

MOCSA

Metropolitan Organization to Counter Sexual Assault

January 24, 2023

Dear Chairman Patton and Members of the Judiciary Committee,

My name is Emily Voss and I am an Advocacy and Outreach Specialist II at MOCSA, the Metropolitan Organization to Counter Sexual Assault, the sole rape crisis center in the KC metro area. I have been an advocate for victims of domestic and sexual violence in Kansas at MOCSA for nearly 5 years, and I've worked primarily with survivors in Wyandotte and Johnson County. On behalf of MOCSA, I am testifying today in support of House Bill 2029.

During this time I have had the honor of sitting with survivors in a variety of rooms - hospitals, police departments, crime labs and courthouses. I can recall countless afternoons spent with survivors sitting in a courtroom on cold benches separating petitioner and respondents, waiting anxiously for the judge to begin proceedings, trying to ignore that the person who violently hurt you is sitting 10 feet away. Following crimes like these safety is a survivor's number one concern and there's hope a protection order could be the path to get that. Let me walk you through the process. I am most often paired with clients after they go to the hospital to complete a sexual assault exam or call our crisis line. These individuals have had their most innate right, the right to their bodily safety taken from them. One of the first things I speak to clients about when they express safety concerns is the option of a protection order. But as we know, especially in intimate partner violence, when someone decides to cut ties it can be the most dangerous time for them. Something I have to ask is whether they believe getting this protection order will make them safer or potentially make the offender more likely to retaliate. Deciding to apply for a protection order is a survivor putting their safety and trust in the system.

Once they've made that decision they either apply in person or through the online portal, having to detail through shaky hands and often tears the violence they experienced. They must voice their fear of future harm, likely the first time putting pen to paper to detail the trauma. I explain that the respondent will get a copy of this and thus discuss if anything they put will lead to additional retaliation (i.e if they reported the assault to law enforcement). They then wait for a judge to review the order and hope that temporary protection is granted. Then a court date is set and service is attempted by law enforcement, but respondents often evade service. Victims of violence have to take off work, find childcare, arrange transportation and the hardest part -- prepare emotionally to see and speak to their assailant again. And if the respondent hasn't been served? They have to do it all again, and often again. Before court every client I've ever worked with is a ball of nerves. We often talk before court in an attempt to ease these nerves. I discuss ways to find comfort -- if the hearing is virtual I suggest turning their camera off or putting a post-it note on the abusers face. If it's in person I could position myself in between the client and

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and respondent. All of this can feel futile when seeing someone who caused you immense harm. And if the respondent doesn't consent to the order, they have to testify and prepare to potentially be cross examined by the abuser themselves. For them it is terrifying and retraumatizing, yet they remain courageous and continue to fight for their safety. Imagine preparing for this again and again as unfortunately often the protection order court process is not a quick one.

With their permission I'm going to share some of the experiences of two survivors I'm currently working with in Kansas. One applied for a protection order in early November – went to court 2 times during Nov, only to have their protection order dismissed for lack of service and then reapply again. Once the respondent was finally served and arrived to court on the fourth court date, it was already January. It's important to note there is zero protection for survivors before the respondent is served. The respondent requested a hearing and it couldn't be set until end of March – that will be nearly 5 months after she applied. And I had to tell her, I hope it is done at that point, but I can't guarantee it won't be continued again. Each time she has had to adjust her schedule and prepare mentally to see the man that sexually assaulted her. If she couldn't attend court? It would all be for nothing and dismissed. If the client gets her protection order in March, it'll be for one year with the possibility to renew for an additional year. If she decides to renew? She'll start this process all over again in 10 months' time to allow time to apply and get new service on the paperwork. As of this is done in hopes to have a renewal hearing before the original order expires. "I have spent almost 3 years of my life traumatized daily, living in fear that my abuser will not leave me alone, 1 year is just a small piece of mind of for me when I have spent so much of my time away from college, my children, my marriage, every aspect of my life changed when I was abused. Time is of no essence to these abusers, and abusers need to know that the system and laws will not stand for their patience! 1 year is just a small piece of mind for victims and survivors knowing that we will soon have to restart the entire process."

Another client of mine just went through the renewal process. This is relatively rare for my clients – not because they feel as though they are safe, but because the initial process was so emotionally and physically draining that they would rather move forward with healing and just hope the individual will leave them alone, even when they know that might not be the case. Another client applied for a protection order against her father, who sexually abused her. When she applied for her original order it took two months to receive it even though the respondent consented to the order. When she went to renew, because of difficulties with service it months for her to get an additional year and for each court date she had to mentally prepare to see the father that abused her. "My personal experience of having to renew a protection from abuse was not an easy process. In hindsight I never really got a full year of a mind at ease because after 8 months I had to think about renewing and going to court and potentially seeing my abuser again, which is not a great feeling to any victim of any

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any abuse. In my case I had to go to court 3 times within 4 months, and every time had the fear of seeing my abuser. Not to mention in those 4 months not having protection from him was scary. Extending PFAs and restraining orders would have helped me feel safer longer and I'm sure for not only me but other victims of abuse as well."

As the law stands now Kansas survivors of violence already have access to a protection order for a minimum of two years, but because of the need to renew after one year that access is wrought with barriers. Getting through the process is challenging under the best of circumstances. Given concerns about childcare, transportation and navigating a complex legal system, in the nearly 5 years I've been doing this work I've never has client that hasn't expressed concern over one of these things ahead of protection order court. Still survivors continue to overcome these barriers and put their trust in the system to help them access safety. We can't remove all of those burdens, but House Bill 2029 would give survivors additional necessary breathing room to start on the path of healing.

Sincerely,

Emily Voss

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