

PUERTO RICO CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Puerto Rico there are 4 types of civil protection orders:

- ☐ **Domestic Violence Protective Orders** are available for adult individuals seeking protection from domestic violence committed by someone with whom they share an intimate relationship, such as a spouse or dating partner (8 L.P.R.A. §§ 621 et seq.).
- ☐ **Sexual Violence Protection Orders** are available for individuals who are seeking protection from any individual who committed sexual violence against them (8 L.P.R.A. §§ 1281 - 1288).
- ☐ **Protection from Stalking Orders** are available for individuals who are seeking protection from any individual who stalked them (33 L.P.R.A. §§ 4013 - 4026).
- ☐ **Orders of Protection for Elderly** are available for adults over 60 who are seeking protection from any individual who abused them, including financial abuse (8 L.P.R.A. §§ 1513 -1526).

DOMESTIC VIOLENCE PROTECTIVE ORDER

Who can apply?	Any person who has been the victim of domestic abuse or similar conduct in the context of an intimate relationship or a person on behalf of a person who suffers from a mental or physical disability or an employer on behalf of an employee. <i>8 L.P.R.A. § 621; 8 L.P.R.A. § 623.</i> Domestic abuse is defined as a pattern of conduct involving: • Physical force; • Psychological abuse; • Intimidation or persecution by an intimate partner to harm an individual, their property, another person, or to cause serious emotional harm. <i>8 L.P.R.A. § 602(p)</i> See “Who can be Restrained?” for the definition of an intimate relationship.
Can minors apply?	No, a parent or guardian must file on a minor’s behalf.
Who can be restrained?	A person with whom the petitioner shares an intimate relationship. Intimate relationship is defined as the relationship between: • Spouses or former spouses; • People living together; • Those in a consensual relationship; or • Those with a child in common. <i>8 L.P.R.A. § 602(m).</i>
What types of relief can the court order?	In a final protection order, the court may: • Require respondent surrender any firearms; • Order temporary custody, visitation, and support of minor children; <i>continued next page</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

What types of relief may a court order?	• Require respondent leave a shared dwelling; • Prohibit respondent from molesting, harassing, intimidating, etc. petitioner or minor children; • Order respondent stay away from petitioner, their home, and other relevant places; • Prohibit respondent from disposing of petitioner's property or joint property; • Require respondent pay for damages including moving expenses, legal expenses, medical, psychiatric, psychological, and counselling bills, housing expenses, and other similar costs; and • Any other protection the court deems necessary. <i>8 L.P.R.A. § 621 (a-l)</i>
How long does the order last?	An ex parte order initially lasts 20 days, but can be extended as the court deems necessary. <i>8 L.P.R.A. § 625.</i> Orders must include the term of effectiveness, but the length is at the judge's discretion. <i>8 L.P.R.A. § 626(c).</i>
Can the order be renewed?	Not specified.
Is a hearing with the respondent required?	Yes. Once the petition is filed, the court will issue a summons to the parties for a hearing that will take place within 20 days. <i>8 L.P.R.A. § 625.</i> <i>continued next page</i>

DOMESTIC VIOLENCE PROTECTIVE ORDER

Is a hearing with the respondent required?

But, an ex parte temporary protection order may be granted if the court determines that:

- Respondent has not been notified despite diligent efforts;
- Respondent is likely to cause irreparable harm; and
- Petitioner demonstrates an immediate risk.

Such an ex parte order is made provisionally, and a hearing must be calendared for 20 days. At the hearing the court can end or extend the order as it deems necessary.
8 L.P.R.A. § 625.

SEXUAL VIOLENCE PROTECTIVE ORDER

Who can apply?	Any person who has been a victim of sexual violence can request a SVPO. <i>8 L.P.R.A. § 1281.</i> Sexual violence is defined as sexual assault, lewd acts, sexual harassment, or incest. <i>8 L.P.R.A. § 1281</i>
Can minors apply?	Yes. <i>8 L.P.R.A. § 1281.</i>
Who can be restrained?	Anyone who has engaged in conduct listed above.
What types of relief can the court order?	A court may order the following relief in a SVPO: • Prohibit respondent from harassing, persecuting, or intimidating the petitioner; • Order respondent to stay away from petitioner; • Require respondent to surrender firearms; and • Any other protection the court deems necessary. <i>8 L.P.R.A. § 1282(a-d).</i>
How long does the order last?	The final order will include the period of validity, at the court's discretion. <i>8 L.P.R.A. § 1286(a).</i>
Can the order be renewed?	Not specified.
Is a hearing with the respondent required?	Yes. Once the petition is filed, the court will issue a summons to the parties for a hearing that will take place within 20 days. <i>8 L.P.R.A. § 1285(c).</i>

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SEXUAL VIOLENCE PROTECTIVE ORDER

Is a hearing with the respondent required?

But, an ex parte temporary protection order may be granted if the court determines that:

- Respondent has not been notified despite diligent efforts;
- Respondent is likely to cause irreparable harm; and
- Petitioner demonstrates an immediate risk.

Such an ex parte order is made provisionally, and a hearing must be calendared for 20 days. At the hearing the court can end or extend the order as it deems necessary.

8 L.P.R.A. § 1285

PROTECTION FROM STALKING ORDER

Who can apply?	Any person who has been a victim of stalking. <i>33 L.P.R.A. § 4015(a).</i> Stalking is defined as: • A pattern of behavior of vigilance over a person; • Repeated, unwanted communications; • Threats against a specific person; • Repeated acts of vandalism; • Repeated harassment; or • Gestures or actions intended to intimidate or threaten the victim or their family. A pattern is two or more occasions that show an intentional purpose. <i>33 L.P.R.A. § 4013(a),(b).</i>
Can minors apply?	Yes. <i>33 L.P.R.A. § 4015(a).</i>
Who can be restrained?	Anyone who has engaged in conduct listed above.
What types of relief can the court order?	A court may order the following relief: • Respondent surrender firearms; • Prohibit respondent from harassing, threatening, or otherwise stalking petitioner; • Order respondent to stay away from petitioner and their family; • Require respondent pay for damages including moving expenses, legal expenses, medical, psychiatric, psychological, and counselling bills, housing expenses, and other similar costs; <i>continued next page</i>

PROTECTION FROM STALKING ORDER

What types of relief may a court order?	• Order respondent to vacate a shared property; or • Any other protection the court deems necessary. <i>33 L.P.R.A. § 4015.</i>
How long does the order last?	However long the court deems necessary. <i>33 L.P.R.A. § 4018(a).</i>
Can the order be renewed?	Not specified.
Is a hearing with the respondent required?	Yes, after a petition is filed, the court shall issue a summons to the parties, to appear within a term that shall not exceed 5 days. <i>33 L.P.R.A. § 4016(c).</i> But, an ex parte temporary protection order may be granted if the court determines that: • Respondent has not been notified despite diligent efforts; • Respondent is likely to cause irreparable harm; and • Petitioner demonstrates an immediate risk. Such an ex parte order is made provisionally, and a hearing must be calendared for 20 days. At the hearing the court can end or extend the order as it deems necessary. <i>33 L.P.R.A. § 4017.</i>

ORDER OF PROTECTION FOR ELDERLY

Who can apply?	Any older adult who has been a victim of elder abuse can file on their own behalf. Additionally, someone else can file on behalf of the older adult if they are unable to file themselves. <i>8 L.P.R.A. § 1519.</i> Older adult is defined as someone at least 60 years old. <i>8 L.P.R.A. § 1513(1).</i> Elder abuse is defined as when an elderly person has been subject to: • Mental, physical, or psychological abuse; • Harassment; • Coercion; • Intimidation; • Emotional abuse; or • Other crimes, including financial exploitation and negligence. <i>8 L.P.R.A. § 1519.</i>
Can minors apply?	Not applicable.
Who can be restrained?	Anyone who has engaged in conduct listed above.
What types of relief can the court order?	A court may order the following relief in an Elder PO: • Require respondent vacate a shared dwelling; • Prohibit respondent from harassing, persecuting, or intimidating the petitioner; • Order respondent stay away from petitioner; <i>continued next page</i>

ORDER OF PROTECTION FROM ELDERLY

What types of relief may a court order?	• Require respondent pay a pension if appropriate; • Prohibit the respondent from disposing of petitioner's assets or otherwise interfering with petitioner's finances; • Order temporary possession and use of residences and personal property (owned items); • Require respondent pay for damages including moving expenses, legal expenses, medical, psychiatric, psychological, and counselling bills, housing expenses, technological assistance, and other similar costs; • Require the owner/manager of location where petitioner resides to enforce such a protection order; or • Any other protection the court deems necessary <i>8 L.P.R.A. § 1519</i>
How long does the order last?	The order contains the period of its validity. <i>8 L.P.R.A. § 1524(a).</i>
Can the order be renewed?	Not specified.
Is a hearing with the respondent required?	Yes, after a petition is filed, the court shall issue a summons to the parties, to appear within a term that shall not exceed five 5 days. <i>8 L.P.R.A. § 1522(a).</i> But, an ex parte temporary protection order may be granted if the court determines that: • Respondent has not been notified despite diligent efforts; <i>continued next page</i>

ORDER OF PROTECTION FROM ELDERLY

Is a hearing with the respondent required?

- Respondent is likely to cause irreparable harm; and
- Petitioner demonstrates an immediate risk.

Such an ex parte order is made provisionally, and a hearing must be calendared for 20 days. At the hearing the court can end or extend the order as it deems necessary.
8 L.P.R.A. § 1523.

HOW TO APPLY

Electronic application forms can be found at: <https://poderjudicial.pr/formularios/>, by looking under the appropriate tab.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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