

**SB 652 -1 STAFF MEASURE SUMMARY**

**Senate Committee On Human Services**

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**Sub-Referral To:** Senate Committee On Judiciary

**Meeting Dates:** 2/22

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**WHAT THE MEASURE DOES:**

Establishes automatic restraining order against petitioner in Family Abuse Prevention Act proceeding restraining petitioner from directly or indirectly causing respondent to violate provisions of order for relief. Permits court to find petitioner in contempt for violation of restraining order and provides respondent with affirmative defense in contempt proceeding. Permits petitioner to apply for modification or revocation of restraining order and establishes notice requirements.

*FISCAL: May Have Fiscal Impact, But No Statement Yet Issued*

*REVENUE: May Have Revenue Impact, But No Statement Yet Issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Clarifies automatic restraining order to restrain petitioner from initiating contact with respondent. Requires that measure only apply to orders for relief issued after effective date. Declares emergency, measure effective on passage.

**BACKGROUND:**

The Family Abuse Prevention Act (Act) establishes a process by which a recent victim of abuse (petitioner) can petition a court for relief when they are in imminent danger of further abuse from an abuser (respondent). The petitioner can file a required petition with a circuit court, and after an ex parte hearing, the court can order certain relief (order for relief) upon a showing that the petitioner or petitioner's child has been recently abused, is in danger of future abuse, and that the respondent represents a credible threat. The Act also provides for enforcement of the courts orders and various procedural requirements.

Senate Bill 652 provides an automatic restraining order against the petitioner upon the issuance of a Family Abuse Protection Act order for relief. The restraining order prevents the petitioner from directly or indirectly causing a respondent to violate the terms of an order for relief. The measure permits the court to find a violating petitioner in contempt and a violation provides the respondent with an affirmative defense to an allegation that respondent violated certain orders for relief. Senate Bill 652 also permits a petitioner to apply for a modification or revocation of the automatic restraining order.