

# MEMORANDUM

To: Representative John Gannon, Chair Joint Pension Oversight Committee  
From: Brian J. Grearson, Superior Judge (Ret.)  
Re: Evolution of the office of magistrate  
Date: April 20, 2022

To assist the committee in its consideration of the request by the Magistrates to be included in Group D pension benefits, below please find a summary of the evolution of the Office of Child Support Magistrate:

## 1990

The office of magistrate was created by the same legislation that created the family court in 1990. 1989, No. 221 (Adj. Sess.) (adding 4 V.S.A. §§ 461–467). At that time, magistrates had jurisdiction “to hear and dispose of proceedings for the establishment, modification and enforcement of child support and cases arising under the Uniform Reciprocal Enforcement of Support Act” (later, the Uniform Interstate Family Support Act) as well as “to hear and determine child support in parentage cases after parentage has been determined.” They were “nominated, appointed and confirmed in the manner of superior judges” to six-year terms. However, they were reappointed for subsequent terms by the governor, with the consent of the senate and without review by the judicial nominating board.

## 1993

In 1993, the chief superior judge (then administrative judge) was given the authority to assign the magistrate assigned to Essex County to serve as that county’s presiding family court judge. 1993, No. 59, § 27e; see 4 V.S.A. § 461a(b).

Separately, judges presiding in abuse prevention cases became authorized to refer requests for child support to magistrates. 1993, No. 228, § 5; see also 15 V.S.A. § 1110.

## 1995

The fiscal year 1996 Big Bill gave magistrates jurisdiction to determine child support to be awarded in the course of a disposition order in juvenile proceedings, when delegated by the family court. 1995 No. 63, §§ 139a, 139d.

## 1999

In 1999, magistrates’ jurisdiction expanded to include proceedings to “establish, modify or enforce temporary orders for spousal maintenance” in divorce cases and proceedings to “modify or enforce temporary or final parent–child contact orders.” 1999, No. 54, § 2.

## **2010**

In 2010, magistrates whose term of office expire are given continuing jurisdiction to conclude matters partly or fully heard prior to the termination of office. 2009 No. 154, No. 154 (Adj. Sess.), § 12. Magistrates' jurisdiction was expanded to include proceedings to *establish* parentage and temporary parental rights and responsibilities and parent-child contact. *Id.* § 29. At this time, successive terms in office became subject to formal retention proceedings. *Id.* §§ 29, 36. Candidates for office, and their appointment, also became subject to nomination by the Judicial Nominating Board. *Id.* §§ 32, 34. Magistrates also became authorized to solemnize marriages. *Id.* § 147.

In the fiscal year 2011 Big Bill, magistrates were given jurisdiction over “contempt proceedings instituted against an obligated party for the limited purposes of enforcing a child support order.” 2009, No. 156 (Adj. Sess.), § E.319.

## **2012**

In 2012, magistrates were authorized to require an employment services program to which a child support obligor had been referred to file periodic written reports as to the obligor's progress and cooperation. 2011, No. 119 (Adj. Sess.), § 1.

## **2014**

In 2014, magistrates became subject to the chief superior judge's authority to assign active or retired judges to special assignments in the superior court. 2013, No. 170 (Adj. Sess.), § 4; see also A.O. 18, § 4(a)(5).

Thank you for your consideration,

Brian J. Grearson