

2010

State Law Report Card



North Dakota

Access to Protection Orders

In North Dakota, the law does not specify whether minors can obtain Protection Orders (POs), nor does it specify whether POs can be issued against minor abusers. North Dakota allows people in dating relationships to seek POs against their abusers.¹

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, North Dakota 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.² 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 order³ 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;
- pay spousal support;
- participate in a counseling or batterers' intervention program;
- not possess a gun; and/or
- pay attorneys' fees.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Protection Order is modifiable.⁴

Minors' Access to Sensitive Services^{5,6}

All minors can consent to adoption. Minors 14 and older can consent to HIV/STI services.

Minors may consent to prenatal care during the 1st trimester and for the first visit after, although a physician may notify the minor's parents. For all other visits, a minor must have parental consent.

Minors can access abortion services with parental consent.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

- Explicitly allow minors access to POs and to petition for POs on their own behalf; additionally, explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access POs.
- Allow minors to access all sensitive services, including contraception, without parental involvement.



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

2010

State Law Report Card



D

North Dakota

References

¹ N.D. CENT. CODE § 14-07.1-01(4) (2009).

² *Id.* § 14-07.1-01(2).

³ *Id.* § 14-07.1-02(4).

⁴ *Id.* § 14-07.1-02(6).

⁵ 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.

⁶ 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

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