



H.628 - Domestic Abuse Orders of Protection

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Thank you for the opportunity to speak in strong support of H.628, which includes two important updates to Vermont's civil relief from abuse order (RFA) statute:

1. Ensuring RFA access when defendants are under DOC supervision
2. Allowing courts to order continued payment of household expenses

These issues were identified by attorneys working with survivors through the Vermont Network's pro bono legal clinic.

RFA Access When Defendants Are Under DOC Supervision

RFAs, also known as domestic violence protection orders, are a critical legal tool for survivors of domestic violence. They are civil court orders that a survivor (plaintiff) can request directly from the court to protect their safety.

To obtain an RFA, the court must find that the defendant has abused the plaintiff and that either there is a danger of further abuse *or* that the defendant has been convicted of one of the serious offenses listed in the statute and is currently incarcerated. Examples of those offenses include domestic assault, murder, and lewd and lascivious conduct with a child.

H.628 proposes to update this language by replacing "currently incarcerated" with "currently under the supervision of the Department of Corrections."

The proposed amendment would capture those who have committed serious offenses and are incarcerated, as well as those who serve shorter periods of incarceration and subsequently live in the community on probation or parole. As the result of plea agreements, it is common for individuals to serve very short sentences, or even no jail time for domestic assault. This revision would ensure that these victims can also avail themselves of civil protections.

Even if a defendant is under Department of Corrections supervision, the risk of harm — and the survivor's fear — can remain very real. In these situations, it may be more difficult for a survivor to meet the threshold of proving a danger of future abuse, even though the underlying conduct was severe and recent. It is important to update this statute, to close this gap and ensure RFAs are accessible to survivors who need them.

Allowing Courts to Order Continued Payment of Household Expenses in RFA

Through an RFA, survivors may seek a range of conditions of relief, which are listed in the statute. These include protective measures, like requiring a perpetrator to stay a certain distance away or to not contact the victim. When appropriate, RFAs can also include time-limited conditions related to shared property, finances, and dependents. Conditions can address issues such as parent-child contact and child support or determine who may remain in a formerly shared residence.

These provisions are essential as they provide clarity for both parties, protect survivors, and help ensure survivors have the basic resources needed to live independently from a former abusive partner.

Vermont Network attorneys regularly see gaps in how financial responsibilities are addressed in RFAs. Many survivors had household bills paid or shared by their abusive partner prior to seeking an RFA. Once the order is filed, those payments often stop — leaving survivors suddenly and fully responsible for rent or utilities on their own.

For survivors, especially those with low incomes, this abrupt financial burden can be harmful. It can lead to missed payments, damaged credit, or even the loss of basic utilities and housing stability — all at a time when survivors are working to regain safety and stability.

H.628 proposes explicitly adding ordering a defendant to continue paying household bills they were responsible for at the time of the RFA filing as an optional form of relief. This will permit survivors to request the relief and judges may grant it at their discretion.

Thank you for your time and consideration. I would be happy to answer any questions.