

2010

State Law Report Card



Idaho

Access to Protection Orders

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

Procedure

State law does not specify whether minors can petition for POs on their own behalf.¹ A parent or guardian may petition for a PO on the minor's behalf.⁴ If a minor is able to file on their own behalf, Idaho 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, threatened to physically abuse or sexually abused the petitioner.⁵ The statute fails to explicitly recognize stalking and harassment 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:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- participate in a counseling or batterers' intervention program;
- 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.⁷

¹ Some Idaho judges will allow a minor to obtain a protection order without the assistance of a parent or guardian.

Minors' Access to Sensitive Services^{8,9}

All minors can consent to:

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

*Minor must be 14 or older.

Minors can only access abortion services with parental consent.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

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



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

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References

¹ IDAHO STAT. ANN. §§ 39-6303(1); 39-6304(2); 39-6306(4) (2009).

² *Id.* §§ 39-6306(4).

³ *Id.* §§ 39-6303(1)-(2).

⁴ *Id.* § 39-6304(2).

⁵ *Id.* § 39-6303(1).

⁶ *Id.* §§ 39-6303(8); 39-6304(2); 39-6306(1); 39-6308(g).

⁷ *Id.* §§ 39-6306(5); 39- 6311(4); 39- 6313.

⁸ 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.

⁹ 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

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and policy, visit www.breakthecycle.org
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