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## Oregon Attorney General's Sexual Assault Task Force

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### **Support SB1547 A House Judiciary Committee February 19, 2020**

Chair Sanchez, Vice Chairs Bynum and Sprenger, and Members of the Committee,

On behalf of The Oregon Attorney General's Sexual Assault Task Force<sup>1</sup>, I urge your support of SB1547 with the -8 amendment, the technical fix to the *Sexual Abuse Protective Order (SAPO)* statute.

#### Technical Fix:

- 1) Modifies date of expiration of sexual abuse restraining order for orders entered when petition was under 18 years of age. The fix removes the current risk of releasing personally identifying information (date of birth), a privacy and safety issue and a violation of state and potentially federal laws.
- 2) Specifies procedures when service on respondent of sexual abuse restraining order is completed by alternative service. The fix removes current procedures that may publicly release the survivor's assault history.

#### History of SAPO

Since the passage of HB2997 in 2013, SAPO's have filled a critical role in addressing sexual violence committed against victims who are not in a familial or intimate relationship with their abusers. SAPOs are intended to fill a gap for victims who would not otherwise be eligible for an order of protection, like a *Family Abuse Protective Act Order (FAPA)*.

SAPOs have truly focused on a group of individuals who have historically been overlooked, have been disproportionately impacted by sexual violence, and who are in dire need of legal remedies and additional protection from an abuser. Since SAPO's took effect in January of 2014, 442 SAPOs have been filed<sup>2</sup>, with an average of 80% granted by the Courts.

Of the SAPOs that have been granted since 2014:

- an average of 37% of Petitioners were minors

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<sup>1</sup> The Oregon Attorney General's Sexual Assault Task Force is a private, non-profit, non-governmental statewide agency with over 100 multi-disciplinary members appointed by Attorney General Rosenblum. Members serve as advisors on 1 of 8 subcommittees including: Campus, Criminal Justice, Legislative & Public Policy, Medical-Forensic, Men's Engagement, Offender Management, Prevention Education, and Victim Response. Our mission is to advance a multi-disciplinary, survivor-centered approach to the prevention of and response to sexual violence in Oregon. Our goal is to prevent sexual violence from happening in the first place, while simultaneously improving our response efforts to mitigate trauma and ensure the safety and security of all victims.

<sup>2</sup> 2014, 62 SAPOs filed; 2015, 76 SAPOs filed; 2016, 104 SAPOs filed; 2017, 83 SAPOs filed; 2018, 117 SAPOs filed; we do not have data for 2019 available at this time

- approximately 20% of granted SAPOs, the Respondent was also facing criminal charges
- approximately 19% of SAPOs were renewed between years 2014-2017 (we do not have data for 2018-19 available at this time)

#### Passage of SB995

We remain grateful that the legislature passed this important legislation in 2013, further strengthening the statute during the 2019 session via SB995 and robust, survivor-led advocacy.

#### SB995:

- Removes the requirement that a petitioner file a SAPO within 180 days of sexual abuse.
- Provides that a SAPO is in effect for five years or until the petitioner's 19<sup>th</sup> birthday if the petitioner is under 18 years of age, whichever is longer. Additionally, the measure allows the court to enter a permanent order under certain circumstances.
- Allows the court to allow service by an alternative method of service in accordance with Oregon Rules of Civil Procedure (ORCP) 7D(6)(a).

#### Implementation of SB995

As directed by ORS 163.777 SATF is responsible for producing the SAPO forms for approval by the Chief Justice (Responsibility for the forms transfers to the State Court Administrator on July 1, 2021.) As such, SATF convened a small work group, which included courts, Oregon Law Center, and the Oregon Department of Justice, to update the forms during the Summer and Fall of 2019. In addition to the work group, we received input on the forms from circuit court judges whose dockets include family law cases and from OJD's Forms Coordinator for formatting, structural, and wording updates to ensure consistency with other OJD forms. We also sought input from district attorney, defense bar, and survivor advocate representatives.

In addition to updating the forms, SATF, in collaboration with the Oregon Law Center and the Oregon Department of Justice, provided training for first responders. A recorded webinar is available on SATF's website.

SATF is committed to updating the forms, in collaboration with OJD, to ensure that the technical fixes passed by the legislature this session are incorporated in the forms as quickly as possible. We thank you for your continued support of this critical legislation that provides increased access to safety and civil-legal remedies for survivors across Oregon.

Sincerely,



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