

THE NATIONAL CENTER FOR
Victims of Crime

Dating Violence: Can Teens Access Protection Orders?

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Dating Violence: Can Teens Access Protection Orders?¹

Dating violence is a serious problem for teens and young adults. The 2001 Massachusetts Youth Risk Behavior Survey found that one in five female public high school students had experienced physical and/or sexual violence on a date.² Almost 30 percent of teens ages 13 to 17 recently reported that they or one of their friends have experienced dating violence.³ And because teens are less likely than any other age group to report the crimes against them,⁴ the dating violence problem may be even greater than these alarming statistics suggest.

Dating violence victims may face a number of obstacles when seeking assistance. Although most communities support and respond to domestic or intimate partner violence, dating violence victims are often not adequately supported by service delivery systems. For teens and young adults, the only available help may be adult-focused services that teens are unlikely to find accessible or friendly. Few domestic violence shelters accept teens (as the primary victims), and parental consent laws complicate delivery of medical, mental health, and other services. Teens may be concerned about privacy and confidentiality. If their states have mandatory reporting requirements, teens may be discouraged from seeking help. Further complicating matters for victims and service providers is that many dating violence victims are not protected by domestic violence laws unless they have lived with and/or have a child with the perpetrator.

Access to Protection Orders

Protection orders are civil court orders that a victim can request from the court to get protection from an abuser. The protection order can order an abuser to stop harming the victim, stop having contact with the victim, or stop contacting the victim at work, school, or at the victim's children's school or daycare. Victims increasingly use protection orders as a safety measure and a means to hold abusers accountable. Protection orders are one of the readily available resources for adult victims of domestic violence, but teen dating violence victims do not have the same access.

For instance, many states limit access by restricting eligibility to only partners who have a child in common or have lived together. Most states also require that a parent or guardian file the petition for a protection order on behalf of the teen making it less likely that some teens will choose this as an option for addressing the violence in their lives.

¹ This document is accurate as of September 30, 2004. New legislation may alter the statutes, and while the information about a particular state is generally applicable to that state, there may be some variations in practice from one local jurisdiction to another.

² Silverman, J., Rah, A., Mucci, L., Hathaway, J. (2001). "Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy and Suicidality." *JAMA* 286 (5): 572-579.

³ KidsRights (2003). *The Facts About Dating Violence*. KidsRights Prevention Series. Indianapolis: JIST Publishing.

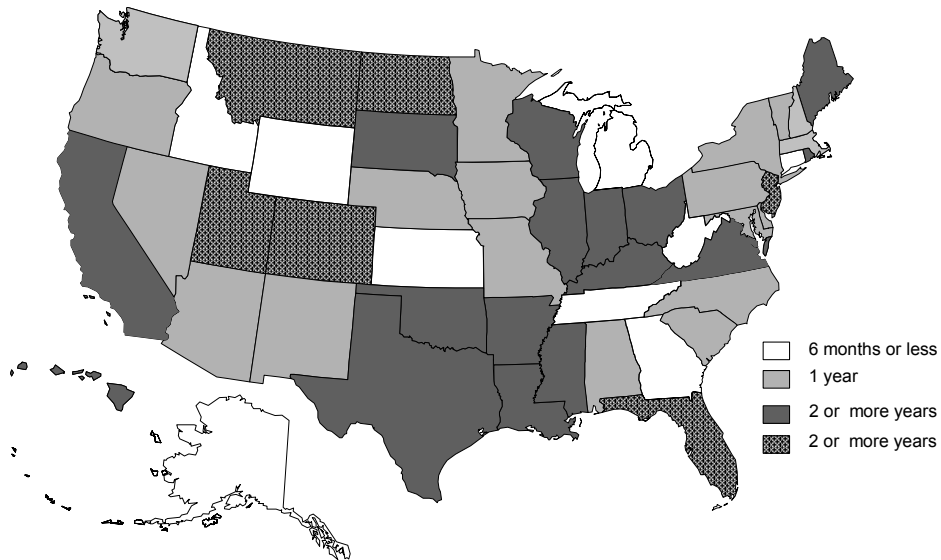
⁴ Bureau of Justice Statistics. (2003). *Criminal Victimization in the United States 2001: Statistical Tables*. Washington, DC: BJS, U. S. Department of Justice.

Duration of Protection Orders

The average duration of a protection order is one year, but time limits vary across the states.

Kansas has the shortest (2 months), while several states impose no time limits on the expiration of a protection order. (See Map 3 below.) In all states, regardless of the length of the protection order, a victim may request that the order be renewed or extended.

Map 3. Duration of Protection Orders



State	Covering Dating Relationships	Teens Can File Without an Adult	Name of Protection Order	Length of Protection Orders		Protection Order Alternatives	Other Pertinent Information	Links to Statutes
				Temporary	Perm			
AL			Protection from Abuse Orders		1 year	Temp restraining order	Important to note that age of majority in this state is 19 .	www.legislature.state.al.us/CodeofAlabama/1975/coato c.htm .
AK	X		Protective Orders	20 days	6 months		One of the few states that offers emergency and ex-parte orders.	www.legis.state.ak.us/folhome.htm
AZ			Order of Protection		1 year	Injunction Against Harassment	If the abuser is under the age of 12, the order must be granted by the juvenile division of superior court.	www.azleg.state.az.us/ars/13/title13.htm
AR			Order of Protection		2 years	Only criminal charges	One of the few states that do not offer protection on the basis of having a child in common with the abuser.	www.arkleg.state.ar.us/data/ar_code.asp
CA	X	X	DV Restraining Order	3 weeks	3 years		California is one of the few states that allow teens to file on their own and one of the first to include dating relationships in the statute.	www.leginfo.ca.gov/calaw.html
CO			Restraining Order	14 days	No limit		If the abuser is a minor, the protection order is filed against the abuser's parent/legal guardian.	http://www.state.co.us/gov_dir/leg_dir/geninfo.htm and go to title 13.
CT	X	X	Restraining Order		6 months		By law, the clerks of the court are not allowed to reject any petitions for protection orders. The judge has discretion as to whether a parent/guardian needs to file on behalf of the victim	www.cga.state.ct.us/default.asp
DC	X	X	Civil Protection Order	14 days	1 year		General practice has been that if the victim is at least 16 years old, the hearing officer will accept the petition, but if the victim is under 16, then the judge may ask that a parent/guardian file the petition.	http://dccode.westgroup.com/home/dccodes/default.wl and view Section 16.1001-1006.

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DE			Orders of Protection from Abuse	10 days	1 year		The order remains in effect if the victim and abuser reconcile. A court hearing must be held to change/terminate the order.	www.delcode.state.de.us/title10/c009/sc03/index.htm
FL	X		Injunction for Protection from DV	Until hearing	No limit	Injunction Against Repeat Violence	One of the few states that have filing fees and a 6-month dating requirement.	www.leg.state.fl.us/statutes
GA			Family Violence Protection Order	Until hearing	6 months	Georgia Stalking Act	One of the few states that requires an adult and does not specify that the adult be the parent/guardian of the minor victim.	www.ganet.org/cgi-bin/pub/ocode/ocgsearch?number=19-13-1
HI	X		Restraining Order	9 days	3 years		The state requires that the restraining order be filed against the parent of the abuser if the abuser is also a minor.	www.capitol.hawaii.gov/site1/docs/docs.asp?press1=docs and view Section 586
ID	X	X	Protection Order	14 days	3 months			www3.state.id.us/cgi-bin/newidst?sctid=390630006A.K
IL	X	X	Order of Protection	30 days	2 years		Cook county is establishing a task force to examine if the statute should be interpreted to allow teen victims to file for the protection order without a parent.	www.legis.state.il.us and view Section 750 ILCS 60
IN	X		Order for Protection	2 years	2 years		This state's ex-parte orders are in effect for a longer period than other states.	www.state.in.us/legislative/ic/code and view section IC 34-26-2
IA	X		Protective Order	15 days	1 year		An "intimate relationship" is defined as significant romantic, but not necessarily sexual, involvement.	www.legis.state.ia.us/cgi-bin/IACODE/Code2001SUPPLEMENT.pl and view Section 236

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KS	X		DV Protection Order	Until hearing	60 days			http://www.kslegislature.org/cgi-bin/statutes/index.cgi/60-3107.html
KY			DV Order		3 years			http://162.114.4.13/KRS/403-00/
LA	X	X	Restraining Order	20 days	18 months	Peace Bond	One of the few states that provide protection for same-sex dating relationships, and one of the few that will appoint an advocate for the victim.	http://www.legis.state.la.us/lss/lss.asp?doc=100554
ME			Protection from Abuse Order	Until hearing	2 years	Protection from Harassment Order		http://janus.state.me.us/legis/statutes/19-a/title19-Ach101sec0.html
MD			DV Protection Order		1 year	Peace Order	If the abuser is a minor, the victim must file for a peace order through the Maryland Department of Juvenile Services.	www.michie.com and select Maryland, title 4, subtitle 5.
MA	X	X	Abuse Prevention Order		1 year			www.state.ma.us/legis/laws/mgl/gl-209A-toc.htm and view Section 209A
MI	X		Personal Protection Order	Until hearing	6 months			http://michiganlegislature.org/law/ and view Section 600-2950.
MN	X		Order for Protection	Until hearing	1 year	Order Against Harassment	Victims who are pregnant by the abuser are also protected. If a parent is unavailable, the court requires that the adult representing the victim be over the age of 24 and reputable.	www.revisor.leg.state.mn.us/stats/518B/01.html
MS	X		Restraining Order	Until hearing	3 years		The court assesses the court fees against the abuser if he/she is deemed guilty of abuse.	http://www.mscode.com/free/statutes/93/021/index.htm
MO	X		Order of Protection	15 days	1 year			www.moga.state.mo.us/homestat.htm and view chapter 455

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MT	X		Order of Protection	29 days	No limit		The statute was clearly drafted so that gay/lesbian victims are not covered.	http://leg.state.mt.us/css/mtcode_const/laws.asp and view Sections 40.4 & 40.15.
NE			DV Protection Order	14 days	1 year	Harassment Order		
NV	X		Order of Protection	30 days	1 year		In some cases if the victim is 17 ½ years old, had a child, and/or lived on their own at the time the petition was filed, the judge did not require the parent to file.	www.leg.state.nv.us/nrs/nrs-033.html/
NH	X	X	Protective Order	30 days	1 year		This statute allows females to file a petition against current or former boyfriends but does not include a provision for males to file a petition against current or former girlfriends.	http://gencourt.state.nh.us/rsa/html/indexes/default.html and view Section 173-B
NJ	X	X	Restraining Order	10 days	No limit			www.njleg.state.nj.us and view Section 2C:25-17.
NM	X		Protection Order	14 days	1 year		If the abuser is a minor, there is no enforcement available against the minor. The permanent order will last for 6 months if there is a child in common and 1 year if there is no child in common.	www.michie.com and click on the link for New Mexico. Navigate from there to view section 40-13.
NY		X	Order of Protection	Until hearing	1 year			http://assembly.state.ny.us/leg/?cl=42 and view section 686-8.
NC	X		DV Protection Order		1 year			http://ncleg.net/statutes/generalstatutes/html/bychapter/chapter_50B.html/
ND	X		DV Protection Order	Until hearing	No limit			www.state.nd.us/lr/information/statutes/cent-code.html
OH			Protection Order	Until hearing	5 years			http://onlinedocs.andersonpublishing.com/revisedcode/ and view section 3113.31

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OK	X	X	Protection Order	Until hearing	3 years		The age of majority is 16 .	www.oscn.net/applications/oscn/index.asp?ftdb=stokst22&level=I and view section 22-2-60.
OR			Restraining Order	Until hearing	1 year			www.leg.state.or.us/ors/107.html
PA		X	Protection from Abuse Order	10 days	1 year		This statute was drafted in an effort to offer protection to individuals in same-sex relationships.	http://members.aol.com/StatutesP8/23.Cp.61.html
RI	X		Restraining Order	21 days	3 years			www.rilin.state.ri.us/Statute/Statutes.html and view section 15-15
SC			Order of Protection		1 year			www.scstatehouse.net/code/t20c004.htm
SD		X	Protection Order	30 days	3 years	Protection under stalking statute	Teens may file for a protection order on their own, but a parent must file on their behalf for a Stalking order.	http://legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&FindType=Statute&txtStatute=25-10
TN	X		Protection Order	15 days	4 months	Civil restraining order		www.michie.com and then view Title 36, Chapter 3, Part 6
TX	X	X	Protective Order	14 days	2 years			www.capitol.state.tx.us/statutes/fatoc.html and view section 4-71.
UT		X	Protection Order	Until hearing	No limit	Civil Stalking Injunction		www.michie.com and then view Title 30, Chapter 6, Part 2
VT	X	X	Relief from Abuse Order	Until hearing	1 year			www.michie.com and view Title 15, Chapter 21, Part 11.
VA			Protective Order	15 days	2 years	Protection under stalking statute		http://legl.state.va.us/cgi-bin/legp504.exe?000+cod19.2-152.8

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WA	X	X	DV Order of Protection	14 days	1 year	Restraining Order, Civil Anti-Harassment Order	This is the only state that has an age requirement to be eligible for protection when there is a dating relationship.	www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=26.50
WV	X		Protective Order	10 days	6 months		If a protection order is issued, the court will fine the abuser \$25.00.	www.legis.state.wv.us and view section 48-27.
WI	X	X	Domestic Abuse Restraining Order	14 days	4 years	Harassment Restraining Order	The dating component of this statute was initially drafted to protect adults in dating relationships. If the order is granted, the abuser may have to pay court fees.	www.legis.state.wi.us/rsb/Statutes.html
WY	X	X	Order of Protection	3 days	3 months		Wyoming has the shortest turnaround time for a hearing once the petition has been filed (3 days) and has the shortest period of validity (3 months).	http://legisweb.state.wy.us/statutes/statutes.htm and view section 35-21.

This document was developed under grant number 2002-X1678-DC-WT from the Office on Violence Against Women (OVW) of the U.S. Department of Justice. The opinions and views expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of the Office of Violence Against Women of the U.S. Department of Justice. This document may be reproduced only in its entirety. Any alterations must be approved by the Dating Violence Resource Center. Contact us at (202) 467-8700 or dvrc@ncvc.org.