

TO: Pat Gabel
FROM: Trial Court Operations
RE: Further explanation of Fee Clarification
DATE: March 23, 2017

The fees submitted to the Legislature by Trial Court Operations did not involve any new fees, as was testified to in House Ways and Means and House Judiciary.

The two \$50.00 proposed fees have historically been charged by most courts already; thus, any increase in revenue will be nominal, as the number of these filings is not voluminous. These fees were based on the statute that provided for a \$50.00 fee for Small Estates, 32 V.S.A. 1434(a)(1). The two procedures with the \$50.00 fee attached both involve filing of new cases filed with the Probate Division and the work necessary by the court is essentially the same as the work performed on Small Estate Petitions. The two procedures are types of estate cases. The fee proposal was to provide an express statute for charging the individual fees.

The \$10.00 fee proposed for Exemplification Certificates is also a fee that has been historically charged by all courts, thus, not creating any additional revenue. This is a nominal fee compared to some other states. This procedure involves pulling a file, making copies of the documents requested, stamping the documents as certified to be a true and accurate copy, along with a certificate that is signed by the clerk as the custodian of the records, then signed by the judge to verify the clerk is who they say they are, and then signed by the clerk to verify the judge's signature. Title 1 section 316 provides for agencies to set fees for copying records; however, this process involves more than copying. Again, virtually all courts have charged this nominal fee, and the objective is to provide an express statutory authority for charging the fee.