

H.962

An act relating to the duration of temporary relief from abuse orders

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

Sec. 1. 15 V.S.A. § 1105 is amended to read:

§ 1105. SERVICE

(a) A complaint or ex parte temporary order or final order issued under this chapter shall be served in accordance with the Vermont Rules of Civil Procedure and may be served by any law enforcement officer. A court that issues an order under this chapter during court hours shall promptly transmit the order electronically or by other means to a law enforcement agency for service.

(b)(1) A defendant who attends a hearing held under section 1103 or 1104 of this title at which a temporary or final order under this chapter is issued and who receives notice from the court on the record that the order has been issued shall be deemed to have been served. A defendant notified by the court on the record shall be required to adhere immediately to the provisions of the order. However, even when the court has previously notified the defendant of the order, the court shall transmit the order for additional service by a law enforcement agency.

(2) An ex parte temporary order issued under this chapter shall remain in effect until either it is dismissed by the court or the petition is denied at the final hearing. If the plaintiff fails to appear at the final hearing, the petition

shall be dismissed unless the court makes findings on the record stating why there is good cause not to dismiss the petition. If a final order is issued, the temporary order shall remain in effect until personal service of the final order.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.