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**Testimony in Support of HB 2628
Before the House Judiciary Committee
March 5th, 2015
Submitted by Sybil Hebb**

Chair Barker, Vice-Chairs Olson and Williamson, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to testify this afternoon in support of House Bill 2628, which would make two simple but important changes to Oregon's Stalking Protective Order Statute.

Domestic and sexual violence are serious public health and safety issues in our state. Victims and their children suffer great psychological, emotional, and physical trauma, which have long term impact on their lives. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty and crisis. OLC is committed to supporting the coordinated community and system response necessary to help prevent this violence, and to help victims in crisis move towards the safety and stability they need for recovery.

HB 2628 accomplishes two goals:

1) Ensures that all stalking protection orders are available without court filing or service fees. Under current law, most stalking orders are already exempted from filing fees, as are protection orders under the Family Abuse Prevention Act (FAPA), the Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPWDAPA), and the Sexual Abuse Protection Order (SAPO) Act. It is important to courts as well as to petitioners in need that the emergency relief offered by these protection orders be available in an efficient and expedited manner. Fees have not been charged for issuance of these orders since their creation. However, fees are charged in the rare instance that a petitioner for a stalking order includes a claim for damages in the request for relief.

Very few (approximately 4/year) stalking petitioners seek damages as part of their request for relief. But the existence of the authority for this fee impacts all of Oregon. One of the conditions for states to be eligible for Federal Violence Against Women Office (VAWO) grant dollars is that stalking orders, like other protection orders, are available without filing or service fees. Our federal grant monitors have indicated that this statute must be amended in order to assure our continued eligibility for VAWO grant dollars, which fund many valuable projects supporting law enforcement, prosecution, court, and community based programs focusing on domestic violence, sexual assault, and stalking.

2) Amends the stalking order statute to provide the court with authority to tailor individualized relief when necessary to meet the safety needs of the victim and children. Current law, ORS 163.730 (3), provides the court with a list of the specific types of contact that may be prohibited under the terms of the stalking protective order. This authority works well in most circumstances, but lacks the flexibility necessary to allow the court to tailor relief to meet the specific emergency safety needs of the individual victim and children. One-size-fits-all is rarely the most effective form of relief, and this is most especially true in situations involving domestic violence, sexual assault, and stalking. The safest and most effective order for a victim is one that is tailored to address the situation at hand.

The bill would add the following language to the relief authority in ORS 163.738:

- (c) The court may specify other relief in the order that the court finds necessary to:**
- (A) Provide for the safety and welfare of the victim and the children in the custody of the victim;**
- and**
- (B) Prevent the neglect and protect the safety of a service or therapy animal kept by the victim or an animal kept by the victim for personal protection or companionship, but not an animal kept for a business, commercial, agricultural or economic purpose.**

This change will bring the stalking statutes into consistency with the language in the FAPA, SAPO, and EPPWDAPA protection order statutes, and allow the courts flexibility, based on a finding of necessity, to tailor the relief necessary to provide for safety.

For example, the current stalking law provides that an order may prohibit "Waiting outside the home, property, place of work or school" of the victim - but there is no current flexibility for the court to prohibit waiting outside other locations. Sometimes, depending on the facts, the victim or children need specific protection at other places, such as a gym, athletic field, community center, treatment center, etc. As another example, the current law allows the court to prohibit the damage of property, but does not allow the prohibition of removal of property. In some instances it might be necessary, for the safety of the victim and children, to protect the victim's access to the family vehicle.

Another common example of this need involves pets. Animals are often a tool of coercion and abuse used by perpetrators against victims. Animal abuse is often an indicator of serious physical abuse of adults and of child abuse. Often, during traumatic times, pets are a victim's closest support. And service animals are critical to the very survival of a person with disabilities.

HB 2628 would allow the court to tailor the terms of the stalking order to more effectively address a victim's needs based on the individual facts of the case, where there is a nexus between the relief ordered and the safety needs of the victim. HB 2628 will bring stalking orders into parity with other protection orders in making this change.

In closing, we respectfully hope for your support of these two changes in Oregon's stalking protection order statute. HB 2628, if adopted, will allow the courts to provide better safety for victims, will make stalking protection orders more consistent with other protection orders, and will remove a barrier to Oregon's continued eligibility for federal grant dollars.

For these reasons, we respectfully urge your Aye vote. Thank you for the opportunity to testify.