

2022

Teen Dating Violence, Sexual Violence, and Protection Orders

THE LAW AND YOUR RIGHTS



VERMONT
NETWORK

Dating/Domestic Violence Hotline: 1-800-228-7395

Sexual Violence Hotline: 1-800-489-7273

vtnetwork.org/get-help

The Vermont Network Against Domestic & Sexual Violence
PO Box 405, Montpelier, VT 05601 | (802) 223-1302
www.vtnetwork.org

Where can I find more information and support for myself?

To get more information and help filing for protections, find
your local Vermont Network Member Organization here:

vtnetwork.org/get-help

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Teen Dating Violence and Restraining Orders
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This booklet was created by
The Vermont Network Against Domestic and Sexual Violence
PO Box 405, Montpelier, VT 05601
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QUICK FACTS ABOUT PROTECTION ORDERS

What is a Protection Order?

A protection order is a court order to prevent another person from harming you.

There are two kinds of protection orders:

1. Relief From Abuse orders

- ▶ **The person who you are getting the order against must be:**
 - Someone with whom you have had a sexual or dating relationship for any period of time, or
 - A family or household member.

- ▶ **The person must have done one of the following:**
 - Physical harm or attempt to cause physical harm,
 - Makes you afraid that they will soon cause you serious physical harm,
 - Sexual assault,
 - Stalking, and/or
 - Child abuse.
 - The victim must also show danger of further abuse.

2. Order Against Stalking or Sexual Assault

- ▶ Available only during court hours

- ▶ **The person who you are getting the order against must:**
 - NOT be a family or household member,
 - NOT be someone with whom you are or have dated or have had a sexual relationship,
 - NOT be someone with whom you live or have lived.

- ▶ **The harm must include one of the following:**
 - Sexual assault (including public exposure and unwanted sexual contact), or
 - Stalking.

— An advocate can help you file for a protection order. —

QUICK FACTS CONTINUED

How can a protection order protect me?

Both the Relief from Abuse and the Order Against Stalking or Sexual Assault can order the person who hurt you to:

- Stop abusing you and your children (if you have them),
- Stop interfering with your freedom to go where you please,
- Stay away from you, and
- Stop all forms of contact with you, and/or
- Order a defendant to surrender their firearm(s) and not possess one for the duration of the order.

Through a Relief from Abuse order only, the court may also:

- Order the abuser to move out of your home,
- Give you temporary custody of mutual children.

Can minors get a protection order?

Yes. Minors aged 16 and older may obtain any protection order on their own behalf. Minors of any age who are in a dating relationship may obtain a relief from abuse order on their own behalf. Also, parents, guardians, or "next friends" may obtain protection orders on behalf of minors.

How do I get a protection order?

For a Relief from Abuse order:

- Go to Family Court or call the afterhours court number if it is after 4:30 or on the weekend.

For an Order Against Stalking or Sexual Assault:

- Go to Superior Court during weekday business hours.

For both orders:

- You are required to fill out a sworn statement (affidavit).
- The judge will read your affidavit and decide whether to grant you a temporary/emergency order.
- The defendant will be served and a final hearing will be held within 14 days. A judge will decide whether to grant a final protection order for a longer period of time, generally a year.

For Relief from Abuse orders only:

If you are in danger and need to apply for an order at night or during the weekend, you can call 1-800-540-9990 to reach a court staff person who will help you apply.

► *Advocates are also available after hours.*

An advocate can help you apply for an order.

Call your local domestic/sexual violence program for information.

- **Domestic/Dating Violence Hotline:** 1-800-228-7395
- **Sexual Violence Hotline:** 1-800-489-7273
- Refer to the resources at the end of this booklet!

To remain completely confidential, you may choose to not use your real name.

Still Have Questions?

The rest of this booklet answers these and other questions in more detail.

What is a Protection Order?

A protection order is a court order to prevent another person from harming you. There are two kinds of protection orders in Vermont. One is called a **Relief from Abuse** order and the other is called an **Order Against Stalking or Sexual Assault**.

How do I know which order to apply for?

1. Relief From Abuse orders

- ▶ **Are available through Family Court. The person against whom you are getting the order must be one of the following:**
 - A family or household member,
 - Someone you are dating or have dated,
 - Someone with whom you are living or have lived as a housemate or as a couple, or
 - Someone with whom you have had a sexual relationship for any period of time.

- ▶ **The harm must include one of the following:**
 - Physical harm or an attempt to cause physical harm,
 - Makes you afraid that they will soon cause you serious physical harm,
 - Sexual assault,
 - Stalking, and/or
 - Child abuse
 - Abuse by a parent, guardian, or someone in a caretaking role or authority
 - Sexual abuse.
 - The victim must also show there is danger of further abuse.

2. Orders Against Stalking or Sexual Assault

- ▶ **Are available only during court hours through the Superior Court. You should apply for this order if the person who caused you harm is:**
 - NOT a family or household member,
 - NOT someone with whom you are or have dated or have had a sexual relationship,
 - NOT someone with whom you live or have lived. The harm must include one of the following:
 1. Sexual assault (including public exposure and unwanted sexual contact), or
 2. Stalking.

Note: For this type of order, you do **not** need to prove that there is danger of further abuse.

What kind of protection can I get?

Both the Relief from Abuse and the Order Against Stalking or Sexual Assault can order the person who hurt you to:

- Stop abusing you and your children (if you have children),
- Not abuse your pets,
- Stop interfering with your personal freedom,
- Stay a specific distance away from you,
- Stay away from your school, workplace and/or home,
- Stop or limit all forms of contact with you directly, including electronically, over social media or through another person,
- Order a defendant to surrender their firearms to law enforcement and not possess any for the duration of the order, and /or
- Any other relief the judge finds necessary for protection.

Through a Relief from Abuse order only, the court may also:

- Order the defendant to move out of your home if you reside together,
- Give you temporary custody of mutual children.

Can minors get a protection order?

1. Relief of Abuse order:

Yes. Minors aged 16 and older may obtain a Relief from Abuse order on their own behalf. Additionally, minors of any age who are in a dating relationship may obtain a Relief from Abuse order on their own behalf.

2. Stalking/Sexual Assault Order:

Yes. Minors aged 16 and older may obtain an Order Against Stalking and Sexual Assault on their own behalf.

Parents, guardians, or “next friends” may obtain protection orders on behalf of all minors. (You may ask for a protection order from the court in the county which you live. If you have moved to flee from the danger, you may request a protection order in the county to which you fled.)

—Both orders apply to harm involving people of all genders.—

What happens if the order is violated?

A protection order is in effect once it is served on the defendant. Violating a protection order is a crime. You can report any violation to the police immediately. If, for example, your order states that the defendant cannot contact you and he/she/they call you on the phone or sends you a card, this violates the order even if the call or card does not contain an explicit threat.

The defendant may be charged with the crime of Violation of a Protection Order. If the defendant is a minor they may be charged with delinquency in the juvenile court. You cannot be charged with violating an order issued to protect you, but you should follow the order to make sure that law enforcement will enforce it.

Federal law prohibits a person who has a Relief From Abuse order against them from possessing firearms for the duration of the final order, even if you do not request this relief in your temporary order.

—An advocate can help you apply for an order.—

- Call your local domestic/sexual violence program:
Domestic/Dating Violence Hotline: 1-800-228-7395
Sexual Violence Hotline: 1-800-489-7273
- Visit vtnetwork.org/get-help
- Refer to the resources at the end of this booklet!

Sexual Assault: Reporting to the Police and Filing a Protection Order

Getting a protection order can impact a sexual assault police investigation. If you are thinking about both filing for a protection order and reporting the sexual assault to the police, please consider speaking to an advocate before you apply.

How do I get a protection order?

For a Relief from Abuse order:

- ▶ Go to Family Court or call the afterhours number for the court if it is after 4:30pm or during the weekend.

For an Order Against Stalking and Sexual Assault:

- ▶ Go to Superior Court during weekday business hours.

For both orders:

- You are required to fill out a sworn statement (called an affidavit) describing in detail either the abuse, sexual assault, and/or stalking.
- The judge will read your affidavit and decide whether to grant you (the plaintiff) a temporary (or emergency) order based on what you describe in the affidavit using the "preponderance of evidence" (more likely than not) standard.

****For Relief from Abuse orders only:**

If you are in danger and need to apply for an order at night or during the weekend, you can call **1-800-540-9990** to reach a court staff person who will assist you in applying for an order.

You will need to give the staff person a phone number at which they can safely call you back.

- ▶ *Advocates are also available after hours.*

May minors apply for a protection order?

Minors who are in a dating relationship may bring a court action on their own. However, parents, guardians, or “next friends” may also go on behalf of minors. (The “next friend” must be a person who litigates on behalf of the minor. Thus, the parent, guardian, or “next friend” needs to sign the minor’s complaint and appear in court with the minor. A judge may also decide that appointing a guardian or attorney for the minor is appropriate before proceeding with the protection order. An advocate from your local domestic/sexual violence program can accompany you to explain things.)

Will the person who hurt me be involved?

When you file for a temporary protection order, the person you are getting the order against (now called the defendant) will not be involved. However, once the judge grants you a temporary protection order and/or sets a date for the final protection order hearing, the defendant will be notified. **A copy of the temporary protection order, AND the affidavit you wrote in support of your request, as well as the date of the final hearing, will be served to the defendant by a police officer.**

Your temporary order will not go into effect to protect you until the defendant has been served. You cannot have a hearing to make your temporary order a final order unless the defendant has been served.

How do I get a final protection order?

Once the defendant has been served, they have the right to be present at the final hearing. Within 14 days from when you were given the temporary order, a court hearing will be held at which both you and the defendant can testify. The judge will then decide whether to grant you a final protection order.

Final orders are usually issued for one year. A final order can be more specific in protecting you. For example, you can ask the judge to prevent the defendant from coming to your workplace, school, or home.

If you attend the same school, the defendant could be allowed to attend school but could be ordered to stay a certain distance away from you. If you have a child with the person who abused you, the final order can give you custody and include a visitation plan. It is also possible to receive up to 3 months of child support and spousal support.

Do I have to attend the final hearing?

If you do not appear at the final hearing, your temporary order will expire that day and all protections in the order will no longer be in effect. You may attend virtually or in person.

Do I need an attorney?

Most people go through the protection order process without an attorney. However, if you are informed that the defendant has hired an attorney, you can contact the court and ask that your hearing date be continued to a later date so that you may decide if you want to have an attorney represent you as well. If the court grants your request, the temporary protection order will be extended, and you will receive a new hearing date. If you cannot afford an attorney, you may be able to receive help from one of the legal services providers on page 12.

Are court records confidential?

All records are confidential until after the defendant is served with the temporary order, and/or notice of the hearing. After service of the temporary order, only the temporary order is public. The complaint and affidavit remain confidential until after the defendant has had an opportunity for a hearing. At that time, all records become public, but generally a person needs to go to the courthouse to review them.

Can I be charged with violating the order?

No, only the defendant can violate the order. However, it is very important for you to follow the terms of the order. If you do not follow the terms of the order, the police may have difficulty enforcing it and the defendant may have grounds to request that the court change or dismiss it.

What if I want to change the order?

You can request changes to the protections in the temporary order at the final hearing.

If you have a final order and want to change parts of it or drop it entirely, you must file a request in court to modify or dismiss the final order. A hearing will be scheduled where you will explain why you want to drop the order or make changes. The defendant will be notified of this hearing and will be allowed to participate in it.

What else should I know?

- **Advocates** are available 24 hours a day to speak with you about this process.
- **Interpreters:** If you need an ASL or spoken language interpreter or other assistance, it is important to request that assistance at the beginning of the process. It is best not to have family, friends or the person who hurt you interpret or assist you. Please see the resources at the end of this booklet for services.
- **There is no charge** and you do not need a lawyer to file for a protection order.
- **If you are *not* in immediate danger** from the defendant but fear future harm, you may still apply for a final order. Every person's situation is unique. If you still have questions, please contact one of the agencies listed at the end of the booklet.

—A judge may also decide that a report to DCF is important to your safety.—

Is the abuse that I am experiencing child abuse?

- ▶ The abuse may be considered child abuse if you are under 18 and:
 - The abuser is your parent, guardian, or someone in a caretaking role or authority, and
 - The abuse includes sexual and/or physical violence.

- ▶ Even if you feel as though sexual activity is consensual, it may still be considered child abuse if you engage in sexual activity:
 - If you are 15 years old and the person is over 18, or
 - If you are under 15 years old—no matter the age of your partner, or
 - There is any significant size or developmental differences, or
 - Your partner has threatened to use or did use violence against you.

If you think that your situation includes child abuse, remember that any adult who is a mandated child abuse reporter must contact the state child protection agency (the Department for Children and Families, or DCF) and make a child abuse report about your situation. There is a long list of people who are mandated to report child abuse. Some of those people are teachers, doctors, nurses, dentists, social workers, psychologists, guidance counselors, clergy members, and camp counselors.

Who to contact for help by county ▶

Vermont Network Programs by County

Addison & town of Rochester	WomenSafe: 1-800-388-4205 womensafe.net
Bennington	PAVE: (802) 442-2111 pavebennington.org
Caledonia, Orleans, Essex	The Advocacy Program at Umbrella St. Johnsbury Office: (802) 748-8645 Newport Office: (802) 334-0148 umbrellanek.org
Caledonia, Washington, Orleans	AWARE (Hardwick area): (802) 472-6463 awarevt.org
Chittenden	Steps to End Domestic Violence (Domestic Violence): (802) 658-1996 stepsVT.org H.O.P.E Works (Sexual Violence): (802) 863-1236 hopeworksvt.org
Franklin, Grand Isle	Voices Against Violence: (802) 524-6575 voicesagainstviolence.net
Lamoille	Clarina Howard Nichols Center: (802) 888-5256 clarina.org
Orange, Northern Windsor	Safeline: 1-800-639-7233 safelinevt.org
Rutland	NewStory Center: (802) 775-3232 nscvt.org
Washington	Circle (Domestic Violence): 1-877-543-9498 circlevt.org Mosaic Vermont, Inc. (Sexual Violence): (802) 479-5577 mosaic-vt.org
Windham, Southern Windsor	Women's Freedom Center Brattleboro: (802) 254-6954 or 1-800-773-0689 Springfield: (802) 885-2050 womensfreedomcenter.net
Central Windsor & towns of Thetford & Fairlee	WISE: (603) 448-5525 WISEuv.org

**Vermont Network
Statewide Programs**

**Pride Center of Vermont/
SafeSpace Program**

(for LGBTQQ survivors of
domestic/sexual violence)

Support Line: (802) 863-0003 or
(866) 869-7341

[pridecentervt.org/programs/
safespace](http://pridecentervt.org/programs/safespace)

Vermont Network Legal Clinic

Intake: (802) 798-2907 or email:
legalclinic@vtnetwork.org

Or self-referral:

[empowerdb.com/vtnetwork/
referral](http://empowerdb.com/vtnetwork/referral)

**DVAS (Deaf Vermonters
Advocacy Services)**

Videophone & Hearing:

(802) 461-4707

Text Line: (802) 249-0345

dvas.org

Other Important Numbers

Vermont Legal Aid

1-800-889-2047 | vtlawhelp.org

DCF (Department for Children & Families)

1-800-649-5285 | dcf.vermont.gov

Vermont Communication Support Project

(for people who have disabilities that interfere with their ability
to communicate effectively)

1-888-686-VCSP (8277) | [chcrr.org/community_resource/
vermont-communication-support-project](http://chcrr.org/community_resource/vermont-communication-support-project)

Vermont Interpreting and Translating Services:

(Languages) (802) 654-1706

Outright Vermont

(support for LGBTQQ youth ages 13-22, training and education)

(802) 865-9677 | outrightvt.org

For Support:

Dating/Domestic Violence Hotline: 1-800-228-7395

Sexual Violence Hotline: 1-800-489-7273

vtnetwork.org/get-help

To remain completely confidential,
you may choose to not use your real name.

National Resources:

Love Is Respect: loveisrespect.org

Teen Dating Violence Helpline: 1-866-331-9474

Women's Law Initiative: womenslaw.org



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