

DO STATE CIVIL DOMESTIC VIOLENCE LAWS PROTECT TEENS?

Teens and young adults are among the most likely to experience abuse in a relationship. Many state domestic violence laws, however, do not protect those who need it the most. Below is a summary of how state domestic violence restraining order laws address some of the circumstances teen victims face.

Dating Relationships

- Thirty-eight states and the District of Columbia allow victims of domestic violence who are dating their abuser to apply for a civil domestic violence restraining or protective order. These states are: AK, AR, CA, CO, CT, DE, DC, FL, HI, IA, ID, IL, IN, KS, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OK, PA, RI, TN, TX, VT, WA, WV, WI and WY. Not all of these states use the word “dating” in the law or define dating in the same way. But, all thirty-eight include protection for victims in a dating relationship.
- Twelve states do *not* allow a victim who is in a dating relationship to apply for protection under their civil domestic violence restraining or protective order laws. These states are: AL, AZ, GA, KY, MD, NY, OH, OR, SC, SD, UT and VA.
- One of these states, Oregon, allows a victim who is in a sexual relationship with the abuser to apply for a restraining or protective order.

Co-Parents

- All but four states, LA, NH, TN and VT, explicitly allow victims of domestic violence who have a child with their abuser to apply for a restraining or protective order. However, each of those four states include at least some protection under the law for teens that are or were dating, living with or in an intimate relationship with their abuser.
- Illinois goes farther than other states, allowing victims of domestic violence to apply for a restraining or protective order against an abuser who is allegedly the parent of their child.

Cohabitants

- Only three states: IN, MT and NY, exclude people living with their abuser from protection under the civil domestic violence restraining or protective order laws.
- However, Indiana and Montana offer protection to victims who are dating their abuser.
- In New York, only victims who are married or used to be married to their abuser or have a child with their abuser can apply for a civil domestic violence order of protection.

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

Restrictions for Same-Sex Relationships

- There are five states that in some way restrict protection under the civil domestic violence laws to opposite-sex couples only. Three of these states, MT, NC and SC, specifically offer protection only to opposite-sex couples.
- Louisiana law specifies that to qualify for a domestic violence protective 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 for opposite-sex couples.

Restrictions on Protection for Minor Victims

- New Hampshire is the only state where the law specifically allows a minor of any age to go to court by themselves to apply for a protective order.
- In two states, MO and WI, domestic violence restraining orders are only available to adults.
- Eight states, CA, CT, MN, OK, OR, UT, WA and WY, allow minors to obtain restraining or protective orders without the involvement of a parent, guardian or other adult if they meet certain requirements. These requirements include being a certain age (e.g. over 16) or having a certain relationship with the abuser (e.g. having a child in common with the abuser). Four of these states, CT, OR, UT, and WY, do not specify how a minor victim can apply if they do not meet the age limit or the relationship requirements.
- Seven states, AK, AZ, DE, ID, IA, MS, TN, explicitly require that a minor must have a parent or legal guardian involved in the process of applying for a restraining order.
- Two states, NJ and RI, require victims be over 18 to qualify for a restraining order as a cohabitant. However, in both these states, minor victims may apply if they are dating or have a child with their abuser.
- In five states, IA, OR, UT, WA and WY, if you are related to your abuser, you must be at least 18 to qualify for a restraining order.
- Seventeen other states make no provision in the law for how minor victims of domestic violence apply for a restraining or protective order. These states are: CO, DC, FL, KY, ME, MA, NE, NV, NJ, NM, NY, NC, ND, RI, SD, VT, and VA.

Restrictions on Protection from Minor Abusers

- Eight states impose age restrictions on the person against whom a restraining order is obtained: AZ, CO, MI, MO, NV, NC, OK and WI.
- In MO, NV and WI a victim cannot get a protective order against anyone who is a minor.
- Five state laws allow restraining orders against some, but not all, minors. In North Carolina, a victim cannot get a protective order against someone under 16 years of age. In Oklahoma, the abuser must be 13; in Arizona the abuser must be 12; and, in Colorado and Michigan, the abuser must be at least 10.

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