

The plaintiff must appear for the hearing or the emergency order will automatically be dismissed. The defendant is not required to appear for the final hearing. If the defendant does not come to the hearing the court may still issue a RFA order. The final order is not in effect until the defendant has been served.

If after listening to all the evidence the judge decides that there is not enough evidence to issue a final order, the emergency order will end and the case will be closed.

Final Relief from Abuse Protection Order

Both the plaintiff and defendant will be given a copy of the order. If the defendant is not present at the hearing law enforcement will serve the defendant with a copy. If the judge issues a final order it must be for a specific period of time.

Before the final order expires the plaintiff may file a written request with the court to have the order extended. This paperwork is available at the courts, your local advocacy group and at www.vermontjudiciary.org.

Violation of the Final Order

It is a crime to violate a RFA order. If the defendant does something that the order says they cannot do, you should call law enforcement; law enforcement may arrest the defendant.

Number to call for a RFA order when the courts are closed:

1-800-540-9990

Available Help

Domestic Violence Hotline

1-800-228-7395

You can call the hotline and ask for your local domestic violence advocacy group's phone number or visit this website at <https://vtnetwork.org/get-help/>

Judiciary website:
www.vermontjudiciary.org

Filing for a Relief from Abuse Order in Family Court

This brochure is to help you understand how the law works for Relief from Abuse (RFA) orders. Please read this entire brochure before you file for a RFA order. The person requesting the relief from abuse order is the "plaintiff". The "defendant" is the person you want the order against. You do not have to be a citizen to file. There is no filing fee or costs.

A RFA order is an order issued by a judge in the family court to protect you and/or your children from the defendant.

This brochure only provides limited information. You may want to talk with an attorney.

Vermont Judiciary Online

www.vermontjudiciary.org



How to file for a RFA Order:

You can file for an Emergency or Non-Emergency RFA order during court hours. Emergency filing can be done any time of the day or the night.

To file for a RFA order you must show that the defendant is one of the following:

- Family Member
- Household Member
- Current or former spouse
- Person you have lived with
- Person you have dated
- Person you have had a sexual relationship with or a sexual encounter

If your relationship with the defendant isn't included in any of the above, you may be eligible to file for a Stalking or Sexual Assault order. You can pick up Stalking or Sexual Assault brochure at the court or www.vermontjudiciary.org.

And you must also show that:

- The defendant physically harmed you
- The defendant attempted to harm you
- The defendant put you in fear of serious physical harm
- And you are afraid that the defendant will harm you, or put you in fear of serious physical harm in the future

You will need to fill out a complaint form and write a sworn affidavit. A judge will review your filing the same day it is filed. Based on your filing, the judge will grant or deny your request for an Emergency RFA Order.

If your request for an Emergency Order is Denied

You may request a final hearing on your filing. You will have the chance to testify in court to try to prove your case. If you request a hearing, then your complaint, affidavit and hearing notice will be sent to law enforcement. Law enforcement will then serve the defendant in hand with the paperwork. If you decide not to request a final hearing, your complaint and affidavit will be kept confidential and the defendant will never be able to get a copy of the emergency paperwork that you filed.

If Your Emergency Order is Granted

The emergency order issued by the judge is only a temporary order, it stays in effect until your final hearing. The final hearing will be scheduled within ten business days of your filing. At the hearing, you and the defendant will be able to tell the judge what happened and bring witnesses to testify.

The judge may order any of the following on a temporary basis:

- The defendant to stop abusing you and/or your children
- The defendant to stop harassing you and/or your children
- The defendant to stay a certain distance away from you, your children, your home, your work place, your vehicle
- The defendant to not contact you or to just allow certain kinds of contact
- The defendant to leave your home temporarily
- You to have temporary custody of the children

The court will send a copy of your complaint, affidavit and the temporary order, with the date of the hearing, to law enforcement and they will serve a copy to the defendant. Until law enforcement serves the paperwork the temporary order is not in effect.

Make sure you get a copy of your order from the court. The date and time of your hearing is on the second page of the order.

What to Expect at the Final Hearing

At the final RFA hearing both the plaintiff and defendant get a chance to testify. Also, each may bring witnesses to testify. The plaintiff may ask for an order to be granted for a specific period of time.