

## **NJCASA Supports A2640: Sexual Assault Restraining Orders**

*The following remarks were delivered by NJCASA's Executive Director, Patricia Teffenhart, in Spring 2014, before the Assembly Women and Children's Committee.*

Thank you Chairwoman Lampitt, and members of the Committee for hearing from us today. Thank you to Assemblywoman Huttler for introducing this critical piece of legislation.

I'm Patricia Teffenhart, Executive Director of the New Jersey Coalition Against Sexual Assault (NJCASA). NJCASA is the statewide organization that represents New Jersey's twenty-one county-based rape crisis centers plus the Office for Violence Prevention and Victim Assistance at Rutgers University. NJCASA exists to elevate the voice of sexual assault survivors and service providers throughout our state.

It's for this reason I am here today – I have the honor of representing a coalition of fierce advocates. Professionals and volunteers that provide comprehensive services for survivors of sexual violence. 365 days a year. 24 hours a day. Hotlines. Hospital room accompaniments. Counseling. Healing.

Our coalition members have urged NJCASA to take a lead in supporting and advancing this legislation because it addresses a serious gap in current law. A gap that limits opportunities for survivors of sexual assault to heal from the trauma caused by the heinous acts to which they've been subjected. A gap that prevents sexual assault survivors from feeling safe. A gap that continues to tell survivors of sexual assault that their crime is LESS significant and their experiences LESS valid than victims of other crimes.

The FBI recognizes rape as the second most violent crime – the first of which is murder. Victims of sexual assault, much like victims of murder and domestic violence, LIVE within their crime scene. They cannot escape the daily reminders of the violent act committed against them – because the violation they experienced was one against their body.

As such, sexual assault inflicts humiliation, degradation, and terror on victims.

In 2007, New Jersey took the right step and opened the door to restraining orders for sexual assault victims when a charge has been filed or a conviction entered. That was Nicole's law, and it was right.

The problem is that sexual assault is recognized as the most underreported crime, and of incidents of sexual assaults reported to law enforcement, only approximately 5% are prosecuted. As such, roughly 80% of sexual assault victims in New Jersey will still not qualify for a restraining order.

Those victims, as twenty-six other states – including Texas, Montana, South Dakota, and most recently our neighboring state of Pennsylvania - have found, deserve the right to seek protection as well. They deserve to have a court decide.

And I've seen the system work! Prior to serving in the role of Executive Director for NJCASA, I had the privilege of serving as the Assistant Executive Director for Women Aware – the comprehensive domestic violence agency of Middlesex County. In 2012, Women Aware's legal advocacy department provided support to over 1,100 domestic violence victims. Many of those victims sought restraining orders under the provisions of the Prevention of Domestic Violence Act. I was impressed by the ways in which the courts honored the experiences of victims and offered protections when the evidence supported the request.

NJCASA estimates that roughly 300 sexual assault survivors a year will seek a restraining order if given the opportunity. That's less than one survivor a day. NJCASA is confident that our courts and judges, who uphold our laws with honor and integrity, will graciously accept an opportunity to extend orders of protections to survivors of sexual assault when appropriate.

Under New Jersey law, to receive a final restraining order one must demonstrate a predicate act by the defendant (physical or verbal) and also demonstrate that the final restraining order would be necessary for his or her protection. Unless one can demonstrate a contemporaneous threat of immediate danger, a court will not issue a restraining order.

We ask that no special exemptions be made for our victims – what we ask is that the victims we serve have access to the same process for seeking protection as victims of domestic violence. We contend that NOT passing this legislation has the potential to trivialize the plight of victims of sexual violence.

