



Access to Protective Orders

In Georgia, minors can obtain Protective Orders (POs),¹ but the law does not specify whether POs can be granted against minor abusers. Georgia's law excludes people in dating relationships from accessing POs.² This results in an automatic failing grade for Georgia.

Procedure

State law does not allow minors to petition for a PO on their own behalf.³ A person who is not a minor must petition for the order on the minor's behalf.⁴ Georgia law does not specify whether the parent or guardian of the minor will be notified about the PO.

Definition of Abuse

A judge may issue a PO if the respondent has physically abused, sexually abused, or stalked the petitioner; or damaged the petitioner's property.⁵ The statute fails to explicitly recognize harassment and threats of physical abuse as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁶ the respondent to:

- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; and/or
- pay attorneys' fees.

The statute may allow other forms of relief not specifically listed here.

Minors' Access to Sensitive Services⁷

All minors can consent to:

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

*A physician may inform a minor's parents.

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

School Response to Dating Violence⁸

Georgia law requires the Board of Education to develop a program for preventing teen dating violence for grades 8 – 12. It is unclear whether the Board has developed such a program.

Recommendations for Immediate Policy Change

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

- Allow individuals in dating relationships to access protective orders.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.

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State Law Report Card



References

¹ GA. CODE ANN. § 19-13-3(a) (2009).

² *Id.* § 19-3-1.

³ *Id.* § 19-3-3(a).

⁴ *Id.*

⁵ *Id.* § 19-3-1.

⁶ *Id.* § 19-3-4.

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 GA. CODE ANN. § 20-2-314.



Empowering Youth to End
Domestic Violence

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and policy, visit www.breakthecycle.org
or email policy@breakthecycle.org.