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SENATE JUDICIARY COMMITTEE
MAY 1, 2003

Testimony of the Honorable Robert E. Gaston
In Support of A.B. 331

TO: Chairman Amodei and Members of the Senate Judiciary Committee

FROM: The Hon. Robert E. Gaston, District Court Judge, Family Div.

Chairman Amodei and Members of the Assembly Judiciary Committee, my name is Robert Gaston and I am a District Court Judge in the Family Division in Clark County, Nevada. I am here as an individual and not representing either the Family Division or the District Court. Thank you for the opportunity to address this Committee in regard to AB 331.

This is Katy's bill. Katy was twelve years old; a very pretty, all-American girl. She was actively involved in her church youth programs. She was an energetic cheerleader for a Pop Warner football team. She was a good student with a lot of friends. As twelve-year-old girls do, she spent a lot of time with her girlfriends, sometimes spending the night. She was spending the night with a neighbor girlfriend. After giggling and laughing and doing what twelve-year-girls do, they finally fell asleep exhausted.

Sometime, in the middle of the night, she was awakened in the midst of being sexually abused by the neighbor's live-in boyfriend.

I can't begin to explain to you the trauma this innocent twelve-year-old child experienced. This experience left lifetime scars. She didn't want to leave her apartment for days. She didn't want to go to school. This child was so traumatized, she was ashamed to be in public or even be with her friends. She was particularly frightened about seeing the perpetrator again.

The crime was reported, but the perpetrator still lived in Katy's neighborhood. Katy's mother went to the Family Court to get an order to protect Katy from the perpetrator. She was advised that they handled only domestic violence cases, and because the neighbor assaulted Katy, they had no jurisdiction to give her a temporary protective order (TPO).

Katy's mother went to Justice Court because that was who was handling the criminal case. She was advised by the court clerk that Justice Courts have no jurisdiction to give her a TPO because they were restricted to stalking cases.

The ability for our courts to provide efficient temporary orders protecting our most vulnerable victims (the children) from the most heinous crimes of sexual abuse or lewdness, has fallen through the cracks in our system.

Katy's bill gives parents the option to protect their child while the criminal case is being prosecuted. The parents and children need your help by passing Katy's bill into law. Katy was a victim, but you can make her a hero. By passing this bill, hundreds of children can be protected from sexual perpetrators.