

## The Hearing and Exhibits

The hearing may be held in person or remotely.

The judge will hear testimony and decide whether to issue a final order against sexual assault.

**If the judge issues a final order**, it will be for a specific period of time. The order will say how long it will be in effect.

If the defendant is not at the hearing, law enforcement will serve the order on the defendant.

**If the judge doesn't issue a final order**, the temporary order will end and the case will be closed.

## Information and Forms

Find more information about orders against sexual assault and the forms to make a request on the Vermont Judiciary website. Search: **sexual assault**.

## Get Help

### After-Hours Help

**800-540-9990**

Call the Judiciary's after-hours number to apply for an order against sexual assault when the courts are closed, including nights, weekends, and holidays.

### Sexual Violence Hotline

**800-489-7273**

Call the hotline for support. You can also visit the Vermont Network Against Domestic and Sexual Violence website: [www.vtnetwork.org/get-help/](http://www.vtnetwork.org/get-help/).

### Talk to an Attorney

This process can be complicated. You may want to talk to an attorney.

The Finding Legal Help web page provides information about the ways to get the help of an attorney. Search: **finding legal help**.

# Applying for an Order Against Sexual Assault

You can apply for an order against sexual assault by filing a request in the Civil Division of the Superior Court.

You can apply for an order at any time, even when the courts are closed, including nights, weekends, and holidays.

## Is This the Right Case Type?

You can ask for an order against sexual assault if the person you are asking for protection from is a friend, coworker, classmate, neighbor, casual acquaintance, stranger, or some other person, **as long as they are not a family or household member.**

**Household member** includes:

- Someone you live with or used to live with.
- Someone you are in a sexual relationship with, or used to be in a sexual relationship with.
- Someone you are dating or used to date.

If the other person is a family or household member, you may be eligible for a Relief from Abuse (RFA) order. See the Vermont Judiciary website for more information.

Search: **RFA**

## Getting Started

1. Fill out the required forms. Get the forms from the Judiciary website, or at the courthouse. On the forms, explain what has happened and why you are asking for the order.
2. File the forms with the Civil Division of the Superior Court. There is no fee to file.
3. Call **800-540-9990** for help applying for an order against sexual assault when the courts are closed, including nights, weekends, and holidays.

## The Judge Makes a Decision

The judge will review your request and decide whether your situation meets the requirements for a temporary order against sexual assault.

If the judge **issues a temporary order**:

- A hearing will be scheduled.
- The complaint, affidavit, hearing notice, and temporary order will be given to law enforcement.
- They will give the papers to (serve) the defendant.
- **The temporary order is not in effect until the defendant is served.**

If the judge **doesn't issue a temporary order** and you want to pursue your request:

- File an *Intent to Pursue or Withdraw Complaint* form within 5 days. The court will schedule a hearing.
- The complaint, affidavit, and hearing notice will be given to law enforcement.
- They will serve the order on the defendant.
- **No court order is in place.**

If the judge **doesn't issue a temporary order** and you **don't want to pursue your request**:

- File an *Intent to Pursue or Withdraw Complaint* form within 5 days, or do nothing.
- The court will close the case.

- The defendant won't get a copy of the complaint and affidavit you filed.

## Definitions

**Plaintiff:** the person asking for the order.

**Defendant:** the person the order is being filed against.

**Sexual Assault** includes:

- sex without consent, including with threats or by administering drugs
- sex without consent combined with significant violence
- using a child in sexual performance
- a parent or guardian consenting to sexual performance by a child
- indecent acts with the intent of arousing or gratifying sexual desires