

2010

State Law Report Card



South Carolina

Access to Orders of Protection

In South Carolina, minors can obtain Orders of Protection (OPs),¹ but the law does not specify whether OPs can be granted against minor abusers. South Carolina's law excludes people in dating relationships, including individuals in same sex relationships, from accessing OPs.² This results in an automatic failing grade for South Carolina.

Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A household member may petition for an OP on the minor's behalf.³ If a minor is able to file on their own behalf, South Carolina law does not specify whether the parent or guardian of the minor will be notified about the OP.

Definition of Abuse

A judge may issue an OP if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.⁴ 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 order⁵ the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- 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 Order of Protection is modifiable.⁶

Minors' Access to Sensitive Services^{7,8}

All minors can consent to:

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

*Applies to mature minors under 16 and to minors 16 and older.

Minors can access abortion services with parental consent.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

- Allow individuals in dating relationships, including those in same-sex relationships, to access OPs.
- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow victims of intimate partner stalking and harassment to access OPs.

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References

¹ S.C. CODE ANN. § 20-4-40(a) (2009).

² *Id.* § 20-4-20(b).

³ *Id.* § 20-4-40(a).

⁴ *Id.* § 20-4-20(b).

⁵ *Id.* § 20-4-60.

⁶ *Id.* § 20-4-70(c).

⁷ 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.

⁸ 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
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