

# The Victim's Assistance and Survivor Protection Act (VASPA)



*The Victim's Assistance and Survivor Protection Act (VASPA) provides victims of sexual violence, stalking, and cyber harassment who are not covered by domestic violence statutes the ability to seek civil protective orders against their offenders. The VASPA was built upon the Sexual Assault Survivor Protection Act (SASPA), which afforded only survivors of sexual violence civil protection from their offenders. The expanded SASPA, now re-named VASPA, provides protection and relief to victims of sexual violence, stalking and cyber harassment victims*

## What is VASPA?

VASPA offers civil protective orders for victims and survivors of sexual violence, stalking, and cyber harassment.

## What does a VASPA order do?

A VASPA protective order ("VASPA order") can provide a victim protection from a person who committed any of the following acts: nonconsensual sexual contact or sexual penetration, lewdness, stalking, and cyber harassment. A VASPA order prohibits the defendant from committing these acts again and can also prohibit the defendant from contacting the victim directly or through a third party, going to certain places like the residence, school, or place of work of the victim, and other relief the Court deems appropriate. A VASPA order creates criminal and civil penalties for defendants who violate the order. These penalties may include arrest, fines, probation, jail time, or other relief the Court deems appropriate.

## Who can get a VASPA?

Victims and survivors who are 18 years old or over may apply for a VASPA order. A parent or guardian may apply on the behalf of someone who is under 18 years old who has a mental disorder or defect, or who has a developmental disability.

## Is an attorney necessary to get a VASPA order?

An attorney is not necessary to file an application for a VASPA order or for the final hearing. However, victims and survivors may wish to [consult with or obtain an attorney](#), particularly if the defendant has obtained one. Victims and survivors may also contact their [local domestic violence or sexual assault service provider](#) to speak to an advocate who can assist with the application. While advocates cannot give legal advice or provide legal representation, they may be able to provide information, court accompaniment, or additional referrals to legal assistance.

## Where can a victim or survivor apply for a VASPA order?

A victim or survivor must first apply for a VASPA Temporary Protective Order (TPO). A VASPA TPO can be applied for at the the [Superior Court](#), Family Division (or "Family Court") during normal business hours of the county where the act occurred, where the victim resides, or where the defendant resides.

## What happens at the VASPA TPO hearing?

A judge will consider the application and decide whether to grant a TPO. At this stage, the defendant will not be involved, but will be required to attend future hearings. If granted, the TPO will stay in effect until the hearing for a VASPA Final Protective Order (FPO) is held (usually scheduled to be held within ten days). The defendant will be served with a copy of the TPO.

## What happens at the VASPA Final Protective Order Hearing?

Both parties will appear in front of a judge for a VASPA FPO hearing at the court where the application was filed. The parties will be asked to provide testimony and present evidence. The judge may ask clarifying questions or request additional information from either party. There is no jury in a civil hearing, so the judge will weigh the testimony and credibility of both parties and then either grant the FPO or dismiss the TPO.

## What happens if a VASPA Final Protective Order is granted?

The VASPA TPO will remain in effect and become part of the VASPA FPO. A VASPA FPO is indefinite, meaning the protections exist forever, unless a party seeks to dissolve or amend the order before the judge. A VASPA FPO is enforceable nationwide. The order will be included in the Domestic Violence Central Registry (DVCR) – which includes individuals who are subject to certain orders of protection (including DV Restraining Orders and SASPA Protective Orders), as well as individuals who have been charged with violating a TPO or FPO. The information in the registry will remain confidential, but may be released to law enforcement, the courts, and other public agencies as authorized by law.

