

1 Introduced by Committee on Judiciary

2 Referred to Committee on

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 statute with current practice by permitting the court to  
7 include a provision in an emergency relief-from-abuse order prohibiting the  
8 defendant from having any contact with the plaintiff.

9 An act relating to emergency 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. § 1104 is amended to read:

12 § 1104. EMERGENCY RELIEF

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

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

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

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

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

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

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16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.