

MOCSA

Metropolitan Organization to Counter Sexual Assault

February 7, 2023

Dear Chairman Patton and Members of the Judiciary Committee,

My name is Victoria Pickering, and I am the Director of Advocacy at MOCSA, the Metropolitan Organization to Counter Sexual Assault.

MOCSA is the only rape crisis center serving Johnson and Wyandotte counties in Kansas. Our mission is to improve the lives of those impacted by sexual abuse and assault and to prevent sexual violence in our community – the bi-state Kansas City metropolitan area. MOCSA provides advocacy and counseling services to individuals and families who have been impacted by sexual violence and we work to prevent violence through our education, prevention, and outreach programs. On behalf of MOCSA, I am testifying today in support of House Bill 2185.

HB 2185 would increase safety for survivors of violence and abuse who have obtained a protection order in the state of Kansas by creating additional opportunities for the respondent to be served. Because a protection order, whether it be a temporary or full order, is only enforceable after the respondent has been formally notified, service is a key component to ensuring a survivor's safety and well-being. What this means on a practical level is that a survivor will often go through the arduous and traumatizing experience of going to court, writing in detail about the abuse or assault, speaking with a judge about their experience, reviewing safety concerns with the Sheriff's Department responsible for service, and being granted a court order stating that the person who hurt them cannot continue to do so. But until service is completed, the abuser can keep calling the survivor, sending them threatening messages, and showing up at their home or work with no consequences or accountability for their actions. A perpetrator can know full well that a survivor has been granted a protection order and even know the date and time of the upcoming court hearing, but without service, the order essentially doesn't exist.

In our work with survivors of sexual violence at MOCSA, our advocates and attorney work with clients every day who are trying to obtain the safety they need in order to focus on healing and recovery. We sit by their side while they show up time after time in court, taking off from work and school, arranging child care and transportation, preparing emotionally to see the person who abused them. And time after time, cases get continued or dismissed because of lack of service. Part of the reason lack of service is such a common roadblock for survivors is because the current statute requires personal service at the address provided by the petitioner, which makes it easy for a respondent to evade the attempts to serve. Sheriff's Deputies make multiple attempts to serve these documents only to have friends and

3100 Broadway,
Suite 400
Kansas City, MO
64111-2591

Main:
(816) 931-4527

Crisis Line:
(816) 531-0233 MO
(913) 642-0233 KS

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family members of the respondent lie and say that they no longer live at the address. In some cases, respondents just choose not to answer the door, hoping they can wait out the process long enough for the order to be dropped. And these types of tactics are often effective, particularly in counties in which staffing is limited for the department responsible. When discussing this topic with our attorney who represents clients in protection orders, she shared that one of the major challenges is the inconsistency from county to county. In some courts, a survivor can only have a case continued twice before it is dropped. In others, a case may be continued 3 or 4 times. And while we appreciate the courts being flexible and trying to give survivors time to obtain service, it doesn't change the fact that all the while, the order is not enforceable.

HB 2185 creates new ways for a respondent to be served and provides courts and law enforcement with additional tools to assist when service has been evaded or was otherwise unsuccessful. By allowing police to use a short form notification process to serve an order when they are already in contact with a respondent and by creating pathways for front door service and electronic service, this bill will help survivors more easily access safety. Courts and attorneys will spend less time dealing with continuances and dismissed cases. Sheriff's offices can focus more energy and resources on community safety and less time knocking on doors that may never be opened. In the aftermath of violence, we all want survivors to have the time, space and safety they deserve to rebuild their lives and heal from the trauma. Enforceable and properly served protection orders are just one tool that can help us in our work towards that shared goal. For all of these reasons, we ask that you join us in supporting HB 2185.

Sincerely,

Victoria Pickering

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