



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Vermont Statutes Annotated

Title Twelve. Court Procedure

Part 9. Particular Proceedings

Chapter 178. Orders Against Stalking or Sexual Assault (Refs & Annos)

12 V.S.A. § 5134

§ 5134. Emergency relief

Currentness

(a) In accordance with the Vermont Rules of Civil Procedure, a person other than a family or household member as defined in [15 V.S.A. § 1101\(2\)](#) may file a complaint for a temporary order against stalking or sexual assault. Such complaint shall be filed during regular court hours. The plaintiff shall submit an affidavit in support of the order. The court may issue a temporary order under this chapter ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has stalked or sexually assaulted the plaintiff. The court may order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place that the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

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

(d) Every order issued under this chapter shall bear the following language: "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH."

(e) Affidavit forms required pursuant to this section shall bear the following language: "MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY [13 V.S.A. § 2904](#)."

Credits

2005, Adj. Sess., No. 193, § 1, eff. Oct. 1, 2006; 2007, Adj. Sess., No. 174, § 3, eff. July 1, 2008; 2017, No. 11, § 23, eff. July 1, 2017.

§ 5134. Emergency relief, VT ST T. 12 § 5134

12 V.S.A. § 5134, VT ST T. 12 § 5134

The statutes are current through Acts of the Regular Session of the 2025-2026 Vermont General Assembly (2025) effective as of March 5, 2025. Some sections might be more current; see effective date in individual sections.

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