



Oregon Attorney General's Sexual Assault Task Force

Senate Committee on Judiciary and BM110 Implementation Support SB766 April 1, 2021

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

On behalf of The Oregon Attorney General's Sexual Assault Task Force¹, I urge your support of SB766, the technical fix to the *Sexual Abuse Protective Order (SAPO)* statute.

The mission of SATF 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 survivors.

Background 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. SAPO's have opened access to civil-legal remedies for minor and adult survivors of sexual violence who are not otherwise eligible for an order of protection.

Since SAPO's took effect in January of 2014, 751 SAPO's have been filed². In general, courts issue a protective order in about 80% of cases filed and just over a third of cases have a petitioner who is a minor. These figures remained steady in 2020 and we are seeing consistent numbers in the first quarter of 2021.

In 2019, the legislature strengthened access to SAPO's via SB995 by 1) removing the requirement that a petitioner file a SAPO within 180 days of sexual abuse, 2) provides that a SAPO is in effect for five years or until the petitioner's 19th birthday if the petitioner is under 18 years of age, whichever is longer, and allows the court to enter a permanent order under certain circumstances, and 3) permits the court to allow service by an alternative method of service in accordance with Oregon Rules of Civil Procedure (ORCP) 7D(6)(a).

SB766 Technical Fix 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 to update the forms following passage of SB995, which included courts, Oregon Judicial Department, Oregon Law Center, and the Oregon Department of Justice. 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

¹ 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.

² SAPO's filed by year: 62 in 2014, 76 in 2015, 104 in 2016, 85 in 2017, 117 in 2018, 136 in 2019, 135 in 2020, 36 to date in 2021. Data compiled by Oregon Judicial Department.

consistency with other OJD forms. We also sought input from district attorney, defense bar, and survivor advocate representatives. We identified two critical technical fixes during this implementation phase.

SB766 will make two critical technical fixes to the SAPO statute, to ensure that the privacy and safety of sexual assault victims are upheld:

- 1) Modifies the expiration date of the SAPO for orders entered when the petitioner was under 18 years of age.** Current law provides that orders expire on the minor's 19th birthday, which requires the listing of the minor victim's date of birth in the paperwork. This release of personally identifying information about the victim creates a privacy and safety issue for survivors. SB766 provides that orders expire on January 1 of the year after the minor's 18th birthday. This change removes the risk of releasing personally identifying information about the victim.

- 2) Modifies procedures when service on respondent of SAPO is completed by alternative service.** Current law provides that in certain circumstances, if the sheriff is unable to personally serve the Respondent, the court may order alternative service pursuant to ORCP (7)(d)(6). If the court orders service by posting, the entire SAPO petition must be included in the posting. This can result in public release of the survivor's assault history, and significant privacy violations. SB766 will protect against this result by providing that a court may order the use of a summons to effect service when appropriate.

Implementation of SB766

In addition to convening another work group to update the forms – in collaboration with Oregon Judicial Department – SATF will additionally provide updated training for advocates and criminal justice responders in Oregon with our allied statewide partners.

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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