

2010

State Law Report Card



Access to Restraining Orders

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

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.⁴ 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.⁵

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.⁶ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁷ 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.⁸

Minors' Access to Sensitive Services^{9,10}

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 Violence¹¹

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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A graphic featuring a yellow outline of the state of California on a blue background. To the right of the map is a white letter 'A' inside an orange circle.

California

References

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

² CAL. CIV. PRO. CODE § 372 (b)(1).

³ CAL. FAM. CODE § 6211.

⁴ CAL. CIV. PRO. CODE § 372(a); § 372(b)(1).

⁵ *Id.* § 372(b)(2).

⁶ CAL. FAM. CODE § 6203; § 6320.

⁷ *Id.* § 6304; § 6320-6346.

⁸ *Id.* § 6345.

⁹ 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.

¹⁰ 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.

¹¹ CAL. EDUC. CODE § 67385.7(a)(2)(b)(2).

Break the Cycle

Empowering Youth to End
Domestic Violence

For more information about state law
and policy, visit www.breakthecycle.org
or email policy@breakthecycle.org.