

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 (B) the defendant is currently incarcerated and has been convicted of  
2 one of the following: murder, attempted murder, kidnapping, domestic assault,  
3 aggravated domestic assault, sexual assault, aggravated sexual assault,  
4 stalking, aggravated stalking, lewd or lascivious conduct with child, use of a  
5 child in a sexual performance, or consenting to a sexual performance.

6 (2) The court order may include the following:

7 (A) an order that the defendant refrain from abusing the plaintiff, his  
8 or her children, or both and from interfering with their personal liberty,  
9 including restrictions on the defendant's ability to contact the plaintiff or the  
10 children in person, ~~by phone, or by mail~~ any way, directly, indirectly, or  
11 through a third party, including in writing or by telephone, e-mail, or other  
12 electronic communication, and restrictions prohibiting the defendant from  
13 coming within a fixed distance of the plaintiff, the children, the plaintiff's  
14 residence, or other designated locations where the plaintiff or children are  
15 likely to spend time;

16 \* \* \*

17 Sec. 2. 15 V.S.A. § 1104 is amended to read:

18 § 1104. EMERGENCY RELIEF

19 (a) In accordance with the Vermont Rules of Civil Procedure, temporary  
20 orders under this chapter may be issued ex parte, without notice to the  
21 defendant, upon motion and findings by the ~~Court~~ court that the defendant has  
22 abused the plaintiff or his or her children, or both. The plaintiff shall submit

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

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

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

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

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

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

19 \* \* \*

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on passage.