

2010

State Law Report Card

Alabama



Access to Protection Orders

In Alabama, minors can obtain Protection Orders (POs),¹ 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.² 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.³

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.⁴ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁵ 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.⁶

Minors' Access to Sensitive Services^{7,8}

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

¹ ALA. CODE § 30-5-2(a)(5) (2009).

² *Id.* § 30-5-2(a)(4).

³ *Id.* § 30-5-2(a)(5).

⁴ *Id.* § 30-5-2(a)(1).

⁵ *Id.* § 30-5-5(c).

⁶ *Id.* § 30-5-5(b).

⁷ 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, accessed December 1, 2009.

⁸ 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, accessed December 1, 2009.



Empowering Youth to End
Domestic Violence

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