

# Teen Dating Violence, Sexual Violence, and Protection Orders

## **The Law and Your Rights**

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

**Sexual Violence Hotline: 1-800-489-7273**



PO Box 405, Montpelier, VT 05601  
(802) 223-1302

[www.vtnetwork.org](http://www.vtnetwork.org)

## **Where can I find more information and support for myself?**

To get more information and help filing for protections contact your local Vermont Network Against Domestic and Sexual Violence Program's 24 hour hotline.

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

**Sexual Violence Hotline: 1-800-489-7273**

*Printing for this project was made possible through a gift from the*  
**Verizon Foundation**

Adapted from a brochure entitled  
*Teen Dating Violence and Restraining Orders*  
produced by the Massachusetts Office of the Attorney General

*This booklet was created by*  
**The Vermont Network Against Domestic and Sexual Violence**  
PO Box 405, Montpelier, VT 05601  
(802) 223-1302  
**[www.vtnetwork.org](http://www.vtnetwork.org)**

Revised 9/11

# 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

- **Available 24 hours a day**
- **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 s/he will soon cause you serious physical harm;
  - Sexual assault; or
  - Stalking.

#### 2. Order Against Stalking and Sexual Assault

- **Available only during court hours**
- **The person who are 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; or
  - Stalking.

# More Quick Facts about Protection Orders

## How can a Protection Order protect me?

**Both the *Relief from Abuse* and the *Order Against Stalking & 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.

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

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

## Can minors get a Protection Order?

**Yes.** Both minors (under the age of 18) and adults (18 and over) in Vermont may ask for a Protection Order.

## How do I get a Protection Order?

**For a *Relief from Abuse Order*:**

- Go to Family Court

**For an *Order Against Stalking and Sexual Assault*:**

- Go to Superior Court

**For Both Orders:**

- You are required to fill out a sworn statement (called an affidavit)
- The judge will read your affidavit and decide whether to grant you a temporary/emergency order.

**~ An Advocate can help you file for a Protection Order ~**

## **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 arrange to meet with you at a safe place to 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.

## **Contacting the Police: Call 911**

***The abuse which you are experiencing may be a crime.***

Call your local police if you think the person you are in fear of has done something which may be a crime, such as: threatening, assaulting, stalking or harassing you. Many police departments have domestic violence and juvenile officers who can help you. They can assist you even if you're not in an emergency.

# 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 & Sexual Assault**.

## How do I know which order to apply for?

### 1. Relief From Abuse Orders

**Are available 24 hours a day** through Family Court. The person who you are getting the order against 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 a serious attempt to cause physical harm;
- Makes you afraid that s/he will soon cause you serious physical harm;
- Sexual assault; and/or
- Stalking.

**Both orders apply to harm involving people of the same sex AND between people of the opposite sex.**

### 2. Order Against Stalking and Sexual Assault

**Are available only during court hours** through the Superior Court.

The person 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;
- Stalking.

## What kind of protection can I get?

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

- Stop abusing you and your children (if you have them);
- Stop interfering with your personal, everyday freedom to go where you please;
- Stay a specific distance away from you; and
- Stop all forms of contact with you.

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

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

## Can minors get a Protection Order?

**Yes.** Both minors (under the age of 18) and adults (18 and over) in Vermont may ask for a Protection Order. 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.

## What happens if the order is violated?

**Violating a protection order is a crime.** You can report any violation to the police immediately. If, for example, your order states that the abuser cannot contact you and he or she calls you on the phone or sends you a card, this violates the order even if the call or card seems harmless.

The person who violated the order may be charged with the crime of Violation of a Protection Order. If the person is a minor he or she may be dealt with in the juvenile court.

### **Sexual Assault:**

#### **Reporting to the police and filing a *Protection Order***

Getting a protection order can sometimes interfere with a sexual assault police investigation. Consider talking to an advocate or the police if you are thinking about both filing for a protection order and reporting the sexual assault to the police.

## How do I get a Protection Order?

### **For a Relief from Abuse Order:**

- Go to Family Court

### **For an Order Against Stalking and Sexual Assault:**

- Go to Superior Court

### **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 or not to grant you (the plaintiff) a temporary (or emergency) order based on what you describe in the affidavit.

### **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 arrange to meet with you at a safe place to help you apply. Advocates are also available after hours.

## **If I am under 18, does my parent or another adult have to come with me to fill out my affidavit or to go to court with me?**

The law does not directly address whether minors need to have parents or adults present when filing for an order or appearing in court. Courts and judges *may* require a parent or adult to be with you when filing and/or when appearing in court. ***You could anonymously call your local court to find out their specific requirements.*** An advocate from your local domestic/sexual violence program can accompany you to explain things - whether or not you have another adult come with you. A parent or guardian may also request an order on a minor's behalf.

### **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!*

## 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. This means that the temporary protection order, the date of the final protection order hearing, AND your affidavit 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 he or she has the right to be present at the final hearing. Within 10 business days from when you were given the temporary order, a court hearing will be held where both you and the defendant can tell your stories to the judge. 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, 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.

## 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, all records become public.

## 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.

### National Resources:

**Love Is Respect:** [www.loveisrespect.org](http://www.loveisrespect.org)

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

**Women's Law Initiative:** [www.womenslaw.org](http://www.womenslaw.org)

## What if I want to change the order?

If you want to change parts of the temporary order or you want to drop it entirely, you can make this request at the **final hearing**. Explain to the judge why you feel you can be safe without the order. If you have a Final Order and want to change parts of it or drop it entirely, you have to 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?

- **There is no charge** and you do not need a lawyer to file for a protection order.
- **Interpreters:** If you need an interpreter (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.***

## 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 care-taking 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 yrs and the person is over 18; **or**
- If you are under 15 yrs old—no matter the age of your partner; **or**
- There is any significant size or developmental differences; **or**
- Your partner has threatened to use violence or words 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 (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.*

**A Judge may also decide that a report to DCF is important to your safety.**

# Vermont Network Against Domestic and Sexual Violence Programs

## Addison County & town of Rochester

**WomenSafe:** 1-800-388-4205

## Bennington County

**PAVE:** 442-2111

## Caledonia, Orleans, & Essex Counties

### The Advocacy Program at Umbrella

St. Johnsbury Office: 748-8645

Newport Office: 334-0148

## Caledonia, Washington & Orleans Counties

**AWARE** (Hardwick Area): 472-6463

## Chittenden County

### Women Helping Battered Women

(Domestic Violence): 658-1996

### Women's Rape Crisis Center

(Sexual Violence): 863-1236

## Franklin & Grand Isle Counties

### Voices Against Violence/ Laurie's House:

524-6575

## Lamoille County

### Clarina Howard Nichols Center

888-5256

## Orange & Northern Windsor Counties

**Safeline:** 1-800-639-7233

## Rutland County

### Rutland County Women's Network

775-3232

## Washington County

### Circle (Domestic Violence)

1-877-543-9498

### Sexual Assault Crisis Team

(Sexual Violence) 479-5577

## Windham County

### (including village of Bellows Falls)

### Women's Freedom Center

254-6954 or 1-800-773-0689

## Windsor County (Northeast)

**WISE:** 603-448-5525

## Windsor County (Southern) and town of Rockingham

**New Beginnings:** 885-2050

• • •

## Other Important Numbers:

**Vermont Legal Aid:** 1-800-889-2047

**Safe Space:** 1-866-869-7341 (toll free)

(for LGBTQQ survivors of domestic/  
sexual violence)

## Deaf Vermonters Advocacy Services:

Videophone: 661-4091

Hearing: 877-897-9511

## Communication Support Project:

247-5135

(for people who have disabilities that  
interfere with their ability to communi-  
cate effectively)

## Vermont Interpreting and Translating Services: (languages)

654-1706

## DCF (Dept. for Children & Families): 1-800-649-5285

## **For Support:**

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

**Sexual Violence Hotline: 1-800-489-7273**

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

The logo for Vermont Network features the word "Vermont" in a white serif font above the word "Network" in a white sans-serif font. A white horizontal line with a slight upward curve is positioned above the text, and a white horizontal line is positioned below it.

Vermont  
Network

**Against Domestic  
& Sexual Violence**

PO Box 405, Montpelier, VT 05601  
(802) 223-1302

**[www.vtnetwork.org](http://www.vtnetwork.org)**