



STANDING ORDER REGARDING REMOTE PARTICIPATION

This standing order applies to all Family Division proceedings in the Caledonia and Essex Units held before Judge Benjamin Battles.

1. General Provisions

- A. Any motion for an exception from this order should be filed promptly upon receipt of the hearing notice. In considering such a motion, the court will be guided by the factors set forth in Vermont Rule of Civil Procedure 43.1(h).
- B. Any party or attorney may appear in person at any remote or hybrid hearing without requesting permission to do so.
- C. Guardians-ad-litem may appear remotely at any hearing without prior court approval.
- D. An evidentiary hearing is a hearing in which live oral testimony will be taken. All other hearings are nonevidentiary.
- E. Any party, attorney, or witness who is participating remotely in an evidentiary hearing must do so (i) through a secure internet connection; (ii) with both a video and an audio feed; and (iii) from a location that is quiet, devoid of distractions, and ensures adequate privacy.
- F. Even when this order permits remote participation, parties without a reliable internet connection and video capability are strongly encouraged to attend hearings in person.
- G. Notwithstanding any other provision of this order, the court may direct any party, attorney, or witness to appear in person at any hearing.

2. Divorce and Parentage Proceedings

- A. Parties and attorneys must appear in person at any evidentiary hearing.

- B. Absent the court's permission, witnesses must appear in person to testify at an evidentiary hearing. Requests for professional witnesses (such as teachers, guidance counselors, doctors, and therapists) to testify remotely will generally be granted.

3. Relief-from-Abuse and Stalking Proceedings

- A. Except as noted below, parties, attorneys, and witnesses may participate in hearings remotely.
- B. A party (and their attorney) must appear in person at the hearing if they have subpoenaed a witness to appear in person at the hearing.
- C. A party (and their attorney) must appear in person at the hearing if the party intends to offer exhibits into evidence and has not pre-filed the exhibits with the court and served a copy on the opposing party at least one business day before the hearing.

4. Children in Need of Care or Supervision (CHINS) Proceedings

- A. Parties and attorneys must appear in person at any evidentiary hearing.
- B. Absent the court's permission, witnesses must appear in person to testify at an evidentiary hearing. Requests for professional witnesses (such as teachers, guidance counselors, doctors, and therapists) to testify remotely will generally be granted.
- C. The court will not require a party to testify remotely without that party's consent.

5. Juvenile Delinquency and Youthful Offender Proceedings

- A. Parties and attorneys must appear in person at preliminary hearings and, except as noted below, at any evidentiary hearing.
- B. Parties and attorneys may appear remotely at merits stipulation and uncontested disposition hearings.
- C. Parties, attorneys, and witnesses may participate remotely in youthful consideration and pretrial motion hearings. Any exhibits sought to be introduced by a party appearing remotely at such a hearing should be pre-filed and served on the opposing party at least three days in advance of the hearing.
- D. A juvenile or youth, through counsel, may request the court's permission to appear remotely at a contested merits or disposition hearing no later than 10 days prior to the scheduled hearing.

- E. Absent the court's permission, witnesses must appear in person to testify at a merits or a disposition hearing. Any remote witness testimony allowed in a merits proceedings will be by video and must be in accordance with the provisions of Vermont Rule of Criminal Procedure 26.2.
- F. Any party, attorney, or witness participating remotely in a proceeding governed by Section 5(B), (C), or (D) of this order must do so (i) through a secure internet connection; (ii) with both a video and an audio feed; and (iii) from a location that is quiet, devoid of distractions, and ensures adequate privacy.

6. Mental Health Proceedings

- A. Hearings for involuntary treatment, continued treatment, and involuntary medication will be hybrid or remote unless a party reasonably in advance of the hearing requests or the court on its own initiative orders an in-person hearing.

Electronically signed on: 3/6/2024 pursuant to V.R.E.F. 9(d)



Benjamin D. Battles
Superior Court Judge