

1 H.222

2 Introduced by Representatives Arsenault of Williston, Christie of Hartford,  
3 Goslant of Northfield, LaLonde of South Burlington, and  
4 Rachelson of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Domestic relations; abuse prevention

8 Statement of purpose of bill as introduced: This bill proposes to authorize the  
9 court to order a defendant to complete a domestic violence accountability  
10 program approved by the Council on Domestic Violence as a condition of a  
11 final relief from abuse order.

12 An act relating to participation in a domestic violence accountability  
13 program as a condition of a final relief from abuse prevention order

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

15 Sec. 1. 15 V.S.A. § 1103 is amended to read:

16 § 1103. REQUESTS FOR RELIEF

17 (a) Any family or household member may seek relief from abuse by  
18 another family or household member on behalf of ~~himself or herself~~  
19 themselves or ~~his or her~~ their children by filing a complaint under this chapter.

20 A minor 16 years of age or older, or a minor of any age who is in a dating

1 relationship as defined in subdivision 1101(2) of this chapter, may file a  
2 complaint under this chapter seeking relief on ~~his or her~~ the minor's own  
3 behalf. The plaintiff shall submit an affidavit in support of the order.

4 (b) Except as provided in section 1104 of this title, the court shall grant  
5 relief only after notice to the defendant and a hearing. The plaintiff shall have  
6 the burden of proving abuse by a preponderance of the evidence.

7 (c)(1) The court shall make such orders as it deems necessary to protect the  
8 plaintiff or the children, or both, if the court finds that the defendant has  
9 abused the plaintiff, and:

10 (A) there is a danger of further abuse; or

11 (B) the defendant is currently incarcerated and has been convicted of  
12 one of the following: murder, attempted murder, kidnapping, domestic assault,  
13 aggravated domestic assault, sexual assault, aggravated sexual assault,  
14 stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a  
15 child in a sexual performance, or consenting to a sexual performance.

16 (2) The court order may include the following:

17 (A) An order that the defendant refrain from abusing the plaintiff or  
18 ~~his or her~~ the plaintiff's children, or both, and from interfering with their  
19 personal liberty, including restrictions on the defendant's ability to contact the  
20 plaintiff or the plaintiff's children, or both, in any way, whether directly,  
21 indirectly, or through a third party, with the purpose of making contact with the

1 plaintiff, including in writing or by telephone, ~~e-mail~~ email, or other electronic  
2 communication, and restrictions prohibiting the defendant from coming within  
3 a fixed distance of the plaintiff, the children, the plaintiff's residence, or other  
4 designated locations where the plaintiff or the plaintiff's children are likely to  
5 spend time.

6 (B) An order that the defendant immediately vacate the household  
7 and that the plaintiff be awarded sole possession of a residence.

8 (C) A temporary award of parental rights and responsibilities in  
9 accordance with the criteria in section 665 of this title.

10 (D) An order for parent-child contact under such conditions as are  
11 necessary to protect the child or the plaintiff, or both, from abuse in accordance  
12 with section 665a of this title. An order for parent-child contact may, if  
13 necessary, include conditions under which the plaintiff may deny parent-child  
14 contact pending further order of the court.

15 (E) If the court finds that the defendant has a duty to support the  
16 plaintiff, an order that the defendant pay the plaintiff's living expenses for a  
17 fixed period of time not to exceed three months.

18 (F) If the court finds that the defendant has a duty to support the child  
19 or children, a temporary order of child support pursuant to chapter 5 of this  
20 title, for a period not to exceed three months. A support order granted under

1 this section may be extended if the relief from abuse proceeding is  
2 consolidated with an action for legal separation, divorce, or parentage.

3 (G) An order concerning the possession, care, and control of any  
4 animal owned, possessed, leased, kept, or held as a pet by either party or a  
5 minor child residing in the household.

6 (H) An order that the defendant return any personal documentation in  
7 ~~his or her~~ the defendant's possession, including immigration documentation,  
8 birth certificates, and identification cards:

9 (i) pertaining to the plaintiff; or

10 (ii) pertaining to the plaintiff's children if relief is sought for the  
11 children or for good cause shown.

12 (I) An order requiring the defendant to complete a domestic violence  
13 accountability program approved by the Council on Domestic Violence.

14 (d) In a hearing under this chapter, neither opinion evidence of nor  
15 evidence of the reputation of the plaintiff's sexual conduct shall be admitted.

16 Evidence of prior sexual conduct of the plaintiff shall not be admitted;  
17 provided, however, where it bears on the credibility of the plaintiff or it is  
18 material to a fact at issue and its probative value outweighs its private  
19 character, the court may admit:

20 (1) evidence of the plaintiff's past sexual conduct with the defendant;

1           (2) evidence of specific instances of the plaintiff’s sexual conduct  
2 showing the source of origin of semen, pregnancy, or disease;

3           (3) evidence of specific instances of the plaintiff’s past false allegations  
4 of violations of 13 V.S.A. chapter 59 or 72.

5           (e) Relief shall be granted for a fixed period, at the expiration of which  
6 time the court may extend any order, upon motion of the plaintiff, for such  
7 additional time as it deems necessary to protect the plaintiff, or the children, or  
8 both, from abuse. It is not necessary for the court to find that abuse has  
9 occurred during the pendency of the order to extend the terms of the order.  
10 The court may modify its order at any subsequent time upon motion by either  
11 party and a showing of a substantial change in circumstance.

12           (f) No filing fee shall be required.

13           (g) Every order under this chapter shall contain the name of the court, the  
14 names of the parties, the date of the petition, and the date and time of the order,  
15 and shall be signed by the judge.

16           (h) Form complaints and form orders shall be provided by the Court  
17 Administrator and shall be maintained by the clerks of the courts.

18           (i) When findings are required under this section, the court shall make  
19 either written findings of fact or oral findings of fact on the record.

20           (j) Every final order issued under this section shall bear the following  
21 language: “VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A

1 TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE  
2 PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR  
3 IMPRISONMENT, OR BOTH.”

4 (k) Affidavit forms required pursuant to this section shall bear the  
5 following language: “MAKING FALSE STATEMENTS IN THIS  
6 AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT  
7 OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.”

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2025.