

2010

State Law Report Card



Access to Orders of Protection

In Arizona, minors can obtain Orders of Protection (OPs),¹ and courts can issue OPs against minor abusers.² Arizona also allows people in dating relationships to seek OPs against their abusers.³

Procedure

State law does not specify whether minors can petition for OPs on their own behalf. A guardian or custodian may petition for an OP on the minor's behalf.⁴ If a minor is able to file on their own behalf, Arizona 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 damaged the petitioner's property; physically abused, threatened to physically abuse, stalked, harassed or, if the petitioner is under twelve years old, sexually abused the petitioner.⁵ The statute fails to explicitly recognize sexual abuse of petitioners over twelve years old as a qualification for relief. The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁶ the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- 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 Order of Protection is modifiable.⁷

Minors' Access to Sensitive Services⁸

All minors can consent to:

- Contraceptive services
- STI testing and treatment
- Adoption

State law requires parental consent for abortion services.

School Response to Dating Violence

Arizona law does not explicitly address a school response to teen dating violence.

Recommendations for Immediate Policy Change

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

- Allow minors to petition for OPs on their own behalf and explicitly describe the procedure for doing so.
- Allow minors to consent to prenatal care and medical care for their child(ren).
- Allow individuals over 12 years old to access orders of protection if they have been sexually abused.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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References

¹ ARIZ. REV. STAT. § 13-3602(A) (2009).

² *Id.* § 13-3602(B)(2).

³ *Id.* § 13-3601(A)(6).

⁴ *Id.* § 13-3602(A).

⁵ *Id.* §§ 13-3601(A); 13-705; 13-1202; 13-1203; 13-2921; 13-2923; 13-1602.

⁶ *Id.* § 13-3602(G).

⁷ *Id.* § 13-3602(L).

⁸ 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.

Break the Cycle

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Domestic Violence

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