

Access to Protection Orders

In South 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. South Dakota's law excludes people in dating relationships from accessing POs.¹ This results in an automatic failing grade for South Dakota.

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, South 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 when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.² The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order³ the respondent to:

- vacate the petitioner's residence;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- participate in a counseling or batterers' intervention program; 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 Order is modifiable.⁴

Minors' Access to Sensitive Services⁵

All minors can consent to:

- STI testing and treatment

Some minors can consent to contraceptive services.

Minors can access abortion services, but their parents will be notified.

School Response to Dating Violence

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

Recommendations for Immediate Policy Change

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

- Allow individuals in dating relationships to access POs.
- Allow minors to petition for POs on their own behalf and explicitly describe the procedure for doing so.
- Allow all minors to access all sensitive services without parental involvement, including HIV services, prenatal care, adoption, and medical care for minor children.
- 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



South Dakota

References

¹ S.D. CODIFIED LAWS § 25-10-1(2) (2009).

² *Id.* § 25-10-1(1).

³ *Id.* § 25-10-5.

⁴ *Id.* § 25-10-10.

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.

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Empowering Youth to End
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