

(H.B. 3677)

(No. 225)

(Approved August 9, 2008)

### **AN ACT**

To amend Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to create a new Section 2.9, which shall provide that in those cases where a child witnesses and/or perceives an act of abuse, the court shall be bound to refer the respondent to the Department of the Family for a social work evaluation.

### **STATEMENT OF MOTIVES**

Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” sets forth as public policy to protect from domestic abuse all those persons who are or had been married, have or have been a consensual union or have conceived one or more children together.

In addition to typifying crimes, Act No. 54 provides for the courts to issue protective orders without the need of having to press criminal charges against the person accused of abuse.

Furthermore, Act No. 54 establishes that in cases where protective orders are issued, the court shall have the power to provide on temporary child support issues, custody and parent-child relations in these cases. However, this Legislature deems that these Court powers must be broadened in order to protect minor children of these couples.

The cases of domestic abuse affect all family members, especially minor children. Those persons who commit acts of domestic abuse against

another person in the presence of his/her child or children, shows an abusive conduct against said minors.

The public policy of the Government of the Commonwealth of Puerto Rico against child abuse must be strengthened on an ongoing basis to offset any possibility of actions that affect the physical and emotional health of our children.

This Legislature deems that the cases of domestic abuse that have been witnessed and/or perceived by a minor child or children constitute an act of abuse against said minors, for which reason it is justified that as part of the protective order issued, the respondent shall be referred to a social work evaluation in order to determine whether he/she requires any kind of psychological assistance.

The State is compelled to protect minors, including from the acts of their own parents, mainly of those who abuse another person with no regard of the fact that they are abusing their children at the same time.

For the above reasons, it is urgent for this Legislature to amend Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to protect minors who also endure the acts of domestic abuse.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Act No. 54 of August 19, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” is hereby amended to create a new Section 2.9, which shall read as follows:

“Section 2.9.—Social Work Evaluation

In every case in which a protection order is issued and from the evidence introduced in the hearing arises that any or all the children of the parties have witnessed and/or perceived the act of abuse, the court may refer

the case to the Department of the Family in order for the person accused of abuse to be referred to and submitted to a social work evaluation, in order to determine whether he/she requires any kind of psychological assistance, which inures to the protection of the minors.

The court shall summon the respondent to a follow-up hearing to ascertain that said person went to the Department of the Family and submitted to the social work evaluation. The Department of the Family shall issue a report on the social work evaluation, in which any kind of psychological assistance may be recommended to the respondent.

If the respondent fails to comply with the referral, it shall be considered that he/she has violated the protection order.”

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. 225 (H.B. 3677) of the 7<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act,” in order to create a new Section 2.9, which shall provide that in those cases where a child witnesses and/or perceives an act of abuse, the court shall be bound to refer the respondent to the Department of the Family for a social work evaluation,

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

In San Juan, Puerto Rico, today 15<sup>th</sup> of July of 2009.

Solange I. De Lahongrais  
Director