

(S. B. 1680)

(No. 193-2011)

(Approved August 29, 2011)

AN ACT

To include a new subsection (e) in Section 2.6 of Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to attach to every restraining order an information sheet which shall include the precautionary measures to be taken by the petitioner of such an order to increase its effectiveness.

STATEMENT OF MOTIVES

The number of victims of domestic violence increases every day in Puerto Rico. Domestic violence is, undoubtedly, a problem that affects both the physical and emotional health of victims thereof, as well as that of their relatives. According to a report published in 2006 by the Queen Sofia Center for the Study of Violence, Puerto Rico ranked (in 2003) the second country with the highest prevalence rate of women murdered by their partners or ex-partners, after Luxembourg. These figures show that, although this is indeed a worldwide problem, its severity in Puerto Rico compels us to address it. Therefore, seeking solutions to domestic violence and the prevention thereof should be a compelling interest of the State.

Likewise, a large number of restraining orders are currently requested to protect victims of domestic violence. In 2009, a total of nineteen thousand five hundred four (19,504) restraining orders were issued under Act No. 54 of August 15, 1989, as amended. The person in favor of whom the restraining order is issued is often unaware of the precautionary measures that should be taken to make such order more effective.

It should be noted that, in the last three years, statistics show that, on average, sixty-six percent (66%) of restraining orders requested are actually granted. A restraining order is a judicial order to prohibit an aggressor to enter the house, approach, or otherwise contact the victim. Such order may also contain provisional measures regarding the custody of children, child support, parent-child relations, and financial aid, among others. It intends to protect the victim or survivor of domestic violence, as well as children, relatives, and assets.

At present, a restraining order form contains a significant amount of information. In summary, said information includes findings of facts of the court and a list of the different kinds of orders that may be issued by the court, so that judges can select those to be handed down in each controversy before their consideration. Details regarding the scope of the orders issued by the court, warnings as to the consequences entailed by the violation of a court order, and the certificate of service thereof are also included. It has been the experience of our judges that, due to the amount of information contained in the restraining order, the persons covered by the same very often fail to read it, and are, therefore, unaware of its content.

On the other hand, the process to issue a restraining order in the courts of justice of Puerto Rico is often very slow. This measure provides courts, judges, and parties with the necessary information with regard to the benefits of receiving orientation of what victims should do after being granted a restraining order.

For such reason, it is critical that, upon the issuance of a restraining order victims receive an orientation on the minimum precautionary measures thereunder in order to achieve the intended effect of the order and thus guarantee the integrity, peace of mind, safety, and, most importantly, the life of the petitioner. These precautionary measures shall be included in the information sheet attached to the restraining order.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- A new subsection (e) is hereby included in Section 2.6 of Act No. 54 of August 15, 1989, as amended, to read as follows:

“Section 2.6.- Contents of the Restraining Order.

(a) Every restraining order shall specifically state the determinations of the court, the remedies prescribed, and the term of its effectiveness.

(b) Every restraining order shall establish the date and time of issue and specifically notify all the parties that any violation thereof shall constitute contempt of court, which could result in imprisonment, a fine, or both.

(c) Any ex-parte restraining order shall include the date and time of issue, as well as the effective term thereof. It shall also indicate the date, time, and place that the hearing for the extension or annulment thereof shall be held and the grounds for issuing said ex-parte order.

(d) The Court shall issue the number of copies of the Restraining Order that the victim requests, up to a maximum of five (5) copies.

(e) Together with the restraining order, the Court shall include recommended guidelines on the precautionary measures to be taken by the victim of domestic violence to increase the effectiveness thereof. These guidelines shall include the following recommendations, among others:

1. The victim shall be advised to notify and furnish a copy of the Restraining Order, as well as a photograph of the aggressor or the person against whom the order is issued, to the following:

a. the State and Municipal Police Stations closest to his/her home;

b. the controlled-access entrances to the community or development where he/she lives, so that the aggressor or person against whom the order is issued may be identified;

- c. his/her closest neighbors;
- d. at his/her workplace, so that security personnel therein are aware of the order issued;
- e. at the children's school, so that the father/mother against whom the order has been issued is not called for an appointment at the same time as the victim.

2. Furthermore, the petitioner shall be advised that, at all times, he/she must:

- a. keep a copy of the restraining order with him/her;
- b. immediately notify the Police of any violation to the restraining order;
- c. never allow the aggressor or person against whom the restraining order is issued into his/her home;
- d. never agree to meet with the aggressor or person against whom a restraining order has been issued, or any person that the victim knows has a connection with such aggressor, at any private or public place;
- e. never accept telephone calls or answer messages sent via instant messenger or social networks on the Internet or any other communications media sent by the aggressor or person against whom the restraining order is issued, or from any other person that the victim knows has a connection therewith.
- f. take precautions when walking outside and try never to be alone in public places or in parking lots when returning to his/her motor vehicle;
- g. if the victim sees the party or the person against whom the restraining order has been issued, the former shall go to the nearest police station or any other safe place and notify the Police.

Given that this is a voluntary provision, failure to comply with this measure shall not constitute a violation of any Act whatsoever or a transfer of responsibility to the victim. In addition to the provisions set forth herein, the Court may include any other deemed pertinent.

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 193-2011 (S. B. 1680)** of the **5th Regular Session** of the **16th Legislative Assembly of Puerto Rico**:

AN ACT to include a new subsection (e) in Section 2.6 of Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," in order to attach to every restraining order an information sheet which shall include the precautionary measures to be taken by the petitioner of such an order to increase its effectiveness.

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

In San Juan, Puerto Rico, on this 27th day of April, 2015.

Juan Luis Martínez Martínez
Acting Director