VERMONT SUPREME COURT
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Case No. 26-AP-168

Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

NOVEMBER TERM, 2026

Melissa Perrault v. Nicholas Perrault*	}	APPEALED FROM:
	}	Superior Court, Orleans Unit,
	}	Family Division
	}	CASE NO. 26-FA-00871
		Trial Judge: Rory T. Thibault

In the above-entitled cause, the Clerk will enter:

The trial court granted plaintiff's request for a relief-from-abuse (RFA) order against defendant and defendant appeals. We affirm.

I. Procedural History

The parties are married and have two minor children. In April 2026, plaintiff sought an RFA order against defendant, and she filed for divorce thereafter. The court consolidated this RFA proceeding with the divorce action, which remains pending. Following a hearing, the court granted plaintiff's RFA request and temporarily awarded plaintiff parental rights and responsibilities pursuant to 15 V.S.A. § 1103(2)(C).

The trial court made the following findings. Plaintiff left the marital home in January 2026 after approximately fourteen years of marriage. She testified that in the year before she left, defendant became increasingly obsessive about her, particularly her whereabouts. Defendant tracked plaintiff using the "find my phone" application on his phone. He would frequently comment on plaintiff's location and contact her if she deviated from a predisclosed agenda or travel itinerary. Plaintiff believed defendant was tracking her all the time. He would ask her questions like "why are you driving down that road" or "why are you in that parking lot." Plaintiff confronted defendant about his behavior, telling him it was weird and made her uncomfortable. This resulted in at least one confrontation where defendant asserted, in a loud and elevated exchange, that he "wanted to protect [plaintiff]." Plaintiff testified that defendant's behavior worsened over time, and that he was working less, watching more television news, and becoming more preoccupied with religion.

Defendant admitted to regularly tracking plaintiff through his phone, indicating that he did so daily, or nearly daily, and that he spent a lot of time doing so. The court did not credit defendant's assertion that he did so out of concern for plaintiff's safety or because the children liked to know her location.

The court found defendant's behavior part of a larger trend of trying to control plaintiff's life. Defendant objected to plaintiff attending work functions alone, for example, and would accompany her even when spouses were not invited. Defendant also discouraged plaintiff from taking walks without him or going to the gym. Plaintiff testified that defendant would not let her shower alone and that he looked at her phone and messages without her consent. Plaintiff also stated that defendant also made it difficult for plaintiff to maintain friendships and spend time with her family.

Plaintiff made a safety plan to leave defendant because she worried about his reaction. Defendant speculated about shooting himself if plaintiff left. Defendant knew that plaintiff's former boyfriend had committed suicide and defendant made this statement knowing it would upset plaintiff.

Plaintiff testified that she was afraid of defendant and feared he would harm or kill her. She considered his obsession with her location unhealthy and a red flag.

When plaintiff moved out of the marital home in January 2026, she stayed in a condominium in Newport, Vermont, not far from the marital home. In late March 2026, the parties exchanged text messages about travel with the children. Defendant's responses caused plaintiff concern about his mindset and she feared there was potential for escalated feelings or behaviors. Plaintiff was scared to stay at her condominium that evening and stayed at a hotel in St. Johnsbury, Vermont, near her workplace. Plaintiff wasn't sleeping well and she occasionally stayed at a hotel to catch up on rest. Plaintiff paid for the room with a credit card that defendant did not have the ability to access, and her children similarly did not know she was at the hotel.

When plaintiff checked out of the hotel the following morning, a hotel employee called to tell her that a person, stipulated to be defendant, was crouched and hiding outside the hotel's main entrance. This person then entered the lobby after plaintiff's departure and asked about plaintiff, including her room number. The employee was concerned for plaintiff's safety. Plaintiff felt extreme fear when she learned of defendant's behavior. Since this incident, she has been losing weight and cannot sleep. Plaintiff installed cameras and alarms and changed her routines.

Defendant admitted to being at the hotel and placing a physical tracker on plaintiff's car. Defendant said he did so because he could not get answers from plaintiff about their relationship and he suspected plaintiff was in another relationship.

The court again rejected defendant's assertion that he was tracking plaintiff for her safety. It cited plaintiff's unrebutted testimony that defendant would also read her messages without her consent, insist on attending events he was not invited to, unduly involve himself in her friendships, and suggest that she was going to the gym so she could "cheat." Defendant's decision to place a tracking device on plaintiff's car without her consent or knowledge also

showed that these behaviors were driven by his suspicions of infidelity and a desire to control plaintiff, not concerns about her safety or wellbeing.

The court found that defendant's conduct directly contributed to plaintiff's reasonable apprehension about her safety, caused her to modify her routines, and had a negative impact on her health. Plaintiff had concerns about defendant's mental health at the time of their breakup, and the court found that defendant's course of conduct in using a device to track plaintiff and then follow her to a hotel reflected, at minimum, a lack of clear thinking and the potential for irrational behavior. Taken together, the court found that this created a cognizable risk of emotional harm to the parties' children from other potential erratic acts or statements.

The court concluded that defendant stalked plaintiff by monitoring or surveilling her through software applications and using a tracking device without her consent. This course of conduct culminated in following plaintiff to a hotel, which caused her to substantially fear for her safety, and plaintiff's emotional distress and changes in her routine satisfied the applicable legal standard. The court further concluded that defendant exhibited coercive controlling behavior by engaging in a pattern of behavior that unreasonably interfered with plaintiff's free will and personal liberty. Specifically, he engaged in controlling behavior and regulated or monitored her movements, communication, and daily behavior. Defendant's threat of self-harm also indicated controlling behavior as he was seeking to influence plaintiff's free will with respect to ending the relationship. Plaintiff credibly testified that defendant's behavior and her fear of not complying with his expectations impacted her personal liberty. Finally, the court found that the course of conduct and abuse of plaintiff created an immediate danger of emotional harm to the parties' minor children. In an order accompanying the decision, the court expressly found a danger of further abuse, temporarily awarded plaintiff parental rights and responsibilities, and directed that exchanges for parent-child contact occur in a police department parking lot. Defendant appeals.

II. Statutory Overview and Standard of Review

"Abuse-prevention orders . . . are intended to provide immediate relief from intrafamily violence as well as to protect victims from future abuse." Raynes v. Rogers, 2008 VT 52, ¶ 8, 183 Vt. 513 (quotation omitted). The court must "make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant . . . abused the plaintiff, and . . . there is a danger of further abuse." 15 V.S.A. § 1103(c)(1)(A). The party seeking relief has "the burden of proving abuse by a preponderance of the evidence." Id. § 1103(b).

We review the trial court's decision to grant an RFA order "only for an abuse of discretion, upholding its findings if supported by the evidence and its conclusions if supported by the findings." Raynes, 2008 VT 52, ¶ 9. We review the trial court's factual findings "in the light most favorable to the prevailing party below, disregarding the effect of any modifying evidence, and we will not set aside the findings unless they are clearly erroneous." Coates v. Coates, 171 Vt. 519, 520 (2000) (mem.) (quotation omitted). "As the trier of fact, it [is] the province of the trial court to determine the credibility of the witnesses and weigh the persuasiveness of the evidence." Cabot v. Cabot, 166 Vt. 485, 497 (1997).

III. Arguments on Appeal

Defendant first argues that the court erred in concluding that he engaged in a "course of conduct" sufficient to satisfy the definition of stalking. He contends that he engaged only in a singular act of placing a tracker on plaintiff's car, and that plaintiff knew and consented to his tracking of her using the "find my phone" application.

The court did not err in concluding that defendant abused plaintiff by "stalking [her] as defined in 12 V.S.A. § 5131(6)." 15 V.S.A. § 1101(1)(A)(iv). "Stalk" means:

> to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to:
>
> (A) fear for the person's safety or the safety of a family member; or
>
> (B) suffer substantial emotional distress as evidenced by
>
> . . .
>
> (ii) significant modifications in the person's actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person's life, changes to the person's employment or work schedule, or the loss of a job or time from work.

12 V.S.A. § 5131(6). A "course of conduct" means:

> (i) two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property; or
>
> (ii) use of any electronic, digital, or precise geolocation device or software or application to surveil a specific person or a specific person's internet or wireless activity continuously for 12 hours or more or on two or more occasions over a period of time, however short, without authorization.

Id. § 5131(1)(A)(i), (ii); see also id. § 5131(1)(C)(ii) (recognizing that "course of conduct shall not be construed to require that the two or more acts occur on separate calendar days").

The court concluded that defendant monitored or surveilled plaintiff and also followed her to the hotel where she was staying. This caused plaintiff substantial fear for her safety as well as substantial emotional distress. The court's conclusion satisfies the statutory requirements set forth in 12 V.S.A. § 5131(6) and § 5131(1)(A)(i), and it is supported by the court's findings and the evidence.

Defendant next challenges the court's conclusion that he abused plaintiff by engaging in "coercive controlling behavior." 15 V.S.A. § 1101(1)(B). He offers his view of the evidence.

Under 15 V.S.A. § 1101(2):

> "Coercive controlling behavior" means a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive controlling behavior" includes unreasonably engaging in any of the following:
>
> . . .
>
> (C) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources, or access to services . . . .

As set forth above, the court concluded that defendant engaged in the pattern of behavior required by statute and its conclusion is supported by its findings and the evidence. The court credited plaintiff's testimony that her personal liberty was affected by defendant's behavior and her fear of not complying with his expectations. Defendant essentially challenges the trial court's assessment of the weight of the evidence, which we do not disturb on appeal. See Cabot, 166 Vt. at 497. Defendant claims, for example, that his threat of self-harm was intended only to be hurtful, but the court found that through this threat, he sought to influence plaintiff's free will with respect to her decisions in the relationship. Given that defendant monitored plaintiff after the relationship ended, moreover, the court did not err in concluding that there was a danger of further abuse.

Finally, defendant argues that the court erred in concluding that his course of conduct and abuse of plaintiff created an immediate danger of emotional harm to the minor children. He maintains that the court's findings do not support this conclusion. Defendant does not challenge the court's temporary award of parental rights and responsibilities to plaintiff in its RFA order, authorized under 15 V.S.A. § 1103(2)(C), or the imposition of safeguards around parent-child contact transitions under 15 V.S.A. § 1103(2)(D).

The court's conclusion is supported by its findings and the evidence. The court explained that defendant's conduct directly contributed to plaintiff's reasonable apprehension of her safety, which made her modify her routines and negatively affected her health. Defendant's struggle to process and accept the end of the parties' relationship also led plaintiff to seek support from defendant's parents in discussing this issue with defendant, along with a plan to bring defendant to a local mental-health center. The court found that while there was no other evidence presented of mental-health concerns or any ideation of self-harm after plaintiff left, defendant's decision to place a tracking device on plaintiff's car and then follow her to the hotel where she was staying reflected, at minimum, a lack of clear thinking and the potential for irrational behavior. Taken together, the court found that this created a cognizable risk of emotional harm to the children through other potential erratic acts or statements. Again, defendant contests the court's evaluation of the weight of the evidence. While defendant may disagree with the court's assessment of the evidence, he fails to show any error. See, e.g., Meyncke v. Meyncke, 2009 VT 84, ¶ 15, 186 Vt. 571 (mem.) (explaining that arguments which amount to nothing more than

disagreement with court's reasoning and conclusion do not make out case for abuse of discretion).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice