

“Domestic Abuse Prevention and Intervention Act”

Act No. 54 of August 15, 1989, as amended

(Contains amendments incorporated by:

Act No. 1 of January 14, 1995
Act No. 159 of August 11, 1995
[Act No. 46 of February 46, 1998](#)
[Act No. 122 of May 7, 2003](#)
[Act No. 96 of April 23, 2004](#)
[Act No. 100 of April 23, 2004](#)
[Act No. 222 of August 21, 2004](#)
[Act No. 480 of September 23, 2004](#)
[Act No. 485 of September 23, 2004](#)
[Act No. 490 of September 29, 2004](#)
[Act No. 525 of September 29, 2004](#)
[Act No. 538 of September 30, 2004](#)
[Act No. 542 of September 30, 2004](#)
[Act No. 30 of July 27, 2005](#)
[Act No. 91 of August 26, 2005](#)
[Act No. 165 of December 28, 2005](#)
[Act No. 221 of August 9, 2008](#)
[Act No. 225 of August 9, 2008](#)
[Act No.14 of February 13, 2010](#)
[Act No. 217 of December 28, 2010](#)
[Act No. 193 of August 29, 2011](#)
[Act No. 305 of December 21, 2012](#))

(Unincorporated amendments:

Act No. 185 of August 17, 2012
Act No. 23 of May 20, 2013
Act No. 166 of September 29, 2014
Act No. 229 of December 19, 2014
Act No. 44 of May 12, 2016)

To establish a body of measures addressed to prevent and fight domestic abuse in Puerto Rico; characterize the crimes of Abuse, Aggravated Abuse; Abuse Through Threat; Abuse Through Restriction of Liberty; and Conjugal Sexual Assault, and fix penalties; empower the Courts to issue Orders for Protection for the victims of domestic abuse and establish a speedy and expeditious procedure for the handling and adjudication of said orders; establish measures addressed to the prevention of domestic abuse and direct the Women's Affairs Commission to divulge, and orient the community on the scope of this Act, and to appropriate funds.

STATEMENT OF MOTIVES

Domestic abuse is a type of antisocial behavior that is a serious problem in Puerto Rican families. It is the physical and emotional mistreatment which a person suffers at the hands of a spouse or former spouse, or at the hands of a person with whom there has been an intimate relationship. Although men as well as Women may be victims of conjugal abuse, studies show that women are usually the victims of the aggressive and Violent conduct that we call conjugal abuse. The National Crime Survey Bureau of Justice Statistics conducted a study from 1978 to 1982 and found that around 2.1 million Women in the United States were victims of conjugal abuse at least once in an average period of twelve (12) months. (Special Report of August 1986, pages 1-5.) The investigators figure that 60% of all married women in Puerto Rico are victims of conjugal abuse.

Although the great majority of the incidents of domestic abuse are not reported to the law enforcement agencies, police statistics in Puerto Rico reveal an alarming trend. In 1983, eighty-one percent (81%) of the murders or homicides of women were perpetrated by a family member or friend, which dropped to 58% in 1984, but in 1985, it rose to 64%. The police do not have this data for subsequent years, but it is a fact that incidents of domestic abuse are seen in an increasingly-aggressive pattern that is rising both in frequency as in intensity, and which is often passed from one generation to another.

Investigators hold that children who are victims of domestic abuse or come from homes where there are incidents of domestic abuse, carry within them the scars and patterns of violence throughout their lives. To tolerate domestic abuse today, contributes to the breaking up of families, fosters crime, and weakens the values of human conviviality.

Domestic abuse is one of the most complex criminal acts of our society. In an awareness of its difficulties and effects, for the past six years, the Legislature has been evaluating several legislative measures to attend to this problem and seek viable options to erradicate this criminal behavior, which are not necessarily limited to establishing specific sanctions against the offender. Throughout these years, many reports, statistics, true cases, psychological evaluations of persons affected by domestic abuse, and the recommendations of professionals have been studied, which have led us to the adoption of integral legislation that comprises certain measures for its prevention through education, orientation and protection.

There is no doubt that to deal effectively with this problem, the desire of the public sector, the private sector, the police, the courts, the assistance professionals and the community in general to work together, is required. It is indispensable that we attack this problem by fixing our attention on its Violent and criminal nature and that we design measures addressed to the aggressors, and measures to protect the victims.

The unique nature of this Act rests on the power granted to the Trial Court Judges and the Municipal Judges to issue affirmative measures for the protection of the victims through orders addressed to the aggressors to abstain from engaging in certain types of conduct towards the victim. Therefore, this Act specifies and establishes a simple and expeditious process to obtain civil remedies through Orders for Protection. This procedure is rooted in the Legislature's interest in attending to the needs of the victims of domestic abuse. Its purpose is to expedite the process for the immediate attention and solution of the controversies that are generated in the homes where violence prevails, and to attend to the clamor for protection that the victims of domestic abuse address to the State. It also includes self-help elements focused on encouraging the victims of domestic abuse to seek immediate, provisional legal remedies, *motu proprio*, which will contribute

to the development of self-esteem and self-determination of the persons who are in a situation involving abuse.

This Act also describes the crime of abuse in different modes, and imposes penalties for its commission, which are greater in cases of recidivism, and under aggravating circumstances. It also establishes measures for police intervention, such as mandatory arrest, the responsibility of providing assistance to the victim, and compiling information on domestic abuse. Thus, this Act compiles in an integrated manner the various measures to deal with the fundamental areas that require an immediate solution to execute the public policy of fighting crime and offering options of hope to the Puerto Rican family.

Be it enacted by the Legislature of Puerto Rico:

CHAPTER I. — GENERAL PROVISIONS

Section 1.1. — Title. (8 L.P.R.A. § 601 note)

This Act shall be known as the “Domestic Abuse Prevention and Intervention Act”.

Section 1.2. — Public Policy. (8 L.P.R.A. § 601)

The Government of Puerto Rico recognizes that domestic abuse is one of the gravest and most complex problems of our society. In developing the public policy on this matter, we must give attention to the handling of the difficulties that domestic abuse presents, especially for women and children, to preserve their physical and emotional integrity, achieving their safety, and saving their lives.

Domestic violence is one of the most critical manifestations of the effect of the inequities in the relationships between men and women. The discriminatory ideas, attitudes and conduct also permeate those social institutions called upon to resolve and prevent the problem of domestic abuse and its consequences. The efforts of these institutions to identify, understand and handle abuse have been limited, and are often inadequate.

The Government of Puerto Rico reaffirms its constitutional commitment to protect the life, safety and dignity of men and women. It also recognizes that domestic abuse violates the integrity of the family and its members and is a serious threat to the stability and preservation of the civilized conviviality of our people.

As public policy, the Government of Puerto Rico assertively repudiates domestic abuse as contravening the values of peace, dignity and respect that the People should maintain for individuals, families, and the community in general. This public policy propitiates the development, establishment and strengthening of effective measures to give protection and help to the victims, options for the rehabilitation of the transgressors, and strategies for the prevention of domestic abuse.

Section 1.3. — Definitions. (8 L.P.R.A. § 601)

For the purposes of this Act the following terms and phrases shall have the meaning expressed below:

(a) Law enforcement officer. Shall mean any member or officer of the Puerto Rico Police Corps or any Municipal Guard duly trained and accredited by the Commonwealth Police Department.

(b) Shelter. Means any institution whose main function is to provide protection, safety, support services and temporary housing to surviving victims of domestic violence and their daughters and sons. This definition shall not apply to the term “lodged” as used in subsection (a) of Section 3.2 of this Act. For the purposes of said subsection the term sheltered shall be understood to have its common and ordinary meaning.

(c) Sheltered. Means that surviving victim of domestic violence who temporarily resides in a shelter as defined in this section.

(d) Cohabitation. Shall mean maintaining a consensual relationship similar to that of spouses.

(e) Employee (male or female). Means any person who provides a service to any person, partnership or corporation that employs one or more persons under any express or implicit, oral or written service contract, including among these those men or women whose work is of an accidental nature.

(f) Grave emotional harm. Shall mean and arises when as a result of domestic abuse, there is evidence that a person recurrently shows one or several of the following characteristics: paralyzing fear; feelings of despair or helplessness; feelings of frustration and failure; feelings of insecurity, ineffectiveness, isolation, weakened self-esteem, or other similar conduct, resulting from repeated acts of commission or omission.

(g) Intimidation. Shall mean any act or expression which, when used recurrently, has the effect of exerting moral pressure on a person's animus who, in fear of suffering emotional or physical injury of his/herself, his/her property, or another person's self, is forced to perform an act against his/her will.

(h) Order for protection. Shall mean every order issued in writing under the seal of the court, which dictates the measures addressed to an abusing party to abstain from committing or performing certain acts or conduct which constitute domestic abuse.

(i) Employer. Means any natural or juridical person who employs one or several male or female employees, laborers, workers and the male or female chief, officer, manager, official, agent, administrator, superintendent, foreman or forewoman, steward, agent or representative of said natural or juridical person.

(j) Persecution. Shall mean keeping a person under constant or frequent surveillance by their presence in places that are immediate or relatively near to the home, residence, school, work or vehicle in which the person is, to cause fear or dread in the animus of a prudent and reasonable person.

(k) Respondent. Shall mean any person against whom an order for protection is filed.

(l) Petitioner. Shall mean any person who applies to a court for an order for protection.

(m) Marital relationship. Shall mean the relationship between spouses, former spouses, persons who are cohabiting or who have cohabited, those who have, or have had an intimate consensual relationship, and those who have procreated a son or daughter by each other.

(n) Sexual relations. Shall mean any sexual penetration, whether vaginal, anal, oral-genital, digital or instrumental.

(o) Court. Shall mean the trial court of the General Court of Justice, and the offices of the municipal judges.

(p) Domestic abuse. Shall mean a constant pattern of conduct involving physical force or psychological violence, intimidation or persecution against a person by his/her spouse, former spouse, a person with whom he/she cohabits, or has cohabited, with whom he/she has, or has had a consensual relationship, or a person with whom a son or daughter has been procreated, to cause physical harm to their self, their property, or another's self, or to cause him/her grave emotional harm.

(q) Psychological abuse. Shall mean a constant pattern of conduct performed to the dishonor, discredit or scorn of personal worth, unreasonable limitation to access and handling of common property, blackmail, constant vigilance, isolation, deprivation of access to adequate food or rest, threats of deprivation of custody of sons or daughters, or destruction of objects held in esteem by the person, except those that privately belong to the offender.

CHAPTER II. — ORDERS FOR PROTECTION AND PROCEDURAL PHASES

Section 2.1. — Protective orders. (8 L.P.R.A. § 621)

Any person who has been the victim of domestic abuse or conduct which constitutes said crime as typified in this Act or in the Penal Code of the Commonwealth of Puerto Rico or in any other special law, within the context of a relationship as a couple, may file a petition in court and request a restraining order *motu proprio*, through legal counsel, or through a law enforcement officer, without the need of having made previous reports or accusations.

When the court so deems or has issued a restraining or anti-stalking order, the court shall immediately order the defendant to surrender to the Puerto Rico Police for custody, any firearm belonging to the defendant for which a license to bear or own or carry firearms, or for target-shooting or hunting or of any other kind, as the case may be. The order to surrender any firearm, as well as the suspension of any kind of firearm license, shall take effect compulsorily. Likewise, when such an order is issued by a court, the same shall have the effect of suspending the license to own or bear any firearm of any kind, such as, but not limited to, those used for target-shooting or hunting or otherwise, even when said firearm is part of the gear used by the accused in his/her profession. Said restriction shall apply at the very least for the same period of time the order is in effect. Any infringement of the terms of the restraining order which results in a conviction shall entail the permanent revocation of any kind of license to own a firearm which the defendant may hold, at which time, any firearms belonging to him/her shall be seized. The objective of this statute is to eliminate the possibility for the accused to be able to use any firearm to inflict bodily harm or to threaten or intimidate the petitioner or the members of his/her family unit.

(a) Adjudicate provisional custody of the petitioner's minor [children].

(b) Suspend any filial relations with the minor children of the respondent party when the petitioner is sheltered. To make such a determination the court shall have to consider the following elements:

(1) The capacity of the shelter for providing security for the persons involved in the filial relations process.

(2) That the shelter possesses the resources needed to transport the minors to the place where the filial relations are to take place.

(3) The distance between the shelter and the place where the filial relations are to take place.

(4) The danger which the respondent party represents, if any, to those persons involved in the filial relations process: children of either sex, shelter personnel and the mother.

(5) The presence of a resource approved by the petitioner as intermediary in the filial relations process.

(6) That the respondent has not incurred conduct constituting domestic violence in the presence of the minors as established in Section 3 of this Act;

(7) That no protective order has been issued in favor of the minors against the respondent party.

(8) The duration of the pattern of domestic violence.

(9) The time transpired from the last contact with the minors and whoever is petitioning for filial relations.

(10) The quality of the relationship of the minors with the respondent.

(11) Whether the respondent party has failed to comply with any protective order.

(12) Whether the respondent party has incurred threatening conduct against the shelter personnel.

(13) Whether the respondent party has verbally, physically or emotionally attacked the minors.

(14) Whether the respondent party has affected the emotional health of the minors.

Should any of the elements described in this subsection fail to concur, the court, looking after the welfare of the minor, shall make any other determination based on Sections 50, 51 and 52 of the Comprehensive Child Welfare and Protection Act [*Current Act 246-2011, “Child Safety, Well-being, and Protection Act”*].

(c) Order the respondent to leave the dwelling which he/she shares with the petitioner regardless of any right claimed thereon.

(d) Order the respondent to abstain from molesting, harassing, pursuing, intimidating, threatening or interfering in any way with the exercise of provisional custody over the minor children that have been adjudicated to one of them.

(e) Order the respondent to abstain from entering any place in which the petitioner is when, at the discretion of the court, said limitation is needed to prevent the respondent from molesting, intimidating, threatening or in any other way interfering with the petitioner or with the minor children whose provisional custody has been adjudicated to him/her.

(f) Order the respondent to pay support for the minor children when their custody has been awarded to the petitioner, or for the minors and to the petitioner, when there is a legal obligation to do so.

(g) Restrain the respondent from concealing or removing the minor [children] of the parties from the jurisdiction.

(h) Forbid the respondent from disposing in any way of [separate] property of the petitioner, or the property of the legal conjugal partnership, or community property, if any. Provided, That when the administration of a business, trade or industry is involved, the respondent must submit a monthly financial statement of the administrative matters to the court.

(i) Order whatever provisional measures are needed regarding the possession and use of the residence of the parties, and on the personal property listed and comprised in subsections (1), (2), (3), (4), (4)(a), (5), and (6) of Article 249 of the Code of Civil Procedure [32 L.P.R.A. § 1130], which establishes those properties that are exempted from attachment.

(j) Order the respondent to pay financial compensation from privative property for damages caused by conduct constituting domestic abuse. Said compensation can include, but shall not be limited to compensation for moving expenses, expenses for the repair of property, legal expenses, medical,

psychiatric, psychological, counselling, guidance, lodging, housing and other similar expenses, without prejudice to other civil actions to which the petitioner is entitled.

(l) Issue any order needed to enforce the purposes and public policy of this Act.

Section 2.1A. — Prohibition against the issuance of mutual restraining orders. (8 L.P.R.A. § 621a)

The court shall not issue mutual restraining orders to the parties, unless each of the parties:

- (a) Has filed an independent petition requesting a protection order against the other party;
- (b) has been notified of the petition filed by the other party;
- (c) proves in an evidentiary hearing that the other party incurred conduct which constitutes domestic violence, and
- (d) proves that the domestic violence did not occur within a self-defense context.

Section 2.2. — Jurisdiction. (8 L.P.R.A. § 622)

Any Judge of the Court of First Instance or a Municipal Judge, may issue an Order for Protection pursuant to this Act. Every Order for Protection may be reviewed by any Part of a higher court, and in those instances that it is pertinent, in the Family Relations Parts.

Section 2.3. — Procedure. (8 L.P.R.A. § 623)

Any person may request the civil remedies established in this Act for him/herself or on behalf on any other person when said person suffers from a mental or physical disability, in case of an emergency or when the person is unable to request said remedies personally.

An employer may request a protective order in favor of female or male employees or visitors and of any other person found at his/her workplace if one of his/her female or male employees is or has been the victims of domestic violence or of conduct constituting a crime as typified in this Act; and if the acts of conduct constituting domestic violence have occurred at his/her workplace.

Before initiating this procedure, the employer must give notice about his/her intention of requesting the protective order to the female or male employee who is or has been the victim of domestic violence or of conduct constituting a crime as typified in this Act.

The right to request the remedies herein established shall not be affected because the petitioning party has abandoned his/her residence to avoid domestic violence.

(a) Initiation of action. The procedure to obtain an order for protection can be initiated:

- (1) By filing a verbal or written petition; or
- (2) Within any case pending between the parties; or
- (3) By request of the Prosecuting Attorney in a penal procedure, or as a condition for probation or parole.

To help those persons who are interested in obtaining an order for protection under this Act, the Court Administration shall have simple forms to request and further said order, available in the Office of the Clerk of the Courts of Puerto Rico and in the offices of the municipal judges. It shall also provide them with help and orientate on to complete and present them.

Section 2.4. — Service. (8 L.P.R.A. § 624)

- (a) Once a petition for an Order for Protection has been filed according to the provisions of this Act, the Court will issue a summons to the parties under admonishment of contempt, for an appearance within a term that shall not exceed five (5) days.
- (b) The service of the summons and a copy of the petition, shall be done in accordance With the Rules of Civil Procedure of Puerto Rico and shall be served by a marshal of the Court or by any other Law Enforcement Officer as soon as possible, and shall have preference over any other type of summons, except those of a similar nature. The Court shall keep a file for each case, in which every summons issued under the law shall be registered.
- (c) Nonappearance of any person duly summoned under the scope of this Act shall be punishable as contempt of the Court which issued the summons.
- (d) When the petition is filed, service thereof shall be performed as established in the Rules of Civil Procedure of Puerto Rico.
- (e) By request of the petitioner, the Court may direct that service of the summons be made by any person over 18 years of age who is not a party to the case.

Section 2.5. — Ex Parte Orders. (8 L.P.R.A. § 625)

Notwithstanding what is established in other legal provisions, the Court may issue an Order for Protection ex parte if it is determined that:

- (a) Diligent attempts have been made to serve the respondent with a copy of the summons issued by the Court and of the petition that has been filed before the Court, which have been unsuccessful, or
- (b) There is a probability that giving prior notice to the respondent will provoke the irreparable harm which the Order for Protection is intended to prevent, or
- (c) When the petitioner shows that there is a substantial probability of immediate risk of abuse.

Whenever the court issues an ex parte order for protection, it shall do so provisionally, it shall immediately serve the respondent with a copy thereof or in any other manner, and shall give the party an opportunity to object to it. To such effect, it shall docket a hearing to be conducted within twenty (20) days following the issue of said ex parte order, unless the respondent requests a postponement to such effect. During said hearing, the court may render the order ineffective, or extend its effects for the term it deems necessary.

Section 2.6. — Contents of the Order for Protection. (8 L.P.R.A. § 626)

- (a) Every Order for Protection shall specifically state the orders issued by the Court, the remedies prescribed and the term of its effectiveness.
- (b) Every Order for Protection shall establish the date and hour it was issued, and specifically notify all the parties that any violation thereof shall constitute contempt of court which could result in imprisonment, a fine, or both penalties.
- (c) An ex parte Order for Protection shall include the date and hour it was issued and must indicate the date, time and place that the hearing for the extension or annulment thereof shall be held, and the reasons why it was necessary to issue said ex parte order.

(d) Every Order for Protection issued by a Court shall be entered on a form which is substantially the same in content as the one that is included in this Act as a directive.

(e) Together with the restraining order, the Court shall include recommended guidelines on the precautionary measures to be taken by the victim of domestic violence to increase the effectiveness thereof. These guidelines shall include the following recommendations, among others:

1. The victim shall be advised to notify and furnish a copy of the Restraining Order, as well as a photograph of the aggressor or the person against whom the order is issued, to the following:
 - a. the State and Municipal Police Stations closest to his/her home;
 - b. the controlled-access entrances to the community or development where he/she lives, so that the aggressor or person against whom the order is issued may be identified;
 - c. his/her closest neighbors;
 - d. at his/her workplace, so that security personnel therein are aware of the order issued;
 - e. at the children’s school, so that the father/mother against whom the order has been issued is not called for an appointment at the same time as the victim.
2. Furthermore, the petitioner shall be advised that, at all times, he/she must:
 - a. keep a copy of the restraining order with him/her;
 - b. immediately notify the Police of any violation to the restraining order;
 - c. never allow the aggressor or person against whom the restraining order is issued into his/her home;
 - d. never agree to meet with the aggressor or person against whom a restraining order has been issued, or any person that the victim knows has a connection with such aggressor, at any private or public place;
 - e. never accept telephone calls or answer messages sent via instant messenger or social networks on the Internet or any other communications media sent by the aggressor or person against whom the restraining order is issued, or from any other person that the victim knows has a connection therewith.
 - f. take precautions when walking outside and try never to be alone in public places or in parking lots when returning to his/her motor vehicle;
 - g. if the victim sees the party or the person against whom the restraining order has been issued, the former shall go to the nearest police station or any other safe place and notify the Police.

Given that this is a voluntary provision, failure to comply with this measure shall not constitute a violation of any Act whatsoever or a transfer of responsibility to the victim. In addition to the provisions set forth herein, the Court may include any other deemed pertinent.

Section 2.7. — Notice to Parties and Law Enforcement Agencies. (8 L.P.R.A. § 627)

(a) A copy of every Order for Protection shall be filed in the Office of the Clerk of the Court that issues it. The Clerk of the Court shall provide a copy thereof by petition of the parties or of any interested person.

(b) Any order issued under this Act shall be served personally to the respondent, whether through a marshal of the Court, a Law Enforcement Officer, any person over 18 years of age who is not a party to the case, or according to the procedure established in the Rules of Civil Procedure.

(c) The Office of the Clerk of Court shall send copies of the orders issued under this Act to the Police branch in charge of keeping a record of protection orders thus issued. Likewise, the Office

of the Clerk of Court shall send a copy of said orders to be entered in the Domestic Abuse and Stalking Restraining Orders Electronic File, in accordance with the procedures established in Act No. 420-2000, known as the “Restraining Orders Electronic File Act”. Pursuant to Act No. 420-2000, the Police shall include all the information contained in the restraining order, as well as any procedural incidents regarding the notice to the parties and agencies involved.

(d) The Police of Puerto Rico shall provide adequate protection to the party in whose behalf an order for protection is issued.

(e) The Office of the Secretary of the Court shall send to the Child Support Administration of the Department of the Family, copies of the protection orders providing for a minor’s support payment, in conformity with the provisions of subsection (e) of Section 2.1 of this Act.

Section 2.8. — Noncompliance with Orders for Protection. (8 L.P.R.A. § 628)

Any knowingly committed violation of an order for protection issued pursuant to this Act shall be punished as a felony in the third degree in its lesser half.

Notwithstanding the provisions of Rule 11 of the Rules of Criminal Procedure, as amended, even though an order to those effects has not been issued, every law enforcement officer must make an arrest if presented with an order for protection issued pursuant to this Act or a similar Act against the person to be arrested, or if the officer determines that such an order exists after having communicated with the pertinent authorities and has reasonable grounds for believing that the provisions thereof have been violated.

CHAPTER III. — DELINQUENT CONDUCT; PENALTIES, AND OTHER MEASURES

Section 3.1. — Abuse. (8 L.P.R.A. § 631)

Any person who employs physical force or psychological abuse, intimidation or persecution against the person of his/her spouse, former spouse, or the person with whom he/she cohabits, or has cohabited, or the person with whom he/she has, or has had a consensual relationship, or the person with whom he/she has procreated a son or daughter, to cause physical harm to the person, the property held in esteem by him/her, except that which is privately owned by the offender, or to another's person, or to cause grave emotional harm, shall incur a felony in the fourth degree in its superior half.

The court may impose the penalty of restitution besides the established penalty of imprisonment.

Section 3.2. — Aggravated Abuse. (8 L.P.R.A. § 632)

The penalty corresponding to a felony in the third degree in its lesser half shall be imposed if abuse as typified in this Act has been committed against the person of the spouse, former spouse or the person with whom he/she cohabits or has cohabited, or with whom he/she has or has had a consensual relationship, or with whom a son or daughter has been procreated, or if one of the following circumstances exist:

- (a) In the case of spouses or cohabiters, when they are separated or there is an order for protection excluding one of the parties from the residence, the person enters the dwelling of the person or the place in which he/she is lodged and the abuse is committed therein; or
- (b) when grave bodily harm is inflicted on the person; or
- (c) when it is committed with a lethal weapon under circumstances that do not indicate the intention of killing or maiming; or
- (d) when committed in the presence of minors; or
- (e) when it is committed after an order for protection or resolution has been issued against the person charged, in aid of the victim of abuse;
- (f) the person is induced, incited or forced to be drugged with controlled substances, or with any other substance or means that alters the will of the person, or to become intoxicated with alcoholic beverages; or
- (g) when child abuse as defined in Act No. 177 of August 1, 2003 [*Current Act 246-2011, “Child Safety, Well-being, and Protection Act”*], is committed and simultaneously incurred.
- (h) If the victim is forced or induced by means of physical force or psychological abuse to participate or become involved in unwanted sexual relations with third parties.

The court may impose the penalty of restitution in addition to the established penalty of imprisonment.

If there were aggravating circumstances, the fixed penalty may be increased to a maximum of five (5) years; if there were extenuating circumstances, it may be reduced to a minimum of two (2) years.

(i) When committed against a pregnant woman.

(j) When committed against a person under sixteen (16) years of age and the aggressor is eighteen (18) years of age or older.

The court may impose the penalty of restitution besides the established penalty of imprisonment.

Section 3.3. — Abuse by Threat. (8 L.P.R.A. § 633)

Any person who threatens his/her spouse, former spouse, or the person with whom he/she cohabits or has cohabited, or with whom he/she has or has had a consensual relationship, or with whom he/she has procreated a son or daughter, to cause specific harm to that person, to the property held in esteem by him/her, except that which is privately owned by the offender, or to another person, shall incur a felony in the fourth degree in its superior half.

The court may impose the penalty of restitution besides the established penalty of imprisonment.

Section 3.4. — Abuse by Restriction of freedom. (8 L.P.R.A. § 634)

Any person who uses violence or intimidation against the person of his/her spouse, former spouse, or the person with whom he/she cohabits or has cohabited, or with whom he/she has or has had a consensual relationship, or with whom he/she has procreated a son or daughter, or who uses the pretext of suffering from, or that one of the abovementioned persons suffers from a mental disease or defect to restrict the freedom of the victim with his/her knowledge, shall incur a felony in the third degree in its lesser half.

The court may impose the penalty of restitution besides the established penalty of imprisonment.

Section 3.5. — Conjugal Sexual assault. (8 L.P.R.A. § 635)

As provided below, the penalty of imprisonment shall be imposed on any person that engages in a sexual relation[ship] without the consent of the spouse or former spouse, or of the person with whom he/she cohabitates or has cohabited or of the person he/she has or has had a consensual relationship, or of the person with whom he/she has procreated a son or daughter, under any of the following circumstances:

- (a) If the person has been compelled to engage in sexual conduct through the use of force, violence, intimidation or threat of grave or immediate bodily harm; or
- (b) if the person's capacity to resist has been substantially annulled or reduced, without the person's knowledge or the person's consent through the use of hypnotic methods, narcotics, depressants, stimulants or similar means or substances; or
- (c) if due to an illness or temporary or permanent mental disability, the person were unable to understand the nature of the act at the time it is carried out; or
- (d) if the person is forced or induced by the use of abuse, physical or psychological violence to participate or become involved in an undesired sexual relation with third parties.

The penalty to be imposed for this crime, with the exception of the modality referred to in subsection (a) of this section, shall be that of a second degree felony.

The penalty to be imposed for this crime in all its modalities shall correspond to a felony in the second degree.

The court may impose the penalty of restitution besides the established penalty of imprisonment in any of the modalities indicated above.

Section 3.6. — Diversion from Procedure. (8 L.P.R.A. § 636)

After the trial and upon conviction, or that the accused pleads guilty to any of the crimes typified in this Act, the court may, *motu proprio* or upon request of the Prosecuting Attorney's Office or of the defense, suspend all procedures and release the convicted person to probation, provided he/she participates in a reeducation and retraining program for persons who incur abusive conduct in a relationship with another. Prior to making any determination to that respect, the court shall hear the Prosecuting Attorney. Provided that in the case of the crime of conjugal sexual assault, the diversion from the procedures shall only be available for those cases in which the accused is the spouse or person that cohabits with the victim at the time of the sexual assault, provided that said cohabitation is not adulterous and complies with the circumstances provided hereinafter.

The diversion alternative shall only be available under the following circumstances:

- (a) If it involves a person who has not been previously convicted and imprisoned as the result of a final sentence or is enjoying the benefit of a diversion program under this Act or a suspended sentence for the commission of the crimes established in this Act or similar crimes established in the laws of the Commonwealth of Puerto Rico or of the United States against his/her spouse, former spouse, person with whom he/she cohabits or has cohabited, person with whom he/she has or has had a consensual relationship or person with whom he/she has procreated a son or daughter.

(b) If it is a person who has not violated an order for protection issued by any court pursuant to this Act or any other similar provision.

(c) An agreement is made between the Prosecuting Attorney's Office, the accused and the agency, body, public or private institution to which the accused shall be referred.

(d) If as part the agreement and the participation in the reeducation program, the person renders a statement accepting the commission of the crime charged and acknowledging his/her behavior.

The court shall take into consideration the opinion of the victim as to whether or not this benefit should be granted, and shall impose the terms and conditions it deems reasonable, as well as the duration of the probation requested, upon prior agreement with the entity that shall render the services, which term shall never be less than one (1) year nor more than three (3) years.

If the person benefitted by the probation established in this section fails to meet the conditions thereof, the court, after holding a hearing, may revoke the probation and pronounce judgment.

If the person benefitted by the probation established in this section does not violate any of the conditions thereof, the court, after holding a hearing, may revoke the probation and pronounce judgment.

If the person benefitted by the probation established in this section does not violate any of the conditions thereof, the court, upon previous recommendation of the competent personnel in charge of the program to which the accused was referred in the exercise of its discretion, and after holding a hearing, may hand down a suspended imposition of sentence to him/her.

A suspended imposition of sentence pursuant to this section shall be conducted without the pronouncing of judgment by the court, but the case file shall be kept in the court, confidentially, inaccessible to the public, and separate from other cases for the purpose of being used by the courts to determine, in subsequent proceedings, if the person qualifies for the benefits of this section, and to be considered a recidivist, if such person subsequently commits any of the offenses classified in this Act. In such cases, it shall be the responsibility of the prosecuting attorney to always make an allegation of recidivism.

A suspended imposition of sentence shall not be considered a conviction for purposes of disqualification or incompetence imposed by law on convicts for the commission of a crime, and the exonerated person shall be entitled, after a suspended imposition of sentence, to have the Superintendent of the Puerto Rico Police Department return any file of fingerprints and photographs in the custody of such Department taken in connection with the violation of the crimes that caused charges to be filed.

A suspended imposition of sentence under this section may only be granted once to any person.

Section 3.7. — Special Provisions on Bail, Parole, Permits to Prisoners to Leave Institutions and Others. (8 L.P.R.A. § 637)

A. Bail. — When a person is accused for violating the provisions of this Act, or when at the time of the alleged violation the person was subject to the terms of an Order for Protection issued pursuant to this Act or any other similar one, or who had previously been convicted of or had pleaded guilty for a violation of the provisions of this Act or a violation of any other similar legal provision, prior to setting the bail, in addition to the provisions of the Rules of Criminal Procedure, as amended, the court, on imposing the bail, shall take into consideration whether the person has a record of having violated an order of a court or government agency.

B. Conditions for Freedom on Bail. — The court may impose on the accused conditions for bail and shall take into consideration if the person has a record of domestic violence or a record for the commission of violent acts and if the person represents a potential threat for the Victim of the crime or any other person. In addition to the conditions established in the Rules of Criminal Procedure, as amended, the court may impose the following conditions:

(1) Avoid all direct or indirect contact with the victim of the alleged acts that constitute the crimes typified in this Act, with the person's family, except the children procreated by the accused and the victim, unless the court believes that it is necessary in the best interests of the children, to prevent paternal or maternal-filial contact. In making the decision to regulate or forbid the accused to contact the children, the court shall take the following factors into consideration:

(a) if the accused represents a danger for the well-being of the minors.

(b) if the record of the accused shows a dangerous conduct that could be in detriment to the well-being of the minors.

(c) if in the record of the accused there is evidence of physical and emotional abuse of the minors.

(d) the opinion manifested by the minors When they have so requested it directly or through an adult or assistant professional; Provided, that the judge may hear the minors in private to protect their physical and/or emotional integrity.

(2) Avoid all contact with the persons that shelter the victim.

(3) Abandon the residence he shares with the victim of the alleged crime.

(4) Abstain from intimidating or pressuring the victim or the witnesses, personally, by telephone, or any other means or through the intervention of third parties, to prevent their testifying or to have them withdraw the criminal charges filed against him/her.

(5) Comply with the orders on custody, child support, paternal-filial relationships, community property, and any other related orders, issued pursuant to this Act or any other similar one.

C. Permits to Confined Persons to Leave the Institutions and Parole —

In addition to what is established in Act No. 116 of July 22, 1974 as amended, and any other Act or regulations to such effects, the Corrections Administrator or the Parole Board, on making determinations for the granting of permits to leave the penal institutions or the public or private treatment centers, or on granting Parole to confined persons convicted for a Violation of the provisions of this Act, shall take into consideration the following circumstances:

(1) If the person has a record of domestic Violence, or a record of commission of other violent acts,

(2) If the person has a record of having violated orders of a court or a government agency,

(3) If the person represents a potential threat to any other person,

(4) The opinion of the injured party, or of the persons who testified in the case, and any other circumstance it deems pertinent.

D. Executive Mercy or Pardon —

On considering the petition for Executive Mercy or Pardon of a person convicted for any crime that constitutes domestic violence, the Parole Board shall notify the injured party and the persons who testified in the case, to give them the opportunity to be heard.

E. Prior to freeing any person under the provisions of this Section 3.7, the court, the Parole Board, the Corrections Administration and/ or the Executive shall notify the same to the victim or injured party with sufficient time so that such person can take the necessary measures to ensure his safety.

Section 3.8. — Arrest. (8 L.P.R.A. § 638)

Notwithstanding the provisions of Rule 11 of the Rules of Criminal Procedure, as amended every law enforcement officer shall make an arrest, even though there is no order to such effects, if he has grounds to believe that the person to be arrested has committed, even though not in his presence, or that is committing in his presence, a Violation to the criminal provisions of this Act.

Section 3.9. — Signing and Swearing of Charges. (8 L.P.R.A. § 639)

Notwithstanding the provisions of Rule 5 of the Rules of Criminal Procedure, as amended, the prosecuting attorneys and the members of the Puerto Rico Police shall sign and swear all charges for violation to the provisions of this Act when the acts that constitute the crime are known to them through information and belief.

In no case in which the abovementioned circumstances concur, shall the person who is the victim of the alleged facts that constitute the crime be required to sign the accusation.

Section 3.10. — Assistance to the Victim of Abuse. (8 L.P.R.A. § 640)

Whenever a law enforcement officer intervenes with a person that claims to be a victim of abuse, he shall take all those measures that he deems necessary to prevent said person from being abused again. He shall take the following steps, among others:

- (a) If the person indicates that he/she has suffered injuries, blows or wounds that require medical assistance, although not visible, he shall give the person the needed first aid treatment, shall volunteer to make arrangements for the person to receive adequate medical treatment and shall provide transportation to a medical services center where the person can be treated.
- (b) If the person expresses concern for his/her safety, he/she shall make the arrangements needed to transport the person to a safe place.
- (c) When the victim of Abuse requests it, the law enforcement officer shall protect him/her by accompanying and providing assistance at all times while he/she takes his/her personal belongings from his/ her residence or from any other place where the same may be.
- (d) Advise the victim of abuse on the importance of preserving the evidence.
- (e) Provide the victim with information as to her/his rights, and of the government and private services available for victims of Abuse, including, but not limited to the remedies provided under the Victims and Witnesses Protection and Assistance Act, number 77 of July 9, 1986, and Act No. 91 of July 13, 1988. He shall also give the victim a copy of the Guide for Victims of Domestic Abuse.

Section 3.11. — Preparing of Reports. (8 L.P.R.A. § 641)

Whenever a law enforcement officer intervenes in an incident of domestic abuse, a written report on the same shall be prepared. Said report shall contain the allegations of the persons involved and of the witnesses, the type of investigation conducted and how the incident was resolved.

The law enforcement officer shall include any statement of the victim in said report, with regard to the frequency and severity of previous incidents of domestic abuse and on the number of

times the person has resorted to the Police or any private or public entity or specific person to seek help.

This report shall be prepared for every intervention even though no criminal charges are filed against the alleged aggressor. These reports shall be kept separate from reports or incidents of other nature.

The Police Superintendent shall establish a system to compile information that allows that a copy to be kept of each intervention report in the police station where it was originated and that will expedite the centralized compiling thereof in the Statistics Division of the Puerto Rico Police.

The Statistics Division of the Puerto Rico Police shall receive a monthly copy of every intervention report prepared pursuant to this section, shall compile the information contained therein, and shall prepare an annual public statistical report on the incidents of domestic abuse in Puerto Rico. A copy of this report shall be remitted to the Office of the Women's Advocate, as well as to the Legislature, which shall distribute it to all the offices of the different committees.

The Courts Administration shall provide information on the restraining orders requested and issued, to the Statistics Division of the Police as well as useful information, so that it the report may contain, among others, the following information:

- (1) Population group mostly affected by domestic abuse.
- (2) Ages of said groups, divided by number of incidences.
- (3) Number of persons who requested restraining order.
- (4) Number of persons who withdrew said request for restraining orders.
- (5) Number of persons who obtained restraining orders.
- (6) Number of persons who did not obtain restraining orders.
- (7) Number of situation in which dual or reciprocal restraining orders were issued.
- (8) Number of situations in which there are minors, and child support orders were issued.

The Police Superintendent shall establish rules to guarantee confidentiality regarding the identity of the persons involved in incidents of domestic abuse.

CHAPTER IV. — MEASURES TO PREVENT DOMESTIC ABUSE

Section 4.1. — Functions of the Women's Affairs Commission. (8 L.P.R.A. § 651)

The Women's Advocate Office, created by Act No. 20 of April 11, 2001, and in harmony with the public policy enunciated in this Act, shall be responsible for, and in harmony with the public policy stated in this Act, shall be responsible for: `

- (a) Promoting and developing educational programs for the prevention of domestic abuse.
- (b) Studying, investigating and publishing reports on the domestic abuse problem in Puerto Rico, its manifestations, scope, consequences and the options for confronting and erradicating it.
- (c) Identifying groups and sectors in which domestic abuse is manifested, educating them and making them aware of the skills they need to combat it.
- (d) Creating an awareness among assistance professionals regarding the needs of victims of abuse and their families.
- (e) Developing strategies to encourage changes in the policies and procedures in government agencies in order to improve their response to the needs of the victims of abuse.
- (f) Establishing and encouraging the establishment of programs of information, support and counseling services for abuse victims.

- (g) Encouraging the establishment of shelters for abuse victims.
- (h) Encouraging programs of services for boys and girls who come from homes where there is abuse, in coordination with the Department of Social Services.
- (i) Providing training and orientation services for assistance professionals on the treatment and counselling of abuse victims.
- (j) Evaluating the progress in the implementation of this Act and submit annual reports to the Governor and the Legislature.
- (k) Analyzing and carrying out studies on the needs for intervention, education and retraining programs for persons who engage in conduct that constitutes abuse, for their rehabilitation.
- (l) Formulating guidelines on the minimum requirements that must be met by the deviation services contemplated by Section 3.6 of this Act, which must be taken into consideration by the courts in determining deviations.

Section 4.2. — Confidentiality of Communications. (8 L.P.R.A. § 652)

The Women's Advocate Office shall take steps to guarantee the confidentiality of the communications and information it receives from its clients during the course of rendering services to prevent domestic violence and intervene with its victims. All communications between the persons attended to in the Women's Advocate Office and its personnel shall be privileged and shall be protected by the confidentiality privilege established in the Rules of Evidence of Puerto Rico. Likewise, all communications between a victim of domestic violence and any other public entity or body, which renders services to victims of domestic abuse, shall enjoy the same privilege and confidentiality, in harmony with Rule 26-A of the Rules of Evidence of Puerto Rico and the Bill of Rights of Victims and Witnesses of Crime.

Section 4.3. — Collaboration by Government Agencies. (8 L.P.R.A. § 653)

The departments, offices, bureaus, commissions, boards, administrations, councils, public corporations and their subsidiaries, and other agencies of the Commonwealth of Puerto Rico are hereby authorized to provide the Women's Affairs Commission With the services and economic resources, personnel, materials, equipment and facilities that it requests to perform and comply with the duties and functions assigned to it by this Act. Such authority will be exercised subject to the legal provisions that govern said public agencies and to the approval of their chief executive.

CHAPTER V. — SUPPLEMENTARY PROVISIONS

Section 5.1. — Independence from Civil Actions. (8 L.P.R.A. § 661)

It shall not be required nor shall it be necessary for persons protected by this act to file criminal charges in order to request and that an Order for Protection be issued.

Section 5.2. — Constitutional Safeguard. (8 L.P.R.A. § 662)

If any of the provisions of this Act is declared unconstitutional, said declaration of unconstitutionality will not affect the remaining provisions of the Act.

Section 5.3. — Rules for Civil and Penal Actions. (8 L.P.R.A. § 663)

Except as otherwise provided by this Act, the civil provisions established herein shall be governed by the Rules of Civil Procedure of 1979, as amended. Likewise, penal actions initiated under the provisions of this Act that tipify crimes, shall be governed by the Rules of Criminal Procedure, amended, except as otherwise provided by this Act.

Section 5.4. — Forms. (8 L.P.R.A. § 664)

The forms that must be provided by the Office of the Clerks of the court of justice to the persons who requested protective orders shall be designed so that the information, circumstances and data contained in the forms identified as I, II, III and IV may be substantially consigned or stated. However, the Office of Court Administration may modify them when deemed convenient to achieve the purposes of this Act.

The forms that are hereby incorporated into this Act are the following:

FORM I

AT THE _____ COURT OF PUERTO RICO

_____ PART

Petitioner

Vs.

NO. _____

RE: Order for Protection

Petitioned Party

REQUEST FOR ORDER FOR PROTECTION

TO THE HONORABLE COURT:

The petitioning party hereby appears and respectfully states and requests that:

1. The petitioned party resides at _____
(Street, No., Urbanization or Ward, Municipality)

and is _____ years old.

2. I was married to the petitioned party on _____ of _____;
or

I have _____ or have sustained _____ a consensual relationship with the petitioned party since _____ and until _____;

or

I have procreated _____ children with the petitioned party.

3. I am a victim of abuse provoked by the petitioned party, consisting in that through the use of force, violence, intimidation or threat he/she has:

- Caused me physical injury.
- Attempted to cause me physical injuries.
- Caused me serious emotional harm.
- Provoked fear of suffering physical injury.
- Provoked fear of harming my assets.
- Provoked fear of harming other persons.
- Deprived me of my freedom of movement.
- Deprived me of adequate rest.
- Forced me to sustain sexual relations through the use of force, violence, threat, intimidation.

4. The abuse that I have suffered occurred on or during _____

(days, month and year)

at _____

(Place)

5. There is is not a suit for divorce, separation, custody or alimony or a criminal suit pending at the Court, _____ Part, between the petitioned party and the subscribing party, at present.

6. There is is not an order pending on the custody of the sons and daughters procreated by me with the petitioned party at present.

7. I request this Court to grant the following remedies to me:

Order the petitioned party to vacate the residence and prohibit _____ him/her to return to it.

Order the petitioned party to abstain from bothering, intimidating, threatening or otherwise interfering with me, my sons and daughters, or with the minors under my custody.

To order the petitioned party to abstain from entering my:

Home Place of Employment School Relatives' home
[] Business

[] Other _____

(indicate which)

Determine that the provisional custody of the following minors be adjudicated to me:

Minor's Name

Date of Birth

During the last six (6) months said minors have resided at:

(Street No., Urbanization, Ward and Municipality)

with the following persons:

(Name and Kinship or Relationship)

Order the petitioned party to pay child support for our children whose custody has been adjudicated to me. Said child support must be in the amount of _____ to be paid _____ and to be deposited at the Clerk Office of this Honorable Court.

Order the petitioned party to pay alimony to me in the amount of _____ to be paid _____ and to be deposited at the [Clerk Office] of this Court.

Order provisional measures with regard to the personal property I share with the petitioned party.

Order the petitioned party to pay me reasonable financial compensation for the damages suffered by me as a result of conjugal abuse.

Said losses and damages consist of:

Therefore, the petitioner respectfully requests that the remedies requested in paragraph eight (8) of this Petition be granted as well as any other remedy that the Court deems pertinent.

Petitioner

Address at which I can be notified:

Telephone _____

FORM II

AT THE _____ COURT OF PUERTO RICO

_____ PART

Petitioner

Vs.

NO. _____

RE: Order for Protection

Petitioned Party

**REQUEST BY EMPLOYER FOR PROTECTIVE ORDER IN FAVOR OF HIS/HER
WORKPLACE**

TO THE HONORABLE COURT:

The petitioning party hereby appears and respectfully states and requests that:

1. The petitioning party (name) _____ is a _____ natural person _____ partnership _____ corporation _____ another (specify) _____ that is being represented by (name) _____. The petitioning party is requesting this civil remedy in favor of the female and male employees and visitors and of any other person found at his/her workplace.

2. The address of the petitioning party is _____
(Street, Number, Urbanization or Barrio, Municipality).

3. (Name) _____ is _____ employee of the petitioning party.

4. The petitioned party resides at _____
(Street, Number Urbanization or Barrio, Municipality).

5. The employee is a victim of domestic violence or of conduct constituting a crime as typified in Act No. 54 of August 15, 1989, as amended, known as the Domestic Abuse Prevention and Intervention Act.

6. The acts of conduct constituting domestic violence ___ have occurred at the workplace, or ___ it is believed that they may responsibly occur at the workplace.

7. The employee ___ is or ___ has been victim of domestic violence at his/her place of work provoked by the petitioned party, consisting that through the use of force, violence, intimidation or threat the latter has:

- Caused physical harm.
- Intended to cause physical harm.
- Caused serious emotional harm.
- Provoked fear of suffering physical harm.
- Provoked fear of causing damage to his/her property.
- Deprived him/her from his/her freedom of movement.
- Deprived him/her from proper rest.
- Forced him/her to have sexual relations through the use of force, violence, threat, intimidation.

8. The abuse suffered occurred on or the _____
(day, month, and year) in _____.

9. I request that this Court grant the following remedies:

- Order the petitioned party to abstain from harassing, intimidating, threatening or in any other way interfering with the female and male employees and visitors and with any other person found at my place of work.
- Order the petitioned party to abstain from entering my place of work.
- Order the petitioned party to abstain from making phone calls directed to creating situations of violence among the employees.
- Other _____ (specify)

For which the petitioning party respectfully requests that the remedies solicited in paragraph (9) of this Petition and any other remedy which the Court may deem pertinent be granted to him/her.

Petitioning Party

Address at which to notify me:

Telephone _____

FORM III

AT THE _____ COURT OF PUERTO RICO

_____ PART

Petitioner

Vs.

NO. _____

RE: Order for Protection

Petitioned Party

PROTECTION ORDER

The petitioner filed an action against the petitioned party under the provisions of Act No. _____ of _____, known as the "Domestic Abuse Prevention and Intervention Act" stating the following:

The summons for the petitioned party having been issued, the corresponding hearing was held to which both parties appeared [], only the _____ party appeared []

The petitioned party alleged:

After hearing the party(ies) and the(ir) witness(es) and studying all the evidence the Court reaches the following:

FINDINGS OF FACTS

By virtue of the proceeding findings of facts the Court establishes the following:

[] It orders the petitioned party to vacate the residence he/she shares with the petitioner and prohibits him/her to return to it.

[] It orders the petitioned party to abstain from bothering, intimidating, threatening or otherwise interfering with the party or with the exercise of the provisional custody of their sons and daughters.

- It orders the petitioned party to abstain from entering
- the home of the petitioner, or his/her place of permanent or provisional dwelling,
- the school attended by the petitioner and its premises,
- the petitioner's business and its premises,
- It adjudicates to the party the custody of the following minors:

- It orders the _____ party to pay child support for the sons and daughters of the parties in the amount of _____ to be paid _____ and to be deposited at the [Clerk Office] of this Court.
- It orders the _____ party to pay alimony to the _____ party in the amount of _____ to be paid _____ and to be deposited in the [Clerk Office] of this Court.
- It orders the following provisional measures with respect to the assets _____ of the parties:

- It orders the _____ party to pay a financial compensation for the damages suffered as a result of the conjugal abuse.

Said losses and damages consist of:

Every person who violates any of the terms of this Order will incur a misdemeanor.

BE IT RECORDED AND SERVED:

Given at _____, Puerto Rico on the

_____ of 19_____

Judge

I HEREBY CERTIFY:

That both parties were served with a copy of the preceding ORDER FOR PROTECTION.

At _____, Puerto Rico on the _____ of _____,

Secretary

FORM IV

GUIDE FOR VICTIMS OF DOMESTIC ABUSE

If your husband or wife, ex-husband or ex-wife, the person with whom you cohabit or have cohabited, or the person with whom you sustain or have sustained a consensual relationship or the person with whom you have procreated a daughter or a son, has struck, threatened, intimidated, or deprived you of your freedom, or has exposed you to serious physical or emotional harm, or has forced you to engage in unwanted sexual behavior, you can go to the Police station and ask that a complaint be filed against the person who assaulted or abused you.

You may also go before any judge without the assistance of any attorney (male or female) and request an order that provides you with the following remedies:

1. That the male or female aggressor be ordered to abstain from abusing, intimidating or threatening you again.
2. That the male or female aggressor be ordered to vacate the dwelling he/she shares with you.
3. That the male or female aggressor be prohibited from entering your residence, school, business, or place of work and their premises.
4. That you be granted custody of your minor children.
5. That you be permitted to enter your home to gather your personal belongings, or the place where they are found, and that the Police be ordered to accompany you at all times.
6. That the male or female aggressor be prohibited from molesting, intimidating or intervening in any way with your minor children or other member of the family nucleus.
7. That the male or female aggressor be ordered to pay child support for your minor children, and/or for you when he/she has a legal obligation to do so.
8. That the male or female aggressor be ordered to abstain from marauding the premises of your home, place of work or place of study.

NOTE: A copy of the Order for Protection issued by a judge must be delivered to the police station in your jurisdiction.

If you are married to the male or female aggressor, you may also file a divorce suit in the Family Relations Part of the Court of First Instance and request the same measures indicated above. If you have procreated children with the male or female aggressor, even though you are not married to him/her, you can file a claim for child support and custody.

To obtain more information concerning your rights and the shelter and counselling services, you may communicate with:

Section 5.5. — Appropriation of Funds. (8 L.P.R.A. § 601 note)

The sum of two hundred fifty thousand (250,000) dollars is hereby appropriated for fiscal year 1989-90 from unencumbered funds in the Commonwealth Treasury, to the agencies and to comply with the ends indicated below:

- (a) Women's Affairs Commission to comply with the functions delegated by this Act. \$235,000
- (b) Office of the Courts Administration for the production and distribution of the forms required by this Act. \$15,000

The funds needed by the abovementioned agencies during subsequent years to comply with the functions assigned by this Act shall be consigned in the item corresponding to each one of them in the General Budget Joint Resolution of the Commonwealth of Puerto Rico.

The funds appropriated by this Act to the Women's Affairs Commission may be matched with any other funds from the Commonwealth of Puerto Rico, its agencies and municipalities, or from the Government of the United States, as well as with donations from private persons and entities.

Section 5.6. — Effectiveness.

This Act shall take effect ninety (90) days after its approval.

Note. This compilation was prepared by the [Puerto Rico Office of Management and Budget](#) staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text and the collection of Laws of Puerto Rico Annotated LPRA. The state links acts are property of [Legislative Services Office](#) of Puerto Rico web page. The federal links acts are property of [US Government Publishing Office GPO](#). web page. Compiled by the Office of Management and Budget Library.