

(S. B. 532)

**(No. 26-2018)**

(Approved January 21, 2018)

## **AN ACT**

To amend Section 1.3 (m), Section 2.1, and 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 recognize the legal capacity of persons eighteen (18) years of age or older to file a petition for an order for protection without their parents with legal custody or guardians.

### **STATEMENT OF MOTIVES**

“Domestic violence is one of the most serious and complex problems in our society.” See, the Statement of Motives of Act No. 54 of August 15, 1989, as amended, better known as the “Domestic Abuse Prevention and Intervention Act.” This Act established as public policy that the Government 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.

Domestic violence includes all types of abuse perpetrated by the victim’s spouse, former spouse, partner, former partner, or any other person with whom the victim has or had an intimate relationship, regardless of the victim’s age.

Domestic violence also occurs among youth in romantic relationships. Adolescent romantic relationships also experience domestic violence and it is a situation that need to be addressed because it affects a very fragile and vulnerable sector of our population. It is worth noting that abuse or violence in romantic relationships can manifest as verbal, psychological, and physical abuse, among others.

One of the issues currently faced by youth is that, under our code of laws in effect, legal age is twenty-one (21) years. Therefore, a person under twenty-one (21) years of age must be accompanied by a father and/or mother with legal custody in order to appear before the Courts. Because many young adults are unwilling or afraid to tell their parents that they are victims of domestic violence by their respective partners, they are deprived of any protection and assistance afforded by the State because they lack the legal capacity to file a petition with the Court for an order for protection. They are also unable to file criminal charges against the abuser. This situation places youth who are victims of domestic violence in romantic relationships in an extremely critical, dangerous, and vulnerable situation that can perpetuate aggression and abuse, which, in turn affects their physical and mental health, thus putting their lives at risk.

This Legislative Assembly deems it necessary to recognize the legal capacity of youth eighteen (18) years of age or older to file a petition with the Court for orders for protection under Act No. 54, *supra*.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 1.3(m) 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 1.3.- Definitions.

For the purposes of this Act the following terms and phrases shall have the meaning expressed below:

(a) ...

(m) Petitioner.- Means any person eighteen (18) years of age or older who files a petition with the court for an order for protection...”

Section 2.- Section 2.1 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 2.1.- Orders for Protection.

Any person eighteen (18) years of age or older who has been the victim of domestic violence or conduct constituting an offense under this Act or the Penal Code of the Commonwealth of Puerto Rico or any other special law, within the context of an intimate relationship, as it is defined in subsection (m) of Section 1.3 of this Act, may file a petition with the Court for an order for protection *motu proprio*, through legal counsel, or through a law enforcement officer without the need to previously file a complaint or make an accusation...”

Section 3.- 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 eighteen (18) years of age or older may request the civil remedies established in this Chapter for him or herself or on behalf on any other person when said person suffers from a mental or physical disability, in case of an emergency or when the person is unable to request said remedies personally...”

Section 4.- This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 26-2018 (S. B. 532)** of the **2<sup>nd</sup> Regular Session** of the **18<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** amend Section 1.3 (m), Section 2.1, and 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 recognize the legal capacity of persons eighteen (18) years of age or older to file a petition for an order for protection without their parents with legal custody or guardians.

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

In San Juan, Puerto Rico, on this 28<sup>th</sup> day of February, 2023.

Mónica Freire-Florit, Esq.  
Director