

(S. B. 146)

(No. 11-2020)

(Approved January 3, 2020)

AN ACT

To amend Section 2.3 of Act No. 54 of August 15, 1989, as amended, better known as the “Domestic Abuse Prevention and Intervention Act,” in order to grant legal capacity to parents and adult children to file a petition for an order for protection on behalf of their children or parents who are victims of domestic violence.

STATEMENT OF MOTIVES

Act No. 54 of August 15, 1989, as amended, better known as the “Domestic Abuse Prevention and Intervention Act,” was enacted over twenty-five years ago. This progressive law was approved to eradicate domestic violence and protect the victims of such a terrible social ill.

Section 1.2 of Act No. 54, *supra*, sets forth the public policy of the Government of Puerto Rico on this issue, providing that:

The Government of the Commonwealth of Puerto Rico recognizes that domestic violence is one of the most serious and complex problems in our society. Domestic violence lacerates the integrity and dignity of all victims, regardless of the sex, civil status, sexual orientation, gender identity, or immigrant status of the persons involved in the relationship. Upon developing the public policy on this matter, we must aspire to overcome the difficulties that domestic violence presents to every victim, especially to women and children, when preserving their physical and emotional integrity, assuring their safety, and saving their lives...

Section 1.2, *supra*, further provides that:

As public policy, the Government of the Commonwealth of Puerto Rico assertively repudiates domestic violence as it contravenes the values of peace, dignity, and respect that the People wish to keep for individuals, families, and the general community. This public policy promotes the development, establishment, and strengthening of effective measures to offer protection and assistance to victims, options for the rehabilitation of the offenders, and strategies for the prevention of domestic abuse.

Although Act No. 54, *supra*, is a progressive law adopted over twenty-five (25) years ago, the truth is that domestic violence still persists. Unfortunately, we continue to bear witness to multiple cases of domestic violence and to the recent surge in the number of women viciously murdered by their current or former partners, oftentimes, in the presence of their own children. In these cases, the woman dies at the hand of her abuser, and the lives of her children are destroyed due to the irreparable emotional and psychological damage caused.

We recognize that, on many occasions, the fear that they or their children will be further abused prevent victims of domestic violence from seeking help of the court or filing a petition for an order for protection.

Act No. 54, *supra*, currently allows certain persons to file a petition for an Order for Protection on behalf of a victim under specific circumstances. For example, any person may request the civil remedies established by law for him or herself or on behalf of another person when said person suffers from a mental or physical disability, in case of emergency, or when the person is unable to request such remedies personally. Furthermore, under certain circumstances, Act No. 54 allows an employer to file a petition for an Order for Protection on behalf of its employees, visitors, and any other person in the work premises.

However, the law fails to include the victims' parents and adult children, who are generally the persons closest to the victim and the ones truly aware of the domestic violence victim's suffering among those with legal capacity to file a petition for an Order for Protection on behalf of the victim. This Legislative Assembly believes that allowing immediate family members to file a petition for an Order for Protection could prevent more tragedies from happening.

In view of the foregoing, this Legislative Assembly deems it necessary to amend Act No. 54, *supra*, in order to grant the parents and adult children of victims of domestic violence legal capacity to file a petition for an Order for Protection on behalf of them.

The Government of Puerto Rico is responsible for providing victims of domestic violence with an additional tool to help them report any act of abuse against them by allowing immediate family members to file a petition for an Order for Protection on their behalf; in many instances, this could save their lives and those of their family members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 2.3 of Act No. 54 of August 15, 1989, as amended, better known as the "Domestic Abuse Prevention and Intervention Act," is hereby amended to read as follows:

"Section 2.3.- Procedure.

Any person of legal age, eighteen (18) years of age or older, may request the civil remedies established in this Section for him or herself or on behalf on any other person when said person suffers from a mental or physical disability, in case of emergency, or when the person is unable to request said remedies personally.

In addition, parents and adult children may file a petition for the civil remedies established in this Section on behalf of their children or parents who are or have been victims of domestic violence or any conduct constituting an offense

under this Act. In these cases, the victim's parents or adult children must have witnessed the act of domestic violence; or the victim must have confided in or revealed to them that he or she is a victim of acts of domestic violence. Domestic violence victim's parents or adult children shall file a verified petition stating that they informed the victim of their intent to file a petition for an order for protection on their behalf before beginning the petition process.

An employer may file a petition for an order for protection on behalf of female or male employees, visitors, and any other person in the work premises if any of its employees is or has been a victim of domestic violence or any conduct constituting domestic violence in the workplace.

...”

Section 2.- This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 11-2020 (S. B. 146)** of the **6th Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT amend Section 2.3 of Act No. 54 of August 15, 1989, as amended, better known as the “Domestic Abuse Prevention and Intervention Act,” in order to grant legal capacity to parents and adult children to file a petition for an order for protection on behalf of their children or parents who are victims of domestic violence.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 2nd day of March, 2023.

Mónica Freire-Florit, Esq.
Director