



Access to Injunctions for Protection¹

In Florida, minors can obtain Injunctions for Protection (IPs),² but the law does not specify whether IPs can be granted against minor abusers. Florida also allows people in dating relationships to seek IPs against their abusers.³

Procedure

State law allows minors to petition for IPs on their own behalf,⁴ although the petition form requests (but does not require) parental signature. A parent or guardian may petition for an IP on a minor's behalf.⁵ If a minor files on their own behalf, Florida law does not specify whether the parent or guardian of the minor will be notified about the IP.

Definition of Abuse

A judge may issue an IP when the respondent has physically abused, sexually abused, threatened to physically abuse, or stalked the petitioner; or damaged the petitioner's property, depending on the relationship between petitioner and respondent.⁶ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

For a dating violence injunction for protection, the court may enjoin⁷ the respondent from:

- committing acts of violence; and/or
- provide other relief within the court's discretion.

For a domestic violence injunction for protection, the court may enjoin⁸ the respondent from:

- committing acts of violence;
- 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;
- and/or provide 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 Injunction for Protection is modifiable.⁹



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

Minors' Access to Sensitive Services^{10,11}

- All minors can consent to:
- HIV/STI testing and treatment
 - Prenatal care
 - Medical care for minor child(ren)

Some minors can access contraceptive services.

Minors can access abortion services, but their parents will be notified.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

- Allow minors to petition for IPs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including adoption, without parental involvement.
- Expand the types of relief available to individuals who seek an Injunction for Protection.
- Mandate dating violence education in all middle schools and high schools.

2010

State Law Report Card



References

¹ Florida law allows individuals to petition for an Injunction for Protection against Domestic Violence or an Injunction for Protection against Repeat Violence, Sexual Violence, or Dating Violence. The information referenced here pertains to the Dating Violence Injunction, unless otherwise noted.

²FLA. STAT. §§ 784.046(2); 741.30(3)(b) (2009).

³ *Id.* §§ 784.046(1)(d); 784.046(2).

⁴ *Id.* § 784.046(2)(b).

⁵ *Id.* § 784.046(2).

⁶ *Id.* §§ 784.046(1); 741.30(3)(b).

⁷ *Id.* § 784.046(7).

⁸ *Id.* § 741.30(6)(a).

⁹ *Id.* § 784.046(10).

¹⁰ 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.

¹¹ 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.

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.