



Access to Orders of Protection

In New York, minors can obtain Orders of Protection (OPs),¹ but the law does not specify whether OPs can be granted against minor abusers. New York 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,¹ nor does it specify who may file on their behalf. New York law also fails to specify who else may file on the minor's behalf. If a minor is able to file on their own behalf, New York law does not specify whether the minor's parent or guardian will be notified about the OP.

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.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 (including petitioner's school);
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program;
- not possess a gun;
- pay attorneys' fees; 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

¹ Judges may look to New York's Civil Practice Law and Rules for guidance, which advises courts to consider a minor's competency before the court. A judge may appoint a guardian ad litem or allow a minor to proceed with an attorney or law guardian, with or without parental consent.

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

All minors can consent to:

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

*Includes HIV testing only, not treatment.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

In order to improve New York'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.
- Explicitly allow victims of abuse to seek OPs against a minor abuser.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

2010

State Law Report Card



References

¹ N.Y. FAM. CT. ACT. § 822 (2009).

² *Id.* § 812(1).

³ *Id.* § 821(1)(a).

⁴ *Id.* § 842.

⁵ *Id.* § 844.

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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