



MEMORANDUM

To: Sarah London
From: Robert L. Sand
Date: May 23, 2016
Re: H. 869, Bill Review

Section 1 of this bill creates a new judicial position known as a Judicial Master. The master has specifically defined judicial roles but lacks the full breadth of authority of a superior court judge. Notably, the master is empowered to address substance abuse issues in the criminal division treatment courts and in the family court in juvenile proceedings. This is the first substantive statutory recognition of treatment courts and augurs well for treatment court expansion.

Here it is important to note that the bill did not contain a funding request and judicial masters will only be hired as funding becomes available. Nevertheless it is important precursor language for the expansion of treatment courts and for addressing substance abuse problems in the CHINS docket. Section 2 contains a 2019 sunset of the judicial masters designed to force legislative review of the masters after 2 years.

Section 3 is a statement of legislative intent related to Section 4 making clear that there is no intent to close any courthouse as the judiciary looks to schedule hearings in more convenient locations.

Section 4 authorizes the Vermont Supreme Court to promulgate rules, subject to review, to allow Termination of Parental Rights hearings to take place within a defined region but not necessarily within the actual county of residence. This would allow, for example, a TPR action normally slated to be heard in Burlington to get transferred to Grand Isle or some other regional location. Matters originating in Grand Isle and Essex could not be heard regionally without the consent of all the parties. As a result, under-utilized courthouses might get more use but the bill safeguards against further reduction in use of Grand Isle and Essex.

Section 5 specifies that appeals of appellate officers in Board matters shall go to the Vermont Supreme Court and not to the Washington County court. Section 6 further relates to review of Board decisions.

Section 7 was deleted.

Section 8 eliminates the judicial call center which was an experiment in a centralized court information system. Section 8a requires a report related to spousal support and maintenance.

Section 9 sets out the effective dates.

Recommendation: As the Judicial Masters are an important development in the criminal justice system's response to addiction, I encourage the Governor to sign this bill.