

HB 3117 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/27

WHAT THE MEASURE DOES:

Extends the time period from 180 days to two years after the date of the abuse for elderly persons or persons with disability, persons who have been sexually assaulted, or persons filing a restraining order under the Family Abuse Prevention Act (FAPA) to petition for a restraining order. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

To be eligible for an order under the Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA), you must be either 65 years or older or a person with a disability, or the guardian or guardian ad litem of an elderly person or person with a disability.

A Sexual Abuse Protective Order (SAPO) is available in certain cases where a person was subjected to unwanted sexual abuse by another person who is not a family member or intimate partner. You may ask for an Order as long as the Respondent is 18 or older. If you are under the age of 12, a parent or guardian must file for you. A guardian ad litem can also be appointed. To be eligible for a Sexual Abuse Protective Order, Respondent must not already be prohibited from contacting you by: a restraining order from another state, Indian tribe, or territory, a stalking protective order, an Elderly Persons and Persons With Disabilities Abuse Prevention Act restraining order, a no contact order entered in a criminal case, or a restraining order entered in a juvenile court dependency case. The person who sexually abused or assaulted you must have: made you have sexual contact without your consent; or made you have sexual contact when you were not capable of consenting.

To be eligible for a restraining order under the Family Abuse Prevention Act (FAPA) you and the respondent must both be at least 18 years old. If you are younger than 18, the respondent must be at least 18 and be your current or former spouse or Registered Domestic Partner or someone who has (or had) a sexually intimate relationship with you. The respondent must be your current or former spouse, Registered Domestic Partner or someone you live with in a sexually intimate relationship (or used to), someone you have a sexually intimate relationship with (or did within the past 2 years), or related to you by blood, marriage, or adoption or the parent of your child.

The abuse must have happened in the last 180 days and the petitioner can establish they are in reasonable fear for your physical safety. You are not required to have called the police in order to get a Sexual Abuse Protective Order.