

2010

State Law Report Card



Minnesota

Access to Orders for Protection

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

Procedure

State law allows minors to petition for an OFP on their own behalf at age sixteen against a spouse/former spouse or co-parent, at the court's discretion.³ Minors under the age of sixteen must have a family/household member or a guardian, among others, petition for an OFP on the minor's behalf.⁴ The law does not specify whether the parent or guardian of a minor petitioner must be notified when an OFP is issued.

Definition of Abuse

A judge may issue an OFP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.⁵ The statute fails to explicitly recognize harassment and stalking as a form of abuse that qualifies 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;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- participate in a counseling or batterers' intervention program;
- 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 Order for Protection is modifiable.⁷

Minors' Access to Sensitive Services⁸

All minors can consent to:

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

*A physician may inform a minor's parents.

State law requires parental consent for adoption and parental notice for abortion services.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

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



Empowering Youth to End Domestic Violence

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

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References

¹ MINN. STAT. § 518B.01(4)(a) (2009).

² *Id.* § 518B.01(2)(b).

³ *Id.* § 518B.01(4)(a).

⁴ *Id.*

⁵ *Id.* § 518B.01(2)(a).

⁶ *Id.* §§ 518B.01(6)(a); 518B.01(8a)(a).

⁷ *Id.* § 518B.01(11)(a).

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.

Break the Cycle

Empowering Youth to End
Domestic Violence

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