

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: H.749 Name of Bill: Domestic relations; abuse prevention orders; next friend filing

Agency/Dept: DPS / VSP Author of Bill Det. Trooper Erin Hodges  
Review: \_\_\_\_\_

Date of Bill Review: 2/3/2016 Related Bills and Key Players: No related bills

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ Support with modifications identified in # 8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** This bill proposes the option of a friend to file a request for a relief from abuse, as well as emergency orders and stalking and sexual assault orders, for a minor or for a person who lacks capacity to protect his/her interests due to psychiatric, intellectual, or developmental disability. It also proposes to allow minors, 16 years of age and older, to file on their own behalf if that minor is currently or was previously engaged in a sexual or dating relationship with defendant.
2. **Is there a need for this bill?** This bill could aid in areas where the minor child's parent/guardian is the issue. It will also allow minors who are of age to consent to file orders on their own behalf.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** There are likely to be little to no fiscal or programmatic implications of this bill for the Department of Public Safety. This would just be another opportunity for orders to be filed on behalf of or by minors.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** There are likely to be little to no fiscal or programmatic implications of this bill for other departments in state government.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** There are likely to be little to no fiscal or programmatic implications of this bill for others.
6. **Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** Under this bill, the Department of Child and Family Services (DCF) would likely be in favor of the proposal. It would allow for more opportunities for individuals to assist in the process of keeping minors safe.

**6.2 Who else is likely to oppose the proposal and why?**

Please return this bill review as a Microsoft Word or PDF document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) and Jessica [Mishaan@vermont.gov](mailto:Mishaan@vermont.gov)

- 7. Rationale for recommendation:** If a parent or guardian is the person causing concern/fear/injury/danger for the minors, than a non-family member, non-guardian, with the minor's best interest in mind, can pursue a cause of action on behalf of that minor. It also permits a minor, who is of the age of consent, to file on their own behalf in situations where parents/guardians may not be aware of a particular situation.
- 8. Specific modifications that would be needed to recommend support of this bill:** The fifth section of this bill (regarding Emergency Relief 12 VSA s. 5134) where it refers to the definition of a family or household member as defined in 15 VSA s.1001 (2) will need to be modified to state 15 VSA s. 1101 (2).
- 9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** n/a

Secretary/Commissioner has reviewed this document



Date: 2/12/16