

2010

State Law Report Card

Maine



Access to Protection from Abuse Orders

In Maine, minors can obtain Protection from Abuse Orders (PFAs),¹ but the law does not specify whether PFAs can be granted against minor abusers. Maine also allows people in dating relationships to seek PFAs against their abusers.²

Procedure

State law does not allow minors to petition for a PFA on their own behalf. A parent or guardian, among others, must petition for the order on the minor's behalf.³ Maine 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 when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.⁴ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁵ the respondent to:

- stay away from the petitioner (including petitioner's school);
- 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;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; 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.⁶

Minors' Access to Sensitive Services⁷

All minors can consent to:

- STI testing and treatment*
- Abortion services

*A physician may inform a minor's parents.

Some minors may access contraceptive services.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

In order to improve Maine's 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 all minors to access all sensitive services, including HIV testing and treatment, prenatal care, adoption, and medical care for a minor's child, without parental involvement.

- Mandate dating violence education, implement school policies and procedures, and provide training for school personnel in all middle schools and high schools.

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References

¹ ME. REV. STAT. ANN. tit. 19-A § 4005(1) (2009).

² *Id.* §§ 4005(1), (3), (4).

³ *Id.* §§ 4005(1); tit. 22 § 4002(9).

⁴ *Id.* §§ 4002(1); 4005(1).

⁵ *Id.* §§ 4007; 4006(5); 4006(2)(A).

⁶ *Id.* § 4007(8).

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.

Break the Cycle

Empowering Youth to End
Domestic Violence

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