



4110 SE Hawthorne Boulevard #503 | Portland, Oregon 97214

Admin (503) 222-6507 | Shelter Hotline (503) 222-6222

We believe that everyone deserves to live a life free from violence.

House Committee on Judiciary Support of SB 766

May 17, 2021

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee,

On behalf of Raphael House of Portland and survivors of sexual assault, I urge your support of SB 766, the technical fix to the Sexual Abuse Protective Order (SAPO) statute.

At Raphael House, we believe that everyone deserves to live a life free from violence. We have been a safe haven for survivors of domestic violence fleeing abuse for more than 40 years, and we proudly help families find the long-term safety, stability, and independence they deserve—while also working to prevent future abuse through education. Our Prevention Education program provides supportive confidential advocacy to students at local high schools, in addition to teaching safe and equitable relationships in the classroom. This past year alone, our services reached more than 3,273 survivors and community members throughout the Portland Metro area.

We see firsthand the impact and importance of Sexual Abuse Protective Orders (SAPOs) on survivors. Since the passage of HB 2997 in 2013, SAPOs have filled a critical role in addressing sexual violence committed against victims who are not in a familial or intimate relationship with assailant. SAPOs 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, but who need access to safety measures.

Since SAPOs first took effect in January 2014, 751 have been filed. Courts issue a protective order in about 80% of cases and just over one third have a petitioner who is a minor – making this an important method of protection and meaningful safety tool for students who have been sexually assaulted.

We are grateful that in 2019, the legislature strengthened access to SAPOs via SB 995 by 1) removing the requirement that a petitioner file a SAPO within 180 days of sexual abuse; 2) providing 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 allowing the court to enter a permanent order under certain circumstances; and 3) allowing the court to allow service by an alternative method of service in accordance with Oregon Rules of Civil Procedure (ORCP) 7D(6)(a).

SB 766 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 survivor. SB 766 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. SB 766 will protect against this result by providing that a court may order the use of a summons to effect service when appropriate.

Thank you for your continued support of this critical legislation that provides increased access to safety and civil-legal remedies for survivors of sexual assault.

Sincerely,

A handwritten signature in black ink, appearing to read 'ERitter', with a long horizontal flourish extending to the right.

Emmy R Ritter
Executive Director
Raphael House of Portland
eritter@raphaelhouse.com