

At the hearing, the judge will hear testimony and decide whether to issue a final RFA order.

**If the judge issues a final RFA order**, it will be for a specific period of time. The order will say how long it will be in effect. Before the order expires you may file a written request to extend the order.

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

The final order may include:

- No abuse
- Stay away
- No contact
- No firearms
- No stalking or sexual assault
- Vacate residence
- Stay away from residence
- Custody of children
- No cruel treatment of children or pets
- Possession of personal property

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

### Violation of the RFA Order

It is a crime to violate an RFA order. If the defendant does something the order says they can't do, call law enforcement. Law enforcement may arrest the defendant.

### Information and Forms

Find more information about RFA orders and the forms to make a request on the

Vermont Judiciary website. Visit [www.vermontjudiciary.org](http://www.vermontjudiciary.org) and search: **rfa**.

## Get Help

**If you are in immediate danger, call 911.**

### After-Hours Help

**800-540-9990**

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

### Statewide Domestic Violence Hotline

**800-228-7395**

Call the hotline and ask for your local domestic violence advocacy group's phone number. 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. Visit [www.vermontjudiciary.org](http://www.vermontjudiciary.org) and search: **finding legal help**.

400-00997 - Relief from Abuse Brochure (12/2024)

# Applying for a Relief from Abuse Order

You can apply for a Relief from Abuse (RFA) order to protect you and/or your children by filing a request in the Family Division of the Superior Court.

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

The **plaintiff** is the person asking for the order.

The **defendant** is the person the request for an RFA order is filed against.

## Is This the Right Case Type?

To get an RFA order, the judge must determine the defendant is a household or family member, that they abused you or your children, and that there is a danger of further abuse if an RFA order is not issued.

**Abuse** includes:

- Tried to cause harm
- Caused physical harm
- Made you afraid of imminent serious physical harm
- Child abuse
- Stalking
- Sexual assault
- Coercive controlling behavior

**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 you don't qualify for an RFA order because the other person isn't a household or family member, you may want to see if your situation meets the requirement to ask for an order against stalking or sexual assault.

## 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 Family Division of the Superior Court. There is no fee to file.
3. Call **800-540-9990** for help applying for an RFA order 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 RFA order.

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.**

The temporary order may include:

- No abuse
- Stay away
- No contact
- No firearms
- No stalking or sexual assault
- Vacate residence
- Stay away from residence
- Custody of children
- No cruel treatment of children or pets
- Possession of personal property

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 7 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 7 days, or do nothing.
- The court will close the case.
- The defendant won't get a copy of the complaint and affidavit you filed.

## The Hearing and Exhibits

The hearing may be held in person or remotely.

You are responsible for making sure your witnesses attend the hearing. File any exhibits (evidence) – such as documents, photos, or videos – with the court before the hearing. Video, audio, and photo exhibits must be filed in the Vermont Digital Evidence Portal (VDEP). See the Judiciary's website for more information about VDEP. Call 802-828-4357 or email [itsupport@vtcourts.gov](mailto:itsupport@vtcourts.gov) for VDEP help.

Visit the Going to Court web page on the Judiciary's website for more information about getting ready for your hearing.

At the hearing, ask the judge to consider what you have filed. They will decide if the exhibits meet the requirements for proper evidence. They may decide some of the exhibits you filed can't be considered as evidence.