

STATE-BY-STATE REPORT CARD

SUMMARY OF FINDINGS

Below is a summary of findings¹ on how state civil domestic violence protection order laws address the circumstances teen victims² face.

Dating Relationships

- Thirty-nine states and the District of Columbia allow victims of domestic violence who are dating their abuser to apply for a civil domestic violence protection or restraining order. These states are: AK, AR, CA, CO, CT, DC, DE, FL, HI, IA, ID, IL, IN, KS, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NY, 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-nine include protection for victims in a dating relationship.
- Eleven states do *not* allow a victim who is in a dating relationship to apply for protection under their civil domestic violence protection or restraining order laws. These states are: AL, AZ, GA, KY, MD, 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 protection or restraining 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 protection or restraining order. However, each of those four states includes 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 protection or restraining order against an abuser who is allegedly the parent of their child.

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 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 for opposite-sex couples.

¹This 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.

² The relationship categories discussed in this section apply to all petitioners regardless of age, but are particularly relevant to teens.

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 protection order.
- In Missouri, domestic violence protection orders are only available to adults.
- Nine states, CA, CT, MN, NJ, OK, OR, UT, WA and WY, allow minors to obtain protection or restraining 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). Three of these states, CT, NJ, WY, do not specify how a minor victim can apply if they do not meet the age or relationship requirements.
- Four states, AZ, ID, IA, and NV, explicitly require that a minor must have a parent or legal guardian involved in the process of applying for a protection or restraining order.
- More than half of states do not explicitly specify the minimum age of a petitioner.
- 16 states do not specify who can file for a minor
CO,CT,DE,DC,MA,NE,NJ,MN,NY,NC,ND,RI,TN,VA,WY, and SD.
- Tennessee does not specify who can file for a minor; however, a minor must have one signature from a parent or legal guardian.

Restrictions on Protection from Minor Abusers

- Seven states impose explicit age restrictions on the person against whom a protection or restraining order is obtained: AZ, CO, MI, MO, NV, NJ, and OK. Many state laws are silent on the issue of obtaining protection or restraining orders against minors.
- In Missouri and Nevada, a victim cannot get a protection or restraining order against anyone who is a minor. In New Jersey, the abuser must be 18 years old or emancipated.
- Four state laws allow protection or restraining orders against some, but not all, minors. In Oklahoma, a victim cannot get a protection or restraining order against someone under the age of 13; in Arizona the abuser must be 12; and, in Colorado and Michigan, the abuser must be at least 10.