

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 962  
3 entitled “An act relating to the duration of temporary relief from abuse orders”  
4 respectfully reports that it has considered the same and recommends that the  
5 Senate propose to the House that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 15 V.S.A. § 1104 is amended to read:

8 § 1104. EMERGENCY RELIEF

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10 (b) Every order issued under this section shall contain the name of the court,  
11 the names of the parties, the date of the petition, and the date and time of the  
12 order and shall be signed by the judge. Every order issued under this section  
13 shall inform the defendant that if he or she fails to appear at the final hearing  
14 then the temporary order will remain in effect until it is served on the  
15 defendant unless it is dismissed by the court. Every order issued under this  
16 section shall state upon its face a date, time, and place when the defendant may  
17 appear to petition the court for modification or discharge of the order. This  
18 opportunity to contest shall be scheduled as soon as reasonably possible, which  
19 in no event shall be more than 14 days from the date of issuance of the order.  
20 At such hearings, the plaintiff shall have the burden of proving abuse by a  
21 preponderance of the evidence. If the court finds that the plaintiff has met his

1 or her burden, it shall continue the order in effect and make such other order as  
2 it deems necessary to protect the plaintiff.

3 Sec. 2. 15 V.S.A. § 1105 is amended to read:

4 § 1105. SERVICE

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

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

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

1 shall be dismissed, unless provided that the court may continue the temporary  
2 order until the final hearing if it makes findings on the record stating why there  
3 is good cause not to dismiss the petition. If a final order is issued, the  
4 temporary order shall remain in effect until personal service of the final order.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.

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13 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE