



# The Victim's Assistance and Survivor Protection Act

**The Victim's Assistance and Survivor Protection Act (VASPA)** expands the opportunity for survivors of sexual assault and victims of stalking and cyber harassment to apply for a protective order against the person who caused them harm without reporting to law enforcement or filing criminal charges

## WHAT IS A PROTECTIVE ORDER UNDER VASPA & WHAT DOES IT DO?

A **civil protective order** issued under VASPA is a court order that aims to protect a survivor of sexual violence from the person who caused them harm. A protective order prohibits the person who caused harm from having any further contact with the survivor.

### *A protective order can be a way to shield survivors from:*

- Further acts of sexual violence.
- Seeing the person who caused harm (e.g., the person can be prevented from entering specific places that the survivor or their household members regularly frequent, such as the workplace, home, or school).
- Future contact with the person who caused harm (whether oral, written, or electronic communication, either directly from the perpetrator or from the perpetrator via a third party).
- Stalking behaviors (including patterns of repeated and unwanted attention, harassment, or contact).
- Harassment, including online harassment of the survivor. (If requested, it can include the survivor's family members, friends, and their employer or employees as protected parties under the protective order.)
- Any other concern that the court deems appropriate.

### *Obtaining a protective order is a two-step process:*

- The survivor must first apply for a **Temporary Protective Order (TPO)** in family court. The TPO is the initial order that protects the survivor from the person who caused them harm and remains in place until the second step of the process.
- The second step requires a hearing to determine whether a **Final Protective Order (FPO)** can be permanently granted. An FPO never expires and is valid regardless of what state you travel to.

## WHO CAN APPLY FOR A PROTECTIVE ORDER UNDER VASPA?

Generally, survivors of sexual violence who are subjected to continued harassing behaviors from their abuser and do not qualify for a domestic violence restraining order can apply for a protective order. Victims of stalking and cyber harassment can also apply for a protective order under VASPA.

The parent or guardian of a survivor can apply on behalf of the survivor if the survivor is under 18 or has a developmental disability. A protective order can only be issued against the person who caused harm if that person is at least 18 years old (or an emancipated minor).

**You can apply for a protective order regardless of whether you reported the incident(s) to law enforcement.**

## WHY MIGHT A SURVIVOR CHOOSE TO OBTAIN A PROTECTIVE ORDER?

Every survivor is different and will want a different outcome in the aftermath of an act or repeated acts of violence. For some survivors, a protective order could protect them by prohibiting contact with the person who caused them harm without needing to report the offense to law enforcement. Other survivors may desire to both apply for a protective order and pursue criminal charges against the person who caused them harm. Everyone's situation is unique, and requesting a protective order is a decision only the survivor can make.

## HOW DO SURVIVORS APPLY FOR A PROTECTIVE ORDER?

A survivor or parent/guardian of a survivor seeking a protective order under VASPA can file in family court, Monday through Friday, from 8:30 a.m. to 3:30 p.m.

Survivors can choose to file for a protective order in the county in which they reside, in the county where the sexual offense occurred, or in the county where the person who caused harm resides. Survivors can also access an application online.

**Learn More:**

**[www.njcasa.org/find-help/vaspa](http://www.njcasa.org/find-help/vaspa)**



Trained advocates at New Jersey's local sexual violence programs can offer comprehensive safety planning, legal rights and options, shelter options, resources, counseling, court accompaniment, and emotional support. Call the 24-hour Statewide Hotline at 1-800-601-7200 or go to [njcasa.org/find-help](http://njcasa.org/find-help) for information about your local sexual violence program and available resources.

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against sexual assault