

2010

State Law Report Card



Texas

Access to Protective Orders

In Texas, minors can obtain Protective Orders (POs),¹ but the law does not specify whether POs can be granted against minor abusers. Texas also allows people in dating relationships to seek POs against their abusers.²

Procedure

State law does not allow minors to petition for a PO on their own behalf. An adult must petition for the order on the minor's behalf.³ Texas 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.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;
- participate in a counseling or batterers' intervention program;
- not possess a gun; 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 Protective Order is modifiable.⁶

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

All minors can consent to:

- HIV/STI testing and treatment*
- Prenatal care*

Some minors can access contraceptive services. Minors can access abortion services if they have both parental consent and parental notice.

*Physicians may inform a minor's parents.

School Response to Dating Violence⁹

Texas law requires school districts to implement a dating violence policy, which includes school personnel training and student and parent awareness education.

Recommendations for Immediate Policy Change

In order to improve Texas' 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 intimate partner sexual abuse, stalking and harassment to access POs.
- Allow minors to access all sensitive services without parental involvement.



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

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References

¹ TEX. FAM. CODE ANN. § 82.002(c) (2009).

² *Id.* § 82.001.

³ *Id.* § 82.002(c).

⁴ *Id.* §§ 71.0021(a); 74.004.

⁵ *Id.* §§ 85.021; 85.022.

⁶ 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.

⁷ 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.

⁸ TEX. EDUC. CODE ANN. § 37.0831.

Break the Cycle

Empowering Youth to End
Domestic Violence

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