

What is the Order of Events in the Courtroom?

- The judge will ask you if you want your temporary order to become a final order and if you want to make any changes.
- The judge will ask if the defendant agrees to the order — if the defendant agrees to the order then the order may be made final without the court entering “findings of abuse.” If the defendant does not agree, both parties will be sworn in and both will be asked by the judge to testify.
- You will tell your side of the story, include any history of abuse. Be sure to offer any evidence you have brought with you (photos, police reports, etc.). The defendant will have the right to look over all evidence presented.
- The judge may ask you questions. Answer them honestly and be specific.
- When you are finished, your witnesses (if you have any) will take the stand. You may ask the witnesses questions, and then the judge and the defendant will have a turn to ask them questions.
- The defendant will tell their side of the story. It may be very different from yours. The judge may ask questions. You may ask questions to the judge who will ask the questions of the defendant. There is no direct communication between plaintiff and defendant.
- The judge will make a decision after hearing both sides and considering the evidence.
- The court will enter findings only if testimony is taken and the court makes a determination as to whether abuse (according to Vermont Law) occurred. Orders given without findings are just as valid as those entered with findings. Violating these orders is a crime and needs to be reported.
- If your order is granted and you have minor children with the defendant, temporary visitation and custody may be set by the judge. Try to have the details of parental rights and parent/child contact worked out before your hearing.

Criminal Charges

If the defendant has criminal charges in District Court, tell the judge. If there is a conflict between the District Court order and the Family Court order, the Defendant must obey the more restrictive order.

Expiration of an Order

Most RFA's expire after one year, but you may be able to have it extended if you feel you still need it. One month prior to the expiration date, file paperwork at Family Court for an extension. A judge may extend your order even if there were no incidents of abuse during the duration of your first order.

Changing an Order

You can also modify or vacate your Relief from Abuse Order by filing a motion at the Family Court where you received the order. You will have to attend a hearing to have an order extended, modified, or vacated.

Getting a No Abuse Order Without Leaving the Defendant

If you want contact with the defendant (in other words, you still want to stay in your house or apartment, or continue seeing the defendant), but still want a Relief from Abuse order, you can request a **full contact, no abuse order**.

Court Hour

Circle offers individual meetings to help prepare for your final hearing. These meetings can happen in-person or by phone. Please call our hotline during weekday hours (1-877-543-9498) to schedule a meeting.

FIREARMS

FEDERAL LAW PROHIBITS ANYONE WITH A FINAL RELIEF FROM ABUSE ORDERS AGAINST THEM FROM POSSESSING FIREARMS OR AMMUNITION. BE SURE TO TELL THE JUDGE IF THE DEFENDANT HAS FIREARMS AND AMMUNITION.

What Should I Do After the Hearing?

- Wait for your new order and review it carefully before you leave the courthouse. Do not leave the courthouse without a new order. If something is wrong or missing, ask the clerk to bring it to the attention of the judge.
- Make several copies of the order as soon as possible.
- Keep a copy of the order with you at all times.
- Leave copies of the order at your work place, at your home, at the children's school or daycare, in your car, with family members, close friends, with a neighbor, and anyone else you feel comfortable with.
- If your order was denied, consider talking with an advocate from **Circle** to create a safety plan.
- If your order is denied but a new incident of abuse occurs, you may file for a new Relief from Abuse order.

Things to Remember About Your Order

You cannot violate this order — it is against the defendant, not you. If you go somewhere and either the defendant is already there or arrives after you — the defendant has the responsibility to leave. If the defendant does not leave, it can be a violation of your Relief from Abuse order. Anyone can report violations of this order not just you. So let others know that you have an order. Your order is valid in every state.

Notes



Your Court Hearing

Advocates from **Circle** are available at the courthouse during these hearings. They can provide you with information, resources and may sit with you during the hearings for emotional support if you wish. *Court advocates are not lawyers, cannot give legal advice, nor speak on your behalf.*

Once you go into the courtroom:

- **Speak directly to the judge;** always address the judge as “Your Honor.”
- If one party arrives with a lawyer and the other party was not given advance notice of the lawyer(s) involvement, then the party without a lawyer may ask the judge to reschedule, in order to bring his/her own lawyer to the next hearing. If there is a Temporary Order, it may be extended to the next hearing date. If you need help getting a lawyer, please talk to a **Circle** advocate.
- **Relax and remain calm.** Take deep breaths if you feel yourself getting tense. Try not to lose your temper in the courtroom and do not speak unless the judge calls on you. Always tell the truth.
- **If you don’t understand a question, just say so.** If you don’t know the answer to a question, just say so. Never make up an answer.

If the defendant does not show up for the hearing, the judge may still grant you a final Relief from Abuse Order, or the judge may order a new hearing date.

What Can I Do if the Defendant Violates the Order?

- **DIAL 911 — Call the police** even if you think it is a minor violation and call every time a violation occurs.
- Police officers will need evidence of the violation in order to arrest, so even if they can't arrest this time, keep reporting.
- Sometimes a pattern can be enough evidence. Never falsify evidence for the police or make up violations.
- Anyone can report a violation, so let neighbors, employers, co-workers, friends and family know about the RFA order so that they may report any violations also.
- A defendant who violates an order can be arrested, fined, and/or imprisoned.
- Document any violations: keep a journal with specific times and dates, take photos of the caller ID, save answering machine messages, emails, letters, text messages, etc. Ask witnesses to write statements.
- It is a good idea to write down the name(s) of the responding officer(s) and badge number(s).

Make sure a police report is filled out. You may request a copy. If you have legal documentation of all violations of the order, it will help you have the order extended or modified.



Member of the
Vermont Network Against
Domestic and Sexual Violence



CREATING SAFER COMMUNITIES
ENDING VIOLENCE AGAINST WOMEN
TOGETHER

SUPPORT
EQUALITY **COMMUNITY**
No abuse **DIVERSITY**
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FREE FROM FEAR
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Preparing for Your Final Hearing

Toll-Free, 24-hour Confidential Hotline
1-877-543-9498

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