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H.27

Introduced by Representative Donnally of Hyde Park

Referred to Committee on

Date:

Subject: Domestic relations; abuse prevention

Statement of purpose of bill as introduced: This bill proposes to add coercive controlling behavior as a basis for obtaining a civil abuse prevention order against a family or household member.

An act relating to coercive controlling behavior and abuse prevention orders

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

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

~~§ 1101. DEFINITIONS~~

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

~~(1) "Abuse" means:~~

~~(A) the occurrence of one or more of the following acts between family or household members:~~

~~(A)(i) Attempting attempting to cause or causing physical~~

~~harm;~~

1 ~~(B)(ii) Placing placing another in fear of imminent serious~~
2 physical harm;

3 ~~(C)(iii) Abuse abuse~~ to children as defined in 33 V.S.A.
4 chapter 49, subchapter 2;

5 ~~(D)(iv) Stalking stalking~~ as defined in 12 V.S.A. § 5131(6);

6 ~~(E)(v) Sexual sexual~~ assault as defined in 12 V.S.A.
7 § 5131(5);

8 (B) coercive controlling behavior between family or household
9 members.

10 (2)(A) “Coercive controlling behavior” means a pattern of conduct that
11 has the purpose or effect of substantially restricting the plaintiff’s safety or
12 autonomy through implicit or explicit threats, intimidation, or by compelling
13 compliance. Coercive controlling behavior may include a pattern of any of the
14 following:

15 (i) monitoring or surveilling the plaintiff’s personal activities;
16 (ii) manipulating the plaintiff’s mental health status to the
17 detriment of the plaintiff;

18 (iii) isolating the plaintiff from family or friends or the
19 opportunity to participate in a faith community or employment;

20 (iv) repeatedly humiliating the plaintiff or using degrading
21 language toward the plaintiff,

1 ~~(v) threatening to harm or abduct the plaintiff or the plaintiff's~~
2 children or animals that are connected to the family;

3 (vi) threatening to contact local or federal authorities based on the
4 actual or perceived immigration status of the plaintiff or the plaintiff's children
5 or threatening to jeopardize the immigration application status of the plaintiff
6 or the plaintiff's children; or

7 (vii) depriving the plaintiff of the means needed for independence,
8 resistance, or escape.

9 (B) Coercive controlling behavior does not include conduct taken by
10 a plaintiff to protect themselves or the plaintiff's children from the risk of
11 present or future harm.

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

18 (A) the nature of the relationship;

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

20 ~~(C) the frequency of interaction between the parties, and~~

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

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

7 ~~(4)(5)~~ “Other state” and “issuing state” shall mean any state other than
8 Vermont and any federally recognized Indian tribe, territory or possession of
9 the United States, the Commonwealth of Puerto Rico, or the District of
10 Columbia.

11 ~~(5)(6)~~ A “protection order” means any injunction or other order issued
12 for the purpose of preventing violent or threatening acts or harassment against,
13 or contact or communication with or physical proximity to, another person,
14 including temporary and final orders issued by civil and criminal courts, other
15 than support or child custody orders, whether obtained by filing an
16 independent action or as a pendente lite order in another proceeding ~~so long as,~~
17 provided that any civil order was issued in response to a complaint, petition, or
18 motion filed by or on behalf of a person seeking protection.

19 ~~(6)(7)~~ [Repealed.]

20 Sec. 2. EFFECTIVE DATE

21 ~~This act shall take effect on July 1, 2023.~~

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

§ 1101. DEFINITIONS

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

(1) "Abuse" means:

(A) the occurrence of one or more of the following acts between family or household members:

(A)(i) Attempting attempting to cause or causing physical harm-;

(B)(ii) Placing placing another in fear of imminent serious physical harm-;

(C)(iii) Abuse abuse to children as defined in 33 V.S.A. chapter 49, subchapter 2-;

(D)(iv) Stalking stalking as defined in 12 V.S.A. § 5131(6)-; or

(E)(v) Sexual sexual assault as defined in 12 V.S.A. § 5131(5)-; or

(B) coercive controlling behavior between family or household members.

(2)(A) "Coercive controlling behavior" means a pattern of conduct that recklessly causes or has the effect of causing a reasonable person:

(i) to fear for the plaintiff's safety or the safety of a family member; or

(ii) to suffer substantial emotional distress.

(B) “Coercive controlling behavior” does not include:

(i) conduct between a child under 18 years of age and the child’s parent or guardian involving the exercise of a parent’s constitutional right to the care, custody, and control of the parent’s child;

(ii) conduct taken by a plaintiff to protect themselves, the plaintiff’s family or household members, or an animal that is connected to the family from the risk of present or future harm; or

(iii) constitutionally protected activity.

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

(A) the nature of the relationship;

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

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

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

~~(3)~~(4) A “foreign abuse prevention order” means any protection order issued by the court of any other state that contains provisions similar to relief

provisions authorized under this chapter; the Vermont Rules for Family Proceedings, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.

~~(4)~~(5) “Other state” and “issuing state” shall mean any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

~~(5)~~(6) A “protection order” means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding ~~so long as,~~ provided that any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

~~(6)~~(7) [Repealed.]

Sec. 2. 15 V.S.A. § 1101a is added to read:

*§ 1101a. LEGISLATIVE INTENT; COERCIVE CONTROLLING
BEHAVIOR*

(a) It is the intent of the General Assembly to recognize that coercive controlling behavior is a form of abuse.

(b) The inclusion of coercive controlling behavior within the definition of “abuse” in section 1101 of this title and the language included in that section is derived from the 2022 Model Code on Domestic and Family Violence issued by the National Council of Juvenile and Family Court Judges.

(c) As identified in the model code, coercive controlling behavior may include a pattern of any of the following:

(1) monitoring or surveilling the plaintiff’s daily personal activities;

(2) manipulating the plaintiff’s mental health status to the detriment of the plaintiff;

(3) isolating the plaintiff from family or friends or the opportunity to participate in a faith community, employment, education, or other support networks;

(4) repeatedly humiliating, threatening, or intimidating the plaintiff;

(5) threatening to harm or abduct the plaintiff or the plaintiff’s children;

(6) committing or threatening to commit harm to an animal that is connected to the family;

(7) threatening deportation or to contact local or federal authorities based on actual or perceived immigration status of the plaintiff or the plaintiff’s family or threatening to jeopardize the immigration application status of the plaintiff or the plaintiff’s family;

(8) depriving the plaintiff of the means needed for independence, resistance, or escape, such as denying or impeding the plaintiff's access to a vehicle, banking services, or the plaintiff's own identification documents;

(9) controlling, regulating, or monitoring the plaintiff's finances or economic resources; or

(10) controlling the reproductive autonomy of the plaintiff through force, threat of force, or intimidation, including placing unreasonable pressure on the plaintiff to become pregnant, deliberately interfering with the plaintiff's contraceptive use or access to reproductive health information, or using coercive tactics to control or attempt to control pregnancy outcomes.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2024.