

Appendix A: Protection Order Availability Chart

State	DV-Specific Protection Orders	Available to SSDV Victims?	Relevant Language or Restrictions	Other Statutory Options	Comments
Alabama	Ala. Code § 30-5-1 et. seq. Definitions at § 30-5-2	Neutrally Available	Protection available for "present or former household members."	None found	
Alaska	Alaska Stat. § 18.66.100 et. seq. Definitions at §18.66.990	Neutrally Available	Protects household members, including "adults or minors who live together or who have lived together. . .who are dating or who have dates. . .who are engaged in or who have engaged in a sexual relationship."	None found	Redrafted in 1986 to remove gendered personal pronouns. No sodomy statute found to deter claiming sexual relationship.
Arizona	Ariz. Rev. Stat. § 13-3601 et. seq., § 13-3624 Definitions at § 13-3601	Neutrally Available	Must be "residing or have resided in the same household."	Injunctions Against Harassment available under § 12-1809.	The words, "opposite sex" removed from statute in Spring 2000.

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Arkansas	Ark. Code § 9-15-201 et. seq.	Neutrally Available	Must be or have been in the past residing or cohabiting (sic) together. But see Atty. Gen. Op. 97-392 (1998) (concluding that, in some circumstances, persons who have had sexual relationships but who have not lived together may be included).	Protective Orders generally available for: Harassment § 5-71-208; Harassing Communications § 5-71-209; Stalking § 5-71-229; Terroristic Threatening § 5-13-301; Unlawful Computerized Communications § 5-41-108.	No sodomy law to prevent claiming a sexual relationship. Law prohibiting "sodomy" (Ark. Code § 5-14-122) struck down by Arkansas Supreme Court in July 2002, <i>Jegley v. Picado</i> , 2002 WL 1453664 (Ark. 2002).
California	Cal. Fam. Code §§ 6200 et. seq., 6300 et. seq.	Neutrally Available	The law protects "a cohabitant or former cohabitant" and "a person with whom the respondent is having or has had a dating or engagement relationship." Cohabitant is defined as "a person who regularly resides in the household." But see <i>O'Kane v Irvine</i> , 47 Cal. App. 4th 207, which held that sublessees are not cohabitants under the Act.	Protection for stalking victims is available under Penal Code § 646.91 and a civil harassment restraining order may be petitioned for under the Code of Civ. Proc. § 527.6.	

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Colorado	Colo. Rev. Stat. § 13-14-101 et seq.	Neutrally Available	Applies to parties who have been involved in an "intimate relationship" as well as to parties who live or have lived together.	§ 18-1-1001 mandates a restraining order against defendants to prohibit harassment or intimidation of a victim or witness.	"Intimate relationship" is not defined for purposes of restraining order; criminal statute definition applies to "unmarried couple" so applicability to same-sex abuse is unclear.
Connecticut	Conn. Gen. Stat. §§ 46b-15, 46b-38a	Neutrally Available	Must be residing together or have resided together in past.	Protection orders available for stalking victims available under § 54-1k.	
Delaware	10 Del. Code § 1041 et. seq.	Clearly Unavailable	Protected classes include family (defined by blood and/or marriage) and former spouses, or man and woman cohabiting, or man and woman with child in common.	None found.	

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District of Columbia	D.C. Code § 16-1001 et. seq.	Neutrally Available	Protects those who share or have shared a residence and persons who maintain or maintained a "romantic relationship not necessarily including a sexual relationship."	May be able to petition for a stay-away order if abuser violates Stalking Law, § 22-404	
Florida	Fla. Stat. § 741.30. Definitions at §741.28	Arguably Unavailable	The law protects "family or household members" which includes persons who are presently residing together as if a family or who have resided together in the past as if a family."	§ 914.24 creates a civil action to restrain harassment of a victim or witness. § 784.046 allows an action by a victim of repeat violence for a protective injunction ("repeat violence" is 2 or more incidents of assault, battery, sexual battery or stalking). Eligible victims may have fees waived.	Florida criminalizes same-sex sexual activity and bans same-sex marriage; both laws support an argument that the state does not consider same-sex couples to be a "family." Further, Chapter 741 of the Domestic Relations code is entitled, "Husband and Wife."

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Georgia	GA. Code § 19-13-1 et. seq.	Neutrally Available	Although protective orders are available to "persons living or formerly living in the same household," some protections in the domestic violence order are granted explicitly to spouses while other provisions apply generally to the "parties."	§ 17-17-6 provides for orders prohibiting harassment of a victim or witness in a criminal case. § 16-5-94 allows any person who alleges stalking to seek a restraining order; court may restrain conduct of harassing party and may order either or all parties to receive psychiatric treatment.	See also § 19-13-20, which defines family or household members more restrictively for purposes of state funded shelters.
Hawaii	Haw. Rev. Stat. § 586-1 et. seq.	Affirmatively Available	Protects persons who are or have been in a dating relationship. Family and household members are protected, including "reciprocal beneficiaries," a legal relationship specifically available to same-sex partners. Persons residing or formerly residing in same dwelling unit are also covered.	§ 604-10.5 gives district courts the power to enjoin, prohibit, or temporarily restrain harassment; any person may petition court for order.	Couples must register for reciprocal beneficiary status, which gives them many of the privileges and protections generally reserved for married heterosexuals. Dating relationship added to the statute in 2000.

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Idaho	Idaho Code § 39-6301 et. seq.	Neutrally Available	Includes persons who are or have been in a dating relationship and persons who reside or have resided together; § 39-6302 provides that law be "construed liberally."	Under § 18-920, a no-contact order may be issued when a person commits assault, battery, and other crimes.	Adults in a dating relationship added to the statute in 2002. Minors in a dating relationship added earlier.
Illinois	750 Ill. Comp. Stat. § 60/101. Definitions at §60/103.	Affirmatively Available	Protects persons who live or lived together, persons who have or had a dating relationship, and persons with disabilities and their personal assistants. See Glater v. Fabianich, 625 N.E.2d 96 (1993) (upholding one man's protective order against another man).	Order of protection in conjunction with a criminal proceeding available under 725 Ill. Comp. Stat. 5/112A-14. Definitions at § 5/112A-3.	
Indiana	Ind. Code § 34-26-5-1 et. seq. Definitions at §34-6-2-34.5 and 44.8	Neutrally Available	Protects "family or household" members which includes people who are or have dated and people who are or were engaged in a sexual relationship.	Injunctions and Restraining Orders Generally § 34-26-1-1	No sodomy statute found to deter claiming sexual relationship.

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Iowa	Iowa Code § 236.1 et. seq. Definitions at § 236.2.	Neutrally Available	Protects "persons cohabiting" currently or within the past year. Cohabiting is defined in State v. Kellogg, 542 N.W.2d 514, by reference to six factors: sexual relationship between parties, sharing income and/or expenses, jointly owned property, holding selves out as husband and wife, continuity of relationship, and length of relationship. The Act also protects persons who are in an intimate relationship or who have been in an intimate relationship and have been in contact in the past year.	§ 915.22 allows court to issue temporary restraining order prohibiting harassment or intimidation of victim or witness.	Intimate relationships added to the statute in 2002.
Kansas	Kan. Stat. § 60-3101 et. seq. Definitions at § 60-3102	Neutrally Available	Protects persons who reside or have resided together and people who are or have been in a dating relationship.	None found.	Dating relationship added to the statute in 2002.

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Kentucky	KY. Rev. Stat. § 403.750 et. seq.	Affirmatively Available	Although the statute does not clearly include SSDV (it protects "unmarried couples who are living together or have formerly lived together"), the court in <i>Ireland v. Davis</i> , 957 S.W.2d 310 (1997), ruled that the laws "afford protection to same-sex couples just as they do to the others enumerated therein."	None found.	Emergency Protective Services under Chapter 209 (Protection of Adults) are not available for victims of same-sex domestic violence, though they are available for battered spouses.
Louisiana	LA. Rev. Stat. § 46:2131 et. seq. Definitions at § 46:2132.	Clearly Unavailable	Unmarried adults protected only if they reside together as spouses.	Disabled persons and adults older than 60 may be able to obtain restraining orders under § 14:403.2.	
Maine	ME. Rev. Stat. Tit. 19-A § 4001 et. seq. Definitions at § 4002.	Neutrally Available	Individuals "presently or formerly living together and individuals who are or were sexual partners" are protected.	Title 5 § 4651 et. seq. Allows any person who has been a victim of harassment to file for a protection order, including an emergency order.	No sodomy statute found to deter claiming sexual relationship. Same-sex relationships are not included in the law regulating "Crimes between Family Members" (Title 15 § 321).

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Maryland	MD. Code, Fam. Law § 4-501 et. seq.	Neutrally Available	Protects cohabitants, defined as "a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within one year before the filing of the petition."	None found.	Law forbidding "unnatural or perverted sex practices" which may have prevented victims from claiming a sexual relationship was repealed in 2002.
Massachusetts	Mass. Gen. Laws ch. 209A § 3	Neutrally Available	Protects persons who are or were residing together and persons who are or have been in a "substantive dating or engagement relationship" as judged by 4 factors (e.g. duration and type of relationship).	None found.	See <i>Sommi v. Ayer</i> , 51 Mass. App. Ct. 207 (2001), which reviewed an SSDV protection order on legal grounds other than sexual orientation. The appeals court did not acknowledge the lower court's issuing of a protection order to a same-sex couple as a "plain error."
Michigan	Mich. Comp. Laws § 600.2950 et. seq.	Neutrally Available	Protects persons who reside or resided together, or who have or have had a dating relationship.	Stalking Law § 28.643(8) and (9).	DV services provided by DSS available only to opposite sex partners.

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Minnesota	Minn. Stat. § 518B.01	Neutrally Available	Protects persons who reside or resided together, or who are "involved in a significant romantic or sexual relationship."	Victims of Harassment can get a restraining order under Minn. Stat. § 609.748.	No sodomy statute found to deter claiming sexual relationship.
Mississippi	Miss. Code § 93-21-1 et. seq. Definitions at § 93-21-3.	Neutrally Available	Protects "persons living as spouses" or "individuals who have a current dating relationship."	None found.	Dating relationship added to the statute in 2001. Probably difficult to prove that same-sex domestic partners "live as spouses" in a state with a sodomy law (Miss. Code § 97-29-59), does not allow same-sex marriage (See e.g. Miss. Code § 93-1-1 et seq.), and no statewide civil rights protections for LGBT persons (See e.g. Miss. Code § 25-9-149, Discrimination in State Employment).

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Missouri	MO. Rev. Stat. § 455.010 et. seq.	Neutrally Available	Includes adults who reside or have resided together and adults who are or have been in a continuing social relationship of a romantic or intimate nature.	None found.	Romantic or intimate relationship added to the statute in 2000.
Montana	Mont. Code § 40-15-102 et seq. Definitions at § 45-5-206.	Clearly Unavailable	Under § 40-15-102, partners and family members of abusers may file for orders of protection. However, "partner" is defined only in the context of an opposite sex relationship.	In addition to partners and family members, § 40-15-102 does provide access to protective orders for victims of the following crimes (regardless of relationship to perpetrator): stalking, incest, sexual assault, sexual intercourse without consent.	Interestingly, § 49-1-101, entitled "Right of protection from personal injury," states "Besides the personal rights mentioned or recognized in other statutes and subject to the qualifications and restrictions provided by law, every person has the right of protection from bodily restraint or harm, personal insult, defamation, and injury to his personal relations."
Nebraska	Neb. Rev. Stat. § 42-924 et seq. Definitions at § 42-903	Neutrally Available	Includes persons who reside or resided together.	Harassment Protection Order available under Neb. Rev. Stat. § 28-311.09.	

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Nevada	Nev. Rev. Stat. § 33.017 et. seq.	Neutrally Available	Protects persons who are or were "actually residing" together or who are having or have had a dating relationship. Although abuser is always referred to with male pronouns, victim is also referred to with male pronouns, indicating generic use of gendered language.	Nev. Rev. Stat. § 200.591 allows any person who "reasonably believes" s/he is a victim of stalking or harassment to petition court for a protective order. Nev. Rev. Stat. § 33.015 provides for an injunction to restrain unlawful acts against witnesses or victims of a crime.	
New Hampshire	NH. Rev. Stat. § 173-B:1 et seq.	Neutrally Available	Protects persons are current or former sexual or intimate partners.	NH. Rev. Stat. § 633:3-a allows victims of stalking to obtain protective orders.	
New Jersey	NJ. Stat. § 2C:25-28 et seq. Definitions at 2C:25-19	Affirmatively Available	Protects current or former household members and persons in "dating relationship." See <i>Storch v. Sauerhoff</i> , 757 A.2d 836 (2000) stating that the act protects same-sex couples living together.	A stalking conviction under NJ. Stat. § 2C:12-10 acts as an application for a permanent restraining order for the victim.	The court in <i>Storch</i> relied on the removal of the word "cohabitant" by the legislature as an indication to broaden the scope of the statute.

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New Mexico	NM. Stat. Ann. § 40-13-1 et seq. Definitions at § 40-13-2	Neutrally Available	Protects persons with a "continuing personal relationship," cohabitation expressly not required.	None found.	
New York	NY. Fam. Ct. Act § 828 (emergency orders), § 842 (permanent orders)	Clearly Unavailable	Family Court Act § 812 gives the court jurisdiction, in "family offense proceedings", over persons (a) related by consanguinity or affinity; (b) legally married; (c) formerly married; or (d) who have a child in common.	Victim may petition criminal court for protective order if abuser is charged with crime such as assault or harassment.	See People v. Hadley, 658 N.Y.S.2d 814 (1997), holding that New York Courts must give full faith and credit to protection orders from other states, even if they are issued based on a same sex couple. (The order in this case came from New Jersey)
North Carolina	NC. Gen. Stat. § 50B-1 et seq.	Neutrally Available	Prior to 1997, the domestic violence law protected persons of the opposite sex who live or lived together and persons of the opposite sex in dating relationships. In December 1997, the protected class of "former and current household members" was added, potentially broadening protections to include members of same-sex	None found.	§ 50B-8 specifically provides that any protection order granted under that statute will not serve as a defense to persons prosecuted for fornication, adultery (NC Gen. Stat. § 14-184), or any other offense against the public morals including NC Gen. Stat. 14-177, the "crime against nature."

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North Carolina <i>(continued)</i>			relationships who live together. But see Comments for interaction of domestic violence laws with sodomy laws.		
North Dakota	ND. Cent. Code § 14-07.1-02	Neutrally Available	Action for protection order may be brought by a "family or household member which includes persons in a dating relationship, persons who are presently residing together or have resided together in the past, and for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court"	ND. Cent. Code § 12.1-31.2-01 allows any person who is a victim of "disorderly conduct" (defined as intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person) to petition for a disorderly conduct restraining order.	Extremely liberal domestic violence law but depends largely on the discretion of the judge.

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Ohio	Ohio Rev. Code §§ 2919.26 and 3113.31	Affirmatively Available	Statute protects "person living as a spouse," which is defined as a person who is cohabiting or has cohabited in the last five years with offender. At least three Ohio courts (two Courts of Appeal and one municipal court) have held that this applies to two persons of the same sex living together.	Under Ohio Rev. Code §§ 2903.213 and 2903.214, a stalking or menacing victim or the family or household member of such victim can obtain a protection order as a condition of pretrial release of the alleged offender. This protection order is available only to victims not covered under the domestic violence law.	Case law holding that same-sex couples are covered: State v. Hadlinger, 573 N.E.2d 1191 (1991); State v. Linner, 665 N.E.2d 1180 (1996); State v. Yaden, 692 N.E.2d 1097 (1997).
Oklahoma	Okla. Stat. Title 22 § 60.1 et seq.	Neutrally Available	Protection from Domestic Abuse available for family or household members or for persons who are or were in a dating relationship.	Protective orders are also available under this law for any persons who are victims of Stalking, Harassment, or Rape.	

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Oregon	OR. Rev. Stat. § 107.705 et seq.	Neutrally Available	Protects persons who have been in sexually intimate relationship with abuser.	Stalking protection order available under OR. Rev. Stat. §§ 30.866 and 163.738.	
Pennsylvania	23 PA. Cons. Stat. § 6108	Affirmatively Available	Protects persons living as or who lived as spouses, and current or former sexual or intimate partners. See D.H. v. B.O., 734 A.2d 409 (1999), stating that same-sex intimate partners qualify for protection orders.	Title 18 § 4954 allows criminal court to grant protective orders for crime victims and witnesses.	No sodomy statute found to deter claiming sexual relationship.
Puerto Rico	PR. ST. Title 8 § 602 et seq.	Neutrally Available	Protects persons who are or have been in a consensual relationship and people who cohabit or have cohabited. Cohabit is defined as having a consensual relationship similar to that of spouses.	Elderly victims of abuse can seek a restraining order under PR. ST. Title 8 § 346a.	
Rhode Island	RI. Gen. Laws § 8-8.1-1 et seq. and § 15-15-1 et seq.	Neutrally Available	RI. Gen. Laws § 8-8.1-3 protects "persons who are or have been in a substantive dating relationship within the past one year" and cohabitants (persons who reside or resided together within the past 3	§ 12-28-3 sets forth the rights of crime victims, including the right to protection.	The primary difference between the two types of orders is that the order for adult relationships covers cohabitants and provides for a temporary order of child custody and support.

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Rhode Island <i>(continued)</i>			years). RI. Gen. Laws § 15-15-3 protects "persons who are or have been in a substantive dating relationship within the past one year in which at least one of the persons is a minor."		
South Carolina	SC. Code § 20-4-20 et seq.	Clearly Unavailable	Protects household members, defined by blood and marital relationship, or as "a male and female" who cohabit or cohabited.	SC. Code § 16-3-1750 authorizes courts to issue restraining orders against persons engaged in harassment or stalking.	1994 amendment added the "male and female" language to the domestic violence law.
South Dakota	SD. Codified Laws § 25-10-1 et seq.	Neutrally Available	Protects "persons living in the same household" and "persons who have lived together."	SD. Codified Laws § 22-19A-8 provides for a stalking protection order.	

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Tennessee	Tenn. Code § 36-3-601 et seq.	Neutrally Available	"Victim" of domestic abuse includes member of following categories who is not the primary aggressor: adults or minors who live or lived together, or who are dating or have dated, or who have or had a sexual relationship.	None found.	
Texas	Tex. Fam. Code § 71.001 et seq.	Neutrally Available	Protects victims of "family violence." Family violence includes abuse between current and former household members (§ 71.004); household defined as a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other (§ 71.005). Family violence also covers dating violence so people in a dating relationship are also included (§§ 71.004 and 71.0021).	The Texas Code of Criminal Procedure § 17.292 allows issuance of protective order at request of stalking victim.	Dating violence added to the definition of family violence in 2001.

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Utah	Utah Code § 30-6-1 et seq.	Neutrally Available	"Cohabitant Abuse Act" protects a person who is or was living as a spouse of the other party or a person who resides or has resided in the same residence as the other party.	None found.	
Vermont	Vt. Stat. Title 15 § 1101 et seq.	Neutrally Available	Protects persons who "are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or who are dating or who have dated."	None found.	No sodomy statute found to deter claiming sexual relationship.
Virginia	VA. Stat. §§ 16.1-228 et. seq. and 16.1-279.1 et. seq.	Clearly Unavailable	Although protected household members include persons who cohabit or cohabited in last 12 months, a 1994 Attorney General Opinion defines "cohabit" as persons living together as husband and wife, specifically excluding roommates and GLBT relationships." 1994 V. Op. Att. Gen. 60 (July 22, 1994).	VA. Stat. § 19.2-152.8 et. seq. allows issuance of orders to protect any person from stalking.	

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Washington	Wash. Rev. Code § 26.50.010 et seq.	Neutrally Available	Protects adults who reside or have resided together, persons over 16 who reside together or who resided together in the past and have or had a dating relationship, and persons 16 and over who have or had a dating relationship.	Wash. Rev. Code § 10.99.040 authorizes the criminal courts to issue “no-contact” orders in cases of domestic violence where a protective order does not already exist. Civil Anti-Harassment Protection Orders are available under Wash. Rev. Code § 10.14.080.	
West Virginia	W.VA. Code § 48-27-501 et seq. Definitions at 48-27-204	Neutrally Available	Protects persons living together as spouses or who formerly lived together as spouses, current or former sexual or intimate partners, persons who are dating or who have dated, persons presently or formerly residing together.	None found.	

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Wisconsin	Wis. Stat. § 813.12	Neutrally Available	Protects household members. Household member defined as "a person currently or formerly residing in a place of abode with another person." Also protects persons in dating relationships.	Harassment restraining orders provided under § 813.125.	Dating relationship added in January 2002.
Wyoming	Wyo. Stat. § 35-21-102 et seq.	Neutrally Available	Protects persons now or formerly living together as if married, other adults sharing common living quarters, and persons who are or have been in a dating relationship.	An order of protection for stalking victims is provided under Wyo. Stat. § 7-3-509. Wyo. Stat. § 1-40-205 directs courts to take "appropriate measures" to protect victims and key witnesses.	Dating relationship added in 2000.