

1 Introduced by Committee on Judiciary

2 Date:

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

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

9 An act relating to 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. § 1103 is amended to read:

12 § 1103. REQUESTS FOR RELIEF

13 * * *

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

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

18 (B) the defendant is currently incarcerated and has been convicted of
19 one of the following: murder, attempted murder, kidnapping, domestic assault,
20 aggravated domestic assault, sexual assault, aggravated sexual assault,

1 stalking, aggravated stalking, lewd or lascivious conduct with child, use of a
2 child in a sexual performance, or consenting to a sexual performance.

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

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

12 * * *

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

14 § 1104. EMERGENCY RELIEF

15 (a) In accordance with the Vermont Rules of Civil Procedure, temporary
16 orders under this chapter may be issued ex parte, without notice to the
17 defendant, upon motion and findings by the ~~Court~~ court that the defendant has
18 abused the plaintiff or his or her children, or both. The plaintiff shall submit an
19 affidavit in support of the order. A minor 16 years of age or older, or a minor
20 of any age who is in a dating relationship as defined in subdivision 1101(2) of

1 this chapter, may seek relief on his or her own behalf. Relief under this section
2 shall be limited as follows:

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

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

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

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

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

17 * * *

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.