Social Media and Privacy Tips for Sexual Assault Survivors

Social media websites and applications collect and share personal information in different ways. Once that information is released, it’s difficult to control. The following are tips for using social media while making sure your private information stays private.

**Know the privacy policies of websites requiring personal information:** Facebook, Twitter, Google+, FourSquare, YouTube, Flickr, LinkedIn, College Websites, Reviews/Blog Posts, Dating Sites, Blogs and Apps.

**Understand how websites collect and share personal information through the following:** Applications and games, location-based, photo tagging and face recognition, status updates and Tweets, personal profiles, reviews of restaurants, businesses and movies, political contributions, house listings, address and phone directories, professional recommendations and results of athletic competitions.

**Basic Internet Privacy Tips:**
- Run anti-virus and anti-spyware software regularly
- Use unique passwords and security questions and change them often
- Be aware of the security settings on shared computers used at work, school or the library
- Report security violations and problems to website owners
- If applying for a restraining order, include language to address technology

**Online Social Networking Privacy Tips:**
- Review the privacy policies of the company
- Check privacy settings regularly as they change frequently
- Always check your settings after receiving a privacy update message
- Disable location settings
- Disable facial recognition settings
- Keep your email and phone number private
- Only accept/invite “friends” who you know personally and ignore or block others
- Determine whether “friends” of “friends” can see/access your information/photos
- Require your permission before someone can “tag” you in a post or a photo
- Restrict information others can use about you in applications, games and websites
- Review privacy settings of professional websites (e.g., LinkedIn or professional associations), especially if perpetrator was a co-worker or in the same industry
- Be aware if sites share personal information with advertisers

**Keeping Your Personal Information Private:**
- Make your accounts private and monitor them regularly
- Have an “extra” personal email account with an address that does not include your name or other personal information
- Do not share your full birthday or specific geographical identifiers
- Remove contact information from employer and school webpages and directories
- Search for your name and review website policies focused on collecting information (e.g., Spokeo, White Pages, ZoomInfo, MyLife, Switchboard, Zillow, etc.)
- Request that your information be removed from the websites listed above

Preparation of this of this material was supported by grant number 2011-TA-AX-KO24 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, and conclusions expressed are those of the author(s) and do not necessarily represent the views of the U.S. Department of Justice.
§ 103. Definitions.
"Petitioner" may mean not only any named petitioner for the civil no contact order and any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought, but also any other person sought to be protected by this Act.

"Respondent" in a petition for a civil no contact order may mean not only the person alleged to have committed an act of non-consensual sexual conduct or non-consensual sexual penetration against the petitioner, but also any other named person alleged to have aided and abetted such an act of non-consensual sexual conduct or non-consensual sexual penetration.

“Sexual conduct” means any intentional or knowing touching or fondling by the petitioner or the respondent, either directly or through clothing, of the sex organs, anus, or breast of the petitioner or the respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the petitioner or the respondent.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

§ 201. Persons protected by this Act
(a) The following persons are protected by this Act:

(1) any victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought;

(2) any family or household member of the named victim; and

(3) any employee of or volunteer at a rape crisis center that is providing services to the petitioner or the petitioner's family or household member.

(b) A petition for a civil no contact order may be filed:
(1) by any person who is a victim of non-consensual sexual conduct or non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or non-consensual sexual penetration; or

(2) by a person on behalf of a minor child or an adult who is a victim of non-consensual sexual conduct or non-consensual sexual penetration but, because of age, disability, health, or inaccessibility, cannot file the petition.

§ 203. Pleading; non-disclosure of address
(b) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

§ 207. Venue
A petition for a civil no contact order may be filed in any county where (1) the petitioner resides, (2) the respondent resides, or (3) the alleged non-consensual sexual conduct or non-consensual sexual penetration occurred.

§ 213. Civil no contact order; remedies.
(a) … The petitioner shall not be denied a civil no contact order because the petitioner or the respondent is a minor. The court, when determining whether or not to issue a civil no contact order, may not require physical injury on the person of the victim…

(b-5) The court may provide relief as follows:
   (1) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from the petitioner;

   (2) restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties, regardless of whether those third parties know of the order;

   (3) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from the petitioner's residence, school, day care or other specified location;

   (4) order the respondent to stay away from any property or animal owned, possessed, leased, kept, or held by the petitioner and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the property or animal; and

   (5) order any other injunctive relief as necessary or appropriate for the protection of the petitioner.
(b-6) When the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court . . . may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. . . .

(c) Denial of a remedy may not be based, in whole or in part, on evidence that:

1. the respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article VII of the Criminal Code of 1961;

2. the respondent was voluntarily intoxicated;

3. the petitioner acted in self-defense or defense of another, provided that, if the petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;

4. the petitioner did not act in self-defense or defense of another;

5. the petitioner left the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent; or

6. the petitioner did not leave the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent.

(d) Monetary damages are not recoverable as a remedy.

§ 213.7. Aiding and abetting non-consensual sexual conduct or non-consensual sexual penetration.
A person aids and abets an act of non-consensual sexual conduct or non-consensual sexual penetration when, before or during the commission of an act of non-consensual sexual conduct or . . . penetration as defined in Section 103 and with the intent to promote or facilitate such conduct, he or she intentionally aids or abets another in the planning or commission of non-consensual sexual conduct or . . . penetration, unless before the commission of the offense he or she makes proper effort to prevent the commission of the offense.
CIRCUIT COURT OF ILLINOIS

JUDICIAL CIRCUIT

COUNTY

Petitioner’s Name (person completing form)

Name(s) of other protected parties

Check if filing on behalf of:
☐ a minor child, or ☐ an adult who because of age, disability, health, or inaccessibility cannot file the petition (list name(s) below)

vs.

Respondent’s Name (person you want protection from)
If the Respondent is under age 18 and if remedy #4 is requested the name(s) of minor ☐ parent(s) or ☐ legal guardian(s)

☐ Notice to School Board(s) if remedy #4 is requested

VERIFIED PETITION FOR CIVIL NO CONTACT ORDER
(Sexual Conduct and/or Penetration)

PETITIONER INFORMATION

Petitioner’s Address:

(Street/P.O. Box) (City) (State) (Zip Code)

Disclosure of Petitioner’s and/or protected party’s address would risk further abuse. The address listed above is Petitioner’s and/or protected party’s alternative address for service of notice.

Other protected persons (persons to be included in the Civil No Contact Order), in addition to the Petitioner are:

Name:
Address:

(Street/P.O. Box) (City) (State) (Zip Code)

Write the “petitioner’s” mailing address and the addresses of anyone that should be protected (if it is safe to include). This information may be accessed by the perpetrator. If it is not safe to have this information public, the address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions. 740 §22/203
<table>
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<tr>
<th><strong>RESPONDENT INFORMATION</strong></th>
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<tr>
<td><strong>Name:</strong></td>
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<td><strong>Distinguishing Physical Features:</strong></td>
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<td><strong>Respondent is incarcerated at:</strong></td>
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<td><strong>Respondent’s address is unknown. Service by publication is requested (Section 2-206 (a) of the Code of Civil Procedure). {Reasonable efforts to accomplish actual service must be shown by evidence or affidavit. 740 ILCS 22/208(c)}</strong></td>
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<tr>
<td><strong>Respondent may be</strong></td>
</tr>
<tr>
<td>**I am requesting a Civil No Contact Order because on or about ____________________<strong>, at <strong><strong><strong><strong><strong><strong><strong><strong><strong><strong><strong>, at ____________________<strong>, the following occurred: (Be specific as to dates, events and locations)</strong></strong></strong></strong></strong></strong></strong></strong></strong></strong></strong></strong></strong>____</td>
</tr>
</tbody>
</table>

(additional pages may be added)
Venue is appropriate in this county because: ☐ the Petitioner resides here; ☐ the Respondent resides here; ☐ the alleged non-consensual sexual conduct or non-consensual sexual penetration occurred here (check all that apply).

**REMEDIES SECTION** (740 ILCS 22/213)

Pursuant to the Civil No Contact Order Act, the Petitioner seeks the following remedies:

1. ☐ That the Respondent be ordered to stay at least ______ feet away from the Petitioner and/or other protected persons. That Respondent be prohibited from entering the Petitioner’s and/or other protected persons’:
   - ☐ place of residence, located at ____________________________
   - ☐ place(s) of employment, located at ____________________________
   - ☐ school(s) and/or daycare, located at ____________________________
   - ☐ and any of the following specified places, when Petitioner and/or other protected persons are present: ____________________________

2. ☐ That the Respondent refrain from contact with Petitioner and/or other protected persons in any way, directly, indirectly or through third parties, including, but not limited to, phone, written notes, mail, email, or fax.

3. ☐ That Respondent stay away from and be prohibited from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of the Petitioner and/or other protected persons’ real and/or personal property or animal(s).

4. ☐ That the Respondent be restrained from attending ____________________________school at ____________________________ (address) attended by the Petitioner. {740 ILCS 22/213(b-6)}

5. ☐ Other injunctive relief as follows:
   - ____________________________
   - ____________________________
   - ____________________________

WHEREFORE, Petitioner moves the Court to grant the relief requested in this petition.

A no contact order can be filed in the county: (1) the petitioner resides, (2) the respondent resides, or (3) the alleged non-consensual sexual conduct or non-consensual sexual penetration occurred. 740 §22/207.
VERIFICATION

UNDER THE PENALTIES OF PERJURY AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT, EXCEPT AS TO MATTERS HEREIN STATED TO BE ON INFORMATION AND BELIEF AND AS TO SUCH MATTERS THE UNDERSIGNED CERTIFIES AS AFORESAID THAT THE UNDERSIGNED VERILY BELIEVES THE SAME TO BE TRUE.

________________________________________

Signature of Petitioner

Petitioner’s Attorney or Petitioner if not represented by an attorney
Name: ________________________________
Telephone Number __________________________
Address ________________________________
City/State/Zip _____________________________
“My name is Billie. The assault happened in Multnomah County.”

“I was getting a ride home from a co-worker from a department party that we were having. At the time I didn’t have money for a cab ride and I really needed to get home and I was really in a space where I was so intoxicated that taking care of myself at that point wasn’t...I wasn’t doing a very good job at that.”

“He offered me a ride home and I trusted him because he was my coworker. He pulled up across the street from the house that I was staying in and he began to make advances. He thought that I resembled a Puerto Rican woman who he did not...7 year prior hadn’t married and had a lot of aggression towards. ‘You look like her, and you speak Spanish like her, and you move like her.’ And I’m like ‘dude I’m not her.’”

“I wasn’t able to get out of the car because I was held down. I was raped there and I was in such shock about what was going on. I was forced into doing some other things that he liked sexually that I didn’t like to do.”

*Oregon Voices, a documentary created by the Oregon Sexual Assault Task Force.*
Protection Orders: Power to the People
Crafting an Effective SAPO

Jessie Mindlin, Esq. & Laura Mahr, Esq.
Victim Rights Law Center
NSAC 2012

Learning Objectives

After completing this workshop, participants will be able to:

• Identify what a SAPO is and name 4 alternative safety orders

• Review a SAPO statute to determine the key elements of a SAPO petition

• Draft and review how to craft a persuasive SAPO petition
Evolution and History of SAPOs

A nationwide review of state-specific laws

• A SAPO is a civil court order that protects victims of non-intimate partner sexual violence.
• Illinois was the first state to pass a SAPO (2004)
• In total, 24 states have some form of a SAPO—ranging from protection orders specifically for victims of sexual assault to those protecting victims of harassment (which includes sexual assault)

- Alaska
- California
- Colorado
- Florida
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Montana
- Nevada
- New Mexico
- North Carolina
- Oklahoma
- Rhode Island
- South Dakota
- Tennessee
- Texas
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin

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What do you do as an advocate?

Detective Work!

TALKING with survivors about their lives.

HELPING survivors determine what they need to get life back on track.

LOOKING for clues:
What has changed post-assault?
When does she feel anxious?
Where does she feel afraid?

PROVIDING solutions

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Areas in a Survivor’s Life that May Be Affected by the Assault

Benefits & Burdens

Working with survivors to make informed choices about SAPO’s

✓ Are communications between an advocate and a survivor privileged?
✓ Is a SAPO petition a public record?
✓ Who will be in the court room?
✓ Is the perpetrator likely to retaliate?

Alternative and/or Additional Safety Orders

• No Trespass Orders:
  – Housing
  – Work
  – School
• DVROs
• Stalking Orders
• Vulnerable Adults
Sexual Assault Protection Orders
A step-by-step process

Step 1: Preparing the Petition
a) What are the statutory requirements for a SAPO?
b) How can a survivor meet the statutory requirements?
c) What does a survivor not need to show? (balancing privacy interests every step of the way)

a) Locate / Review Your Statute
Find your state’s statute (SAPO chart)
§ 201. Persons protected by this Act.

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(b) A petition for a civil no contact order may be filed:

1. by any person who is a victim of non-consensual sexual conduct or non-consensual sexual penetration…
2. by a person on behalf of a minor child or an adult who is a victim…

Try doing another internet search…

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Definitions Can be the Key!
Illinois (740 Ill Comp Stat 103):

“Sexual conduct”
✓ Intentional or knowing touching or fondling...directly or through clothing
✓ of the sex organs, anus, or breast, or any body part of child under 13
✓ or any transfer or transmission of semen...upon any part of the clothed or unclothed body of the victim
✓ for sexual gratification or arousal

“Sexual penetration”
✓ Any contact, however slight
✓ between the sex organ or anus of one person by:
  • an object, the sex organ, mouth, or anus of another,
    — including by an animal
  — including but not limited to cunnilingus, fellatio, or anal penetration
✓ Evidence of emission of semen not required to prove penetration

Another example: S.D. CODIFIED LAWS §22-19A-8 (2011)

There exists an action known as a petition for a protection order in cases of stalking, in cases of physical injury as a result of an assault, or in cases of a crime of violence as defined in subdivision 22-1-2(9). Procedures for the action are as follows:

(1) A petition under this section may be made against any person who violates §22-19A-1 or against any other person against whom stalking or physical injury as a result of an assault or in cases where a crime of violence is alleged;
(2) A petition shall allege the existence of (a) stalking or (b) physical injury as a result of an assault or (c) a crime of violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances of the stalking or the physical injury as a result of an assault or crime of violence;
(3) A petition for relief may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

The clerk of the circuit court shall make available standard petition forms with instructions for completion to be used by a petitioner. The attorney general shall prepare the standard petition form.

A Google search of “South Dakota 22-1-2(9)” brings you to:

22-1-2. Definition of terms

(9) “Crime of violence,” any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in §22-22-7, felony child abuse as defined in §26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;
b) How Can a Survivor Meet the Statutory Requirements?

What does the statute require? (Varies by state)

- Florida: Survivor has reported to and cooperates w/ police
- Iowa: Threat to petitioner’s safety

Florida: FLA. STAT. ANN. §784.046 (2011)

(c) A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing . . . if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent...

Provide “evidence”

- Details / Facts
- Exhibits (photos, records, electronic communications)
- Testimony (victim, SANE)

TIP: Use descriptive language; include adjectives

- Ex: “He pulled me” or “He pulled me back so hard a chunk of my hair came out in his hand.”
- Ex: “He said…” or “He threatened me, saying…”

TIP: Remember to balance privacy issues with information required

TIP: Remember, a fact that most bothers/was most hurtful to the survivor about the assault may not the most convincing under the statute
Drafting a SAPO

Sample SAPO Petition

Step-by-Step
Who Is the Petitioner?
- Who can fill out this form?
- Is the petitioner the victim?

Where Can You File this Form?
- Which is the right county? (venue)

Who Can Be Protected?
- Can anyone in addition to the victim be protected by the SAPO?

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Group Activity

- Form small groups
- Choose someone to play the role of the client
- Fill out a SAPO with your client using the sample Illinois statute

Remember:

- Refer to your state’s statute
- Use detailed facts
- Submit photos, statements from friends or SANE etc...
- Using descriptive language and adjectives
  - Ex: “he threatened me, saying…” vs. “he said…”

Example:

**I am requesting a Civil No-Contact Order because on or about __________________ at __________________**

(continue)

the following occurred: (Be specific as to dates, except and locations)

(continued pages may be added)

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Recap of Billie’s Experience

• Intoxicated, no money for a cab.
• Got a ride home with a co-worker after a work party.
• Held down, raped, forced to do sexually things that she didn’t like to do.

Discussion and Questions

• Who did you put down as the petitioner?
• Where will you file?
• What facts did you use?
• What facts did you exclude?
After the Break...

Step 2: Preparing yourself and your client for court
Step 3: Bringing a SAPO petition to court with your client
Protection Orders: Power to the People

Crafting an Effective SAPO

Jessie Mindlin, Esq. & Laura Mahr, Esq.
Victim Rights Law Center
NSAC 2012

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- Washington
- West Virginia
- Wisconsin

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**PROVIDING** solutions

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Find your state’s statute (SAPO chart)

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<tr>
<td><strong>Florida</strong></td>
<td>Criminal Code, and: Any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.</td>
<td>A person who is the victim of sexual violence, IF that person reports to law enforcement &amp; cooperates in proceedings against perpetrator; OR the perpetrator's prison sentence is set to expire. Parent/Legal Guardian of minor who lives at home may petition on their behalf.</td>
<td>Shall allege the incidents of sexual violence, including specific facts and circumstances. Petitioner genuinely fears repeat violence by the respondent.</td>
<td>RELIEF: No acts of violence; such other relief as the court deems necessary for the protection of the petitioner. GUN RESTRAINT?: Statute is silent.</td>
<td>Entered into statewide verification system within 24 hours.</td>
<td>Arrest, following another act of violence. Civil or criminal contempt proceedings.</td>
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<tr>
<td><strong>Illinois</strong></td>
<td>Criminal Code</td>
<td>Any person who is a victim of non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or penetration; or by a person on behalf of a minor child or an adult who is a victim of non-consensual sexual penetration but, because of age,</td>
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Search

About 1,310 results (0.18 seconds)

Web

740 ILCS 22/201 - Illinois General Assembly
Illinois General Assembly ... Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may ... (740 ILCS 22/201) Sec.

More

Article II - Civil No Contact Orders :: 740 ILCS 22/ Civil No Contact ... law.justia.com › ... › 740 ILCS 22/ Civil No Contact Order Act.
2010 Illinois Code ... (740 ILCS 22/Art. II heading) ... (740 ILCS 22/201) ... Portability and Accountability Act (HIPAA); Illinois Medical Patient Rights Act; Mental ...
Sec. 201. Persons protected by this Act.
(a) The following persons are protected by this Act:
   (1) any victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought;
   (2) any family or household member of the named victim; and
   (3) any employee of or volunteer at a rape crisis center that is providing services to the petitioner or the petitioner's family or household member.
(b) A petition for a civil no contact order may be filed:
§ 201. Persons protected by this Act.

(a) The following persons are protected by this Act:
   (1) any victim of non-consensual sexual conduct or non-consensual sexual penetration...;
   (2) any family or household member of the named victim; and
   (3) any employee of or volunteer at a rape crisis center that is providing services to the petitioner or the petitioner's family or household member.

(b) A petition for a civil no contact order may be filed:
   (1) by any person who is a victim of non-consensual sexual conduct or non-consensual sexual penetration... or
   (2) by a person on behalf of a minor child or an adult who is a victim... but, because of age, disability, health, or inaccessibility, cannot file the petition.
§ 201. Persons protected by this Act.

(a) The following persons are protected by this Act:

(1) any victim of non-consensual sexual conduct or non-consensual sexual penetration…;
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(b) A petition for a civil no contact order may be filed:

(1) by any person who is a victim of non-consensual sexual conduct or non-consensual sexual penetration… or
(2) by a person on behalf of a minor child or an adult who is a victim… but, because of age, disability, health, or inaccessibility, cannot file the petition.
Try doing another internet search...

Google

illinois definition "sexual conduct"

Search

About 221,000 results (0.36 seconds)

Web

Illinois Assault Act - Resources for Sexual Violence Prevention
rsvp.uchicago.edu/resources/assault/illinoisassaultact.shtml
Illinois Criminal Sexual Assault Act ... "Sexual conduct" is defined as any intentional or knowing touching or fondling by the victim or the accused, either directly ...

Sexual Assault
wwwold.uchicago.edu/sexualassault/
Apr 19, 2007 – The University’s definition of sexual assault encompasses the State of Illinois Criminal Code’s current terminology and definitions of both sexual ... An act of sexual penetration or sexual conduct by the use of force or threat of ...
↑ Statement - Policy Application and Resources - Definitions and Important ...

11-9.2 - Law and Legal Research - Onecl
law.onecle.com › Illinois Laws › Criminal Code
Feb 20, 2012 – Illinois Compiled Statutes 720 ILCS 5 Criminal Code of 1961. ... any act of sexual conduct or sexual penetration as defined in Section 11-0.1 of ...

Criminal Sexual Abuse | Bloomington Criminal Attorney
bloomington-criminal-attorney.com/criminal-sexual-abuse/
Definition of Criminal Sexual Abuse. In Illinois, (a) a person commits criminal sexual abuse if he or she: (1) commits an act of sexual conduct by the use of force ...
Assault Resources

Illinois Criminal Sexual Assault Act

Criminal Sexual Assault
720 ILCS 5/12-13

An act of sexual penetration

- with the use of force or threat of force; or
- when the victim is unable to understand the nature of the act.

"Sexual penetration" is defined as any contact, however slight, between a person by an object, the sex organ, mouth or anus of another person, or any part of the body of one person or of any animal or object into the body of another person. Evidence of emission of semen is not required to prove sexual penetration.

Aggravated Criminal Sexual Assault
720 ILCS 5/12-14

An act of criminal sexual assault

- with a dangerous weapon or firearm; or
- when there is bodily harm; or
- when the accused threatened the life of the victim or another;
- in the commission of another felony; or
- the accused delivered any controlled substance to the victim.

Criminal Sexual Abuse
720 ILCS 5/12-15

An act of sexual conduct

- with the use of force or the threat of force; or
- when the victim is unable to understand the nature of the act.

"Sexual conduct" is defined as any intentional or knowing touching of the accused, either directly or through clothing, of the sex organs, anus or mouth of another person by the accused, or any transfer or transmission of semen by the accused to the uncontaminated body of the victim, for the purpose of sexual gratification.

Aggravated Criminal Sexual Abuse

The mission of Resources for Sexual Violence Prevention (RSVP) at the University of Chicago is to promote healthy gender relations through dialogue and education.
Definitions Can Be the Key!
Illinois (740 Ill Comp Stat 103):

“Sexual conduct”
✓ Intentional or knowing touching or fondling...directly or through clothing
✓ of the sex organs, anus, or breast, or any body part of child under 13
✓ or, any transfer or transmission of semen...upon any part of the clothed or unclothed body of the victim
✓ for sexual gratification or arousal

“Sexual penetration”
✓ Any contact, however slight
✓ between the sex organ or anus of one person by:
  • an object, the sex organ, mouth, or anus of another,
    – including by an animal
    – including but not limited to cunnilingus, fellatio, or anal penetration
✓ Evidence of emission of semen not required to prove penetration
There exists an action known as a petition for a protection order in cases of stalking, in cases of physical injury as a result of an assault, or in cases of a crime of violence as defined in subdivision 22-1-2(9). Procedures for the action are as follows:

1. A petition under this section may be made against any person who violates § 22-19A-1 or against any other person against whom stalking or physical injury as a result of an assault or in cases where a crime of violence is alleged;
2. A petition shall allege the existence of (a) stalking or (b) physical injury as a result of an assault or (c) a crime of violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances of the stalking or the physical injury as a result of an assault or crime of violence;
3. A petition for relief may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

The clerk of the circuit court shall make available standard petition forms with instructions for completion to be used by a petitioner. The attorney general shall prepare the standard petition form.
(9) “Crime of violence,” any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;
b) How Can a Survivor Meet the Statutory Requirements?

What does the statute require? (Varies by state)

- Florida: Survivor has reported to and cooperates w/ police
- Iowa: Threat to petitioner’s safety


(c) A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing . . . if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent...
Provide “evidence”

• Details / Facts
• Exhibits (photos, records, electronic communications)
• Testimony (victim, SANE)

TIP: Use descriptive language; include adjectives

• Ex: “He pulled me” or “He pulled me back so hard a chunk of my hair came out in his hand.”
• Ex: “He said...” or “He threatened me, saying...”
c) What Does the Survivor NOT Need to Show?

**TIP:** Remember to balance privacy issues with information required

**TIP:** Remember, a fact that most bothers/was most hurtful to the survivor about the assault may not the most convincing under the statute
Drafting a SAPO
Sample SAPO Petition

CIRCUIT COURT OF ILLINOIS

__________________________JUDICIAL CIRCUIT

__________________________ COUNTY

Petitioner’s Name (person completing form)

Name(s) of other protected parties

☐ Independent
☐ Criminal
☐ Juvenile

Check if filing on behalf of
☐ a minor child, or ☐ an adult who because of age, disability, health, or inaccessibility cannot file the petition (list name(s) below)

__________________________________________

vs.

__________________________________________

Respondent’s Name (person you want protection from)

If the Respondent is under age 18 and if remedy #4 is requested the name(s) of minor ☐ parent(s) or ☐ legal guardian(s)

☐ Notice to School Board(s) if remedy #4 is requested

VERIFIED PETITION FOR CIVIL NO CONTACT ORDER
(Sexual Conduct and/or Penetration)

PETITIONER INFORMATION

Petitioner’s
Address:

(Street/P.O. Box)  (City)  (State)  (Zip Code)

☐ Disclosure of Petitioner’s and/or protected party’s address would risk further abuse. The address listed above is Petitioner’s and/or protected party’s alternative address for service of notice.

Other protected persons (persons to be included in the Civil No Contact Order), in addition to the Petitioner are:

Name: ______________________________________

Address:

(Street/P.O. Box)  (City)  (State)  (Zip Code)

Name: ______________________________________

Address:

(Street/P.O. Box)  (City)  (State)  (Zip Code)

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Step-by-Step

Who is the petitioner? 740 §22/201(b)

Who can be a protected party? 740 §22/201(a)

Who is the respondent? 740 §22/103

Venue—where can you file this petition? 740 §22/207

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Who Is the Petitioner?

- Who can fill out this form?
- Is the petitioner the victim?

Where Can You File this Form?

- Which is the right county? (venue)

Who Can Be Protected?

- Can anyone in addition to the victim be protected by the SAPO?
Who is the petitioner? 740 §22/201(b)

Do you want this address to be public? Is that safe? 740 §22/203

### Unwed PETITION FOR CIVIL NO CONTACT ORDER
(Sexual Conduct and/or Penetration)

**PETITIONER INFORMATION**

<table>
<thead>
<tr>
<th>Petitioner’s Address:</th>
<th>(City)</th>
<th>(State)</th>
<th>(Zip Code)</th>
</tr>
</thead>
</table>

- Disclosure of Petitioner’s and/or protected party(s) address would risk further abuse. The address listed above is Petitioner’s and/or protected party(s) alternative address for service of notice.

Other protected persons (persons to be included in the Civil No Contact Order), in addition to the Petitioner are:

<table>
<thead>
<tr>
<th>Name:</th>
<th>(Street/P.O. Box)</th>
<th>(City)</th>
<th>(State)</th>
<th>(Zip Code)</th>
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If respondent does not live in your state you will need to show that the respondent has minimum contacts with your state. 740 §22/206
I am requesting a Civil No Contact Order because on or about ____________________, at ________

(date)  

(location)
the following occurred: (Be specific as to dates, events and locations) ______________________________


(additional pages may be added)

• Refer to your state’s statute
• Use detailed facts
• Submit photos, statements from friends or SANE etc...
• Using descriptive language and adjectives
  • Ex: “he threatened me, saying...” vs. “he said...”
REMEDIES SECTION  (740 ILCS 22/213)

Pursuant to the Civil No Contact Order Act, the Petitioner seeks the following remedies:

1. ☐ That the Respondent be ordered to stay at least __________ feet away from the Petitioner and/or other protected persons. That Respondent be prohibited from entering or remaining at the Petitioner’s and/or other protected persons’:
   ☐ place of residence, located at ____________________________
   ____________________________
   ____________________________
   ☐ place(s) of employment, located at ____________________________
   ____________________________
   ____________________________
   ☐ school(s) and/or daycare, located at ____________________________
   ____________________________
   ____________________________
   ☐ and any of the following specified places, when Petitioner and/or other protected persons are present: ____________________________
   ____________________________
   ____________________________

2. ☐ That the Respondent refrain from contact with Petitioner and/or other protected persons in any way, directly, indirectly or through third parties, including, but not limited to, phone, written notes, mail, email, or fax.

3. ☐ That Respondent stay away from and be prohibited from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of the Petitioner and/or other protected persons’ real and/or personal property or animal(s).

4. ☐ That the Respondent be restrained from attending ____________________________ school at ____________________________ (address) attended by the Petitioner. {740 ILCS 22/213(b-6)}

5. ☐ Other injunctive relief as follows:
   ______________________________________________________
   ______________________________________________________
Group Activity

• Form small groups
• Choose someone to play the role of the client
• Fill out a SAPO with your client using the sample Illinois statute
“My name is Billie. The assault happened in Multnomah County.

“I was getting a ride home from a co-worker from a department party that we were having. At the time I didn’t have money for a cab ride and I really needed to get home and I was really in a space where I was so intoxicated that taking care of myself at that point wasn’t...I wasn’t doing a very good job at that.

“He offered me a ride home and I trusted him because he was my coworker. He pulled up across the street from the house that I was staying in and he began to make advances. He thought that I resembled a Puerto Rican woman who he did not...7 year prior hadn’t married and had a lot of aggression towards. “You look like her, and you speak Spanish like her, and you move like her.” And I’m like “dude I’m not her.”

“I wasn’t able to get out of the car because I was held down. I was raped there and I was in such shock about what was going on. I was forced into doing some other things that he liked sexually that I didn’t like to do.”
Recap of Billie’s Experience

• Intoxicated, no money for a cab.

• Got a ride home with a co-worker after a work party.

• Held down, raped, forced to do sexually things that she didn’t like to do.
Discussion and Questions

• Who did you put down as the petitioner?
• Where will you file?
• What facts did you use?
• What facts did you exclude?
After the Break...

**Step 2:** Preparing yourself and your client for court

**Step 3:** Bringing a SAPO petition to court with your client
CIRCUIT COURT OF ILLINOIS

__________________________ JUDICIAL CIRCUIT

__________________________ COUNTY

Petitioner’s Name (person completing form)

Name(s) of other protected parties

Check if filing on behalf of:

☐ a minor child, or ☐ an adult who because of age, disability, health, or inaccessibility cannot file the petition (list name(s) below)

vs.

Respondent’s Name (person you want protection from)

If the Respondent is under age 18 and if remedy #4 is requested the name(s) of minor ☐ parent(s) or ☐ legal guardian(s)

☐ Notice to School Board(s) if remedy #4 is requested

VERIFIED PETITION FOR CIVIL NO CONTACT ORDER
(Sexual Conduct and/or Penetration)

PETITIONER INFORMATION

Petitioner’s Address: __________________________________________

(Street/P.O. Box) (City) (State) (Zip Code)

☐ Disclosure of Petitioner’s and/or protected party’(s) address would risk further abuse. The address listed above is Petitioner’s and/or protected party’(s) alternative address for service of notice.

Other protected persons (persons to be included in the Civil No Contact Order), in addition to the Petitioner are:

Name: _______________________________________________________

Address: ______________________________________________________

(Street/P.O. Box) (City) (State) (Zip Code)

Name: _______________________________________________________

Address: ______________________________________________________

(Street/P.O. Box) (City) (State) (Zip Code)

Form approved by the Conference of Chief Circuit Judges.
Effective December 11, 2009
Use required after January 1, 2010
Name: ___________________________ DOB: __________

Sex: □ Male □ Female Race: _______ Height: _______ Weight: _______

Hair Color: _______ Eye Color: _______ Social Security #: XXX-XX-_________(last 4 numbers)

Driver’s License #: ____________________________ License Plate #: ____________________________

Other Numeric Identifier: _______ Description: _______ (e.g. passport #, military serial # or other)

□ Home Address: ____________________________ (Street/P.O. Box) (City) (State) (Zip)

Name of Workplace: ____________________________ Work Hours: __________

□ Work Address: ____________________________ (Street/P.O. Box) (City) (State) (Zip)

Distinguishing Physical Features: ____________________________ (tattoos, scars, etc.)

Respondent is incarcerated at: ____________________________

□ Respondent’s address is unknown. Service by publication is requested (Section 2-206 (a) of the Code of Civil Procedure). {Reasonable efforts to accomplish actual service must be shown by evidence or affidavit. 740 ILCS 22/208(c)}

Respondent may be
□ considered armed and/or dangerous
□ suicidal
□ considered armed, dangerous and suicidal

I am requesting a Civil No Contact Order because on or about ____________________________, at _________

(date)

__________________________________________,

(location)

the following occurred: (Be specific as to dates, events and locations) ____________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

(additional pages may be added)
Venue is appropriate in this county because: ☐ the Petitioner resides here; ☐ the Respondent resides here;
☐ the alleged non-consensual sexual conduct or non-consensual sexual penetration occurred here (check all that apply).

**REMEDIES SECTION (740 ILCS 22/213)**

Pursuant to the Civil No Contact Order Act, the Petitioner seeks the following remedies:

1. ☐ That the Respondent be ordered to stay at least _________ feet away from the Petitioner and/or other protected persons. That Respondent be prohibited from entering or remaining at the Petitioner’s and/or other protected persons’:
   - ☐ place of residence, located at ________________________________
   - ☐ place(s) of employment, located at ________________________________
   - ☐ school(s) and/or daycare, located at ________________________________
   - ☐ and any of the following specified places, when Petitioner and/or other protected persons are present: ________________________________

2. ☐ That the Respondent refrain from contact with Petitioner and/or other protected persons in any way, directly, indirectly or through third parties, including, but not limited to, phone, written notes, mail, email, or fax.

3. ☐ That Respondent stay away from and be prohibited from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of the Petitioner and/or other protected persons’ real and/or personal property or animal(s).

4. ☐ That the Respondent be restrained from attending ________________________________ school at ________________________________ (address) attended by the Petitioner. {740 ILCS 22/213(b-6)}

5. ☐ Other injunctive relief as follows:
   - __________________________________________________________
   - __________________________________________________________
   - __________________________________________________________

WHEREFORE, Petitioner moves the Court to grant the relief requested in this petition.
VERIFICATION

UNDER THE PENALTIES OF PERJURY AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT, EXCEPT AS TO MATTERS HEREIN STATED TO BE ON INFORMATION AND BELIEF AND AS TO SUCH MATTERS THE UNDERSIGNED CERTIFIES AS AFORESAID THAT THE UNDERSIGNED VERILY BELIEVES THE SAME TO BE TRUE.

____________________________________

Signature of Petitioner

Petitioner’s Attorney or
Petitioner if not represented by an attorney
Name: _______________________________
Telephone Number _____________________
Address ______________________________
City/State/Zip _________________________
DEFINITION OF TERMS USED IN THIS PETITION

1. **Civil No Contact Order**: an emergency order or plenary order granted under this Act, which includes a remedy authorized by 740 ILCS 22/213 of this Act.

2. **Family or Household Members**: include spouses, parents, children, stepchildren, and persons who share a common dwelling.

3. **Non-consensual**: a lack of freely given agreement.

4. **Petitioner**: may mean not only any named petitioner for the civil no contact order and any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought, but also any other person sought to be protected by this Act.

5. **Protected Persons**: The following persons are protected by this Act:
   (a) any victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought;
   (b) any family or household member of the named victim; and
   (c) any employee of or volunteer at a rape crisis center that is providing services to the petitioner or the petitioner’s family or household member.

6. **Respondent**: may mean not only the person alleged to have committed an act of non-consensual sexual conduct or non-consensual sexual penetration against the petitioner, but also any other named person alleged to have aided and abetted such an act of non-consensual sexual conduct or non-consensual sexual penetration.

7. **Sexual Conduct**: any intentional or knowing touching or fondling by the Petitioner or the Respondent, either directly or through clothing, of the sex organs, anus, or breast of the Petitioner or the Respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the Petitioner or the Respondent.

8. **Sexual Penetration**: any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

9. **Stay Away**: to refrain from both physical presence and nonphysical contact with the Petitioner directly, indirectly, or through third parties who may or may not know of the order. “Nonphysical contact” includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.