



**Testimony on H.836 – Senate Judiciary
March 23, 2018
Auburn Watersong, Policy Director**

Thank you for the opportunity to speak to you on H.836, which would allow the court to issue, by electronic means, an ex parte temporary relief from abuse order after regular court hours.

Last year, 700 RFA petitions were filed after regular court hours, which is about 20% of the total number of petitions filed. For those victims who are only able to file at that time of day or night, it is a critical option.

Nearly 3 years ago, The Vermont Council on Domestic Violence formally recommended to the Court that the Judiciary provide for the electronic filing and issuing of temporary RFAs in an effort to modernize access and address safety concerns. The Court Administrator has been supportive of the recommendation and has worked with the Council to learn about practices in other states.

Recently, this exploration has become more urgent, as the number of law enforcement agencies open afterhours continues to decline around the state. The state closed two public safety answering points (PSAPs) at the Derby and Rutland barracks, and consolidated call centers to Williston and Westminster. Additionally, many municipal agencies around the state are no longer open 24 hours. Many agencies have officers on call at home, or only have dispatch in the building, making it impossible for afterhours court workers to meet with victims and advocates safely in these areas.

Last year, the Court Administrator identified several areas around the state, including the Northeast Kingdom, where there were few (or no) law enforcement agencies open in the late-night hours. The Council collaborated with the Court Administrator to convene a workgroup of stakeholders who have met to assess the disparity from county to county and explore potential solutions.

RFA Process for victims

The process for a victim who wishes to file for an emergency temporary relief from abuse order varies by program area. Generally, the process is as follows:

1. Petitioner calls court, or Network program.
2. Court Staff meets with petitioner. Victim advocate may assist.
3. Court Staff assists in preparation of request for relief and swears to affidavit
4. Court Staff Calls judge
5. Plaintiff receives copy, copy goes to holding station, to serving agency
6. Order is served
7. Plaintiff is notified
8. Holding Station enters into database

When an advocate in a Network program receives an after-hours call from a victim who wishes to file, the advocate typically meets the victim at a secured location, such as a police department. In some areas, however, the location is not secure. One example is in Newport. After the State closed its public safety



answering point (PSAP) at the Derby barracks in 2015, our Newport program advocates began meeting victims and court clerks in an unsecured location, and this was raising concern for the safety of all parties involved in these meetings. There are at least 3 other locations in the state where these initial meetings are occurring in unsecured locations.

Because the safety of victims can be compromised when meeting in an unsecured location, the electronic filing process in H.836 provides a safe option for the court staff to assist in the swearing and issuance of the order.

Procedural Questions/Concerns Remain

Despite these significant steps toward modernizing the temporary RFA application process through the proposed procedure in this bill, some issues remain regarding victim access to the RFA affidavit form, confidential locations, and submission of the affidavit on the following business day.

This electronic process may still require that a victim have access to an after-hours location, which must be secure, in order to receive and complete the form, meet with an advocate, or have a private conversation.

If the application is completed over the telephone – who will be responsible for submission of the affidavit form, by when and what means?

Although these issues are still outstanding, the Network supports this bill as it provides security for court staff, and the additional electronic option for some victims to access their application for a temporary RFA. The use of alternative means for issuance of an RFA is welcome progress in the direction of more efficient and safer access to court ordered relief.

The Network will continue to work with the Court Administrators office, Law Enforcement partners, and the Council to establish safe to do everything possible to ensure safe access to after hours relief from abuse orders for victims and advocates.

Importance of Legislative Intent:

While this bill is a significant step in the right direction, it is important to our programs in those areas where advocates and victims will **still meet at unsecured locations** that they not be forgotten going forward. This bill does not improve security for those folks at those locations. Were funds available to support law enforcement in securing after hours locations for victims and advocates who still wish to meet in person, the Network would propose statutory language *requiring* that secure locations be made available to do so. But, testimony on this bill last month revealed that those resources do not currently exist for law enforcement. In light of this, **the Network asked that it be made clear in the bill itself that the intention is to provide security for all parties and that it does not, due to limited resources.**