



February 16, 2016

TO: Rep. Maxine Grad, Chair
Rep. Willem Jewett, Vice-Chair
House Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy

RE: H. 749 – Next Friend/Relief from Abuse orders for minors

Below are the Network’s comments on Draft 2.1 of H.749. We strongly urge the committee to apply the age amendment to 16 years of age that is included in Title 15 (abuse prevention orders) to the Title 12 stalking and sexual assault statutes. We also continue to support inclusion of Next Friend in H.749 so that all minors can have access to relief from abuse orders and stalking and sexual assault protection orders.

Reducing the Age from 18 to 16 in Title 12 – Stalking and Sexual Assault

Eliminating the sections on stalking and sexual assault that allows moving the age that a minor can file for protections against stalking or sexual assault from 18 years old to 16 years old similarly results in a disservice to our young victims. Courts will not be inundated with teenagers seeking stalking orders because of texts from their peers.

The possibility that many more cases may come to light once justice is more accessible is not a concern shared by the Network. We fundamentally believe that the very purpose of our legal system is to enable access to justice for everyone. The concern that minors will bring frivolous cases to the courts can be addressed by dismissing the case if it does not meet the statutory requirements.

Excluding section 4 and 5 of this bill will place 16 and 17 year victims of sexual assault at greater risk. They need access to these civil protection tools to manage their safety effectively – teens like 17 year old Elizabeth, the once homeless youth who had been sexually assaulted and had no access to the court for lack of a supportive parent or legal guardian.

More than 1/3 of all sexual assaults occur when the victim is between the ages of 12 and 17.ⁱ National research indicates that teenagers are more likely to experience sexual violence than any other age group. In fact, females ages 16-24 are more vulnerable to intimate partner violence than any other age group – at a rate almost triple the national average.ⁱⁱ

Next Friend

The Network continues to support inclusion of a Next Friend definition in the bill, thereby allowing minors who do not have a family or household member to whom they can turn to seek

relief on their behalf. We believe that Next Friend should equally apply to relief from abuse orders, as well as to orders against stalking a sexual assault.

Right now, there are many minors under the age of 16 who do not have access to the judicial system. We are doing a grave disservice to these individuals by not allowing them to have justice and relief from abusive and illegal acts that place their safety and well-being in grave danger.

We would support suggestions from Friday's testimony that the Next Friend procedure be more clearly defined in the statute itself, i.e., an affidavit from the minor in addition to an affidavit from the Next Friend. This would eliminate the need to show consent.

ⁱ "Child Sexual Abuse: What Parents Should Know," American Psychological Association. (<http://www.apa.org/pi/families/resources/child-sexual-abuse.aspx>) (February 19, 2014).

ⁱⁱ U.S. Department of Justice, Bureau of Justice Statistics, Special Report: Intimate Partner Violence and Age of Victim, 1993-99 (Oct. 2001, rev. 11/28/01)