

2010

State Law Report Card

New Mexico



Access to Orders of Protection

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

Procedure

State law does not specify whether minors can petition for OPs on their own behalf. New Mexico law also fails to specify who else may file on the minor's behalf.

Definition of Abuse

A judge may issue an OP when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner; or damaged the petitioner's property.³ 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;
- pay child support;
- pay 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 of Protection is modifiable.⁵

Minors' Access to Sensitive Services^{6,7}

All minors can consent to:

- Contraceptive services
- HIV/STI testing and treatment*
- Prenatal care
- Adoption

State law requires parental consent for abortion services, but is currently enjoined by court order.

*Includes HIV testing only, not treatment.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services, including HIV treatment, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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References

¹ N.M. STAT. § 40-13-2(D) (2009).

² *Id.*

³ *Id.* § 40-13-2(C).

⁴ *Id.* § 40-13-5(A).

⁵ *Id.* § 40-13-5(F).

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 Guttmacher Institute, Minors' Access to STI Services, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf, accessed December 1, 2009.

Break the Cycle

Empowering Youth to End
Domestic Violence

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