

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 222  
3 entitled “An act relating to participation in a domestic violence accountability  
4 program as a condition of a final relief from abuse prevention order”  
5 respectfully reports that it has considered the same and recommends that the  
6 bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 Sec. 1. 12 V.S.A. § 5131 is amended to read:

9 § 5131. DEFINITIONS

10 As used in this chapter:

11 (1)(A) “Course of conduct” means:

12 (i) two or more acts over a period of time, however short, in which  
13 a person follows, monitors, surveils, threatens, or makes threats about another  
14 person, or interferes with another person’s property; or

15 (ii) use of any electronic, digital, or precise geolocation device or  
16 software or application to surveil a specific person or a specific person’s  
17 internet or wireless activity continuously for 12 hours or more or on two or  
18 more occasions over a period of time, however short, without authorization.

19 (B) This definition shall apply to acts conducted by the person  
20 directly or indirectly, and by any action, method, device, or means.

1 Constitutionally protected activity is not included within the meaning of  
2 “course of conduct.”

3 ~~(B)~~(C) As used in subdivision (A) of this subdivision (1), threaten  
4 shall not be construed to require an express or overt threat.

5 \* \* \*

6 (4) “Reasonable person” means a reasonable person in the victim’s  
7 circumstances.

8 (5) “Sexually assaulted the plaintiff” means that the defendant engaged  
9 in conduct that meets elements of lewd and lascivious conduct as defined in 13  
10 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13  
11 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated  
12 sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual  
13 performance as defined in 13 V.S.A. § 2822, or consenting to a sexual  
14 performance as defined in 13 V.S.A. § 2823, and that the plaintiff was the  
15 victim of the offense.

16 (6) “Stalk” means to engage purposefully in a course of conduct directed  
17 at a specific person that the person engaging in the conduct knows or should  
18 know would cause a reasonable person to:

19 (A) fear for ~~his or her~~ the person’s safety or the safety of a family  
20 member; or

21 (B) suffer substantial emotional distress as evidenced by:

1 (i) a fear of unlawful sexual conduct, unlawful restraint, bodily  
2 injury, or death; or

3 (ii) significant modifications in the person’s actions or routines,  
4 including moving from an established residence, changes to established daily  
5 routes to and from work that cause a serious disruption in the person’s life,  
6 changes to the person’s employment or work schedule, or the loss of a job or  
7 time from work.

8 \* \* \*

9 Sec. 2. 15 V.S.A. § 1103 is amended to read:

10 § 1103. REQUESTS FOR RELIEF

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

14 A minor 16 years of age or older, or a minor of any age who is in a dating  
15 relationship as defined in subdivision 1101(2) of this chapter, may file a  
16 complaint under this chapter seeking relief on ~~his or her~~ the minor’s own  
17 behalf. The plaintiff shall submit an affidavit in support of the order.

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

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

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

5 (B) the defendant is currently incarcerated and has been convicted of  
6 one of the following: murder, attempted murder, kidnapping, domestic assault,  
7 aggravated domestic assault, sexual assault, aggravated sexual assault,  
8 stalking, aggravated stalking, lewd or lascivious conduct with a child, use of a  
9 child in a sexual performance, or consenting to a sexual performance.

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

11 (A) An order that the defendant refrain from abusing the plaintiff or  
12 ~~his or her~~ the plaintiff's children, or both, and from interfering with their  
13 personal liberty, including restrictions on the defendant's ability to contact the  
14 plaintiff or the plaintiff's children, or both, in any way, whether directly,  
15 indirectly, or through a third party, with the purpose of making contact with the  
16 plaintiff, including in writing or by telephone, ~~e-mail~~ email, or other electronic  
17 communication, and restrictions prohibiting the defendant from coming within  
18 a fixed distance of the plaintiff, the children, the plaintiff's residence, or other  
19 designated locations where the plaintiff or the plaintiff's children are likely to  
20 spend time.

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

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

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

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

13           (F) If the court finds that the defendant has a duty to support the child  
14 or children, a temporary order of child support pursuant to chapter 5 of this  
15 title, for a period not to exceed three months. A support order granted under  
16 this section may be extended if the relief from abuse proceeding is  
17 consolidated with an action for legal separation, divorce, or parentage.

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

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

4 (i) pertaining to the plaintiff; or

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

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

9 (i) is the owner or joint owner of the vehicle;

10 (ii) is the primary payor on the vehicle loan;

11 (iii) has primary possession or control of the vehicle; or

12 (iv) has been restricted from using the vehicle by the defendant.

13 (J) An order requiring the defendant to complete a domestic violence  
14 accountability program approved by the Council on Domestic Violence at no  
15 cost to the defendant. Failure to complete the program shall not be considered  
16 a crime for any purpose, including 13 V.S.A. § 1030, but may subject the  
17 defendant to civil contempt proceedings. Successful completion of the  
18 program shall be considered a substantial change in circumstances for purposes  
19 of requests to modify an order. A court may consider a defendant's failure to  
20 successfully complete the program when determining whether to extend an  
21 order.

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Sec. 3. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an affidavit in support of the order, which may be sworn to or affirmed by administration of the oath over the telephone to the applicant by an employee of the Judiciary authorized to administer oaths and shall conclude with the following statement: “I declare under the penalty of perjury pursuant to the laws of the State of Vermont that the foregoing is true and accurate. I understand that making false statements is a crime subject to a term of imprisonment or a fine, or both, as provided by 13 V.S.A. § 2904.” The authorized person shall note on the affidavit the date and time that the oath was administered. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on the minor’s own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:

1           (A) to refrain from abusing the plaintiff or the plaintiff’s children, or  
2 both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing  
3 any animal owned, possessed, leased, kept, or held as a pet by either party or  
4 by a minor child residing in the household;

5           (B) to refrain from interfering with the plaintiff’s personal liberty or  
6 the personal liberty of the plaintiff’s children, or both;

7           (C) to refrain from coming within a fixed distance of the plaintiff, the  
8 plaintiff’s children, the plaintiff’s residence, or the plaintiff’s place of  
9 employment;

10           (D) to refrain from contacting the plaintiff or the plaintiff’s children,  
11 or both, in any way, whether directly, indirectly, or through a third party, with  
12 the purpose of making contact with the plaintiff, including in writing or by  
13 telephone, ~~e-mail~~ email, or other electronic communication; or

14           (E) to immediately relinquish, until the expiration of the order, all  
15 firearms that are in the defendant’s possession, ownership, or control and to  
16 refrain from acquiring or possessing any firearms while the order is in effect.

17           (2) Upon a finding that the plaintiff or the plaintiff’s children, or both,  
18 have been forced from the household and will be without shelter unless the  
19 defendant is ordered to vacate the premises, the court may order the defendant  
20 to vacate immediately the household and may order sole possession of the  
21 premises to the plaintiff.



1           (3) Upon a finding that there is immediate danger of physical or  
2 emotional harm to minor children, the court may award temporary custody of  
3 these minor children to the plaintiff or to other persons.

4           (4) Upon a finding that the plaintiff's possession of a vehicle is  
5 necessary to escape abuse or prevent further abuse, the court may award the  
6 possession of a vehicle to the plaintiff for a set period of time, provided that  
7 the plaintiff:

8                   (A) is the owner or joint owner of the vehicle;

9                   (B) is the primary payor on the vehicle loan;

10                  (C) has primary possession or control of the vehicle; or

11                  (D) has been restricted from using the vehicle by the defendant.

12           (b) Every order issued under this section shall contain the name of the  
13 court, the names of the parties, the date of the petition, and the date and time of  
14 the order and shall be signed by the judge. Every order issued under this  
15 section shall inform the defendant that if ~~he or she~~ the defendant fails to appear  
16 at the final hearing, the temporary order will remain in effect until the final  
17 order is served on the defendant unless the temporary order is dismissed by the  
18 court. Every order issued under this section shall state upon its face a date,  
19 time, and place when the defendant may appear to petition the court for  
20 modification or discharge of the order. This opportunity to contest shall be  
21 scheduled as soon as reasonably possible, which in no event shall be more than

1 14 days from the date of issuance of the order. At such hearings, the plaintiff  
2 shall have the burden of proving abuse by a preponderance of the evidence. If  
3 the court finds that the plaintiff has met ~~his or her~~ the burden, it shall continue  
4 the order in effect and make such other order as it deems necessary to protect  
5 the plaintiff.

6 \* \* \*

7 Sec. 4. EFFECTIVE DATE

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

9 and that after passage the title of the bill be amended to read: “An act  
10 relating to civil orders of protection”

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16 (Committee vote: \_\_\_\_\_)

17 \_\_\_\_\_

18 Representative \_\_\_\_\_

19 FOR THE COMMITTEE