

1 S.196

2 Introduced by Senators Ingram and Hooker

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; abuse prevention; psychological abuse

6 Statement of purpose of bill as introduced: This bill proposes to allow a
7 person to obtain a relief from abuse order against a family or household
8 member based upon psychological abuse.

9 An act relating to obtaining a relief from abuse order based upon
10 psychological abuse

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

12 Sec. 1. 15 V.S.A. § 1101 is amended to read:

13 § 1101. DEFINITIONS

14 ~~The following words as As~~ used in this chapter shall have the following
15 meanings:

16 (1) “Abuse” means the occurrence of one or more of the following acts
17 between family or household members:

18 (A) Attempting to cause or causing physical harm.

19 (B) Placing another in fear of imminent serious physical harm.

1 (C) Abuse to children as defined in 33 V.S.A. chapter 49,
2 subchapter 2.

3 (D) Stalking as defined in 12 V.S.A. § 5131(6).

4 (E) Sexual assault as defined in 12 V.S.A. § 5131(5).

5 (F) Psychological abuse.

6 (2) “Coercive behavior” means a continuing act or pattern of acts of
7 assault, threats, humiliation, intimidation, or other abuse that is used to harm,
8 punish, or frighten a person.

9 (3) “Controlling behavior” includes a range of acts designed to make a
10 person subordinate or dependent by isolating him or her from sources of
11 support; exploiting his or her resources and capabilities for personal gain;
12 depriving him or her of the means needed for independence, resistance, and
13 escape; or regulating his or her everyday behavior.

14 (4) “Household members” means persons who, for any period of time,
15 are living or have lived together, are sharing or have shared occupancy of a
16 dwelling, are engaged in or have engaged in a sexual relationship, or are
17 minors or adults who are dating or who have dated. “Dating” means a social
18 relationship of a romantic nature. Factors that the court may consider when
19 determining whether a dating relationship exists or existed include:

20 (A) the nature of the relationship;

21 (B) the length of time the relationship has existed;

1 (C) the frequency of interaction between the parties; and

2 (D) the length of time since the relationship was terminated, if
3 applicable.

4 ~~(3)~~(5) A “foreign abuse prevention order” means any protection order
5 issued by the court of any other state that contains provisions similar to relief
6 provisions authorized under this chapter, the Vermont Rules for Family
7 Proceedings, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.

8 ~~(4)~~(6) “Other state” and “issuing state” ~~shall mean~~ means any state other
9 than Vermont and any federally recognized Indian tribe, territory or possession
10 of the United States, the Commonwealth of Puerto Rico, or the District of
11 Columbia.

12 ~~(5)~~(7) A “protection order” means any injunction or other order issued
13 for the purpose of preventing violent or threatening acts or harassment against,
14 or contact or communication with, or physical proximity to, another person,
15 including temporary and final orders issued by civil and criminal courts, other
16 than support or child custody orders, whether obtained by filing an
17 independent action or as a pendente lite order in another proceeding ~~so long as~~
18 provided any civil order was issued in response to a complaint, petition, or
19 motion filed by or on behalf of a person seeking protection.

1 (8) “Psychological abuse” means coercive behavior or controlling
2 behavior that is repeatedly directed at a person with the intent to exert power,
3 control, or coercion over the person.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2020.