

1 H.628

2 Introduced by Representative Arsenault of Williston

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; abuse prevention

6 Statement of purpose of bill as introduced: This bill proposes to permit the

7 court to issue an order of protection against a defendant who has abused the

8 plaintiff and is currently under the supervision of the Department of

9 Corrections and to issue an order that the defendant continue to pay household

10 bills for which the defendant was responsible at the time the plaintiff requested

11 the order for a fixed period of time.

12 An act relating to domestic abuse orders of protection

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

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

15 § 1103. REQUESTS FOR RELIEF

16 (a) Any family or household member may seek relief from abuse by

17 another family or household member on behalf of themselves or their children

18 by filing a complaint under this chapter. A minor 16 years of age or older, or a

19 minor of any age who is in a dating relationship as defined in subdivision

20 1101(3) of this chapter, may file a complaint under this chapter seeking relief

1 on the minor's own behalf. The plaintiff shall submit an affidavit in support of  
2 the order.

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

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

9 (A) there is a danger of further abuse; or  
10 (B) the defendant is currently ~~incarcerated under the supervision of~~  
11 the Department of Corrections and has been convicted of one of the following:  
12 murder, attempted murder, kidnapping, domestic assault, aggravated domestic  
13 assault, sexual assault, aggravated sexual assault, stalking, aggravated stalking,  
14 lewd or lascivious conduct with a child, use of a child in a sexual performance,  
15 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 the plaintiff's children, or both, and from interfering with their personal liberty,  
19 including restrictions on the defendant's ability to contact the plaintiff or the  
20 plaintiff's children, or both, in any way, whether directly, indirectly, or through  
21 a third party, with the purpose of making contact with the plaintiff, including in

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

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

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

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

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

17 (F) An order that the defendant continue to pay household bills for  
18 which the defendant was responsible at the time the plaintiff requested the  
19 order for a fixed period of time.

20 (G) If the court finds that the defendant has a duty to support the  
21 child or children, a temporary order of child support pursuant to chapter 5 of

1 this title, for a period not to exceed three months. A support order granted  
2 under this section may be extended if the relief from abuse proceeding is  
3 consolidated with an action for legal separation, divorce, or parentage.

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

7           (H)(I) An order that the defendant return any personal documentation  
8 in the defendant's possession, including immigration documentation, birth  
9 certificates, and identification cards:

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

13           (I)(J) An order awarding possession of a vehicle to the plaintiff for a  
14 set period of time, provided that the plaintiff:

15           (i) is the owner or joint owner of the vehicle;  
16           (ii) is the primary payor on the vehicle loan;  
17           (iii) has primary possession or control of the vehicle; or  
18           (iv) has been restricted from using the vehicle by the defendant.

19           (J)(K) An order requiring the defendant to complete a domestic  
20 violence accountability program approved by the Council on Domestic  
21 Violence. Failure to complete the program shall not be considered a crime for

1 any purpose, including 13 V.S.A. § 1030, but may subject the defendant to  
2 civil contempt proceedings pursuant to Rule 16 of the Vermont Rules of  
3 Family Proceedings. Successful completion of the program shall be  
4 considered a substantial change in circumstances for purposes of requests to  
5 modify an order. A court may consider a defendant's failure to successfully  
6 complete the program when determining whether to extend an order.

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8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2026.