

### Access to Protection from Abuse Orders

In Pennsylvania, minors can obtain Protection from Abuse Orders (PFAs),<sup>1</sup> but the law does not specify whether PFAs can be granted against minor abusers. Pennsylvania also allows people in sexual relationships to seek PFAs against their abusers.<sup>2</sup>

### Procedure

State law does not specify whether minors can petition for PFAs on their own behalf. A parent, adult household member or guardian ad litem may petition for a PFA on the minor's behalf.<sup>3</sup> If a minor is able to file on their own behalf, Pennsylvania law does not specify whether the parent or guardian of the minor will be notified about the PFA.

### Definition of Abuse

A judge may issue a PFA when the respondent has physically abused, sexually abused, threatened to physically abuse or stalked the petitioner.<sup>4</sup> The statute fails to explicitly recognize harassment as a form of abuse that qualifies for relief. The statute may recognize other forms of abuse not specifically listed here.

### Relief Available

The court may order<sup>5</sup> the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support and spousal support;
- not possess a gun;
- pay attorneys' fees;
- 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 Protection from Abuse Order is modifiable.<sup>6</sup>

### Minors' Access to Sensitive Services<sup>7,8</sup>

All minors can consent to:

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

\*Applies only to a minor 14 or older.

Parental notice is required for adoption and parental consent is required for abortion services.

### School Response to Dating Violence

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

### Recommendations for Immediate Policy Change

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

- Allow minors to petition for PFAs on their own behalf and explicitly describe the procedure for doing so.
- Allow courts to issue PFAs against minors.
- Explicitly allow individuals in dating relationships to access PFAs.
- Allow all minors to access all sensitive services without parental involvement.

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### References

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<sup>1</sup> PA.CONS. STAT. § 6106(a) (2009).

<sup>2</sup> *Id.* § 6102(a). Pennsylvania has defined “sexual relationship” to include dating relationships in case law. See *Varner v. Holley*, 854 A.2d 520 (Pa.Super. Ct. 2004).

<sup>3</sup> *Id.* § 6106(a).

<sup>4</sup> *Id.* § 6102(a).

<sup>5</sup> *Id.* § 6108(a).

<sup>6</sup> *Id.* § 6117(a).

<sup>7</sup> 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](http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf), accessed December 1, 2009.

<sup>8</sup> 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](http://www.guttmacher.org/statecenter/spibs/spib_MASS.pdf), accessed December 1, 2009.

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