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 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.

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

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.

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**.

Information and Forms

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

100-00059 - Stalking Brochure (07/2025)

Applying for an Order Against Stalking

You can apply for order to protect you or your children from stalking by filing a request in the Civil Division of the Superior Court during business hours:

Monday – Friday
8:00 am - 4:30 pm

VERMONT JUDICIARY
www.vermontjudiciary.org

Is This the Right Case Type?

You can ask for an order against stalking 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**.

A **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.

The Judge Makes a Decision

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

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 7 business 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.

Stalking is when a person:

- purposely follows, monitors, surveils, threatens to hurt you, or interferes with your property. Calling you names or telling lies about you is not stalking.
- uses an electronic tracking device to surveil you or your online activity continuously for 12 hours or more without your authorization.

Except for electronic surveillance of online activity continuously for 12 hours, the defendant must have engaged in at least two separate instances of stalking behavior. One instance is not enough.

The behavior must be serious enough that a reasonable person would fear for their physical safety or the safety of a family member, or it would cause them to suffer substantial emotional distress.

Substantial emotional distress can by evidenced by:

- fear of unlawful sexual conduct, unlawful restraint, bodily injury or death, or
- significant modifications in your actions or routines, including moving from an established residence, changing established daily routes to and from work that cause a serious disruption in your life, changes to your employment or work schedule, or the loss of a job or time from work.