

# 2010

## State Law Report Card



## Delaware

### Access to Protection from Abuse Orders

In Delaware, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the law does not specify whether PFAs can be granted against minor abusers. Delaware also allows people in dating relationships to seek PFAs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for PFAs on their own behalf. A parent, among others, may petition for a PFA on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Delaware law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA when the respondent has physically abused, sexually abused, threatened to physically abuse, or stalked the petitioner; or damaged the petitioner's property.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> 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 Protection from Abuse Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

- Contraceptive services\*
- HIV/STI testing and treatment\*
- Prenatal care\*
- Adoption
- Abortion services
- Medical care for minor child(ren)

Minors can access abortion services, but parents will be notified if the minor is under 17.

\*A physician may inform the minor's parents.

### School Response to Dating Violence

Delaware law does not provide for a school response to dating violence.

### Recommendations for Immediate Policy Change

In order to improve Delaware's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner harassment to access PFAs.
- Allow minors to access all sensitive services without parental involvement.



For more information about state law and policy, visit [www.breakthecycle.org](http://www.breakthecycle.org) or email [policy@breakthecycle.org](mailto:policy@breakthecycle.org).

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### References

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<sup>1</sup> DEL. CODE ANN. tit. 10 § 1041(3) (2009).

<sup>2</sup> *Id.* § 1041(2).

<sup>3</sup> *Id.* § 1041(3).

<sup>4</sup> *Id.* § 1043(a).

<sup>5</sup> *Id.* § 1045(a).

<sup>6</sup> *Id.* § 1045(c).

<sup>7</sup> 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](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> 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](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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Empowering Youth to End  
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