

### Access to Protective Orders

In Virginia, minors can obtain Protective Orders (POs),<sup>1</sup> but the law does not specify whether POs can be granted against minor abusers. Virginia's law excludes people in dating relationships from accessing POs.<sup>2</sup> This results in an automatic failing grade for Virginia.

### Procedure

State law does not specify whether minors can petition for POs on their own behalf. A minor's guardian ad litem, parent, guardian, legal custodian, other person standing in loco parentis of the minor, or any other family or household member of the minor to whom the protective order may be issued must be notified that the minor is seeking a PO.<sup>3</sup>

### Definition of Abuse

A judge may issue a PO if the respondent has physically abused or threatened to physically abuse the petitioner.<sup>4</sup> The statute fails to explicitly recognize stalking, harassment and sexual abuse as qualifications 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;
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- participate in a counseling or batterers' intervention program;
- pay attorneys' fees; 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.<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
- Adoption
- Medical care for child(ren)

Parental consent is required for abortion services.

### School Response to Dating Violence<sup>9</sup>

Virginia law requires the Board of Education to develop curriculum guidelines for family life education curriculum in grades K – 12, including age-appropriate instruction around dating violence.

### Recommendations for Immediate Policy Change

In order to improve Virginia'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 courts to issue POs against minors.
- Allow victims of intimate partner sexual abuse, stalking and harassment to access POs.

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## State Law Report Card



### References

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<sup>1</sup> VA. CODE ANN. § 16.1-253(A) (2009).

<sup>2</sup> *Id.* § 16.1-228.

<sup>3</sup> *Id.* § 16.1-253(C).

<sup>4</sup> *Id.* §§ 16.1-279.1(A); 16.1-228.

<sup>5</sup> *Id.* § 16.1-279.1(A).

<sup>6</sup> *Id.* § 16.1-279.1(F).

<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.

<sup>9</sup> VA. CODE ANN. § 22.1-207.1.

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and policy, visit [www.breakthecycle.org](http://www.breakthecycle.org)  
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