

VERMONT CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Vermont there are 4 types of civil protection orders:

- ☐ **Relief from Abuse Orders** are available for individuals seeking protection from a family or household member (15 V.S.A. §§ 1101(1) – 1110).
- ☐ **Sexual Assault or Stalking Protective Orders** are available for individuals who experienced stalking or sexual assault by someone other than a family member who are looking for protection (12 V.S.A §§ 5131 – 5138).
- ☐ **Relief from Abuse for Vulnerable Adult Orders** are available for vulnerable adults, including those in residential facilities or receiving care outside of a facility, seeking protection from abuse (33 V.S.A. §§ 6931 – 6941).
- ☐ **Extreme Risk Protective Orders** may be sought by a family or household member of an individual who poses a serious threat of physical harm to themselves or someone else (13 V.S.A. §§ 4051 – 4062).

RELIEF FROM ABUSE ORDER

Who can apply?	Any adult or certain minors seeking relief from abuse committed by a family or household member against them or their children. <i>15 V.S.A. § 1103(a).</i> Abuse means any of the following committed between family or household members: • Attempting or causing physical harm; • Placing another in fear of imminent serious physical harm; • Child abuse; • Stalking; • Sexual assault; or • Coercive controlling behavior. <i>15 V.S.A. § 1101(1).</i> See “Who can be Restrained?” for the definition of household member. See “Can minors apply?” for details on which minors are eligible.
Can minors apply?	Yes; any minor age 16 or older can apply or a minor of any age who is in a dating relationship may apply. <i>15 V.S.A. § 1103(a).</i> Dating means a social relationship of a romantic nature. To determine whether a dating relationship exists the court may consider: • The nature of the relationship; • The length of the relationship; • The frequency of interaction; and • The time since the relationship ended (if applicable). <i>15 V.S.A. § 1101(2).</i>

RELIEF FROM ABUSE ORDER

Who can be restrained?	A family or household member. Household member means those who: • Are currently living or have lived together; • Share a living place; • Are or have engaged in a sexual relationship; or • Are adults or minors who are or have dated. <i>15 V.S.A. §1101(2).</i>
What types of relief can the court order?	An emergency protection order may include any of the following provisions: • Prohibit respondent from harming or interfering with any animals; • Prohibit respondent from contacting or coming within a certain distance of petitioner, petitioner's children, their residence, or place of employment; • Require respondent relinquish all firearms; • Order sole possession of a shared household to the petitioner; • Temporary custody of minor children; and • Possession of a vehicle awarded to petitioner under certain circumstances and for a limited time. <i>15 V.S.A. § 1104(a).</i> The court may include the following provisions in a final protection order: • Defendant must refrain from abuse; • Prohibit defendant from contacting petitioner; • Require defendant to immediately vacate the household, and petitioner take sole possession; • Temporary award of parental rights and responsibilities, including custody; <i>continued next page</i>

RELIEF FROM ABUSE ORDER

What types of relief can the court order?	• Temporarily order child or spousal support; • Order concerning possession, care, and control of any animal; • Require defendant return personal documentation; • Grant possession of a vehicle to petitioner under certain circumstances; or • Require defendant to complete a domestic violence accountability program. <i>15 V.S.A. § 1103(c)(2).</i>
How long does the order last?	An ex parte temporary order generally provides protection for no more than 14 days. <i>15 V.S.A. § 1104(b).</i> A final order lasts for a fixed period of time determined by the court. <i>15 V.S.A. § 1103(e).</i>
Can the order be renewed?	Yes, the court may grant an extension on the petitioner's motion. The court may also modify the order on a motion from either party. <i>15 V.S.A. § 1103(e).</i>
Is a hearing with the respondent required?	Temporary orders may be issued ex parte, without notice to the defendant. <i>15 V.S.A. § 1104 (a).</i> A final order requires a hearing with notice to the defendant. <i>15 V.S.A. § 1103(b).</i>

SEXUAL ASSAULT OR STALKING PROTECTIVE ORDER

Who can apply?	Any adult or minor age 16 years or older who is a victim of stalking or sexual assault. <i>12 V.S.A. § 5133.</i> Stalking means to engage in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to either fear for their own safety or the safety of a family member, or suffer substantial emotional distress. <i>12 V.S.A § 5131(6).</i> Sexual assault includes engaging in conduct meeting the definition of the following crimes: • Lewd and lascivious conduct; • Lewd and lascivious conduct with a child; • Sexual assault; • Aggravated sexual assault; • Using a child in sexual performance; or • Consenting to a sexual performance by a child. <i>12 V.S.A § 5131(5).</i>
Can minors apply?	Yes, any minor age 16 or older can apply. Minors under age 16 must have a parent or guardian apply on their behalf. <i>12 V.S.A. § 5133.</i>
Who can be restrained?	Anyone other than a family or household member. <i>12 V.S.A. § 5133.</i> Household member means those who: • Are currently living or have lived together; <i>continued next page</i>

SEXUAL ASSAULT OR STALKING PROTECTIVE ORDER

Who can be restrained?	• Share a living place; • Are or have engaged in a sexual relationship; or • Are adults or minors who are or have dated. <i>15 V.S.A. §1101(2).</i> Dating means a social relationship of a romantic nature. To determine whether a dating relationship exists the court may consider: • The nature of the relationship; • The length of the relationship; • The frequency of interaction; and • The time since the relationship ended (if applicable). <i>15 V.S.A. §1101(2).</i>
What types of relief can the court order?	A temporary or final order must include provisions that: • Defendant stay away from petitioner or their children; and • Any other order it deems necessary to protect petitioner or their children. <i>12 V.S.A. § 5133(d).</i>
How long does the order last?	An ex parte temporary order generally provides protection for no more than 14 days. <i>12 V.S.A. § 5134(b).</i> A final order lasts for a fixed period of time determined by the court. <i>12 V.S.A. § 5133(e).</i>
Can the order be renewed?	Yes, the court may grant an extension on the petitioner's motion. The court may also modify the order on a motion from either party. <i>12 V.S.A. § 5133(e).</i>

SEXUAL ASSAULT OR STALKING PROTECTIVE ORDER

Is a hearing with
the respondent
required?

A **temporary order** may be granted ex parte, without notice to the defendant.

12 V.S.A. § 5134(a)

A **final order** requires a hearing with notice to the defendant.

12 V.S.A. § 5133(b).

RELIEF FROM ABUSE FOR VULNERABLE ADULTS

Who can apply?	A vulnerable adult, or Adult Protective Services staff or an interested person on behalf of a vulnerable adult, may seek relief from abuse, neglect, or exploitation. 33 V.S.A. § 6933. Vulnerable adult means a person at least 18 years of age who is: • A resident of a facility; • Receiving assistance with personal care services for at least one month; or • Impaired as a result of brain damage or mental condition, infirmities of aging, mental condition, or physical, psychiatric, or developmental disability. 33 V.S.A. § 6902(34). Interested person means: • Representative of the vulnerable adult; • Adult Protective Services staff; • The Commissioner of Disabilities, Aging, and Independent Living or their designee. 33 V.S.A. § 6931(16).931
Can minors apply?	Not applicable.
Who can be restrained?	Anyone.
What types of relief can the court order?	The court order may include the following provisions: • Order defendant to refrain from abusing, neglecting, or exploiting the vulnerable adult; • Order defendant immediately vacate the household; <i>continued next page</i>

RELIEF FROM ABUSE FOR VULNERABLE ADULTS

What types of relief can the court order?	• Prohibit defendant from contacting the vulnerable adult; • Prohibit defendant from coming within a certain distance of the vulnerable adult; • Prohibit defendant from stalking the vulnerable adult; • Require care plans, medicines, physicians' orders, and medical records are delivered to the vulnerable adult or the vulnerable adult's representative; • Require cooperation in the transfer of the vulnerable adult's care; • Require immediate return of any cash, checks, money, or property belonging to the vulnerable adult in the defendant's possession; • Require the immediate return of any personal documentation regarding the vulnerable adult; • Prohibit defendant from accessing, disposing of, or interfering with funds, accounts, or property of the vulnerable adult; • Prohibit defendant from any access, sharing, or use of identifying information, image, or likeness of the vulnerable adult; • Ordering possession, care, and control of any animal owned by the vulnerable adult; and • Any other provisions the court deems necessary to protect the vulnerable adult. 33 V.S.A. § 6933.
How long does the order last?	An ex parte emergency order may be in place for no longer than 10 days from the date of issuance. 33 V.S.A. § 6936(c) A final order lasts for a fixed period of time determined by the court. 33 V.S.A. § 6935(a).

RELIEF FROM ABUSE FOR VULNERABLE ADULTS

Can the order be renewed?	Yes, if the petitioner or an interested person moves for an extension the court may grant an extension. The court shall not grant the extension if made by an interested party where the vulnerable adult does not wish to pursue the motion. <i>33 V.S.A. § 6935(a).</i>
Is a hearing with the respondent required?	Temporary orders may be issued ex parte, without notice to the defendant. <i>33 V.S.A. § 6936(a).</i> A final order requires a hearing with notice to the defendant. <i>33 V.S.A. § 6934.</i>

EXTREME RISK PROTECTIVE ORDER

Who can apply?	The following may apply for this order: • State's Attorney; • Office of the Attorney General; or • A family or household member of the respondent. <i>13 V.S.A. § 4053.</i> Household member means those who: • Are currently living or have lived together; • Share a living place; • Are or have engaged in a sexual relationship; or • Adults or minors who are or have dated. <i>13 V.S.A. § 4051(7).</i> Dating means a social relationship of a romantic nature. To determine whether a dating relationship exists the court may consider: • The nature of the relationship; • The length of the relationship; and • The frequency of interaction. <i>13 V.S.A. § 4051(7).</i>
Can minors apply?	Yes, minors are included in the definition of household members who are eligible to apply. <i>13 V.S.A. § 4051(7).</i>
Who can be restrained?	A person who poses an extreme risk of causing harm to themselves or another by purchasing, possessing, or receiving a dangerous weapon. <i>continued next page</i>

EXTREME RISK PROTECTIVE ORDER

Who can be restrained?	Such risk can be shown by establishing: • Respondent has inflicted or attempted to inflict bodily harm; • That threats or actions placed others in fear of physical harm; • Through actions or inactions, respondent presents a danger to those in their care; or • Threats or attempt of suicide or bodily harm. <i>13 V.S.A. § 4053(c).</i>
What types of relief can the court order?	An Extreme Risk Protective Order temporarily prohibits the respondent from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within their custody or control. <i>13 V.S.A. § 4053(a).</i>
How long does the order last?	An ex parte temporary order can last for 14 days. <i>13 V.S.A. § 4054(c)(1).</i> A final order can last up to 6 months. <i>13 V.S.A. § 4053(e)(2).</i>
Can the order be renewed?	The order may only be renewed through a motion by the State's Attorney or Office of the Attorney General. If granted, the order may be extended for up to 6 additional months. <i>13 V.S.A. § 4055(b)(1).</i>
Is a hearing with the respondent required?	A temporary ex parte order can be granted without notice to the defendant. <i>13 V.S.A. § 4054(c)(1).</i> A final order requires a hearing with notice to the defendant. <i>13 V.S.A. § 4053(b)(1).</i>

HOW TO APPLY

Petitioner can find information and forms on how to apply on the Vermont Judiciary Self Help page, here: <https://www.vermontjudiciary.org/self-help/protective-orders>.

The court in which the petitioner should file varies based on type of protective order.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.