



### Access to Protection from Abuse Orders

In Kansas, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the PFA statute does not specify whether PFAs can be granted against minor abusers.<sup>2</sup> Kansas also allows people in dating relationships to seek PFAs against their abusers.<sup>3</sup>

### Procedure

The PFA statute does not specify whether minors can petition for PFAs on their own behalf.<sup>4</sup> A parent or adult residing with the minor may petition for a PFA on the minor's behalf.<sup>5</sup> If a minor is able to file on their own behalf, Kansas 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 if the respondent has physically abused, threatened to physically abuse or, if petitioner is under sixteen, sexually abused the petitioner.<sup>6</sup> The statute fails to explicitly recognize sexual abuse of petitioners over age sixteen, stalking and harassment\* as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>7</sup> 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;
- 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 from Abuse Order is modifiable.<sup>8</sup>

\*Stalking and harassment may qualify for relief under the Protection from Stalking Act, which does not have any relationship requirements.

### Minors' Access to Sensitive Services<sup>9</sup>

- All minors can consent to:
- STI testing and treatment\*
  - Adoption (with advice of counsel)
  - Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Some minors can consent to contraceptive services and prenatal care.

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

### School Response to Dating Violence

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

### Recommendations for Immediate Policy Change

In order to improve Kansas' 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 stalking and harassment and victims of intimate partner sexual abuse over 16 years old to access PFAs.

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### References

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<sup>1</sup> KAN. STAT. ANN. § 60-3104(b) (2009).

<sup>2</sup> The Protection from Abuse statute does not explicitly state whether a PFA petition can be brought against a minor, however the Kansas Rules of Civil Procedure state that a minor can be a defendant in a civil suit. In such a case, the court shall appoint a *guardian at litem*. *Id.* § 60-217(c).

<sup>3</sup> *Id.* § 60-3102(b)-(c).

<sup>4</sup> The Rules of Civil Procedure allow a minor to file a civil suit through a next friend or *guardian at litem*. *Id.* § 60-217(c). However, the PFA statute does not address a minor's ability to file a PFA petition on his/her own behalf.

<sup>5</sup> *Id.* § 60-3104(b).

<sup>6</sup> *Id.* § 60-3102(a).

<sup>7</sup> *Id.* §§ 60-3107(a); 60-3107(d).

<sup>8</sup> *Id.* § 60-3107(f).

<sup>9</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. Additional information was provided by the Kansas Coalition Against Sexual and Domestic Violence.

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