

2010

State Law Report Card



Access to Protection Orders

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

Procedure

State law does not specify whether minors can petition for POs on their own behalf, nor does it specify who may file on their behalf. If a minor is able to file on their own behalf, Nebraska 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.³ 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 order⁴ the respondent to:

- stay away from the petitioner;
- vacate the petitioner's residence;
- comply with a custody/visitation schedule; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Protection Order is modifiable.⁵

Minors' Access to Sensitive Services⁶

All minors can consent to STI testing and treatment.

Some minors can consent to contraceptive services.

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

School Response to Dating Violence⁷

Nebraska law requires dating violence education and schools must adopt a policy to address incidents of dating violence at school by July 1, 2010.

Recommendations for Immediate Policy Change

In order to improve Nebraska'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, including HIV testing and treatment, prenatal care, adoption, and medical care for minor children.

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References

¹ NEB. REV. STAT. § 42-924(1) (2009).

² *Id.* § 42-903(3).

³ *Id.* § 42-903(1).

⁴ *Id.* § 42-924(1).

⁵ *Id.* § 42-926.

⁶ 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.

⁷ NEB. REV. STAT. § 79-2, 140-142.

Break the Cycle

Empowering Youth to End
Domestic Violence

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