



Vermont Judiciary
Annual Statistical Report for FY19

Vermont Judicial Branch Annual Statistical Report

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Highlights from the Report:

The Vermont Judiciary is in the process of transitioning to Odyssey, a new case management system. Odyssey is a suite of software programs that will replace VTADS, the Judiciary's current legacy case management system. Odyssey will be implemented across the state in phases, and it will change the way court users submit filings and access case files.

The Judicial Bureau successfully transitioned onto Odyssey on June 5, 2019. The trial courts in Windham, Windsor and Orange will transition onto Odyssey in late winter 2020. Information about the roll-out schedule can be found at: <https://www.vermontjudiciary.org/about-vermont-judiciary/next-generation-court-case-management-system/faq>.

While every effort has been made to provide the most accurate data available, the transition to Odyssey will impact the data the Judiciary presents in its statistical report over the next several years. The Judiciary will note what those impacts are.

Family Division

- FY19 saw the largest number of juvenile cases filed in the past five years. This is mostly due to Youthful Offender filings, which rose from 33 cases in FY18 to 504 cases in FY19 (+1,427%). This increase in cases is attributable to recent legislation that expanded the definition of Youthful Offender from those below age 18 to those up to age 22.
- The number of CHINS and delinquency filings both declined in FY19 (19% and 20% respectively). The number of petitions for termination of parental rights rose 11%.
- Clearance rates for abuse/neglect cases rose (104%) in FY19, while the clearance rate for delinquencies also rose (108%). The clearance rate for termination of parental rights petitions declined significantly, from 106% in FY18 to 88% in FY19. The clearance rate for Youthful Offender cases has plummeted in the last few years, a result of the extraordinary number of filings. It now stands at 57%.
- Filings for both divorce/dissolution and parentage remained relatively unchanged in the past year, but there has been a 12% decline in divorce/dissolution filings over the past five years and a 14% decline in parentage filings over the past five years. Child support filings decreased 11% in the past year, while post judgment (non-child support) filings decreased 3%.
- Approximately 55% of the cases disposed in the family division were 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 decreased 2% in the past year. Temporary orders were granted in 81% of relief from abuse cases, and final orders were granted in 45%.
- In FY19, case filings involving exploitation of the elderly were the lowest in the past five years, falling 29% since FY15. Temporary orders were granted in 85% of exploitation of the elderly cases, and final orders were granted in 47%. Temporary orders were granted in 95% of extreme risk protection cases, and final orders were granted in 78%.

- Clearance rates for divorce rose to their highest level in five years (meaning more cases are being disposed than filed). While the clearance rate for protection cases remained steady over the past 5 years. The case types showing the most fluctuation are parentage and child support.
- The number of Mental Health involuntary medication applications in FY19 fell significantly compared to the previous year (20%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested. Applications for involuntary treatment fell 8% while applications for continued treatment fell 12%.

Criminal Division

- Felony filings remained relatively the same in the last year. Filings involving felony drug crimes, declined 17% in the last year, and felony property filings declined 8%. There were increases in public order (11%), felony motor vehicle DWI/DUI offenses (9%), and “other” miscellaneous felonies.
- Felony domestic violence filings increased 3% in the past year. Case filings in this area are 13% higher than five years ago. It should be noted that current data includes new domestic violence-related case types that did not exist in prior years. When examining trends, it is important to contrast the statutes counted in prior years compared to the statutes counted in 2019.
- Misdemeanor filings increased 6% in the last year. This is primarily due to an increase in misdemeanor motor vehicle offenses (non-DWI/DUI), which rose 13%, and protection cases, which rose 10%. Although the number of misdemeanor domestic violence cases rose 1% in the past year, case filings are 11% lower than five years ago.
- Filings of violations of probation declined 11% from the previous year and 26% over the last five years.
- Only 2% of felony cases were disposed because of trial by jury or by court. For misdemeanors, this is true for less than 1% of the cases.

Civil Division

- FY19 saw a slight increase of 2% in major civil cases as compared to the previous year, mostly because of higher collections, claims against government, and miscellaneous civil filings. Landlord/tenant, employment, and appeals remained stable. All other civil case types, including foreclosures, declined.
- Small claims filings increased in FY19 by 23% as compared to FY18; however, filings decreased 5% as compared to FY15.
- Requests for civil protection orders (stalking and sexual assault) increased 19% in the past year and 61% since FY15. Temporary restraining orders were granted in 65% of the cases. Of these cases, a final order was granted in 43%.
- Over one in ten (12%) of all major civil cases required either a jury or court trial. Over half (53%) were dismissed by the court or withdrawn by parties.
- Clearance rates for major civil cases rose from 99% in FY18 to 106% in FY19,
- Due to a significant increase in filings, clearance rates for small claims were at 96% in FY19.

Probate Division

- Filings of minor adoption cases decreased 5% in the last year. Filings of minor adoption cases have risen 24% since FY17.
- The number of adult guardianship petitions rose slightly (4%) in the last year, while the number of minor guardianships decreased (8%). When contrasted to 5 years ago, guardianships have increased 3%.
- Overall, the number of estate cases filed increased 8% in FY19, mostly because of more intestate cases.
- The number of trust filings have increased 13% over the last five years.
- The number of petitions for a change of name have increased only 5% since 2015.

Environmental Division

- Cases in the environmental division decreased 13% from the previous year, primarily in the areas of civil complaints and Act 250 and Agency of Natural Resources (ANR) appeals.
- The clearance rate for all cases rebounded to 113%.
- Approximately 41% of the cases disposed were resolved by agreement of the parties. Final decisions were issued in 40% of the cases, and 19% were dismissed or withdrawn by the parties.

Judicial Bureau

- The Judicial Bureau processed over 83,000 civil violation complaints in FY19; approximately 3% were later voided. Filings of traffic violations were 11% lower than last year but comparable to those filed five years ago. Municipal ordinance violations increased 15%, while Fish and Game violations decreased 22%.

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:

1. Clearance Rate

The clearance rate reflects the number of disposed cases as a percentage of the number of incoming cases. The rate is a measure of the court's ability to keep up with its incoming caseload. If the clearance rate is 100%, the court is resolving as many cases as it receives. A clearance rate above 100% indicates that the courts are disposing more cases than it is adding. This can result in a decrease in backlogged cases. A clearance rate below 100% indicates that the courts are adding to a backlog.

2. Age of Active Pending Caseload

This is a point in time measurement which is typically 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.

3. 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 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. If the percentage of cases decided within the disposition time standard is around 80% to 85%, it likely 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 above 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 will take longer to adjudicate. The Court has therefore adopted a differentiated case management system which sets a time frame for standard cases and a somewhat longer time frame for complex cases. The Judiciary's current case management system does not allow for the easy identification complex cases. Therefore, for the most part, our measurement with respect to

timely disposition are based on an assumption that all cases are standard. The Judiciary recognizes that this assumption is not accurate.

Workload and Case Weights

An initial case weight represents the average amount of time judicial officers and court staff currently spend to process a case of a particular type, from filing through all post-disposition activity, including time spent during normal working hours and time spent outside of the normal working day or week. The use of separate case weights for different case categories accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve. To calculate the case weight for each case type category, all time associated with each case type during a time study is summed and weighted to the equivalent of one full year’s worth of time, then divided by the corresponding annual filings.

Case Type	Final Case Weights: Judicial Officers	Final Case Weights: Court Staff
Adoptions: All	130	187
Adult Guardianship	429	880
All Judicial Bureau Cases	NA	16
Child support	46	196
CHINS	332	1,027
Criminal Civil Suspension	6	30
Domestic (without child support)	126	566
Environmental Division De Novo	1,038	990
Environmental Division Enforcement Actions	246	155
Environmental Division on the Record	278	990
Estates	101	337
Felony	130	352
Judicial Bureau Contested	6	NA
Judicial Bureau Uncontested	1	NA
Juvenile Delinquency	59	288
Juvenile TPR	309	375
Juvenile Truancy	103	212
Mental Health	64	179

Minor Guardianship	203	386
Misdemeanor	28	177
Other Civil	84	337
Other Miscellaneous Criminal	24	176
Other Probate	39	127
Relief from Abuse	31	170
Search Warrants Inquests, NTO	14	24
Small Claims	13	136
Stalking/Sexual Assault	24	106
Treatment Court: Adult	273	2,576
Treatment Court: Juvenile	273	2,576
Trusts	49	59

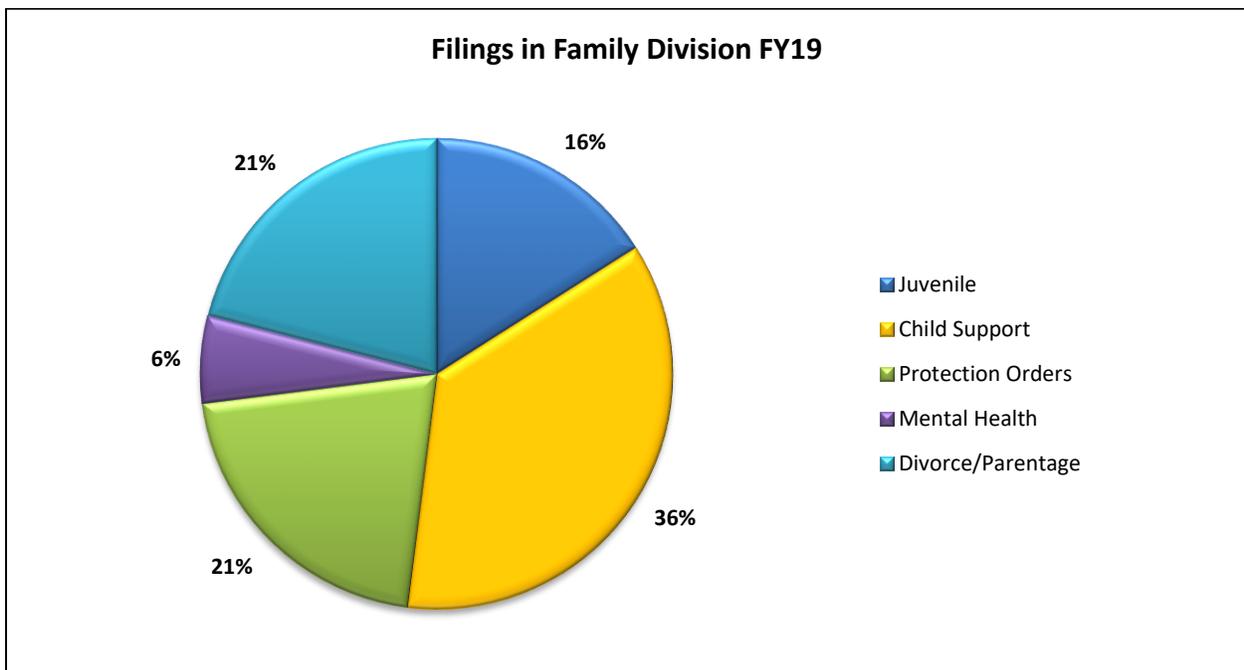
Family Division

Statewide Data

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

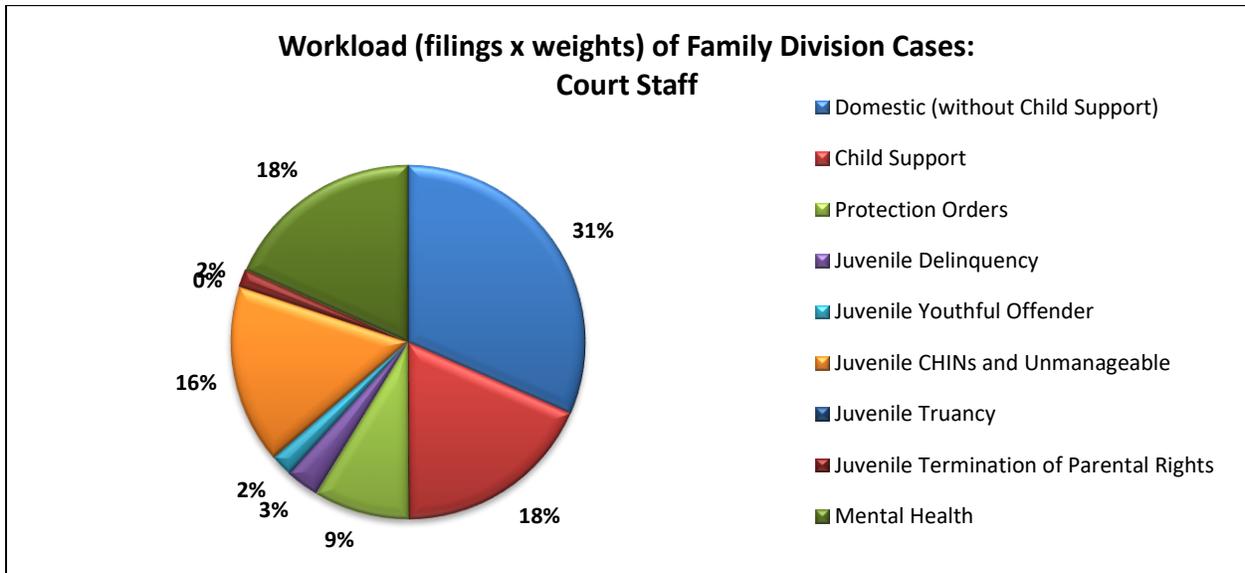
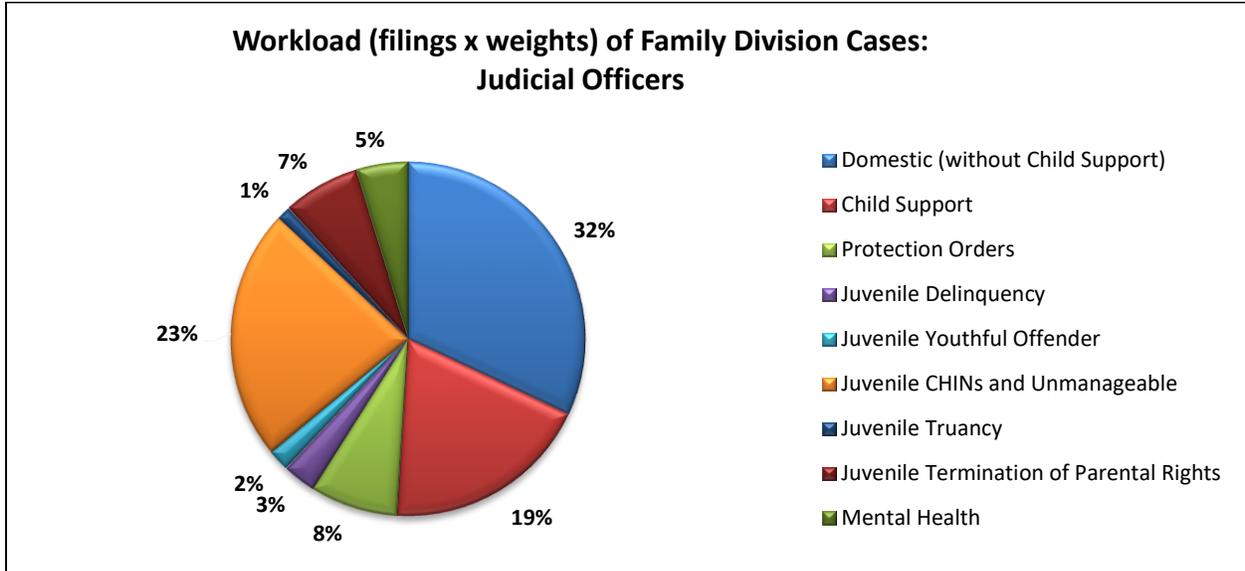
JUVENILE	<ul style="list-style-type: none"> • Child in Need of Care and Supervision – abuse/neglect, truancy, and beyond parental control • Delinquency (including youthful offenders) • Termination of Parental Rights
DOMESTIC	<ul style="list-style-type: none"> • Divorce/Dissolution • Parentage • Post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

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



Weighted Caseload Workload with FY19 Filings

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).

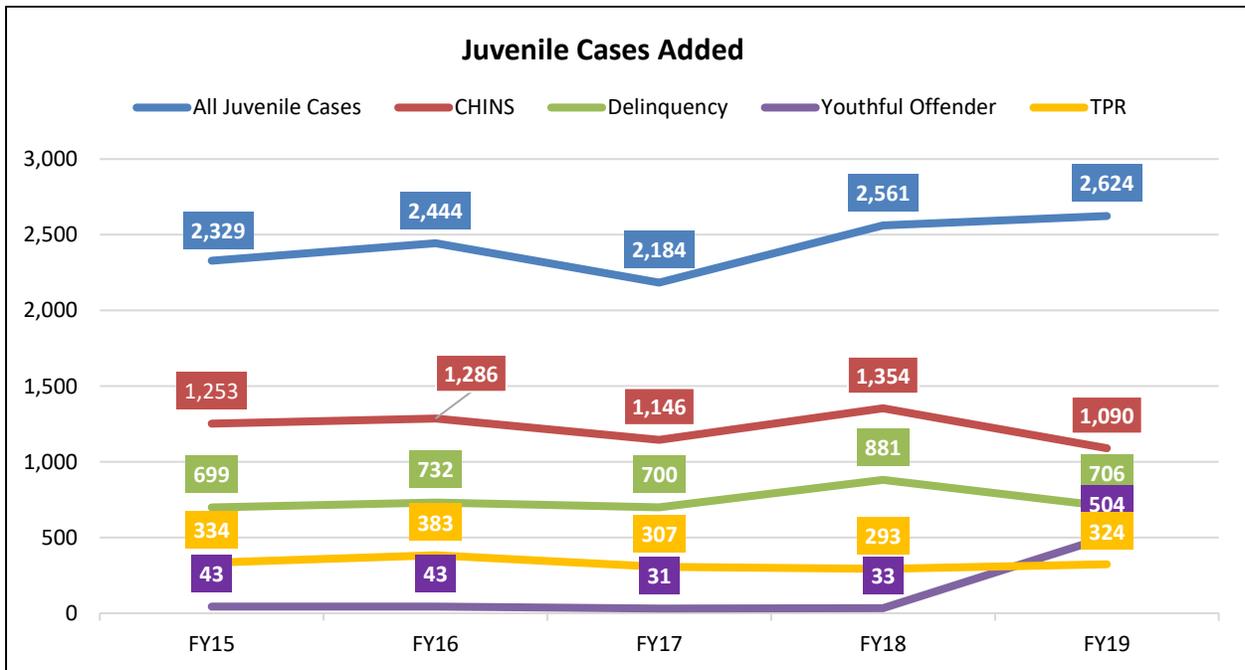
CHINS cases are divided into two subtypes: children who have been abused or neglected and children who are truant or beyond parental control.¹ The delinquency docket includes both youth charged with a delinquent act and those transferred from adult criminal court as youthful offenders. The removal of a child from the custody of the child's parents is a potential outcome in all juvenile cases. 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. These include 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 a minimum of delay. 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 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.

¹ Children beyond parental control are sometimes referred to as “unmanageable.”

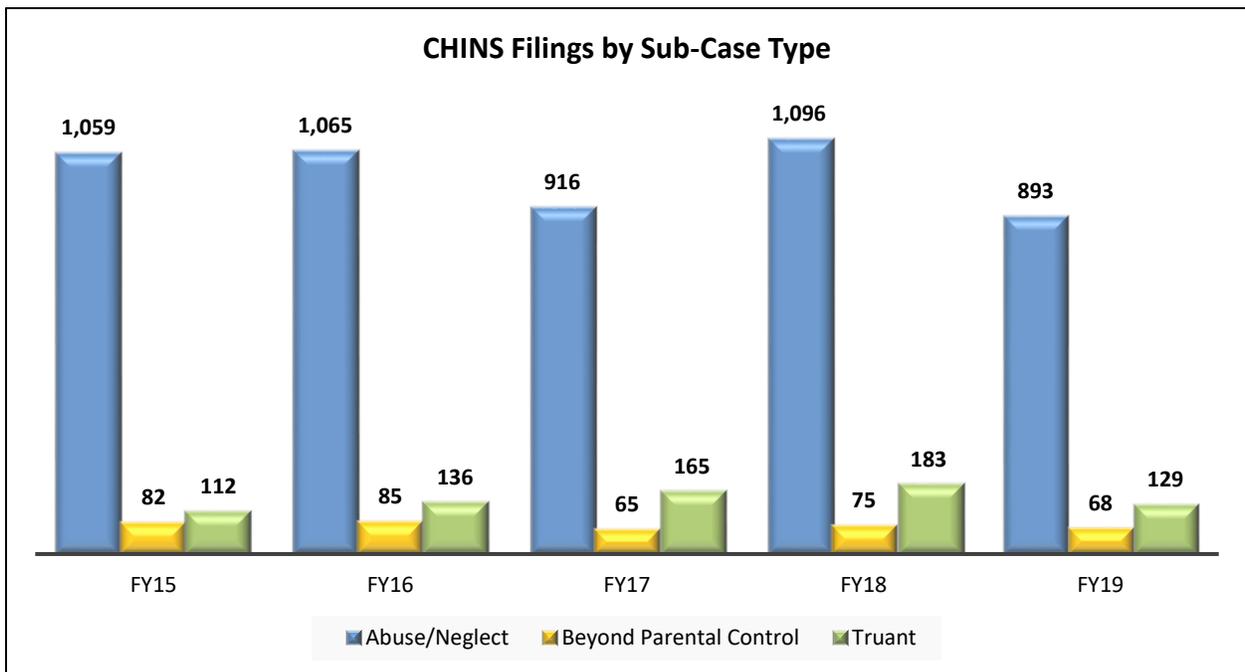
Trends

As indicated in the chart on the below, FY19 saw the largest number of juvenile cases filed in the past five years. This is mostly due to an increase in the number of Youthful Offender filings, which rose from 33 cases in FY18 to 504 cases in FY19 (+1,427%). This increase is attributable to recent legislation that expanded the definition of Youthful Offenders from those below age 18 to those up to age 22. The number of CHINS and delinquency filings both declined in FY19 (19% and 20% respectively). The number of petitions for termination of parental rights rose 11%.



CHINS

Filings of all CHINS sub-case types decreased during 2019. Of the 1,090 CHINS cases filed in FY19, 893 were abuse/neglect cases, the remainder were beyond parental control or truant. The number of abuse/neglect filings fell 19%, truancy cases fell 30%, and the number of cases filed involving children beyond parental control fell 9%.



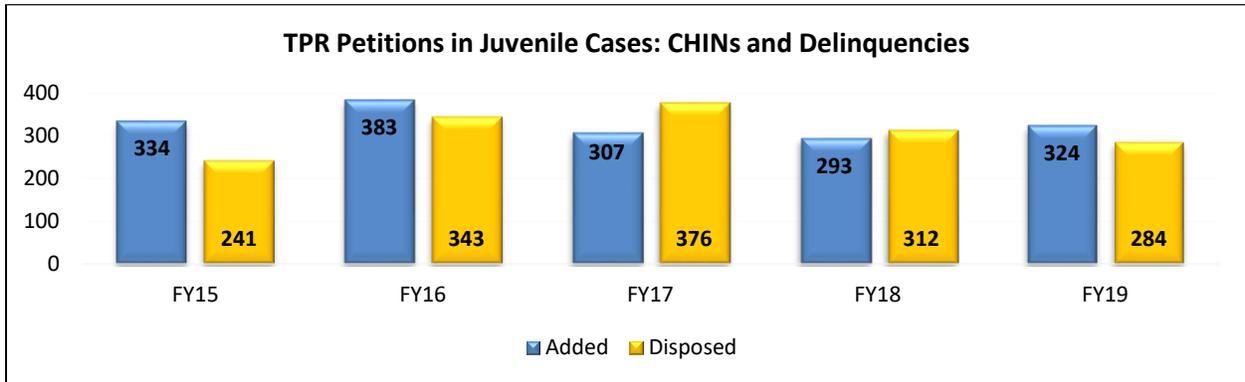
Delinquency and Youthful Offender

While the number of case filings in the delinquency docket decreased 20% in the past year, the number of Youthful Offender cases rose significantly. The largest numbers of filings were related to crimes against person, public order, and delinquency other.

ADDED	FY15	FY16	FY17	FY18	FY19
Delinquency – Other	96	108	113	147	336
Drug	50	40	52	53	47
Person	201	234	190	257	340
Property	101	127	120	110	152
Public Order	294	266	256	347	335
Total	742	775	731	914	1210

Termination of Parental Rights (TPR)

Although TPR petitions have increased 11% in the last year, they remain slightly lower than five years ago.

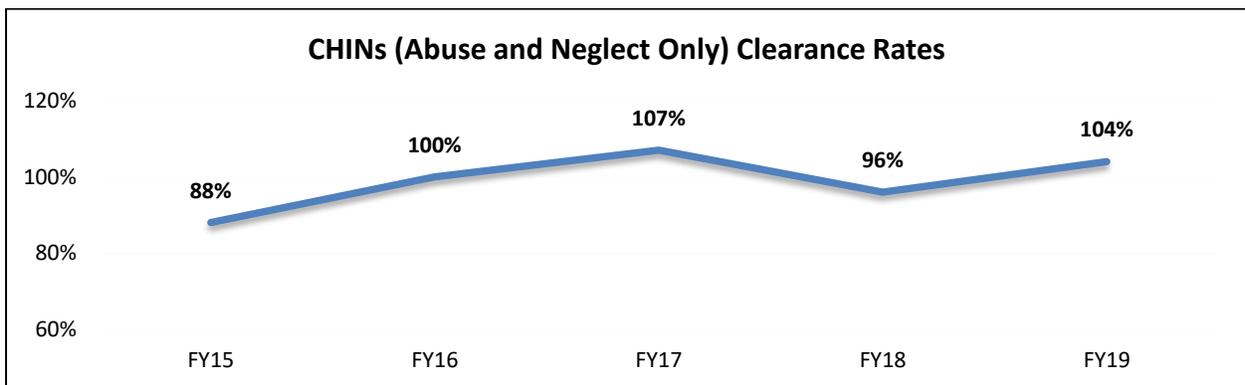


Clearance Rates

The clearance rate reflects the number of disposed cases as a percentage of the number of incoming cases. The rate is a measure of the court’s ability to keep up with its incoming caseload. If the clearance rate is 100%, the court is resolving as many cases as it receives. A clearance rate above 100% indicates that the courts are disposing more cases than it is adding. This can result in a decrease in backlogged cases. A clearance rate below 100% indicates that the courts are adding to a backlog.

CHINS

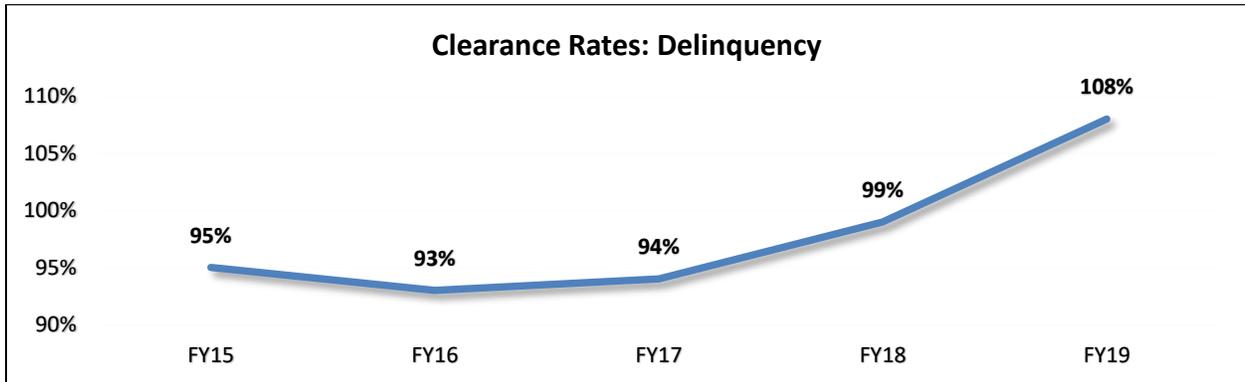
Abuse and neglect cases have one of the highest clearance rates in any division of the superior court.² This is significant because CHINS cases are labor intensive for judges and court staff. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of termination of parental rights if parents are unable to regain custody within a reasonable amount of time. A clearance rate below 100% is a source for concern, as it means that a backlog exists.



² The clearance rate for juvenile delinquencies in FY19 was 108%; the clearance rate for major civil was 106%.

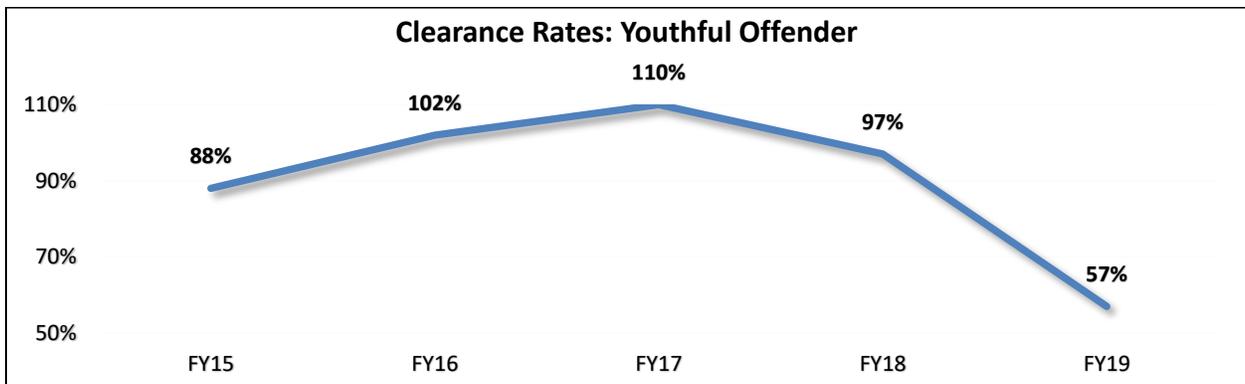
Delinquency

The clearance rate for delinquency cases continues to climb, from 93% in FY16 to 108% in FY19.



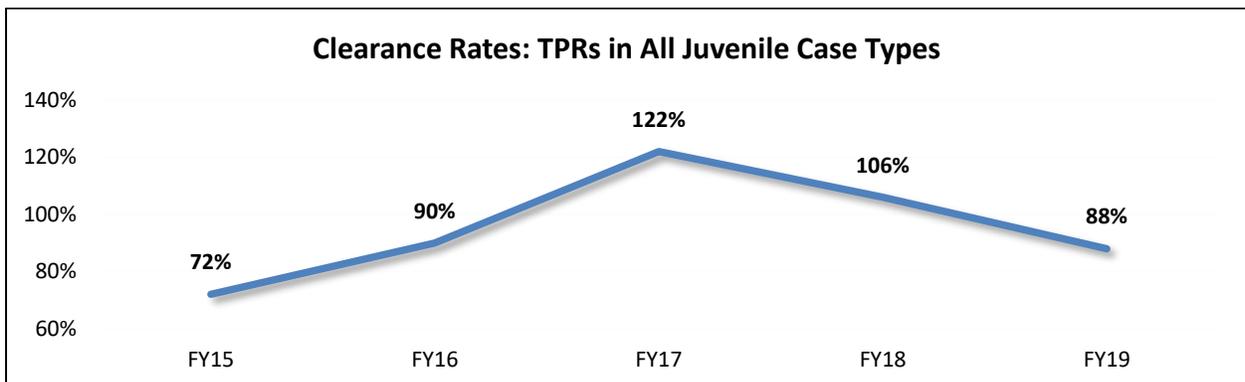
Youthful Offender

The clearance rate for youthful offender cases plummeted in the last few years, a result of the extraordinary number of filings.



Termination of Parental Rights

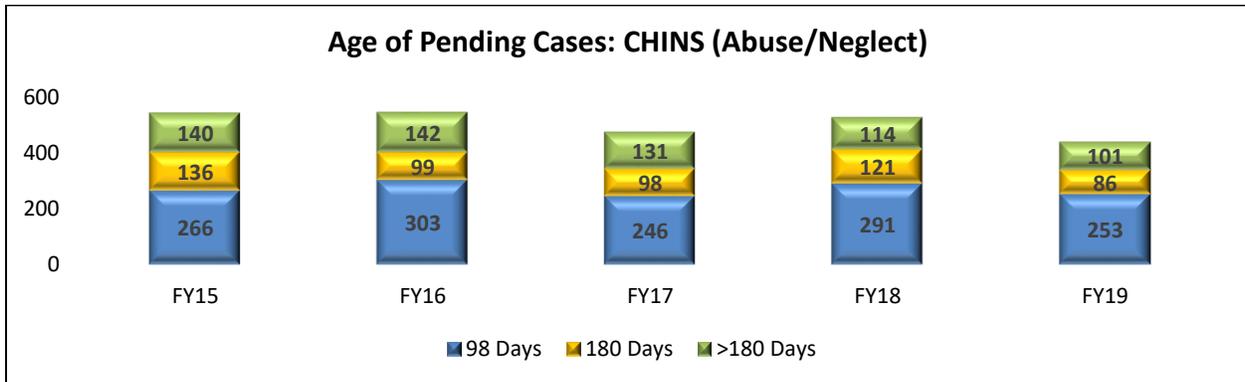
The clearance rate for termination of parental rights petitions declined rather significantly in the past year. [meaning more cases were filed (324) than disposed (284)]



Age of Pending Cases

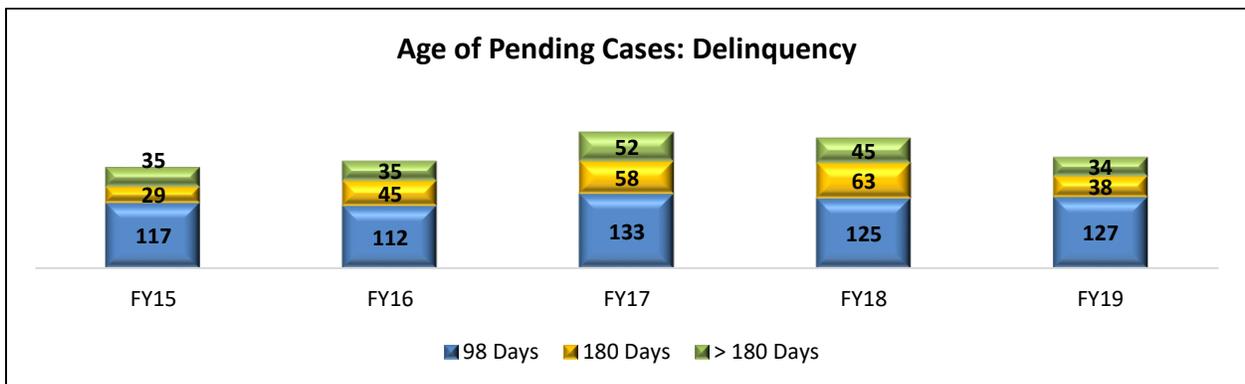
CHINS

The disposition goal for standard (i.e. non-complex) CHINS cases is 98 days. The chart below shows the age of cases pending on the last day of FY19. The total number of pending abuse and neglect cases decreased in the last year, as did those cases older than the disposition goal. There was a 20% decrease in the backlog of delinquency cases older than 98 days.



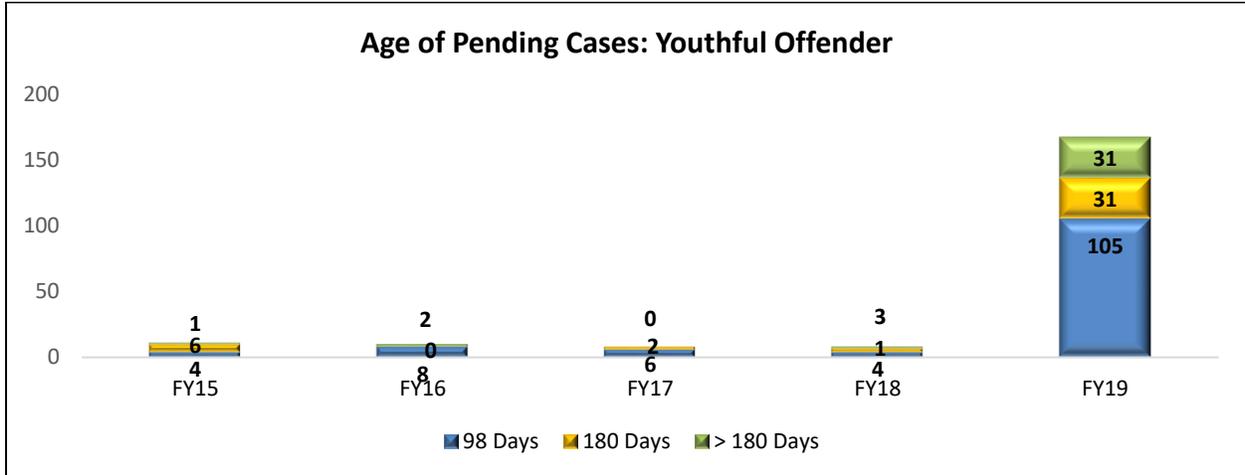
Delinquency

The disposition goal for delinquency cases is 98 days. The chart below shows the age of cases pending on the last day of FY19. The total number of pending delinquency cases decreased in the last year, as did those cases older than the disposition goal. There was a 33% decrease in the backlog of delinquency cases older than 98 days.



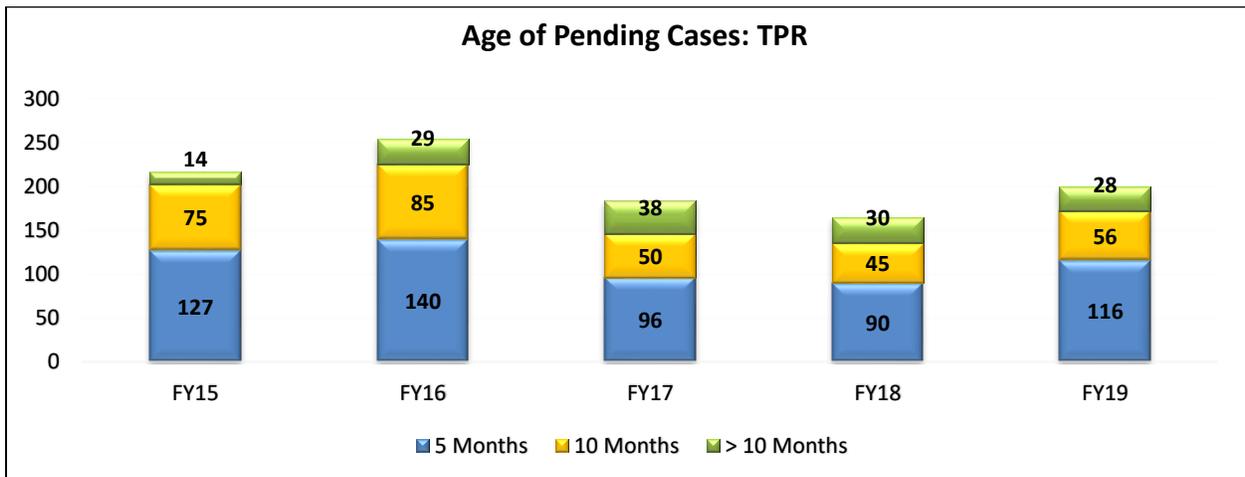
Youthful Offender

The disposition goal for youthful offender cases is 98 days. There was a 1,450% increase in the backlog of youthful offender cases older than 98 days. This increase is due to an increase in filings in FY19.



Termination of Parental Rights

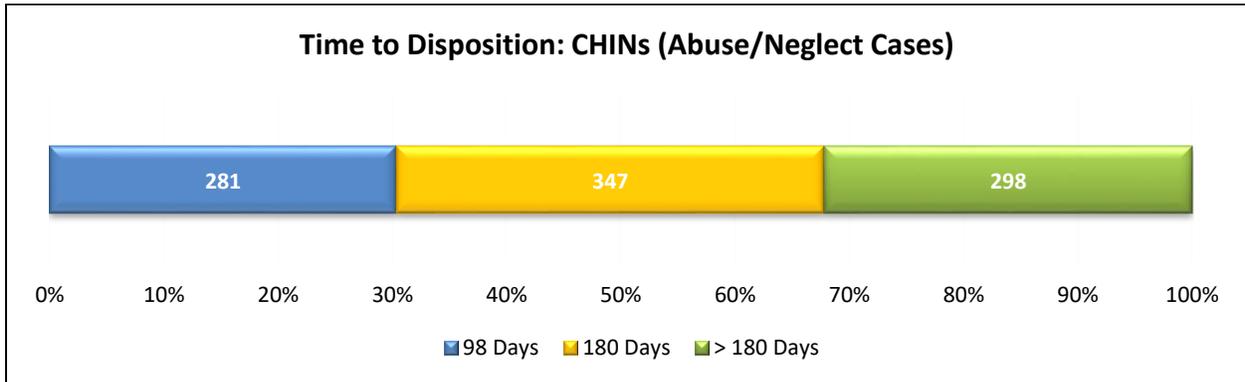
The disposition goal for non-complex termination of parental rights cases is five months. The number of pending cases at the end of FY19 increased 21% over the previous year, while the number of cases over goal increased 12%.



Time to Disposition

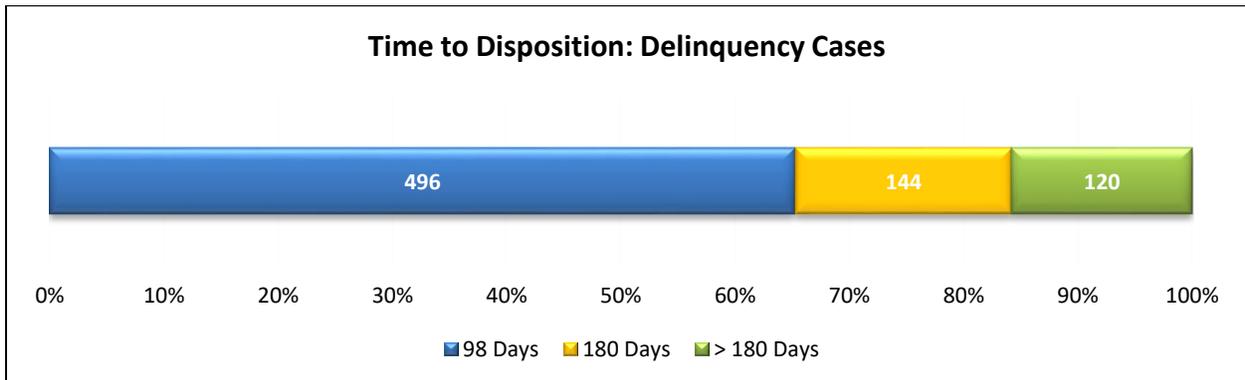
CHINS

Only about 30% of CHINS cases were disposed within the 98-day disposition goal set by the Supreme Court. Nearly one-third (32%) of the disposed cases took longer than six months.



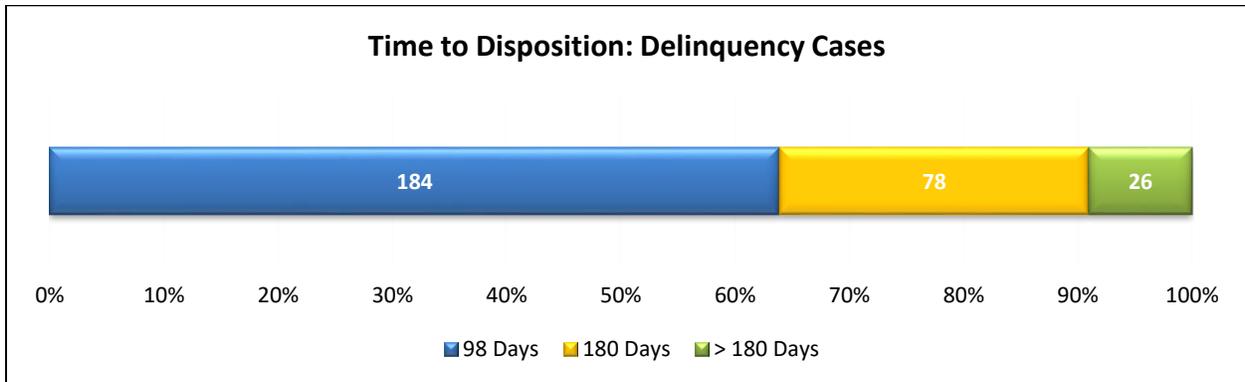
Delinquency

By contrast, 65% of the delinquency cases were resolved within the disposition goal of 98 days and 16% exceeded six months.



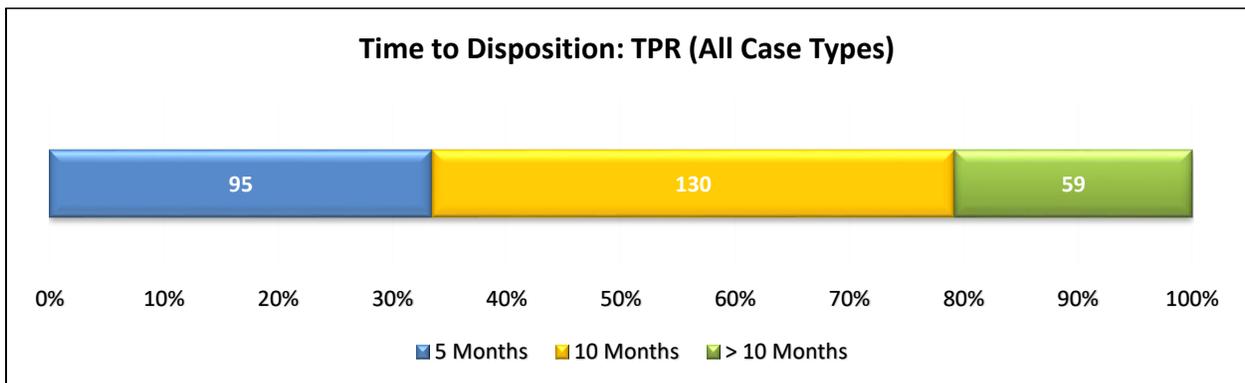
Youthful Offender

Approximately 64% of the youthful offender cases were resolved within the disposition goal of 98 days. Over a quarter of these cases (27%) exceeded three months. The remaining 9% exceeded six months.



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. One-third (33%) 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 1,135 CHINS cases disposed in FY19, 76% resulted in a finding that the child was a child in need of care and supervision. Seventeen percent of these cases were withdrawn prior to disposition, and 7% were dismissed by the Court or had a change of venue.

Fiscal Year	Needs Supervision	Dismissed by Court	Withdrawn	Change of Venue	Total Disposed
2019	860	68	199	8	1,135

Delinquency

Of the 760 delinquency cases disposed in FY19, 30% resulted in a finding of delinquency. Thirty-five percent of these cases were dismissed, withdrawn or resulted in a change of venue, and 34% completed diversion satisfactorily. Less than 1% of the cases were transferred to the criminal division.

Fiscal Year	Delinquent	Dismissed by Court	Diversion Complete	Withdrawn	Change of Venue	Transferred to Criminal Division	Total Disposed
2019	225	48	261	214	6	6	760

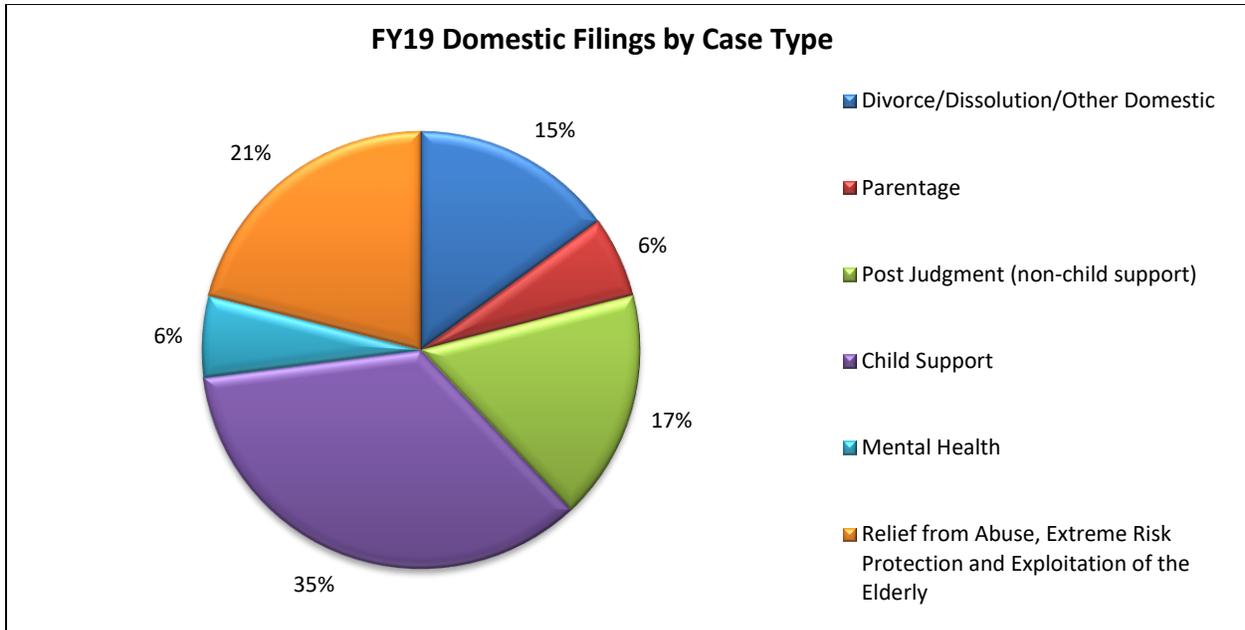
Youthful Offender

Of the 288 youthful offender cases disposed in FY19, 35% resulted in a finding of delinquency. Twelve percent of these cases were dismissed, withdrawn or resulted in a change of venue, and 46% were transferred to the criminal division.

Fiscal Year	Delinquent	Dismissed by Court	Diversion Complete	Withdrawn	Change of Venue	Transferred to Criminal Division	Total Disposed
2019	101	7	20	26	2	132	288

Family Division: Domestic

There are five major categories of domestic cases: 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; mental health cases; and civil protection orders for relief from abuse, extreme risk protection or exploitation of the elderly. The distribution of the cases in FY19 based on filings is shown in the chart below:

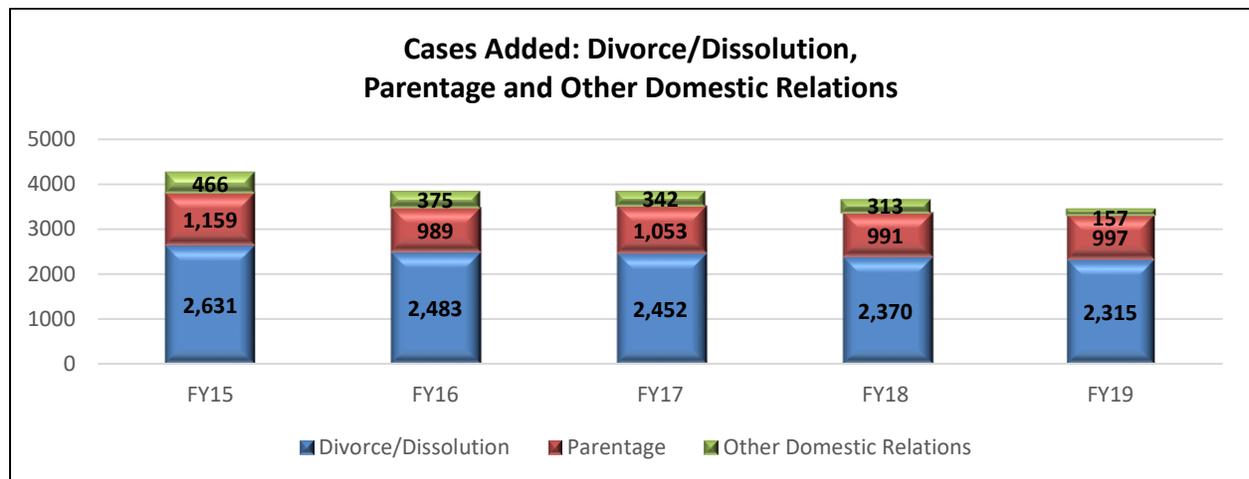


Trends

Divorce/Dissolution, Parentage, and Other Domestic Relations

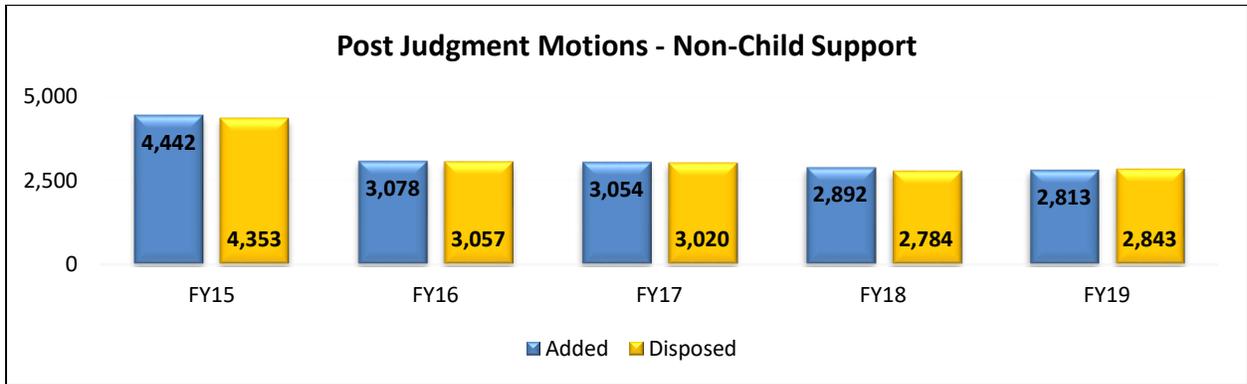
The Divorce/Dissolution docket includes newly-filed divorce and civil union dissolution cases. Divorce/dissolution filings have declined 12% in the last five years while parentage filings have decreased 14%. Other Domestic Relations Matters, which include cases relating to the recovery of debt by the Office of Child Support and Uniform Reciprocal Enforcement of Support Act cases (UIFSA), have decreased 66% in the past five years.

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 in which 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.



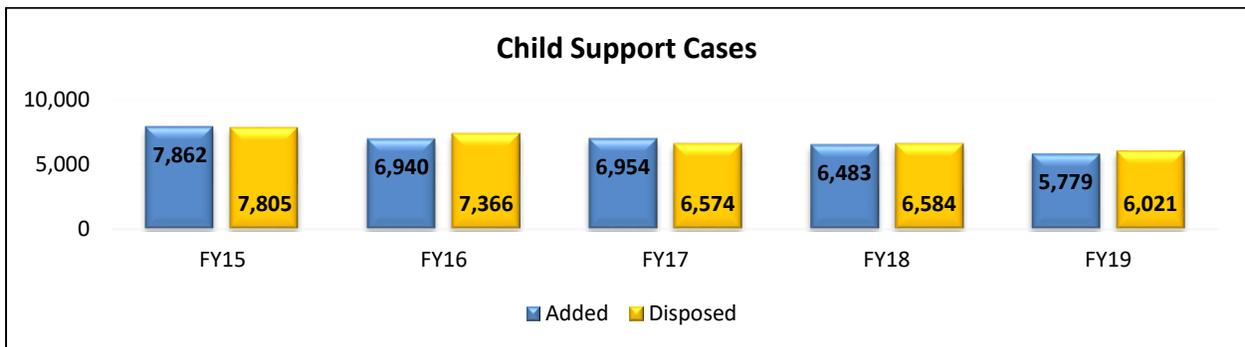
Post Judgment Motions for Enforcement and Modification (Non-Child Support)

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) decreased 3% in the past year.



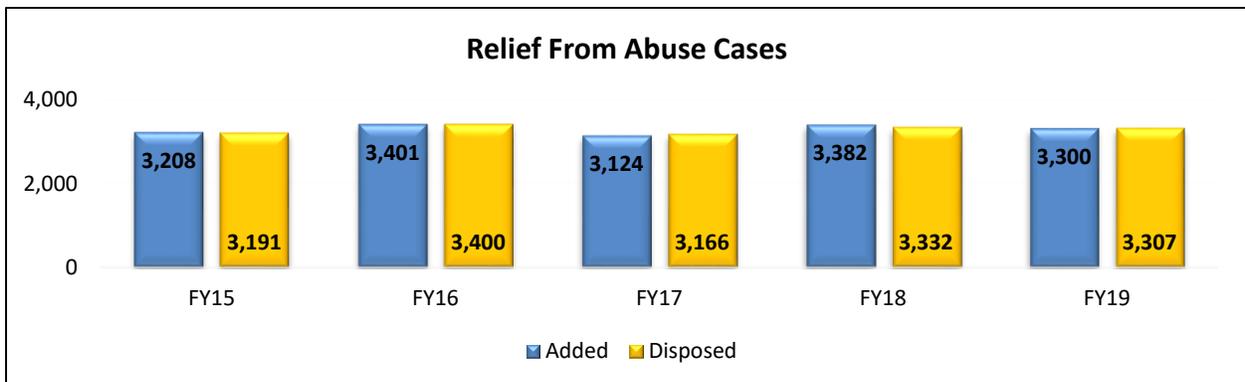
Child Support: Establishment, Enforcement and Modification

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 FY19, about 36% of child support cases involved the establishment of an initial amount of child support. Approximately 64% 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. Almost three-quarters (72%) of the child support cases in FY19 were IV–D cases involving assistance from the Office of Child Support.³



Protection Orders for Relief from Abuse

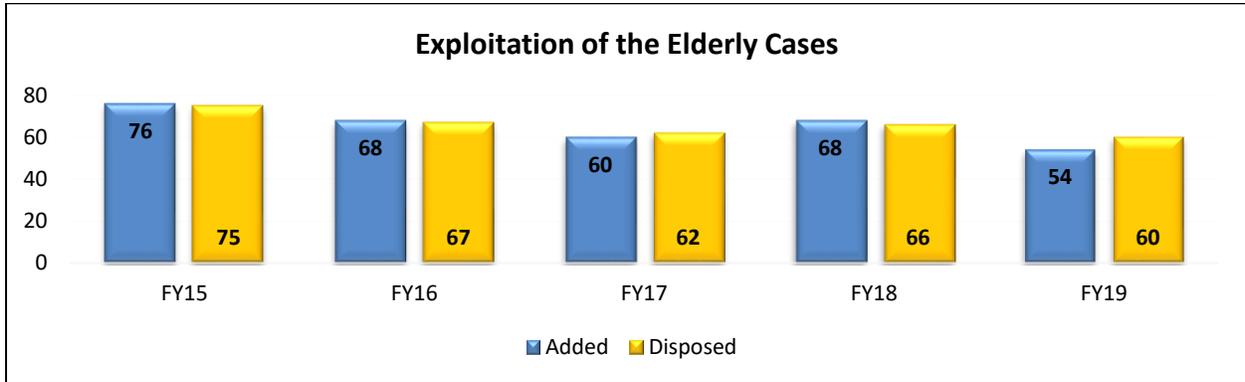
Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse or RFA orders, are an important part of the domestic docket. These cases typically have a very short life span that usually begins with an emergency temporary order that is issued ex parte, often after-hours. A hearing is set within 10 days after the issuance of a temporary order. At the hearing the case is either dismissed or a final order is issued. There has been a 2% decrease in RFA filings in the past year.



³ 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.

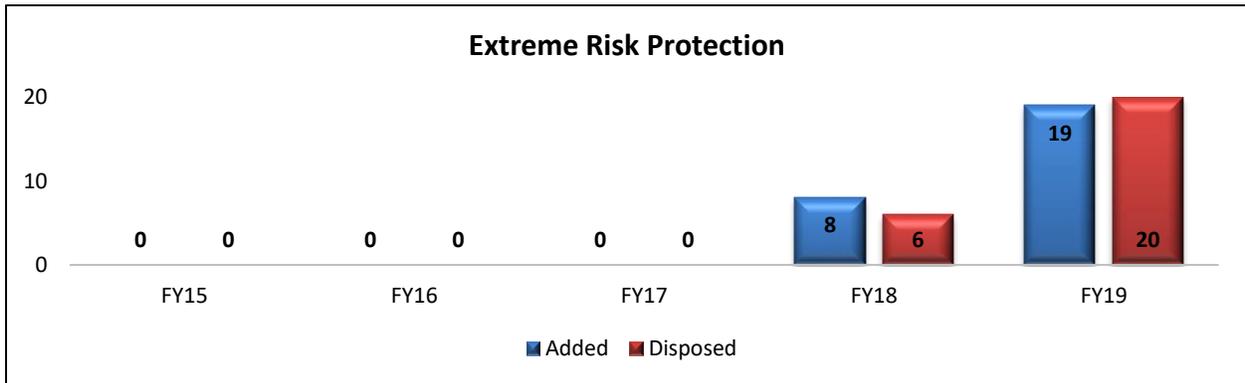
Exploitation of the Elderly

In FY19, case filings involving exploitation of the elderly were the lowest in the past five years, falling 29% since FY15.



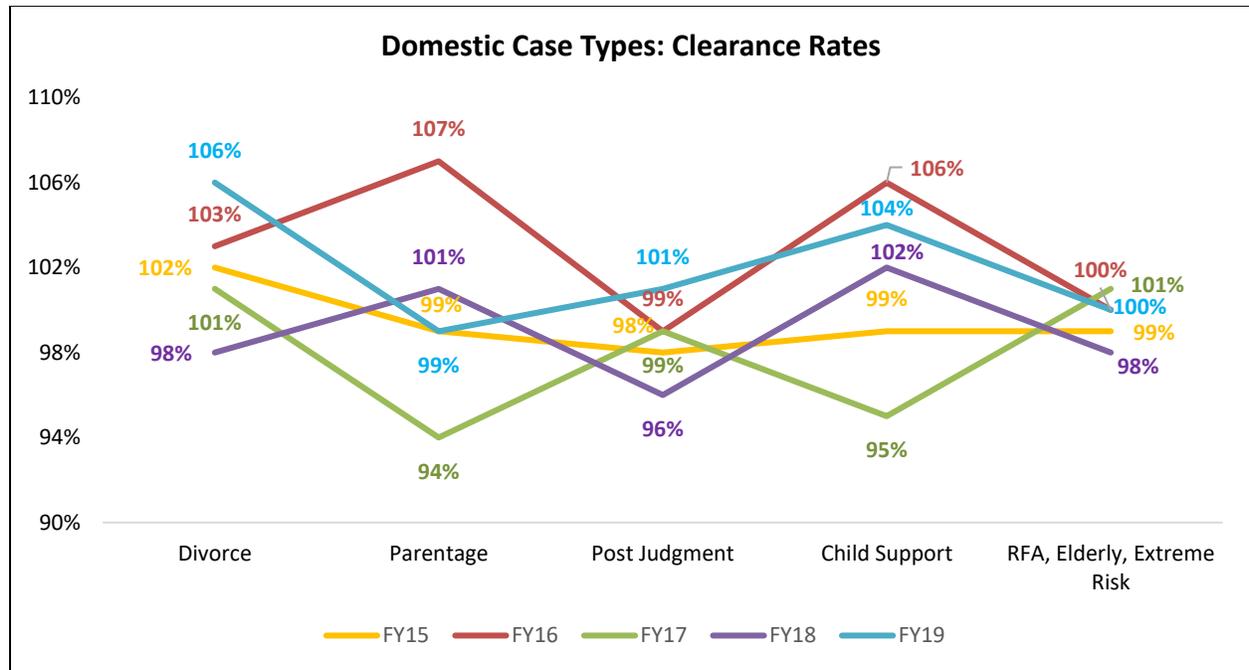
Extreme Risk Protection

FY18 was the first year that the Judiciary began capturing data on this case type. There were 8 such cases filed in FY18 and 19 cases filed in FY19.



Clearance Rates

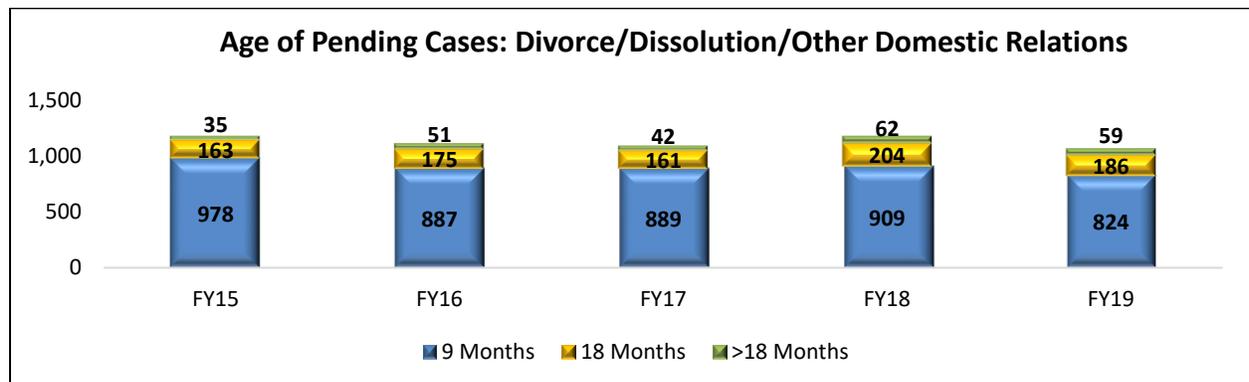
The case types showing the most fluctuation in clearance rates are parentage and child support. The clearance rate for divorce fell in FY18 but has since risen to its highest level in five years.



Age of Pending Cases

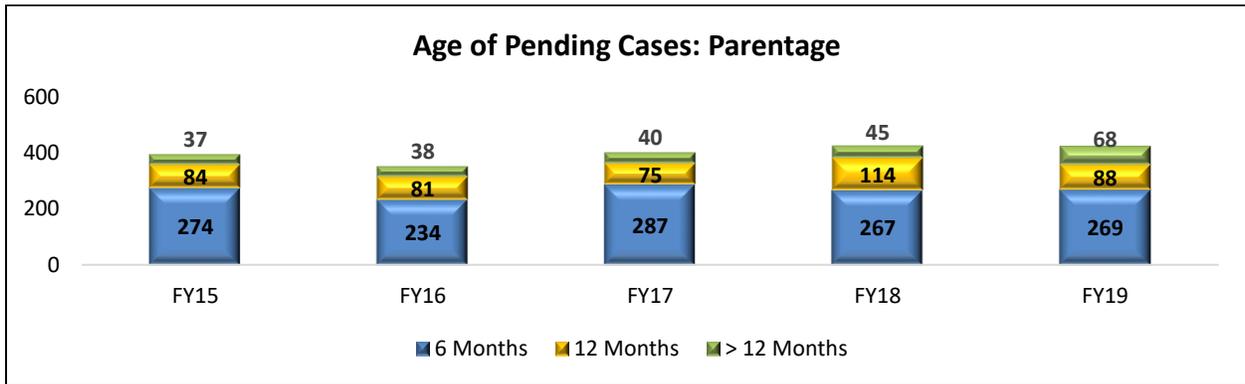
Divorce/Dissolution/Other Domestic Relations

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 9% since FY18. At the end of FY19, 77% of the pending cases were within the goal for standard cases.



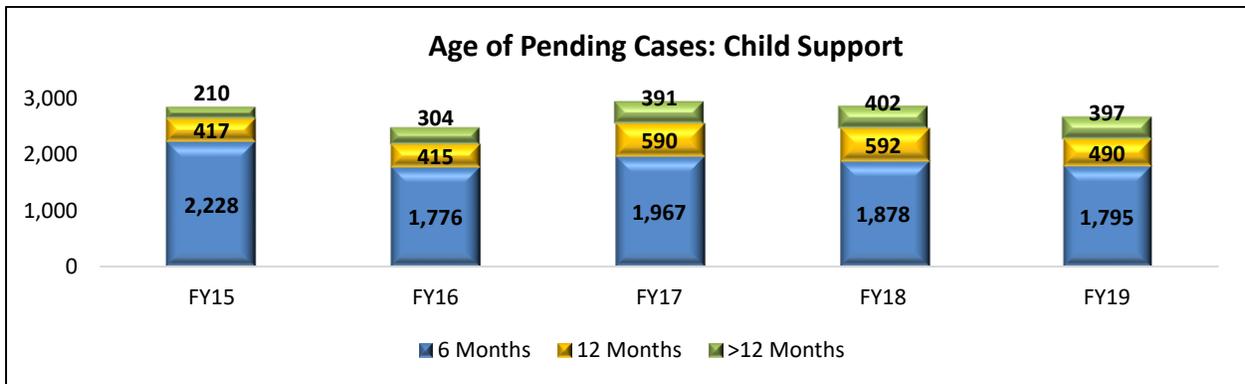
Parentage

The Supreme Court has set six months as the disposition goal for a standard (non-complex) parentage case. The number of pending parentage matters did not change in the past year. Of the 425 parentage cases pending at the end of FY19, 63% were within the goal for standard cases.



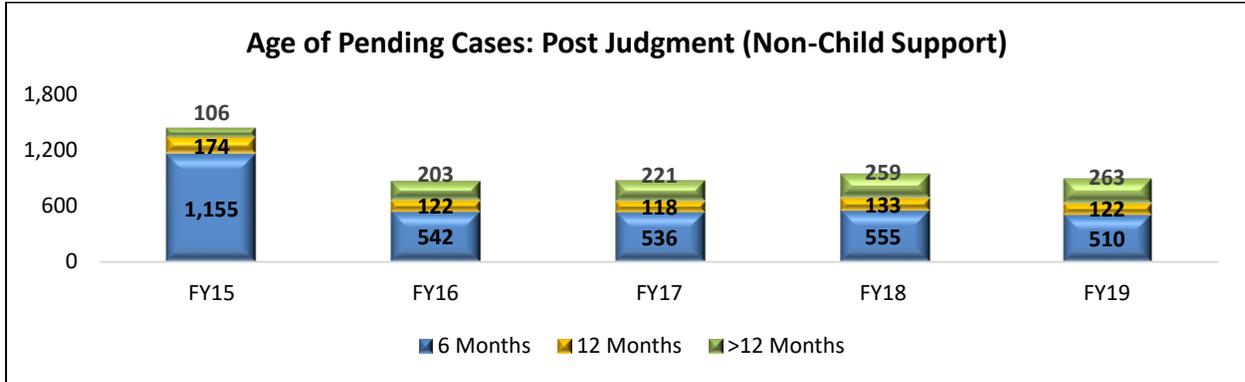
Child Support

The number of pending child support matters decreased 7% since FY18. Of the 2,682 child support matters pending at the end of FY19, 67% were pending for less than 6 months.



Post Judgment – Non-Child Support

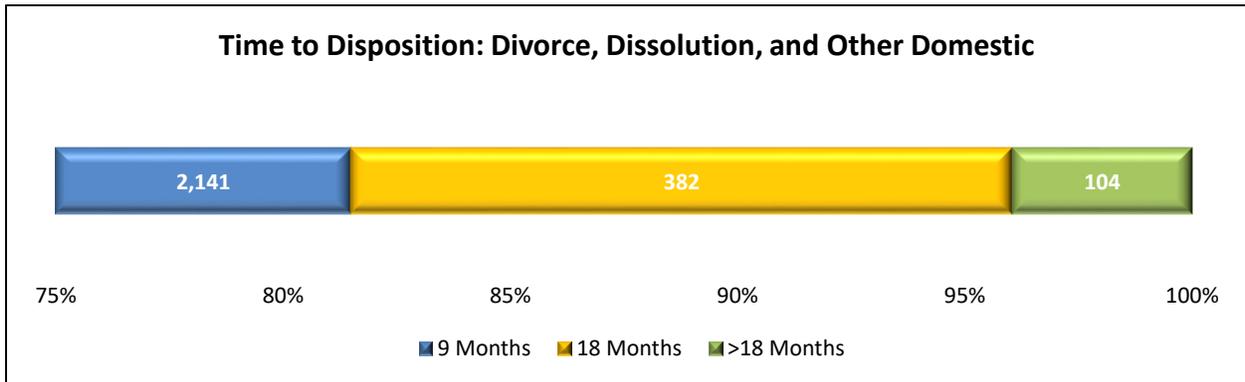
The number of pending post judgment non-child support matters decreased 5% in the last year. Of the 895 post judgment matters pending at the end of FY19, 57% were pending less than 6 months.



Time to Disposition⁴

Divorce/Dissolution/Other Domestic

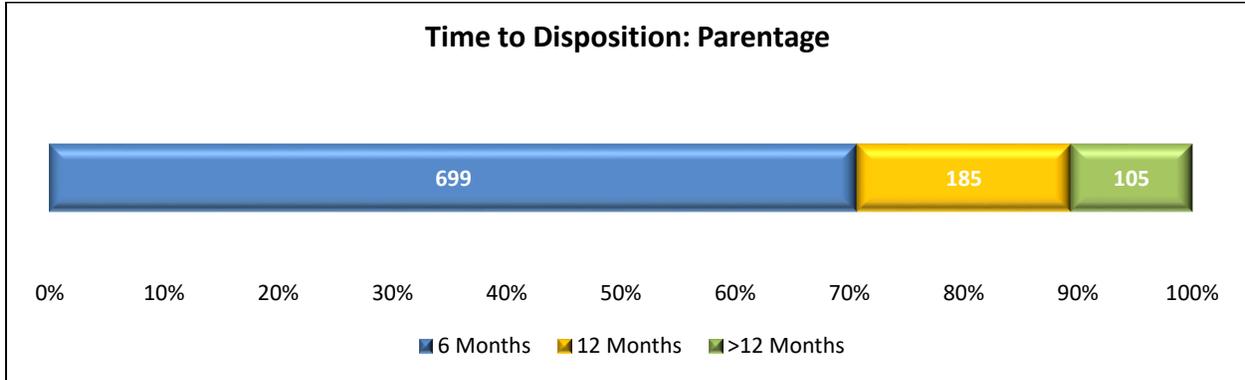
As stated above, the disposition goal for a standard divorce case is 9 months. Eighty percent of divorce and dissolution cases were disposed within nine months from the date the opposing party was served, and 96% were disposed within eighteen months.



⁴ Time to disposition data is not available for child support cases and non-child support post judgment cases.

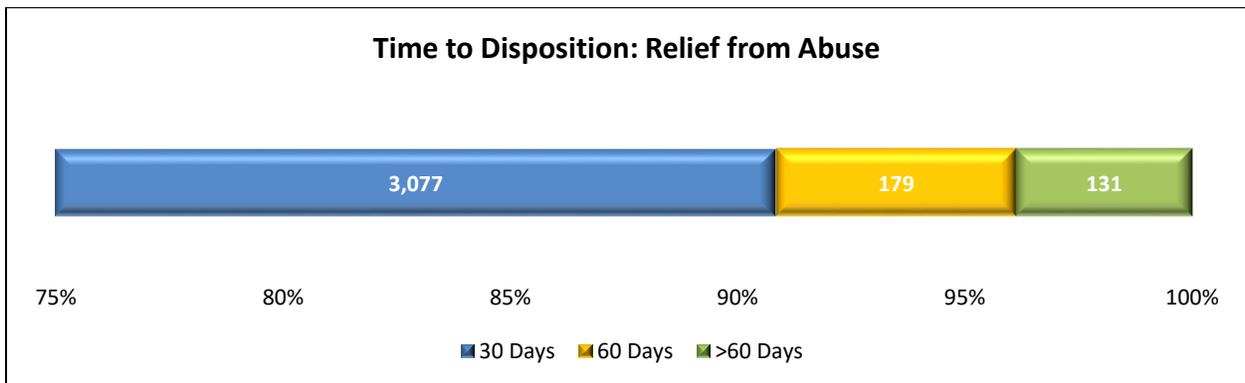
Parentage

The disposition goal for a standard parentage case is six months. Of the 989 cases disposed in FY19, 71% were disposed within six months and 89% were disposed within a year.



Protection Orders for Relief from Abuse

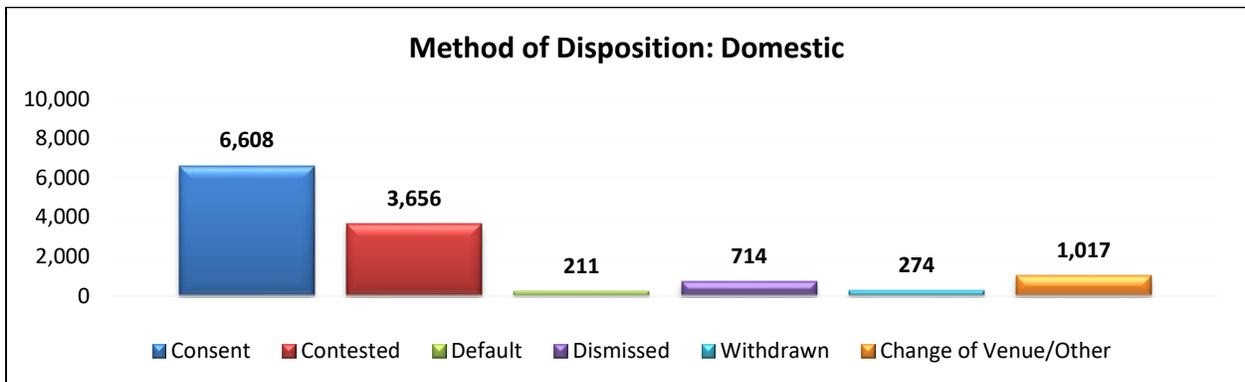
The Supreme Court has not set a goal for disposition of protection orders in relief from abuse cases. In FY19, 91% of cases were resolved in 30 days or less and 96% were resolved within 60 days.



Method of Disposition

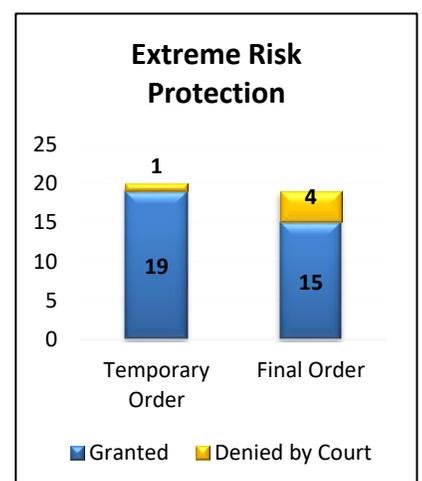
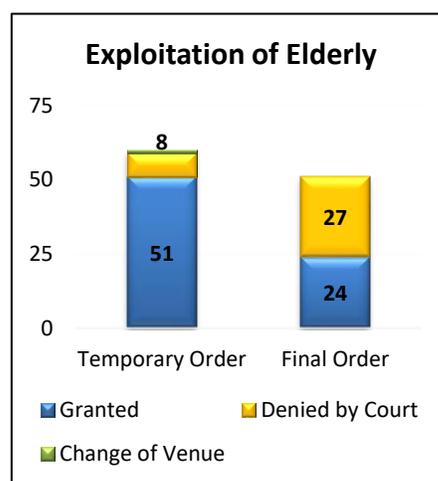
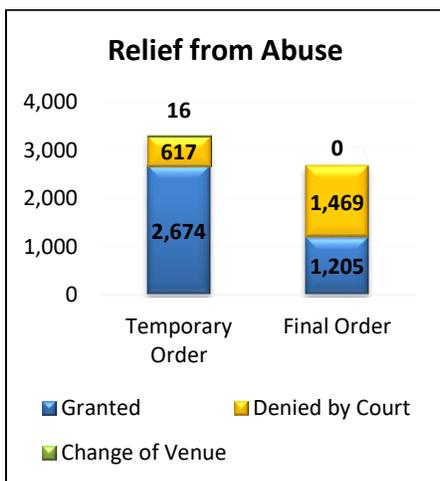
Divorce/Parentage/Post-judgment/Child support

Approximately 55% 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 domestic (divorce and parentage) cases (65%) than in post judgment (12%) or child support matters (23%).



Protection Orders for Relief from Abuse

A temporary order was granted in 81% of relief from abuse cases and in 85% of cases involving exploitation of the elderly. Of the 2,674 relief from abuse temporary orders granted, 55% were later dismissed or withdrawn. The remaining 45% were granted a final order. Of the 51 temporary orders granted that involved exploitation of the elderly, 53% were later dismissed or withdrawn. The remaining 47% were granted a final order. Of the 19 extreme risk protection temporary orders granted, 21% were later dismissed or withdrawn. Seventy-nine percent were granted a final order.



Family Division: Mental Health

There are three types of mental health cases filed in the Family Division. All of them are brought 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.

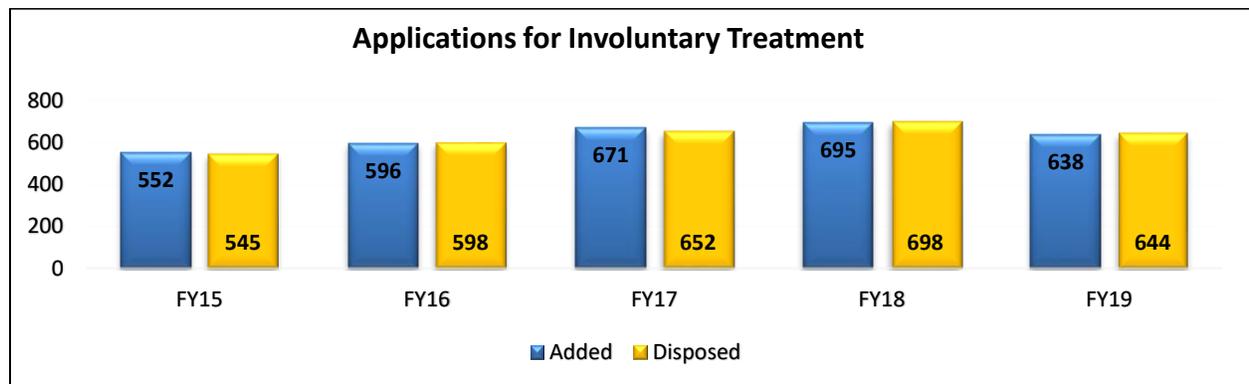
The State can request that an order for involuntary treatment be extended for up to a year by filing the second type of mental health case known as an application for continued treatment. The third case type in the mental health docket is an application for involuntary medication. In these cases, the 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

The number of involuntary medication applications filed in FY19 fell significantly compared to the previous year (20%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested.

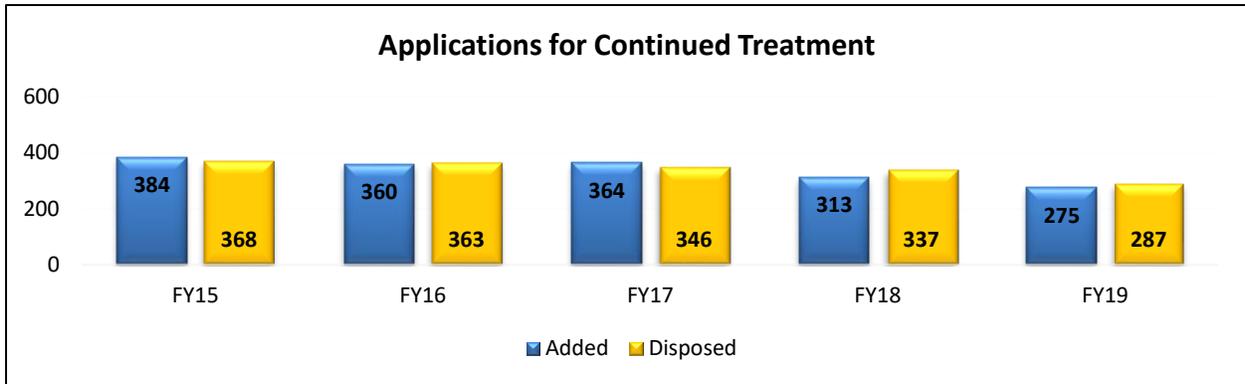
Applications for Involuntary Treatment

There were 638 applications for involuntary treatment in FY19, about 8% fewer than the previous year.

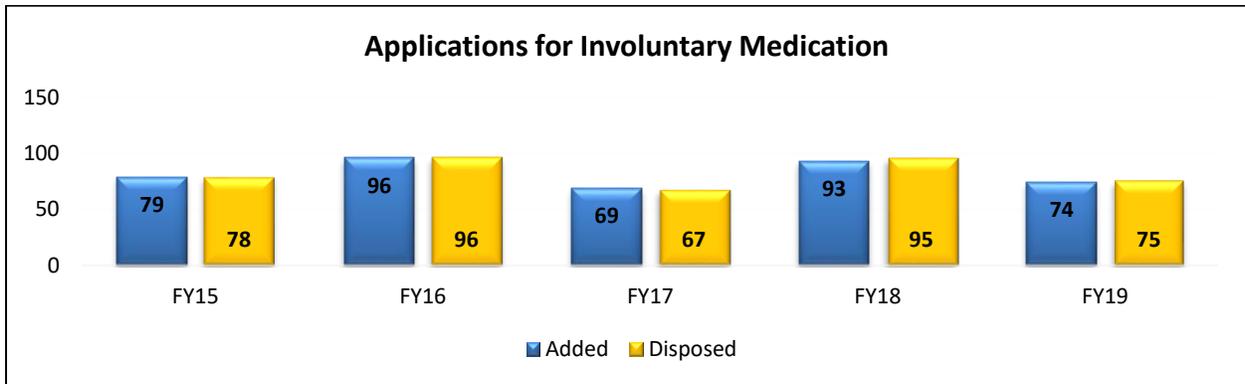


Applications for Continued Treatment

There were 275 applications for continued treatment in FY19, about 12% fewer than the previous year. 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.

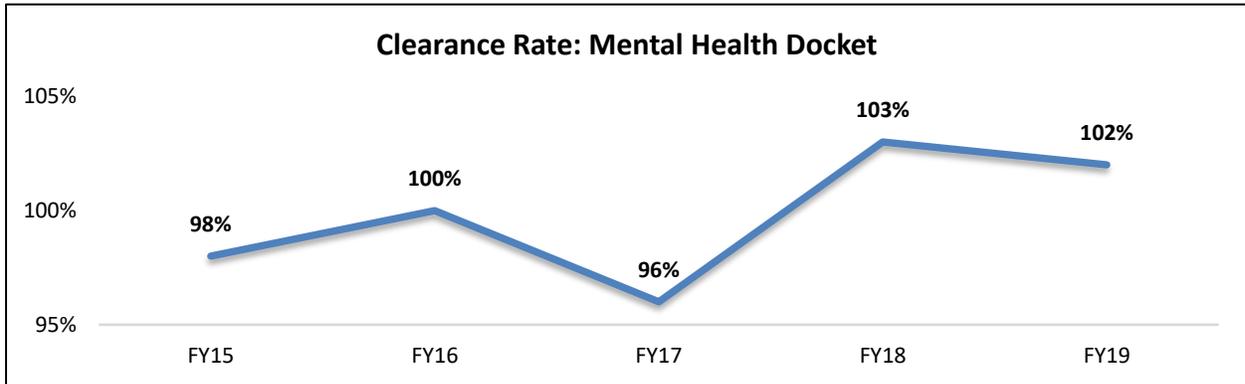


Applications for Involuntary Medication



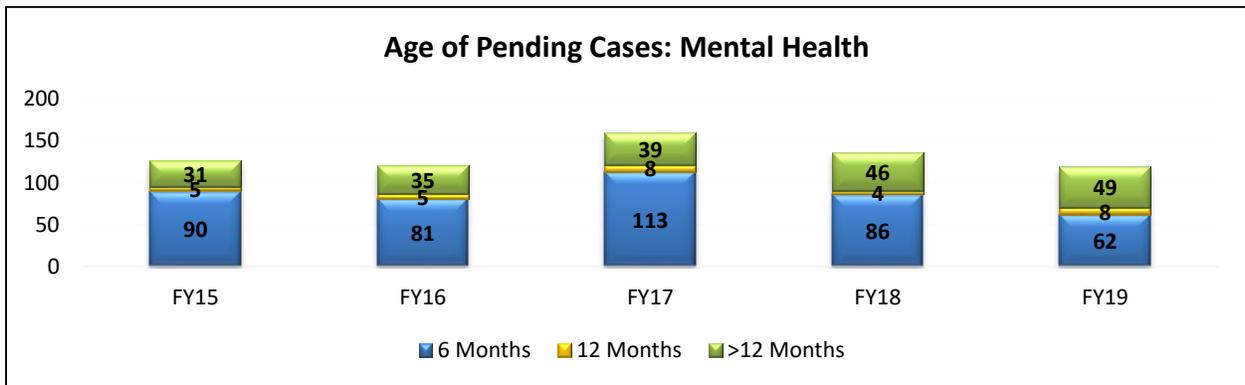
Clearance Rate

Mental Health cases, regardless of case type, are subject to tight statutory time frames. For the last two years, the clearance rate for these cases has been over 100%.



Age of Pending Caseload

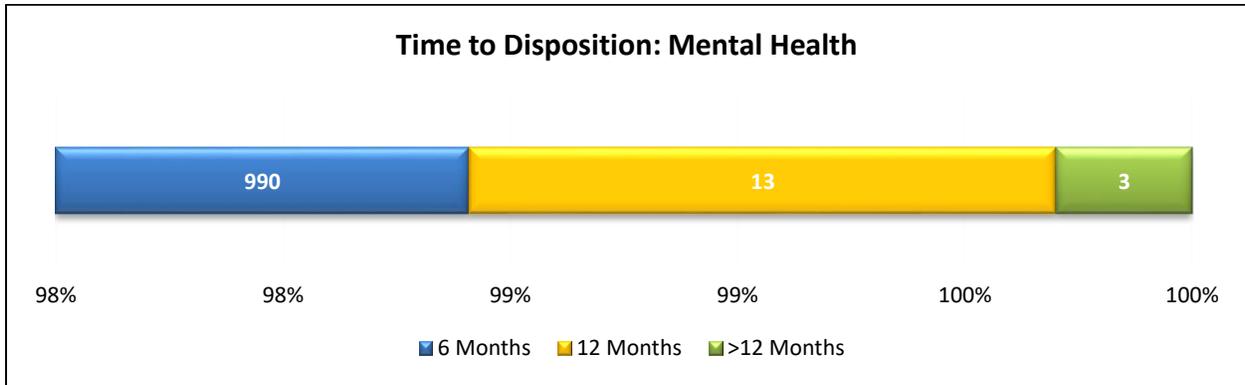
The number of mental health cases pending at end of year decreased slightly in FY19. Of the 119 cases pending at the end of FY19, 52% were pending less than 6 months.



Includes Applications for Involuntary Treatment, Involuntary Medication and Continued Treatment

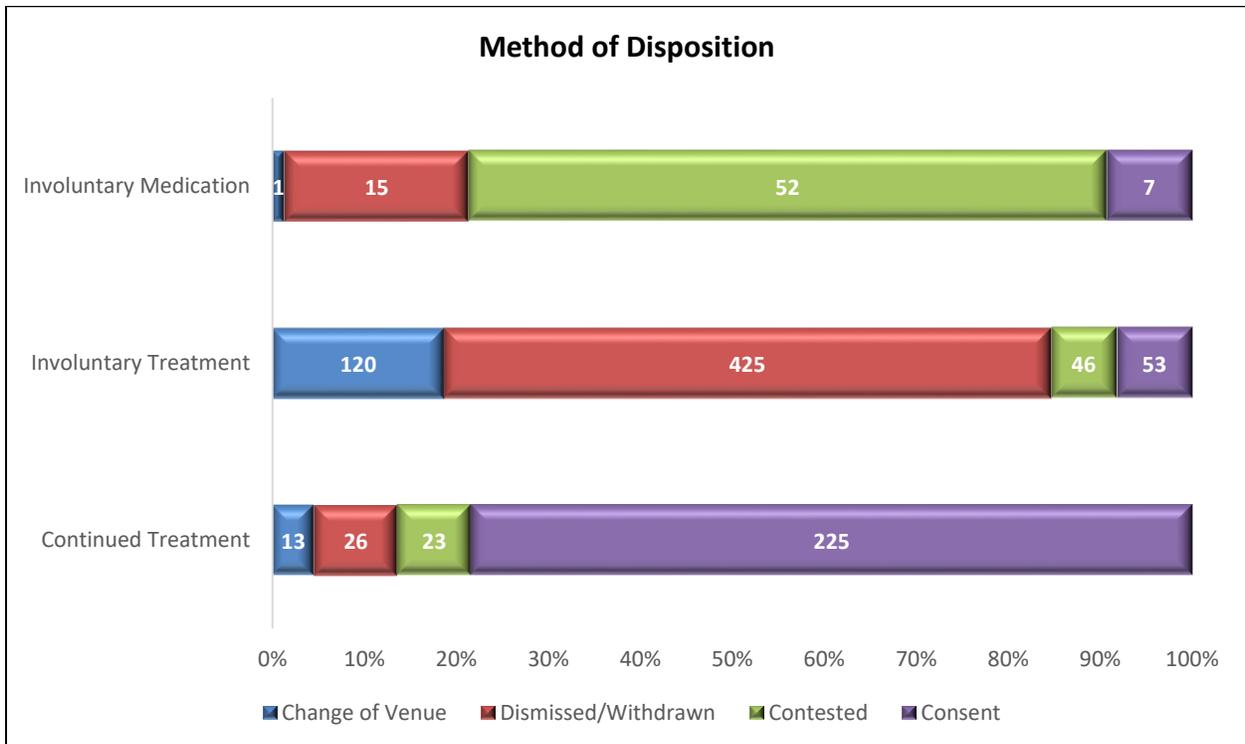
Time to Disposition

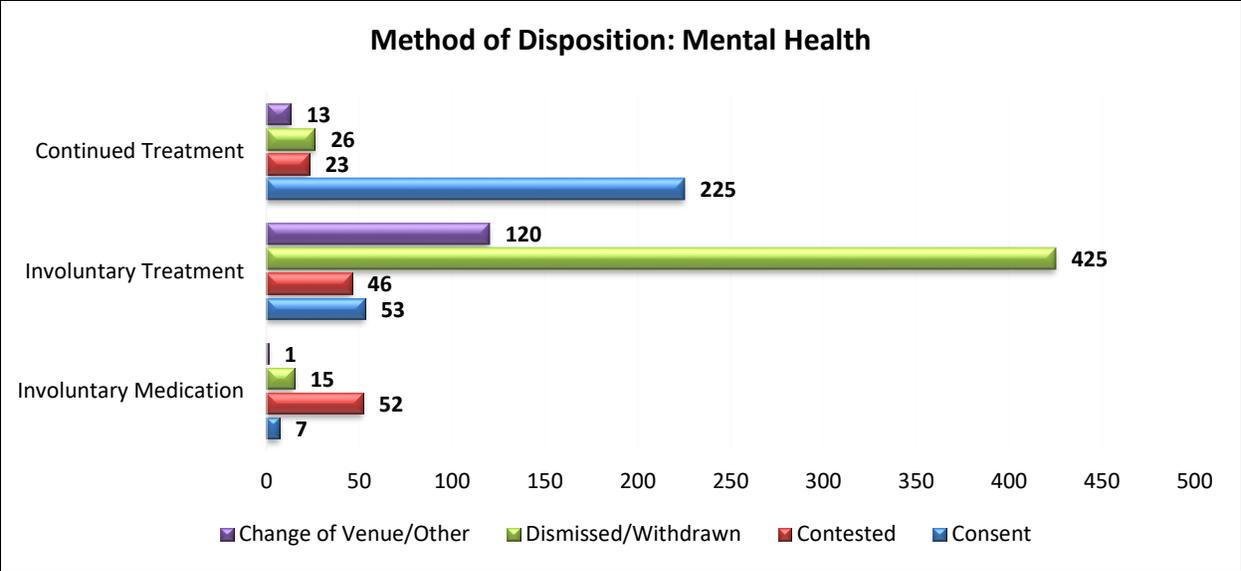
Ninety-eight percent of all mental health cases were disposed in less than 6 months.



Method of Disposition

Although smaller in number in terms of cases filed, a high percentage (69%) of applications for involuntary medication required a contested hearing in FY19. By contrast, only 7% of applications for involuntary treatment and 8% of applications for continued treatment were contested. Most of these latter cases are resolved by consent (78%). Most involuntary treatment cases (66%) are dismissed or withdrawn.

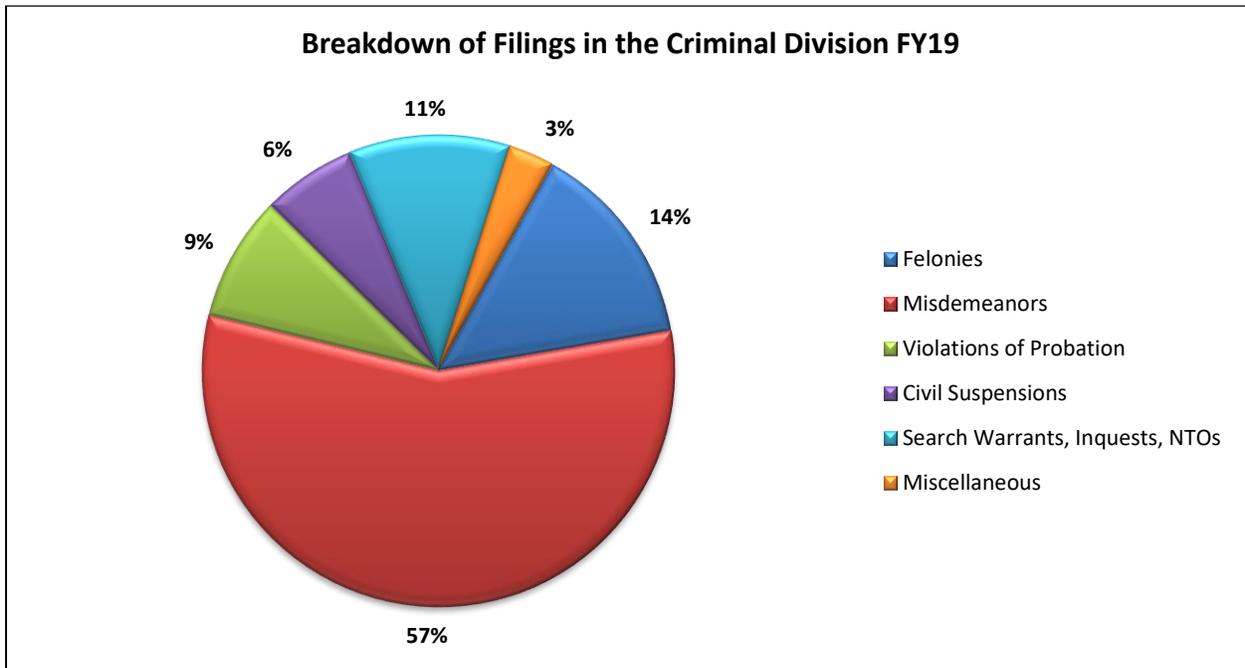




Criminal Division

Statewide Data

The criminal division of the Superior Court handled approximately 18,000 felonies, misdemeanors, and violations of probation in FY19. In addition, the Criminal Division also handled 1,428 civil suspension matters, 2,469 requests for search warrants, inquests, and non-testimonial orders and 702 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 FY19.

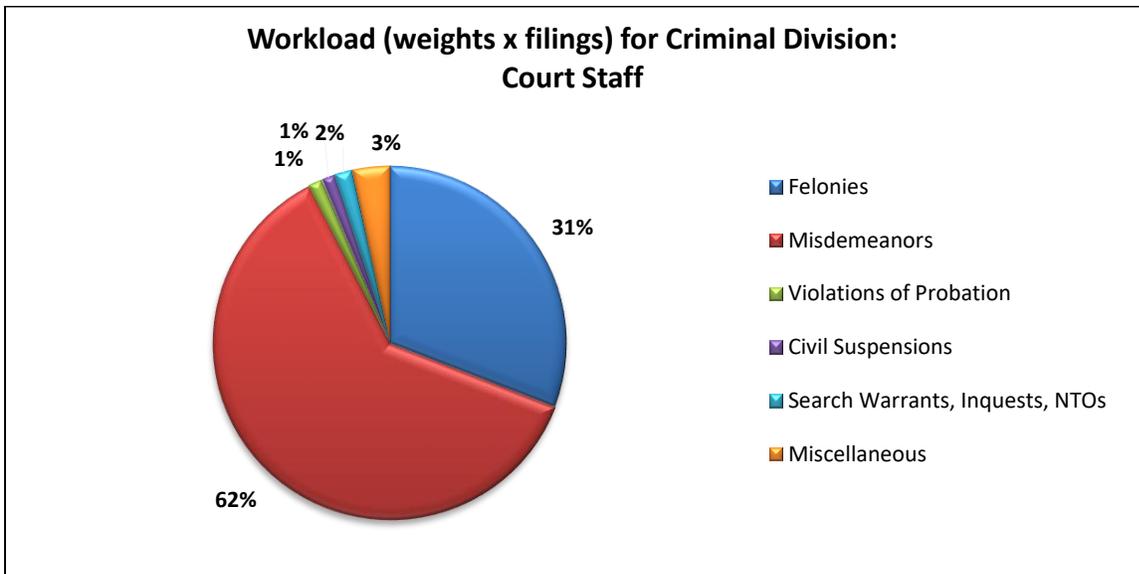
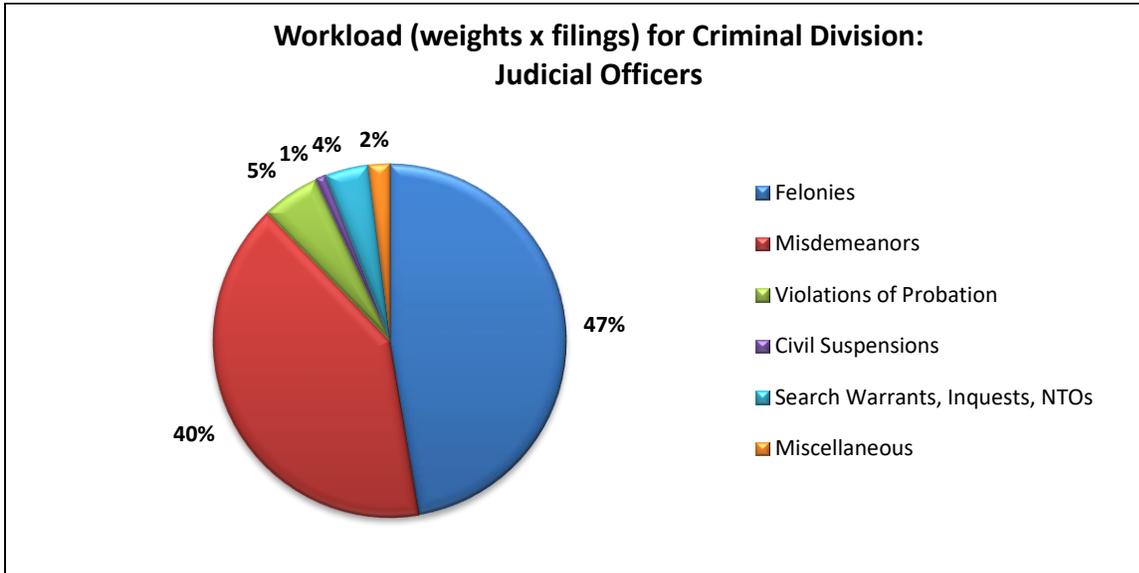


While misdemeanor offenses far outweigh the other categories based on number of filings, the adjudication of felony offenses is the most labor intensive activity in the Criminal Division from a workload perspective.

It should 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 of filings would be much smaller.

Weighted Caseload Workload with FY19 Filings

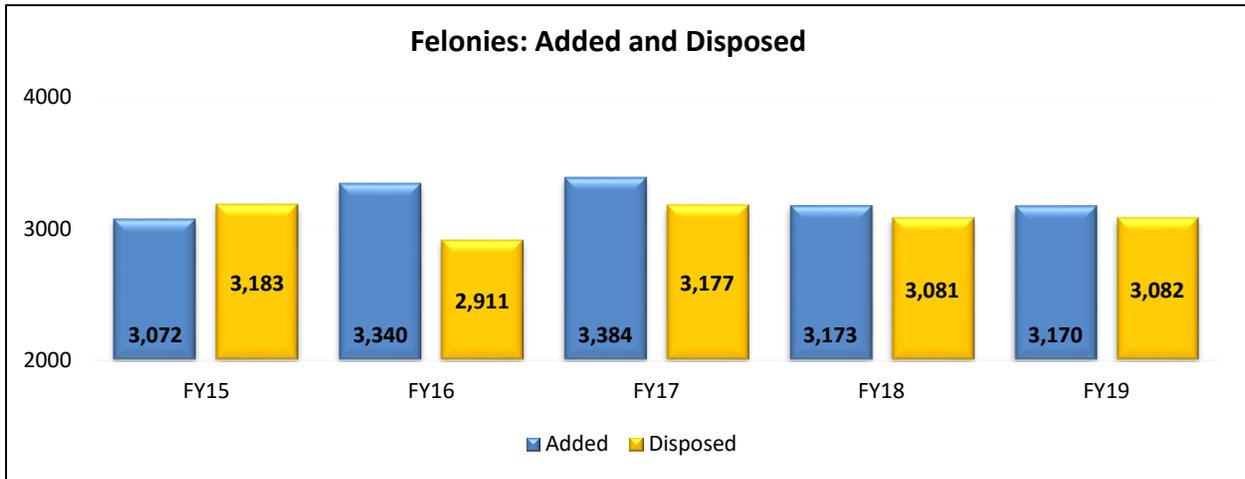
The following charts reflect the relative workload associated with criminal cases from the perspective of judicial officer and staff resources.



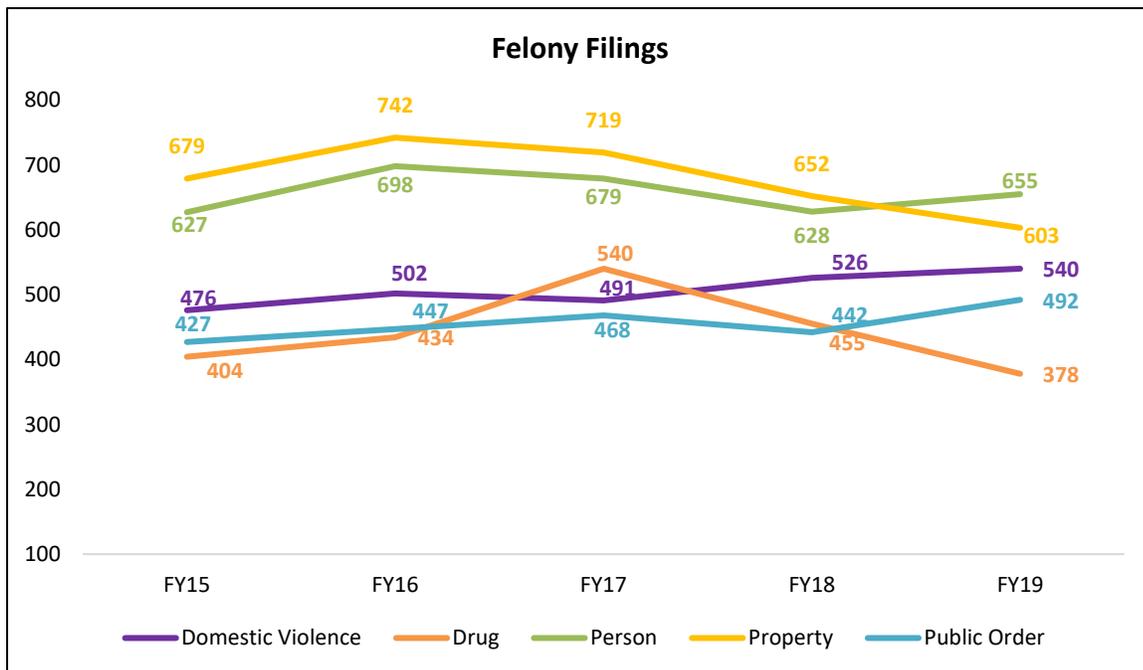
Trends

Felonies

A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than two years. Overall, felony filings have remained relatively the same as last year. The chart below indicates the trends over the past five years in cases added and disposed.

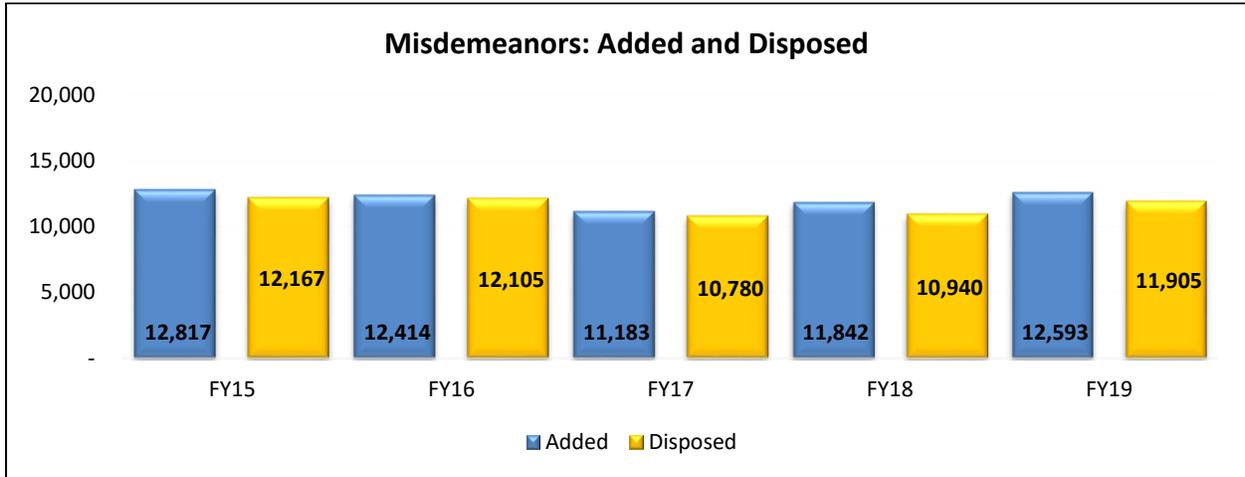


There was a decrease in filings involving felony drug crimes (17%). There was also a decrease in felony property (8%). The number of felony domestic violence cases increased 3% in the past year. Case filings in this area are 13% higher than five years ago. There were also increases in public order crimes (11%), felony motor vehicle DWI/DUI offenses (9%), and other miscellaneous felony filings (16%).

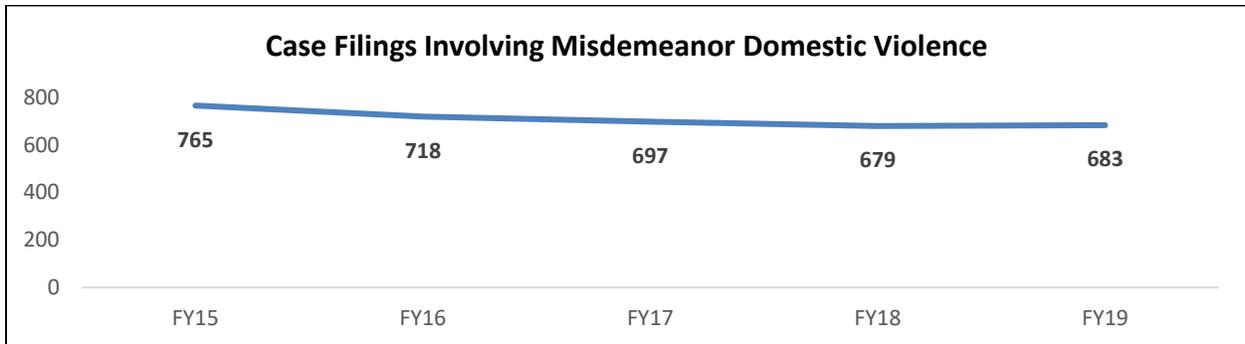


Misdemeanors

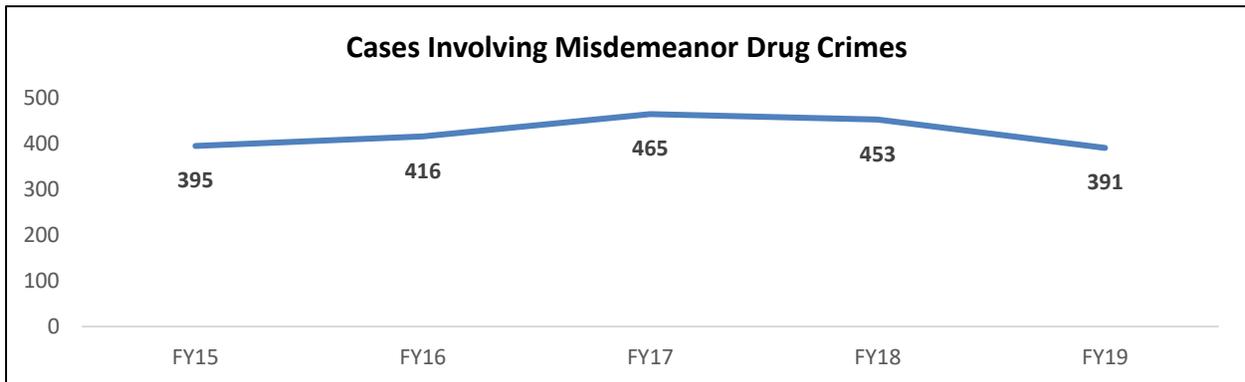
A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is two years or less. Overall, misdemeanor filings increased 6% in the last year. This is primarily due to an increase in misdemeanor motor vehicle offenses (non-DWI/DUI), which rose 13%, and protection cases, which rose 10%. The chart below shows the number of charges added and disposed between FY15 and FY19.



Although the number of misdemeanor domestic violence cases increased 1% in the past year, case filings in this area are 11% lower than five years ago.

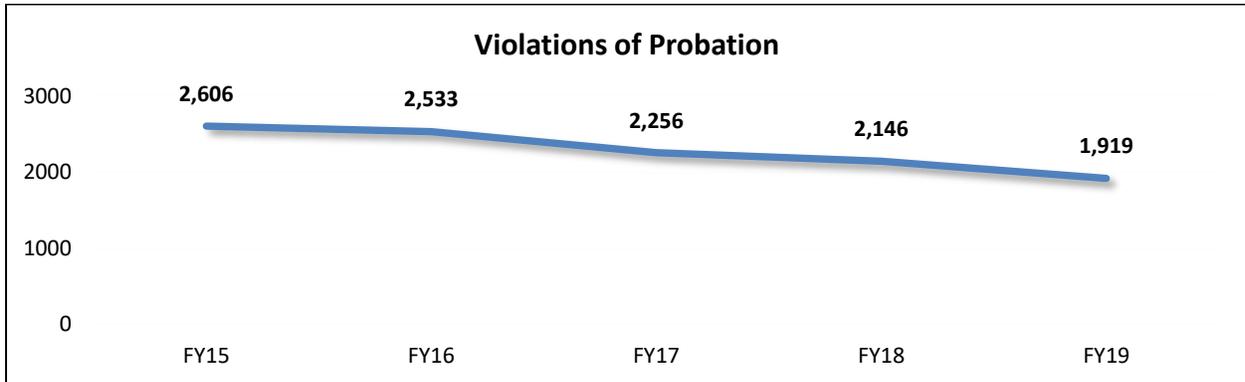


Misdemeanor drug crimes decreased 14% from the previous year.



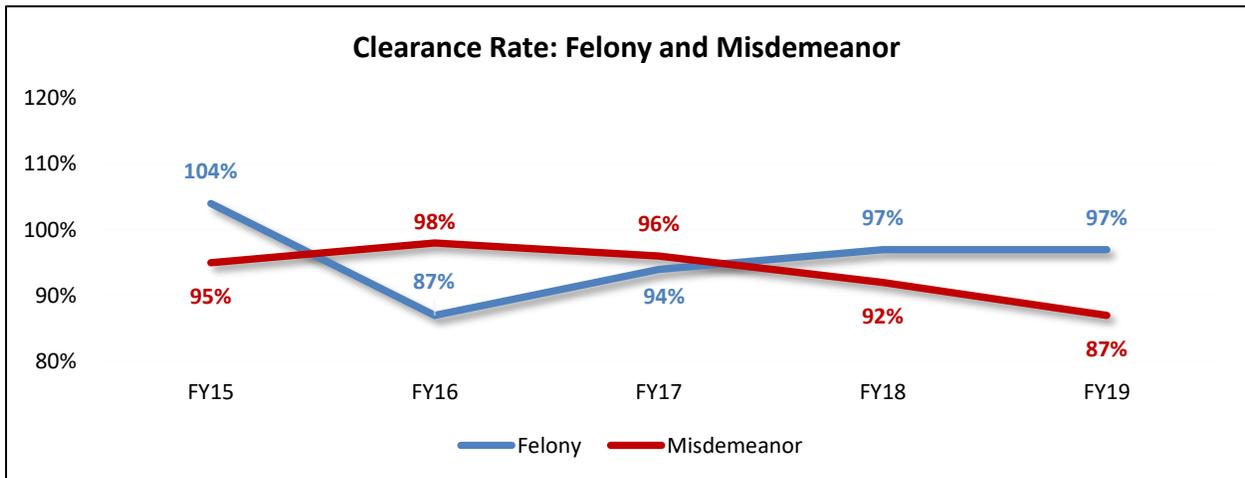
Violation of Probation

Filings of violations of probation in FY19 declined 11% from the previous year and 26% over the last 5 years.



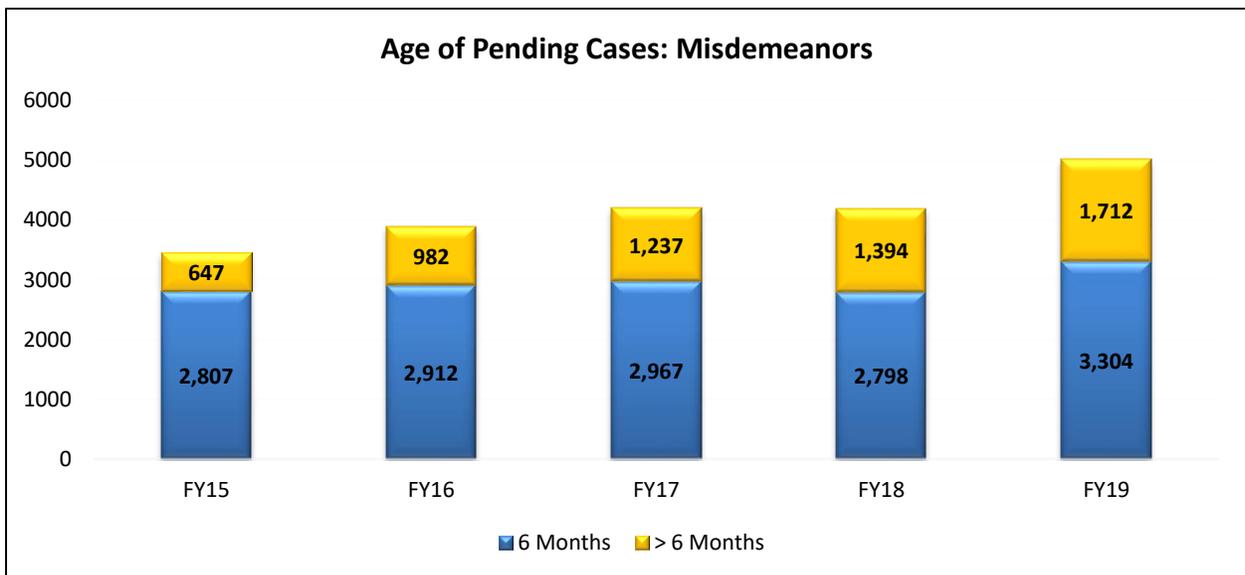
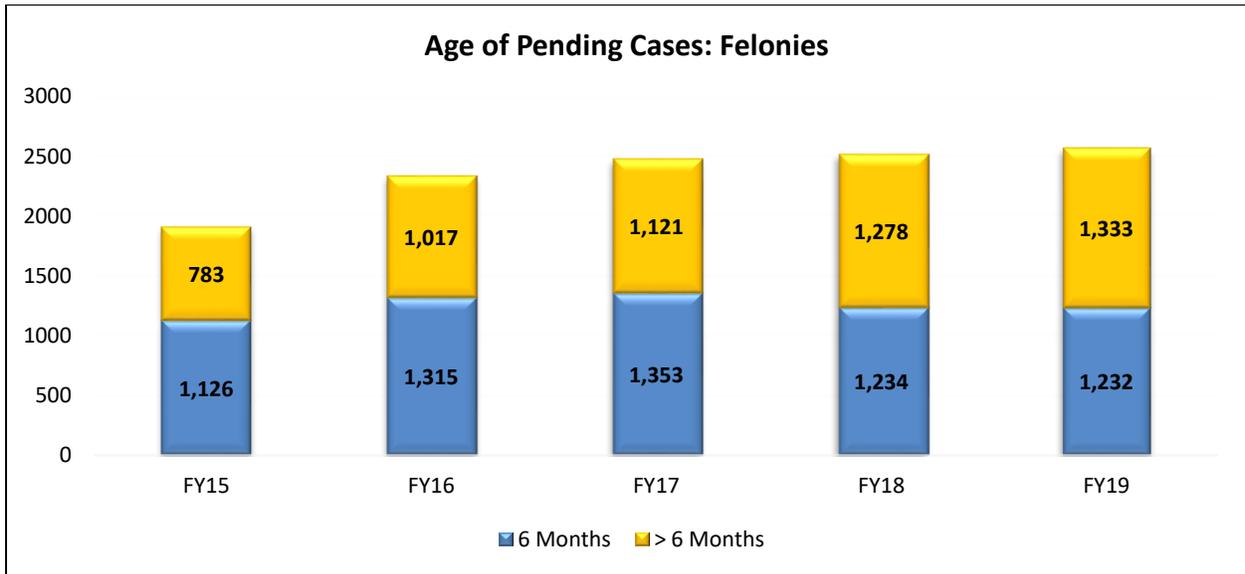
Clearance Rate

The clearance rate reflects the number of disposed cases as a percentage of the number of incoming cases. The rate is a measure of the court’s ability to keep up with its incoming caseload. If the clearance rate is 100%, the court is resolving as many cases as it receives. A clearance rate above 100% indicates that the courts are disposing more cases than it is adding. This can result in a decrease in backlogged cases. A clearance rate below 100% indicates that the courts are adding to a backlog.



Age of Pending Cases – All Criminal Cases

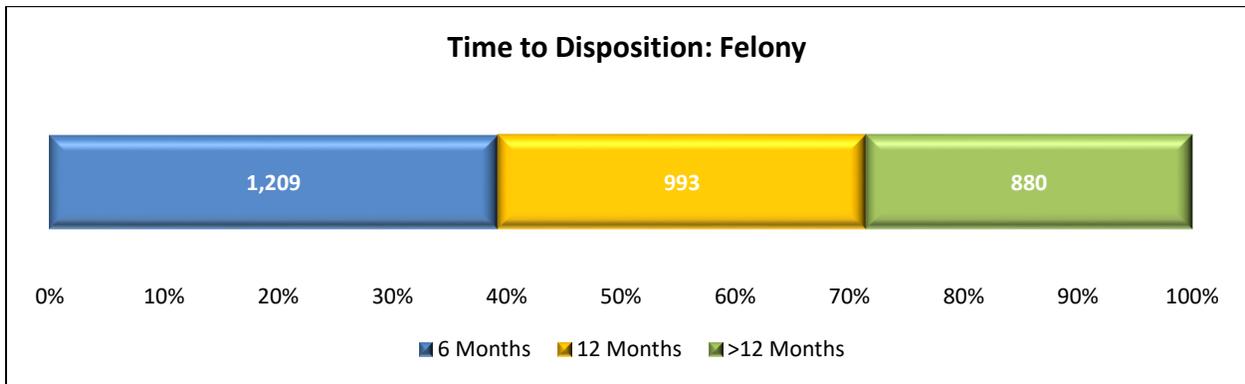
Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise, with 52% of felonies and 34% of misdemeanors pending over 6 months.



Time to Disposition

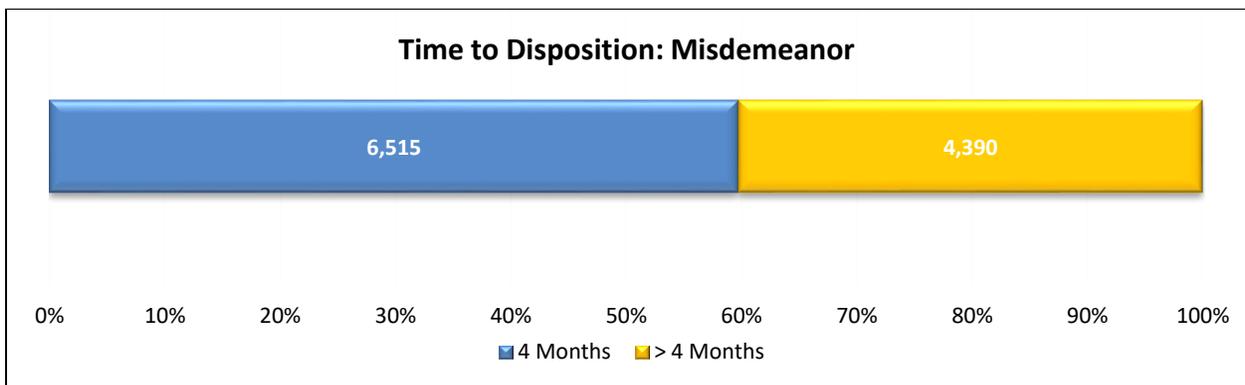
Felonies

The Supreme Court has set six months as the disposition timeline for a standard (non-complex) felony case. In FY19, 39% of all felony cases met this time standard. Seventy-one percent were resolved within one year. Almost a third (29%) took over a year to resolve.



Misdemeanors

The Supreme Court has set four months as the disposition timeline for a standard (non-complex) misdemeanor case. In FY19, 60% of all misdemeanor cases were resolved within four months of filing.



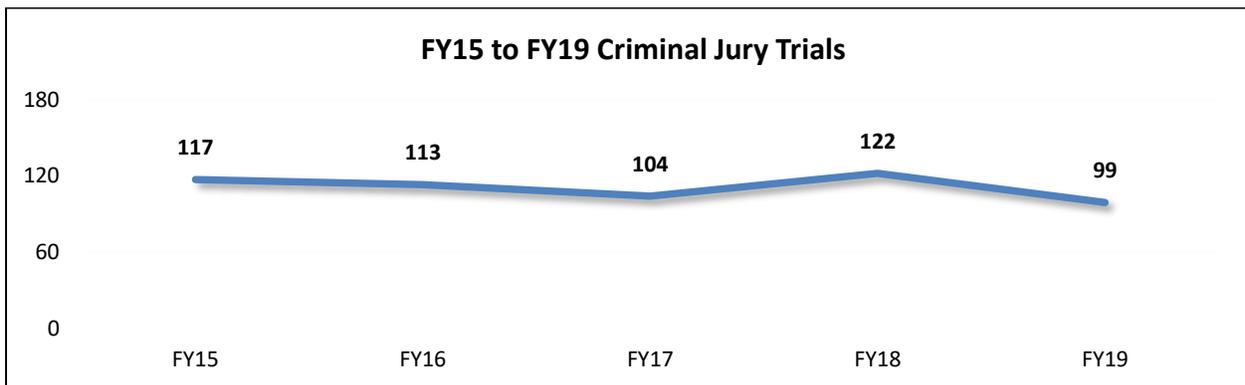
Method of Disposition

All Criminal Cases

Nearly all criminal cases in Vermont resolve either by plea bargain or by dismissal. For felonies, 2% of the cases are disposed by way of a trial by jury or by court. For misdemeanors, less than 1% of cases are disposed by way of trial by jury or by court.

	Plea	Court Trial to Verdict	Jury Trial to Verdict	Dismissed	Transferred	Total
Felonies	2,142	5	67	824	44	3,082
Misdemeanors	5,717	12	32	5,020	124	10,905

Over the past five years, the number of jury trials in criminal cases in Vermont has fluctuated. In FY19, the number of jury trials was the lowest it has been in the last five years, decreasing 19% from FY18.

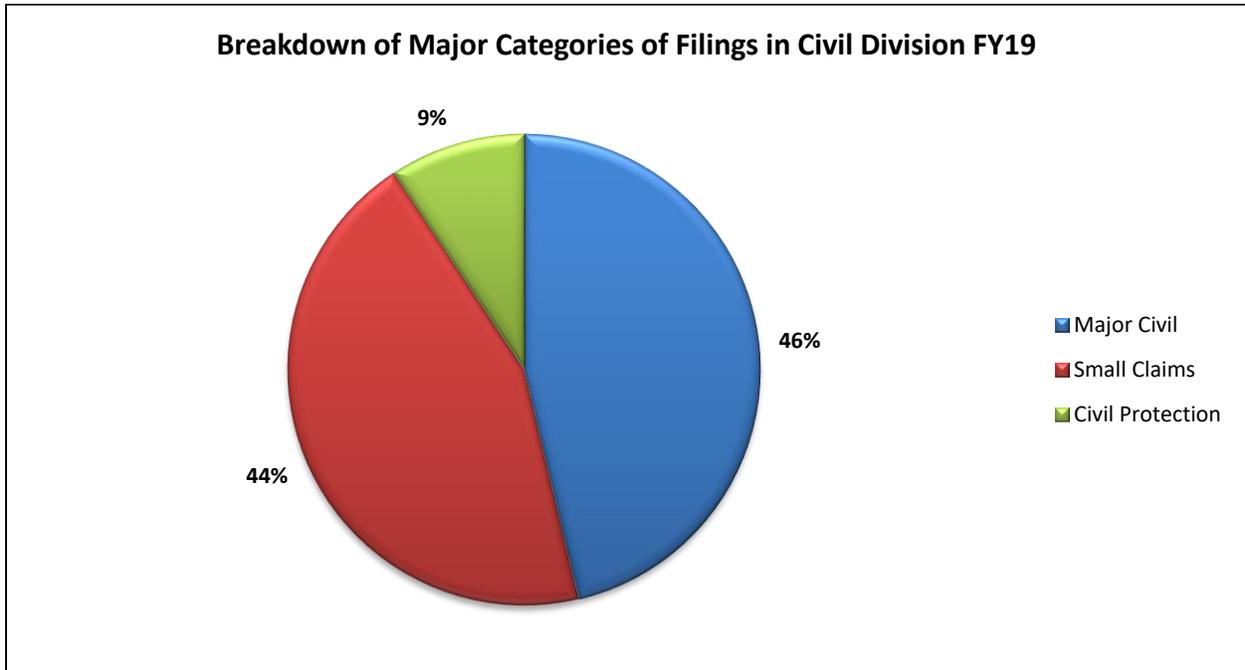


Civil Division

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 46% of all cases filed, small claims represent about 44% and civil protection orders represent about 9%. However, in terms of judicial and staff workload, the bulk of the work in the civil division involves the major civil cases.⁶

Filing trends indicate that major civil cases continue to decline, decreasing 15% over the past five years. Small claims rose in FY19, however, they remain 5% lower than five years ago. Protective orders have continued to increase steadily over the past five years, rising 61% since FY15.

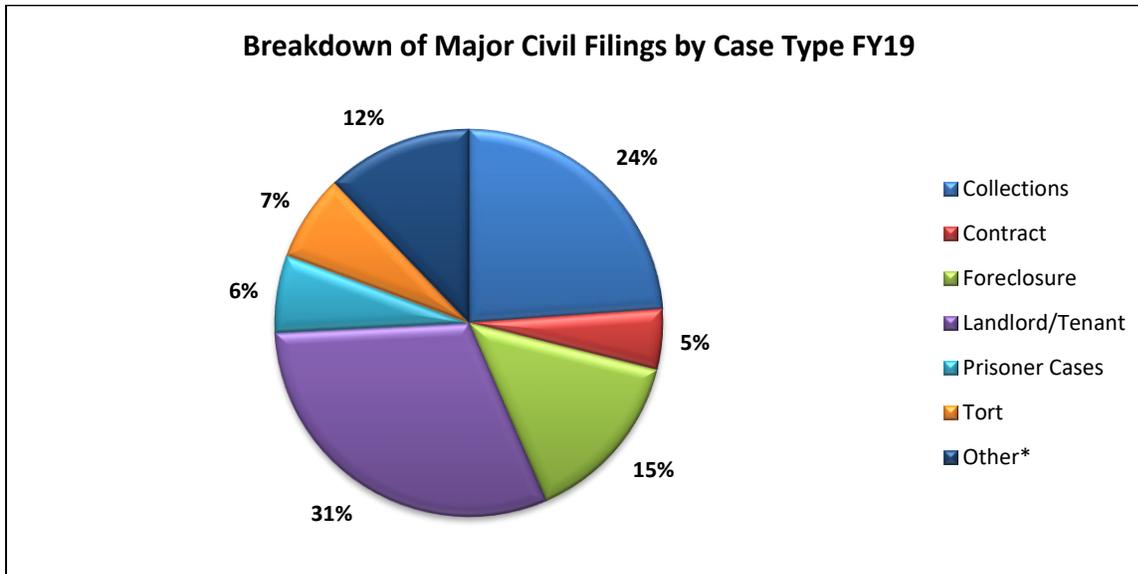


⁶ According to the 2015 Weighted Caseload Study by the National Center for State Courts of the work involved in civil cases, a major civil case on average requires slightly more than six times the amount of judicial resources and about 3 times the amount of staff work compared to the work load involved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

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

Major Civil Cases

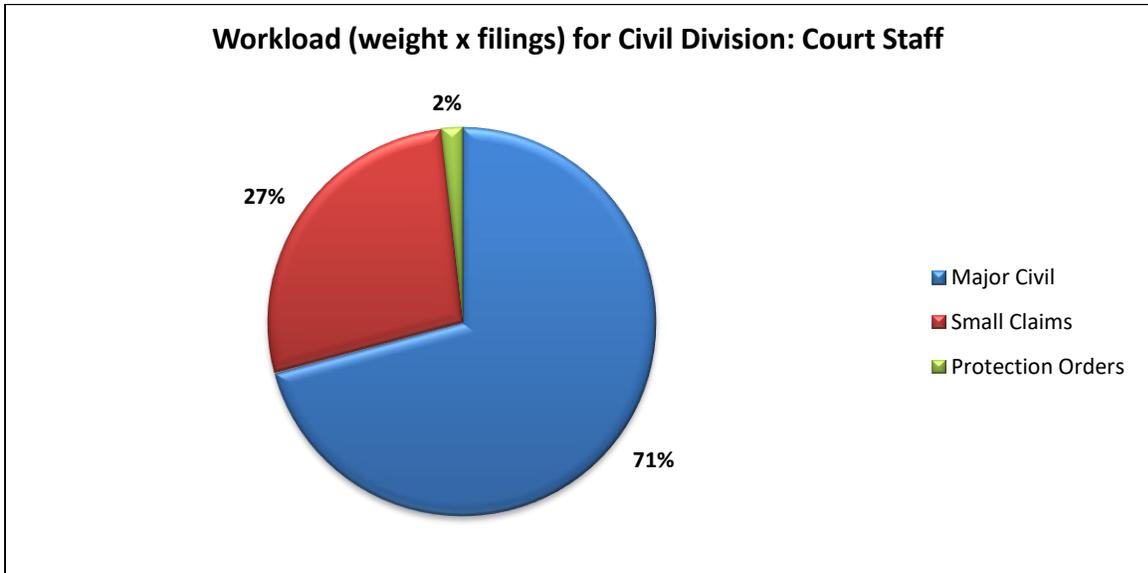
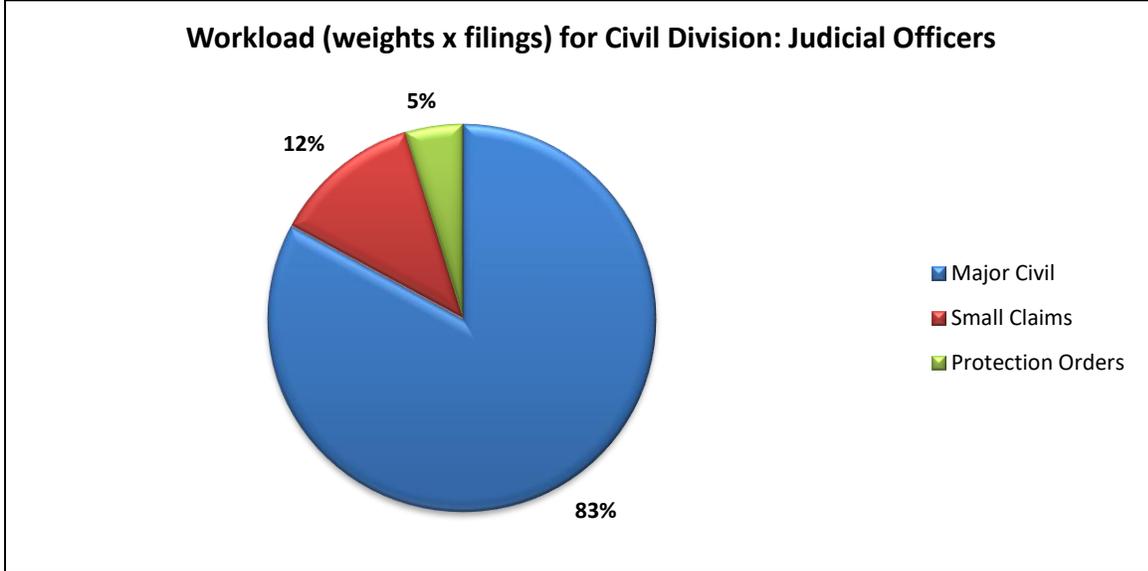
Major civil cases includes all case types filed in the civil division except for small claims and civil protection orders. Sub-case types in this category include: collections, landlord tenant, foreclosure, tort, prisoner cases, contracts, claims against government, employment, declaratory relief, appeals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



* "Other" includes appeals, claims against government, declaratory relief, employment, government enforcement, and real property.

Weighted Caseload Workload with FY19 Filings

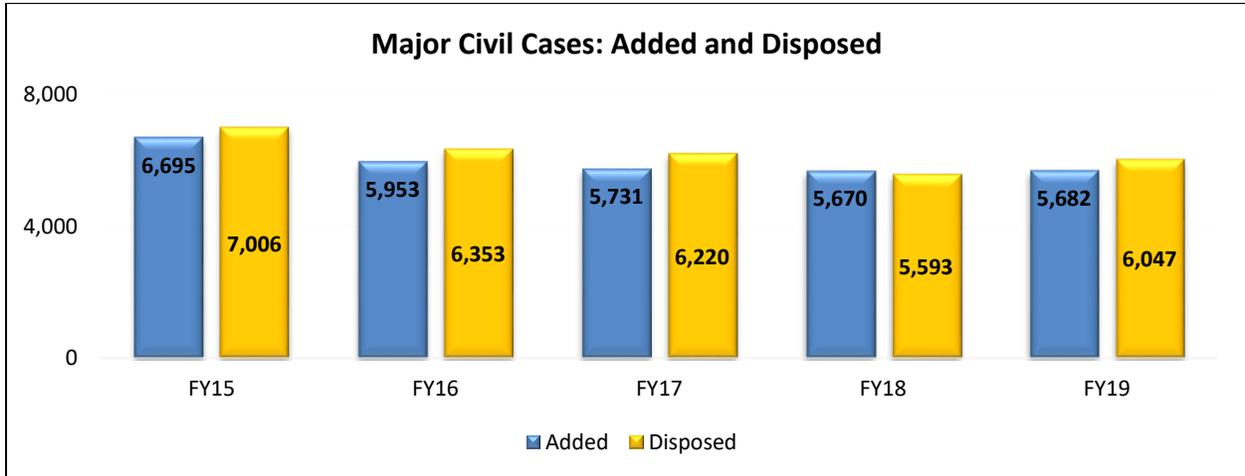
The following charts reflect the relative workload associated with these cases from the perspective of judicial officer and staff resources.



Trends

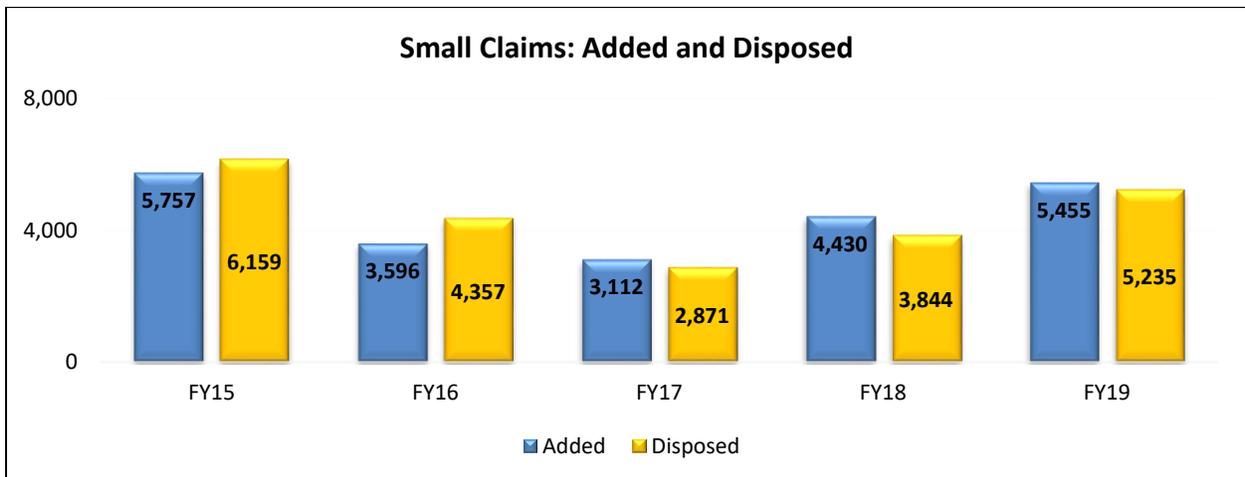
Major Civil Cases

FY19 saw a slight increase in major civil cases as compared to the previous year, mostly because of higher collections, claims against government, and miscellaneous civil filings. Landlord/tenant, employment, and appeals remained stable. All other civil case types, including foreclosures, declined.



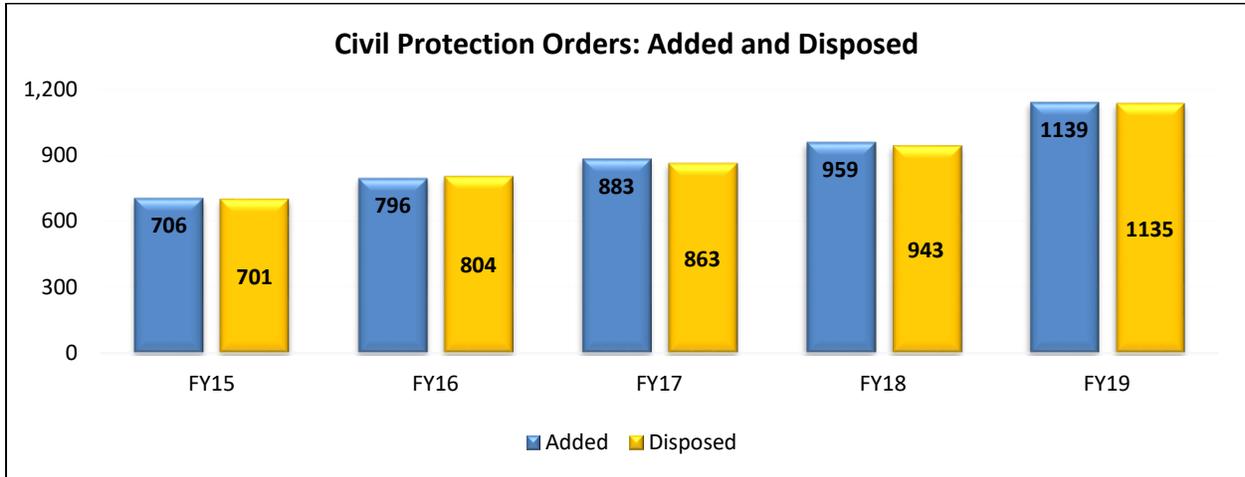
Small Claims

Small claims filings increased in FY19 by 23% as compared to FY18; however, they decreased 5% as compared to FY15.



Civil Protection Orders

Requests for civil protection orders (against Stalking and Sexual Assault) have increased 19% since FY18 and 61% since FY15.

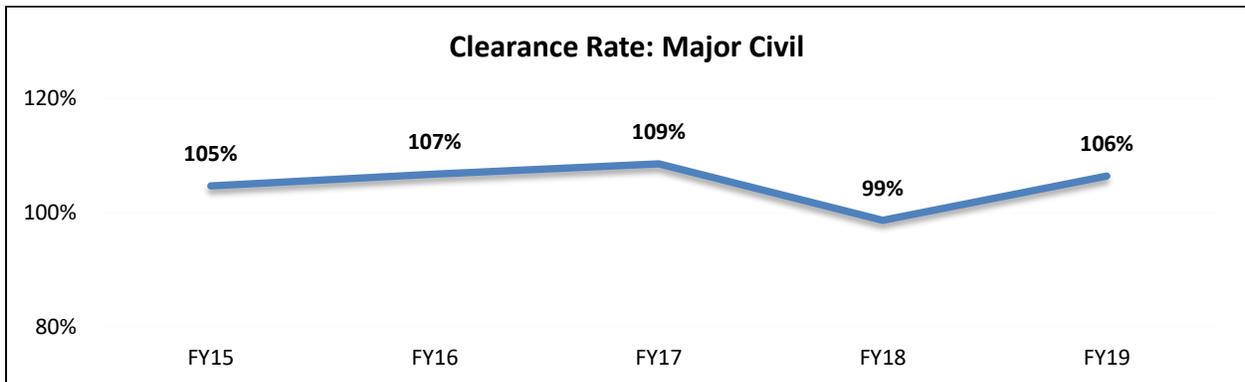


Clearance Rates

The clearance rate reflects the number of disposed cases as a percentage of the number of incoming cases. The rate is a measure of the court's ability to keep up with its incoming caseload. If the clearance rate is 100%, the court is resolving as many cases as it receives. A clearance rate above 100% indicates that the courts are disposing more cases than it is adding. This can result in a decrease in backlogged cases. A clearance rate below 100% indicates that the courts are adding to a backlog.

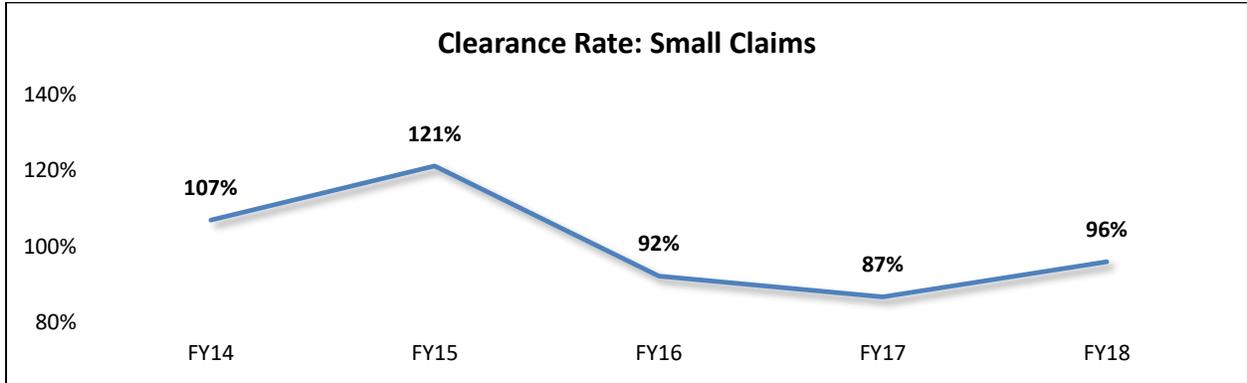
Major Civil Cases

The number of major civil cases disposed was higher than the number of cases added in FY19, resulting in a clearance rate of 106%.



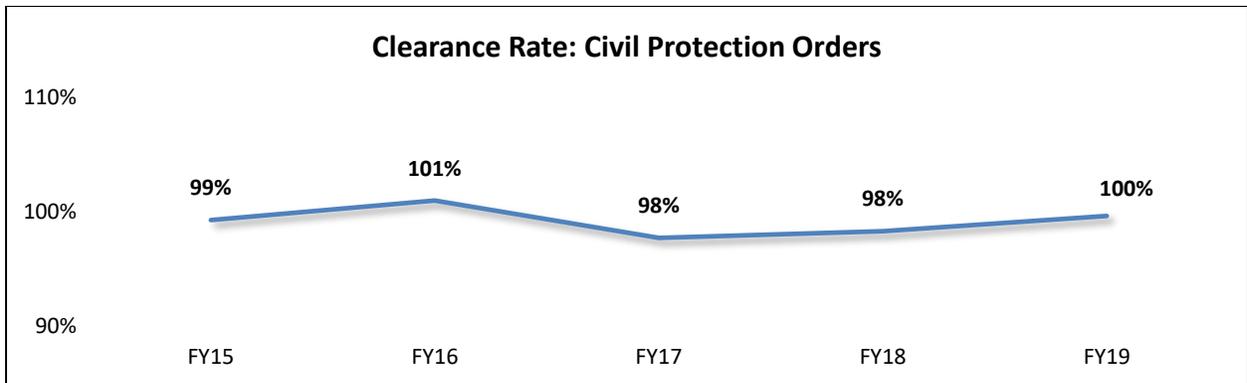
Small Claims

The clearance rate in small claims rose from 87% in FY18 to 96% in FY19.



Civil Protection Orders

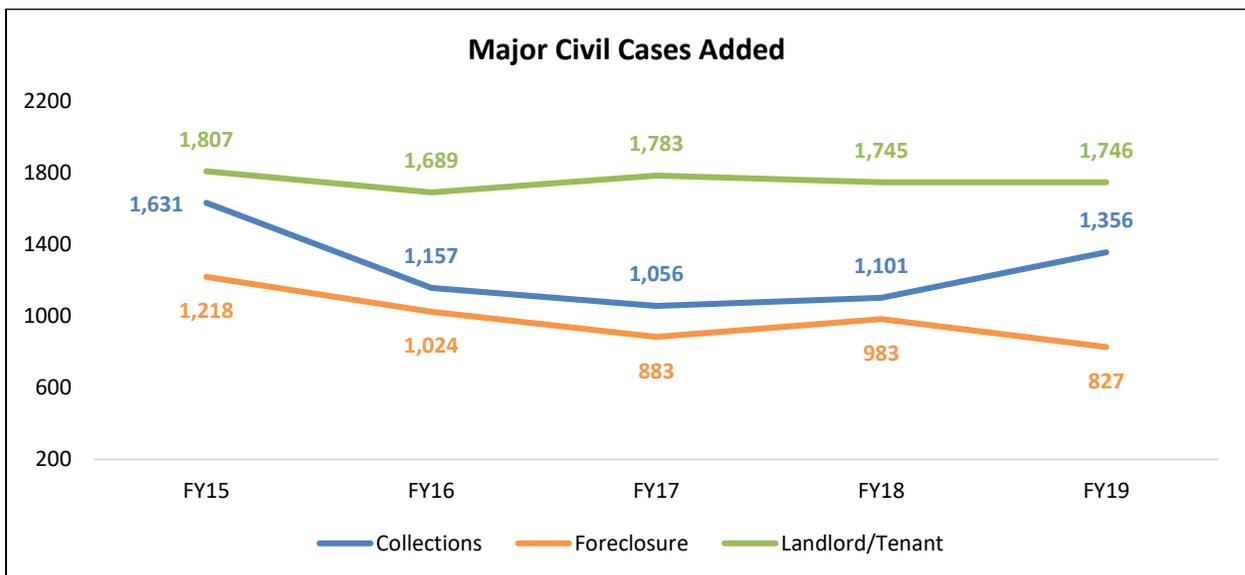
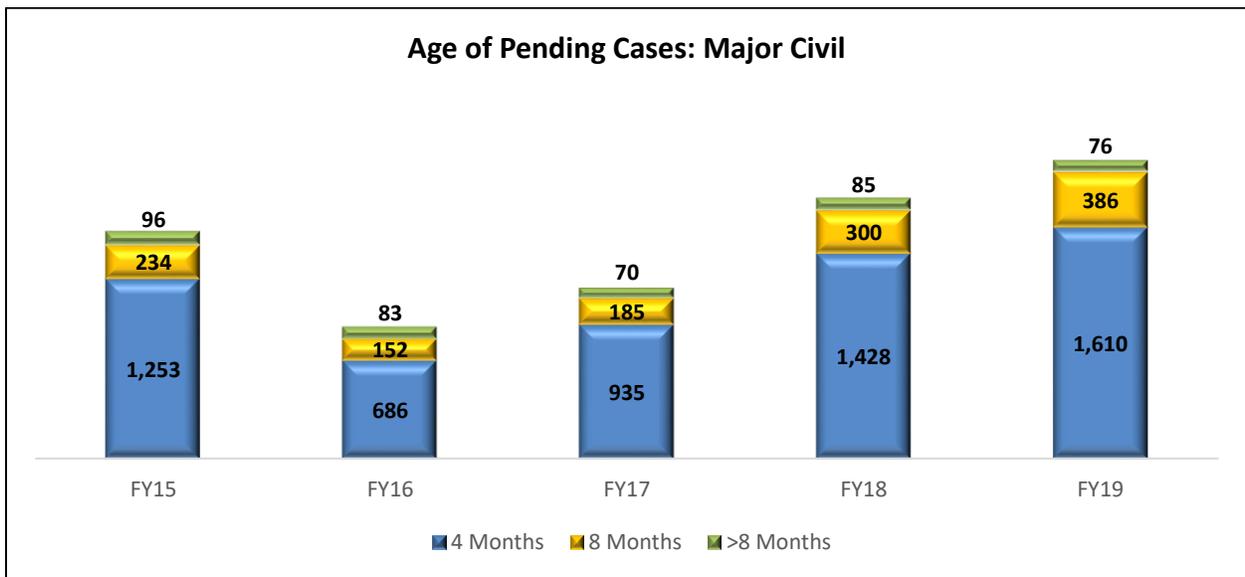
The clearance rate for civil protection orders was 100% in FY19.



Age of Pending Cases

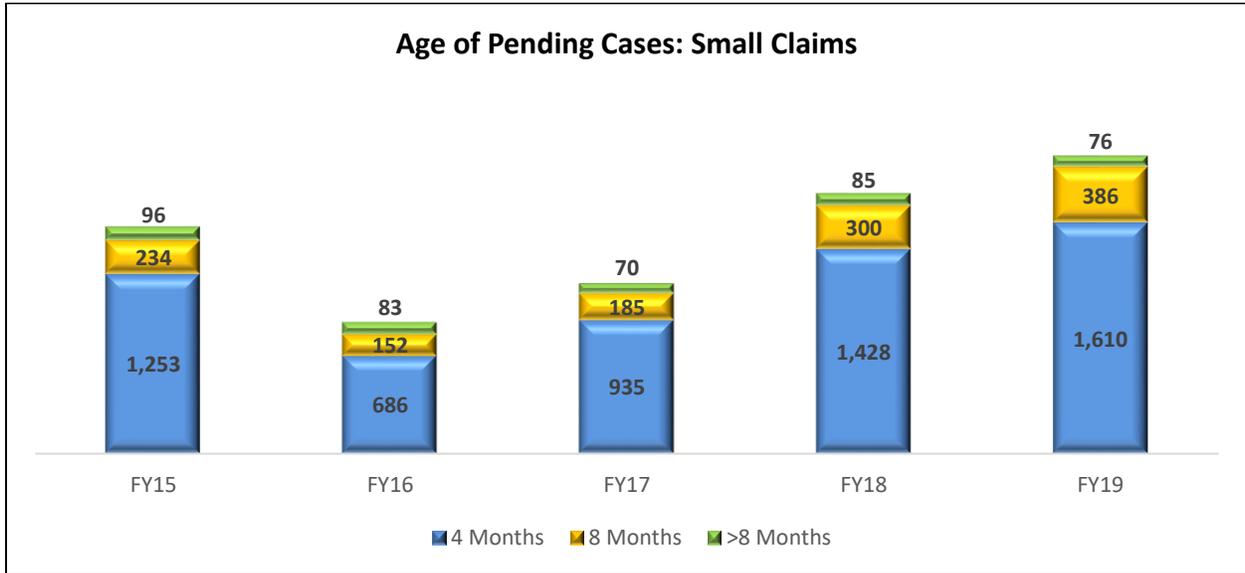
Major Civil Cases

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.



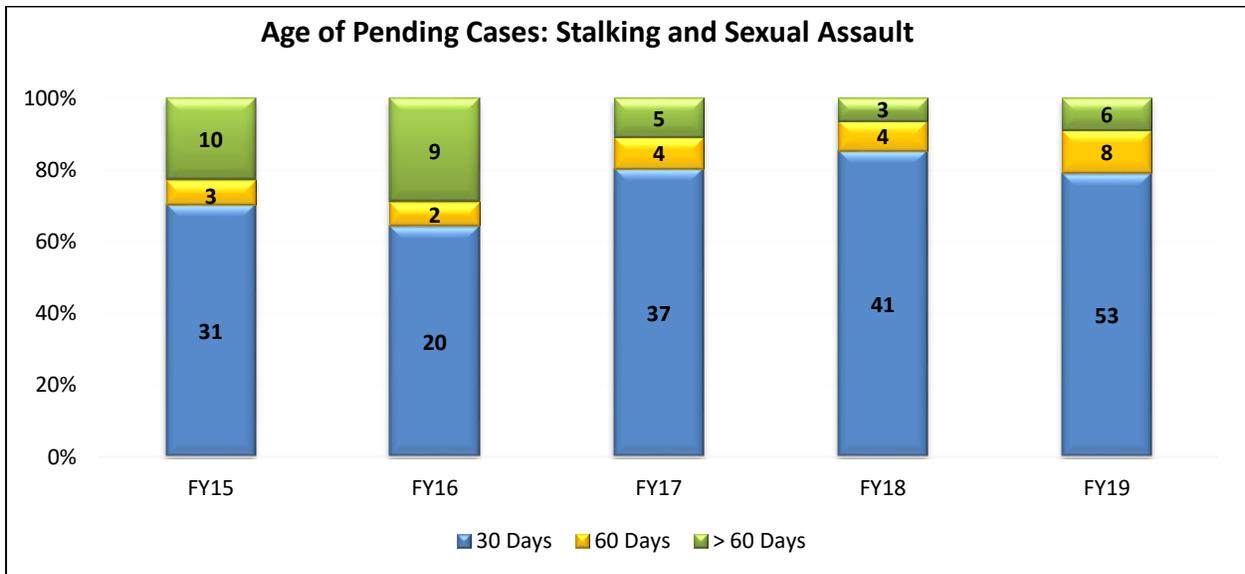
Small Claims

The Supreme Court has set a disposition goal of 4 months for small claims cases. At the end of FY19, 78% of cases were pending less than 4 months.



Protection Orders

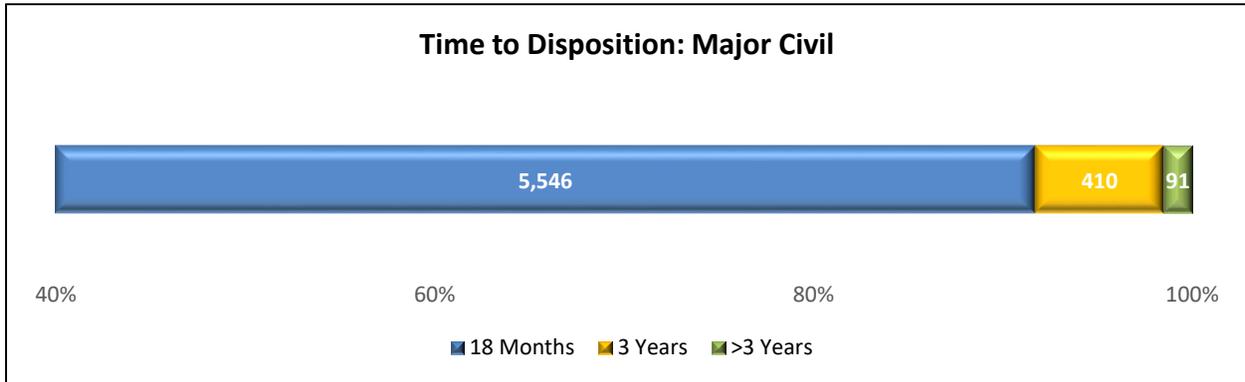
The Supreme Court has set a disposition goal of 30 days for standard protection order cases. At the end of FY19, 79% of cases were pending less than 30 days.



Time to Disposition

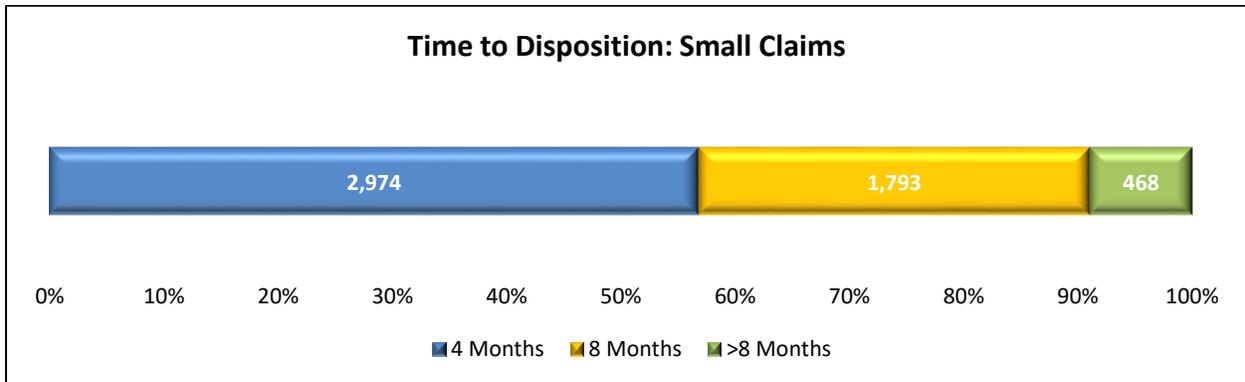
Major Civil Cases

In FY19, 92% of major civil cases were disposed within 18 months of filing.



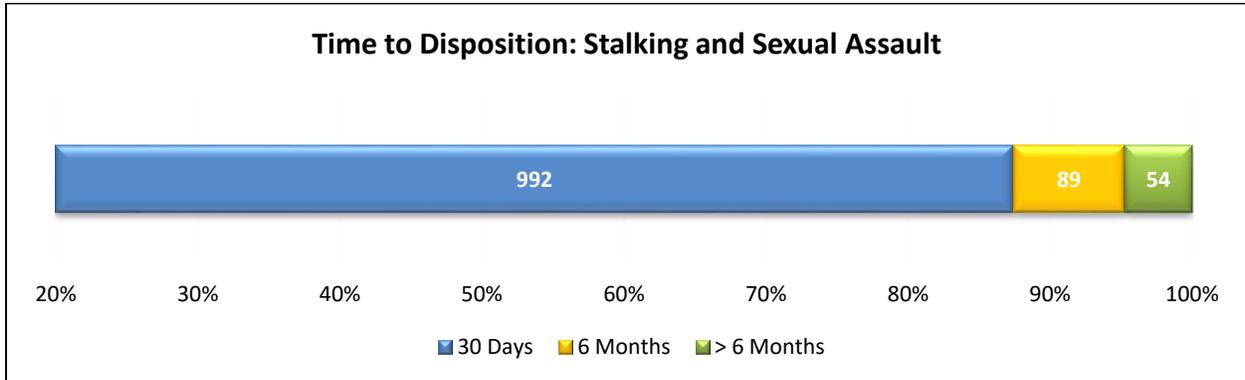
Small Claims

In FY19, 57% of small claims cases were disposed within 4 months of filing.



Civil Protection Orders

In FY19, 87% of stalking and sexual assault cases were disposed within 30 days of filing.



Method of Disposition

Major Civil Cases

Out of 6,047 cases disposed in FY19, only 743 or 12% required either a jury or a court trial. Another 5%, were resolved through summary judgment, a decision that usually requires a written decision by the trial court. Another 29% of the cases were resolved by default or consent of the parties, 53% 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	Total
2019	20	723	273	1,266	512	1,178	2,039	36	6,047

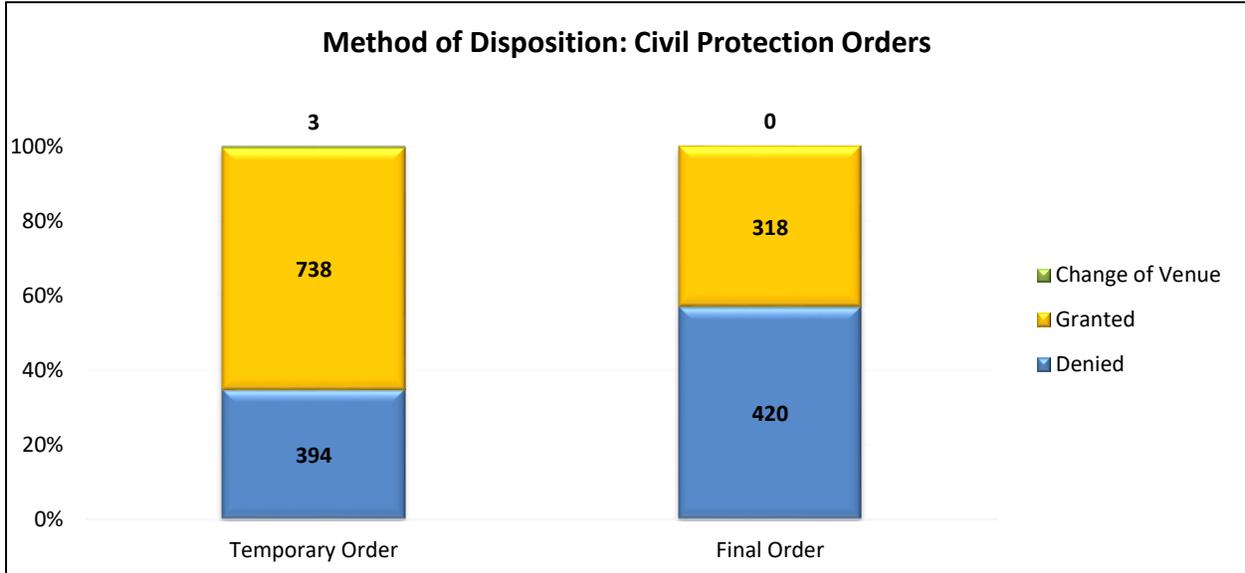
Small Claims

Out of the 5,235 cases disposed in FY19, 39% were resolved by default or consent of the parties. Another 47% were dismissed by the court or withdrawn by the plaintiff. Less than 1% of the cases were transferred to another court location (change of venue), and 13% required a contested hearing.

Fiscal Year	Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/Other	Total
2019	695	0	715	1,344	1,703	761	17	5,235

Civil Protection Orders

Of the 1,135 cases disposed in FY19, a temporary restraining order was granted in 65% of the cases, but a final order was granted in only 43%. Most complaints in this area are based on a claim that the defendant is “stalking” the plaintiff. Requests for civil protection orders to protect against sexual assault represent a minority of these cases and temporary and final orders are usually granted.



Probate Division

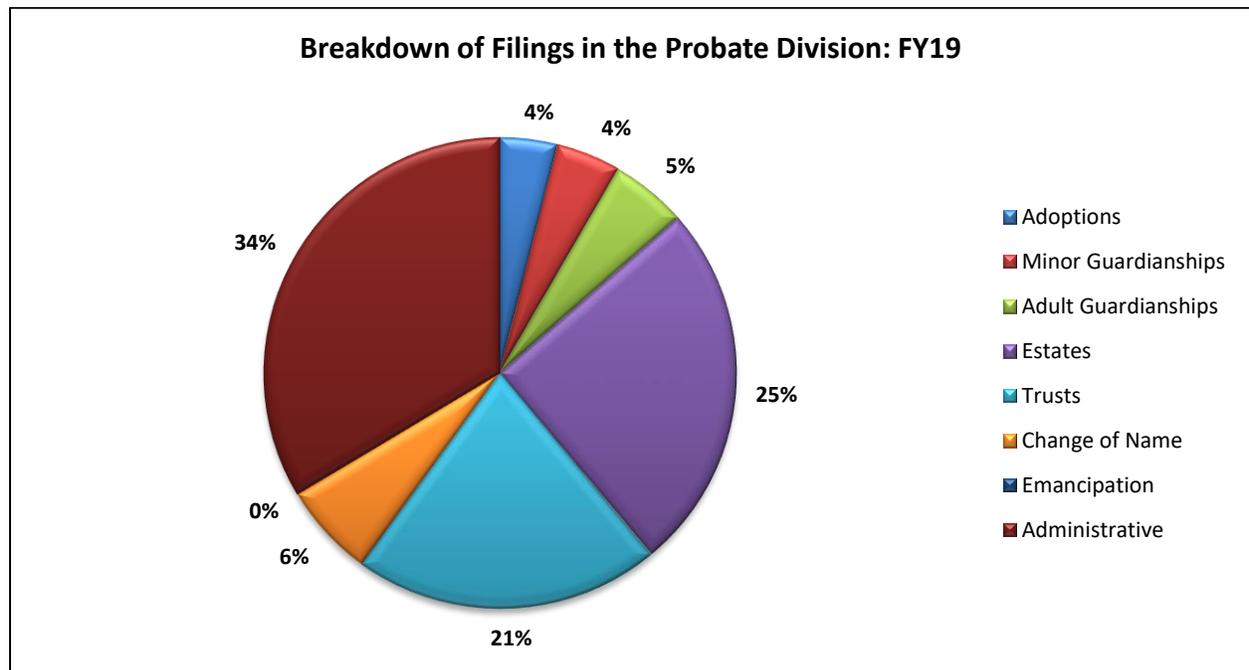
Introduction

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 several administrative functions such as changes to birth and death certificates, requests by an out of state minister to perform a marriage in Vermont. 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.

A Note about Probate Data

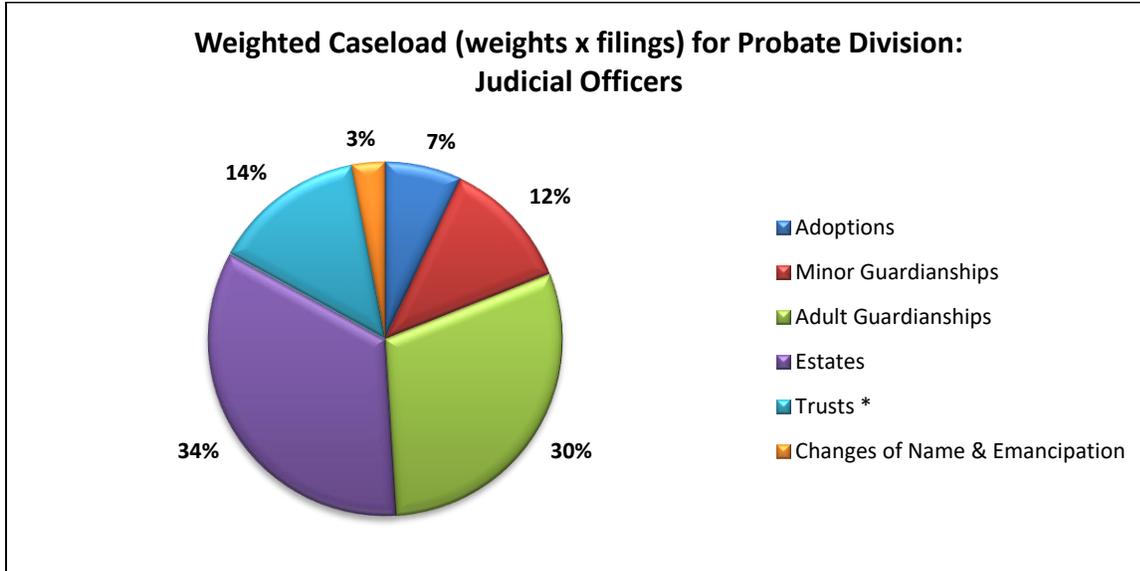
Only limited data is currently available for probate cases. Data on age of pending cases and age of case at disposition will be available when the Judiciary’s new case management system becomes active.

In September of 2018, the Supreme Court adopted disposition goals for each of the major probate case types to create a benchmark for gauging the timeliness of disposition. Until disposition data becomes available, we are unable to report on the probate division’s ability to meet these time standards.

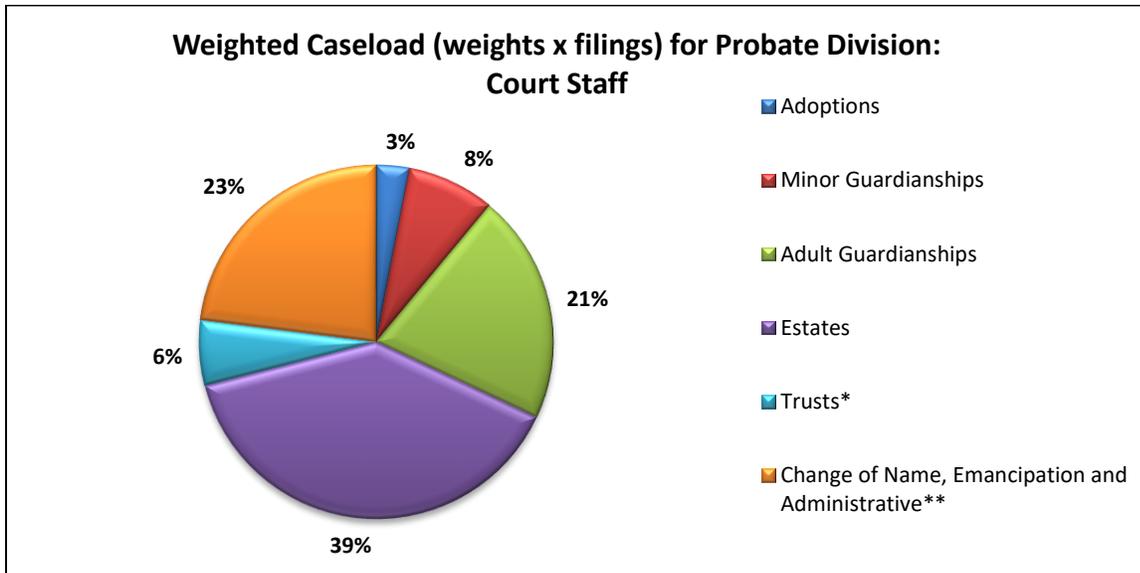


Weighted Caseload with FY19 Filings:

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



**Reflects trusts pending*



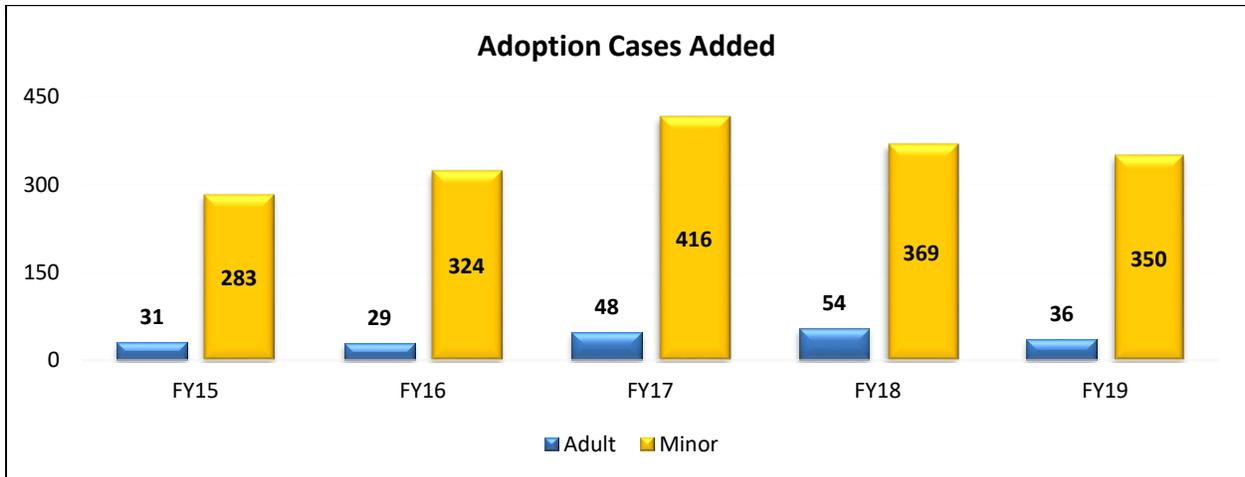
** Reflects trusts pending*

***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.*

Trends

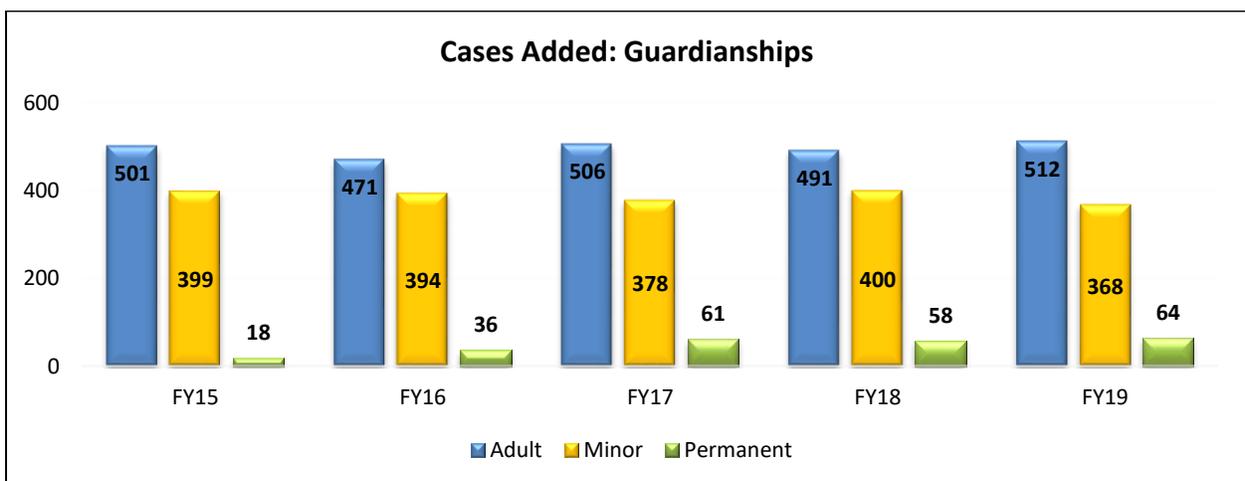
Adoption

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 5% fewer minor adoption petitions filed in FY19 as compared to FY18; however, when compared to five years ago, minor adoptions have risen 24%.



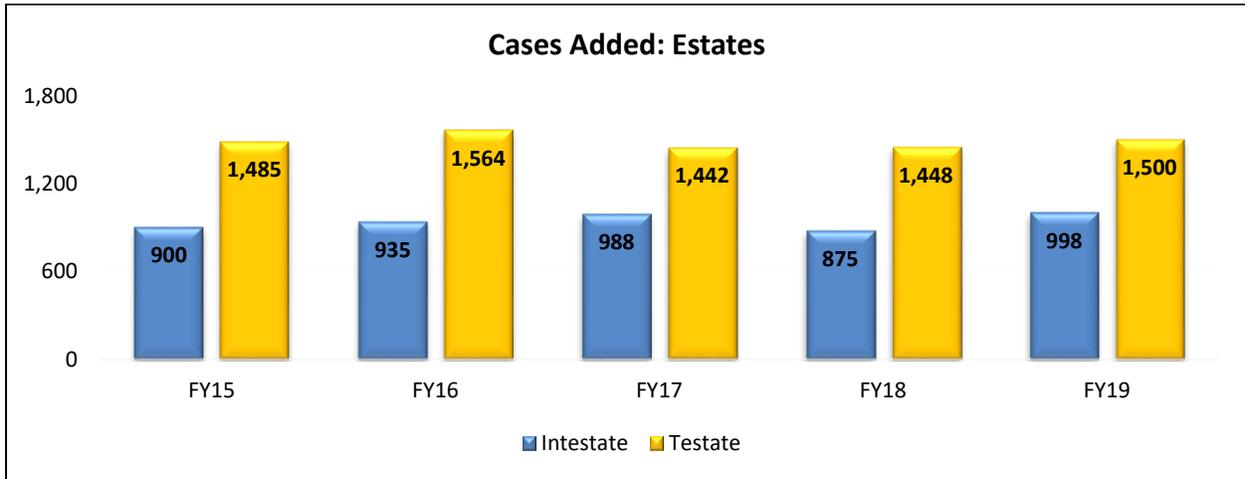
Minor and Adult Guardianships

The number of adult guardianship petitions rose slightly in FY19, while the number of minor guardianships decreased. When compared to five years ago, guardianships overall have increased 3%.



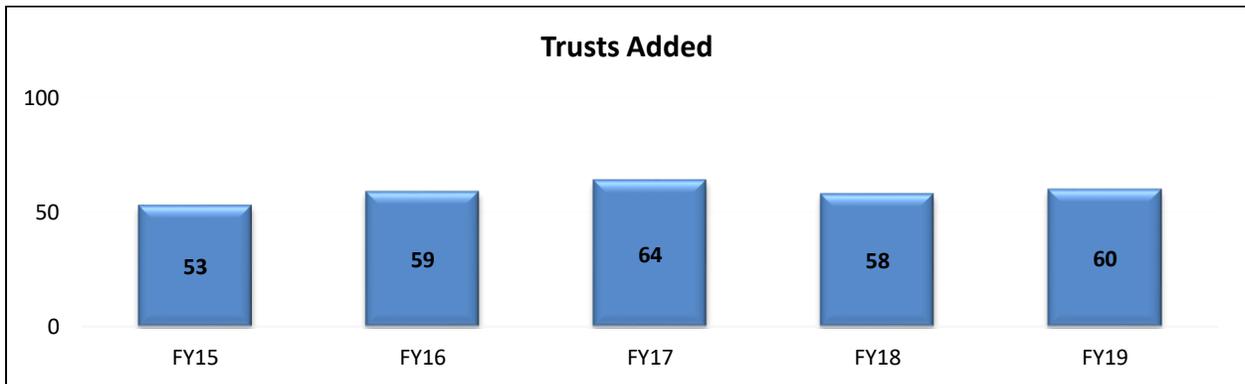
Estates

The probate court handles several different types of estates. An intestate estate is the estate of someone who died without a will. A testate estate is the estate of someone who left a will. Overall, the number of estate cases filed in Vermont increased 8% in FY19, mostly because of increased intestate filings.



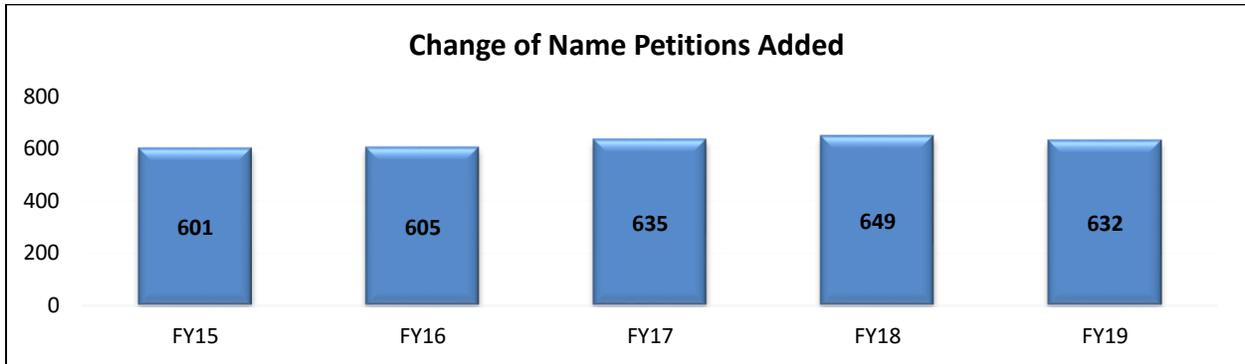
Trusts

The number of trust filings has stabilized and remained relatively unchanged over the last five years.



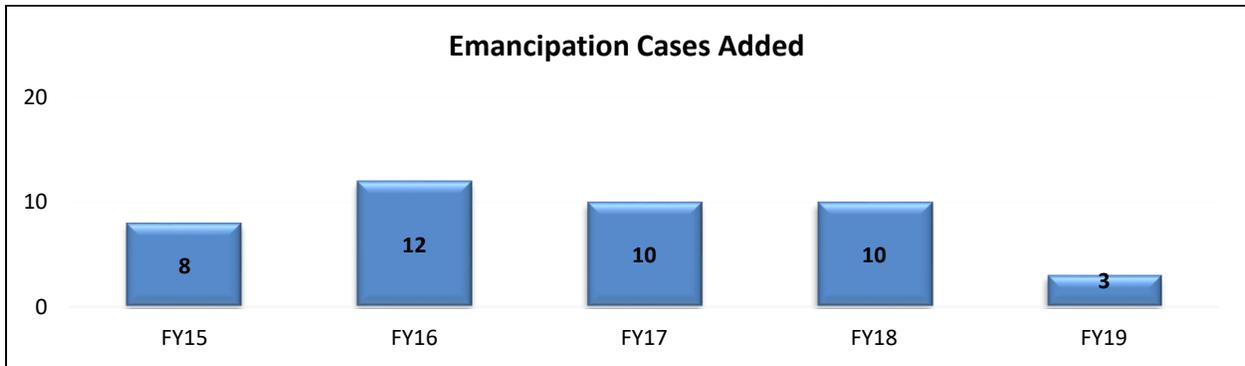
Change of Name

The number of petitions for a change of name has remained largely unchanged for the last five years. In FY19, 632 petitions for a change of name were filed in the probate division.



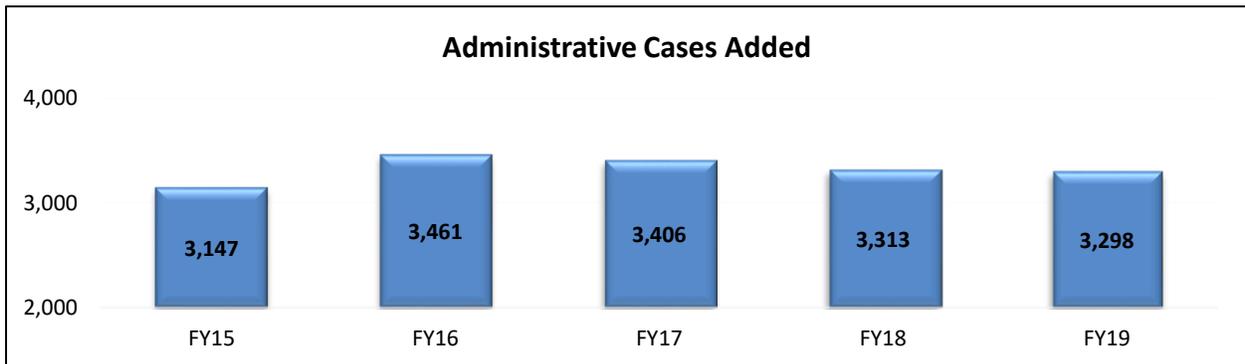
Emancipations

In FY19, the number of emancipation cases remained stable and relatively low. In FY19, only 3 such requests were filed in the probate division, the lowest in the last five years



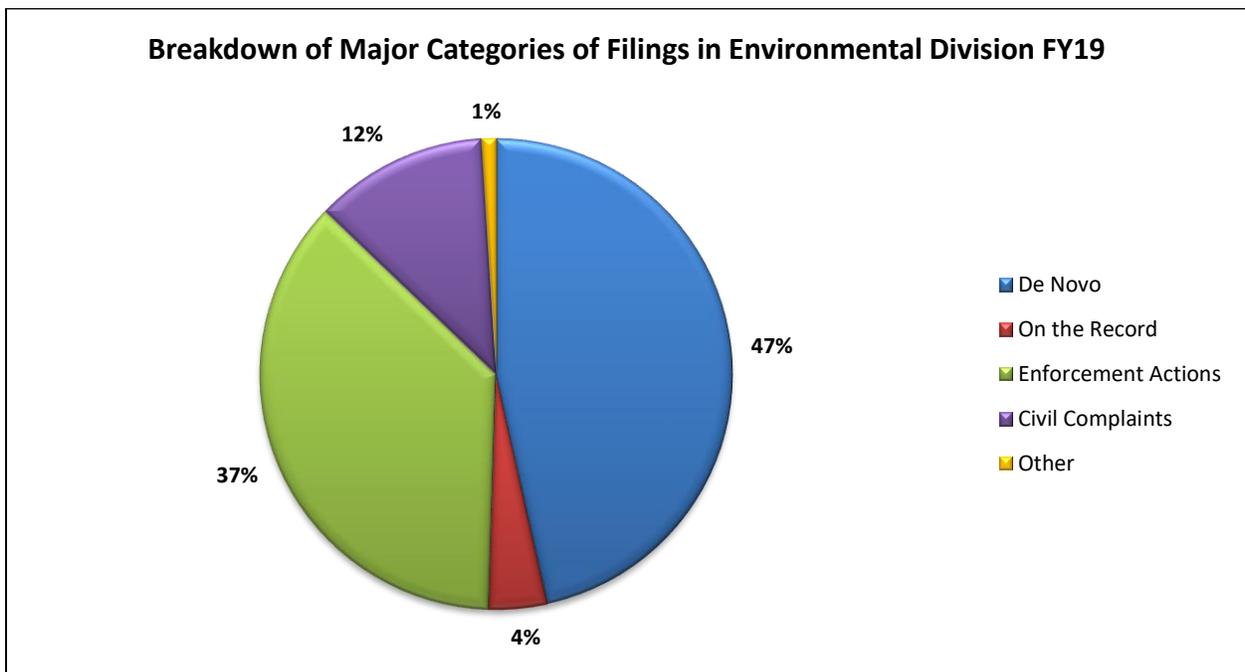
Administrative Matters

The administrative case type includes 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. In FY19, 3,298 administrative matters were filed.



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: requests to enforce administrative orders issued by various state land use and environmental enforcement agencies; environmental enforcement proceedings from various municipalities; appeals from municipal zoning boards, development review boards and planning commissions; Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators; 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).



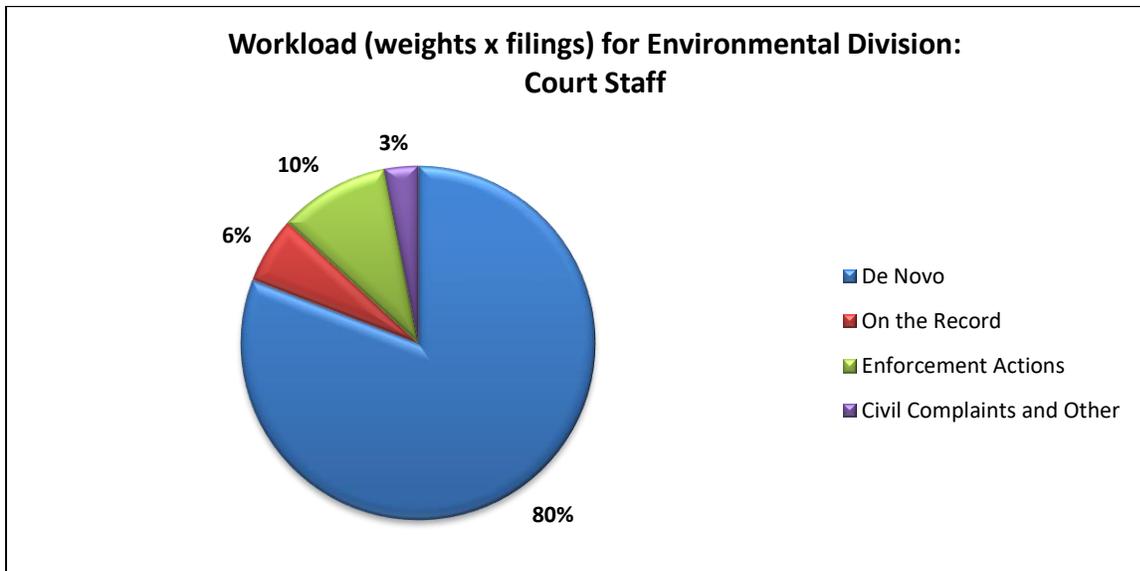
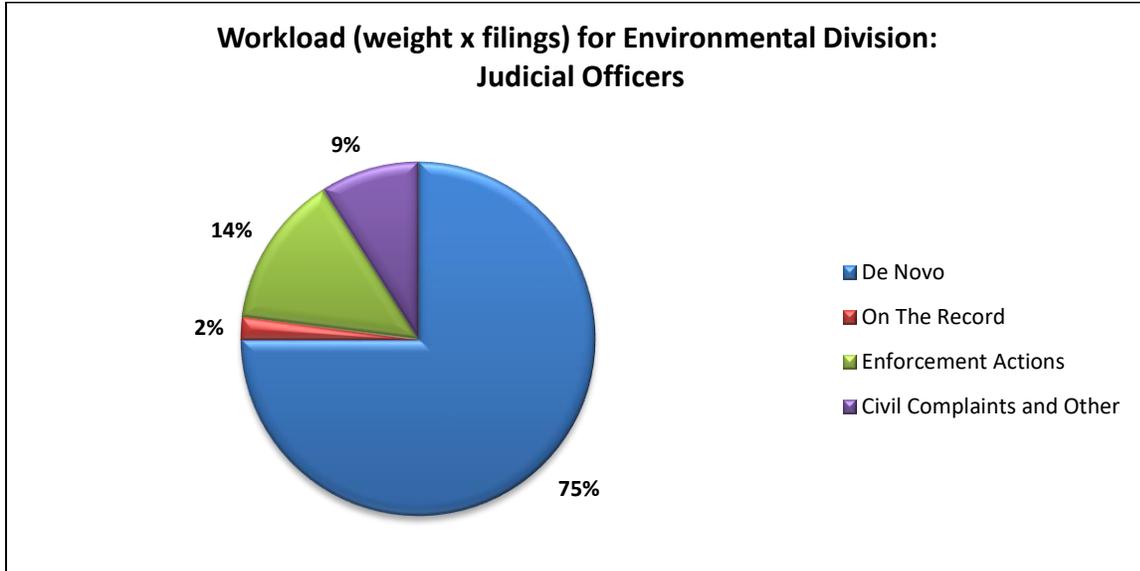
De Novo includes municipal appeals, Act 250 and ANR appeals.

Enforcement Actions includes environmental and municipal enforcement.

“Other” includes agricultural appeals.

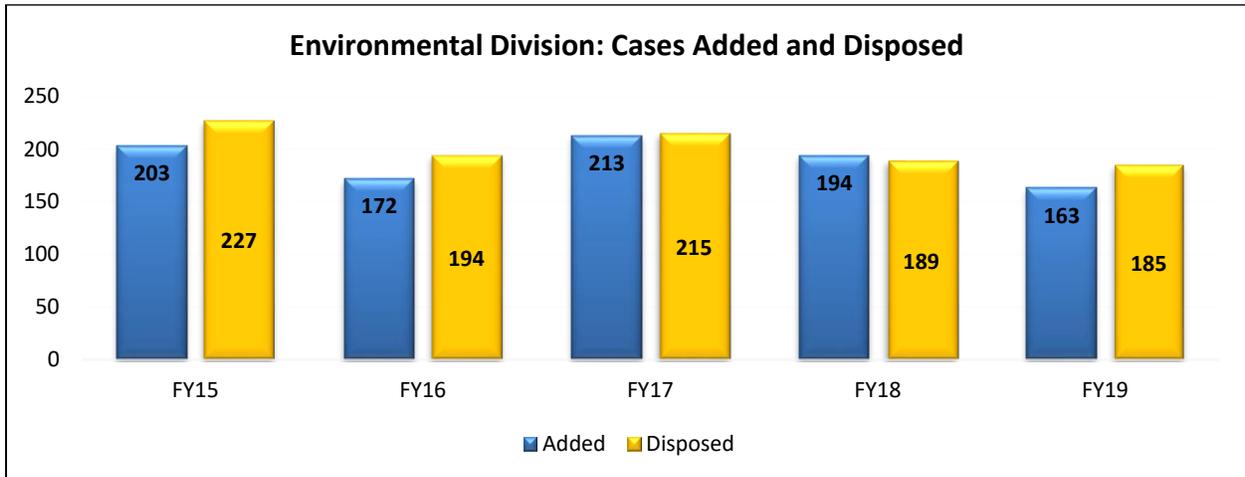
Weighted Caseload Workload with FY19 Filings

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



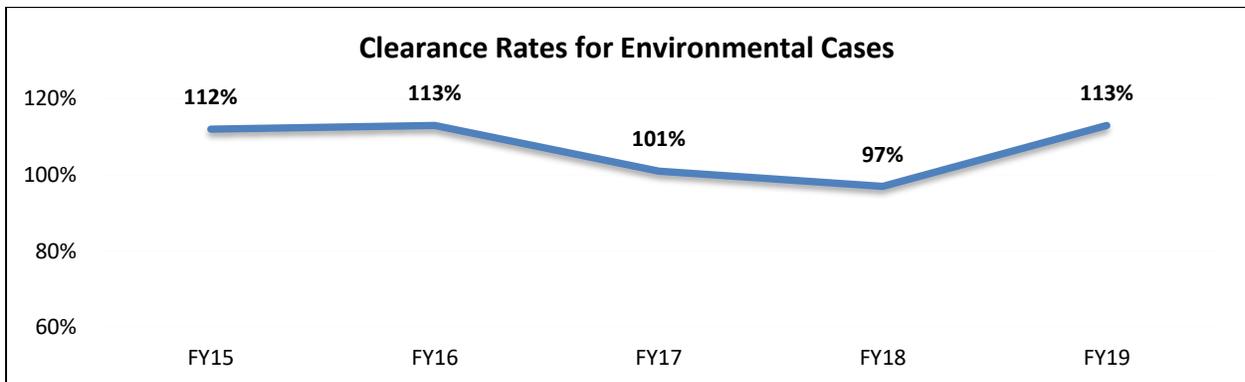
Trends

As indicated by the chart below, filings in the environmental division decreased 16% from the previous year, primarily in the areas of Civil Complaints and Act 250 and ANR Appeals. The number of dispositions also decreased slightly.



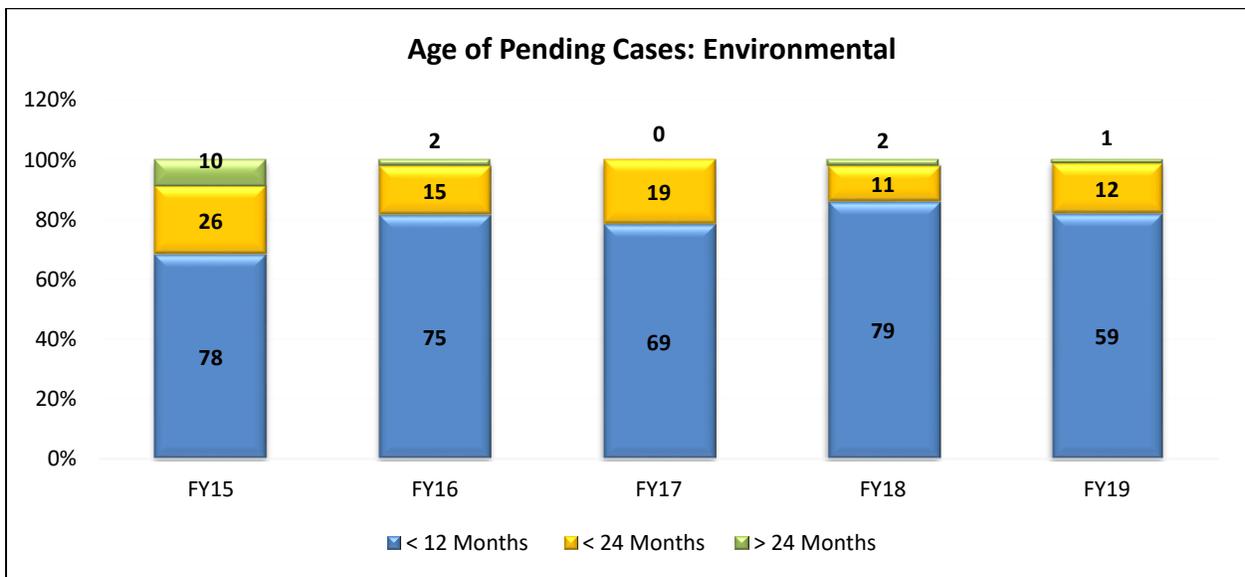
Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2015 through 2019. The clearance rate fell below 100% in FY18 but rebounded in FY19 (meaning more cases were disposed than added).



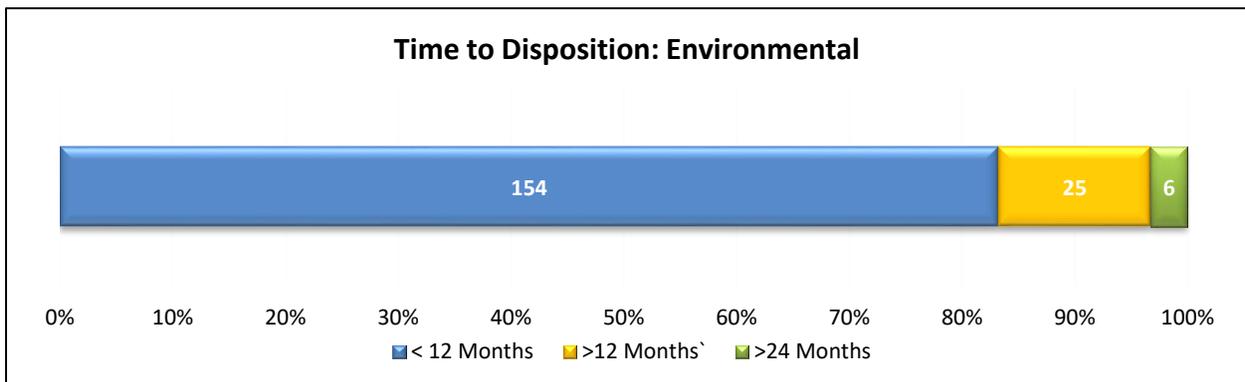
Age of Pending Cases

It is difficult to measure performance based on the age of environmental cases because there is so much variation in the average time to disposition from one case type to the next. For all but the most complex cases, disposition guideline standards require a disposition in 12 months or less. For example, the disposition goal set by the Supreme Court for Act 250 and ANR appeals cases is 11 months for a standard case and 13 months for a complex case. At the shorter end, the goal for a Municipal Enforcement case (no notice of violation or appeal) is five months. 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. In FY19, 82% of environmental cases were pending less than 12 months.



Time to Disposition

In FY19, 83% of all environmental cases were disposed within 12 months of filing.



Method of Disposition

Approximately 41% of the cases disposed in the Environmental Division were resolved by agreement of the parties. Final decisions were issued by the court in 40% of the cases. In FY19, 19% were dismissed or withdrawn by parties.

Fiscal Year	Consent	Final Decision	Dismissed	Withdrawn	Total
2019	76	75	21	14	186

Judicial Bureau

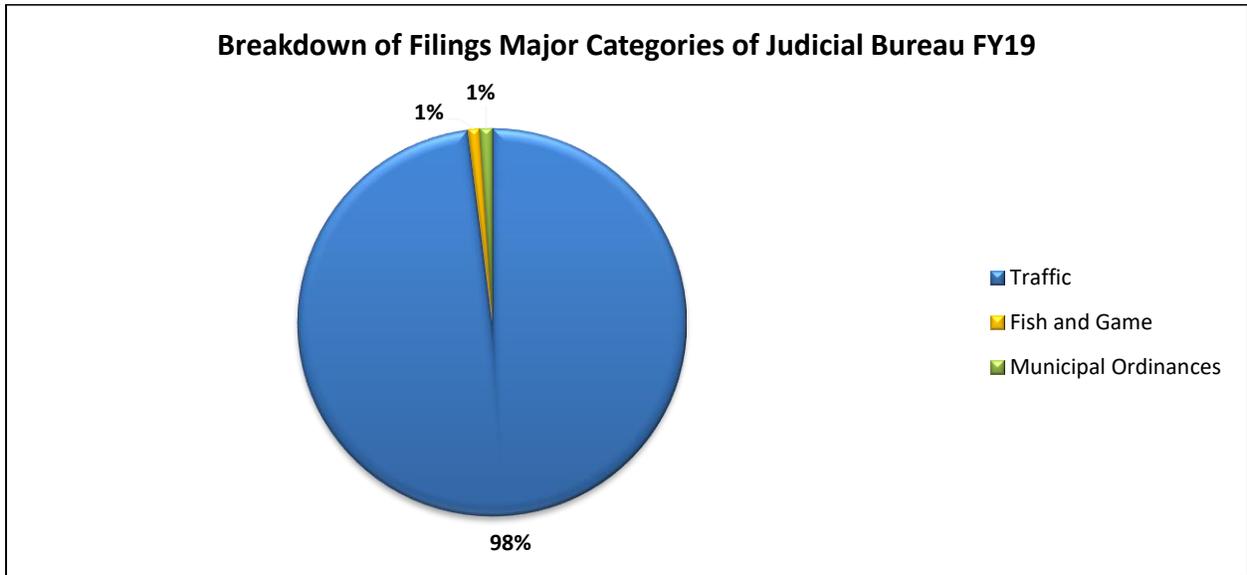
The Judicial Bureau has statewide jurisdiction over civil violations. Police and other government officials have authority to charge civil violations, including for example:

- 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

A Note About Judicial Bureau Data

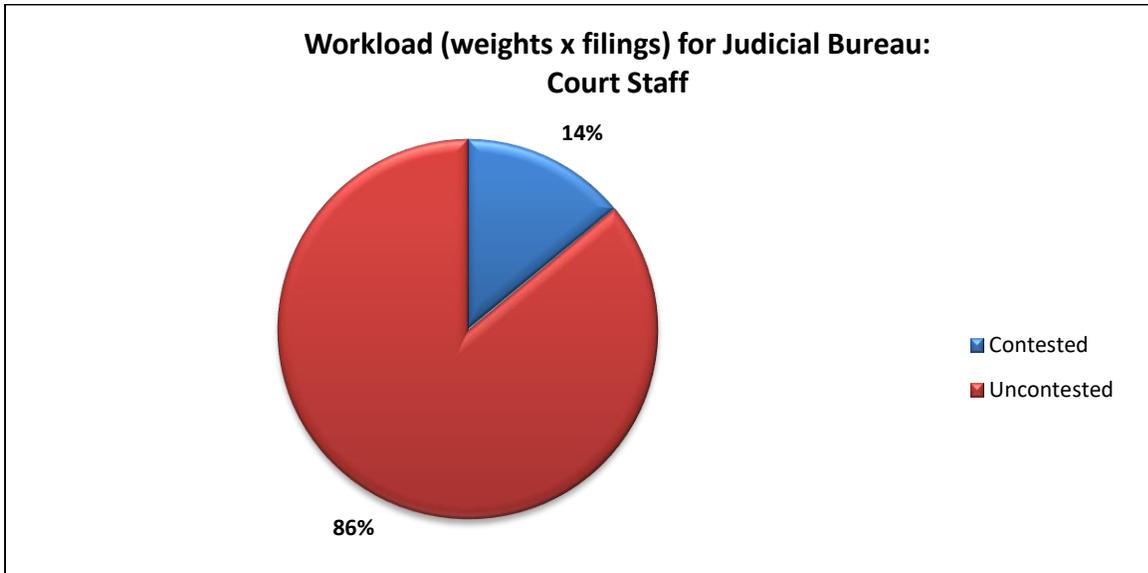
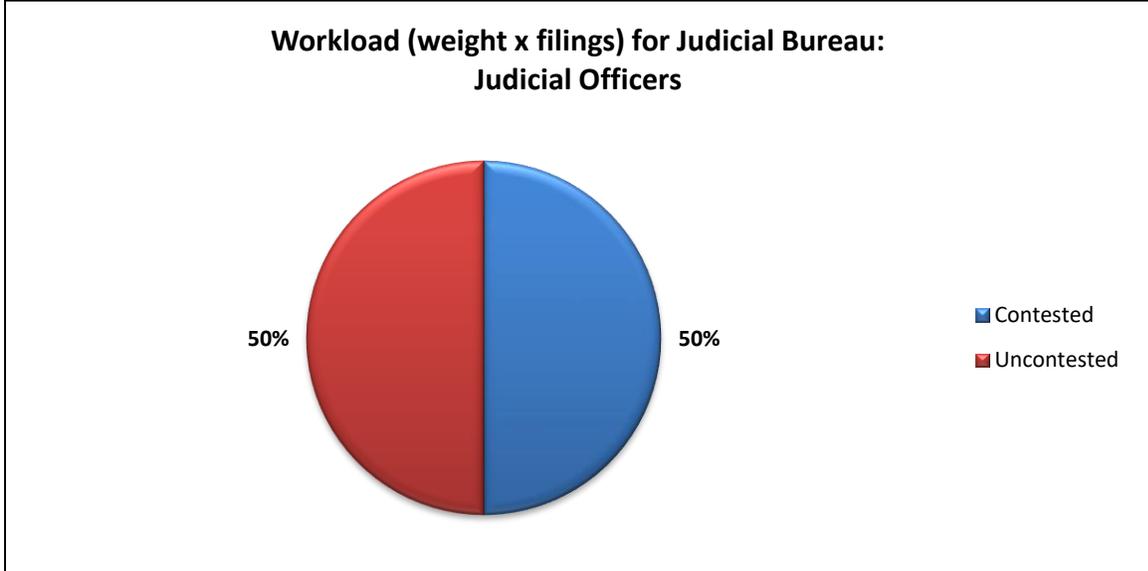
The Vermont Judiciary is in the process of transitioning to a new case management system. The Vermont Judicial Bureau began the transition to this new system in 2019. Data for July 2018 – May 2019 has been taken from the Judiciary’s older case management system (VTADS) while data for June 2019 is from the new system (Odyssey). While every effort has been made to provide the most accurate data available, it is important to note that the Judicial Bureau is catching up on back log and correcting conversion errors.

The Judicial Bureau processed over 82,000 civil violation complaints in 2019. Nearly all (98%) of these were traffic tickets.



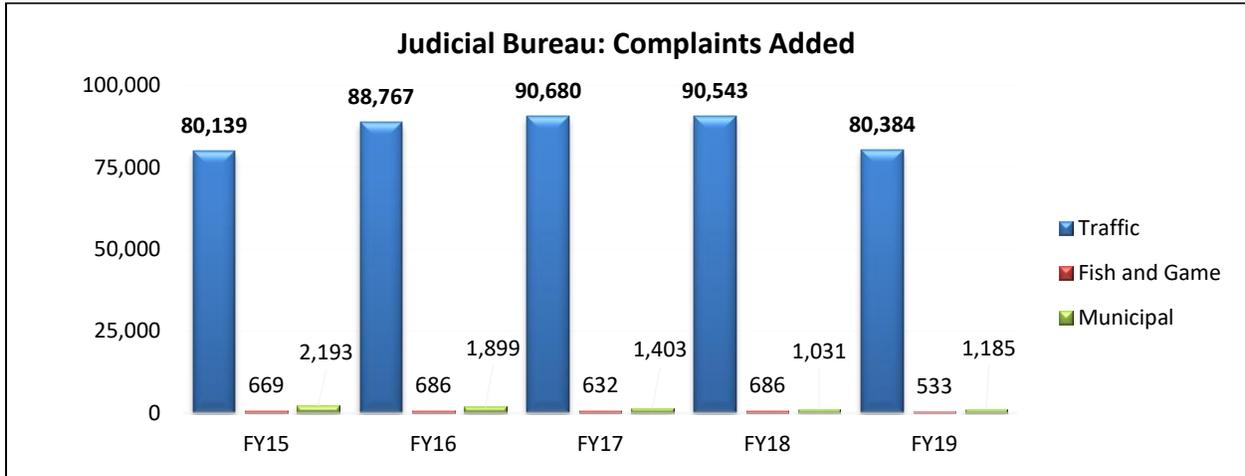
Weighted Caseload Workload with FY19 Filings

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



Trends

As indicated by the chart below, traffic filings in the Judicial Bureau were 11% lower in FY19 than in FY18 but comparable to those filed five years ago. Municipal violations filings rose 15% in the past year, while Fish and Game violations decreased 22%. Overall, Judicial Bureau filings have decreased 1% since FY15.



Reporting Period: FY 2019, July 1, 2018 to June 30, 2019

TABLE 1: Types of Cases Filed, Decided, and Pending

Appeal and Case Type	Sum of Cases			Sum of Cases Pending at End of Period
	Pending at Beginning	Sum of Cases Filed	Sum of Cases Decided	
Appeal by Permission	6	39	35	10
Class Certification	0	1	0	1
Foreclosure	0	6	6	0
Interlocutory Rule 5	6	27	26	7
Interlocutory Rule 5.1	0	2	1	1
Judicial Bureau	0	1	1	0
Small Claims	0	2	1	1
Appeal by Right	213	346	350	209
Bail	1	17	18	0
Board/Agency	20	26	30	16
Civil	57	79	84	52
Criminal	72	78	78	72
Denial of Counsel	0	2	2	0
Environmental	5	13	10	8
Family	17	41	43	15
Habeas Corpus	1	3	2	2
Juvenile	4	11	11	4
Juvenile - Delinquency	1	7	5	3
Juvenile - TPR	17	29	29	17
Mental Health	0	3	0	3
Other	0	1	1	0
Post Conviction Relief	15	12	16	11
Probate	0	5	4	1
Relief from Abuse	3	13	12	4
Stalking	0	6	5	1
Original Jurisdiction	9	18	22	5
Board of Bar Examiners	3	1	3	1
Extraordinary Relief	1	6	7	0
Judicial Conduct Board	0	1	0	1
Other (Original Jurisdiction)	0	1	1	0
Professional Responsibility Board	5	9	11	3
Grand Total	228	403	407	224

TABLE 2: Origin of Cases

Appeal Type and Division	Sum of Cases			Sum of
	Pending at Beginning	Sum of Cases Filed	Sum of Cases Decided	Cases Pending at End of Period
Appeal by Permission	6	39	35	10
Civil	2	22	19	5
Criminal	4	12	14	2
Family	0	5	2	3
Appeal by Right	213	346	350	209
Civil	72	102	107	67
Criminal	74	98	100	72
Environmental	5	13	10	8
Family	42	104	100	46
Probate	0	3	3	0
Boards	20	26	30	16
Original Jurisdiction	9	18	22	5
Grand Total	228	403	407	224

TABLE 3: Manner of Disposition

Disposition	Appeal by Permission	Appeal by Right	Original Jurisdiction	Grand Total
Closed by misc. mem.	4	38	13	55
Closed by stipulation	1	15		16
Closed for lack of progress	1	41		42
Full court memorandum		4	3	7
Panel memorandum	1	113		114
Permission Denied	18		2	20
Withdrawn	3	30		33
Written Opinion	7	109	4	120
Grand Total	35	350	22	407

TABLE 4: Cases Considered

This table shows how cases were considered by the full Court or a panel of the Court

Panel Type	Oral Argument	On Brief	Grand Total
3J	48	60	108
5J	85	6	91
Grand Total	133	66	199

TABLE 5: Number of Opinions by Justice*This table shows the number of opinions authored by each Justice**Cases consolidated for decision are each counted as a separate opinion*

Author	Majority	Dissent	Coincurrence	Grand Total
Chief Justice Reiber	20			20
Justice Skoglund	22	3	5	30
Justice Robinson	26	11	2	39
Justice Eaton	26	1	1	28
Justice Carroll	21	1		22
Judge Morris, Specially Assigned	1			1
PER CURIAM	4			4
Grand Total	120	16	8	144

TABLE 6: Results of Full Court and Panel Cases*This table contains the mandate of cases decided by the full Court or a panel*

Mandate	Full court memorandum	Panel memorandum	Written Opinion	Grand Total
Affirm	3	96	63	162
Affirmed/reversed in part		5	15	20
Denied			1	1
Dismissed	1	1	4	6
Other	2	2	5	9
Remanded			1	1
Reversed		1	8	9
Reversed and remanded	1	9	23	33
Grand Total	7	114	120	241

TABLE 7: Motions to Reargue

Sum of Motions to Reargue Pending	Sum of Motions Added	Sum of Motions Disposed	Motions Pending at End of Period
1	33	33	1

TABLE 8: Disposition of Motions to Reargue

Disposition	Total
Denied	31
Granted/Denied in Part	2
Grand Total	33

TABLE 9: Age of Cases Pending as of June 30, 2019

Age of Appeal	Total
Less than 6 Months	151
6 to 12 Months	52
1 to 1.5 Years	19
1.5 to 2 Years	1
Over 3 Years	1
Grand Total	224

TABLE 10: Type of Cases Pending Over 1.5 Years

Appeal and Case Type	1.5 to 2 Years	Over 3 Years	Grand Total
Appeal by Right		1	1
Post Conviction Relief		1	1
Original Jurisdiction	1		1
PRB	1		1
Grand Total	1	1	2