

1 H.493

2 Introduced by Committee on Judiciary

3 Date:

4 Subject: Family proceedings; abuse prevention; relief from abuse orders

5 Statement of purpose of bill as introduced: This bill proposes to conform the
6 relief from abuse statutes with current practice by permitting the court to
7 include provisions in relief from abuse orders prohibiting the defendant from
8 having any contact with the plaintiff, whether directly, indirectly, or through a
9 third party, and including contact by telephone, e-mail, or other electronic
10 communication.

11 An act relating to relief from abuse orders

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 15 V.S.A. § 1103 is amended to read:

14 § 1103. REQUESTS FOR RELIEF

15 * * *

16 (c)(1) The ~~Court~~ court shall make such orders as it deems necessary to
17 protect the plaintiff or the children, or both, if the ~~Court~~ court finds that the
18 defendant has abused the plaintiff, and:

19 (A) there is a danger of further abuse; or

1 abused the plaintiff or his or her children, or both. The plaintiff shall submit an
2 affidavit in support of the order. A minor 16 years of age or older, or a minor
3 of any age who is in a dating relationship as defined in subdivision 1101(2) of
4 this chapter, may seek relief on his or her own behalf. Relief under this section
5 shall be limited as follows:

6 (1) Upon a finding that there is an immediate danger of further abuse, an
7 order may be granted requiring the defendant:

8 (A) to refrain from abusing the plaintiff or his or her children, or
9 both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing
10 any animal owned, possessed, leased, kept, or held as a pet by either party or a
11 minor child residing in the household;

12 (B) to refrain from interfering with the plaintiff's personal liberty, the
13 personal liberty of plaintiff's children, or both; ~~and~~

14 (C) to refrain from coming within a fixed distance of the plaintiff, the
15 plaintiff's children, the plaintiff's residence, or the plaintiff's place of
16 employment; and

17 (D) to refrain from contacting the plaintiff or his or her children, or
18 both, in any way, directly, indirectly, or through a third party, including in
19 writing or by telephone, e-mail, or other electronic communication.

20 * * *

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.