



**RESPONDING
TO TEEN
DATING ABUSE
IN NYC**

WHAT ADULTS WHO WORK WITH TEENS SHOULD KNOW

Responding to Teen Dating Abuse in NYC

Naomi R. Shatz

Staff Attorney and Skadden Fellow

Teen Dating Abuse Program

Legal Momentum

About the Teen Dating Abuse Program

The Teen Dating Abuse Program at Legal Momentum uses litigation, policy initiatives, and public advocacy to enforce equal education rights for teens enrolled in New York City Public Schools who are victims of dating violence and abuse. Established in 2008, with funding by the Skadden Fellowship Foundation, the Program is directed by Naomi Shatz, staff attorney and Skadden Fellow.

About Legal Momentum

Founded in 1970 as NOW Legal Defense and Education Fund, Legal Momentum is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls. Legal Momentum is a nonpartisan, nonprofit 501(c)(3) organization. As chair of the National Task Force to End Sexual and Domestic Violence Against Women, Legal Momentum led passage of the Violence Against Women Act and its subsequent reauthorizations, historic legislation protecting the rights of victims of all forms of violence against women, including immigrant women and girls.

Design: Kathi Georges

Photos: istockphoto.com



WHAT IS DATING ABUSE?

Dating abuse is a pattern of behavior where one person intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control his or her dating partner. Dating abuse is prevalent among teenagers, with recent national studies indicating that 20 to 30 percent of teens are in abusive or violent relationships. Dating abuse can happen to anyone, at any age, regardless of his or her race, sexual orientation, level of education, or economic background.

WHAT DOES DATING ABUSE CONSIST OF?

There are many different types of dating abuse. Some common kinds of abuse are:

- **PHYSICAL:** hitting, kicking, choking, punching, scratching, biting, using a weapon, throwing objects, restraining the other person from moving
- **SEXUAL:** pressuring for sex, unwanted kissing or touching, not letting the other person use birth control, forcing the other person to go further than they want to sexually, rape
- **VERBAL/EMOTIONAL:** isolating the other person from friends and family, making the victim feel responsible for the violence, threatening to hurt one's self or others in order to manipulate the victim, threats to expose the victim's secrets, constant put downs and insults, yelling and screaming
- **FINANCIAL:** buying the victim a cell phone to keep tabs on him or her, using gifts after violence to "make up" for the abuse

HOW DOES DATING VIOLENCE DIFFER FROM ADULT DOMESTIC VIOLENCE?

While dating abuse is very similar to domestic violence, it is important to recognize that being a teen makes the experience unique, and that different issues arise when working with teens than with adult victims of domestic violence:

- **TEENS ARE EXTREMELY UNLIKELY TO DISCLOSE VIOLENCE TO ADULTS.** Teens are at a point in their lives where they are trying to assert their independence and transition into adulthood. They may feel that they can handle any problems that arise, and may not want to ask an adult for help. Teens may be scared that disclosing the abuse may mean they will not be allowed to continue dating their boyfriend or girlfriend.
- **TEENS HAVE LIMITED FREEDOM AND RESOURCES TO TRY TO ADDRESS THE ABUSE.** Teens usually do not have the independence to make significant life changes to protect themselves.
- **TEENS MAY BE FORCED TO SEE THEIR ABUSER ON A DAILY BASIS IF THEY GO TO SCHOOL TOGETHER.** Because teens are legally obligated to attend school, they have a limited ability to avoid an abuser.
- **THERE IS A LOT OF PEER PRESSURE AMONG TEENS TO DATE AND MAINTAIN RELATIONSHIPS.** Teens may feel that their social standing or friendships depend to some degree on the status of their dating relationship.
- **MANY TEENS DO NOT RECOGNIZE THE SIGNS OF ABUSE.** Many children do not grow up with a model of a healthy romantic relationship in their homes. When teens begin dating, they have no way of knowing what healthy relationship behaviors are. Teens may see early signs of abuse—like constant phone calls, dictating who the victim can spend time with, or dictating what the victim should wear—as signs of concern or affection.

WHAT SHOULD I BE AWARE OF IN TALKING TO TEENS ABOUT THEIR RELATIONSHIPS?

- **TEEN RELATIONSHIPS CAN BE JUST AS SERIOUS AND JUST AS IMPORTANT TO THE TEEN AS ADULT RELATIONSHIPS ARE TO THE ADULT.** Take the teen's feelings seriously. Many adults dismiss teen relationships as "puppy love" and would tell a teen to just "get over" the relationship and move on. It is possible for a teen to love someone who hurts them, and you should treat the teen as you would an adult in an abusive relationship.

- **DO NOT TELL THE TEEN TO JUST BREAK UP WITH THE BOYFRIEND/GIRLFRIEND.** The teen might be in love and want to continue the relationship, but needs to find a way for the abuse to stop. He or she might have real fears about retaliation if he or she tries to break up with the boyfriend or girlfriend. As in adult domestic violence relationships, the abuser may have broken down the self-esteem of the victim and he or she may feel he or she deserves the abuse, or that no one else would want to date him or her except for the abuser.
- **RESPECT TEENS' VIEWS AND CHOICES.** The victim is in the best position to know when he or she is in danger and how the abuser will react to any steps taken to protect him or herself. Do not dismiss the teen's concerns as exaggeration, or pressure the teen to take steps that he or she is not comfortable with.

WHAT KIND OF LEGAL ASSISTANCE MIGHT TEENS IN VIOLENT RELATIONSHIPS NEED?

In New York State, as of July 2008, people in dating relationships can obtain **civil orders of protection** (OPs) through the Family Court. A civil order of protection (also known as a "stay away order") can require different things, including that the abuser refrain from harassing or assaulting the victim, that the abuser not contact or speak to the victim, or that the abuser stay a certain distance away from the victim. It remains unclear as to whether teens can get OPs alone, or whether they have to have a parent accompany them. Different judges have decided differently on this issue. Anyone seeking an OP has the right to request a lawyer when he or she goes to file a petition. It is a good idea for a teen to seek legal advice or assistance before trying to get an OP on his or her own.

If the abuser attends the victim's school, and the victim has been subjected to physical or sexual assault, the victim can request a **safety transfer** to another school. Safety transfers are available any time the student is the victim of a crime, or if it is determined that the student's continued presence is unsafe for the student. If the student is a victim of a crime on campus, the school should call the police and the student's parent or guardian. If a student is the victim of a crime off-campus the parents are required to provide a police report to the school. This requirement may pose difficulties when applied to the dating violence context because teens are generally hesitant to involve the police, and many victims want to ensure their own safety, but do not want their abusers to be arrested. For non-criminal incidents, the school and the Borough Enrollment Director decide whether the student is unsafe in the school.

If the victim wishes to stay in the same school, but the abuser attends her school, the victim and a lawyer can try to request **accommodations** such as locker and class schedule changes so the victim does not have to see the abuser. There is no official policy in place requiring schools to grant such accommodations, but many of them would be very easy for the school to accomplish.

If the victim has been **sexually harassed or assaulted** at school there is a policy in place for her to report the harassment or assault within the school. Each school is required to have a Title IX coordinator who is responsible for with sexual harassment reports. The identity of the Title IX coordinator is required to be published to the students each year so that they know who to go to. After a Title IX complaint is investigated, the school will punish the offender if it is determined that he or she sexually harassed the victim.

WHAT SHOULD I DISCUSS WITH THE TEEN BEFORE HE OR SHE TAKES ANY LEGAL ACTION?

A teen who is planning on notifying his or her school administration of the abuse, should be aware that the school will probably call his or her parents or guardian. NYC Department of Education policy states that if a student makes a sexual harassment complaint, or if there is a report of an act of violence involving a student, the principal must call the parents or guardian unless doing so would put the student in danger. Teens are in the best place to determine whether they will be in danger if their parents or guardian learn of the dating relationship and dating abuse, but schools may make determinations that differ from what the teen would like. It is important that the teen think about how to address this topic with his or her parents or guardian if the school does notify them, and what the ramifications of telling the parents or guardian will be.

Whether your client is considering notifying the school to seek accommodations within the school, or is considering going to court for an OP, it is important that he or she think through how the abuser will react upon receiving the order or if he or she is disciplined by the school. Teen victims of abuse—like adult victims—should always engage in safety planning before attempting to leave a violent relationship. Teens should be encouraged to let their friends and parents or other adults know about the situation so that those people can help the teen stay safe. You should also warn your client that the abuser might get very angry if he or she is served with an OP or disciplined by the school, and the client should take precautions to avoid coming in to contact with the abuser after he or she is served with the OP or is disciplined by the school.

I AM A MANDATED REPORTER – DO I HAVE TO REPORT DATING ABUSE AGAINST A MINOR?

NO! Under the New York Social Services Law mandated reporters (doctors, school officials, nurses, social workers, and mental health professionals among others) must report child abuse or maltreatment by a parent, guardian, or other person legally responsible for the child. A mandated reporter is not legally required to report abuse of a minor by any other person, including a dating partner; in fact, doing so could put the client at risk.

Many problems that do not seem legal might have legal solutions. If your client is experiencing dating abuse or sexual assault and has ideas about actions or precautions to prevent his or her abuser from abusing him or her, there might be legal options to explore.

If you or your clients have questions or want to speak to a lawyer please contact Legal Momentum's Teen Dating Abuse Program:

212.925.6635 peo@legalmomentum.org
www.legalmomentum.org/teens

OTHER SERVICES THAT CAN HELP:

- **TEEN DATING ABUSE HELPLINE**
1.866.331.9474
(24 hours/day, 7 days/week)
www.loveisrespect.org
Live chat with peer advocates is available on the website from 5pm–1am EST, 7 days a week. The website also has many resources for teens on how to address dating abuse.
- **NYC DOMESTIC VIOLENCE HOTLINE**
1.800.621.4673
(24 hours/day, 7 days/week)
Call for information about domestic violence shelter availability in the New York City area, and for domestic violence assistance of all kinds.
- **DAY ONE**
212.566.8120
(M–F, 9–5)
www.dayoney.org
Day One provides legal assistance to youth in abusive relationships, and offers community education presentations for youth.
- **NYC GAY & LESBIAN ANTI-VIOLENCE PROJECT**
212.714.1141
(24 hours/day, 7 days/week)
www.avp.org
A crime victim service agency for the lesbian, gay, transgendered, bisexual, and HIV affected communities. AVP offers free and confidential support to victims of bias crimes, domestic violence, pick-up crimes, police misconduct, HIV-related violence, rape, and sexual assault.

www.legalmomentum.org/teens

This pamphlet contains legal information, but it should not be considered legal advice and is not a substitute for speaking with a lawyer. If you need legal advice or representation please call Legal Momentum's hotline: (212) 925-6635.

Legal Momentum

Headquarters: 395 Hudson Street, New York, NY 10014

Policy Office: 1101 14th Street, NW, Ste. 300 Washington, DC 20005

Founded as NOW Legal Defense and Education Fund in 1970.