

# Break the Cycle

Empowering Youth to End  
Domestic Violence



American Progress School North Central District		Final Report				
	Q1	Q2	Q3	Q4	FINAL	
MATHEMATICS	A	A-	A	A	A	
SCIENCE	A	A	A	A-	A	
LITERATURE	A	A	B	A	A-	
PHYSICAL EDUC.	A	A	A-	A-	A	
ART	A	A	A	A	A	

## 2010 State Law Report Cards

A National Survey of Teen Dating Violence Laws

You have the right to a safe  
and healthy relationship...  
free from violence and  
free from fear

# 2010 State Law Report Cards:

## A National Survey on Teen Dating Violence Laws

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and the state domestic violence coalitions

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## Report Highlights

- Break the Cycle worked with public health researchers from the University of Minnesota to revise the grading criteria to focus more closely on those aspects of the civil protection order laws that are uniquely relevant to youth victims of domestic and dating violence, including the types of abuse teens are likely to experience and the most relevant remedies for youth.
- This year's report includes information about services available to teen victims of domestic violence including access to HIV/STI testing and treatment, contraception, abortion, prenatal care and adoption.
- Each state report card now includes information about whether state law requires a school response to dating violence through policy or prevention education.
- Because the report is widely used by both policymakers and teens, this year Break the Cycle created a report for policymakers that provides detailed information about each state's laws and supplemental state pages that provide teens with information about seeking a protection order and the availability of other necessary services.

## State Law Updates

- Arizona changed its law to allow individuals in dating relationships to seek orders of protection, better protecting teen victims of domestic violence. The new law went into effect on September 30, 2009.
- District of Columbia fully implemented its law which clarified how minor victims of domestic violence access protection orders. The new law went into effect on March 25, 2009.
- Nebraska and Ohio passed laws mandating dating violence education and school policies, joining Rhode Island, Virginia and Texas as states that require prevention education in middle schools and high schools.

## About Break the Cycle

Founded in 1996, Break the Cycle is a national nonprofit organization whose mission is to engage, educate and empower youth to build lives free from domestic and dating violence. Break the Cycle provides preventive education, free legal services, advocacy and support to young people between the ages of 12 and 24 and trains social service agencies, law enforcement, school personnel and others to more effectively respond to victims of teen dating violence. As the leading voice for teens on the issue of dating violence, Break the Cycle advocates for policy and legislative changes at the state and federal levels to better protect the rights and promote the health of teens across the country.

## About Teen Dating Violence

Domestic violence is not just an issue for adults. Teens and young adults experience the same types of abuse in their relationships and, in fact, dating abuse is common in teen relationships. One in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth.<sup>1</sup> Digital abuse is widespread among teens and abusive behaviors via technology are often more difficult to discern. One in four teens in a relationship say that they have been called names, harassed or put down by their partner through cell phones and texting.<sup>2</sup> In one study, 28% of youth ages 11 to 14 had been checked up on via cell phone more than 10 times per day and 24% reported that they were checked on via text more than 20 times per day.<sup>3</sup> The impact of dating violence extends beyond the immediate experience of the teen, impacting the entire community. Teen victims of violence are substantially more likely than classmates to bring guns or other weapons to school, and are three times as likely to be involved in a physical fight.<sup>4</sup> Violent relationships in adolescence can have serious ramifications by putting victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide and adult re-victimization.<sup>5</sup>

## About the State Law Report Cards

Break the Cycle strongly believes that teen and young adult victims of domestic and dating violence should be able to access the same protections and assistance as adult victims of violence, including access to the legal system and sensitive services needed for safety. We believe state law should explicitly define the rights and responsibilities of minors. All teens age 12 and older should have the right to petition for protection on their own behalf, without parental involvement, and domestic violence protection orders should be available against minor abusers.

Sadly, teens face overwhelming obstacles to getting help, including access to basic securities such as money, shelter and transportation. Exacerbating these barriers for teens are the widespread statutory restrictions that exist because relatively few states recognize teens as victims of domestic abuse.

To call attention to this critical situation, Break the Cycle set out to assess the climate of each state's civil domestic violence protection order laws and their impact on teens seeking protection from abusive relationships. Initially, the research aimed to compile an up-to-date single location of state-by-state information.

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<sup>1</sup> Davis, Antoinette, MPH. 2008. Interpersonal and Physical Dating Violence among Teens. The National Council on Crime and Delinquency Focus.

<sup>2</sup> Liz Claiborne and TRU. 2007. Tech Abuse in Teen Relationships Study. Available at [www.loveisnotabuse.com](http://www.loveisnotabuse.com).

<sup>3</sup> Liz Claiborne and TRU. February 2008. Tween and Teen Dating Violence and Abuse Study. Available at [www.loveisnotabuse.com](http://www.loveisnotabuse.com).

<sup>4</sup> Drafted on behalf of the California Attorney General's Office and the California Department of Education. October 2004. A Preventable Epidemic: Teen Dating Violence and its Impact on School Safety and Academic Achievement.

<sup>5</sup> Silverman, J., Raj, A., Mucci, L., and Hathaway, J. 2001. Dating violence against adolescent girls and associated substance use, unhealthy weight control, sexual risk behavior, pregnancy, and suicidality. *Journal of the American Medical Association*, 286(5), 572-579.



Upon compiling the research, it became clear that state laws vary widely with regard to the protections and services available to teen victims of domestic and dating violence. Even in those states where teen victims benefit from access to civil protection orders, many other services are necessary to provide a comprehensive response to dating violence. Therefore, Break the Cycle expanded the areas included in the State Report Cards to better inform states of the need for a holistic approach to ensure teen victims are able to get the help they need.

The State Report Cards include information about access to contraception, HIV/STI services, adoption, abortion and medical care for a minor's child because youth experiencing dating violence often find that they are also in need of these services. Shockingly, studies have found that no less than a quarter of adolescent mothers experience relationship violence before, during or just after pregnancy, with some studies reporting rates of 50 to 80 percent.<sup>6</sup> A recent study revealed that 35% of teen and young women who had experienced intimate partner violence were also victims of pregnancy coercion or birth control sabotage.<sup>7</sup> Without providing reproductive and maternal health services to minors, a comprehensive community response to address dating abuse is unattainable.

In states with laws requiring schools to address dating violence, youth have the opportunity to understand dating violence before they become victims or abusers. Because teens spend a significant portion of their lives at school, schools are uniquely positioned to respond to dating violence. One in four teens say they would confide in a teacher, coach or school counselor if they were in an abusive relationship.<sup>8</sup> Although relatively few states have passed legislation addressing the issue, Break the Cycle urges policymakers to require schools to (1) proactively address the problem by establishing effective policies and procedures to address dating violence and (2) implement teen dating violence prevention programs in schools.

The State Law Report Cards have already been used as a valuable advocacy tool. In response to the invaluable feedback provided by advocates who are working to improve their state's response to teen dating violence, this year Break the Cycle has created supplemental pages to the policymakers' report. Each state's policymaker page provides information about current state laws in addition to recommendations for how to improve the state's response to youth victims of dating violence. The teen page serves as a resource for those who want more information about how to seek a protection order, as well as the services available to minors. Break the Cycle hopes that the new format will assist minors, educate policymakers and inform citizens about the need to improve state laws around teen dating violence.

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<sup>6</sup> Leiderman, S. and Almo, C. 2001. Interpersonal Violence and Adolescent Pregnancy: Prevalence and Implications for Practice and Policy. Center for Assessment and Policy Development and the National Organization on Adolescent Pregnancy, Parenting, and Prevention.

<sup>7</sup> Miller, E., Decker, M., McCauley, H., Tancredi, D., Levenson, R., Waldman, J., Schoenwald, P., and Silverman, J. 2010. Pregnancy coercion, intimate partner violence, and unintended pregnancy. *Contraception*, 81(4) 316-322.

<sup>8</sup> Liz Claiborne and TRU. 2005. Available at [http://www.loveisnotabuse.com/c/document\\_library/get\\_file?p\\_l\\_id=45693&folderId=72612&name=DLFE-204.pdf](http://www.loveisnotabuse.com/c/document_library/get_file?p_l_id=45693&folderId=72612&name=DLFE-204.pdf).

# About the New Grading System

## Key Areas and Indicator Selection

For 2010, the project staff focused on three key areas that influence the well-being of teens: 1) Access to Civil Protection Orders (CPOs); 2) Access to Sensitive Services; and 3) School Response to Dating Violence. This year, Access to CPOs was the only key area graded, with information about current policies regarding the other two key areas provided on each state's summary. In the future, states will be graded on all three key areas.

For Teens' Access to CPOs, 11 indicators were identified for grading. These indicators were formulated from the expertise of legal professionals who have worked directly with teen clients in the field as well as from the extant literature on the most common legal barriers facing youth who experience dating violence. Please refer to the Indicator Summary Table for a definition of each indicator.

## Data Sources

The data on each of the indicators were compiled from 2009 state law statutes by an independent law firm, Latham and Watkins, LLP, and by Break the Cycle staff. Project staff then performed all coding of the compiled data. Additionally, each state's domestic violence coalition was asked to review the Policymaker page for accuracy prior to the release of this report.

Data for sensitive service access was provided by the Guttmacher Institute, with the information extracted from two of their December 2009 State Policies in Brief reports entitled: "An Overview of Minors' Consent Law" and "Minors' Access to STI Services."

## Grade Determination

For Teen's Access to Civil Protection Orders, states were graded on each of the 11 indicators against ideal policy criteria recommended by Break the Cycle, experts in dating violence prevention. States that met the criterion received ten points for that indicator and those with the most adverse policy received zero points. Intermediate policies were assigned predetermined point values where appropriate.

The final raw score was a weighted average of the scores for the 11 indicators, with the weights assigned according to the relative importance of the indicator as determined by legal experts on the project staff. Indicator weights are provided in the Indicator Summary Table.

Once all raw scores were calculated, the distribution of the scores was examined and appropriate cut-off values were determined based on standards of consistency, simplicity and merit. States who earned eight points or more received an A. Scores of at least seven points but less than eight points received a B. Those with a minimum of six points but fewer than seven points received a C, and those with at least five points but less than six points received a D. A failing grade was assigned to any state with a raw score lower than five. Additionally, states that prohibit minors from getting civil protection orders or states where dating relationships do not qualify for civil protection orders were coded as having automatically failed.



## Indicator Summary Table

Indicator	Definition
Minors can be granted CPOs (20%)	Points were awarded based on whether or not minors may be granted CPOs. An automatic failure was assigned to states that explicitly prohibit minors from getting CPOs.
Dating relationships (20%)	Points were awarded based on the types of relationships that qualify for CPOs. An automatic failure was assigned to states that do not recognize dating relationships.
Minor can file on own behalf (10%)	Points were awarded based on the circumstances, if any, under which minors can file for themselves. Special consideration was given to minimum age requirements.
Parental notification (10%)	Points were awarded based on whether or not a minor's parents may be notified about the proceedings.
Same sex couples (7.5%)	Points were awarded based on whether or not same-sex couples qualify for CPOs.
CPO against minor respondent (7.5%)	Points were awarded based on whether or not a CPO can be granted against a minor respondent.
If a minor cannot file, who can? (5%)	Points were awarded based on the availability of options to minors regarding adults who may file for them in situations where they cannot file for themselves.
Qualifying definitions of abuse (5%)	Points were awarded based on the types of abuse that qualify for CPOs. Special attention was paid to whether or not property damage and use of technology were included.
Where the case is heard (5%)	Points were awarded according to whether or not the minors' cases were heard in courts familiar with domestic violence law.
Modifiable (5%)	Points were awarded based on the modifiability of the CPO.

# Findings

*This Report Card and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, Break the Cycle is not responsible for inaccuracies in the text.*

## Dating Relationships

Individuals in dating relationships can access protection orders in forty-one states and the District of Columbia. Included in that is Pennsylvania, where courts have interpreted “intimate relationship” to include dating partners. In Oregon, an individual who is in a sexual relationship with their abuser can apply for a protective order. The states that do not allow victims to apply for protection orders against a dating partner include: Alabama, Georgia, Ohio,<sup>9</sup> Kentucky, South Carolina, South Dakota, Utah and Virginia.

## Minors’ Access to Protection Orders

### Access

Minors have access to protection orders (eligibility as a minor and/or in a dating relationship) in forty-five states and the District of Columbia. Missouri is the only state that explicitly prohibits minors from accessing protection orders, although a person is considered an adult at age 17. Four states, North Dakota, South Dakota, Ohio<sup>10</sup> and Wyoming do not specify whether minors are able to access protection orders.

### Minors’ Ability to Petition

Although minors may have access to protection orders, state laws vary as to whether minors can petition for orders on their own behalf. Only nine states and the District of Columbia explicitly allow minors to petition on their own behalf: California, Minnesota, New Hampshire, Oklahoma, Oregon, Rhode Island, Tennessee, Utah and Washington. While most states do not specify whether minors can petition for protection orders on their own behalf, nine states prohibit all minors from petitioning: Alabama, Arkansas, Georgia, Louisiana, Maine, Mississippi, New Jersey, Texas and Wisconsin.

### Protection Orders against Minor Abusers

Fifteen states allow petitions for protection orders to be filed against minor abusers. While a majority of states do not specify whether protection orders are available against minor abusers, five states prohibit protection orders against minors: Maryland<sup>11</sup>, Missouri, Nevada, New Jersey and Oregon.

## Restrictions for Same-Sex Relationships

Montana, North Carolina and South Carolina specifically offer protection only to individuals in opposite-sex relationships. Louisiana law specifies that to qualify for a domestic violence protection order as a cohabitant, the victim must be living with an abuser of the opposite sex. In Idaho, the text of the civil domestic violence law does not exclude same-sex couples; however, when the law was adopted, the Idaho Legislature stated that the law was intended to exclude same-sex couples.

## Access to Sensitive Services

### Contraceptive Services

Seventeen states allow all minors to access contraceptive services, including birth control pills, condoms and other contraceptive devices. A majority of states allow at least some minors to access contraceptive services, while four states do not specify whether minors can access these services: North Dakota, Ohio, Rhode Island and Wisconsin.

<sup>9</sup> On March 17, 2010, Governor Ted Strickland signed into law House Bill 10, which will allow minors and individuals in dating relationships to access protection orders. Break the Cycle will update this report when further information becomes available.

<sup>10</sup> *Id.*

<sup>11</sup> However, a person can petition for a Juvenile Peace Order against a minor abuser in Maryland, which provides similar relief.



## HIV/STI Services

All fifty states and the District of Columbia allow minors to consent to services for sexually transmitted infections (STIs). In thirty-one states, minors may also consent to services for HIV testing and treatment. However, in eighteen states a physician may inform a minor's parent(s), although they are not required to do so.

## Prenatal Care

Thirty-two states and the District of Columbia allow all minors to consent to prenatal care, although thirteen of these states allow a physician the discretion to inform a minor's parent(s). Thirteen states do not specify whether minors can consent to prenatal care.

## Adoption

Minors are able to consent to adoption of the minor's child in twenty-eight states and the District of Columbia. Five additional states require parental involvement, and five other states require the minor to seek legal counsel. Twelve states do not specify whether minors can consent to adoption.

## Medical Care for a Minor's Child

In thirty states and the District of Columbia, minors can consent to medical care for their child. State law in all remaining jurisdictions does not specify whether minors can consent to medical care for their children.

## Abortion

Minors can consent to abortion in only three states (Connecticut, Maine and Maryland) and the District of Columbia. In most states, parental involvement is required, although courts have placed an injunction on parental involvement in five states: Alaska, California, Montana, Nevada and New Mexico. Seven states do not specify whether minors are able to consent to abortion services.

*This information was compiled using research previously completed by the Guttmacher Institute. Further information can be found on their website at [www.guttmacher.org/statecenter/](http://www.guttmacher.org/statecenter/).*

## School Response

Nebraska, Rhode Island, Texas and Virginia have laws requiring dating violence education to be taught in middle schools and high schools. Ohio recently passed a law mandating dating violence education, but the law does not go into effect until March 29, 2010.

Both Georgia and Washington have laws that require the Board of Education to develop a program that addresses dating violence, although it is unclear whether these programs have been developed.

Illinois, Maryland, New Jersey and Tennessee permit schools to provide dating violence education.

The California Legislature has expressed its intent that funds going toward violence education can be used to address dating violence prevention education.

Nebraska,<sup>12</sup> Ohio,<sup>13</sup> Rhode Island and Texas have laws that require local school districts to establish or adopt school policies and procedures that address incidents of dating violence.

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<sup>12</sup> School dating violence policies in Nebraska must be implemented by July 1, 2010.

<sup>13</sup> School dating violence policies in Ohio must be implemented by September 29, 2010.

# 2010

## State Law Report Card

Overview of Grades



Alabama	F	Montana	C
Alaska	B	Nebraska	C
Arizona	B	Nevada	C
Arkansas	C	New Hampshire	A
California	A	New Jersey	B
Colorado	C	New Mexico	B
Connecticut	C	New York	B
Delaware	B	North Carolina	C
District of Columbia	A	North Dakota	D
Florida	B	Ohio	F
Georgia	F	Oklahoma	A
Hawaii	C	Oregon	D
Idaho	C	Pennsylvania	D
Illinois	A	Rhode Island	A
Indiana	B	South Carolina	F
Iowa	C	South Dakota	F
Kansas	C	Tennessee	B
Kentucky	F	Texas	C
Louisiana	C	Utah	F
Maine	B	Vermont	B
Maryland	C	Virginia	F
Massachusetts	B	Washington	A
Michigan	C	West Virginia	B
Minnesota	B	Wisconsin	D
Mississippi	B	Wyoming	C
Missouri	F		

## Policy Recommendations

Break the Cycle's recommendations for improvement seek the removal of any and all barriers that might prevent a young person from accessing either the legal system or services to ensure their safety. Additionally, the recommendations include suggestions for prevention education and dating violence policies to address incidents of dating violence. Even in states that received an A grade, there are a number of ways to make laws more accessible to, and protective of, teens.

### Increase Access to Courts

Break the Cycle advocates for increased access to the legal system for teens who experience dating violence. In doing so, we support two broad improvements to state law. **First, individuals in dating relationships must be able to apply for and receive civil protection orders.** While excluding people in dating relationships from eligibility for protection orders affects individuals of all ages, teens are disproportionately affected because they often do not live with their partners and they may not have children together. As a result, these victims are left with no legal protection from their abusers. **States should also permit victims of same-sex intimate partner violence to access all civil domestic and dating violence remedies.**

Second, **minors must be able to apply for and receive temporary and permanent civil protection orders.** In some states, the law does not specify at what age a person becomes eligible for a protection order. Because of the law's ambiguity, minors are often at the behest of the court as to whether they will be able to obtain a protection order. Since courts use their discretion to grant or deny civil protection orders to minors, the law is inconsistently applied, leaving teens with unpredictable access to the courts, if any.

**Victims of intimate partner sexual abuse, stalking and harassment must be eligible to apply for protection orders.** Similarly, policymakers should pass legislation that expands the types of relief available in a protection order.

Further, most states are silent on whether a person can obtain a protection order against an abusive partner who is a minor. **State laws must allow individuals to petition for protection orders against minor abusers.** It is only by holding all perpetrators of violence accountable that we will be able to end the cycle of violence and prevent re-victimization.

Break the Cycle works to remove barriers for teens who seek to obtain services relating to their experiences with dating violence. While parental involvement is the ideal, such involvement is not always possible and could even present additional safety concerns for the abused youth. Parental consent and parental notification requirements in state domestic violence laws are significant obstacles for many young people. For various reasons, youth may not want their parents to know that they are having problems in their relationship, or even that they are in a relationship at all. A few states allow minors to seek protection orders and only advise parents after an order has been granted; however, any parental notification requirement could deter minors from seeking protection orders. **Break the Cycle believes it is vital that youth be able to access protection orders without the permission or knowledge of their parent or guardian.**

### Ensure Access to and Confidentiality in Services

The need for parental consent can also hinder access to necessary care, including contraceptive services, HIV/STI services, prenatal care, abortion, adoption and medical care for a minor's child. Break the Cycle strongly urges states to **pass legislation allowing minors to consent without parental involvement to any sensitive services needed to overcome the effects of abuse.**

## Promote Dating Violence Prevention Education

Break the Cycle believes educating youth about teen dating violence is critically important. By providing dating violence prevention education in schools, communities can ensure that their youth know how to engage in safe and healthy relationships. **Break the Cycle advocates for states to enact laws requiring schools to teach dating violence prevention education.**

## Implement School Policies to Address Dating Violence

Schools have the opportunity to play a significant role in both responding to and preventing dating violence. Schools must proactively address this issue by establishing effective policies and procedures to address dating violence and must be prepared to sensitively intervene to support teens who are already experiencing dating violence. To ensure that schools implement strong policies, **Break the Cycle urges states to enact laws requiring school districts to adopt dating violence policies and protocols to address incidents and provide resources to students who are experiencing dating violence.**

## Looking to the Future

Since the first release of Break the Cycle's State Law Report Cards in 2008, we have seen what one report can do to raise awareness about the issue of teen dating violence, inform the public about the unique needs of teens, provide information to youth, and engage policymakers to change laws to better serve and protect teens. To address the issue of teen dating abuse we know there must be a holistic, community-wide approach. This year, we expanded the types of information addressed in the Report Card to achieve our goal.

The 2010 Report Cards include information about school response and access to services as a resource for policymakers, service providers, parents, teens and individuals who work with youth. In future years we plan to incorporate these additional areas into the grading system. We intend to continue growing the report to provide a wide range of information to teens and educate policymakers about the vital need for a comprehensive response to teen dating violence.

As more people begin to take on the issue of teen dating violence, Break the Cycle is available to assist those who seek to improve their community's response to this problem. We hope the State Law Report Cards will elicit feedback from local service providers, policymakers, parents and youth about how Break the Cycle can assist advocates. We encourage input and look forward to integrating more information as issues are brought to our attention.

It is our aim that grading states on how their laws affect teen victims of dating violence will spur action among state legislatures throughout the country and activism among our nation's youth. It is essential that the needs of minor victims be specifically addressed. Lawmakers have a responsibility to address this issue by passing legislation that will ensure the protection of all victims of domestic violence – regardless of their age.



# 2010

## State Law Report Card



## Alabama

### Access to Protection Orders

In Alabama, minors can obtain Protection Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Alabama's law excludes people in dating relationships from accessing POs.<sup>2</sup> This results in an automatic failing grade for Alabama.

### Procedure

State law does not allow minors to petition for a PO on their own behalf. An adult family/household member, guardian, or custodian must petition for the order on the minor's behalf. Alabama law does not specify whether the parent or guardian of the minor will be notified about the PO.<sup>3</sup>

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

Minors 14 and up can consent to contraceptive services.

All minors can consent to:

- Contraceptive services
- STI Testing and Treatment\*
- Prenatal care
- Adoption
- Medical care for child(ren)

\*A physician may inform the minor's parents.

State law requires parental consent for abortion services.

### School Response to Dating Violence

Alabama law does not explicitly address a school response to teen dating violence.

### Recommendations for Immediate Policy Change

In order to improve Alabama's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access protective orders.
- Explicitly allow POs to be issued against minor respondents.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.

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### References

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<sup>1</sup> ALA. CODE § 30-5-2(a)(5) (2009).

<sup>2</sup> *Id.* § 30-5-2(a)(4).

<sup>3</sup> *Id.* § 30-5-2(a)(5).

<sup>4</sup> *Id.* § 30-5-2(a)(1).

<sup>5</sup> *Id.* § 30-5-5(c).

<sup>6</sup> *Id.* § 30-5-5(b).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

# 2010

## State Law Report Card



### Access to Protective Orders

In Alaska, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Alaska also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A parent, guardian or court-appointed guardian may petition for a PO on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Alaska law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and/or spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment
- Prenatal care
- Medical care for child(ren)

State law requires parental consent for abortion services, but is currently enjoined by court order.

### School Response to Dating Violence

Alaska law does not explicitly address a school response to teen dating violence.

### Recommendations for Immediate Policy Change

In order to improve Alaska's response to teen dating violence, the following changes are recommended:

- Allow POs to be issued against minor respondents.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow minors to consent to HIV/AIDS testing and treatment and adoption of their child(ren).
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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## State Law Report Card



### References

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<sup>1</sup> ALASKA STAT. § 18.66.100(a) (2009).

<sup>2</sup> *Id.* § 18.66.990(5).

<sup>3</sup> *Id.* § 18.66.100(a).

<sup>4</sup> *Id.* § 18.66.990(3).

<sup>5</sup> *Id.* § 18.66.100(c).

<sup>6</sup> *Id.* § 18.66.120.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.



# 2010

## State Law Report Card



## Arizona

### Access to Orders of Protection

In Arizona, minors can obtain Orders of Protection (OPs),<sup>1</sup> and courts can issue OPs against minor abusers.<sup>2</sup> Arizona also allows people in dating relationships to seek OPs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A guardian or custodian may petition for an OP on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Arizona law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP if the respondent has damaged the petitioner's property; physically abused, threatened to physically abuse, stalked, harassed or, if the petitioner is under twelve years old, sexually abused the petitioner.<sup>5</sup> The statute fails to explicitly recognize sexual abuse of petitioners over twelve years old as a qualification for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment
- Adoption

State law requires parental consent for abortion services.

### School Response to Dating Violence

Arizona law does not explicitly address a school response to teen dating violence.

### Recommendations for Immediate Policy Change

In order to improve Arizona's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow minors to consent to prenatal care and medical care for their child(ren).
- Allow individuals over 12 years old to access orders of protection if they have been sexually abused.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> ARIZ. REV. STAT. § 13-3602(A) (2009).

<sup>2</sup> *Id.* § 13-3602(B)(2).

<sup>3</sup> *Id.* § 13-3601(A)(6).

<sup>4</sup> *Id.* § 13-3602(A).

<sup>5</sup> *Id.* §§ 13-3601(A); 13-705; 13-1202; 13-1203; 13-2921; 13-2923; 13-1602.

<sup>6</sup> *Id.* § 13-3602(G).

<sup>7</sup> *Id.* § 13-3602(L).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment\*
- Prenatal care
- Medical care for minor child(ren)

\*A physician may inform the minor's parents.

State law requires parental consent for abortion services.

### School Response to Dating Violence

Arkansas law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Arkansas' response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow individuals to access orders of protection if they are victims of intimate partner stalking or harassment.
- Allow minors to access all sensitive services, including adoption, without parental involvement.

### Access to Orders of Protection

In Arkansas, minors can obtain Orders of Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. Arkansas also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law does not allow minors to petition for an OP on their own behalf. An adult family/household member, among others, must petition for the order on the minor's behalf.<sup>3</sup> Arkansas law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner. The statute fails to explicitly recognize stalking and harassment as qualifications for relief.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>6</sup>

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### References

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<sup>1</sup> ARK. CODE ANN. § 9-15-201(d)(12) (2009).

<sup>2</sup> *Id.* § 9-15-103(4).

<sup>3</sup> *Id.* § 9-15-201(d).

<sup>4</sup> *Id.* § 9-15-103(3).

<sup>5</sup> *Id.* § 9-15-205.

<sup>6</sup> *Id.* § 9-15-209.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.



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## State Law Report Card



## California

### Access to Restraining Orders

In California, minors can obtain Restraining Orders (ROs),<sup>1</sup> and courts can issue ROs against minor abusers.<sup>2</sup> California also allows people in dating relationships to seek ROs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for an RO on their own behalf at age 12. Minors under the age of 12 must have a guardian or guardian ad litem apply for an RO on the minor's behalf.<sup>4</sup> If the guardian or guardian ad litem does not file the petition on the minor's behalf and the minor is residing with a parent or guardian, California law requires the court to notify at least one parent or guardian (designated by the minor) of the RO unless doing so would not be in the minor's best interests.<sup>5</sup>

### Definition of Abuse

A judge may issue an RO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>6</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees or restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Restraining Order is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9,10</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care
- Adoption
- Medical care for minor child(ren)

State law requires parental consent for abortion services, but is currently enjoined by court order.

### School Response to Dating Violence<sup>11</sup>

The California Legislature expressed its intent that schools receiving funds pursuant to the Carl Washington School Safety and Violence Prevention Act provide age-appropriate instruction in domestic and dating violence prevention.

### Recommendations for Immediate Policy Change

In order to improve California's response to teen dating violence, the following changes are recommended:

- Remove the parental notification requirement and allow minors to petition for ROs without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> CAL. CIV. PRO. CODE § 372(b)(1) (2009); CAL. FAM. CODE § 6301(a) (2009).

<sup>2</sup> CAL. CIV. PRO. CODE § 372 (b)(1).

<sup>3</sup> CAL. FAM. CODE § 6211.

<sup>4</sup> CAL. CIV. PRO. CODE § 372(a); § 372(b)(1).

<sup>5</sup> *Id.* § 372(b)(2).

<sup>6</sup> CAL. FAM. CODE § 6203; § 6320.

<sup>7</sup> *Id.* § 6304; § 6320-6346.

<sup>8</sup> *Id.* § 6345.

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>10</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>11</sup> CAL. EDUC. CODE § 67385.7(a)(2)(b)(2).

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## State Law Report Card



### Access to Protection Orders

In Colorado, minors can obtain Protection Orders (POs)<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Colorado also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure\*

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Colorado law does not specify whether the parent or guardian of the minor will be notified about the PO.<sup>4</sup>

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse, or stalked the petitioner.<sup>5</sup> The statute fails to explicitly recognize harassment or sexual abuse as qualifications for relief.\*\* The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner; and/or
- any other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protection Order is modifiable\*\*\*.<sup>7</sup>

\* Colorado Rules of County Court Procedure say that a minor's representative may sue or defend on behalf of the minor.

\*\* Sexual abuse is implicitly covered under physical abuse. See COLO. REV. STAT. § 13-14-102(1.5)(a).

\*\*\* A permanent protection order cannot be dismissed if the abuser has been convicted of misdemeanor or felony domestic violence. See COLO. REV. STAT. § 13-14-102(17.5)(b)(I)(A).

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for minor child(ren)

\*A physician may inform parents of minor's decision to consent to HIV/AIDS services if the minor is under 16.<sup>9</sup>

State law requires parental notification for abortion services.

### School Response to Dating Violence

Colorado law does not currently provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Colorado's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Explicitly list the types of relief available to petitioners in statute.
- Require schools to adopt policies and procedures to address dating violence.

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## State Law Report Card



### References

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<sup>1</sup> COLO. REV. STAT. § 13-14-103(1)(c) (2009).

<sup>2</sup> *Id.* § 13-14-102(1.5).

<sup>3</sup> *Id.* § 13-14-103(2).

<sup>4</sup> *Id.* § 13-14-103(1)(c).

<sup>5</sup> *Id.* §§ 13-14-101(2); 13-14-101(1.5)(d).

<sup>6</sup> *Id.* § 13-14-101(2.4); § 13-14-101(5).

<sup>7</sup> *Id.* § 13-14-101(2.4)(b).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.



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## State Law Report Card



### Access to Protection Orders

In Connecticut, minors can obtain Protection Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Connecticut also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Connecticut law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused or threatened to physically abuse the petitioner.<sup>3</sup> The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>4</sup> the respondent to:

- vacate the petitioner's residence;
- comply with a custody/visitation schedule; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner.

### Minors' Access to Sensitive Services<sup>5,6</sup>

All minors can consent to:

- HIV/STI testing and treatment \*
- Abortion services
- Medical care for minor child(ren)

\*Physicians must report a positive test if the minor is under 12.

Some minors can consent to contraceptive services.

### School Response to Dating Violence

Connecticut law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Connecticut's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner sexual abuse, stalking and harassment to seek POs.
- Expand the types of relief available to individuals who seek a Protection Order.
- Mandate dating violence education in all middle schools and high schools.

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### References

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<sup>1</sup> CONN. GEN. STAT. §§ 46b-38a(2)(F); 46b-15 (2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* § 46b-38a(1); 46b-15.

<sup>4</sup> *Id.* § 46b-15(b).

<sup>5</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>6</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



## Delaware

### Access to Protection from Abuse Orders

In Delaware, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the law does not specify whether PFAs can be granted against minor abusers. Delaware also allows people in dating relationships to seek PFAs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for PFAs on their own behalf. A parent, among others, may petition for a PFA on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Delaware law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA when the respondent has physically abused, sexually abused, threatened to physically abuse, or stalked the petitioner; or damaged the petitioner's property.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees or restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection from Abuse Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment\*
- Prenatal care\*
- Adoption
- Abortion services
- Medical care for minor child(ren)

Minors can access abortion services, but parents will be notified if the minor is under 17.

\*A physician may inform the minor's parents.

### School Response to Dating Violence

Delaware law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Delaware's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner harassment to access PFAs.
- Allow minors to access all sensitive services without parental involvement.

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## State Law Report Card



### References

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<sup>1</sup> DEL. CODE ANN. tit. 10 § 1041(3) (2009).

<sup>2</sup> *Id.* § 1041(2).

<sup>3</sup> *Id.* § 1041(3).

<sup>4</sup> *Id.* § 1043(a).

<sup>5</sup> *Id.* § 1045(a).

<sup>6</sup> *Id.* § 1045(c).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

# 2010

## State Law Report Card

**District of Columbia**

### Minors' Access to Sensitive Services<sup>9</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment
- Prenatal care
- Adoption
- Abortion services
- Medical care for minor child(ren)

### School Response to Dating Violence

District of Columbia law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve the District of Columbia's response to teen dating violence, the following changes are recommended:

- Remove the parental notification requirement and allow minors to petition for POs without parental involvement.
- Allow minors to access HIV services without parental involvement.
- Allow victims of intimate partner harassment to access POs.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

### Access to Protection Orders

In the District of Columbia, minors can obtain Protection Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> DC also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for a PO on their own behalf at age twelve. Minors under the age of twelve must have a parent, guardian or custodian, among others, apply for a PO on their behalf.<sup>4</sup> If the parent, guardian or custodian does not file the petition on the minor's behalf and the minor is residing with a parent, guardian or custodian, District of Columbia law requires the court to notify that parent, guardian or custodian of the PO unless doing so would not be in the minor's best interests. If the parent, guardian or custodian residing with the minor is not notified, the court may in its discretion notify any other parent, guardian, custodian or appropriate adult.<sup>5</sup>

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner; or damaged the petitioner's property.<sup>6</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not listed here and may cover individuals other than the petitioner. The PO is modifiable.<sup>8</sup>



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## State Law Report Card



District of Columbia

### References

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<sup>1</sup> D.C. CODE § 16-1003(a) (2009).

<sup>2</sup> *Id.* § 16-1001(13).

<sup>3</sup> *Id.* § 16-1001(7).

<sup>4</sup> *Id.* § 16-1003(a); § 16-1003(c).

<sup>5</sup> *Id.* § 16-1004(e).

<sup>6</sup> *Id.* § 16-1001(12); §§ 16-1001(6)-(9).

<sup>7</sup> *Id.* § 16-1005(c).

<sup>8</sup> *Id.* § 16-1005(d).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## State Law Report Card



## Florida

### Access to Injunctions for Protection<sup>1</sup>

In Florida, minors can obtain Injunctions for Protection (IPs),<sup>2</sup> but the law does not specify whether IPs can be granted against minor abusers. Florida also allows people in dating relationships to seek IPs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for IPs on their own behalf,<sup>4</sup> although the petition form requests (but does not require) parental signature. A parent or guardian may petition for an IP on a minor's behalf.<sup>5</sup> If a minor files on their own behalf, Florida law does not specify whether the parent or guardian of the minor will be notified about the IP.

### Definition of Abuse

A judge may issue an IP when the respondent has physically abused, sexually abused, threatened to physically abuse, or stalked the petitioner; or damaged the petitioner's property, depending on the relationship between petitioner and respondent.<sup>6</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

For a dating violence injunction for protection, the court may enjoin<sup>7</sup> the respondent from:

- committing acts of violence; and/or
- provide other relief within the court's discretion.

For a domestic violence injunction for protection, the court may enjoin<sup>8</sup> the respondent from:

- committing acts of violence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program;
- and/or provide other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Injunction for Protection is modifiable.<sup>9</sup>

### Minors' Access to Sensitive Services<sup>10,11</sup>

All minors can consent to:

- HIV/STI testing and treatment
- Prenatal care
- Medical care for minor child(ren)

Some minors can access contraceptive services.

Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence

Florida law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Florida's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for IPs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including adoption, without parental involvement.
- Expand the types of relief available to individuals who seek an Injunction for Protection.
- Mandate dating violence education in all middle schools and high schools.

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## State Law Report Card



### References

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<sup>1</sup> Florida law allows individuals to petition for an Injunction for Protection against Domestic Violence or an Injunction for Protection against Repeat Violence, Sexual Violence, or Dating Violence. The information referenced here pertains to the Dating Violence Injunction, unless otherwise noted.

<sup>2</sup> FLA. STAT. §§ 784.046(2); 741.30(3)(b) (2009).

<sup>3</sup> *Id.* §§ 784.046(1)(d); 784.046(2).

<sup>4</sup> *Id.* § 784.046(2)(b).

<sup>5</sup> *Id.* § 784.046(2).

<sup>6</sup> *Id.* §§ 784.046(1); 741.30(3)(b).

<sup>7</sup> *Id.* § 784.046(7).

<sup>8</sup> *Id.* § 741.30(6)(a).

<sup>9</sup> *Id.* § 784.046(10).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>11</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Protective Orders

In Georgia, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Georgia's law excludes people in dating relationships from accessing POs.<sup>2</sup> This results in an automatic failing grade for Georgia.

### Procedure

State law does not allow minors to petition for a PO on their own behalf.<sup>3</sup> A person who is not a minor must petition for the order on the minor's behalf.<sup>4</sup> Georgia law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, sexually abused, or stalked the petitioner; or damaged the petitioner's property.<sup>5</sup> The statute fails to explicitly recognize harassment and threats of physical abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; and/or
- pay attorneys' fees.

The statute may allow other forms of relief not specifically listed here.

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for minor child(ren)

\*A physician may inform a minor's parents.

Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence<sup>8</sup>

Georgia law requires the Board of Education to develop a program for preventing teen dating violence for grades 8 – 12. It is unclear whether the Board has developed such a program.

### Recommendations for Immediate Policy Change

In order to improve Georgia's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access protective orders.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.

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### References

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<sup>1</sup> GA. CODE ANN. § 19-13-3(a) (2009).

<sup>2</sup> *Id.* § 19-3-1.

<sup>3</sup> *Id.* § 19-3-3(a).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* § 19-3-1.

<sup>6</sup> *Id.* § 19-3-4.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> GA. CODE ANN. § 20-2-314.

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### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services\*
- STI testing and treatment\*
- Prenatal care\*
- Adoption

\*Applies only to a minor 14 or older. Also, physicians may inform a minor's parents.

### School Response to Dating Violence

Hawaii law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Hawaii's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access OPs.
- Allow all minors to access all sensitive services, including medical care for a child, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

### Access to Orders for Protection

In Hawaii, minors can obtain Orders for Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. Hawaii also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A family/household member, among others, may petition for an OP on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Hawaii law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP if the respondent has damaged the petitioner's property; or physically abused, threatened to physically abuse or, if petitioner is a minor, sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize sexual abuse of adults, stalking, and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order for Protection is modifiable.<sup>6</sup>

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# Hawaii

### References

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<sup>1</sup> HAW. REV. STAT. § 586-3(b)(1)-(2) (2009).

<sup>2</sup> *Id.* §§ 586-1; 586-4(b)).

<sup>3</sup> *Id.* §§ 586-3(b); 586-1.

<sup>4</sup> *Id.* §§ 586-3(c); 586-1.

<sup>5</sup> *Id.* §§ 586-4(a); 586-4(e); 586-5(b); 586-5.5(a).

<sup>6</sup> *Id.* § 586-9.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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### Access to Protection Orders

In Idaho, minors can obtain Protection Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Idaho also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf.<sup>1</sup> A parent or guardian may petition for a PO on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Idaho law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>5</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>7</sup>

<sup>1</sup> Some Idaho judges will allow a minor to obtain a protection order without the assistance of a parent or guardian.

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for minor child(ren)

\*Minor must be 14 or older.

Minors can only access abortion services with parental consent.

### School Response to Dating Violence

Idaho law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Idaho's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow all minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> IDAHO STAT. ANN. §§ 39-6303(1); 39-6304(2); 39-6306(4) (2009).

<sup>2</sup> *Id.* §§ 39-6306(4).

<sup>3</sup> *Id.* §§ 39-6303(1)-(2).

<sup>4</sup> *Id.* § 39-6304(2).

<sup>5</sup> *Id.* § 39-6303(1).

<sup>6</sup> *Id.* §§ 39-6303(8); 39-6304(2); 39-6306(1); 39-6308(g).

<sup>7</sup> *Id.* §§ 39-6306(5); 39- 6311(4); 39- 6313.

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## Illinois

### Access to Orders of Protection

In Illinois, minors can obtain Orders of Protection (OPs),<sup>1</sup> and courts can issue OPs against minor abusers.<sup>2</sup> Illinois also allows people in dating relationships to seek OPs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. Any person may petition for an OP on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Illinois law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse or harassed the petitioner.<sup>5</sup> The statute fails to explicitly recognize stalking as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Some minors can consent to contraceptive services. Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence<sup>10</sup>

Illinois law permits the inclusion of teen dating violence as part of the curriculum for grades 8 – 12.

### Recommendations for Immediate Policy Change

In order to improve Illinois' response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking to access OPs.
- Allow all minors to access all sensitive services without parental involvement.

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# Illinois

### References

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<sup>1</sup> 750 ILL. COMP. STAT. 60/201(a); 60/214(a) (2009).

<sup>2</sup> *Id.* 60/214(a).

<sup>3</sup> *Id.* 60/103(6).

<sup>4</sup> *Id.* 60/201(b).

<sup>5</sup> *Id.* 60/103(1), (7)(vi), (14); 60/214(b)(1).

<sup>6</sup> *Id.* 60/103(13), (14.5); 60/214(b)(3); 60/214(b)(2); 60/214(b).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>9</sup> 105 ILL. COMP. STAT. 110/3.

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## State Law Report Card



## Indiana

### Access to Civil Protection Orders

In Indiana, minors can obtain Civil Protection Orders (CPOs),<sup>1</sup> and courts can issue CPOs against minor abusers.<sup>2</sup> Indiana also allows people in dating relationships to seek CPOs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for CPOs on their own behalf. A parent or guardian, among others, may petition for a CPO on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Indiana law does not specify whether the parent or guardian of the minor will be notified about the CPO. If the respondent is a minor, the court may transfer the petition to juvenile court for the hearing.<sup>5</sup>

### Definition of Abuse

A judge may issue a CPO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>6</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Civil Protection Order is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9</sup>

All minors can consent to:

- STI testing and treatment
- Adoption

Some minors can consent to contraceptive services. Minors can only access abortion services with parental consent.

### School Response to Dating Violence

Indiana law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Indiana's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for CPOs on their own behalf and explicitly describe the procedure for doing so.
- Ensure all CPO cases involving minors are heard in the same court as adult domestic violence victims.
- Allow all minors to access all sensitive services, including HIV services, prenatal care and medical care for a child, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> IND. CODE ANN. § 34-26-5-2(b) (West 2009).

<sup>2</sup> *Id.* §34-26-5-2(d).

<sup>3</sup> *Id.* § 34-6-2-44.8.

<sup>4</sup> *Id.* §34-26-5-2(b).

<sup>5</sup> *Id.* §34-26-5-2(d).

<sup>6</sup> *Id.* § 34-6-2-34.5; § 35-45-10-1.

<sup>7</sup> *Id.* §§ 34-26-5-9(b)-(c).

<sup>8</sup> *Id.* § 34-26-5-9(a).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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# Iowa

### Access to Protective Orders

In Iowa, minors can obtain Protective Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Iowa also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A parent or guardian may petition for a PO on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Iowa law does not specify whether the parent or guardian of the minor will be notified about the PO. A petition for a PO against a minor respondent must be filed in juvenile court.<sup>5</sup>

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused or threatened to physically abuse the petitioner.<sup>6</sup> The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support; and/or
- pay attorneys' fees.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9,10</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*

\*A parent must be notified of a positive HIV test result.

Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence

Iowa law does not currently provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Iowa's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Ensure all PO cases involving minors are heard in the same court as adult domestic violence victims.
- Allow victims of intimate partner stalking, harassment and sexual abuse to access POs.
- Allow all minors to access all sensitive services, including prenatal care, without parental involvement.

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### References

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<sup>1</sup> IOWA CODE ANN. § 236.3(1) (West 2009).

<sup>2</sup> *Id.* § 236.3(4).

<sup>3</sup> *Id.* § 236.2(2)(e); § 236.2(5).

<sup>4</sup> *Id.* § 236.3(1).

<sup>5</sup> *Id.* § 236.3(4).

<sup>6</sup> *Id.* § 236.2(2); § 708.1.

<sup>7</sup> *Id.* § 236.5(1)(b); § 236.5(4).

<sup>8</sup> *Id.* § 236.5(2).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>10</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



## Kansas

### Access to Protection from Abuse Orders

In Kansas, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the PFA statute does not specify whether PFAs can be granted against minor abusers.<sup>2</sup> Kansas also allows people in dating relationships to seek PFAs against their abusers.<sup>3</sup>

### Procedure

The PFA statute does not specify whether minors can petition for PFAs on their own behalf.<sup>4</sup> A parent or adult residing with the minor may petition for a PFA on the minor's behalf.<sup>5</sup> If a minor is able to file on their own behalf, Kansas law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA if the respondent has physically abused, threatened to physically abuse or, if petitioner is under sixteen, sexually abused the petitioner.<sup>6</sup> The statute fails to explicitly recognize sexual abuse of petitioners over age sixteen, stalking and harassment\* as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection from Abuse Order is modifiable.<sup>8</sup>

\*Stalking and harassment may qualify for relief under the Protection from Stalking Act, which does not have any relationship requirements.

### Minors' Access to Sensitive Services<sup>9</sup>

All minors can consent to:

- STI testing and treatment\*
- Adoption (with advice of counsel)
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Some minors can consent to contraceptive services and prenatal care.

Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence

Kansas law does not currently provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Kansas' response to teen dating violence, the following changes are recommended:

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment and victims of intimate partner sexual abuse over 16 years old to access PFAs.

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**C****Kansas**

### References

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<sup>1</sup> KAN. STAT. ANN. § 60-3104(b) (2009).

<sup>2</sup> The Protection from Abuse statute does not explicitly state whether a PFA petition can be brought against a minor, however the Kansas Rules of Civil Procedure state that a minor can be a defendant in a civil suit. In such a case, the court shall appoint a *guardian at litem*. *Id.* § 60-217(c).

<sup>3</sup> *Id.* § 60-3102(b)-(c).

<sup>4</sup> The Rules of Civil Procedure allow a minor to file a civil suit through a next friend or *guardian at litem*. *Id.* § 60-217(c). However, the PFA statute does not address a minor's ability to file a PFA petition on his/her own behalf.

<sup>5</sup> *Id.* § 60-3104(b).

<sup>6</sup> *Id.* § 60-3102(a).

<sup>7</sup> *Id.* §§ 60-3107(a); 60-3107(d).

<sup>8</sup> *Id.* § 60-3107(f).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009. Additional information was provided by the Kansas Coalition Against Sexual and Domestic Violence.

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## State Law Report Card

A graphic on the right side of the page. At the top is a blue circle with a white letter 'F'. Below it is a yellow silhouette of the state of Kentucky. The word 'Kentucky' is written in large, bold, black letters across the middle of the yellow shape. The background of the right side of the page is blue.**F**

## Kentucky

### Access to Protective Orders

In Kentucky, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Kentucky's law excludes people in dating relationships from accessing POs.<sup>2</sup> This results in a automatic failing grade for Kentucky.

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A family member, among others, may petition for a PO on the minor family member's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Kentucky law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment\*
- Prenatal care\*
- Adoption
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Minors can only access abortion services with parental consent.

### School Response to Dating Violence

Kentucky law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Kentucky's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access protective orders.
- Explicitly allow POs to be issued against minor respondents.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.

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### References

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<sup>1</sup> KY. REV. STAT. ANN. § 403.725(3) (West 2009).

<sup>2</sup> *Id.* § 403.720.

<sup>3</sup> *Id.* § 403.725(3).

<sup>4</sup> *Id.* § 403.720(1).

<sup>5</sup> *Id.* § 403.750(1).

<sup>6</sup> *Id.* § 403.750(3).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Protective Orders

In Louisiana, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Louisiana also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not allow minors to petition for a PO on their own behalf. A parent or adult household member, among others, must petition for the order on the minor's behalf.<sup>3</sup> Louisiana law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking, harassment and threats of physical abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- pay attorneys' fees; and/or
- pay restitution for other harm.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- STI testing and treatment\*
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Some minors can access contraceptive services.

Minors can access abortion services and can put their child up for adoption with parental consent.

### School Response to Dating Violence

Louisiana law does not currently provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Louisiana's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking, harassment or threats of physical abuse to access POs.
- Allow all minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> LA. REV. STAT. ANN. § 46:2133(C) (2009).

<sup>2</sup> *Id.* § 46:2151(A)-(B).

<sup>3</sup> *Id.* § 46:2133(C).

<sup>4</sup> *Id.* §§ 46:2151(C); 46:2132(3).

<sup>5</sup> *Id.* §§ 46:2135(A); 46:2136(A); 46:2136.1(A); 46:2136.2(B).

<sup>6</sup> *Id.* § 46:2136(D).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## Maine

### Access to Protection from Abuse Orders

In Maine, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the law does not specify whether PFAs can be granted against minor abusers. Maine also allows people in dating relationships to seek PFAs against their abusers.<sup>2</sup>

### Procedure

State law does not allow minors to petition for a PFA on their own behalf. A parent or guardian, among others, must petition for the order on the minor's behalf.<sup>3</sup> Maine law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection from Abuse Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- STI testing and treatment\*
- Abortion services

\*A physician may inform a minor's parents.

Some minors may access contraceptive services.

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### School Response to Dating Violence

Maine law does not provide for a school response to dating violence.

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### Recommendations for Immediate Policy Change

In order to improve Maine's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.

- Allow all minors to access all sensitive services, including HIV testing and treatment, prenatal care, adoption, and medical care for a minor's child, without parental involvement.

- Mandate dating violence education, implement school policies and procedures, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> ME. REV. STAT. ANN. tit. 19-A § 4005(1) (2009).

<sup>2</sup> *Id.* §§ 4005(1), (3), (4).

<sup>3</sup> *Id.* §§ 4005(1); tit. 22 § 4002(9).

<sup>4</sup> *Id.* §§ 4002(1); 4005(1).

<sup>5</sup> *Id.* §§ 4007; 4006(5); 4006(2)(A).

<sup>6</sup> *Id.* § 4007(8).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Protective Orders and Peace Orders<sup>1</sup>

In Maryland, certain categories of minors can obtain Protective Orders (POs);<sup>2</sup> the law does not specify whether minors can obtain Peace Orders (PCOs). The law does not specify whether POs can be granted against minor abusers, but it does allow Juvenile PCOs\* to be issued against minors.<sup>3</sup> Maryland allows people in dating relationships to seek PCOs against their abusers.<sup>4</sup>

### Procedure

State law does not specify whether minors can petition for POs and PCOs on their own behalf. A family member, among others, may petition for a PO on the minor's behalf.<sup>5</sup> If a minor is able to file on their own behalf, Maryland law does not specify whether the parent or guardian of the minor will be notified about the PO or PCO.

### Definition of Abuse

A judge may issue a PO or PCO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>6</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief for a PO; however, harassment and damage to property do qualify for relief under the PCO statute.<sup>7</sup> The statutes may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>8</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program; and/or
- not possess a gun.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order and Peace Order are modifiable.<sup>9</sup>

<sup>1</sup>Maryland law provides for a Peace Order against adults, which is heard in the District Court, and a Juvenile Peace Order against minors, which is heard in the Juvenile Court.

### Minors' Access to Sensitive Services<sup>10</sup>

All minors can consent to:

- Contraceptive services\*
- STI testing and treatment\*
- Prenatal care\*
- Adoption
- Abortion services\*
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

### School Response to Dating Violence<sup>11</sup>

Maryland law requires the State Board of Education to encourage county boards to incorporate information on dating violence into the health education curriculum.

### Recommendations for Immediate Policy Change

In order to improve Maryland's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs and PCO on their own behalf and explicitly describe the procedure for doing so.
- Allow POs and PCOs to be issued against minor respondents.
- Allow victims of intimate partner harassment to access POs.
- Allow minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> The Maryland Protective Order statute does not include non-cohabiting dating or sexual relationships. However, any person who is not eligible to petition for a protection order, including individuals in dating relationships, is eligible for a peace order, which offers similar relief.

<sup>2</sup> MD. CODE ANN., FAM. LAW § 4-501(m) (2009).

<sup>3</sup> MD. CODE ANN., CTS. & JUD. PROD. § 3-8A-03(a)(2) (2009).

<sup>4</sup> *Id.* § 3-1502(b)(1).

<sup>5</sup> MD. CODE ANN., FAM. LAW § 4-501(m).

<sup>6</sup> *Id.* § 4-501(b)(1); MD. CODE ANN., CTS. & JUD. PROD. § 3-1503(a).

<sup>7</sup> MD. CODE ANN., CTS. & JUD. PROD. § 3-1503(a).

<sup>8</sup> MD. CODE ANN., FAM. LAW § 4-505(a)(2)(viii); § 4-506(d); MD. CODE ANN., CTS. & JUD. PROD. § 3-1505(d).

<sup>9</sup> MD. CODE ANN., FAM. LAW § 4-507(a); MD. CODE ANN., CTS. & JUD. PROD. § 3-1506(a).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009. Additional information was provided by the Maryland Network Against Domestic Violence.

<sup>11</sup> MD. CODE ANN., ED. LAW § 7-411.1.

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### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- Contraceptive services
- STI testing and treatment\*
- Prenatal care
- Medical care for minor child(ren)

\*A parent must be notified if the minor's health or life is at risk.

Minors can only access abortion services with parental consent.

### School Response to Dating Violence

Massachusetts law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Massachusetts's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow all minors to access all sensitive services without parental involvement.
- Mandate dating violence education in all middle schools and high schools.

### Access to Protection Orders

In Massachusetts, minors can obtain Protection Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Massachusetts also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Massachusetts law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>6</sup>

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### References

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<sup>1</sup> MASS. GEN. LAWS ANN. Ch. 209A, § 8 (West 2009).

<sup>2</sup> *Id.* § 3.

<sup>3</sup> *Id.* § 1.

<sup>4</sup> *Id.* § 1.

<sup>5</sup> *Id.* § 3; § 3B; § 4.

<sup>6</sup> *Id.* § 3.

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.



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## State Law Report Card



## Michigan

### Access to Protection Orders

In Michigan, minors can obtain Protection Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers age ten and above.<sup>2</sup> Michigan also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law does not allow minors to petition for a PO on their own behalf. A court-appointed guardian must petition for the order on the minor's behalf.<sup>4</sup> Michigan law does not specify whether the parent or guardian of the minor will be notified about the PO. A petition for a PO against a minor respondent must be filed in juvenile court.<sup>5</sup>

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>6</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule; and/or
- not possess a gun.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9,10</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Prenatal care\*
- Medical care for child(ren)

\*A physician may inform a minor's parents.

Some minors may consent to contraceptive services. State law requires parental consent for adoption and abortion services

### School Response to Dating Violence

Michigan law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Michigan's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services without parental involvement.
- Expand the types of relief available to petitioners.
- Mandate dating violence education in all middle schools and high schools.

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### References

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<sup>1</sup> MCR § 3.703(F) (2009).

<sup>2</sup> MICH. COMP. LAWS § 600.2950(27)(c).

<sup>3</sup> *Id.* § 600.2950(1).

<sup>4</sup> MCR §§ 3.703(F); 3.707(C).

<sup>5</sup> MICH. COMP. LAWS § 600.2950(28).

<sup>6</sup> *Id.* §§ 600.2950(4)(b); 600.2950(1); 600.2950a(1).

<sup>7</sup> *Id.* § 600.2950(1).

<sup>8</sup> MCR § 3.707 (A)(1)(a).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>10</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.



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### Minors' Access to Sensitive Services<sup>8</sup>

All minors can consent to:

- Contraceptive services\*
- STI testing and treatment\*
- Prenatal care\*
- Medical care for child(ren)

\*A physician may inform a minor's parents.

State law requires parental consent for adoption and parental notice for abortion services.

### School Response to Dating Violence

Minnesota law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Minnesota's response to teen dating violence, the following changes are recommended:

- Allow all minors to petition for OFPs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue OFPs against minors.
- Allow victims of intimate partner stalking and harassment to access OFPs.
- Allow all minors to access all sensitive services without parental involvement.

### Access to Orders for Protection

In Minnesota, minors can obtain Orders for Protection (OFP),<sup>1</sup> but the law does not specify whether OFPs can be granted against minor abusers. Minnesota also allows people in dating relationships to seek OFPs against their abusers.<sup>2</sup>

### Procedure

State law allows minors to petition for an OFP on their own behalf at age sixteen against a spouse/former spouse or co-parent, at the court's discretion.<sup>3</sup> Minors under the age of sixteen must have a family/household member or a guardian, among others, petition for an OFP on the minor's behalf.<sup>4</sup> The law does not specify whether the parent or guardian of a minor petitioner must be notified when an OFP is issued.

### Definition of Abuse

A judge may issue an OFP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>5</sup> The statute fails to explicitly recognize harassment and stalking as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- participate in a counseling or batterers' intervention program;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order for Protection is modifiable.<sup>7</sup>

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## State Law Report Card



### References

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<sup>1</sup> MINN. STAT. § 518B.01(4)(a) (2009).

<sup>2</sup> *Id.* § 518B.01(2)(b).

<sup>3</sup> *Id.* § 518B.01(4)(a).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* § 518B.01(2)(a).

<sup>6</sup> *Id.* §§ 518B.01(6)(a); 518B.01(8a)(a).

<sup>7</sup> *Id.* § 518B.01(11)(a).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## State Law Report Card

## Mississippi

### Access to Protection Orders

In Mississippi, minors can obtain Protection Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Mississippi also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A parent, adult household member, or court-appointed guardian may petition for a PO on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Mississippi law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner or damaged the petitioner's property.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- participate in a counseling or batterers' intervention program;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Orders is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for child(ren)

\*Includes HIV testing only, not treatment.

Some minors may consent to contraceptive services. Parental consent is required for abortion services.

### School Response to Dating Violence

Mississippi law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Mississippi's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf.
- Allow courts to issue POs against minors.
- Allow victims of intimate partner sexual abuse and harassment to access POs.
- Allow all minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> MISS. CODE ANN. § 93-21-7(1) (2009).

<sup>2</sup> *Id.* § 93-21-3(a).

<sup>3</sup> *Id.* § 93-21-7(1).

<sup>4</sup> *Id.* § 93-21-3(a).

<sup>5</sup> *Id.* § 93-21-15(2)(a).

<sup>6</sup> *Id.* § 93-21-17(2).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



# Missouri

### Access to Protection Orders

In Missouri, minors do not have access to Protection Orders (POs).<sup>1</sup> This results in an automatic failing grade for Missouri. In addition, POs cannot be issued against minor abusers.<sup>2</sup> Missouri law does allow individuals in dating relationships to access POs.

### Procedure

Adults in dating relationships can seek POs against their adult abusers.<sup>3</sup> Missouri law defines an adult as an individual aged 17 or older.<sup>4</sup>

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse or harassed the petitioner.<sup>5</sup> The statute fails to explicitly recognize stalking as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; and/or
- pay restitution for other harm.

The statute may allow other forms of relief not specifically listed here. The Protection Order is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8</sup>

All minors can consent to:

- STI testing and treatment\*
- Prenatal care\*
- Medical care for child(ren)

\*Physicians may inform a minor's parents.

Some minors may consent to contraceptive services. Parental consent is required for abortion services.

### School Response to Dating Violence

Missouri law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Missouri's response to teen dating violence, the following changes are recommended:

- Allow minors to access POs and allow courts to issue POs against minors.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking to access OPs.
- Allow all minors to access all sensitive services without parental involvement.

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## State Law Report Card



### References

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<sup>1</sup> MO. REV. STAT. § 455.020(1) (2009). Missouri law defines adult as “any person seventeen years of age or older or otherwise emancipated.” See *Id.* § 455.010(2).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* § 455.010(5).

<sup>4</sup> *Id.* § 455.010(2).

<sup>5</sup> *Id.* § 455.010(1).

<sup>6</sup> *Id.* § 455.050.

<sup>7</sup> *Id.* § 455.060.

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Orders of Protection

In Montana, minors can obtain Orders of Protection (OPs),<sup>1</sup> and courts can issue OPs against minor abusers.<sup>2</sup> Montana allows people in dating relationships to seek OPs against their abusers;<sup>3</sup> however, the law explicitly denies individuals in same sex relationships the right to file for an order of protection against their partners.<sup>4</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A parent or guardian ad litem, among others, may petition for an OP on the minor's behalf.<sup>5</sup> If a minor is able to file on their own behalf, Montana law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>6</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9,10</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment\*
- Prenatal care\*
- Medical care for child(ren)

\*Physicians may inform a minor's parents.

State law requires parental notice for abortion services, but is currently enjoined by court order.

### School Response to Dating Violence

Montana law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Montana's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner harassment to access OPs.
- Allow all minors to access all sensitive services, including adoption, without parental involvement.

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### References

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<sup>1</sup> MONT. CODE ANN. § 40-15-102(3) (2009).

<sup>2</sup> *Id.* § 40-15-102(4).

<sup>3</sup> *Id.* § 40-15-102(1).

<sup>4</sup> *Id.* § 45-5-206(1)(b).

<sup>5</sup> *Id.* § 40-15-102(3).

<sup>6</sup> *Id.* § 40-15-102(1)-(2).

<sup>7</sup> *Id.* §§ 40-15-201; 40-15-204.

<sup>8</sup> *Id.* § 40-15-204(7).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>10</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# Nebraska

### Access to Protection Orders

In Nebraska, minors can obtain Protection Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Nebraska also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Nebraska law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>3</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>4</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protection Order is modifiable.<sup>5</sup>

### Minors' Access to Sensitive Services<sup>6</sup>

All minors can consent to STI testing and treatment.

Some minors can consent to contraceptive services.

Minors can seek abortion services, but their parents will be notified.

### School Response to Dating Violence<sup>7</sup>

Nebraska law requires dating violence education and schools must adopt a policy to address incidents of dating violence at school by July 1, 2010.

### Recommendations for Immediate Policy Change

In order to improve Nebraska's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow all minors to access all sensitive services without parental involvement, including HIV testing and treatment, prenatal care, adoption, and medical care for minor children.

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## Nebraska

### References

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<sup>1</sup> NEB. REV. STAT. § 42-924(1) (2009).

<sup>2</sup> *Id.* § 42-903(3).

<sup>3</sup> *Id.* § 42-903(1).

<sup>4</sup> *Id.* § 42-924(1).

<sup>5</sup> *Id.* § 42-926.

<sup>6</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>7</sup> NEB. REV. STAT. § 79-2, 140-142.

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## Nevada

### Access to Orders for Protection

In Nevada, minors can obtain Orders for Protection (OPs),<sup>1</sup> but the law prohibits OPs against minor abusers.<sup>2</sup> Nevada allows people in dating relationships to seek OPs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A parent or guardian may petition for an OP on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, Nevada law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>5</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order for Protection is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- HIV/STI testing and treatment
- Adoption
- Medical care for minor child(ren)

Some minors can consent to contraceptive services and prenatal care.

State law requires parental notice for abortion services, but is currently enjoined by court order.

### School Response to Dating Violence

Nevada law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Nevada's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf, against minor abusers, and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services without parental involvement.
- Mandate dating violence prevention education in all middle schools and high schools.

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### References

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<sup>1</sup> NEV. REV. STAT. § 33.400 (2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* § 33.018(1).

<sup>4</sup> *Id.* § 33.400.

<sup>5</sup> *Id.* § 33.018(1).

<sup>6</sup> *Id.* § 33.030(1)-(2).

<sup>7</sup> *Id.* § 33.100(1).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.



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### Access to Protective Orders

In New Hampshire, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. New Hampshire also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law allows minors to petition for a PO on their own behalf;<sup>3</sup> however, the law does not specify the age at which a minor may do so. New Hampshire law also fails to specify who else may file on the minor's behalf. The law does not specify whether the parent or guardian of a minor petitioner must be notified when a PO is issued.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>



## New Hampshire

### Minors' Access to Sensitive Services<sup>7</sup>

All minors can consent to:

- STI testing and treatment\*
- Adoption\*\*

Some minors can access contraceptive services and prenatal care.

\*Applies only to minors 14 or older.

\*\*The court may require parental consent.

### School Response to Dating Violence

New Hampshire law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve New Hampshire's response to teen dating violence, the following changes are recommended:

- Specify the age at which a minor can petition for POs on their own behalf.
- Allow all minors to access all sensitive services without parental involvement, including HIV testing and treatment, medical care for minor children, and abortion.
- Mandate dating violence education in all middle schools and high schools.

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### New Hampshire

#### References

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<sup>1</sup> N.H. REV. STAT. ANN. § 173-B:3(II)(a) (2009).

<sup>2</sup> *Id.* § 173-B:1(XV).

<sup>3</sup> *Id.* § 173-B:3(II)(b).

<sup>4</sup> *Id.* § 173-B:1(I).

<sup>5</sup> *Id.* § 173-B:5(I).

<sup>6</sup> *Id.* § 173-B:5(VIII).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## New Jersey

### Access to Restraining Orders

In New Jersey, minors can obtain Restraining Orders (ROs),<sup>1</sup> but courts can issue ROs against minor abusers only if they are emancipated.\*<sup>2</sup> New Jersey allows people in dating relationships to seek ROs against their abusers.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for ROs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, New Jersey law does not specify whether a parent or guardian of the minor will be notified about the RO.

### Definition of Abuse

A judge may issue an RO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>4</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support, spousal support and/or attorneys' fees;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Restraining Order is modifiable.<sup>6</sup>

\* An emancipated minor is a minor who has been married, has entered military service, has a child or is pregnant, or has been declared by a court or administrative agency to be emancipated. NJ Stat. § 2C:25-19(e) (2009).

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Prenatal care\*
- Adoption
- Medical care for minor child(ren)

Some minors can access contraceptive services.

\*A physician may inform a minor's parents.

### School Response to Dating Violence<sup>9</sup>

New Jersey law permits a board of education to incorporate instruction on domestic violence, including the dynamics of dating violence.

### Recommendations for Immediate Policy Change

In order to improve New Jersey's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for ROs, including against minor abusers, on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including abortion, without parental involvement.
- Mandate dating violence education in all middle schools and high schools.

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### References

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<sup>1</sup> N.J. STAT. ANN. § 2c:25-19(d) (2009).

<sup>2</sup> *Id.* § 2c:25-19(a).

<sup>3</sup> *Id.* § 2c:25-19(d).

<sup>4</sup> *Id.* § 2c:25-19(a).

<sup>5</sup> *Id.* § 2c:25-29(b).

<sup>6</sup> *Id.* § N.J. Stat. § 2c:25-29(d)

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>9</sup> N.J. STAT. ANN. § 18A: 35-4.23.

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## New Mexico

### Access to Orders of Protection

In New Mexico, minors can obtain Orders of Protection (OPs)<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. New Mexico also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. New Mexico law also fails to specify who else may file on the minor's behalf.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.<sup>3</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>4</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>5</sup>

### Minors' Access to Sensitive Services<sup>6,7</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*
- Prenatal care
- Adoption

State law requires parental consent for abortion services, but is currently enjoined by court order.

\*Includes HIV testing only, not treatment.

### School Response to Dating Violence

New Mexico law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve New Mexico's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including HIV treatment, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> N.M. STAT. § 40-13-2(D) (2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* § 40-13-2(C).

<sup>4</sup> *Id.* § 40-13-5(A).

<sup>5</sup> *Id.* § 40-13-5(F).

<sup>6</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>7</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.



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# New York

### Access to Orders of Protection

In New York, minors can obtain Orders of Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. New York also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf,<sup>1</sup> nor does it specify who may file on their behalf. New York law also fails to specify who else may file on the minor's behalf. If a minor is able to file on their own behalf, New York law does not specify whether the minor's parent or guardian will be notified about the OP.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>3</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>4</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>5</sup>

<sup>1</sup> Judges may look to New York's Civil Practice Law and Rules for guidance, which advises courts to consider a minor's competency before the court. A judge may appoint a guardian ad litem or allow a minor to proceed with an attorney or law guardian, with or without parental consent.

### Minors' Access to Sensitive Services<sup>6,7</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*
- Prenatal care
- Adoption
- Medical care for minor child(ren)

\*Includes HIV testing only, not treatment.

### School Response to Dating Violence

New York law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve New York's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Explicitly allow victims of abuse to seek OPs against a minor abuser.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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### References

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<sup>1</sup> N.Y. FAM. CT. ACT. § 822 (2009).

<sup>2</sup> *Id.* § 812(1).

<sup>3</sup> *Id.* § 821(1)(a).

<sup>4</sup> *Id.* § 842.

<sup>5</sup> *Id.* § 844.

<sup>6</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>7</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.



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## State Law Report Card



### Access to Protective Orders

In North Carolina, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. North Carolina allows people in dating relationships to seek POs against their abusers;<sup>2</sup> however, the law explicitly denies individuals in same sex relationships the right to file for a protective order against their partners.<sup>3</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A person who has custody of or resides with the minor may petition for a PO on the minor's behalf.<sup>4</sup> If a minor is able to file on their own behalf, North Carolina law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>5</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support or spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care

Minors can access abortion services, but the law requires parental consent.

### School Response to Dating Violence

North Carolina law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve North Carolina's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of same-sex intimate partner violence to access POs and allow all victims to access POs against minor abusers.
- Allow all minors to access all sensitive services without parental involvement, including adoption and medical care for a minor child.
- Mandate dating violence education in all middle schools and high schools.

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## State Law Report Card



### References

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<sup>1</sup> N.C. GEN. STAT. § 50B-2(a) (2009).

<sup>2</sup> *Id.* § 50B-1(b).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* § 50B-2(a).

<sup>5</sup> *Id.* § 50B-1(a).

<sup>6</sup> *Id.* § 50B-3(a).

<sup>7</sup> *Id.* § 50B-3(d).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## North Dakota

### Access to Protection Orders

In North Dakota, the law does not specify whether minors can obtain Protection Orders (POs), nor does it specify whether POs can be issued against minor abusers. North Dakota allows people in dating relationships to seek POs against their abusers.<sup>1</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, North Dakota law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>2</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>3</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- pay attorneys' fees.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>4</sup>

### Minors' Access to Sensitive Services<sup>5,6</sup>

All minors can consent to adoption. Minors 14 and older can consent to HIV/STI services.

Minors may consent to prenatal care during the 1<sup>st</sup> trimester and for the first visit after, although a physician may notify the minor's parents. For all other visits, a minor must have parental consent.

Minors can access abortion services with parental consent.

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### School Response to Dating Violence

North Dakota law does not provide for a school response to dating violence.

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### Recommendations for Immediate Policy Change

In order to improve North Dakota's response to teen dating violence, the following changes are recommended:

- Explicitly allow minors access to POs and to petition for POs on their own behalf; additionally, explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow minors to access all sensitive services, including contraception, without parental involvement.

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## State Law Report Card



## North Dakota

### References

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<sup>1</sup> N.D. CENT. CODE § 14-07.1-01(4) (2009).

<sup>2</sup> *Id.* § 14-07.1-01(2).

<sup>3</sup> *Id.* § 14-07.1-02(4).

<sup>4</sup> *Id.* § 14-07.1-02(6).

<sup>5</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>6</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# 2010

## State Law Report Card



## Ohio

### Access to Protection Orders\*

In Ohio, the law does not specify whether minors can obtain Protection Orders (POs), nor does it specify whether POs can be issued against minor abusers. Ohio's law excludes people in dating relationships from accessing POs.<sup>1</sup> This results in an automatic failing grade for Ohio.

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Ohio law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>2</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>3</sup> the respondent to:

- stay away from the petitioner's residence or school;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>4</sup>

\*On March 17, 2010, Governor Ted Strickland signed into law House Bill 10, which will allow minors and individuals in dating relationships to access protection orders. Break the Cycle will update this report when further information becomes available.

### Minors' Access to Sensitive Services<sup>5,6</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Adoption

\*Includes HIV testing only, not treatment.

Parental consent is required for abortion services.

### School Response to Dating Violence<sup>7</sup>

Ohio law requires that dating violence prevention be included in the health education instruction for grades 7 – 12. The law goes into effect on March 29, 2010.

### Recommendations for Immediate Policy Change

In order to improve Ohio's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access POs.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue POs against minors.
- Allow all minors to access all sensitive services, including contraceptives and prenatal care, without parental involvement.

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### References

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<sup>1</sup> OHIO. REV. CODE ANN. § 3113.31(A)(3) (2009).

<sup>2</sup> *Id.* § 3113.31(1).

<sup>3</sup> *Id.* § 3113.31(E) (1).

<sup>4</sup> *Id.* § 3113.31(E) (8).

<sup>5</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>6</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>7</sup> OHIO. REV. CODE ANN. §§ 3313.60(A)(5)(e); 3319.073(C).

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# 2010

## State Law Report Card

# A

## Oklahoma

### Access to Protective Orders

In Oklahoma, minors can obtain Protective Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Oklahoma also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for a PO on their own behalf at age sixteen.<sup>4</sup> Minors under the age of sixteen must have an adult household member, among others, petition for a PO on the minor's behalf.<sup>5</sup> The law does not specify whether the parent or guardian of a minor petitioner must be notified when a PO is issued. A petition for a PO against a minor respondent must be filed in juvenile court.<sup>6</sup>

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>7</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>8</sup> the respondent to:

- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.<sup>9</sup>

### Minors' Access to Sensitive Services<sup>10,11</sup>

All minors can consent to:

- HIV/STI testing and treatment
- Prenatal care
- Adoption\*
- Medical care for child(ren)

\*Applies only to a minor 14 or older.

Physicians may inform a minor's parents.

Some minors may consent to contraceptive services. Parental consent and notice is required for abortion services.

### School Response to Dating Violence

Oklahoma law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Oklahoma's response to teen dating violence, the following changes are recommended:

- Allow all minors to petition for POs on their own behalf.
- Ensure all PO cases involving minors are heard in the same court as adult domestic violence victims.
- Mandate dating violence education in all middle schools and high schools.

# 2010

## State Law Report Card

**A****Oklahoma**

### References

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<sup>1</sup> OKLA. STAT. tit. 22 § 60.2(A) (2009).

<sup>2</sup> *Id.* § 60.2(A).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* § 60.2(A)(1).

<sup>7</sup> *Id.* § 60.1.

<sup>8</sup> *Id.* § 60.4(C)(1).

<sup>9</sup> *Id.* § 60.4(G)(3).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>11</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# 2010

## State Law Report Card



### Access to Protective Orders

In Oregon, minors can obtain Protective Orders (POs),<sup>1</sup> but the law prohibits POs against minor abusers.<sup>2</sup> Oregon also allows people in sexual relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for a PO on their own behalf;<sup>4</sup> however, the law does not specify the age at which a minor may do so. Oregon law also fails to specify who else may file on the minor's behalf. Oregon law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>5</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner.

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care\*

\*Applies only to a minor 15 or older.

Physicians may inform a minor's parents.

### School Response to Dating Violence

Oregon law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Oregon's response to teen dating violence, the following changes are recommended:

- Specify the age at which a minor can petition for POs on their own behalf.
- Allow courts to issue POs against minors.
- Explicitly allow individuals in dating relationships to access POs.
- Allow victims of intimate partner stalking and harassment to access POs.

# 2010

## State Law Report Card

A graphic in the top right corner featuring a blue background. On the left is a yellow outline of the state of Oregon. Overlapping the top right of the Oregon map is a large orange circle containing a white capital letter 'D'. To the right of the Oregon map, the word 'Oregon' is written in a bold, black, sans-serif font.

# Oregon

### References

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<sup>1</sup> OR. REV. STAT. § 107.726(1) (2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* § 107.705(3)(e). Oregon defines a sexual relationship as “[p]ersons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition” for a Protective Order.

<sup>4</sup> *Id.* § 107.726.

<sup>5</sup> *Id.* § 107.705(1).

<sup>6</sup> *Id.* § 107.718.

<sup>7</sup> Guttmacher Institute, An overview of minors’ consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors’ Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# 2010

## State Law Report Card

D

## Pennsylvania

### Access to Protection from Abuse Orders

In Pennsylvania, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the law does not specify whether PFAs can be granted against minor abusers. Pennsylvania also allows people in sexual relationships to seek PFAs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for PFAs on their own behalf. A parent, adult household member or guardian ad litem may petition for a PFA on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Pennsylvania law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection from Abuse Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment
- Prenatal care
- Medical care for child(ren)

\*Applies only to a minor 14 or older.

Parental notice is required for adoption and parental consent is required for abortion services.

### School Response to Dating Violence

Pennsylvania law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Pennsylvania's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue PFAs against minors.
- Explicitly allow individuals in dating relationships to access PFAs.
- Allow all minors to access all sensitive services without parental involvement.

# 2010

## State Law Report Card



### References

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<sup>1</sup> PA.CON.S. STAT. § 6106(a) (2009).

<sup>2</sup> *Id.* § 6102(a). Pennsylvania has defined “sexual relationship” to include dating relationships in case law. See *Varner v. Holley*, 854 A.2d 520 (Pa.Super. Ct. 2004).

<sup>3</sup> *Id.* § 6106(a).

<sup>4</sup> *Id.* § 6102(a).

<sup>5</sup> *Id.* § 6108(a).

<sup>6</sup> *Id.* § 6117(a).

<sup>7</sup> Guttmacher Institute, An overview of minors’ consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors’ Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

# 2010

## State Law Report Card



## Rhode Island

### Access to Protective Orders

In Rhode Island, minors can obtain Protective Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Rhode Island also allows people in dating relationships to seek POs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for a PO on their own behalf;<sup>4</sup> however, the law does not specify the age at which a minor may do so. Rhode Island law also fails to specify who else may file on the minor's behalf. Rhode Island law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked (including cyberstalking) the petitioner.<sup>5</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protective Order is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- HIV/STI testing and treatment
- Medical care for minor child(ren)

Minors need parental consent to access abortion services or put a child up for adoption.

### School Response to Dating Violence<sup>10</sup>

Rhode Island law requires school districts to incorporate dating violence education into the health education framework for grades 7-12, implement a dating violence policy, and provide dating violence training to school personnel in middle and high schools.

### Recommendations for Immediate Policy Change

In order to improve Rhode Island's response to teen dating violence, the following changes are recommended:

- Specify the age at which a minor can petition for POs on their own behalf.
- Allow victims of intimate partner harassment to access POs.
- Allow all minors to access all sensitive services without parental involvement, including contraceptive services and prenatal care.

# 2010

## State Law Report Card



## Rhode Island

### References

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<sup>1</sup> R.I. GEN. LAWS §§ 15-15-1(2) (2009). Rhode Island has two statutes addressing Protective orders, one which pertains to cases in which one party is a minor and one which pertains to cases with only adult parties. Both statutes are referenced here.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* §§ 15-15-1(2); 8-8.1-1(3).

<sup>4</sup> *Id.* §§ 15-15-3(a); 15-15-1(2).

<sup>5</sup> *Id.* §§ 15-15-1(2); 8-8.1-1(3).

<sup>6</sup> *Id.* §§ 15-15-3(a); 8-8.1-3(a).

<sup>7</sup> *Id.* §§ 15-15-3(h)(2); 8-8.1-3(i).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>10</sup> R.I. GEN. LAWS §§ 16-21-26; 16-21-30; 16-22-24; 16-85-2.

# 2010

## State Law Report Card



### South Carolina

#### Access to Orders of Protection

In South Carolina, minors can obtain Orders of Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. South Carolina's law excludes people in dating relationships, including individuals in same sex relationships, from accessing OPs.<sup>2</sup> This results in an automatic failing grade for South Carolina.

#### Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A household member may petition for an OP on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, South Carolina law does not specify whether the parent or guardian of the minor will be notified about the OP.

#### Definition of Abuse

A judge may issue an OP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

#### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- not possess a gun;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Order of Protection is modifiable.<sup>6</sup>

#### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment\*
- Prenatal care\*
- Adoption
- Medical care for minor child(ren)

\*Applies to mature minors under 16 and to minors 16 and older.

Minors can access abortion services with parental consent.

#### School Response to Dating Violence

South Carolina law does not provide for a school response to dating violence.

#### Recommendations for Immediate Policy Change

In order to improve South Carolina's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships, including those in same-sex relationships, to access OPs.
- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access OPs.

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## State Law Report Card



**South Carolina**

### References

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<sup>1</sup> S.C. CODE ANN. § 20-4-40(a) (2009).

<sup>2</sup> *Id.* § 20-4-20(b).

<sup>3</sup> *Id.* § 20-4-40(a).

<sup>4</sup> *Id.* § 20-4-20(b) .

<sup>5</sup> *Id.* § 20-4-60.

<sup>6</sup> *Id.* § 20-4-70(c).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# 2010

## State Law Report Card



## South Dakota

### Access to Protection Orders

In South Dakota, the law does not specify whether minors can obtain Protection Orders (POs), nor does it specify whether POs can be issued against minor abusers. South Dakota's law excludes people in dating relationships from accessing POs.<sup>1</sup> This results in an automatic failing grade for South Dakota.

### Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, South Dakota law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>2</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>3</sup> the respondent to:

- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>4</sup>

### Minors' Access to Sensitive Services<sup>5</sup>

All minors can consent to:

- STI testing and treatment

Some minors can consent to contraceptive services.

Minors can access abortion services, but their parents will be notified.

.....

### School Response to Dating Violence

South Dakota law does not provide for a school response to dating violence.

.....

### Recommendations for Immediate Policy Change

In order to improve South Dakota's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access POs.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services without parental involvement, including HIV services, prenatal care, adoption, and medical care for minor children.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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## State Law Report Card



**South Dakota**

### References

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<sup>1</sup> S.D. CODIFIED LAWS § 25-10-1(2) (2009).

<sup>2</sup> *Id.* § 25-10-1(1).

<sup>3</sup> *Id.* § 25-10-5.

<sup>4</sup> *Id.* § 25-10-10.

<sup>5</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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# 2010

## State Law Report Card

**B****Tennessee**

### Access to Orders of Protection

In Tennessee, minors can obtain Orders of Protection (OPs),<sup>1</sup> but the law does not specify whether OPs can be granted against minor abusers. Tennessee law also allows people in dating relationships to seek OPs against their abusers.<sup>2</sup>

### Procedure

State law allows minors to petition for an OP on their own behalf with the signature of a parent or guardian, among others;<sup>3</sup> however, the law does not specify the age at which a minor may do so. Tennessee law also fails to specify who else may file on the minor's behalf. Tennessee law requires the court to notify the parents or if the parents are not living together and jointly caring for the child, the primary residential parent, of the OP unless doing so would not be in the minor's best interests.<sup>4</sup>

### Definition of Abuse

A judge may issue an OP if the respondent has physically abused or threatened to physically abuse the petitioner; or damaged the petitioner's property.<sup>5</sup> The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>6</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Order of Protection is modifiable.<sup>7</sup>

### Minors' Access to Sensitive Services<sup>8,9</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care
- Adoption
- Medical care for minor child(ren)

Minors can access abortion services with parental consent.

.....

### School Response to Dating Violence<sup>10</sup>

Tennessee law urges the department of education to develop a sexual violence awareness curriculum that incorporates information about teen dating violence and provides resources about organizations addressing dating violence. It is unclear whether such a curriculum has been developed.

.....

### Recommendations for Immediate Policy Change

In order to improve Tennessee's response to teen dating violence, the following changes are recommended:

- Allow minor victims to petition for OPs without any parental involvement.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access OPs.

# 2010

## State Law Report Card



### References

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<sup>1</sup> TENN. CODE ANN. § 36-3-602(a)-(b) (2009).

<sup>2</sup> *Id.* § 36-3-601(5)(C).

<sup>3</sup> *Id.* § 36-3-602(b).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* § 36-3-601(1).

<sup>6</sup> *Id.* § 36-3-606.

<sup>7</sup> *Id.* § 36-3-605(d).

<sup>8</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>9</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>10</sup> TENN. CODE ANN. § 49-1-220.

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## Texas

### Access to Protective Orders

In Texas, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Texas also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not allow minors to petition for a PO on their own behalf. An adult must petition for the order on the minor's behalf.<sup>3</sup> Texas law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Prenatal care\*

Some minors can access contraceptive services. Minors can access abortion services if they have both parental consent and parental notice.

\*Physicians may inform a minor's parents.

### School Response to Dating Violence<sup>9</sup>

Texas law requires school districts to implement a dating violence policy, which includes school personnel training and student and parent awareness education.

### Recommendations for Immediate Policy Change

In order to improve Texas' response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access POs.
- Allow minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> TEX. FAM. CODE ANN. § 82.002(c) (2009).

<sup>2</sup> *Id.* § 82.001.

<sup>3</sup> *Id.* § 82.002(c).

<sup>4</sup> *Id.* §§ 71.0021(a); 74.004.

<sup>5</sup> *Id.* §§ 85.021; 85.022.

<sup>6</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>7</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>8</sup> TEX. EDUC. CODE ANN. § 37.0831.

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### Access to Protective Orders

In Utah, minors can obtain Protective Orders (POs),<sup>1</sup> and courts can issue POs against minor abusers.<sup>2</sup> Utah's law excludes people in dating relationships from accessing POs.<sup>3</sup> This results in an automatic failing grade for Utah.

### Procedure

State law allows minors to petition for a PO on their own behalf at age sixteen.<sup>4</sup> Minors under the age of sixteen must have an interested person petition for a PO on the minor's behalf.<sup>5</sup> The law does not specify whether the parent or guardian of a minor petitioner must be notified when a PO is issued.

### Definition of Abuse

A judge may issue a PO when the respondent has damaged the petitioner's property, physically abused, sexually abused, threatened to physically abuse, stalked or harassed (including through electronic communication) the petitioner when the petitioner is sixteen years or older.<sup>6</sup> Utah fails to recognize harassment, stalking, and threats of physical abuse as forms of abuse that qualify for relief if the petitioner is under sixteen years old.<sup>7</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>8</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- not possess a gun; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>9</sup>

### Minors' Access to Sensitive Services<sup>10</sup>

All minors can consent to:

- STI testing and treatment
- Prenatal care
- Adoption
- Medical care for child(ren)

Some minors may consent to contraceptive services. Parental notice and consent are required for abortion services.

### School Response to Dating Violence

Utah law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Utah's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access POs.
- Allow all minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow all victims of intimate partner stalking, harassment and threatened physical abuse to access POs.
- Allow all minors to access all sensitive services, including HIV services, without parental involvement.

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### References

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<sup>1</sup> UTAH CODE ANN. 78B-7-103(1)§ 78B-7-103(1); 78B-7-202 (2009).

<sup>2</sup> *Id.* § 78B-7-103(1).

<sup>3</sup> *Id.* § 78B-7-102(2).

<sup>4</sup> *Id.* §§ 78B-7-102(2); 78B-7-103(1).

<sup>5</sup> *Id.* § 78B-7-202(1).

<sup>6</sup> *Id.* § 78B-7-102(5).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* § 78B-7-106(2) and (3).

<sup>9</sup> *Id.* § 78B-7-106(10).

<sup>10</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.



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# 2010

## State Law Report Card



### Access to Protection Orders

In Vermont, minors can obtain Protection Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Vermont also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A family/household member may petition for a PO on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Vermont law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support; and/or
- pay spousal support.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- HIV/STI testing and treatment\*
- Adoption

\*Includes HIV testing only, not treatment.

Some minors may consent to contraceptive services.

### School Response to Dating Violence

Vermont law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Vermont's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Explicitly allow courts to issue POs against minors.
- Allow victims of intimate partner harassment to access POs.
- Allow all minors to access all sensitive services, including prenatal care, medical care for a child, and abortion without parental involvement.

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### References

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<sup>1</sup> VT. STAT. ANN. TIT. 15 § 1103(a) (2009).

<sup>2</sup> *Id.* § 1101(2).

<sup>3</sup> *Id.* § 1103(a).

<sup>4</sup> *Id.* § 1101(1).

<sup>5</sup> *Id.* § 1103(C)(2).

<sup>6</sup> *Id.* § 1103(e).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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# Virginia

### Access to Protective Orders

In Virginia, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Virginia's law excludes people in dating relationships from accessing POs.<sup>2</sup> This results in an automatic failing grade for Virginia.

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A minor's guardian ad litem, parent, guardian, legal custodian, other person standing in loco parentis of the minor, or any other family or household member of the minor to whom the protective order may be issued must be notified that the minor is seeking a PO.<sup>3</sup>

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused or threatened to physically abuse the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Prenatal care
- Adoption
- Medical care for child(ren)

Parental consent is required for abortion services.

### School Response to Dating Violence<sup>9</sup>

Virginia law requires the Board of Education to develop curriculum guidelines for family life education curriculum in grades K – 12, including age-appropriate instruction around dating violence.

### Recommendations for Immediate Policy Change

In order to improve Virginia's response to teen dating violence, the following changes are recommended:

- Allow individuals in dating relationships to access POs.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue POs against minors.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access POs.

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### References

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<sup>1</sup> VA. CODE ANN. § 16.1-253(A) (2009).

<sup>2</sup> *Id.* § 16.1-228.

<sup>3</sup> *Id.* § 16.1-253(C).

<sup>4</sup> *Id.* §§ 16.1-279.1(A); 16.1-228.

<sup>5</sup> *Id.* § 16.1-279.1(A).

<sup>6</sup> *Id.* § 16.1-279.1(F).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>9</sup> VA. CODE ANN. § 22.1-207.1.

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# 2010

## State Law Report Card



### Access to Orders for Protection

In Washington, minors can obtain Orders for Protection (OPs),<sup>1</sup> and courts can issue OPs against minor abusers.<sup>2</sup> Washington also allows people in dating relationships to seek OPs against their abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for an OP on their own behalf at age sixteen.<sup>4</sup> Minors under the age of 16 must have a family/household member petition for an OP on the minor's behalf.<sup>5</sup> The law does not specify whether the parent or guardian of a minor petitioner must be notified when an OP is issued.

### Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.<sup>6</sup> The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order for Protection is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9,10</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment\*
- Prenatal care\*

Minors placing a child up for adoption must seek legal counsel.

\*For STI services, applies only to a minor 14 or older.

### School Response to Dating Violence<sup>11</sup>

Washington law requires the development of a family preservation education program model curriculum that includes instruction on domestic and dating violence. It is unclear whether this program has been developed.

### Recommendations for Immediate Policy Change

In order to improve Washington's response to teen dating violence, the following changes are recommended:

- Allow all minors to petition for OPs on their own behalf, regardless of age, and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including medical care for minor children and abortion services, without parental involvement.

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### References

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<sup>1</sup> WASH. REV. CODE §§ 26.50.020(1) -(2) (2009).

<sup>2</sup> *Id.* § 26.50.020 (3).

<sup>3</sup> *Id.* § 26.50.010(2).

<sup>4</sup> *Id.* § 26.50.020(2).

<sup>5</sup> *Id.* § 26.50.020(1).

<sup>6</sup> *Id.* § 26.50.010 (1).

<sup>7</sup> *Id.* § 26.50.060(1).

<sup>8</sup> *Id.* § 26.50.130 (1).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>10</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

<sup>11</sup> WASH. REV. CODE § 28A.300.185.

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## State Law Report Card



## West Virginia

### Access to Protective Orders

In West Virginia, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. West Virginia also allows people in dating relationships to seek POs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. An adult family/household member may petition for a PO on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, West Virginia law does not specify whether the parent or guardian of the minor will be notified about the PO.

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- pay restitution for other harm.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- STI testing and treatment
- Adoption

Some minors can access contraceptive services and prenatal care.

Minors can access abortion services, but their parents will be notified.

### School Response to Dating Violence

West Virginia law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve West Virginia's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow all minors to access all sensitive services, including HIV services, prenatal care and medical care for a minor child, without parental involvement.

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## West Virginia

### References

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<sup>1</sup> W. VA. CODE § 48-27-305(2) (2009).

<sup>2</sup> *Id.* § 48-27-204.

<sup>3</sup> *Id.* § 48-27-305(2).

<sup>4</sup> *Id.* § 48-27-202.

<sup>5</sup> *Id.* §§ 48-27-502; 48-27-503.

<sup>6</sup> *Id.* § 48-27-501(b).

<sup>7</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_MASS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Restraining Orders<sup>1</sup>

In Wisconsin, minors can obtain Restraining Orders (ROs),<sup>2</sup> but the law does not specify whether ROs can be granted against minor abusers. Adults in dating relationships can seek ROs against their adult abusers.<sup>3</sup>

### Procedure

State law allows minors to petition for an RO on their own behalf;<sup>4</sup> however, the law does not specify the age at which a minor may do so. A parent, step-parent or guardian may also petition on the minor's behalf.<sup>5</sup> Wisconsin law does not specify whether the parent or guardian of the minor will be notified about the RO.

### Definition of Abuse

A judge may issue an RO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>6</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> the respondent to:

- stay away from the petitioner;
- not possess a gun; and/or
- if the petitioner is an adult; grant other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Restraining Order is modifiable.<sup>8</sup>

### Minors' Access to Sensitive Services<sup>9</sup>

All minors can consent to:

- STI testing and treatment

Minors can access abortion services with parental consent.

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### School Response to Dating Violence

Wisconsin law does not provide for a school response to dating violence.

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### Recommendations for Immediate Policy Change

In order to improve Wisconsin's response to teen dating violence, the following changes are recommended:

- Explicitly state that individuals can seek restraining orders against minor abusers.
- Allow victims of intimate partner stalking and harassment to access ROs.
- Allow all minors to access all sensitive services, including contraceptive services, prenatal care, adoption, and medical care for a minor child, without parental involvement.
- Expand the types of relief available to individuals who seek ROs.
- Mandate dating violence education in all middle schools and high schools.

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## State Law Report Card



### References

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<sup>1</sup> Wisconsin law provides for restraining orders under four separate statutes, three of which are addressed in this report card: Domestic Abuse Restraining Orders, Child Abuse Restraining Orders, and Harassment Restraining Orders. Domestic Abuse Restraining Orders are available only to petitioners over 18; Child Abuse and Harassment Restraining Orders are not limited by the age of the petitioner.

<sup>2</sup> WIS. STAT. § 813.122(2) (2009).

<sup>3</sup> *Id.* § 813.12(1)(am).

<sup>4</sup> *Id.* § 813.122(2).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* § 813.122(1)(a).

<sup>7</sup> *Id.* §§ 813.122(5)(a)-(b), (e); 813.122(5m)(2); 813.122(7).

<sup>8</sup> *Id.* § 813.122(9)(b).

<sup>9</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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## State Law Report Card



### Access to Orders of Protection

In Wyoming, the law does not specify whether minors can obtain Orders of Protection (OPs), nor does it specify whether OPs can be issued against minor abusers. Wyoming allows people in dating relationships to seek OPs against their abusers.<sup>1</sup>

### Procedure

State law does not specify whether minors can petition for OPs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Wyoming law does not specify whether the parent or guardian of the minor will be notified about the OP.

### Definition of Abuse

A judge may issue an OP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.<sup>2</sup> The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>3</sup> the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- participate in a counseling or batterers' intervention program;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Order of Protection is modifiable.<sup>4</sup>

### Minors' Access to Sensitive Services<sup>5</sup>

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment
- Adoption

Parental notice and consent is required for abortion services.

### School Response to Dating Violence

Wyoming law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Wyoming's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue OPs against minors.
- Allow victims of intimate partner stalking and harassment to access OPs.
- Allow all minors to access all sensitive services, including prenatal care, adoption and medical care for a minor child, without parental involvement.

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## State Law Report Card



# Wyoming

### References

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<sup>1</sup> WYO. STAT. ANN. § 35-21-102(a)(iv) (2009).

<sup>2</sup> *Id.* § 35-21-102(a)(iii).

<sup>3</sup> *Id.* § 35-21-105(a)-(b)

<sup>4</sup> *Id.* § 35-21-106(b).

<sup>5</sup> Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, [http://www.guttmacher.org/statecenter/spibs/spib\\_OMCL.pdf](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

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