STATE OF VERMONT
SUPREME COURT
APRIL TERM, 2020

Order Promulgating Amendments to Administrative Order No. 49

Pursuant to the Vermont Constitution, Chapter II, § 30 and Administrative Order No. 48, it is hereby ordered:

1. That ¶ 2 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

   2. For these reasons, the Court hereby declares a judicial emergency pursuant to Administrative Order 48. The emergency will go into effect immediately and will extend until ~~April 15, 2020~~ May 31, 2020, unless extended by order of this Court. This Order supersedes any previously issued administrative directive or order, including orders issued in the Superior Court, related to COVID-19.

2. That ¶ 3 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

   3. Suspension of non-emergency Superior Court hearings: Effective March 17, and notwithstanding any rule or timeline inconsistent with this guidance, all nonemergency Superior Court hearings, whether evidentiary or nonevidentiary, will be postponed. This includes jury draws, jury trials, and hearings that have already been scheduled, except as provided below.

   ~~a.~~ The courts will schedule and hear only the following matters:

   - Vermont Rule of Criminal Procedure 5 hearings and arraignments of defendants in custody to be held by video where available
   - Arraignments for individuals cited for charges of domestic assault
   - Change-of-plea hearings in the discretion of the judge
   - Motions for review of bail for defendants in custody
   - Requests for search warrants when electronic means are not available
   - Criminal competency when the initial evaluation supports a finding of incompetence and related hospitalization hearings
   - Juvenile temporary care hearings
   - Emergency motions to suspend parent-child contact in juvenile cases
   - Emergency motions to suspend parent-child contact in domestic cases
   - Mental-health hearings considering involuntary hospitalization and/or involuntary medication

- Probate hearings concerning emergency guardianship or Do Not Resuscitate petitions
- Habeas Corpus petitions
- Final hearings in stalking and relief from abuse proceedings, and hearings seeking a final order after denial of an ex parte request
- Temporary emergency hearings on injunctive relief at the discretion of the judge
- Emergency landlord-tenant hearings in the discretion of the judge
- Proceedings directly related to the COVID-19 public health emergency
- Any other matter where the Chief Superior Judge concludes that the interests of justice require that the matter be heard during the course of this suspension. A party seeking an exception must file a motion in the court in which the case is pending, and any party who objects must file its written opposition within three days after the motion is filed. The court will refer the motion to the Chief Superior Judge for resolution.

~~b. In recognition of the advance planning required to arrange jury trials, notwithstanding the termination date of this Administrative Order, all jury draws and jury trials currently scheduled to take place on or before May 15 shall be postponed.~~

3. That the following Explanatory Note be added:

Explanatory Note—April 9, 2020 Amendment

The April 9 amendment extends the sunset date of this Administrative Order from April 15, 2020 to May 31, 2020. Because of the significant lead time involved in scheduling court proceedings, the continuing uncertainty about when public-health social distancing measures will be relaxed, and the likely need to prioritize certain cases as social distancing requirements ease, unless otherwise specified within Administrative Order 49, the provisions of AO 49 will be extended until May 31, 2020. The April 9 amendment also strikes paragraph 3(b) which established a different period of suspension for jury trials than for other matters. Pursuant to this amendment, the period of suspension of jury draws and jury trials is coterminous with the period in which other hearings are suspended. The Court will revisit this timing as conditions on the ground, and public-health recommendations, evolve.

4. That this order is effective immediately and extends until May 31, 2020, unless extended by order of this Court.

5. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. §1, as amended.

Done in Chambers at Montpelier, Vermont this 9th day of April 2020.

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice