

# 2010

## State Law Report Card



### Access to Protective Orders

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

### Procedure

State law does not allow minors to petition for a PO on their own behalf. A parent or adult household member, among others, must petition for the order on the minor's behalf.<sup>3</sup> Louisiana 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 or sexually abused the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking, 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 order<sup>5</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;
- pay attorneys' fees; and/or
- pay restitution for other harm.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protective Order is modifiable.<sup>6</sup>

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

All minors can consent to:

- STI testing and treatment\*
- Medical care for minor child(ren)

\*Physicians may inform a minor's parents.

Some minors can access contraceptive services.

Minors can access abortion services and can put their child up for adoption with parental consent.

### School Response to Dating Violence

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

### Recommendations for Immediate Policy Change

In order to improve Louisiana'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, harassment or threats of physical abuse 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](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> LA. REV. STAT. ANN. § 46:2133(C) (2009).

<sup>2</sup> *Id.* § 46:2151(A)-(B).

<sup>3</sup> *Id.* § 46:2133(C).

<sup>4</sup> *Id.* §§ 46:2151(C); 46:2132(3).

<sup>5</sup> *Id.* §§ 46:2135(A); 46:2136(A); 46:2136.1(A); 46:2136.2(B).

<sup>6</sup> *Id.* § 46:2136(D).

<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.

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