



LAW & LEGISLATION

the sexual assault survivor protection act (SASPA)



The **Sexual Assault Survivor Protection Act (SASPA)** expands opportunities for survivors of sexual violence to apply for a protective order against their perpetrator, without reporting to law enforcement or filing criminal charges. SASPA was passed into law in November 2015 and was enacted in May 2016.

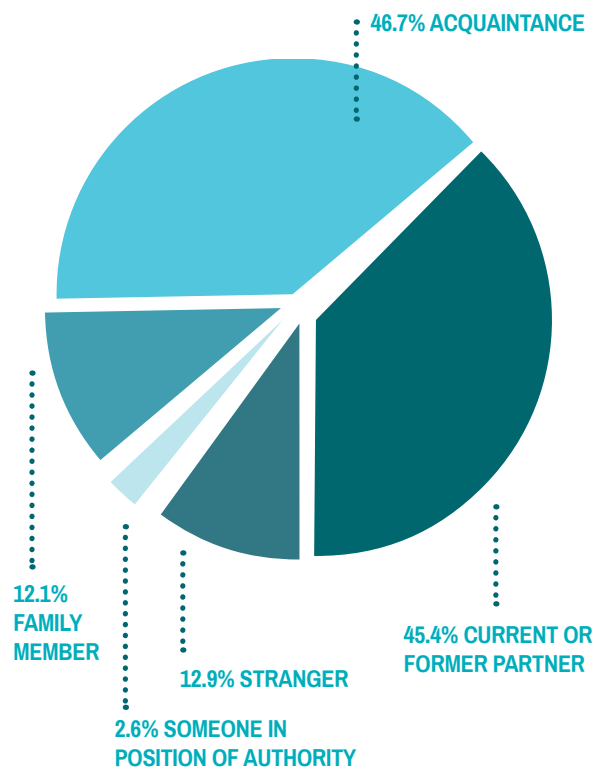
The vast majority of sexual violence survivors **know their perpetrator**. SASPA closed a legal loophole, where protective orders weren't available for survivors of sexual assault unless there was a charge or conviction.

WHAT IS A PROTECTIVE ORDER & WHAT DOES IT DO?

A protective order is a document issued by the court to help protect a survivor from a perpetrator and stop any further acts of violence or intimidating behaviors.

A protective order can shield survivors from:

- Further acts of violence
- Seeing a perpetrator (the person can be prevented from entering specific places that the survivor or their household members regularly frequent, such as work, home, or school)
- Future contact with their perpetrator (whether in-person, over the phone, or through another person)
- Stalking behaviors
- Harassment, including online harassment, of the survivor, their family members, or their employer/employees
- Any other relief the court deems appropriate



Data per the National Intimate Partner and Sexual Violence Survey, 2014. Results add up to over 100% to account for multiple perpetrators.

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The New Jersey Coalition Against Sexual Assault (NJCSA) is the statewide organization representing 21 county-based rape crisis centers and Rutgers University's Office for Violence Prevention and Victim Assistance. NJCSA elevates the voices of survivors and service providers through advocacy, training, and support for efforts to create safer communities for all women, men and children.

WHAT IS A PROTECTIVE ORDER & WHAT DOES IT DO?

There are two types of protective orders: a temporary protective order (TPO) and a final protective order (FPO).

- A **temporary protective order** is the initial type of protective order survivors can receive. It protects

against the same kind of harassing behaviors as a final protective order, but it only remains in place until the final protective order hearing.

- A **final protective order** outlines harassing behaviors that cannot continue. It is forwarded to the police department where the survivor lives, as well as where the perpetrator lives. FPOs never expire, and are valid anywhere in New Jersey.

WHO CAN APPLY FOR A PROTECTIVE ORDER UNDER SASPA?

Generally, survivors of sexual violence who are subjected to continued harassing behaviors from their abuser, who do not qualify for a domestic violence restraining order, can apply for a protective order under SASPA.

Survivors can apply for a protective order regardless of if the assault was reported to law enforcement.

If you feel you are in **immediate danger**, contact local law enforcement.

WHY MAY SOMEONE CHOOSE TO APPLY FOR A PROTECTIVE ORDER?

Everyone's situation is unique and requesting a protective order is a decision only the survivor can make. For some, a protective order will end harmful behaviors. Others may feel a protective order could cause a perpetrator to escalate.

Protective order hearings can be stressful – it may not be the right decision for you at this time, or ever. **Every person has the right** to practice self-care and make decisions that are best for their own wellbeing.

▶ be prepared:

While a protective order will discourage many perpetrators from continuing harassing behavior, it is often one piece of a comprehensive plan for safety and well-being. Working with an advocate may help a survivor feel empowered to access other support systems.

HOW DO SURVIVORS APPLY FOR A TEMPORARY PROTECTIVE ORDER?

A person who is seeking a protective order may file in person at the Superior Court in their county. A list of courthouses in New Jersey is available at:

<https://www.njcasa.org/find-a-courthouse/>

The process may take several hours. You will need to provide a *specific and comprehensive* written statement to a hearing officer. Everything included in this statement can be brought up in the protective order hearing(s); anything not included *cannot be referenced in your testimony*.

It's important that the statement comprehensively details abusive or harassing behaviors and is specific. Include actual language the perpetrator used.

📱 example:

Rather than saying, "He texted me a lot," include detail, such as: "He texted me six times in one hour, threatening to release pictures of me."

There are no court fees associated with receiving a TPO. While a lawyer is not necessary to seek a PO, it may be helpful to speak to one or to contact an advocate. Your county-based sexual violence service provider can provide trained advocates to provide additional information, link you with resources, and offer emotional support; **find a program at:**

<https://www.njcasa.org/find-help>

FOR MORE INFORMATION:

[HTTPS://WWW.NJCASA.ORG/SASPA/](https://www.njcasa.org/saspa/)