In the Era of #MeToo, What Does a Family Law Practitioner Need to Know about Sexual Violence?

Saturday, May 4, 2019

Moderator:
Tracy C. Miller

Speakers:
Jason J. Redd
Patricia A. Teffenhart
Tracy C. Miller, MBA, Esq.
Columbia, MD
Tracy attended Hampton University as a Howard Hughes Medical Institute Scholar and graduated with Honors in Biological Sciences. After graduating, Tracy conducted biomedical research at Johns Hopkins University School of Medicine before embarking on an eight year career in the pharmaceutical industry.

Tracy later obtained a Master's in Business Administration with Honors from the University of Maryland, Robert H. Smith School of Business which included international studies in Asia and Europe in Management and Finance. Upon completion of her Masters, Tracy transitioned from pharmaceuticals to healthcare consulting and joined an international consulting firm in Washington D.C. Tracy's collaboration with the Office of General Counsel spurred her interest in law, and application to law school.

Tracy obtained her Juris Doctorate with Honors from the University of Baltimore, and during law school was a selected participant for the Domenick L. Gabrielli National Family Law Moot Court, and Family Law Clinic Rule 16 Attorney. Prior to graduation Tracy was offered an associate attorney position with a private family law practice. Tracy now operates her own small law firm in Columbia, Maryland.

Jason J. Redd, Esq.
Trenton, MD
Jay Redd has spent the past decade serving in roles at the highest levels of New Jersey government and lobbying on behalf of a broad client base. Mr. Redd possesses the unique combination of internal knowledge and external experience critical for successfully navigating the challenging realm of politics on behalf of clients.

Mr. Redd is extensively involved in pro bono and community service, including work on sexual violence and mental illness, and is a former President of the Trenton Board of Education. He was recently recognized by the New Jersey Coalition Against Sexual Assault as a champion for his work advocating for survivors of sexual assault.

Prior to joining Gibbons, Mr. Redd served as Deputy Executive Director and General Counsel to the New Jersey Senate Majority Office. Additionally, Mr. Redd has served as Senior Counselor to the Senate President and Chief of Staff to the Senate Majority Leader.

Mr. Redd has been widely recognized for his achievements in government affairs. In 2014, Mr. Redd was named “Young Alumni of the Year” by the Edward J. Bloustein School of Planning and Public Policy at Rutgers University, where he is an adjunct professor of public policy.

Patricia A. Teffenhart, MPA
Holmdel, NJ
Patricia Teffenhart is the Executive Director of the New Jersey Coalition Against Sexual Assault (NJ CASA). Under her leadership, NJ CASA has a record of success, including expanding the sexual assault forensic evidence retention timeline; passing the Sexual Assault Survivors Protection Act of 2015; creating and Co-Chairing the Campus Sexual Assault Task Force; mandating regular training for law enforcement; closing loopholes in the hiring practices of school employees to protect our children from sexual predators; and increasing appropriations for sexual violence services in the New Jersey State Budget by over 510%.

Patricia is a proud graduate of Douglass College and holds a Masters in Public Administration from the Rutgers School of Public Affairs and Administration.
Patricia is a 2014 recipient of the *Alice Paul Equality Award*. In 2015, under her leadership, NJCASA received the *President Ronald W. Reagan Award* from the New Jersey Office of the Attorney General in recognition of NJCASA’s systems advocacy. In 2016, NJBIZ recognized her as one of New Jersey’s top *Forty Under 40* professionals. In 2017, she was received one of Senator Menendez’s *Evangelina Menendez Trailblazer Award*. She was a member of Governor Murphy’s Transition Team, and at the height of the #MeToo movement, attended the 2018 State of the Union as the guest of United States Senator Menendez. The *Star Ledger* included Patricia in the “Top 25 People to Watch in 2018”.

Patricia currently serves on the Board of Directors for the Women’s Political Caucus of New Jersey, and the National Alliance to End Sexual Violence.
Practicing Family Law in the Era of #MeToo
Jason Redd-jredd@gibbonslaw.com

Things to Consider When Meeting with a Survivor of Sexual Assault

• Let the individual tell their story in the manner they want to tell you.
• Let the survivor talk about the incident, but don’t force a discussion.
• Listen without judging.
• The individual has the right to tell you as much or as little as they want about their story.
• Use only the language that the survivor uses to describe the event (ie. not saying “rape” unless they do).
• Offer to connect them with assistance, but let them decide what action, if any, they would like to take. (See attached list of resources.)
• Remember that survivors come in all genders, colors, shapes, ethnic backgrounds, etc. Do not make assumptions.

A sexual violence claim is not the same as a domestic violence claim, but a domestic violence claim can be sexual violence claim.

Elements of a sexual violence claim generally requires:
• Penetration or sexual contact
• The victim of the act must be:
  o An adult who did not provide consent; or
  o An individual who is unable to provide consent.
  o In some jurisdictions, the definition is expanded to include individuals operating in an in loco parentis role.

Sexual Assault Survivor Protection Acts
Recently, many jurisdictions have enacted Sexual Assault Survivor Protection Acts (‘SASPA’). These Acts provide sexual assault survivors, without a relationship covered under the domestic violence statute, the opportunity to seek no contact orders from the state prior to a criminal court finding.

A SASPA claim contains the following elements:
• An individual over 18 or a parent or guardian for a person under 18.
• The individual must have been a victim of:
• nonconsensual sexual penetration,
• nonconsensual sexual contact,
• lewdness or the attempt of any of those crimes.
• No particular relationship with the offender is necessary.
• The victim does not need to have a particular relationship with the offender, but the offender must be at least 18 years old.

Thirty-nine states and the District of Colombia have enacted statutes providing survivors of sexual assault with access to protection orders. Reasons for enactment include:
• The need to protect individuals from sexual assault from relationships outside of the traditional “domestic” relationships:
  o Co-workers;
  o Classmates;
  o Friends and acquaintances;
  o Affinity group members (church, synagogue, mosque, political groups, etc.)
• The realization that the majority of sexual assault survivors are not eligible for protective orders because the majority of sexual assault cases are not reported to law enforcement.

**List of jurisdictions with SAPSA/SAPO Protections**

<table>
<thead>
<tr>
<th>State</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>ALABAMA CODE TITLE 30 § 30-5</td>
</tr>
<tr>
<td>Alaska</td>
<td>ALASKA STAT. § 18.65.850 (2017)</td>
</tr>
<tr>
<td>California</td>
<td>CAL. CIV. PROC. CODE ANN. §527.6 (2017)</td>
</tr>
<tr>
<td>Colorado</td>
<td>COLO. REV. ST AT. ANN. § 13-14-102 (2013)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>CONN. GEN STAT. § 46B-16A</td>
</tr>
<tr>
<td>Florida</td>
<td>FLA. STAT. ANN. § 784.046 (2016)</td>
</tr>
<tr>
<td>Illinois</td>
<td>740 ILL. COMP. ST AT. ANN. 22/201 (2011)</td>
</tr>
<tr>
<td>Indiana</td>
<td>IND. CODE § 34-26-5- 2 (2017)</td>
</tr>
<tr>
<td>Kentucky</td>
<td>K.R.S § 456.010-180 (2016)</td>
</tr>
<tr>
<td>Louisiana</td>
<td>LA. STAT. ANN. § 4:2183</td>
</tr>
<tr>
<td>Maryland</td>
<td>MD. CODE ANN., CTS. &amp; JUD. PROC. § 3-150 (2011)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>MASS. GEN. LAWS ch. 258E (2011)</td>
</tr>
<tr>
<td>Michigan</td>
<td>MICHIGAN COMP LAWS § 600.2950a (2011)</td>
</tr>
<tr>
<td>Minnesota</td>
<td>MINN. STAT. ANN. § 609.748 (2013).</td>
</tr>
<tr>
<td>Missouri</td>
<td>MO. ANN. STAT. § 455.005-455.090 (2017)</td>
</tr>
</tbody>
</table>
Other Protections for Survivors of Sexual Assault

Victim Compensation
In 1984, the Victims of Crime Act established the Crime Victims Fund to provide funding for victim services throughout the United States. The funding comes from many sources including criminal fines and penalties. Each jurisdiction has an entity responsible for disbursing these funds, including direct support to crime victims.

In order to access these funds, the victim must satisfy the local requirements.

Here is a list of state offices for survivors seeking compensation:

<table>
<thead>
<tr>
<th>State</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td><a href="https://acvcc.alabama.gov/">https://acvcc.alabama.gov/</a></td>
</tr>
<tr>
<td>Alaska</td>
<td><a href="http://doa.alaska.gov/vccb/">http://doa.alaska.gov/vccb/</a></td>
</tr>
<tr>
<td>Arizona</td>
<td><a href="http://www.azcjc.gov/victim-services">http://www.azcjc.gov/victim-services</a></td>
</tr>
<tr>
<td>Arkansas</td>
<td><a href="http://arkansasag.gov/programs/criminal-justice/crime-victim-reparations/">http://arkansasag.gov/programs/criminal-justice/crime-victim-reparations/</a></td>
</tr>
<tr>
<td>State</td>
<td>Website</td>
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<tr>
<td>-----------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>California</td>
<td><a href="http://victims.ca.gov/">http://victims.ca.gov/</a></td>
</tr>
<tr>
<td>Colorado</td>
<td><a href="https://www.colorado.gov/pacific/dcj/Vic_Comp">https://www.colorado.gov/pacific/dcj/Vic_Comp</a></td>
</tr>
<tr>
<td>Delaware</td>
<td><a href="https://attorneygeneral.delaware.gov/VCAP/">https://attorneygeneral.delaware.gov/VCAP/</a></td>
</tr>
<tr>
<td>District of Columbia</td>
<td><a href="https://www.dccourts.gov/services/crime-victims-compensation-matters">https://www.dccourts.gov/services/crime-victims-compensation-matters</a></td>
</tr>
<tr>
<td>Florida</td>
<td><a href="http://myfloridalegal.com/victims">http://myfloridalegal.com/victims</a></td>
</tr>
<tr>
<td>Georgia</td>
<td><a href="http://cjcc.georgia.gov/victims-compensation">http://cjcc.georgia.gov/victims-compensation</a></td>
</tr>
<tr>
<td>Hawaii</td>
<td><a href="http://dps.hawaii.gov/cvcc/">http://dps.hawaii.gov/cvcc/</a></td>
</tr>
<tr>
<td>Idaho</td>
<td><a href="http://www.crimevictimcomp.idaho.gov">http://www.crimevictimcomp.idaho.gov</a></td>
</tr>
<tr>
<td>Indiana</td>
<td><a href="http://www.in.gov/cjii/2333.htm">http://www.in.gov/cjii/2333.htm</a></td>
</tr>
<tr>
<td>Iowa</td>
<td><a href="https://www.iowaattorneygeneral.gov/for-crime-victims/compensation-program/">https://www.iowaattorneygeneral.gov/for-crime-victims/compensation-program/</a></td>
</tr>
<tr>
<td>Kansas</td>
<td><a href="http://ag.ks.gov/victim-services/compensation">http://ag.ks.gov/victim-services/compensation</a></td>
</tr>
<tr>
<td>Kentucky</td>
<td><a href="http://ccvb.ky.gov/">http://ccvb.ky.gov/</a></td>
</tr>
<tr>
<td>Louisiana</td>
<td><a href="http://www.lcle.state.la.us/programs/cvr.asp">http://www.lcle.state.la.us/programs/cvr.asp</a></td>
</tr>
<tr>
<td>Maryland</td>
<td><a href="http://www.dpscs.state.md.us/victimservs/cicb/index.shtml">http://www.dpscs.state.md.us/victimservs/cicb/index.shtml</a></td>
</tr>
<tr>
<td>Michigan</td>
<td><a href="http://www.michigan.gov/mdhhs/0,5885,7-339-71548_54783_54853---,00.html">http://www.michigan.gov/mdhhs/0,5885,7-339-71548_54783_54853---,00.html</a></td>
</tr>
<tr>
<td>Mississippi</td>
<td><a href="http://www.ago.state.ms.us/divisions/compensation/">http://www.ago.state.ms.us/divisions/compensation/</a></td>
</tr>
<tr>
<td>Missouri</td>
<td><a href="https://dps.mo.gov/dir/programs/cvc">https://dps.mo.gov/dir/programs/cvc</a></td>
</tr>
<tr>
<td>Montana</td>
<td><a href="https://dojmt.gov/victims/compensation/">https://dojmt.gov/victims/compensation/</a></td>
</tr>
<tr>
<td>Nebraska</td>
<td><a href="https://ncc.nebraska.gov/victims-reparations">https://ncc.nebraska.gov/victims-reparations</a></td>
</tr>
<tr>
<td>Nevada</td>
<td><a href="http://voc.nv.gov/">http://voc.nv.gov/</a></td>
</tr>
<tr>
<td>New Jersey</td>
<td><a href="https://www.nj.gov/oag/njvictims/home.html">https://www.nj.gov/oag/njvictims/home.html</a></td>
</tr>
<tr>
<td>New Mexico</td>
<td><a href="http://www.cvrc.state.nm.us">http://www.cvrc.state.nm.us</a></td>
</tr>
<tr>
<td>New York</td>
<td><a href="https://www.ovs.ny.gov/victim-compensation">https://www.ovs.ny.gov/victim-compensation</a></td>
</tr>
</tbody>
</table>
North Carolina  https://www.ncdps.gov/DPS-Services/Victim-Services/Crime-Victim-Compensation
North Dakota  https://docr.nd.gov/crime-victims-compensation
Ohio  http://www.ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation
Oregon  https://www.doj.state.or.us/crime-victims/victims-resources/victims-services/compensation-for-victims-of-crime
Pennsylvania  http://pcv.pccd.pa.gov/available-services/Pages/Victims-Compensation.aspx
Rhode Island  http://treasury.ri.gov/programs/crime-victim-compensation-program
South Carolina  http://sova.sc.gov
South Dakota  http://dss.sd.gov/keyresources/victimservices/
Tennessee  http://treasury.tn.gov/injury
Texas  https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation
Utah  https://justice.utah.gov/Crime/
Vermont  http://www.ccvs.state.vt.us
Virginia  http://www.cicf.state.va.us
West Virginia  http://www.legis.state.wv.us/Joint/victims.cfm
Wisconsin  http://www.doi.state.wi.us/ocvs/compensation/compensation-your-financial-losses
Wyoming  http://ag.wyo.gov/victim-services-home-page

Paid Time Off for Sexual Violence Survivors
Currently, 20 states provide paid time off to survivors of sexual assault. This time allows for survivors to address issues as a result of their assault. This includes time for court appearances, health care appointments, and other things associated with the assault. Below is a list of states that mandate this benefit for survivors:

<table>
<thead>
<tr>
<th>State</th>
<th>Cite</th>
<th>Description of Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Cal. Lab. Code §§ 230.1</td>
<td>Protects an employee from taking time off to seek medical assistance or services.</td>
</tr>
<tr>
<td>State</td>
<td>Statute</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Colorado</td>
<td>Colo. Rev. Stat. § 24-34-402.7</td>
<td>Permits an employee to take up to three days of leave to attend court, seek medical assistance or services.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Con. Gen. Stat. § 31-51ss</td>
<td>Permits up to 12 days of paid or unpaid leave, per calendar year to attend court, seek medical assistance or services.</td>
</tr>
<tr>
<td>Delaware</td>
<td>Del. Code Tit. 19, Ch. 7, § 710</td>
<td>Requires employers to provide reasonable accommodations if it does not impose an undue hardship on their business.</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>D.C. Code §§ 32-131.01</td>
<td>Employees may use their paid leave for seeking medical assistance or obtaining services.</td>
</tr>
<tr>
<td>Florida</td>
<td>Fla. Stat. § 741.313</td>
<td>Requires employers to provide reasonable and necessary leave if an individual, or a family member, is the victim of a crime of violence.</td>
</tr>
<tr>
<td>Guam</td>
<td>Guam Code Ann. 22-3-3401</td>
<td>An employee may take unpaid leave for a reasonable period of time if the employee, or family member, is the victim of sexual violence.</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Haw. Rev. Stat. § 378-72</td>
<td>Employees may request up and take up to three days of leave in a calendar year if they, or a family member, is a victim of sexual violence.</td>
</tr>
<tr>
<td>Illinois</td>
<td>820 Ill. Comp. Stat. 180</td>
<td>Employees may take up to 12 workweeks of unpaid leave during any 12-month period if they are a victim of sexual violence.</td>
</tr>
<tr>
<td>Kansas</td>
<td>K.S.A. §§ 44-1131 &amp; -1132</td>
<td>An employee is permitted to take time off if they are a victim of sexual violence. They must give their employer notice and documentation upon return.</td>
</tr>
<tr>
<td>Maine</td>
<td>26 Me. Rev. Stat. § 850</td>
<td>Employer must give reasonable and necessary leave when an employee, or family member, is a victim of sexual violence.</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Mass. Gen. L. Ann. ch. 260 § 10</td>
<td>Permits up to 15 days of leave, per calendar year to attend court, seek medical assistance or services.</td>
</tr>
<tr>
<td>State</td>
<td>Code/Statute</td>
<td>Description</td>
</tr>
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<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>New Jersey</td>
<td>NJSA 34:11C-1</td>
<td>Permits up to 20 days of leave, per calendar year to attend court, seek medical assistance or services.</td>
</tr>
<tr>
<td>New Mexico</td>
<td>NM Stat. 50-4A-3</td>
<td>Permits up to 14 days of leave, per calendar year to attend court, seek medical assistance or services.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>N.C. Gen. Stat. § 50B-5.5</td>
<td>Prohibits discrimination against an employee if they take &quot;reasonable time off&quot; from work seeking medical assistance or to obtain services.</td>
</tr>
<tr>
<td>North Dakota</td>
<td>N.D. Cen. Code § 54-06-14.6</td>
<td>Employees are entitled to use up to five days of sick leave per calendar year when they, or a family member, is the victim of sexual violence.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Or. Rev. Stat. §§ 659A.256,</td>
<td>Permits an employee to take reasonable unpaid time off if they, or a family member, is the victim of sexual violence.</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>P. R. Stat. Ann. 21-223-4566</td>
<td>Municipalities are required to provide up to five days of paid leave to employees who are victims of sexual violence or who have family members who are victims of sexual violence.</td>
</tr>
<tr>
<td>Washington</td>
<td>Wash. Rev. Code § 49.76</td>
<td>Permits an employee to take reasonable time off if they, or a family member, is the victim of sexual violence.</td>
</tr>
</tbody>
</table>

In addition to the states listed above, many jurisdictions have local rules that govern time off for survivors to seek medical treatment and services.
National Resources for Sexual Assault Survivors and their Loved Ones


General Information:

- **National Sexual Assault Hotline**: National hotline, operated by RAINN, that serves people affected by sexual violence. Hotline: 800.656.HOPE
- **National Sexual Violence Resource Center**: This site offers a wide variety of information relating to sexual violence including a large legal resource library.
- **National Organization for Victim Assistance**: Founded in 1975, NOVA is the oldest national victim assistance organization of its type in the United States as the recognized leader in this noble cause.
- **National Online Resource Center on Violence Against Women**: VAWnet, a project of the National Resource Center on Domestic Violence hosts a resource library home of thousands of materials on violence against women and related issues, with particular attention to its intersections with various forms of oppression.
- **U.S. Department of Justice: National Sex Offender Public Website**: NSOPW is the only U.S. government Website that links public state, territorial, and tribal sex offender registries from one national search site.
- **The National Center for Victims of Crime**: The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime.
- **National Street Harassment Hotline**: Created by Stop Street Harassment, Defend Yourself, and operated by RAINN, the National Street Harassment Hotline is a resource for those affected by gender-based street harassment. Support is available in English and Spanish: call 855.897.5910 or chat online.

Child Abuse/Sexual Abuse:

- **National Child Abuse Hotline**: They can provide local referrals for services. A centralized call center provides the caller with the option of talking with or texting a counselor. They are also connected to a language line that can provide service in over 140 languages. Call or text hotline: 800.4.A.CHILD (422.2253)
• **Darkness to Light**: They provide crisis intervention and referral services to children or people affected by sexual abuse of children. Hotline calls are automatically routed to a local center. Helpline: 866.FOR.LIGHT (367.5444)

• **Cyber Tipline**: This Tipline is operated by the [National Center for Missing and Exploited Children](https://www.missingkids.com). Can be used to communicate information to the authorities about child pornography or child sex trafficking. Hotline: 800.THE.LOST (843.5678)

• **National Children’s Alliance**: This organization represents the national network of Child Advocacy Centers (CAC). CACs are a multidisciplinary team of law enforcement, mental and physical health practitioners who investigate instances of child physical and sexual abuse. Their website explains the process and has a directory according to geographic location.

• **Stop It Now**: Provides information to victims and parents/relatives/friends of child sexual abuse. The site also has resources for offender treatment as well as information on recognizing the signs of child sexual abuse. Hotline: 888-PREVENT (773.8368)

• **Justice for Children**: Provides a full range of advocacy services for abused and neglected children.

**Domestic, Dating and Intimate Partner Violence:**

• **National Domestic Violence Hotline**: Through this hotline an advocate can provide local direct service resources (safehouse shelters, transportation, casework assistance) and crisis intervention. Interpreter services available in 170 languages. They also partner with the Abused Deaf Women’s Advocacy Center to provide a videophone option. Hotline: 800.799.SAFE

• **National Teen Dating Abuse Online Helpline**: This online helpline assists teens who are, or may be, in abusive relationships.

• **Pathways to Safety International**: The center serves abused Americans, mostly women and children, in both civilian and military populations overseas. In addition to providing domestic violence advocacy, safety planning and case management, the center assists victims with relocation, emergency funds for housing and childcare, and funds for payment of legal fees.

• **National Coalition against Domestic Violence**: The national coalition of Domestic Violence organizations is dedicated to empowering victims and changing society to a zero tolerance policy.
Sample Sexual Assault Statute


2C:14-2 Sexual assault.

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.

Aggravated sexual assault is a crime of the first degree.

Except as otherwise provided in subsection d. of this section, a person convicted under paragraph (1) of this subsection shall be sentenced to a specific term of years which shall be
fixed by the court and shall be between 25 years and life imprisonment of which the person shall serve 25 years before being eligible for parole, unless a longer term of parole ineligibility is otherwise provided pursuant to this Title.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sample Domestic Violence Statute

2C:25-19 Definitions.

3. As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

(1) Homicide N.J.S.2C:11-1 et seq.
(2) Assault N.J.S.2C:12-1
(3) Terroristic threats N.J.S.2C:12-3
(4) Kidnapping N.J.S.2C:13-1
(6) False imprisonment N.J.S.2C:13-3
(7) Sexual assault N.J.S.2C:14-2
(8) Criminal sexual contact N.J.S.2C:14-3
(9) Lewdness N.J.S.2C:14-4
(10) Criminal mischief N.J.S.2C:17-3
(11) Burglary N.J.S.2C:18-2
(12) Criminal trespass N.J.S.2C:18-3
(13) Harassment N.J.S.2C:33-4
(14) Stalking P.L.1992, c.209 (C.2C:12-10)
(16) Robbery N.J.S.2C:15-1
(17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b."Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c."Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d."Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e."Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

L.1991, c.261, s.3; amended 1994, c.93, s.1; 1994, c.94, s.1; 2015, c.98, s.2.
Sexual violence has lasting effects on individuals, families, and communities. When someone is assaulted or harassed, it can affect their ability to concentrate on schoolwork, their job, and their relationships. Sometimes a person experiences violence by a person they love or with whom they are romantically involved. This type of violence isolates that person from other people in their life and has dangerous consequences.

WHAT IS INTIMATE PARTNER SEXUAL VIOLENCE?

Intimate partner sexual violence (IPSV) occurs when an individual uses force, threats, manipulation, or coercion to control their partner and force them into unwanted sexual contact or activity. IPSV refers to a range of behaviors, including nonconsensual condom removal (sometimes called “stealthing”) or other birth control sabotage, forced unsafe sex practices, and/or controlling a partner’s decisions regarding pregnancy. IPSV can happen regardless of age, race, ethnicity, gender, religion, geography, ability, appearance, sexual orientation, or gender identity.

Adolescent relationship abuse

Adolescence is a time for exploring relationships. Unfortunately, many adolescents and teens experience coercion, abuse, or assault as part of their first or early relationships. 25 percent of female victims and 15 percent of male victims first experienced intimate partner violence prior to age 18.1 CDC research found that nearly 1 in 10 teens

25% of female victims of IPV

15% of male victims of IPV

25 percent of female victims and 15 percent of male victims first experienced intimate partner violence prior to the age of 18.

(CDC, 2017).
reported perpetrating some type of sexual violence on a partner (including sexual coercion, unwanted kissing / touching, and completed rape).  

Adult experiences with IPSV
Healthy relationships are supportive, respectful, and bring out our best selves. However, some individuals use sexual abuse, coercion, and assault as ways to control and terrorize their partner. Over 18 percent of women and 8 percent of men reported experiencing contact sexual violence by an intimate partner.  

IPSV has some qualities that make it different from other forms of intimate partner violence and/or sexual violence. These qualities may make it more challenging for a survivor to come forward or heal from the experiences.

Survivors of IPSV often experience:
- Long-lasting and/or repetitive trauma — the partner may repeatedly assault or abuse over the course of weeks, months, or years.
- Higher likelihood to be targeted for physical violence.
- Higher risk of sexually-transmitted infections (STIs)
- Higher risk of fatality.
- Higher risk for post-traumatic stress disorder (PTSD), depression, or anxiety.

ABUSE OF VULNERABLE POPULATIONS
Sexual coercion and abuse within relationships is always harmful and can have a lasting negative impact. People who are harming their partner may exploit specific characteristics that are commonly shared and known in the relationship, such as:

- Sexual orientation
- Gender identity
- Immigration / citizenship status
- Different levels of ability
... among others.

Abusers may use specific information to coerce a partner into keeping silent.

Abusers may use this specific information to coerce a partner into keeping silent about abusive behaviors. While it can always often be difficult for survivors to seek help in an abusive relationship, these additional factors can add another layer of challenges for victims who want to seek help.

REFERENCES
3 Smith et al. (2017)

© New Jersey Coalition Against Sexual Assault 2018.
The New Jersey Coalition Against Sexual Assault (NJCASA) is the statewide organization representing 21 county-based rape crisis centers and Rutgers University’s Office for Violence Prevention and Victim Assistance. NJCASA elevates the voice of survivors and service providers through advocacy, training, and support for efforts to create safer communities for all people.
In the ERA of #MeToo, What Does a Family Law Practitioner Need to Know about Sexual Violence?

Patricia Teffenhart, MPA
New Jersey Coalition Against Sexual Assault

Jason Redd, Esq
Gibbons, PC
Who is NJCASA?

21 County-based providers and Rutgers New Brunswick Violence Prevention & Victim Assistance
- Counseling
- Crisis-Intervention
- Prevention & Education
- Hotline Support

Statewide advocacy organization
- Advocacy
- Training
- Collaboration

NJCASA provides info, resources, and training to what some call “rape crisis centers” or, what we call, “sexual violence centers” or anyone working in New Jersey to end sexual violence.

We have 21 programs in each county, and another center at Rutgers.

We also provide trainings to support law enforcement and help support victim-centered approaches in their interactions with survivors. We also have a Training Institute, which provides webinars and in-person trainings to increase the capacity of our 22 sexual violence programs as well as any allied organizations or members working in the anti-sexual violence movement.

In addition to the trainings and resources we provide, we also work on legislative issues and advocate for legislation in the state that supports survivors of sexual violence. Our latest win, which you may have seen, was the passing of the Sexual Assault Survivor Protection Act of 2015, which was passed later last year, and allows survivors to apply for a restraining order against their perpetrator. Previously, the only way a survivor could apply for a restraining order was only if the survivor had been in an intimate relationship with the perpetrator. This was not inclusive of all survivors prior to this act passing, especially if the perpetrator was a friend or an acquaintance. This Act allows survivors to apply for a restraining order, regardless of the relationship with their perpetrator. This is an example of some legislation that NJCASA advocates for and supports in the state.

In addition to all of that, we also foster collaborative relationships with other organizations in New Jersey and nationwide. These collaborations inform the work that we do, and also allows us to spread these collective messages to the community at larger, and enhance the visibility and awareness of sexual violence prevention and response.

Ultimately, NJCASA works to promote public awareness related to sexual violence prevention and response.
Who is Gibbons, PC?

With 200 attorneys, Gibbons is a leading law firm in New Jersey, New York, Pennsylvania, Delaware, Washington, DC, and Florida, ranked among the nation’s top 200 by *The American Lawyer*.

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Ultimately, NJCASA works to promote public awareness related to sexual violence prevention and response.
Our time together

Understanding #MeToo

The neurobiology and impact of trauma

Serving clients with a history of victimization/survivorship

Trauma overview
Local programs/connecting with experts
Self-care
Facilitator notes:

Tarana Burke started #MeToo to support survivors of sexual violence. The movement hit mainstream and national attention after actress and activist Alyssa Milano tweeted it and the hashtag went viral, bringing global attention to sexual violence first in the workplace, eventually expanding to recognize sexually violent experiences across the spectrum of life.

Historical practices of appropriating Black women’s organizing was brought to the conversations in the anti-sexual violence movement. Whitewashing #MeToo lead to calling out the ways Women of Color, LGBTQ+ survivors, disabled survivors, immigrant survivors, and other marginalized groups experience different responses than survivors who fit the mainstream narrative of “good victims.”

With social media, survivors from marginalized communities are able to make their voices heard on a larger scale than ever before. Social media also serves as a platform to challenge harmful norms that perpetuate rape culture, call out harmful organizing efforts, and continually center marginalized people in the anti-sexual violence movement.

Key points:

#MeToo was quickly appropriated by wealthy, white women, reflecting the same dynamics that harmed the Feminist Movement of the 1970s. Social media gave Black women the ability to take back their movement and bring conversations about race and feminism to the front.
The hippocampus is responsible for processing available information and developing them into memories. To do this, it picks up all sensory available and categorizes them into the appropriate area of the brain to be stored for future reference.

[Notecard example]

When the brain picks up that the situation could be dangerous, the amygdala is the first to process that. It is responsible for emotionally processing events and integrating the emotions into memories alongside the hippocampus.

Both of these areas are very sensitive to hormone fluctuations, which means that depending upon what hormones and the amount of hormones coursing through the body at the moment can either make it easier or more difficult for the brain to pick up information and store it in the correct places.
Back to memory—

The increased level of hormones disrupts the physical response of the body, which we discussed is freeze, but it also impairs the way the hippocampus stores the information. It’s all over the place.

[Notecard activity]

This is why it’s difficult for a survivor to talk about the assault in order with important details that the police may need to know for the investigation. They might remember what song was playing in the background, but not if the person had brown or blonde hair. They might remember seeing an orange chair, but not if the person used protection. They might not remember the exact sequence of events.

The HPA Axis—or that influx of hormones we talked about—can stay active for up to 96 hours after the traumatic event. Sleep is very important to help regulate the hormones, which is why a survivor may remember more details after a few nights of sleep.

An exception to this can be the role of alcohol in the event. We know that drinking can already impair cognitive functioning at a basic level, so combining alcohol with a traumatic experience, the brain may not store any or much information at all.

There are long-term impacts of trauma on the brain’s functioning.

The amygdala (processes emotions alongside the memories collected by the hippocampus) experiences an increase in sensitivity and is highly influential in day-to-day living. It becomes more focused on survival and self-protection, and it wants to ensure the body can recognize when another threat might be present. So when the person hears a song that was playing during the assault, the amygdala recognizes that as a connection to the trauma that occurred and sends out warning signals of danger, just in case there is a threat even if there is not one.

The hippocampus (processes and categorizes memories) experiences a decreased ability to recognize whether a space is safe or not. We discussed how the amygdala and the hippocampus talk to each other—so if a survivor hears the song, the amygdala sends a signal that there’s a threat and the hippocampus responds how it thinks it should and it can’t absorb the surroundings to determine if the area is safe. How does this manifest in the survivor? They’re extra sensitive and involuntarily react to these triggers.
Triggers can look different for everyone, and it’s not always obvious that a survivor is reacting from a trigger.
# Long-term effects of trauma

## Physical
- Pregnancy
- STDs
- Chronic pain
- Migraines

## Social
- Isolation
- Strained relationships
- Less frequent contact with friends and family

## Psychological
- Depression
- Anxiety
- Withdrawal
- PTSD (flashbacks, sleep disturbances, emotional detachment)
- Attempted or completed suicide
- Lowered self-esteem
- Avoidance/decreased interest in sex

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https://www.cdc.gov/violenceprevention/sexualviolence/consequences.html

The CDC-administered survey—NISVS—identified that those who have experienced some sort of sexual violence are more likely to have chronic migraines, abdominal issues, and other physical manifestations from the trauma.
### Some coping strategies

<table>
<thead>
<tr>
<th>Substance abuse</th>
<th>Eating disorders</th>
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<tr>
<td>Alcohol</td>
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### High-risk sexual behavior

### Delinquency and criminal behavior

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https://www.cdc.gov/violenceprevention/sexualviolence/consequences.html

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High-risk sexual behavior —
Some survivors completely avoid sex after their assault, while others cope with the assault by having an increased amount of sex. SV is about power & control, so the survivor may feel that they are taking back control of their body by deciding who gets to touch it.

OSFED - Other specified feeding or eating disorder
Survivors as Clients

Things to Consider When Meeting with a Survivor of Sexual Assault

Let the individual tell their story in the manner they want to tell you.

Let the survivor talk about the incident, but don't force a discussion.

Listen without judging.

The individual has the right to tell you as much or as little as they want about their story.

Use only the language that the survivor uses to describe the event (i.e. not saying “rape” unless they do).

Offer to connect them with assistance, but let them decide what action, if any, they would like to take. (See attached list of resources.)

Remember that survivors come in all genders, colors, shapes, ethnic backgrounds, etc. Do not make assumptions.

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Resources
### Resources for survivors

- **National Hotline:** 800-656-4673
- **National Sexual Violence Resource Center:** [www.nsvrc.org](http://www.nsvrc.org)
- **National Alliance to End Sexual Violence:** [www.endsexualviolence.org](http://www.endsexualviolence.org)
Questions?

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