



Access to Protective Orders

In North Carolina, minors can obtain Protective Orders (POs),¹ but the law does not specify whether POs can be granted against minor abusers. North Carolina allows people in dating relationships to seek POs against their abusers;² however, the law explicitly denies individuals in same sex relationships the right to file for a protective order against their partners.³

Procedure

State law does not specify whether minors can petition for POs on their own behalf. A person who has custody of or resides with the minor may petition for a PO on the minor's behalf.⁴ If a minor is able to file on their own behalf, North Carolina 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 when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.⁵ 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 or spousal 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. The Protective Order is modifiable.⁷

Minors' Access to Sensitive Services^{8,9}

All minors can consent to:

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

Minors can access abortion services, but the law requires parental consent.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

In order to improve North Carolina'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 same-sex intimate partner violence to access POs and allow all victims to access POs against minor abusers.
- Allow all minors to access all sensitive services without parental involvement, including adoption and medical care for a minor child.
- Mandate dating violence education in all middle schools and high schools.

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References

¹ N.C. GEN. STAT. § 50B-2(a) (2009).

² *Id.* § 50B-1(b).

³ *Id.*

⁴ *Id.* § 50B-2(a).

⁵ *Id.* § 50B-1(a).

⁶ *Id.* § 50B-3(a).

⁷ *Id.* § 50B-3(d).

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.

⁹ 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.

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