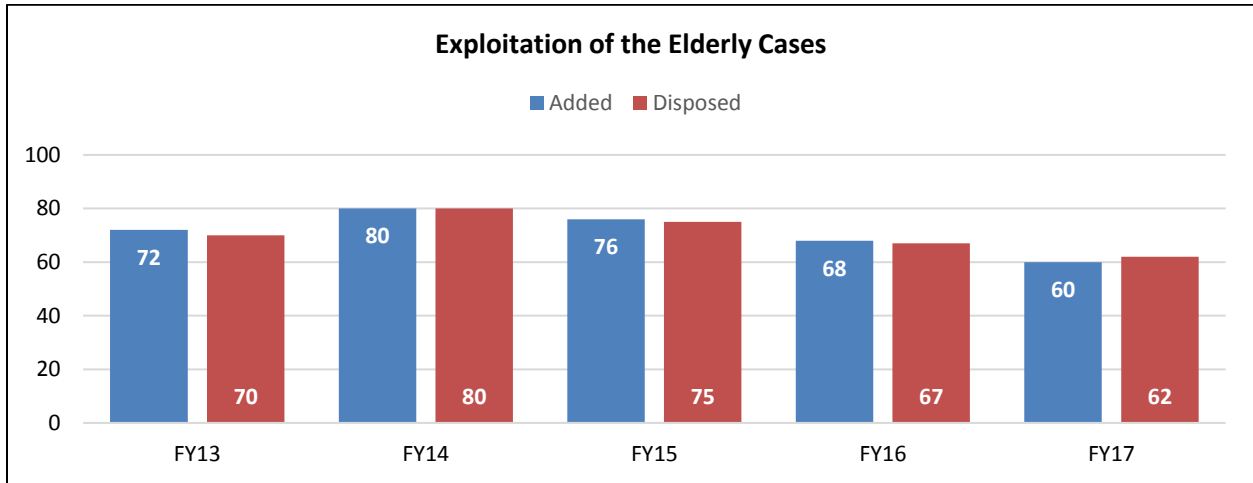
Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse or RFA orders are an important part of the domestic docket. Typically, these cases have a very short life span that usually begins with an emergency temporary order that is issued ex parte often after-hours. At the time the temporary order is issued, a hearing is set within 10 days. At the hearing, the case is either dismissed or a final order is issued. There has been a gradual decline in the number of filings over the past five years with about 10% fewer filings in FY17 than in FY13.



<sup>4</sup> OCS is the state agency responsible for establishing, collecting upon, enforcing, and modifying support orders for children who do not live with both parents. Services are available to both custodial and non-custodial parents.

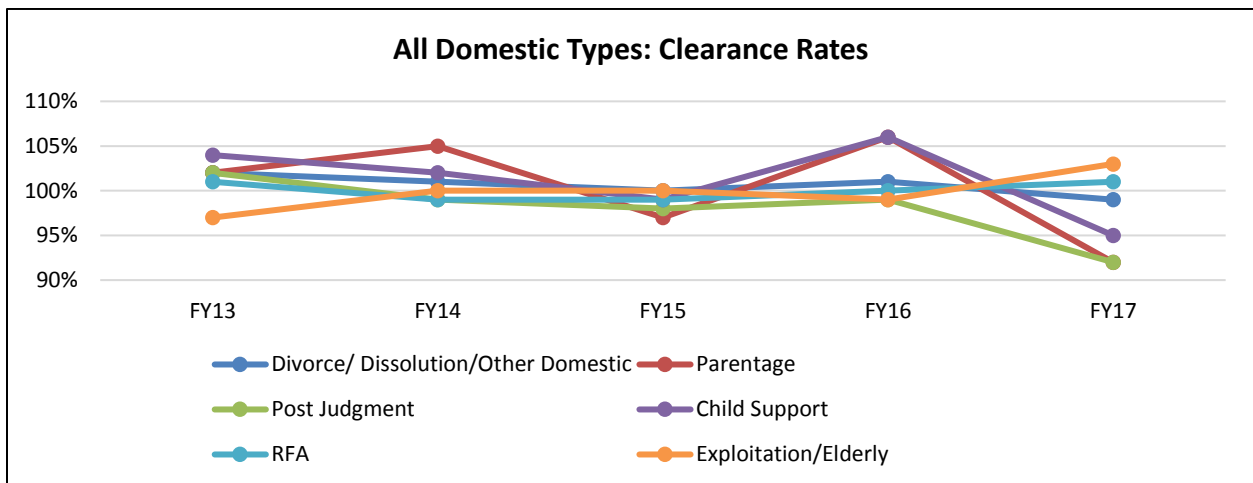
## Exploitation of the Elderly

Although case filings involving exploitation of the elderly have been slowly declining since FY14, the number of cases has not changed significantly over the last five years.



## Clearance Rates

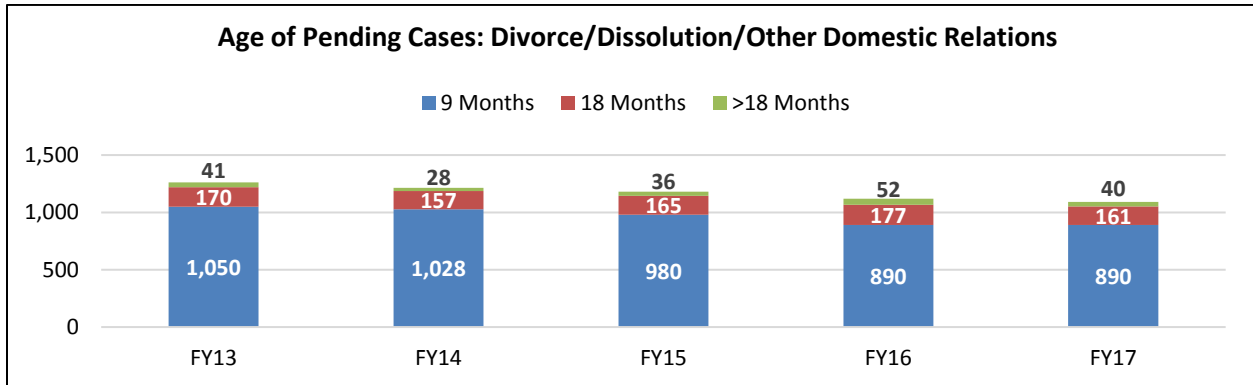
Clearance rates for divorce and protection orders have remained steady over the past five years. The case types showing the most fluctuation are parentage and child support. The clearance rate for parentage cases rose in FY16 but has since declined due to an increase in filings.



## Age of Pending Cases

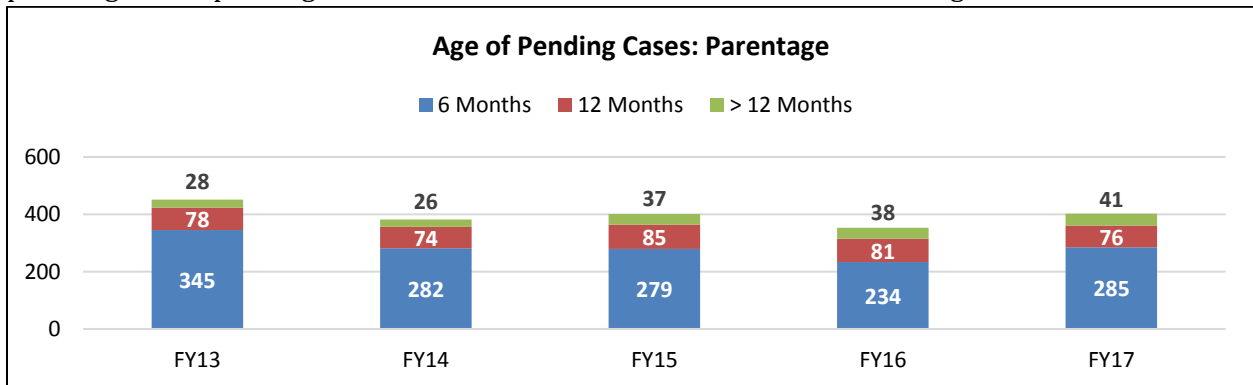
### **Divorce/Dissolution/Other Domestic Relations**

The Supreme Court has set a disposition goal of nine months for a standard divorce/dissolution case. The number of pending divorce, dissolution and other domestic relations cases has decreased 3% since FY16. At the end of FY17, 82% of the pending cases were within the standard goal.



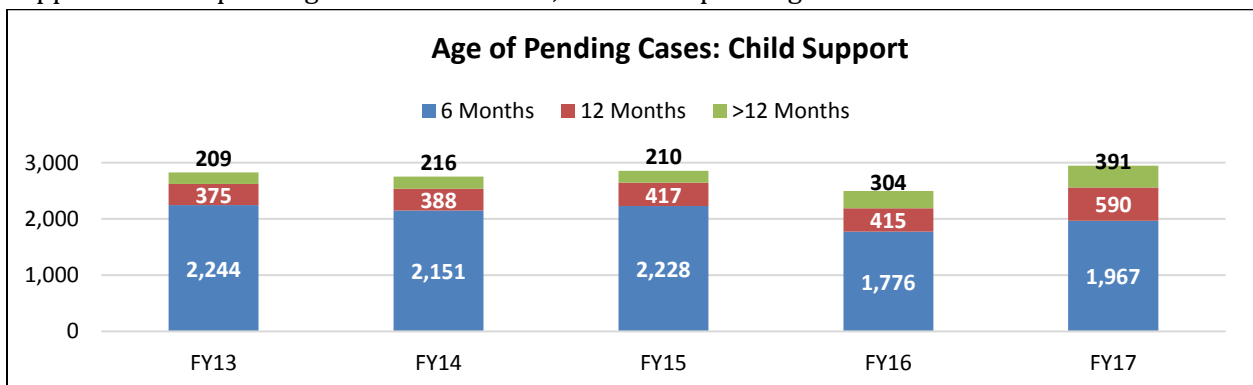
### **Parentage**

The Supreme Court has set six months as the disposition goal for a standard (non-complex) parentage case. The number of pending parentage matters has increased 14% since FY16. Of the 402 parentage cases pending at the end of FY17, 71% were within the standard goal.



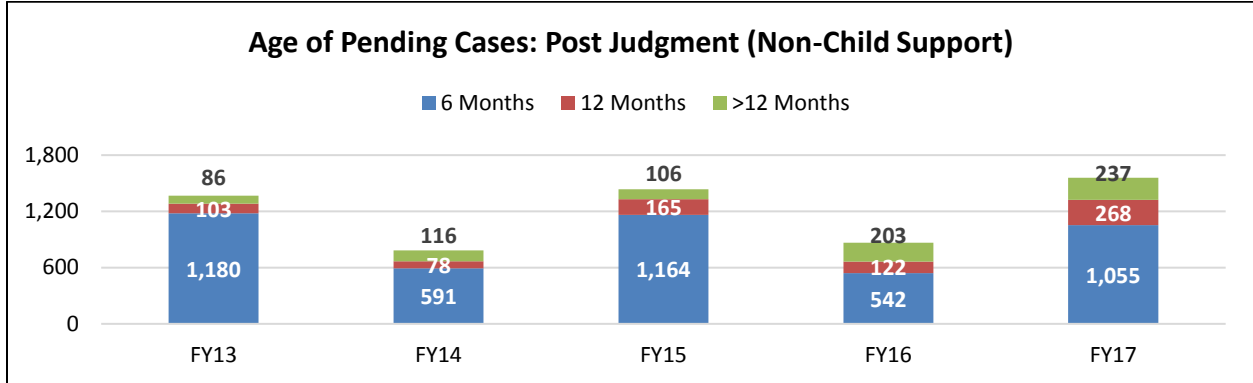
### **Child Support**

The number of pending child support matters has increased 18% since FY16. Of the 2,948 child support matters pending at the end of FY17, 67% were pending less than 6 months.



**Post Judgment – Non-Child Support**

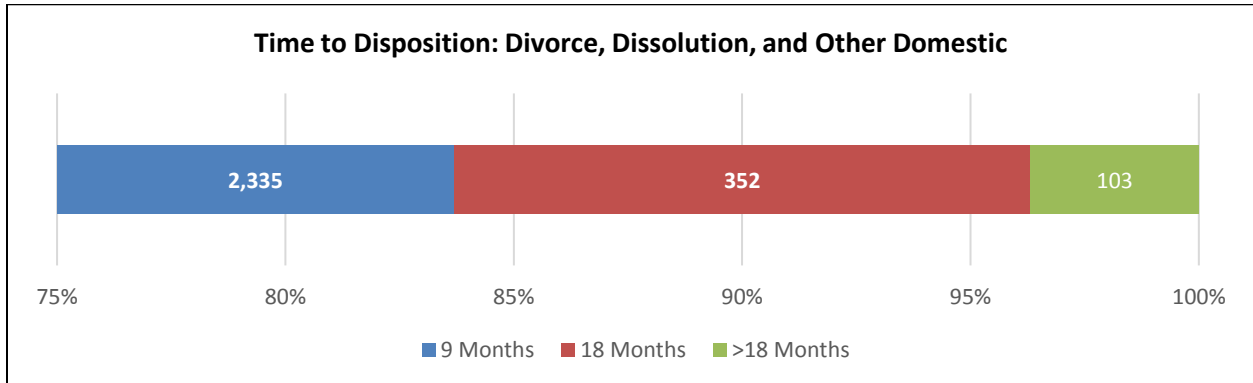
The number of pending post judgment non-child support matters have increased 80% in the last year. This is attributable to some degree to a 30% increase in post judgment motions filed. Of the 1560 post judgment matters pending at the end of FY17, 68% were pending less than 6 months.



**Time to Disposition<sup>5</sup>**

**Divorce/Dissolution/Other Domestic**

As stated above, the disposition goal for a standard divorce case is 9 months. 84% of divorce and dissolution cases were disposed within nine months from the date the opposing party was served and 96% were disposed within eighteen months. \*

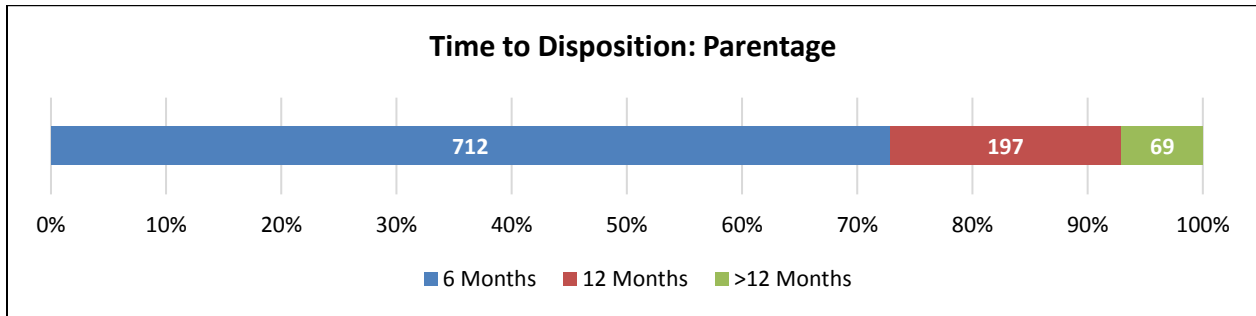


\*\* The chart indicates a total disposition count of 2790 while previous tables and appendices indicate there are 2770 dispositions- this difference of 20 reflects invalid or missing dispositions whose time to disposition cannot be identified.

<sup>5</sup> Time to disposition data is not available for child support cases and non-child support post judgment cases.

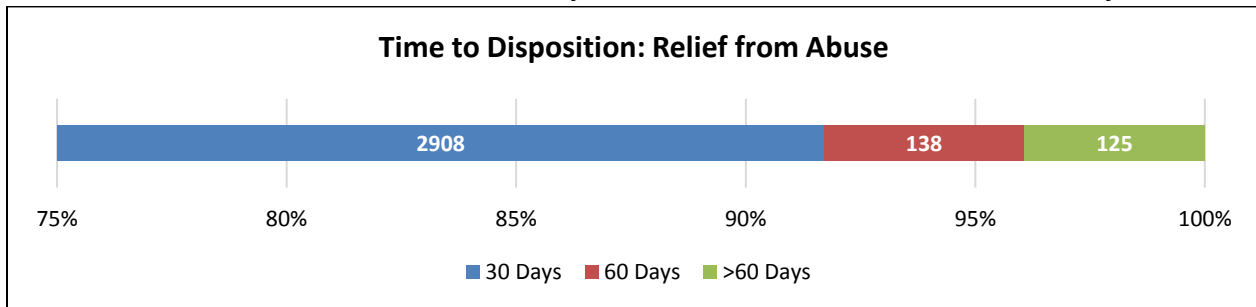
## Parentage

The disposition goal for a standard parentage case is six months. Of the 978 cases disposed in FY17, 73% were disposed within six months and 93% were disposed within a year.



## Protection Orders for Relief from Abuse

The Supreme Court has not set a goal for disposition of protection orders in relief from abuse cases. In FY17, 92% of cases were resolved in 30 days or less. 96% were resolved within 60 days.

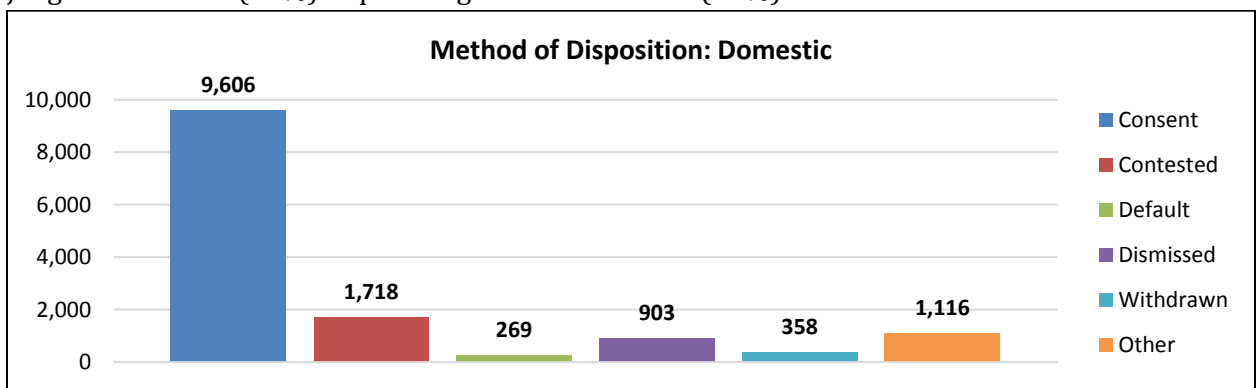


\* The chart indicates a total disposition count of 3171 while previous tables and appendices indicate there are 3156 dispositions- this difference of 15 reflects invalid or missing dispositions whose time to disposition cannot be identified.

## Method of Disposition

### Divorce/parentage/post-judgment/child support

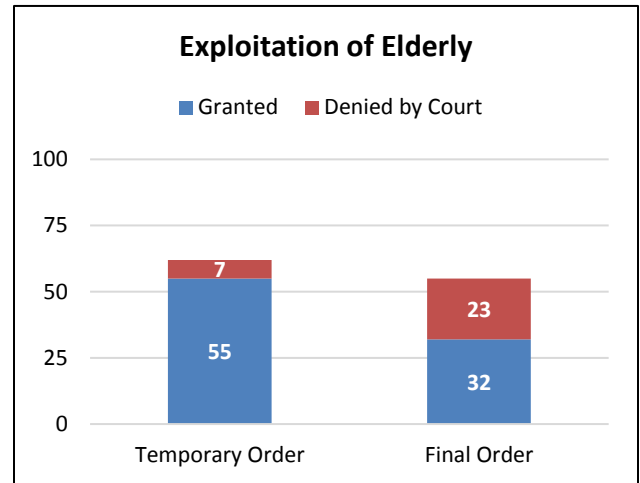
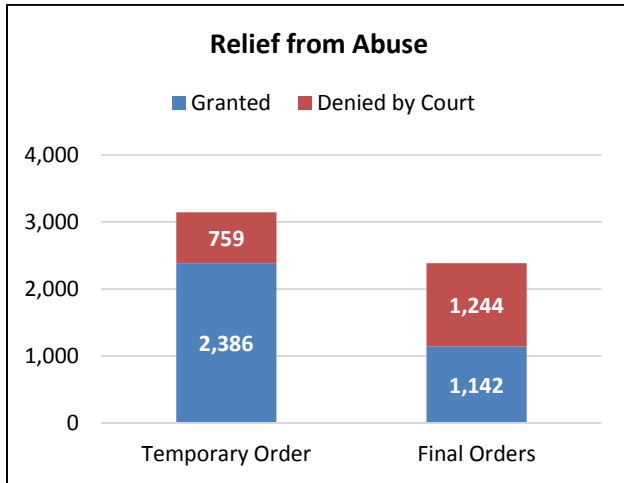
Approximately 69% of the cases disposed in the family division are resolved by agreement of the parties or result in a default judgment because one party does not participate. Contested cases that require a judgment by the court were more frequent in child support matters (49%) than in post judgment matters (33%) or parentage or divorce cases (18%).



Includes Divorce, Civil Dissolution, Parentage, Child Support, and Post-Judgment Non-Child Support



**Protection Orders for Relief from Abuse** A temporary order was granted in 76% of relief from abuse cases and in 89% of cases involving exploitation of the elderly. Of the 2,386 relief from abuse temporary orders granted, 52% were later dismissed or withdrawn. The remaining 48% were granted a final order. Of the 55 temporary orders granted that involved exploitation of the elderly, 42% were later dismissed or withdrawn. The remaining 58% were granted a final order.

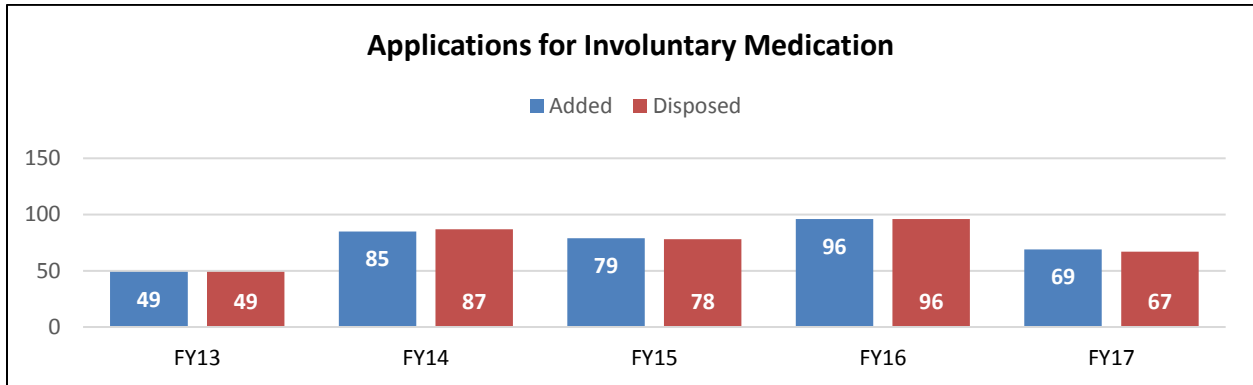


**Family Division: Mental Health**

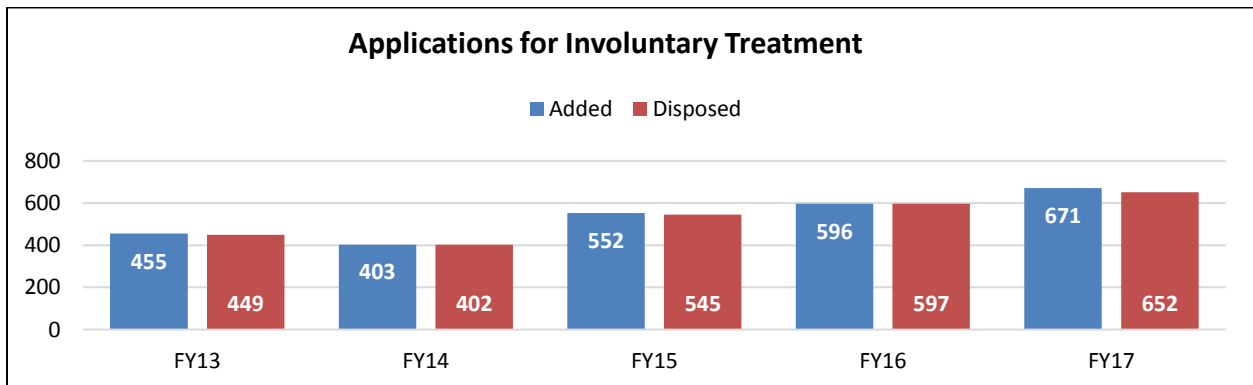
There are three types of Mental Health cases filed in the Family Division by the Department of Mental Health. The first is an application for involuntary treatment (sometimes referred to as an AIT), where the State is seeking a 90-day order from the Court that a person either be involuntarily placed in a designated psychiatric hospital or placed in the community on an order of non-hospitalization (often referred to as an ONH) because the person suffers from a mental illness and is a danger either to himself/herself or others. When involuntary hospitalization is requested, the applications are generally filed only in a county where there is a designated psychiatric hospital. If the Court issues an order for involuntary treatment, the State can request that the order be extended for up to a year by filing the second type of Mental Health Case known as an application for continued treatment. The third case type in the mental health docket is an application for involuntary medication. In these cases, the State is seeking to involuntarily medicate a person who is suffering from a mental illness. In almost all such cases, the person is hospitalized at a designated psychiatric hospital under an order for involuntary treatment.

## Trends

While still exceeding the number of applications filed five years ago, the number of involuntary medication applications filed in FY17 dropped significantly compared to the previous year (28%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested. They also place a significant burden on the family division units where a designated hospital is located.

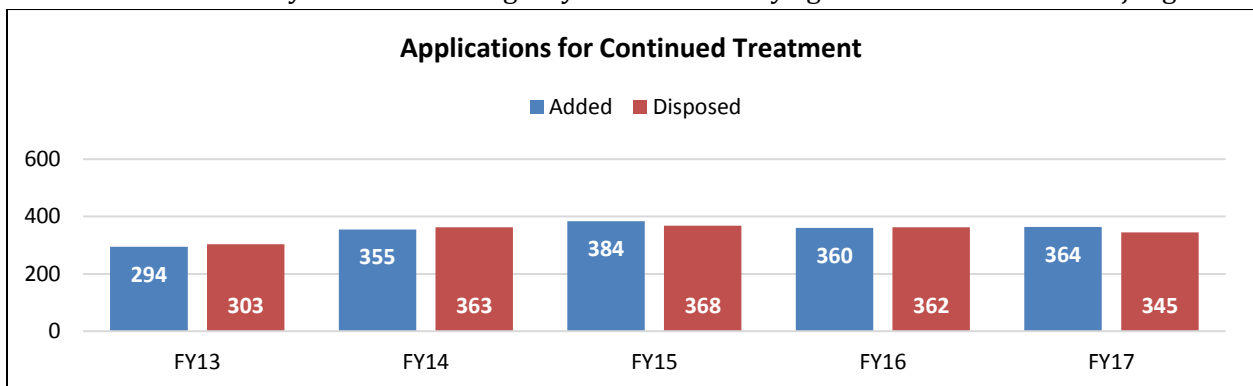


There were 671 applications for involuntary treatment in FY17, about 13% more than the prior year.



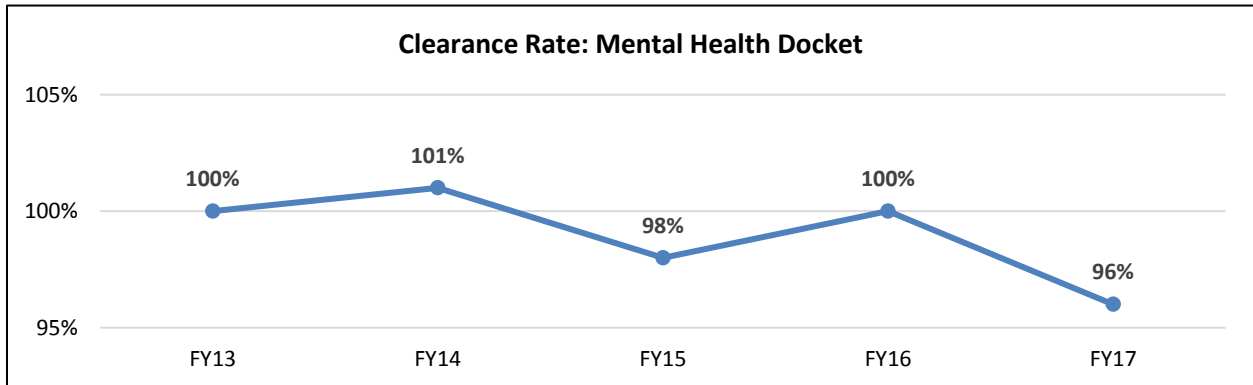
## Applications for Continued Treatment

Applications for continued treatment remain relatively unchanged. There are few contested hearings on these applications since the majority involves persons living in the community receiving services from a local community mental health agency. Most resolve by agreement with a consent judgment.



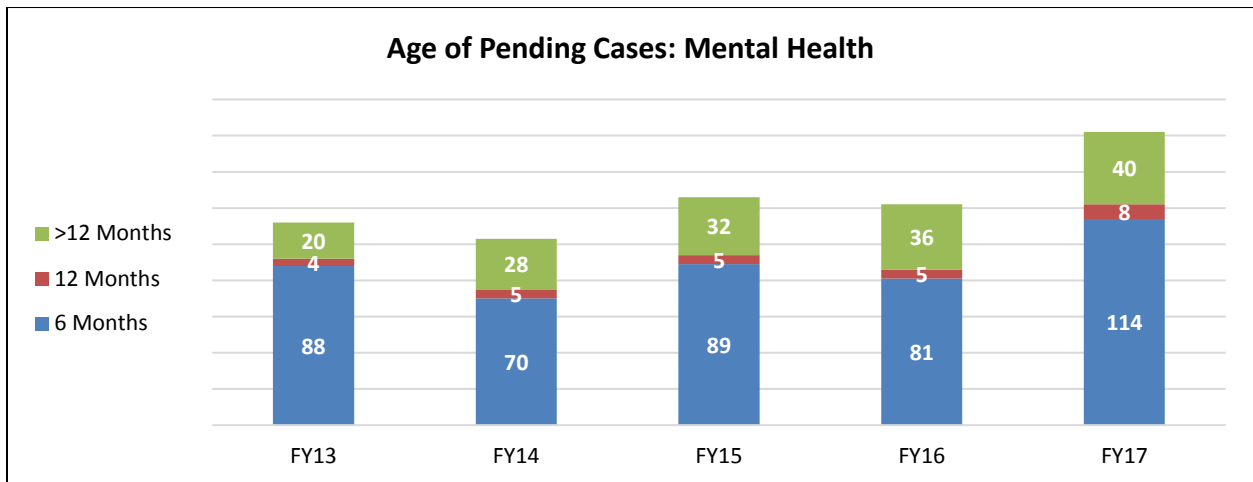
## Clearance Rate

Mental Health cases, regardless of case type, are subject to tight statutory time frames. The overall clearance rate should be consistently at or above 100%; in other words, the number of cases disposed is equal to or exceeds the number of pending cases. The reduced clearance rate in FY17 is primarily due to increased filings in applications for involuntary treatment.



## Age of Pending Caseload

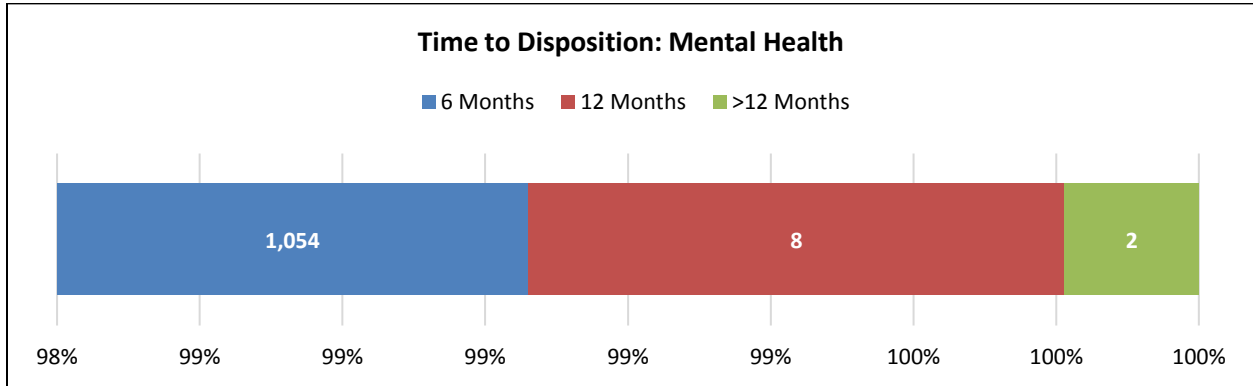
The number of mental health cases pending at end of year increased slightly in FY17. Of the 162 cases pending at the end of FY17, 70% were pending less than 6 months.



Includes Applications for Involuntary Treatment, Involuntary Medication and Continued Treatment

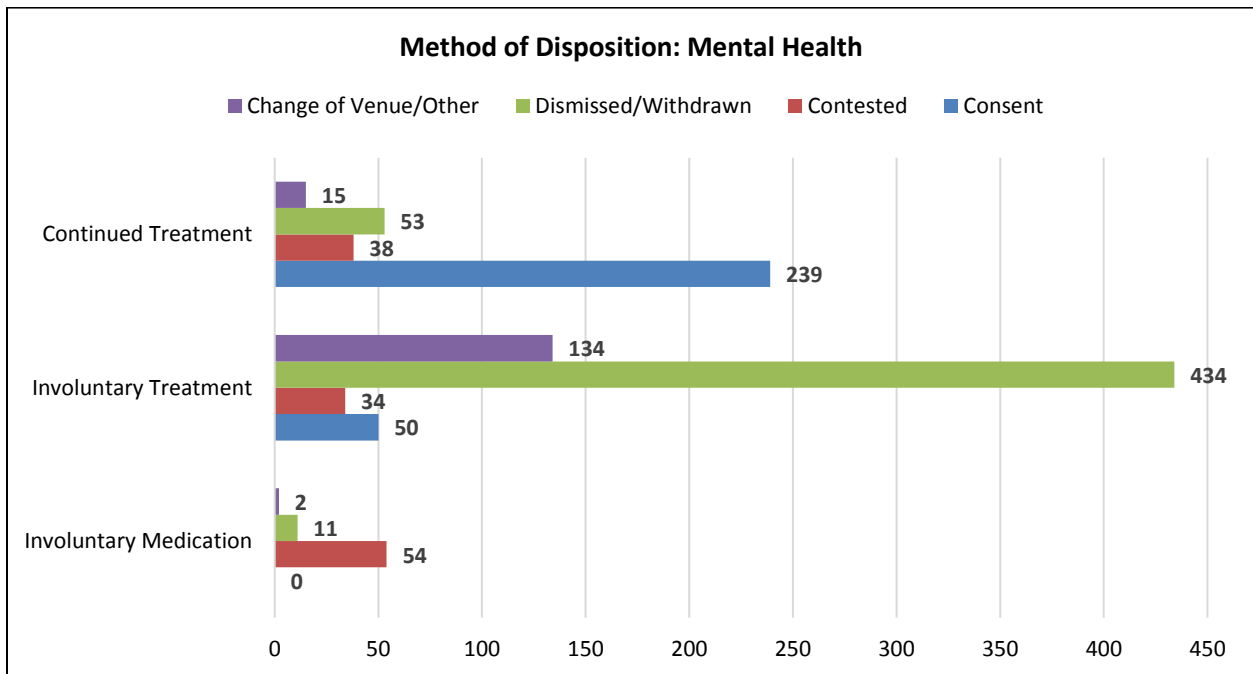
## Time to Disposition

99% of all mental health cases were disposed in less than 6 months.



## Method of Disposition

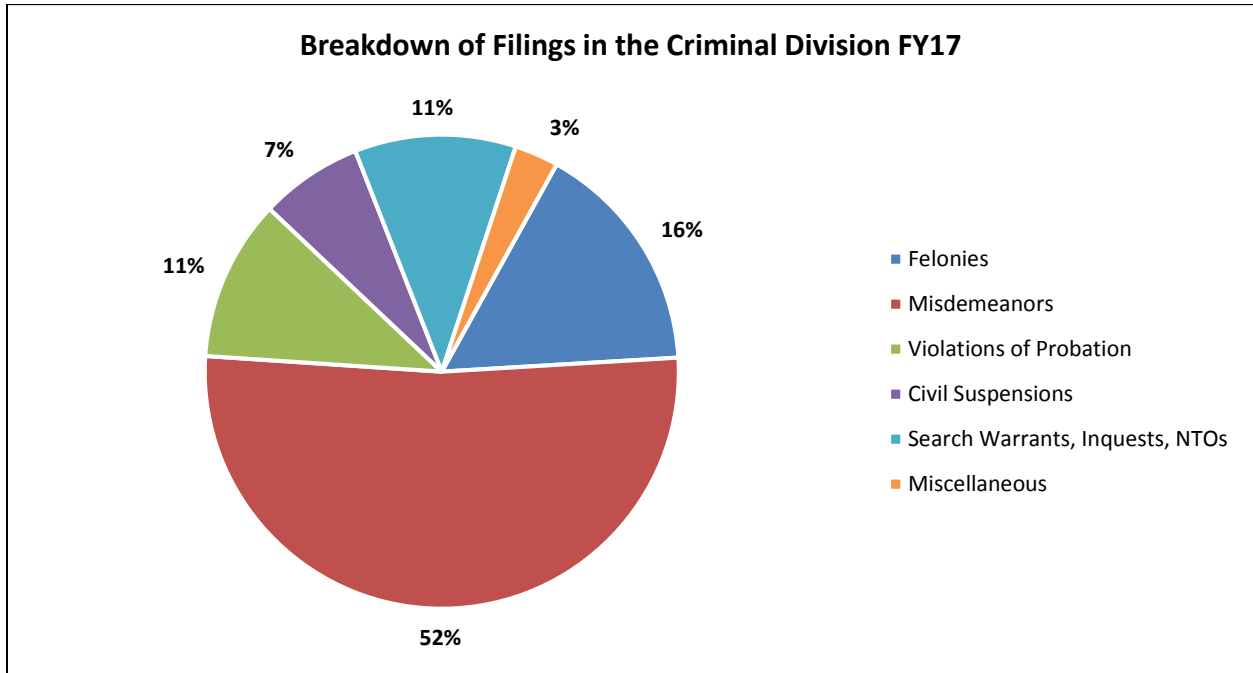
Although smaller in number in terms of cases filed, a high percentage (81%) of applications for involuntary medication require a contested hearing. By contrast, only 5% of applications for involuntary treatment are contested and 11% of applications for continued treatment are contested. Most of these latter cases are resolved by consent (69%) or dismissed by the State (15%). The clear majority of involuntary treatment cases (67%) are dismissed or withdrawn.



# Criminal Division

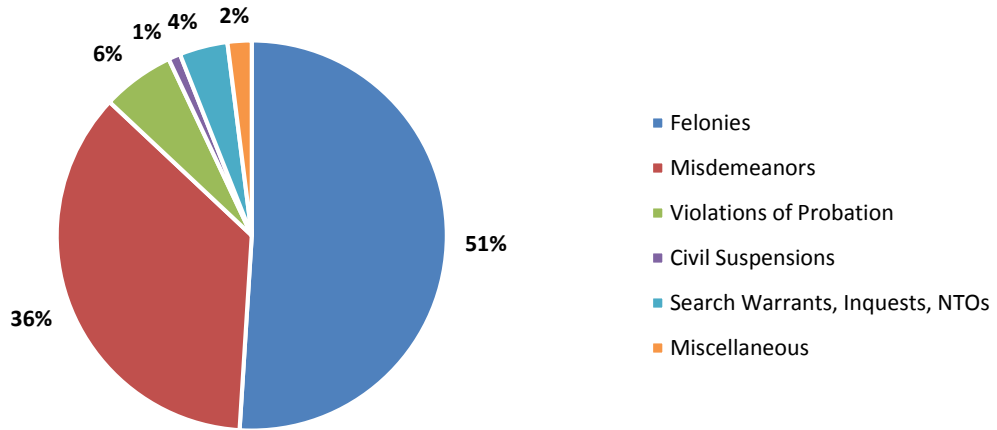
## Statewide Data

The criminal division of the Superior Court handled approximately 17,000 felonies, misdemeanors, and violations of probation. In addition, the Criminal Division also handled 1,506 civil suspension matters, 2,368 requests for search warrants, inquests, and non-testimonial orders and 613 miscellaneous matters related to fish and game, traffic tickets, and municipal ordinances. The chart below depicts the distribution based on the number of case filings during FY17.

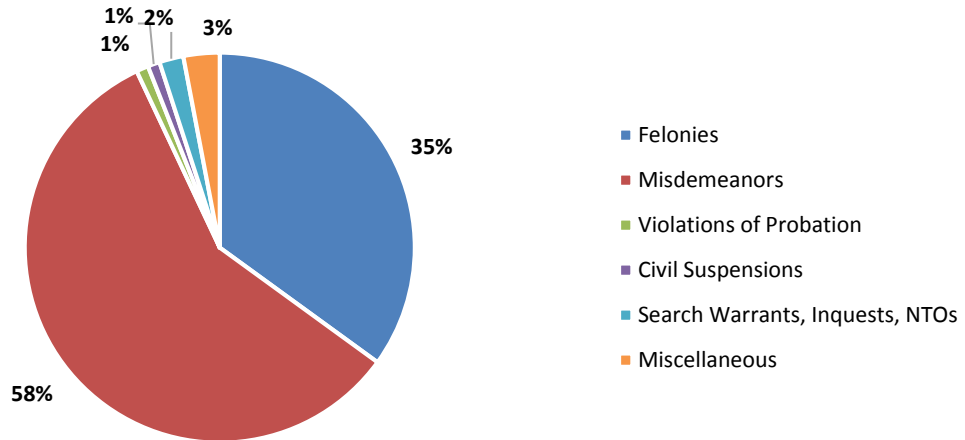


While misdemeanor offenses far outweigh the other categories based on number of filings, the adjudication of felony offenses is the most labor intensive from a workload perspective. It should also be noted that the numbers reported for cases added and cases disposed represent charges, not defendants. If cases added and cases disposed were based on the number of defendants, the number would be much smaller.

**Workload (weights x filings) for Criminal Division: Judicial Officers**



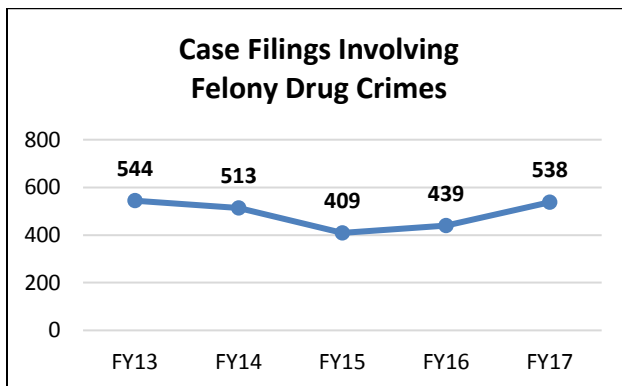
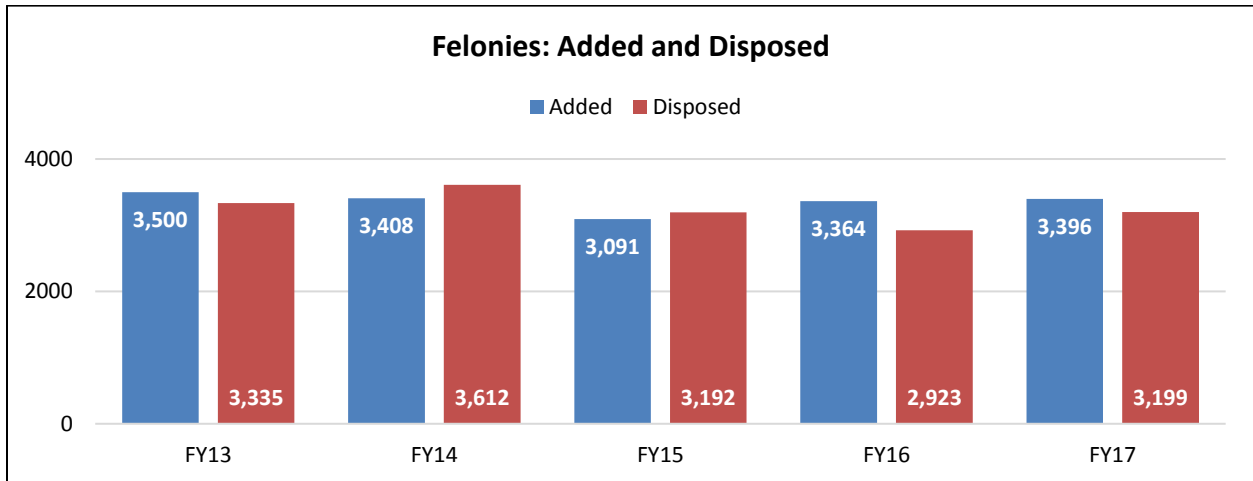
**Workload (weights x filings) for Criminal Division: Court Staff**



## Trends

### Felonies

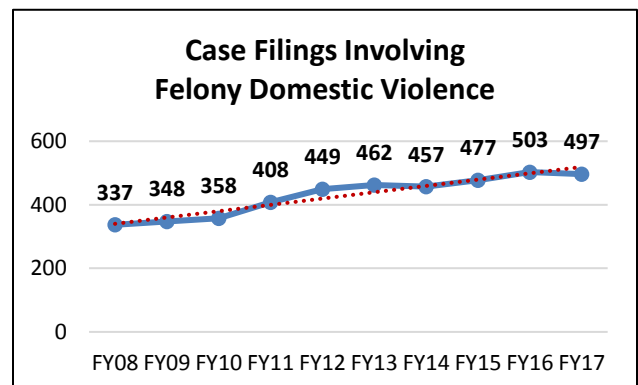
A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than 2 years. The chart below indicates the trends over the past five years in cases added and disposed.



Overall, felony filings have risen nearly 10% in the last year. This increase is primarily due to an increase in filings involving drug crimes (23%) which have begun to rebound in the last few years. There was also a slight increase in public order crimes (5%).

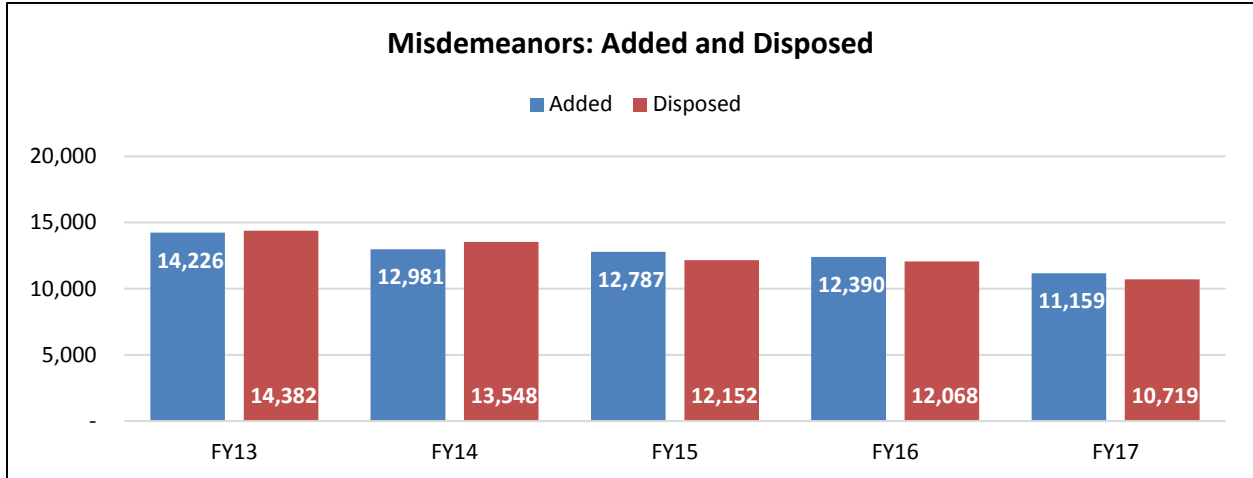
Filings of all other felony case types decreased in FY17.

Although the number of felony domestic violence cases decreased slightly in the past year, case filings in this area are 47% higher than they were a decade ago.

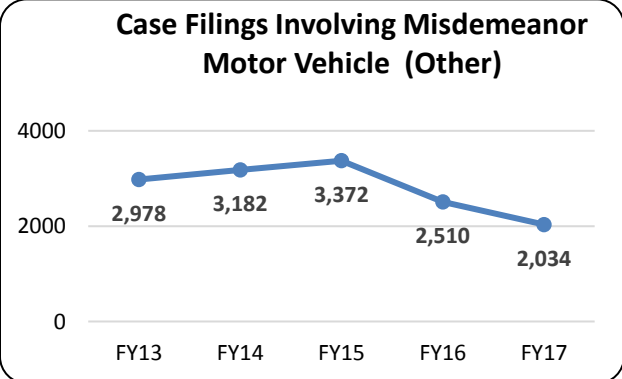
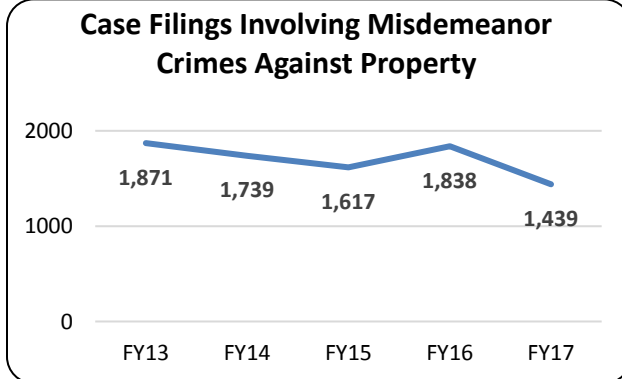
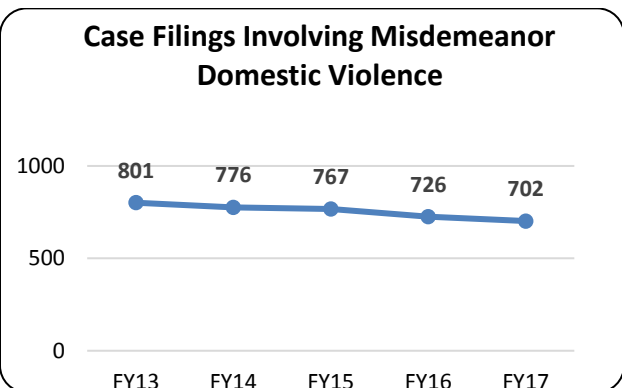
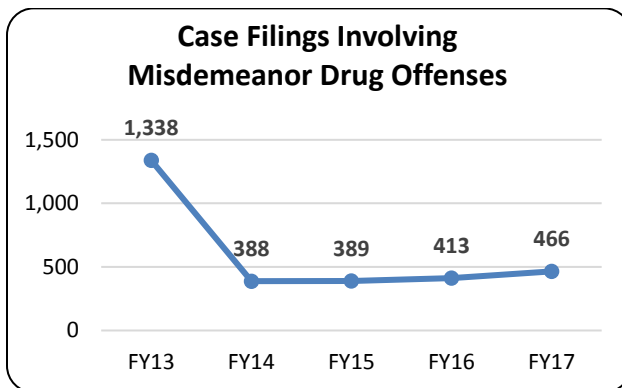


## Misdemeanors

A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is 2 years or less. The chart below shows the number of charges added and disposed between FY13 and FY17.



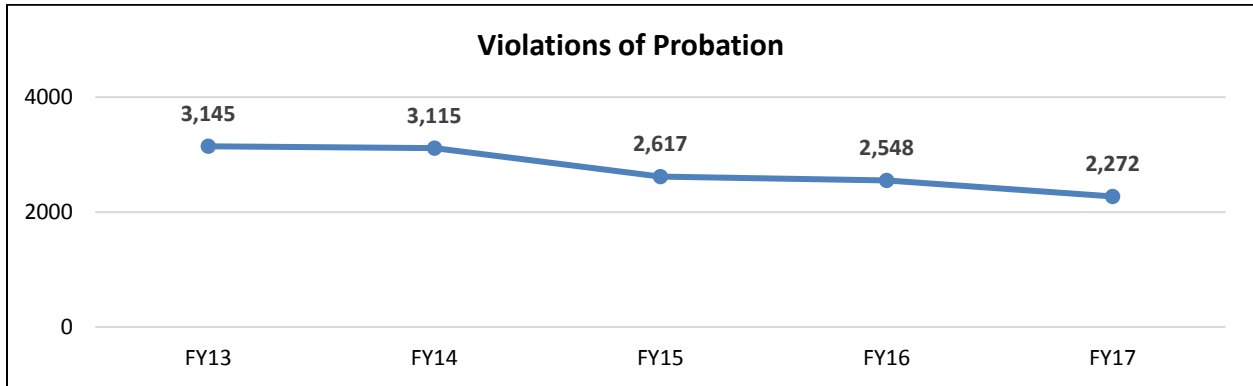
Overall, misdemeanor filings declined 10% in the last year. Drug offenses are the only misdemeanor case type for which filings increased (13%). Crimes against property decreased 22%, while motor vehicle offenses (excluding DWI/DUI) decreased 19%. Misdemeanor domestic violence case filings declined 3% from the previous year and 12% over the last five years.





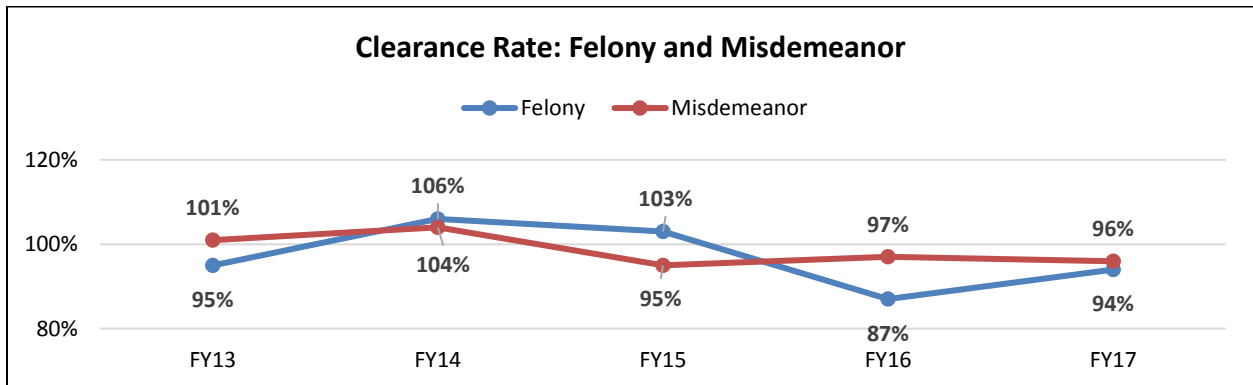
### Violation of Probation

Filings of violations of probation in FY17 declined 11% from the previous year and 28% over the last 5 years.



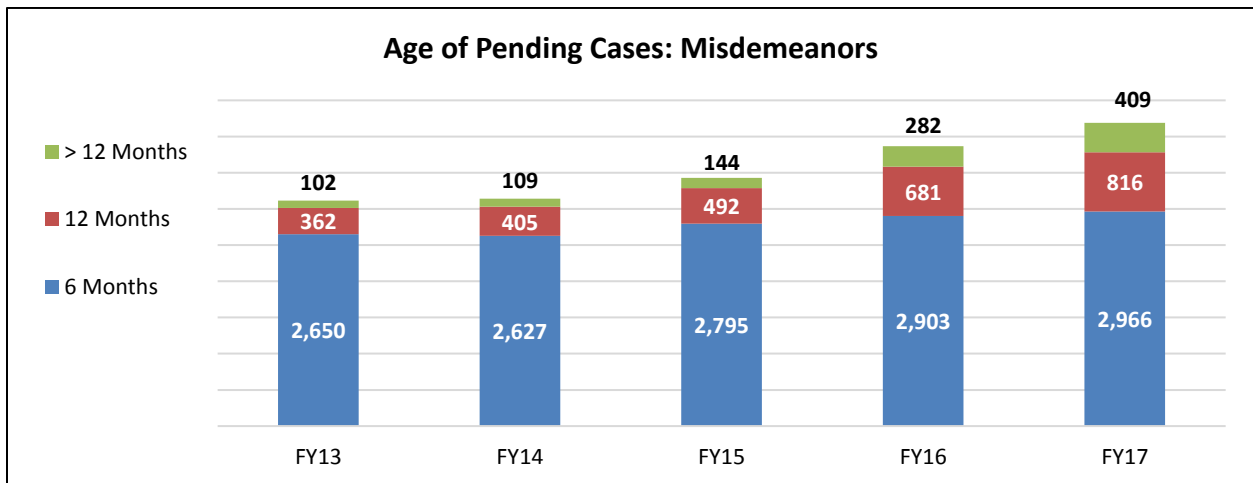
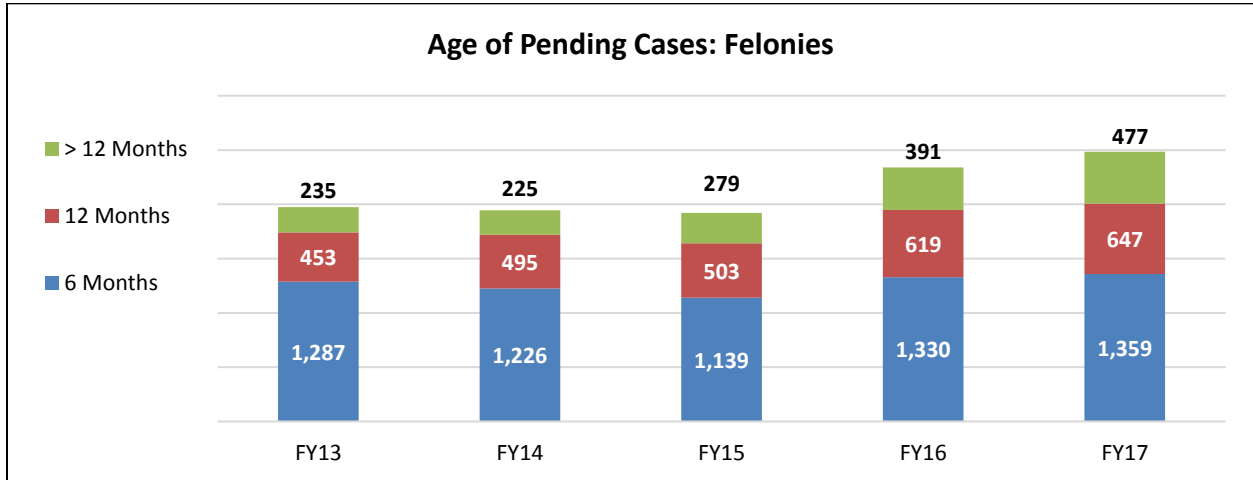
### Clearance Rate (Cases Disposed / Cases Filed): Five Year Trend

The clearance rate for felony and misdemeanor cases in FY17 was 94% and 96% respectively. While the clearance rate for misdemeanors showed a slight decrease (1%), the felony clearance rate increased 7% over the previous year. This is noteworthy, given that felony filings increased nearly 10% in FY17.



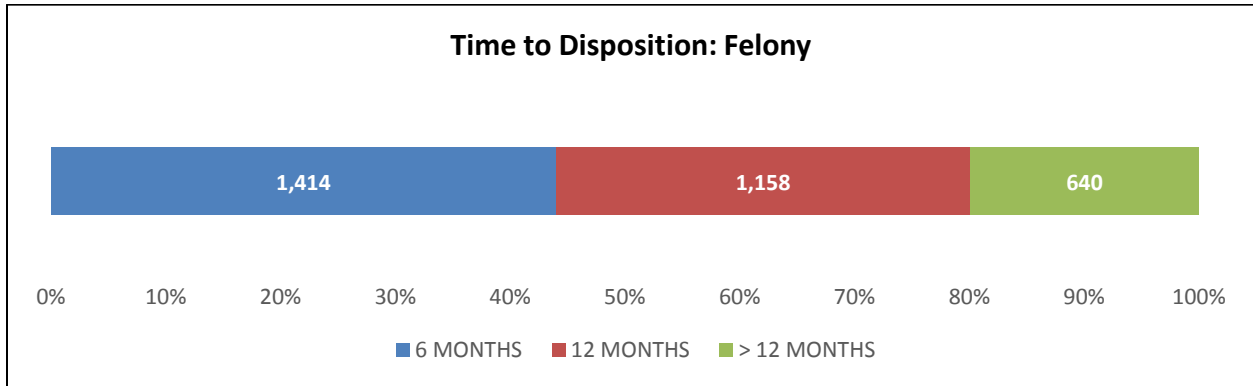
**Age of Pending Cases – All Criminal Cases**

Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise, with 45% of felonies and 29% of misdemeanors pending over 6 months.



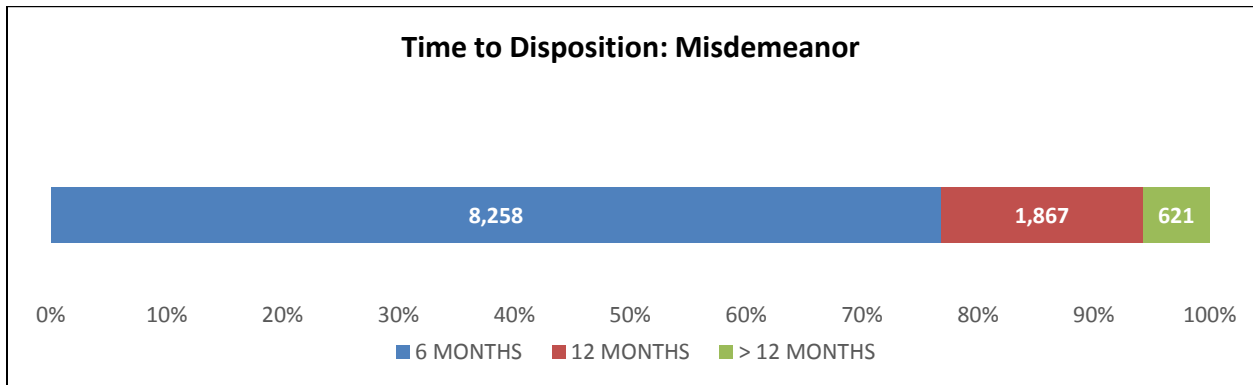
## Time to Disposition

**Felonies** – The Supreme Court has set 6 months as the disposition time standard for a standard (non-complex) felony case. In FY17, 44% of all felony cases met this time standard. 80% were resolved within one year. 20% took over a year to resolve. \*



\*The chart indicates a total disposition count of 3212 while previous tables and appendices indicate there are 3199 dispositions- this difference of 13 reflects invalid or missing dispositions whose time to disposition cannot be identified.

**Misdemeanors** – The disposition time standard for a standard misdemeanor is four months. In FY17, 77% of all misdemeanor cases were resolved within six months of filing.<sup>4</sup> 94% were resolved within a year, 6% took over one year to resolve. \*



\*The chart indicates a total disposition count of 10,746 while previous tables and appendices indicate there are 10,719 dispositions – this difference of 27 reflects invalid or missing dispositions whose time to disposition cannot be identified.

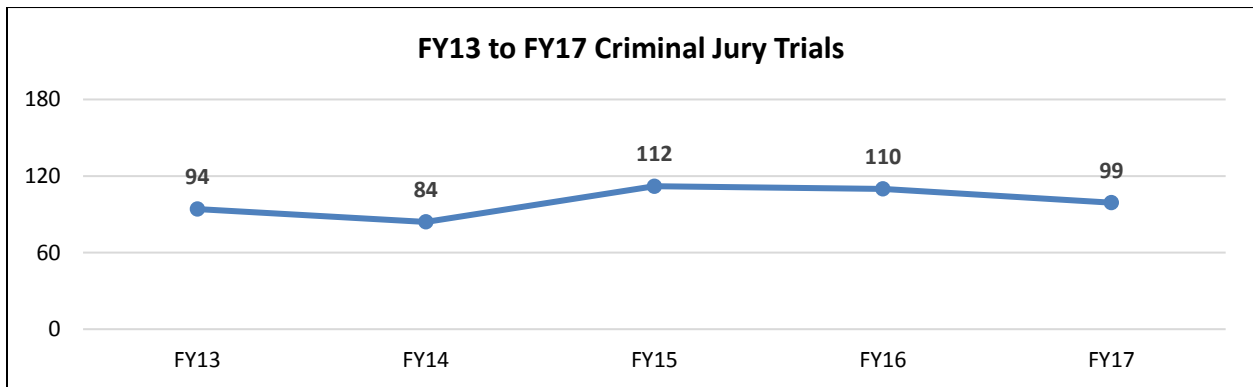
<sup>4</sup> Chart reflects misdemeanor cases resolved within 6 months of filing. It is not an indicator of cases meeting the time standard of four months.

**Method of Disposition – All Criminal Cases**

Most criminal cases in Vermont resolve either by plea bargain or by dismissal. For felonies, less than two percent of the cases are disposed because of a trial by jury (1.6%) or by court (.22%). For misdemeanors, less than 1% of cases are disposed because of trial by jury (.44%) or by court (.07%)

	Plea	Court Trial to Verdict	Jury Trial to Verdict	Dismissed	Transferred	Total
Felonies	2,315	7	52	770	55	3,199
Misdemeanors	6,267	8	47	4,302	95	10,719

Over the past five years, the number of jury trials in criminal cases in Vermont has fluctuated, with the largest decrease occurring in FY14. In FY17, the number of jury trials decreased 10% over the previous year.

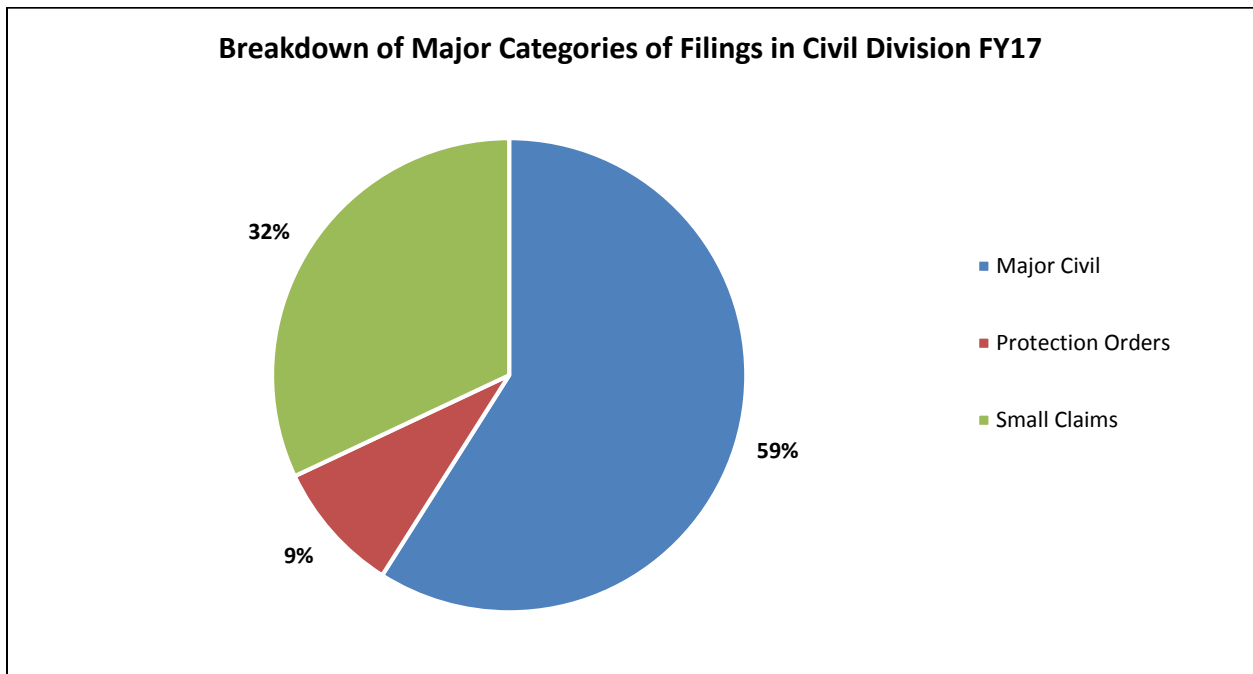


## Civil Division

### Statewide Data

For statistical purposes, civil case types are divided into three categories: Major Civil; Small Claims; and Civil Protection Orders against Stalking or Sexual Assault. Measured by the number of filings, major civil cases represent 59% of all cases filed, small claims represent about 32% and civil protection orders 9%. However, in terms of judicial and staff work load, the bulk of the work in the civil division involves the major civil cases.<sup>6</sup>

Filing trends over the last five years indicate a decline in most civil case types. This is most evident in small claims; however, the number of protection orders filed continues to rise, increasing 29% over the last five years.



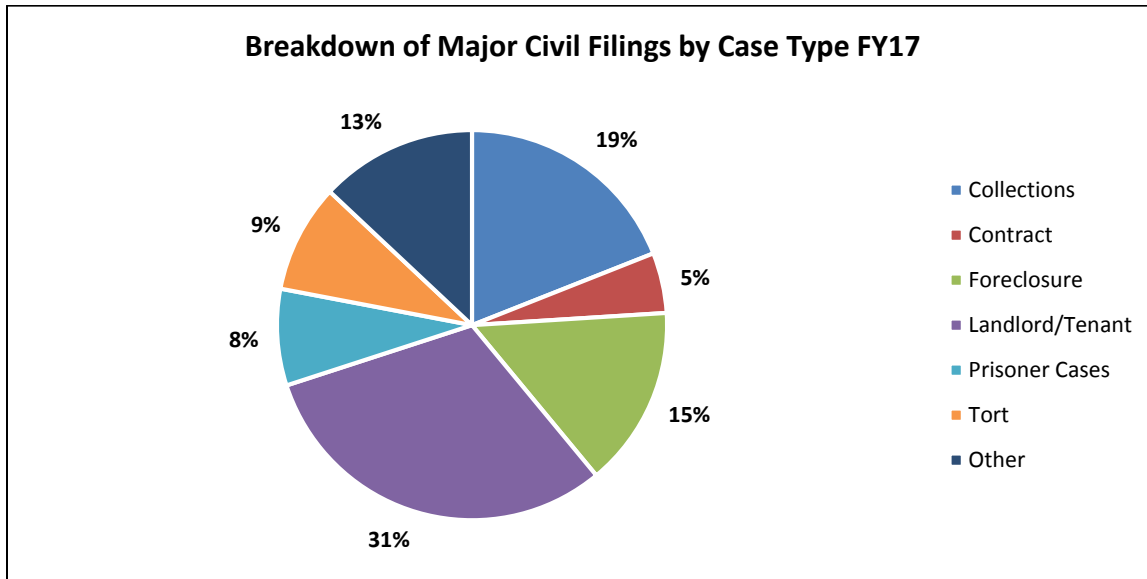
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<sup>6</sup> According to the 2015 Weighted Caseload Study by the National Center for State Courts of the work involved in civil cases, a major civil case on average requires slightly more than six times the amount of judicial resources and about 3 times the amount of staff work compared to the work load involved in disposing a small claims case.

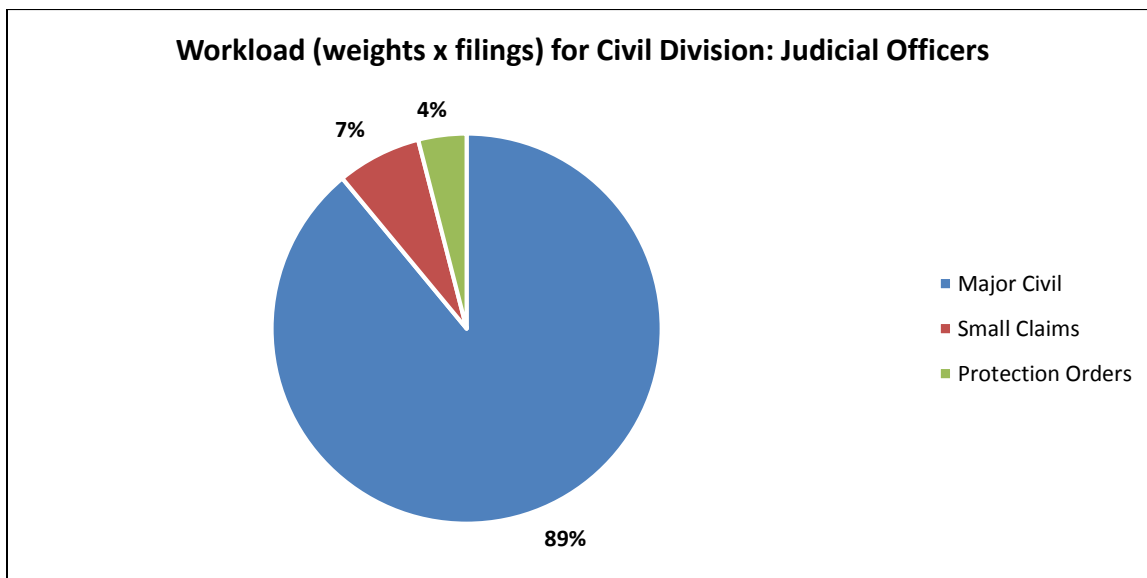
**Cases Added, Disposed and Pending at the End of the Fiscal Year: Trends**

**Major Civil Cases**

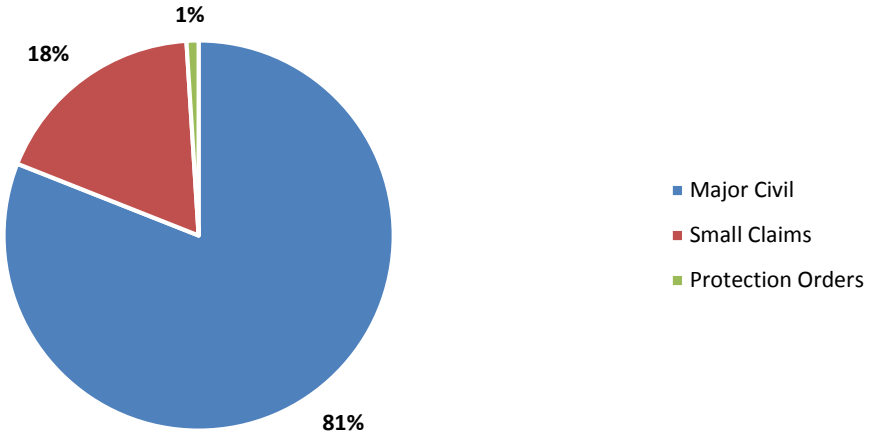
Major civil includes all case types filed in the civil division except for small claims and civil protection orders. Sub-case types in this category include: collections, landlord tenant, foreclosure, tort, prisoner cases, contracts, claims against government, employment, declaratory relief, appeals and other miscellaneous civil case types.



“Other” includes appeals, claims against government, declaratory relief, employment, government enforcement, and real property.

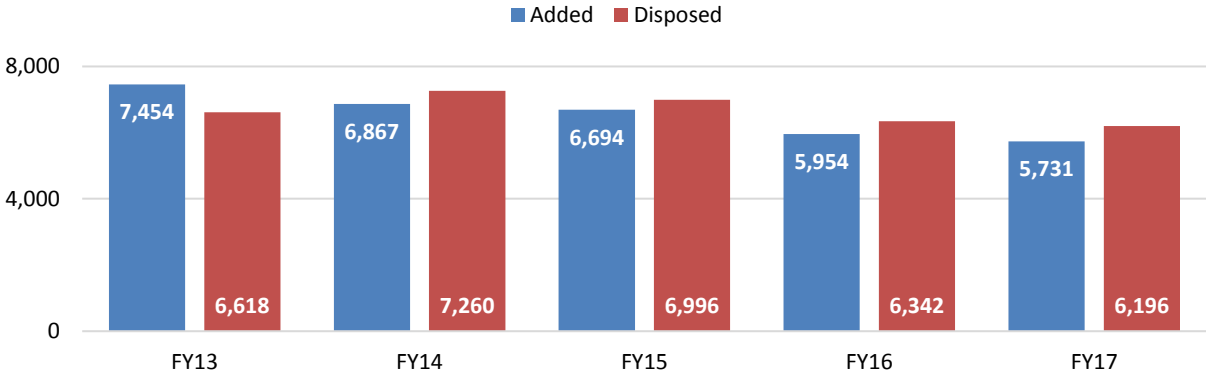


**Workload (weight x filings) for Civil Division: Court Staff**



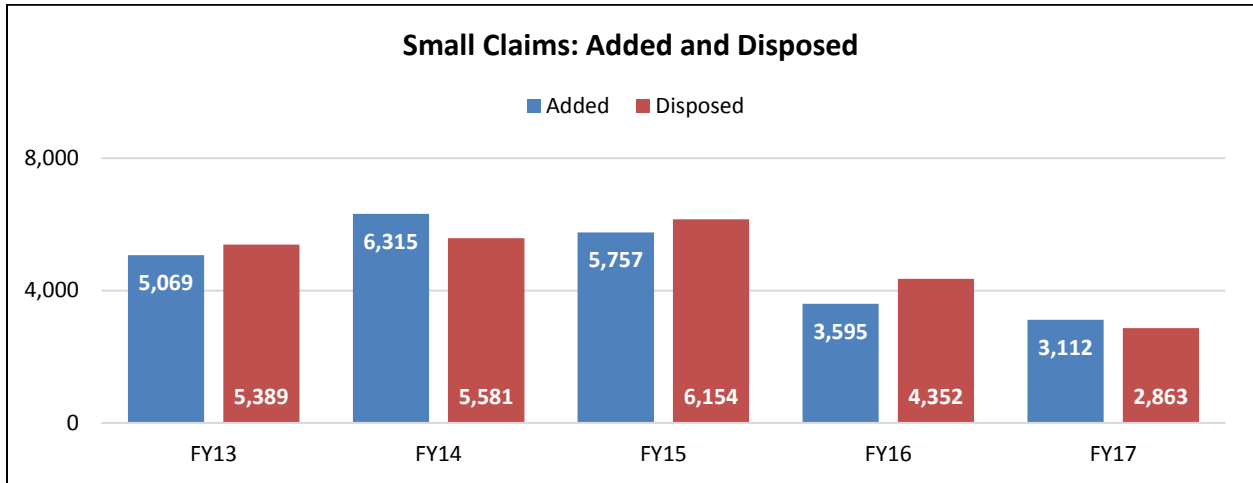
FY17 saw a 4% decrease in major civil cases as compared to FY16, mostly because of fewer collections, foreclosures, and prisoner cases. FY17 was a productive year in the civil division with the number of major civil cases disposed significantly higher than the number of cases added.

**Major Civil Cases: Added and Disposed**



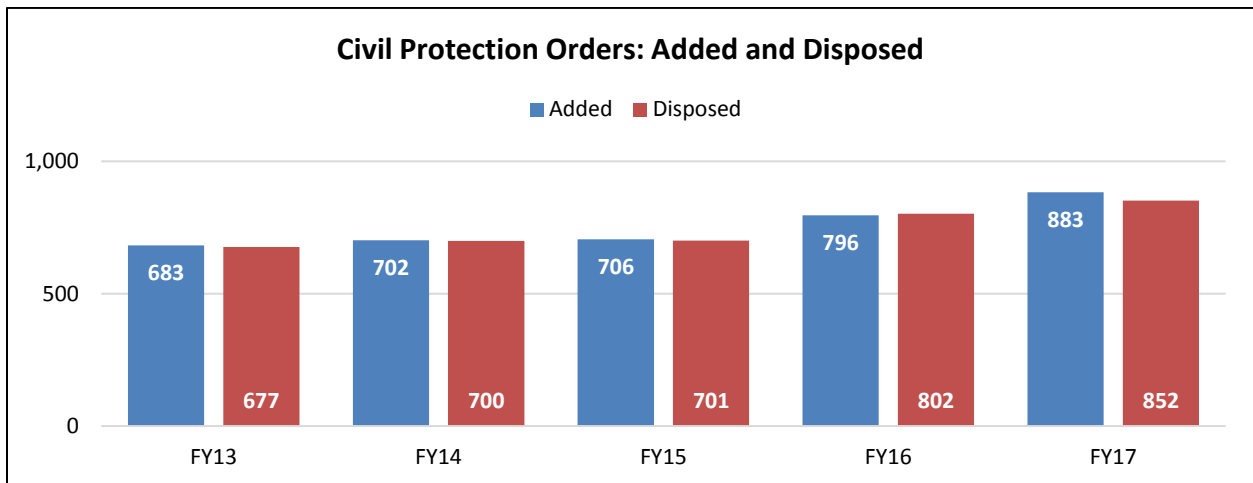
### Small Claims

Small claims filings decreased in FY17 by almost 13% as compared to FY16 and 51% as compared to FY14.



### Civil Protection Orders

Requests for civil protection orders (against Stalking and Sexual Assault) have increased 11% since FY16 and 29% since FY13.



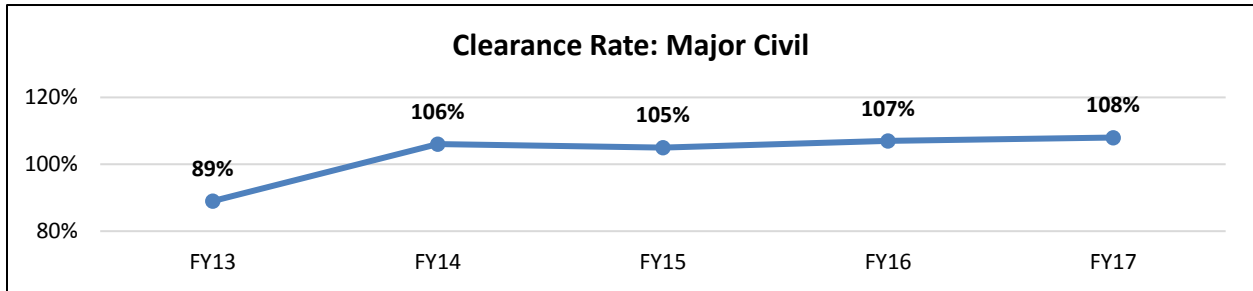


### Clearance Rates

A clearance rate reflects the number of cases closed or disposed divided by the number of cases added or filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed and will reflect an increase in backlogged cases.

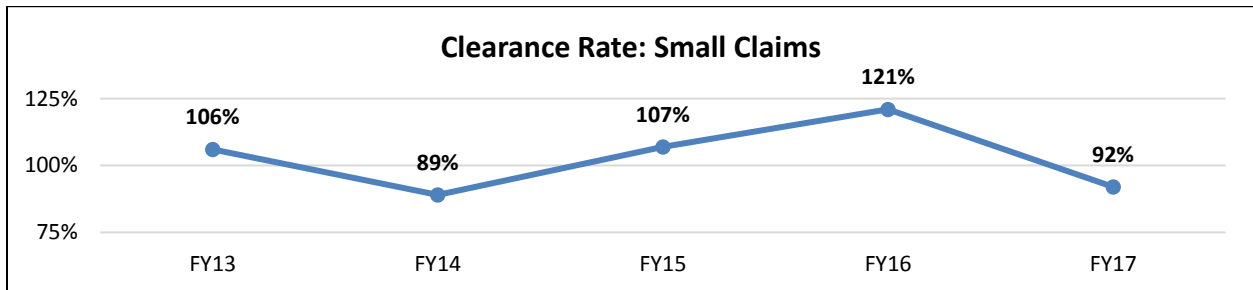
### **Major Civil Cases**

The number of major civil cases disposed was significantly higher than the number of cases added in FY16, resulting in a clearance rate of 108%.



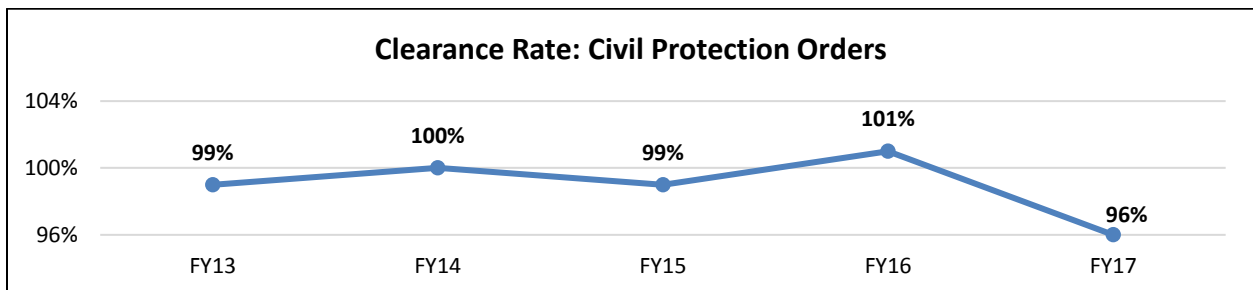
### **Small Claims**

The clearance rate in small claims was not as favorable, falling from 121% in FY16 to 92% in FY17.



### **Civil Protection Orders**

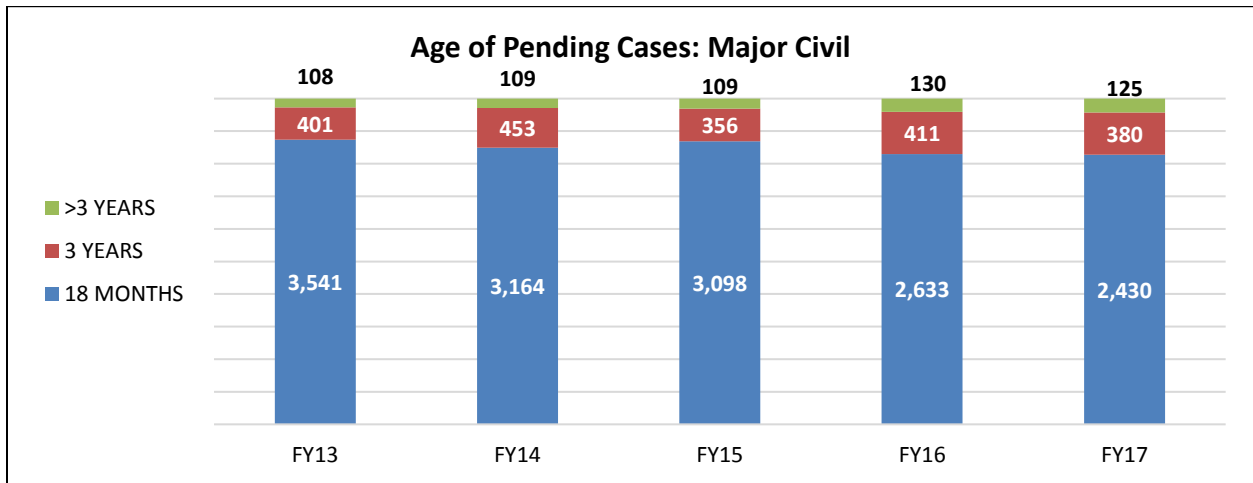
The clearance rate for civil protection orders for FY17 was 96%, in other words the number of cases added slightly exceeded the number of cases disposed.



## Age of Pending Cases

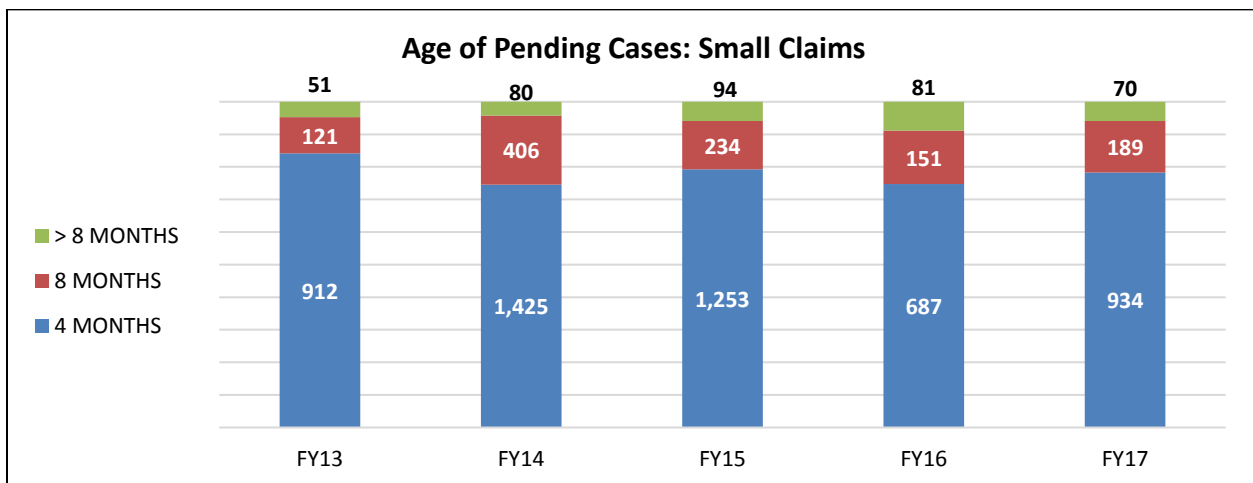
### Major Civil Cases

It is difficult to measure performance based on the age of civil cases because there is so much variation in the average time to disposition from one case type to the next. For tort and employment cases, the disposition goal set by the Supreme Court for standard cases is 18 months for a standard case and 24 months for a complex case. At the shorter end, the goal for landlord tenant cases is three months for standard cases and six months for complex cases. It is only when data on the age of pending cases and time to disposition is broken down by case type and sub-case type that accurate conclusions can be drawn with respect to court performance.



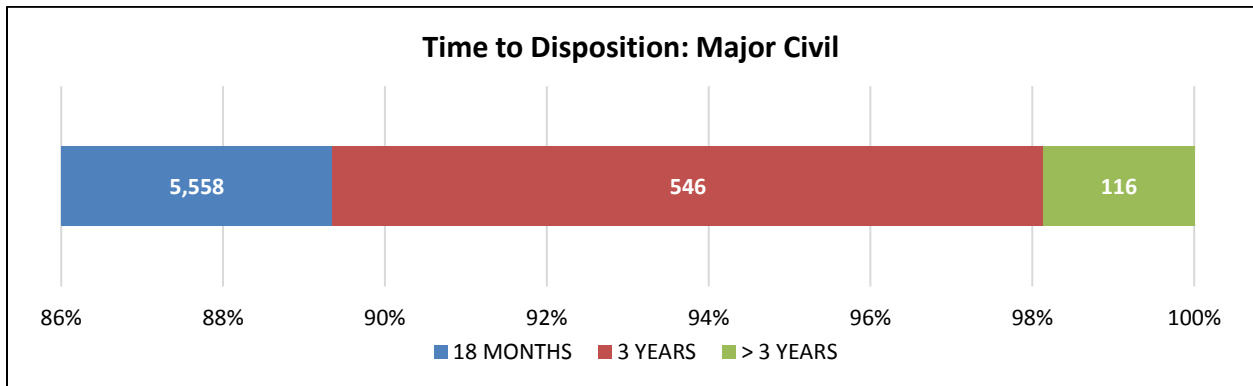
### Small Claims

The number of pending cases rose 30% in the last year. The Supreme Court has set a disposition goal of 4 months for small claims cases. At the end of FY17, 78% of cases were pending less than 4 months.



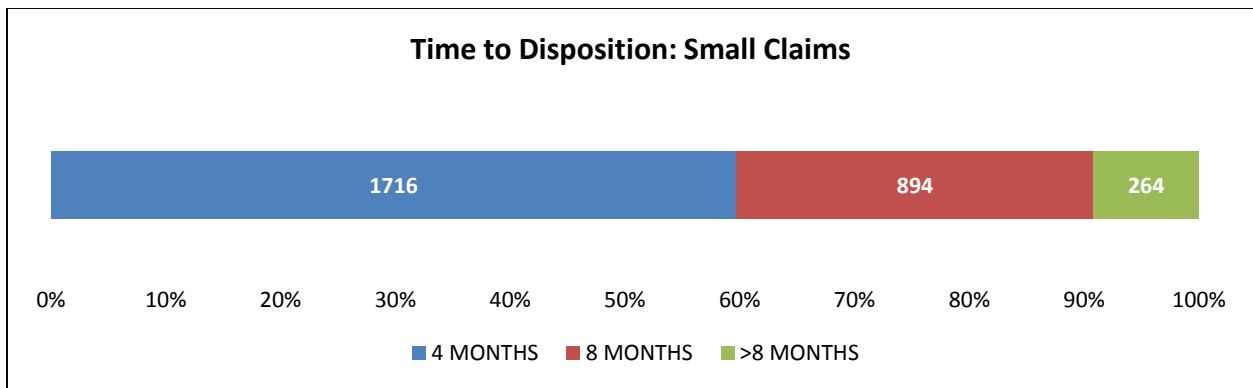
## Time to Disposition

**Major Civil Cases** - In FY17, 89% of major civil cases were disposed within 18 months of filing. \*



\*The chart indicates a total disposition count of 6220 while previous tables and appendices indicate there are 6196 dispositions- this difference of 24 reflects invalid or missing dispositions whose time to disposition cannot be identified.

**Small Claims**- In FY17, 60% of small claims cases were disposed within 4 months of filing. \*



\*The chart indicates a total disposition count of 2874 while previous tables and appendices indicate there are 2863 dispositions- this difference of 11 reflects invalid or missing dispositions whose time to disposition cannot be identified.

## Method of Disposition

### **Major Civil Cases**

Out of 6,196 cases disposed in FY17, only 657 or 11% required either a jury or a court trial. Another 6%, were resolved through summary judgment, a decision that usually requires a significant written decision by the trial court. 31% of the cases were resolved by agreement of the parties, 52% were dismissed by the court or withdrawn by parties and less than 1% of the cases were transferred to another court location (change of venue).

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/Other	Grand Total
2017	23	634	367	1,452	495	1,397	1,795	33	6,196

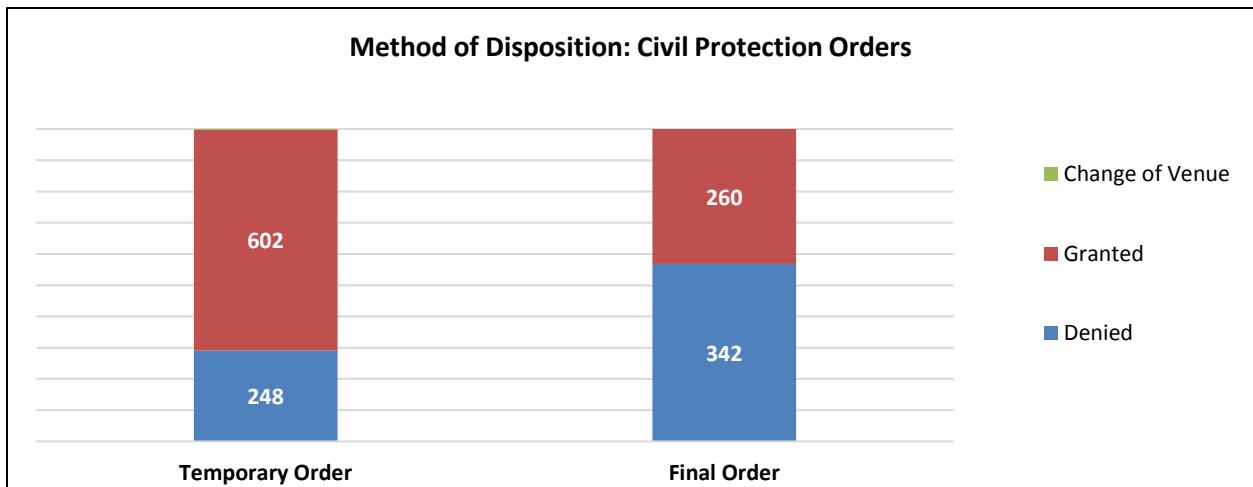
### Small Claims

Out of the 2,863 cases disposed in FY17, 43% were resolved by agreement of the parties. Another 43% were dismissed by the court or withdrawn by the plaintiff. 14% required a contested hearing.

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/Other	Grand Total
2017	0	415	0	456	743	793	445	11	2,863

### Civil Protection Orders

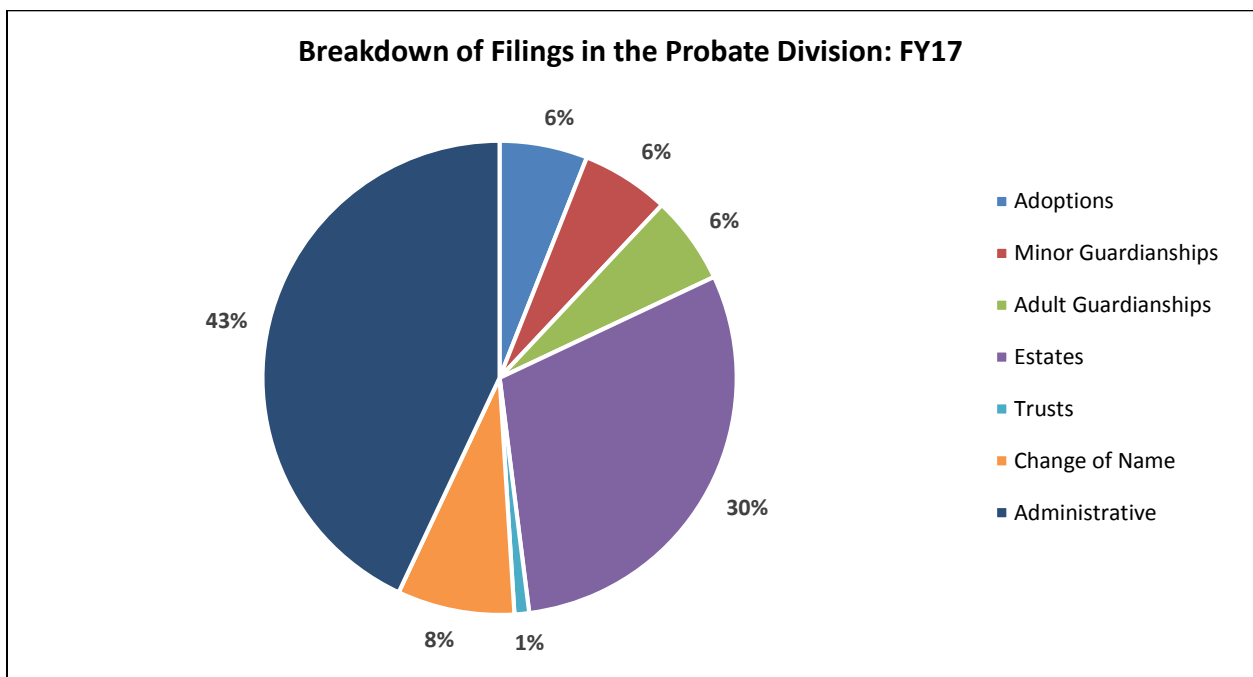
Of the 852 cases disposed in FY17, a temporary restraining order was granted in 71% of the cases, but a final order was granted in only 43%. Requests for civil protection orders to protect against sexual assault represent a very small minority of these cases and temporary and final orders are usually granted. Most complaints in this area are based on a claim that the defendant is “stalking” the plaintiff.



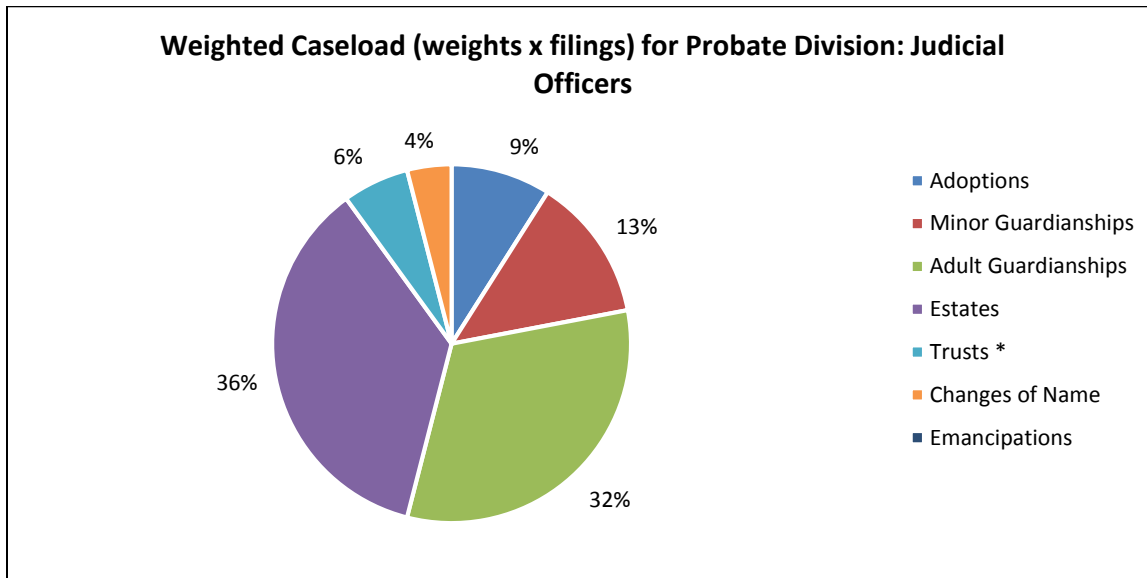
# Probate Division

## Introduction

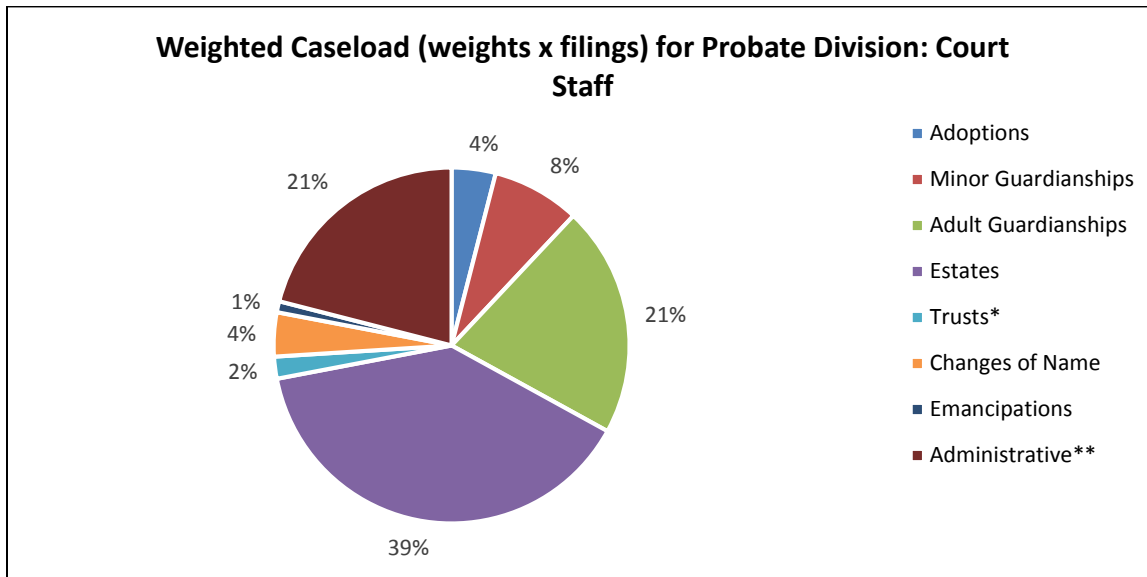
There are five major case types heard by the probate division. These include: adoptions, minor and adult guardianships, estates, and trusts. In addition, the probate division handles some smaller case types such as change of name, as well as many functions that are, for the most part, administrative such as changes to birth and death certificates, requests by an out of state minister to perform a marriage in Vermont, etc. The distribution of the major case types based on number of filings is shown in the chart below. The distribution in terms of number of filings does not reflect the relative workload for the judge and probate staff.



## Weighted Caseload with FY17 Filings



\*Reflects trusts pending



\* Reflects trusts pending

\*\*Administrative case types include conveyance to clear title or discharge mortgage; letters to DMV; uniform gifts to minors; vital records; cemetery; disposal of dead bodies; pre-marriage requests; and wills filed for safekeeping.

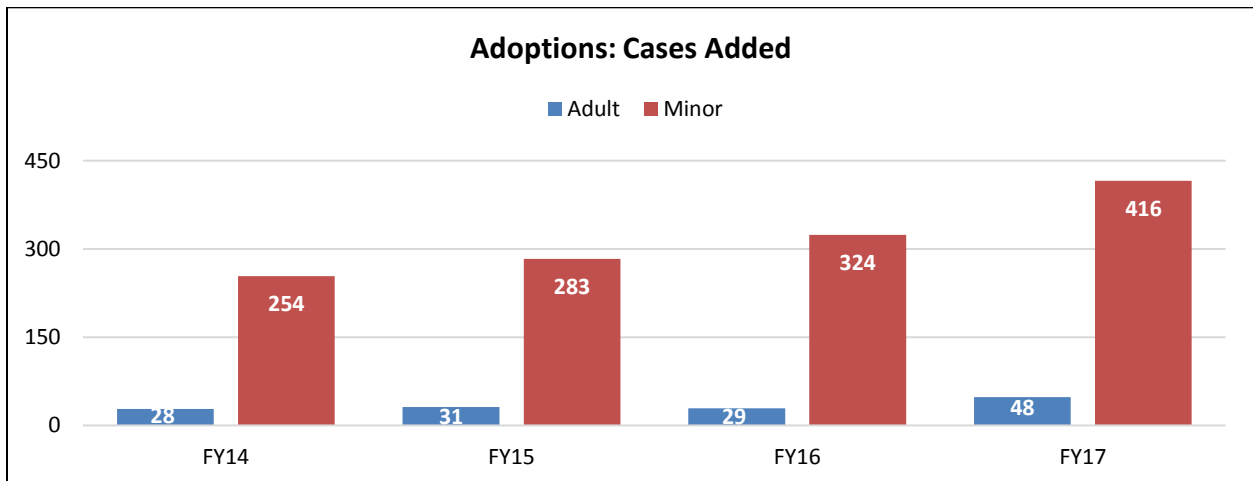
## A Note about Probate Statistical Data

Prior to the unification of the Vermont Superior Court, probate cases were not on the court's case management system (VTADS). Records of filings and dispositions were maintained by hand or, in later years, electronically using a spread sheet. The process of loading all active probate cases into the court's case management system began in FY13 and is still ongoing. Until all the open probate cases are in the case management system, we can only provide limited data. For example, data on other NCSC measurements such as age of pending cases and age of case at disposition will not be available until all cases are in the case management system. In addition, the Supreme Court needs to adopt disposition goals for each of the major probate case types to create a benchmark for gauging the timeliness of disposition.

## Adoption

### Trends

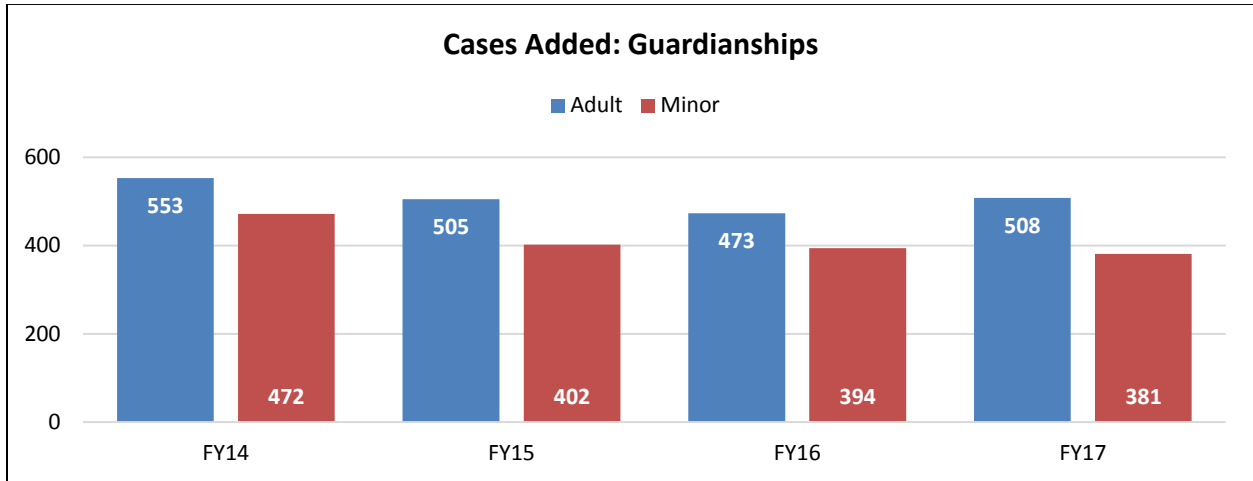
Adoption data includes cases involving the adoption of adults as well as the adoption of minors, although adoption of minors is by far the larger of the two categories. There were 28% more minor adoption petitions filed in FY17 as compared to FY16; however, when contrasted to four years ago, minor adoptions have risen 64%.



## Minor and Adult Guardianships

### Trends

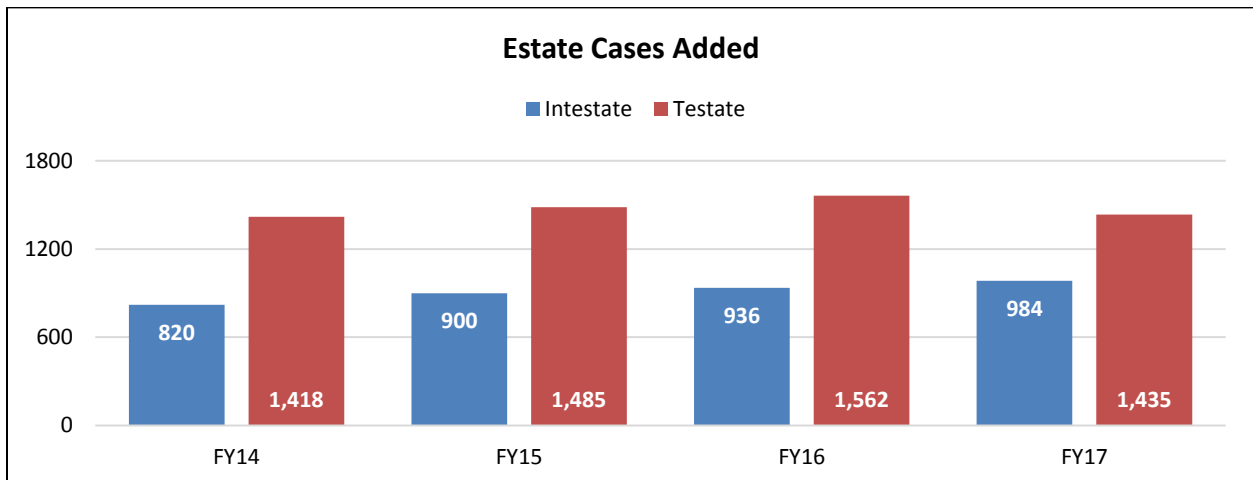
The number of adult guardianship petitions rose slightly in the last year, while the number of minor guardianships declined. When contrasted to four years ago, guardianships have declined 13%.



## Estates

### Trends

The probate court handles several different types of estates. An intestate estate is the estate of someone who died without having made a will. A testate estate is the estate of someone who left a will. The number of estate cases filed in Vermont declined slightly in FY17, mostly because of fewer testate cases. The number of intestate cases has been steadily growing over the last few years, increasing 20% since FY14.

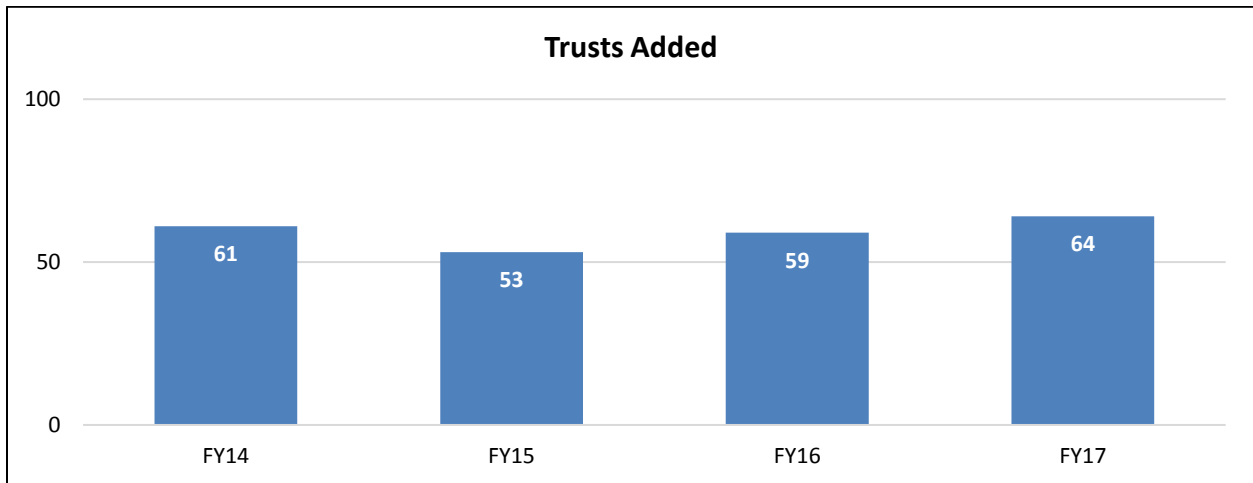




## Trusts

### **Trends**

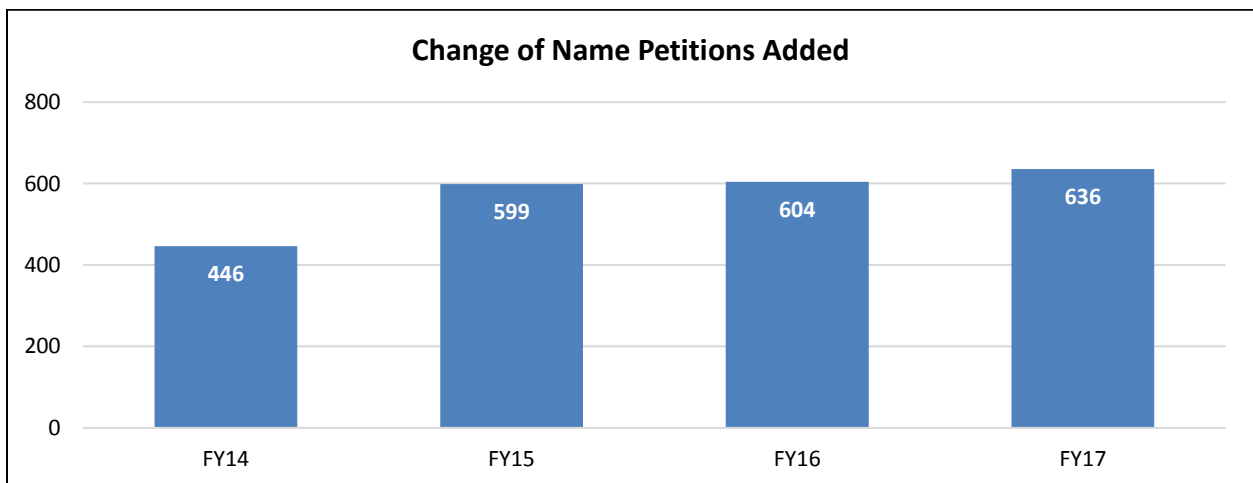
Although there was a jump in the number of trust filings in Vermont following the passage of the Uniform Trust Code (14A V.S.A. §101 et seq.), the number of filings have stabilized and remained relatively unchanged over the last four years.



## Change of Name

### **Trends**

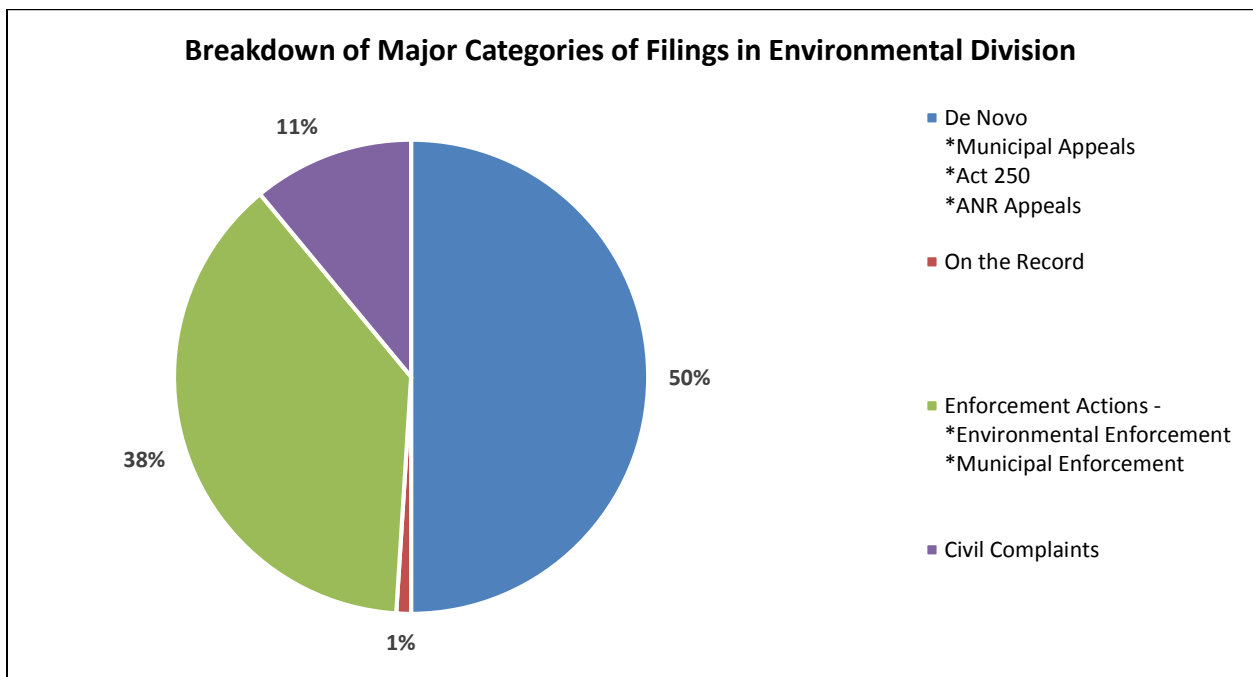
The number of petitions for a change of name has been increasing over the last four years. In FY17, 636 petitions for a change of name were filed in the probate division. This is an increase of 43% since FY14.



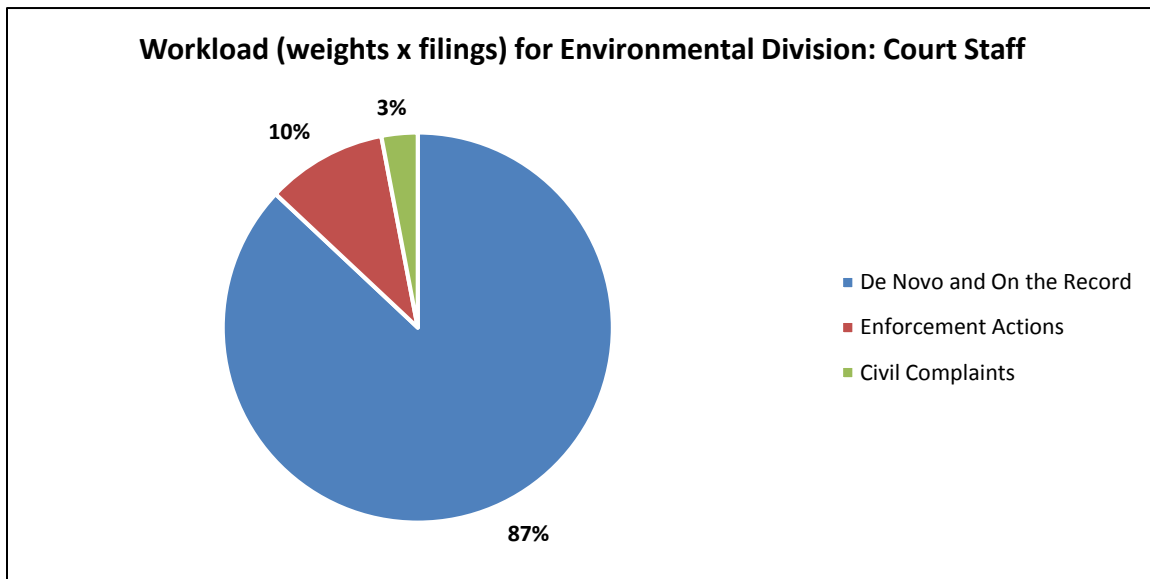
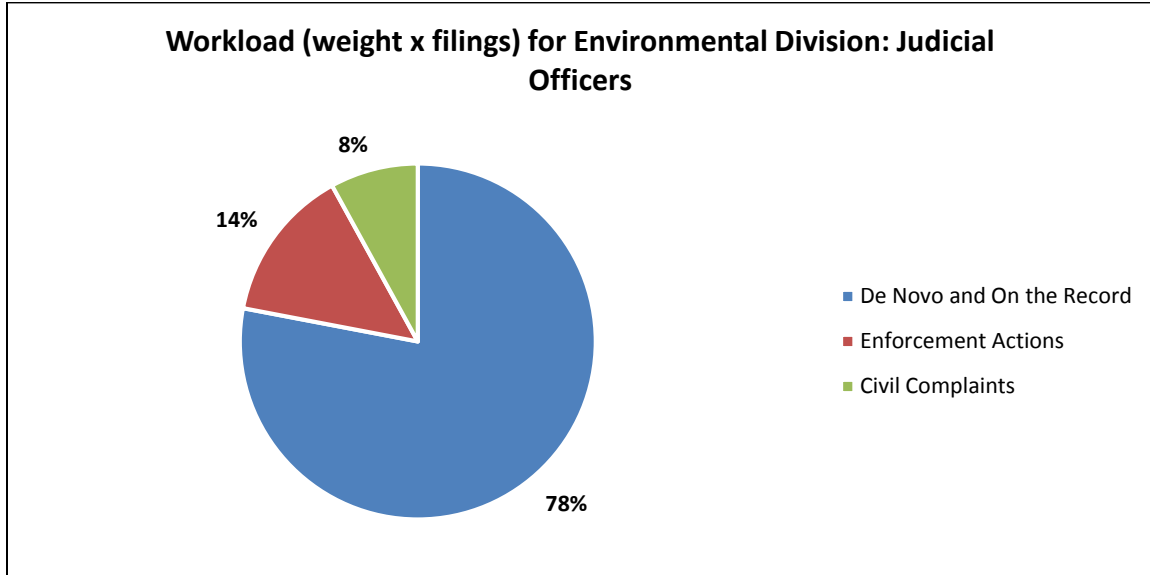
## Environmental Division

The environmental division of the superior court is a statewide court responsible for hearing and deciding cases that fall into five general categories:

- 1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;
- 2) Environmental enforcement proceedings from various municipalities;
- 3) Appeals from municipal zoning boards, development review boards and planning commissions; (4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators;
- 4) Tickets for environmental violations such as unlawful burning, dumping in a stream or lake, or failing to abide by a permit condition or AMP (acceptable management practice).

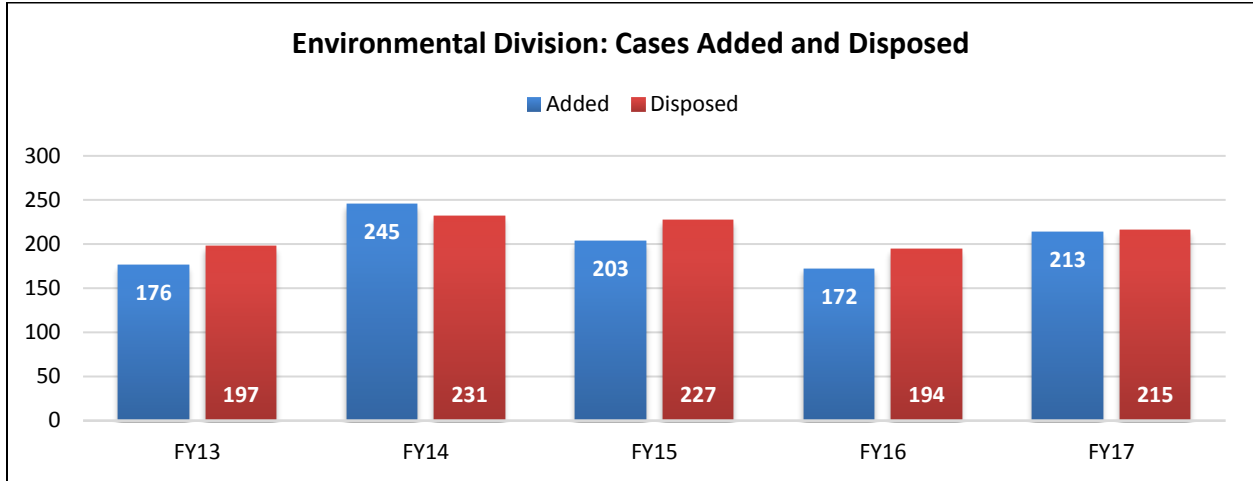


**WEIGHTED CASELOAD WORKLOAD WITH FY17 FILINGS**



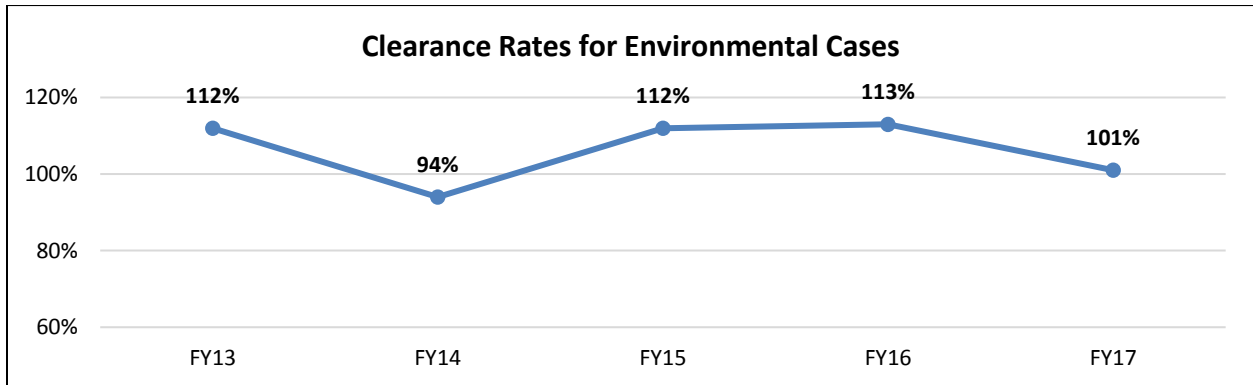
## Trends

As indicated by the chart below, filings in the environmental division increased 24% from the previous year, primarily in the areas of environmental enforcement actions and municipal de novo appeals. The number of dispositions also increased (by 11%).



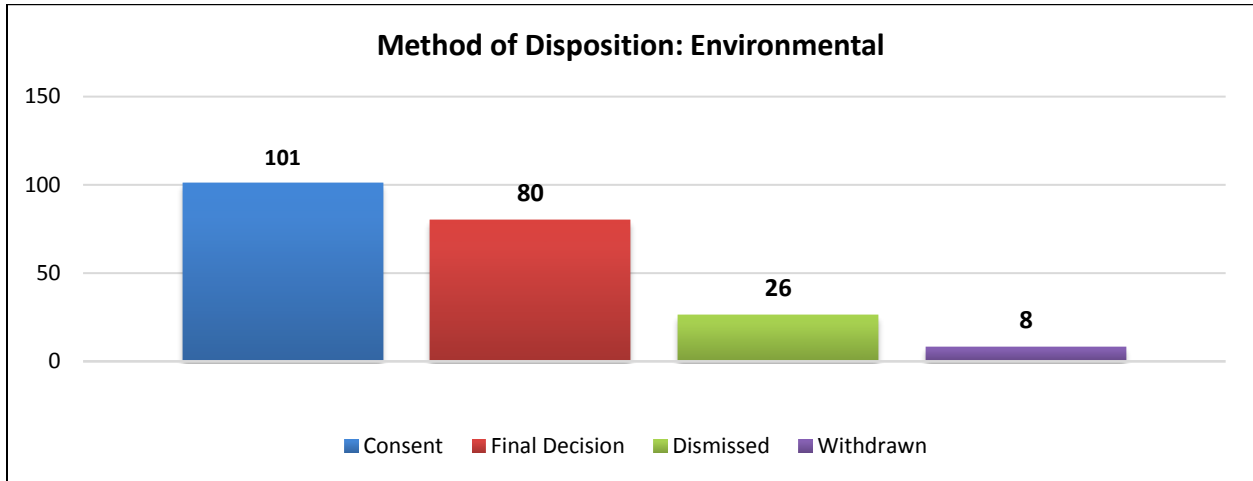
## Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2013 through 2017. While the clearance rate in FY14 fell below 100%, it has rebounded in the past three years.



## **Method of Disposition**

Approximately 47% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued by the court in 37% of the cases. 16% were dismissed or withdrawn by parties.

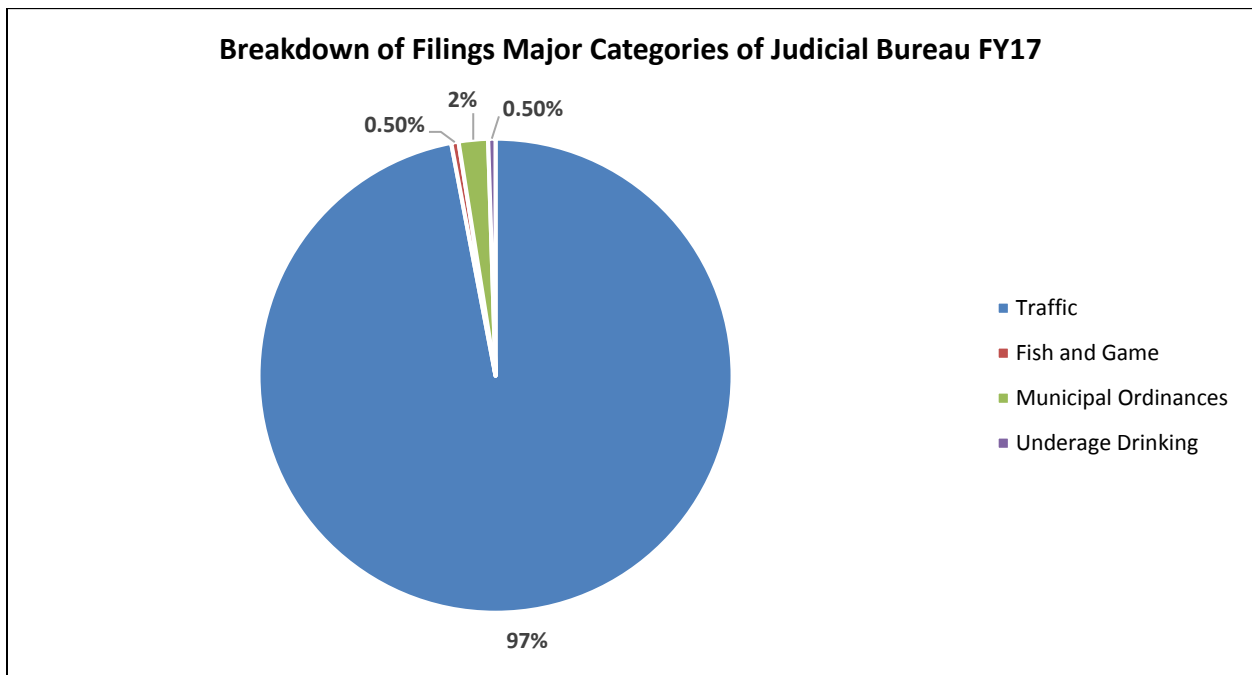


# Judicial Bureau

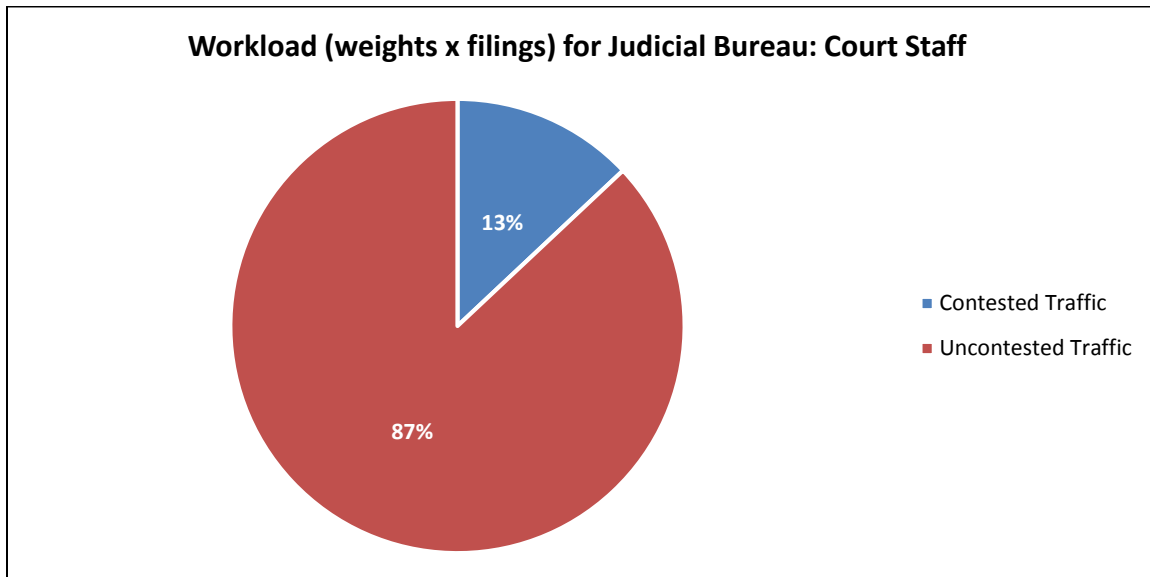
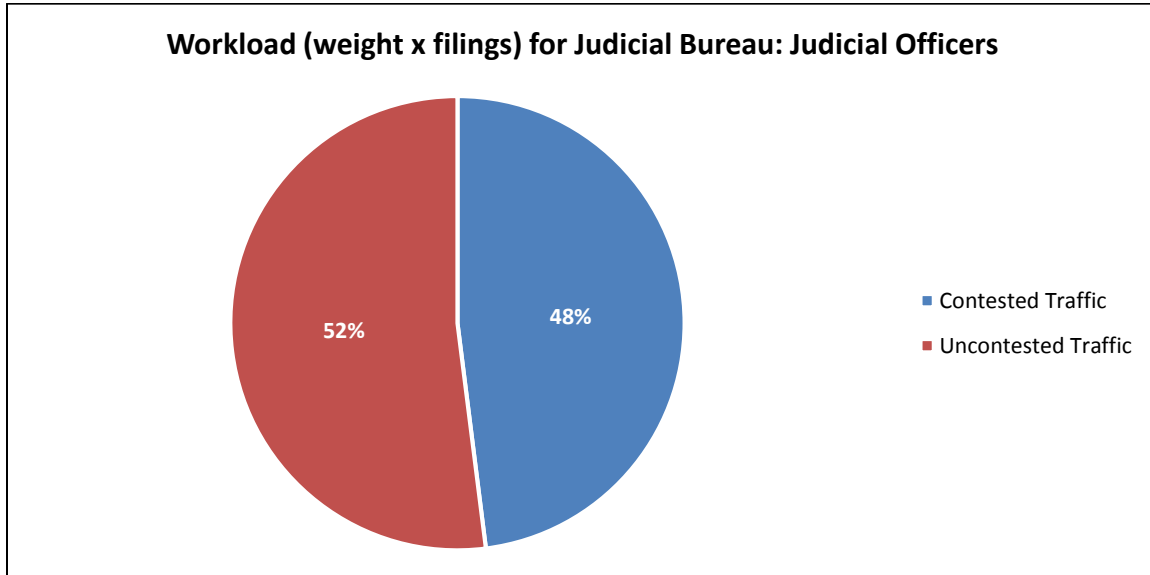
The Judicial Bureau has statewide jurisdiction over civil violations. Police and other government officials have authority to charge civil violations, including for example:

- Title 23
  - Traffic violations
- Municipal ordinance violations
- Title 10
  - Fish and wildlife violations
- Burning and waste disposal violations
- Environmental violations
- Lead hazard abatement violations
- Cruelty to animal violations
- Titles 2, 5, 7, 9, 10, 13, 16, 18, 19, 20, 21, 24 includes but not limited to:
  - violations for: Motor carrier, railroads, alcohol, tobacco, marijuana, scrap metal, water rules, waste transportation, humane treatment of animals, hazing, environmental mitigation, labor, littering and illegal dumping

The Judicial Bureau processed over 90,000 civil violation complaints in 2017. The clear majority of these were traffic tickets.

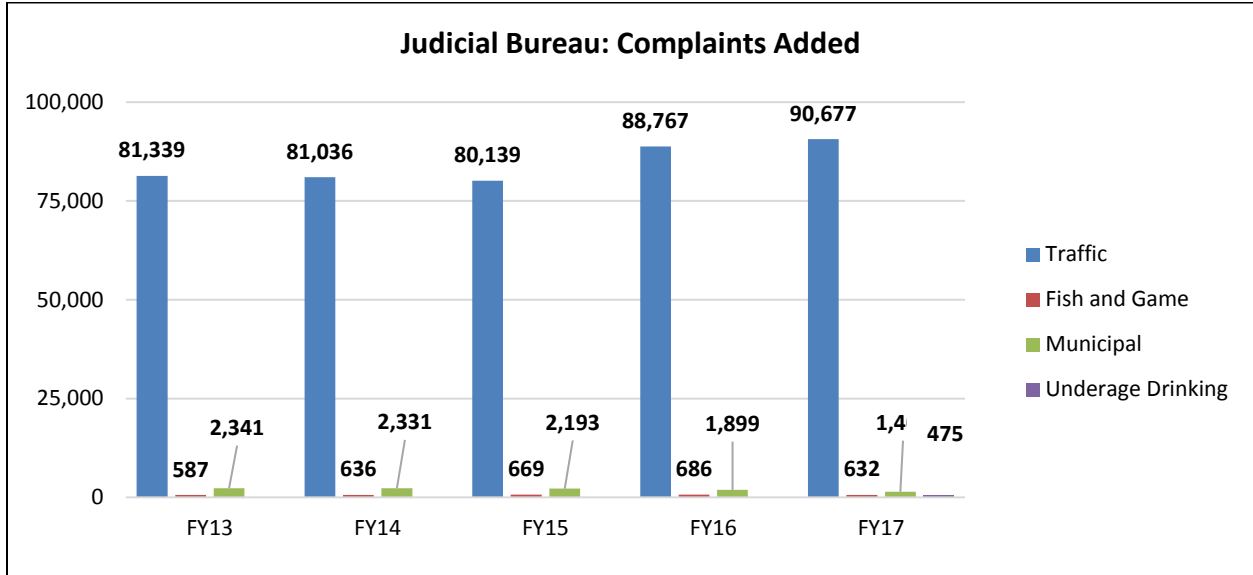


## Weighted Caseload Workload with FY17 Filings



## Trends

As indicated by the chart below, traffic filings in the Judicial Bureau were the highest in five years. Municipal and fish and game violations filings both decreased slightly in FY17. Overall, Judicial Bureau filings have increased 11% since FY13.





**Vermont Supreme Court  
July 1, 2016 - June 30, 2017**

**TYPES OF APPEALS FILED AND CLOSED**

<u>Types of Appeals</u>	<u>Filed Appeals</u>	<u>Closed Appeals</u>	<u>Manner of Disposition</u>	<u>Appeals</u>	<u>Original Proceedings</u>
Bail	25	20	Written Opinions	104	3
Civil	254	235	Full Court Mem. (5 Justices)	7	4
Criminal	56	71	Panel Mem. (3 Justices)	134	0
Habeas	2	1	Lack of Progress	41	1
Juvenile	49	51	Stipulation/Withdrawal	50	0
Post Convictions	17	6	Misc. Mem.	48	23
Small Claims	0	0			
			<b>Total Closed</b>	384	31
<b>Totals</b>	403	384			
			<u>Presentation of Cases Considered</u>		
Board of Bar Examiners	3	2	Oral Argument	170	
Disciplinary Matters	13	7	Submitted on Briefs	86	
Extraordinary	6	5			
Habeas	0	0	<b>Total</b>	256	
Other	0	1			
5(b)	11	11	<u>Original Proceedings</u>		
5.1	4	3	Oral Argument	1	
6(b)	2	2	Submitted on Pleadings	30	
Totals	39	31	<b>Total</b>	31	
<b>Grand Total of Appeals</b>	<b>442</b>	<b>415</b>			
<u>Origin of Appeals</u>					
Boards, etc.	58	43			
Civil Division	129	117			
Criminal Division	87	92			
Environmental Division	14	14			
Family Division	113	115			
Probate Division	2	3			
<b>Totals</b>	403	384			

**VERMONT SUPREME COURT**  
**July 1, 2016 - June 30, 2017**

**OPINIONS**

**Number of Opinions Written**

Chief Justice Reiber	18	Also wrote two dissenting opinions.
Associate Justice Dooley	20	Also wrote two dissenting opinions, and one concurring opinion.
Associate Justice Skoglund	23	Also wrote two dissenting opinions.
Associate Justice Robinson	23	Also wrote three dissenting opinions, two concurring and dissenting opinions, and one concurring opinion.
Associate Justice Eaton	20	
Associate Justice Carroll	1	
Per Curiam	2	
<b>Total</b>	<b>107</b>	

<b><u>Results in Appeals Closed by Written Opinions</u></b>		<b><u>Results in Original Proceedings Closed by Written Opinions</u></b>	
Affirmed	57		1
Affirmed in part, struck in part and remanded in part	1		
Affirmed in part; reversed in part	7		
Affirmed in part; vacated in part	3		
Dismissed	3		1
Reversed	10		
Reversed and remanded	23		
Other			1
<b>Totals</b>	<b>104</b>		<b>3</b>

