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Testimony of Criston MacTaggart, Women's Fund of Omaha, in support of LB 118. Judiciary Committee- February 5th

Chairperson Lathrop and Members of the Judiciary Committee, my name is Criston MacTaggart and I am the Freedom From Violence Project Coordinator for the Women's Fund of Omaha. The Women's Fund testifies in support of LB 118, a bill that makes protection orders more accessible to survivors and streamlines the process for the court system by extending the duration of the orders and eliminating the notarization requirement.

Protection orders, which consist of Domestic Abuse Protection Orders, Sexual Assault Protection Orders and Harassment Protection orders play a vital role in a survivor's safety. As Nebraska works towards reducing violence within its communities, protection orders are a part of the harm reduction. Studies have found that protection orders are associated with an 80 percent reduction in police reported physical violence in the following year after granted.ⁱ Longer durations of protection orders may lead to a greater decrease risk of violence than the current one-year duration of orders. One study found a 70 percent reduction in physical abuse and 60 percent reduction on psychological abuse to be directly associated with the extended duration of protection orders.ⁱⁱ

Extended protection orders also account for the many survivors that experience abuse for longer than a one-year period. One in four domestic violence survivors report experiencing five or more years of abuse.ⁱⁱⁱ Right now, for survivors experiencing multiple years of violence, they must engage in an annual renewal process with the court, with such renewal process beginning exactly 45 days prior to the order's expiration. This process is entirely initiated by survivors and there is no court notification when an order is about to expire. This means survivors must remember the exact date their order expires and apply for renewal within this strict timeframe, most often without the support of legal representation. For survivors who miss this renewal period, they must reapply for an entirely new order after it expires. In Douglas County over 200 protection orders in the last few years have been requested between the same parties who previously had protection orders^{iv}.

This reapplication process requires survivors to revisit experiences of trauma and potentially increases safety issues through additional contact with their abuser, but it also puts an unnecessary strain on the court system. When the annual renewal process for a Domestic Abuse Protection Order or a Sexual Assault Protection Order are utilized, there is an exceptionally high approval rate (87%)^v. This exemplifies that many survivors still had a need for protection that was confirmed by the courts. With a majority of renewal requests being approved, the extended duration of protection orders would streamline the process for the courts.

The second portion of this bill, the notarization process, poses another barrier for survivors seeking protection orders. Initial application for a protection order is an extremely dangerous time for a survivor as orders are typically obtained when a victim is leaving their abuser, which is one of the most dangerous times for them. Notarization may prevent or delay a survivor from obtaining a protection order, which increases safety risks. This is especially true if a victim does not have transportation to get to a notary or have access to their identifying documentation because of immigration status, it being taken by their abuser or they had to leave without it. Additionally, 99 percent of domestic violence survivors experience financial abuse from their harm doer, including restricting access to bank accounts or limiting knowledge and information of bank accounts.^{vi} As notarization is often obtained through one's bank, domestic violence-related financial abuse creates unique barriers to notarizations. The limitations caused by COVID-19 have only exasperated these barriers. Eliminating the current notarization requirements and replacing with a sworn statement that states that the information provided is true and accurate under the penalty of perjury will allow for electronic submission of orders and allow for greater access to this pro se process.

Twenty-Seven other states have noted the value in lengthening their protection orders and have longer protection orders than Nebraska.^{vii} Women's Fund respectfully urges you to join these twenty-seven other states in protecting survivors through extended protection orders through your support of LB 118 and vote to General File.

ⁱ Christopher T. Benitez, Dale E. McNeil and Renee L. Binder, "Do Protection Orders Protect?" *The Journal of the American Academy of Psychiatry and the Law*, (September 2010).

<http://jaapl.org/content/38/3/376#:~:text=Protection%20orders%20are%20legal%20interventions,can%20vary%20greatly%20across%20jurisdictions>.

ⁱⁱ Christopher T. Benitez, Dale E. McNeil and Renee L. Binder, "Do Protection Orders Protect?" *The Journal of the American Academy of Psychiatry and the Law*, (September 2010).

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ⁱⁱⁱ National Institute of Justice, "Civil Protection Orders," <https://www.ncjrs.gov/pdffiles/fs000191.pdf>.

^{iv} Nebraska Administrative Office of the Courts, 2018 – 2020 Protection Order Data

^v Data provided to Senator Adam Morfeld by Corey R. Steel, Nebraska State Court Administrator on January 7, 2021.

^{vi} "Financial Abuse Fact Sheet," *National Network to End Domestic Violence*, (July 2019). https://nnedv.org/wp-content/uploads/2019/07/Library_EJ_Financial_Abuse_Fact_Sheet.pdf

^{vii} Alabama, Colorado, Florida, Montana, New Jersey, North Dakota, Arkansas, California, Ohio, Oklahoma, South Dakota, Wisconsin, Georgia, Kentucky, Pennsylvania, Rhode Island, Utah, Illinois, Indiana, Maine, Minnesota, New York, Texas, Virginia, Michigan, Vermont, Washington