

1 H.836

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; abuse prevention

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 procedure for filing a request for a relief from abuse order electronically when
8 the court is not in session.

9 An act relating to electronic court filings for relief from abuse orders

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

11 Sec. 1. 15 V.S.A. § 1106 is amended to read:

12 § 1106. PROCEDURE

13 (a) Except as otherwise specified in this chapter, proceedings commenced
14 under this chapter shall be in accordance with the Vermont Rules for Family
15 Proceedings and shall be in addition to any other available civil or criminal
16 remedies.

17 (b)(1) The ~~court administrator~~ Court Administrator shall establish
18 procedures to ~~insure~~ ensure access to relief after regular court hours, or on
19 weekends and holidays. The ~~court administrator~~ Court Administrator is
20 authorized to contract with public or private agencies to assist plaintiffs to seek

1 relief and to gain access to ~~superior courts~~ Superior Courts. Law enforcement
2 agencies shall assist in carrying out the intent of this section.

3 (2) The court may issue an ex parte temporary relief from abuse order
4 pursuant to section 1104 of this title after regular court hours by reliable
5 electronic means according to the procedures in this subdivision.

6 (A) The court shall designate an authorized person to receive requests
7 for electronic issuance of ex parte temporary relief from abuse orders.

8 (B) Upon request, the authorized person shall inform the applicant
9 that a signed or unsigned complaint and affidavit may be submitted
10 electronically or over the telephone.

11 (C) The affidavit shall be sworn to or affirmed by administration of
12 the oath over the telephone to the applicant by the authorized person. The
13 administration of the oath need not be made part of the affidavit or recorded,
14 but the authorized person shall note on the affidavit that the oath was
15 administered.

16 (D) The authorized person shall communicate the contents of the
17 complaint and affidavit to a judicial officer telephonically or by reliable
18 electronic means. The judicial officer shall decide whether to grant or deny the
19 complaint and issue the order solely on the basis of the contents of the affidavit
20 or affidavits provided. The judicial officer shall communicate the decision to
21 the authorized person, who shall communicate it to the applicant. If the order

1 is issued, it shall be delivered to the appropriate law enforcement agency for
2 service and to the holding station.

3 (c) The ~~office of the court administrator~~ Office of the Court Administrator
4 shall ensure that the ~~superior court~~ Superior Court has procedures in place so
5 that the contents of orders and pendency of other proceedings can be known to
6 all courts for cases in which an abuse prevention proceeding is related to a
7 criminal proceeding.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.