

2016

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**



VERMONT
NETWORK

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 contact your local Vermont Network Against Domestic and Sexual Violence Program's 24 hour hotline.

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Teen Dating Violence and Restraining Orders
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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

- 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;
 - Stalking; and/or
 - Child abuse.
 - The victim must also show danger of further abuse.

2. Order Against Stalking and 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.

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. 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 his or her 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

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.
- The defendant will be served and a final hearing will be held in approximately 10 days time where a judge will decide whether or not to grant a final protection order for a longer period of time.

~ 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 or Text 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 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 s/he will soon cause you serious physical harm;
- Sexual assault;
- Stalking
- Child abuse
 - abuse by a parent, guardian, or someone in a caretaking role or authority
 - sexual abuse.
- The victim must also show danger of further abuse.

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

2. Orders 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 (including public exposure and unwanted sexual contact);

- 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 & 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;
- Stop all forms of contact with you; and/or
- Any other relief the Judge finds necessary for protection.

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?

(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 his or her 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.]

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

May minors go to court on their own?

In Vermont, minors aged 16 and older may bring a court action on their own. Minors of any age 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

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!



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. 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.

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 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 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 or used 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 (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
Steps to End Domestic Violence
(*Domestic Violence*): 658-1996

H.O.P.E Works
(*Sexual Violence*): 863-1236

Franklin & Grand Isle Counties
Voices Against Violence
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 and Southern Windsor Counties
Women's Freedom Center
254-6954 or 1-800-773-0689

Central Windsor County & towns of Thetford & Fairlee
WISE: 603-448-5525

Statewide
Pride Center of Vermont/SafeSpace Program
Support Line: 802-863-0003 or 866-869-7341
(*for LGBTQQ survivors of domestic/sexual violence*)

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Other Important Numbers:
Vermont Legal Aid: 1-800-889-2047

DCF (Department for Children & Families): 1-800-649-5285

Safe Space: 1-866-869-7341 (*toll free*)
(*for LGBTQQ survivors of domestic/sexual violence*)

Deaf Vermonters Advocacy Services:
Videophone, Hearing, & Hotline:
661-4091

Communication Support Project:
1-888-686-VCSP (8277)
(*for people who have disabilities that interfere with their ability to communicate effectively*)

Vermont Interpreting and Translating Services: (*languages*)
654-1706

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.*

National Resources:

Love Is Respect: www.loveisrespect.org

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

Women's Law Initiative: www.womenslaw.org



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