

## TEEN DATING VIOLENCE: INFORMATION SHEETS AND RESOURCES FOR JUDGES AND COURT PROFESSIONALS

Teen Dating Violence is a scourge that is as epidemic, harmful, and potentially lethal as adult domestic violence. Unchecked, teen dating violence can entrench a lifetime pattern of perpetration by abusers and acceptance of abuse by victims.

The rapidly growing awareness of teen dating violence presents an opportunity for judges, courts, and court-related professionals to protect victims, intervene with perpetrators, and educate the communities they serve on their role in prevention. The teen years are a period of peak learning capacity and potential for change.

These Information Sheets provide an introduction to many of the issues involved in teen dating violence and its intersections with other areas of the law, as well as Resources for courts and communities.

### Information Sheets

- The Dynamics and Consequences of Teen Dating Violence
- The Teenage Brain: New Knowledge from Neuroscience
- Use of Social Media in Teen Dating Violence
- Use of Social Media in Teen Dating Violence: Glossary
- Use of Social Media in Teen Dating Violence: Technology “How-Tos” for Judges
- LGBTQ Issues in Teen Dating Violence
- LGBTQ Issues in Teen Dating Violence: Glossary
- Orders of Protection for Victims of Teen Dating Violence
- Holding Teen Dating Violence Offenders Accountable
- Teen Dating Violence: The Need for Judicial Leadership
- Teen Dating Violence: Resources for Judicial Leadership (Resources for the Courts, Schools, Parents, Teens, and the Community)

These Information Sheets and the Resources Sheet can be accessed on NJEP’s website at <http://www.legalmomentum.org/njep-resources-teen-dating-violence>.

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## THE DYNAMICS AND CONSEQUENCES OF TEEN DATING VIOLENCE

### The Seriousness of Teen Dating Violence

*Violence in teen dating relationships is as prevalent, harmful, and dangerous as it is in adult domestic violence cases.*

- 1 in 5 teenage girls in a relationship has reported being sexually or physically abused<sup>1</sup>
- TDV causes depression,<sup>2</sup> eating disorders,<sup>3</sup> and poor school performance<sup>4</sup> in its victims
- TDV is the leading cause of death for African American girls ages 15-19<sup>5</sup>
- Intimate partner femicide is the second leading cause of death for adolescent girls of other races<sup>6</sup>

### What is Teen Dating Violence?

“Teen Dating Violence” (TDV) is the term used to describe the broad range of abusive behaviors perpetrated in relationships between teenagers aged 11-19. Like the perpetrators of adult Intimate Partner Violence (IPV), TDV perpetrators exert power and control over their victims. TDV is just as lethal as IPV, and TDV perpetrators use the same abusive behaviors to harm their victims. However, TDV differs from IPV or Domestic Violence in that adolescent perpetrators may also use different mechanisms than adults to control their victims, particularly social media.

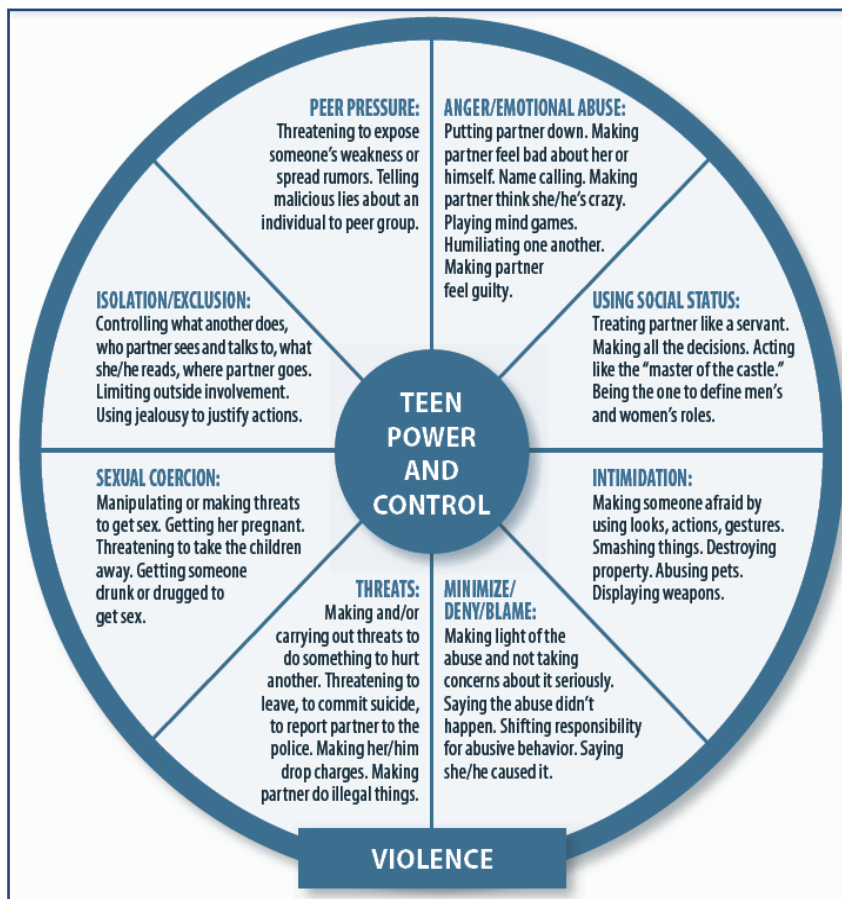
For example, technological communications and electronic evidence (such as digital photographs, emails, text messages, and communications on various social media websites such as Facebook, Twitter, Tumblr, and Instagram) play a large role in many cases of TDV and abuse is often carried out via electronic methods. More than 1 in 3 teenagers has sent or posted sexually suggestive emails or text messages, often coerced by an intimate partner.<sup>7</sup> For more information on the effects of technology on TDV, see the *Use of Social Media in Teen Dating Violence* Information Sheet.

It is also important to note that the very definition of “dating” differs for adolescents. In some instances, if the relationship is mostly physical, teens may think of and describe their intimate partnership as “just a hook-up.” Also, some teens may be “dating” or “hooking up” with multiple partners, and given the casual nature of their relationships, the victims may be willing to overlook their partners’ abusive behaviors.

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Many teens believe that TDV is only perpetrated in long-term, romantically and physically intimate relationships; if their relationship does not fit that model they may not view their relationships as “serious enough” to look for signs of abusive behavior in their partners. It is also important to note that teens may have difficulty recognizing that they are being abused, as “25% to 46% of female adolescents involved in aggressive intimate relationships interpreted the violence as an act of love.”<sup>8</sup>

Many adolescent perpetrators use sexual and/or physical abuse as a means of coercion.<sup>9</sup> However, adolescent perpetrators are also likely to use non-physical abuse, such as threats, peer pressure, stalking, economic manipulation, and/or verbal harassment. TDV can take many forms, ranging from “punching, slapping, pushing, and grabbing to rape and murder—from threats of violence, verbal attacks, and other forms of intimidation to extreme jealousy, possessiveness, and controlling behavior.”<sup>10</sup>



### The Power and Control Wheel for Teenage Relationships

This diagram is a tool that explains the many different types of behavior that an adolescent perpetrator might use to abuse a partner. The “Teen Power and Control Wheel” was adapted by the National Center on Domestic and Sexual Violence from the original “Power and Control Wheel,” created by Domestic Abuse Intervention Programs: Home of the Duluth Model (DAIP). DAIP created the Power and Control wheel as a way to “make the pattern, intent and impact of violence visible.”<sup>11</sup> DAIP “wanted a way to describe battering for victims, offenders, practitioners in the criminal justice system and the general public.”

The behaviors presented on the original wheel are those that “were most universally experienced by battered women.” The Teen Power and Control Wheel, therefore, presents the behaviors that are most universally experienced by teens being subjected to TDV.

The Teen Power and Control Wheel depicted here can be found at:

<http://www.ncdsv.org/images/Teen%20P&C%20wheel%20NO%20SHADING.pdf>.

For more information on this adaptation and other examples of Power and Control Wheels, visit [http://www.ncdsv.org/publications\\_wheel.html](http://www.ncdsv.org/publications_wheel.html).

## ***The Risks and Outcomes of Teen Dating Violence***

TDV is “typically not [a] one-time incident, but a pattern of abusive behaviors over time that causes fear and/or harm.”<sup>12</sup> TDV victims may be at risk for severe physical and psychological harm for prolonged periods of time. Courts need to intervene in TDV cases for the following reasons:

- TDV victims may be able to temporarily leave their abuser, but, due to adolescents’ reliance on technological interactions, find it difficult to completely cut all ties to the perpetrator. Technology also makes it easier for perpetrators to stalk their victims, and stalking is prevalent in TDV cases.
- Stalking presents a real danger to the victim—in 20% of adolescent stalking cases, a weapon is used.<sup>13</sup>
- TDV can cause abused partners to have poor academic performance due to stress caused by the abuse, therefore limiting their overall lifetime earnings.<sup>14</sup> To learn more about the effects of TDV and stress on the teenage brain, see *The Teenage Brain: New Knowledge from Neuroscience* Information Sheet (stress detailed on page 4).
- Teenage girls subjected to TDV are more likely to have eating disorders and suicidal thoughts, to self-medicate with drugs and alcohol, and to engage in risky behaviors, such as unsafe sex and drug dealing.<sup>15</sup>
- TDV perpetrators will often continue their pattern of violent behavior later in life, and are more likely to become perpetrators of domestic violence and intimate partner sexual abuse.<sup>16</sup>
- TDV victims may accept this abusive behavior as normative and become involved in violent relationships in later life.

### **Interacting with Adolescents – Tips from Break the Cycle<sup>17</sup>**

- Be aware of cultural differences between the court’s personnel and the teens, such as age, race, class, and sexual orientation.
- Try to simplify complicated legal concepts and explain each aspect of the court proceedings
- Offer adolescents the opportunity to speak during court proceedings; they may feel as if they are not supposed to
- If adolescents appear surly or combative, do not react in kind; remaining calm will foster mutual understanding in the courtroom

## ***Screening for Behaviors That May Indicate TDV***

Although the perpetrators of TDV are young people, TDV is as dangerous as adult intimate partner violence. Screening for signs of abuse in cases involving adolescents – even those cases that may not seem to encompass TDV – is crucial.

Although both girls and boys can be victims of TDV, girls are more likely to be sexually assaulted, injured, and emotionally damaged. In heterosexual relationships, males are more likely to perpetrate violence and abusive behaviors than their female partners. With respect to teens' same-sex relationships, "two studies on same-sex partner abuse have found that abuse happens at the same rates of [sic] opposite sex partner violence."<sup>18</sup> See the *LGBTQ Issues in Teen Dating Violence* Information Sheet for more information about same-sex TDV.

### **Some tips that may help screen for TDV in your own court:**

- Adolescents who have been victims of TDV might be reluctant to admit that they have been abused due to a number of factors, and may seem apathetic or unwilling to cooperate with court personnel.
- Adolescents may be unwilling to admit to either perpetrating or being victimized by certain acts of violence if they were under the influence of alcohol or drugs at the time because they do not want to be punished for underage or illegal use of these substances.<sup>19</sup>
- It is important to read and interpret adolescents' body language during proceedings. For example, if a victim unwilling to admit abuse appears anxious or fearful of the abuser, some form of TDV may be taking place. Also, TDV victims may be heavily traumatized, and their behaviors might seem unusual – e.g., speaking with a flat affect and/or being unable to remember details or even the chronology of events. Traumatic memories are recorded and recalled differently than ordinary memories, but they are not inaccurate.<sup>20</sup>
- In some TDV cases, the perpetrator is much older than the victim (e.g., perpetrator is in their mid-20s and victim is 15). If a teen is brought into court on a charge like truancy, drug use or selling drugs to others, or even attacking another student, seek to determine whether there was coercion by an older partner to commit these crimes.
- A significant age difference between a teen and a controlling, jealous abuser is also a risk factor for potential lethality.<sup>21</sup>

## ***Sexual Abuse and Assault in Teen Dating Relationships***

As with intimate partner sexual abuse in adult relationships, sexual abuse in teen dating relationships has been all but ignored until very recently. It was not until 2013 that the Centers for Disease Control added questions about intimate partner sexual abuse (IPSA) to its national Youth Risk Behavior Survey.<sup>22</sup>

Like adult intimate partner sexual abuse (IPSA), IPSA in teen dating relationships takes many forms, ranging from verbal abuse relating to sex, to rape and trafficking.

“It may consist of sexually derogatory verbal abuse, pressure to have sex for fear of disappointing or angering a partner, threats (implicit or explicit), or attempted or completed rape. It can include deceiving a teen into thinking a romantic relationship exists, only to force her into sex trafficking; threatening to ‘out’ a gay or bisexual teen in order to force a sexual act; or sabotaging a partner’s contraception to gain control.”<sup>23</sup>

Most young women who reported coerced sexual penetration to researchers reported that they were 15 or younger when they were victimized for the first time.<sup>24</sup> Among young women ages 15 to 20 years who reported being sexually active and subjected to TDV, 26% reported that their partners were actively trying to get them pregnant by manipulating condom use and sabotaging birth control use.<sup>25</sup>

Many older teens are in college, and college students who are age 20 or older were teens until very recently, making data on intimate partner violence from a 2015 study by the American Association of University Women (AAUW) informative. The study found that “approximately 75 percent of the student population” had been in any “partnered relationship” since enrolling in college, and classified a partner relationship as a “casual relationship or hook-up,” a “steady or serious relationship,” and/or “marriage, civil union, domestic partnership or cohabitation.”<sup>26</sup> Using those definitions of an intimate partnership and definitions of violence such as “controlled or tried to control you,” “threatened to physically harm you, someone you love, or themselves,” and “used any kind of physical force against you,” the AAUW survey found that

“9.8% percent of the student population who had been in a partnered relationship reported experiencing IPV. This was reported most often by those identifying as TGQN [transgender, genderqueer, non-conforming, questioning, and as something [sic] not listed on the survey<sup>27</sup>] (22.8% undergraduates; 17.8% graduate/professional), followed by female undergraduates (12.8%).”<sup>28</sup>

The AAUW survey underscores the fact that IPV is not just perpetrated by adults. Until the recent shift in attention toward TDV, society has acted as if offenders turn 21 and suddenly begin abusing their wives/girlfriends/partners when, in fact, this abusive behavior begins much earlier in life, learned from family, friends, and cultural norms.

Relationships in which there is abuse are even more complicated for teens than for adults because teens may not recognize abuse in their intimate relationships.<sup>29</sup> Studies show that due to ongoing teen development of personal identity, they are at higher risk for “traumatic bonding,” or the feeling of attachment to a perpetrator of abuse.<sup>30</sup> It may be difficult to see the underlying abuse behind deviant behavior, because “young women feel strong and not vulnerable,”<sup>31</sup> and may not show traditional signs of fear.

### **Teen Dating Violence Victims as Victims of Sex Trafficking**

Sex trafficking in the teen dating context is a serious form of intimate partner violence in which a batterer forces his victim into prostitution as part of his abuse.<sup>32</sup> Just because a girl is romantically involved with her trafficker does not mean there is no force and abuse involved.<sup>33</sup>

Girls who have been subjected to sexual abuse are particularly likely targets of traffickers, so there are often many layers and instances of trauma.<sup>34</sup> Girls who grow up without the stability or safety of a familial support network, due to abuse or involvement in the child welfare system, are more vulnerable to manipulation by traffickers who promise to love and care about them. Sex traffickers often enter girls’ lives as boyfriends who offer shelter, protection, and romance.<sup>35</sup> Once a level of trust has been built, girls become extremely vulnerable to being coerced into a human trafficking relationship.<sup>36</sup>

Prosecuting girls for prostitution when they are victims of trafficking demonstrates a misunderstanding of their situation. The phrases “girl prostitute” and “child prostitute” are oxymorons because children’s lack of ability to consent means there can be no purposeful exchange of sex for money.<sup>37</sup> Sex trafficking of minors should be considered child sexual abuse, not delinquent behavior by juveniles.<sup>38</sup>

### **Human Trafficking Screening Tool for Use with Children and Teens**

Human trafficking may be an issue in relationships where TDV is being perpetrated. To learn more about child trafficking and how to screen children and teens for signs of trafficking, the University of Loyola Chicago’s Center for the Human Rights of Children offers a handbook called ***Building Child Welfare Response to Human Trafficking***. The handbook provides screening tools designed to help guide the process of identifying a potential child victim of trafficking.

It is accessible at <http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf>.



## Safe Harbor Laws and Post-Conviction Relief

Twenty states now have safe harbor laws that divert minors involved in prostitution away from the criminal justice system.<sup>39</sup> Of these, nine states use diversion models to get girls into the child welfare system instead of subjecting them to criminal sanctions.<sup>40</sup> These laws recognize that the best way to help young women who pose no threat to public safety is to enable them to help themselves and connect with support networks in their community. The other eleven states provide an affirmative defense to girls and women charged with prostitution, but do not protect them from prosecution when they are implicated in their abusers' criminal behavior.<sup>41</sup> *Post-Conviction Relief for Human Trafficking Victims Convicted of Crimes Coerced by a Trafficker* is a comprehensive resource developed by the Human Trafficking and the State Courts Collaborative.<sup>42</sup>

## Coerced into Delinquency

In addition to trafficking, teen dating violence victims may find themselves in the juvenile justice system because an abusive dating partner coerced them into truancy, shoplifting, selling drugs or other criminal activity. Treating these abuse victims as delinquents can further isolate girls and perpetuate negative self-image and feelings of worthlessness.<sup>43</sup> Confining girls in juvenile detention facilities rather than diverting them to the child welfare system may expose them to even more victimization, and exacerbate the problems that brought them into the criminal justice system in the first place.<sup>44</sup> These facilities are often ill-equipped to address the trauma and treat the symptoms of abuse underlying girls' behavior.<sup>45</sup> The criminal justice system is not designed to heal, and emphasizes negative aspects of girls' character at a moment when support and positive encouragement is needed the most.<sup>46</sup>

## A Trauma-Informed Approach

Considering that 70% of girls involved in the juvenile justice system have been exposed to trauma of some kind, addressing that trauma will have a positive effect on the resulting "criminal" behavior.<sup>47</sup> Trauma-driven offenses should be viewed from the lens of public health, rather than as criminality.<sup>48</sup> Past trauma caused by abuse can manifest itself in girls' behavior in the courtroom. If girls seem disobedient or irritated, it is a traumatic response, rather than an expression of disrespect for the justice system.<sup>49</sup>

An approach that takes past trauma into account acknowledges the difficulty teen girls have reporting their own victimization. Disclosure and reporting are huge problems in the teen population because teens are private, and especially subject to perceived social stigma that might damage their reputation. Abuse by a trafficker causes isolation, which makes it less likely for a girl to disclose her situation, which increases her risk exponentially.<sup>50</sup> Additionally,



teens may not even recognize abuse in their relationships, rendering them beyond the protection of even civil protection orders.<sup>51</sup>

## **Potential Lethality**

TDV is the leading cause of death for African-American girls ages 15-19<sup>52</sup> and the second leading cause of death for adolescent girls of other races.<sup>53</sup> But the deadly potential of TDV did not attract national attention until 2010, when Yeardley Love, a University of Virginia senior, was beaten to death in her dorm room by her ex-boyfriend, George Huguley. In 2015, Yeardley's mother spoke of the warning signs of potential lethality that were "never taken seriously because relationship violence was never on anyone's radar."<sup>54</sup> Huguley had attempted to strangle Yeardley and told her "he wished he had killed her."<sup>55</sup>

In her memory, Yeardley's family established the One Love Foundation (<http://www.joinonelove.org/>) which "works with young people across the country to raise awareness about the warning signs of abuse and activate communities to work to change the statistics around relationship violence."<sup>56</sup> The One Love Foundation developed the "My Plan App," based on Professor Jacquelyn Campbell's Danger Assessment, which college students can use to "determine if a relationship is unsafe and create an action plan to leave safely." For more information about the One Love Foundation, see the *Resources on Teen Dating Violence for Judges, Courts, and Communities* Information Sheet.

## **Endnotes**

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## THE TEENAGE BRAIN: NEW KNOWLEDGE FROM NEUROSCIENCE

“In order to truly understand why teenagers are moody, impulsive and bored; why they act out, talk back, and don’t pay attention; why drugs and alcohol are so dangerous for them; and why they make poor decisions about drinking, driving, sex – you name it – we have to look at their brain circuits for answers....

While hormones can explain some of what is going on, there is much more at play in the teenage brain, where new connections between brain areas are being built and many chemicals, especially neurotransmitters are in flux. That is why adolescence is a time of true wonder. Because of the flexibility and growth of the brain, adolescents have a window of opportunity with an increased capacity for remarkable accomplishments. But the flexibility, growth, and exuberance are a double-edged sword because an “open” and excitable brain also can be adversely affected by stress, drugs, chemical substances, and any number of changes in the environment. And because of an adolescent’s often overactive brain, those influences can result in problems dramatically more serious than they are for adults.”

Dr. Frances Jensen, *The Teenage Brain: A Neuroscientist’s Survival Guide to Raising Adolescents and Young Adults* (2015) at 22-23.

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*The recent explosion in neuroscience research about teenagers’ brains, and the implications for adults who deal with teenagers, is most comprehensively and accessibly presented in The Teenage Brain, a 2015 book by Dr. Frances Jensen, Professor of Neurology and Chair of the Neurology Department at the University of Pennsylvania Perelman School of Medicine. This Information Sheet summarizes aspects of that research particularly relevant to teen dating violence. This Information Sheet is based on Dr. Jensen’s book, her interviews with various media, and publications by the National Institute of Mental Health and the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. These resources and related online videos are fully cited following the commentary.*

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Until recently it was thought that youngsters who had passed through puberty were essentially adults without life experience. New neuroscience has shown that this is decidedly not the case. As Dr. Jensen writes, the teenage brain has unique strengths and weaknesses, but because of the structural rate at which the brain’s components grow and connect with one another, the teen brain has a long way to go to reach maturity.

\*This project was supported by Grant No. 2013-TA-AX-K043, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



## ***How Do We Know This?***

The advent of functional magnetic resonance imaging (fMRI) made it possible to see not only the structures in the brain, but also how brain regions connect and how the brain functions in real time – learn more at <http://fmri.ucsd.edu/Research/whatisfmri.html>.<sup>1</sup>

Scientists at the National Institute of Mental Health (NIMH) took brain scans of children as they grew from early childhood through age twenty and were surprised by what they found. They saw that the connectivity of the brain, the way brain circuits build and brain regions interact with each other, grows from the back of the brain to the front, and that it takes a very long time to get there. The teenage brain does not look like an adult brain until we are in our twenties, with males being two to three years behind females in the rate of connection.

Researchers at the University of California built on the NIMH findings by comparing brain scans of teens 12 to 16 with scans of young adults 23 to 30. They found that myelin – the whitish (hence “white matter”) fatty protein that sheaths the axon fibers connecting nerve cells and is essential for the transmission of information via nerve impulses – continues to be produced beyond adolescence into the thirties, further enhancing connectivity between brain regions. Dr. Jensen writes,

“[T]he teen brain is only about 80 percent of the way to maturity. That 20 percent gap, where the wiring is thinnest, is crucial and goes a long way toward explaining why teenagers’ behave in such puzzling ways – their mood swings, irritability, impulsiveness and explosiveness; their inability to focus, to follow through, and to connect with adults; their temptations to use drugs and alcohol and to engage in other risky behavior. When we think of ourselves as civilized, intelligent adults, we really have the frontal and prefrontal parts of the cortex to thank.” (Page 37).

## ***How the Brain Matures***

NIMH describes the teenage brain as “still under construction.” The brain is composed of so-called “gray matter” and the “white matter” described above. Gray matter is the cells called “neurons” that are unique to the nervous system and make possible thought, perception, motion, and control of bodily functions. Brain regions communicate with each other via the myelinated axon fibers, the myelin being like insulation on an electrical wire, greatly increasing the speed at which impulses are transmitted from cell to cell and region to region. This connectivity governs how well brain regions work

together and relates to growth in intellectual abilities. Brain regions that are wired together fire together. NIMH describes this connectivity as “a little like providing a growing city with a fast, integrated communication system.” Dr. Jensen writes,

“[T]he brain of an adolescent is nothing short of a paradox. It has an overabundance of gray matter (the neurons that form the basic building blocks of the brain) and an undersupply of white matter) the connective wiring that helps information flow efficiently from one part of the brain to the other) – which is why the teenage brain is almost like a brand-new Ferrari: it’s primed and pumped but it hasn’t been road tested yet. In other words, it’s all revved up but doesn’t quite know where to go. This paradox has led to a kind of cultural mixed message. We assume when someone looks like an adult that he or she must be one mentally as well. Adolescent boys shave and teenage girls can get pregnant, and yet neurologically neither one has a brain ready for prime time in the adult world.” (Pages 27-28).

The myelination process that starts at the back of the brain and moves very slowly toward the front, at last reaches the pre-frontal cortex, which is the seat of executive function. This is the area that enables and controls decision making, understanding the long-term consequences of our actions, insight, judgment, and impulse control. As noted above, the fact that it is the last part of brain to be fully connected to the rest has critical implications for teens’ behavior. A brain scan experiment at Dartmouth College illustrates this with respect to risk-taking.

Researchers scanned adults’ and adolescents’ brains while the subjects responded to questions such as whether it was a good idea to swim with sharks, set your hair on fire or jump off a roof. It took adolescents about a sixth of a second more than adults to respond. Adults appeared to rely on nearly automatic images and respond viscerally to these questions about situations of obvious danger. Adolescents relied more on “reasoning” their way to an answer. Dr. Jensen writes, “The ability to quickly grasp the general contours of a situation and make a good judgment about costs versus benefits arises from activity in the frontal cortex... the parts of the brain that are still under construction during adolescence.” (Page 107).

Additionally, because myelination connecting the frontal lobes to the rest of brain proceeds so slowly, it takes teens longer than adults to decide when not to do something. A widely used research instrument is called the Go/No-Go task. Subjects are directed to press a button when a certain letter or picture appears and to do nothing when the letter X appears. Repeated studies find that children and adolescents are



equally accurate, but the reaction time it takes subjects to successfully inhibit the impulse to press the button decreases markedly between 8 and 20.

### ***Teenage Brains, Stress, and the Teen Dating Violence Victim***

Teenage brains are particularly susceptible to stress, with implications for teens' lifelong mental, physical, and emotional health, and for the courts.

Good stress – the kind that stretches us to grow and up our game – is good for everyone, but bad stress impacts teenagers differently than it does adults, and for the worse. Teens are especially vulnerable to emotional highs and lows because they cannot make full use of their frontal lobes – their executive function – to handle their emotions with less drama. In addition to less frontal lobe activity, teens' response to stress hormones is not like that of adults. For example, the stress hormone THP calms adults but ratchets up anxiety in teens. The stress hormone cortisol is already slightly higher in teens than in adults, especially in girls. When cortisol is further elevated and stays elevated over time --- as it does when a teen is being subjected to dating violence – it is especially damaging. Elevated cortisol not only exacerbates stress, worry, anxiety, and anger, long-term elevation of cortisol also shrinks the hippocampus, the part of the brain where memories are stored. This undermines learning, school performance, and lifetime earning capacity. The brain is highly plastic and is continuously shaped from day one by a combination of genes, emotions, and the environment, with lifetime impact, as demonstrated by the massive Adverse Childhood Experiences Study.<sup>2</sup>

*The Enduring Effects of Abuse and Related Adverse Experiences in Childhood: A Convergence of Evidence from Neurobiology and Epidemiology* is an article by nine neuroscientists, pediatricians, physicians, and public health experts who assessed the findings of the long-running Adverse Childhood Experiences (ACE) study in the context of the new knowledge from neuroscience. The ACE questionnaire includes questions about childhood exposure to domestic violence and adult perpetration. After reviewing the more than 17,000 responses from the mostly white, well-educated sample they wrote:

“[T]he detrimental effects of traumatic stress on developing neural networks and on the neuroendocrine systems that regulate them have until recently remained hidden even to the eyes of most neuroscientists. However, the information and data that we present herein suggest that this veiled cascade of events represents a common pathway to a variety of important long-term behavioral, health, and social problems.

The convergence of evidence from neurobiology and epidemiology calls for an integrated perspective on the origins of health and social problems through the lifespan.”<sup>3</sup>

The stress of living with dating violence in its varied forms – emotional, physical, sexual, stalking, cyberbullying and more – takes a tremendous toll on the teen victim. When traumatic stress is severe or prolonged, teens are more susceptible to developing PTSD than adults.

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Teens are also liable to self-medicate their stress with alcohol, drugs, and cutting. Addictions of all kinds – alcohol, cigarettes, drugs, texting and the rest – take tenacious hold of the teenage brain. Because the teen brain has so many synapses eager to absorb whatever is in the environment, teens can learn faster and retain what they learn better than adults. But this also means that when addictions begin in adolescence they are more destructive and harder to eradicate than in adults.

The good news is that teens can also be resilient. In her recommendations for parents Dr. Jensen writes,

“Resilience isn’t something you’re either born with or not. It’s actually something that’s learned, and for that reason teenagers, while particularly vulnerable to the negative effects of stress, are also better equipped than most adults to learn how to positively respond to stress. As an adult you are in a position to convey that information to your teenage sons and daughters, to tell them to take care, take control, and take time out. They can take care of themselves physically by eating right and getting enough sleep. They can take control of their lives by setting goals, even small ones, and working toward them one step at a time. And they can take time out from the Internet, from texting, from Facebook, and instead talk out their problems with a good listener they trust.” (page181).

Taking control is not easy when, in addition to the other internal and external stressors of a teen’s life, she or he has a dating partner who is trying to assert and maintain control. How judges, court personnel, and court-related professionals respond to teen dating violence victims seeking orders of protection, or having a child in common with their abuser, or facing delinquency charges for criminal activity into which their abuser coerced them -- whether these professionals understand the seriousness of teen dating violence and have available the support services and programs these teens need – is a significant factor in whether teen dating violence victims develop the resiliency they

need to take control of their own lives, move forward, and break the cycle of domestic violence for their own and the next generation.

## **Resources**

Publications by and Interviews with Dr. Francis E. Jensen, Professor of Neurology and Chair of the Department of Neurology at the Perleman School of Medicine at the University of Pennsylvania:

- THE TEENAGE BRAIN: A NEUROSCIENTIST'S SURVIVAL GUIDE TO RAISING ADOLESCENTS AND YOUNG ADULTS (2015).
- *Teenage Brains: Why Do They Do What They Do? The Science Behind Teen Behavior*, Psychology Today, Posted March 8, 2015, <https://www.psychologytoday.com/blog/the-teenage-brain/201503/teenage-brains-why-do-they-do-what-they-do>.
- *Why Teenagers are Impulsive, Addiction Prone, and Should Protect Their Brains*, An Interview with Dr. Jensen on NPR Fresh Air, Jan. 28, 2015. Audio and transcript at <http://www.npr.org/sections/health-shots/2015/01/28/381622350/why-teens-are-impulsive-addiction-prone-and-should-protect-their-brains>.
- *Q & A with Dr. Francis Jensen*, C-Span 2, Feb. 1, 2015, video and transcript at <http://www.c-span.org/video/?323965-1/qa-dr-frances-jensen>.

MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, [www.adjj.org](http://www.adjj.org), *Less Guilty by Reason of Adolescence*, [http://www.adjj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adjj.org/downloads/6093issue_brief_3.pdf).

National Institute of Mental Health, *The Teen Brain: Still Under Construction*, [http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/index.shtml?utm\\_source=LifeSiteNews.com+Daily+Newsletter&utm\\_campaign=2c0fa9560b-LifeSiteNews\\_com Intl\\_Full\\_Text\\_12\\_18\\_2012](http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/index.shtml?utm_source=LifeSiteNews.com+Daily+Newsletter&utm_campaign=2c0fa9560b-LifeSiteNews_com Intl_Full_Text_12_18_2012).

And in booklet form at [http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/teen-brain\\_141903.pdf](http://www.nimh.nih.gov/health/publications/the-teen-brain-still-under-construction/teen-brain_141903.pdf).

### **Videos Available Online:**

Several videos about the teenage brain are available on YouTube:

- This 3-minute video presents comprehensive information about teenage brains and adult responses in an extraordinarily compact way. DNews, *The Teen Brain: Under Construction*, <https://www.youtube.com/watch?v=f9Ya0mHslgM>.

- The public television program Frontline broadcast a 60 minute show titled *Adolescent Brains Are Works in Progress*. It can be viewed online at <http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/view/>.

## **A Comprehensive Resource on “Neurolaw” for All Aspects of Law**

Francis X. Shen, *Keeping Up with Neurolaw: What to Know and Where to Look*, 50 COURT REVIEW 104 (2014). Available online at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2516052](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2516052).

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## **Endnotes**

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3. Robert F. Anda, Vincent J. Feitti, J. Douglas Bremner, John D. Walker, Charles Whitfield, Bruce D. Perry, Shanta R. Dube & Wayne H. Giles, *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood: A Convergence of Evidence from Neurobiology and Epidemiology*, EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE, April 2006 at 174, reprinted in NIH Public Access, accessible at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3232061/pdf/nihms340170.pdf> at 8.

## USE OF SOCIAL MEDIA IN TEEN DATING VIOLENCE

*\*Note: Terms in bold are defined in the Use of Social Media in Teen Dating Violence Glossary Information Sheet*

Technology pervades nearly every teenage social interaction, and is the new medium through which adolescents communicate. In 2013, 78% of teens owned a cell phone, half of which were **smartphones**, and 93% have access to a computer.<sup>1</sup> Electronic devices give an unprecedented ability to communicate, monitor, and get geographical information, which enables abusers to exert power and control over their victims, even in teen relationships. Since the vast majority of teens use technology, often under no adult supervision, technological devices have become a vehicle for perpetrating **teen dating violence** (TDV). Teens use electronic communication to abuse their partners in numerous ways, including establishing the relationship, monitoring a partner's whereabouts, expressing aggression toward a partner, and reestablishing contact after a violent episode.<sup>2</sup> The widespread prevalence of technology allows abusers to exercise pervasive *coercive control* over their victims.

Although technology can be confusing because it is constantly changing, it is a valuable source of evidence. The **cloud**, an online database owned by a company (like Amazon, Apple, or Google) that can be accessed anywhere, preserves data found on electronic devices even if it has been deleted from a device, or the device is destroyed. Electronically stored evidence (ESI) presents the issues of anonymity and possible falsification, but can be evaluated under existing Rules of Evidence.

### ***Social Media Websites and Apps Facilitate Constant Communication***

Websites that rely upon membership and connect users with similar interests are extremely popular among teens; 81% have some sort of online presence.<sup>3</sup> Much of social media's appeal for teens comes from a strong preoccupation with self-image and what others think of them, due to incomplete psychological development.<sup>4</sup> The most popular social media websites among teen users are **Facebook** (77% of teens have an account), **Twitter**, **Instagram**, **MySpace**, and **Youtube**.<sup>5</sup> All of these platforms require users to set up personal accounts, and if a teen forces his partner to share an account password, it is a form of abusive control.<sup>6</sup> Youth from lower income families (under \$30,000) are more likely to use such sites than teens in wealthier households."<sup>7</sup>

\*This project was supported by Grant No. 2013-TA-AX-K043, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

## ***The Dangerous Side of Flirtatious “Sexting”***

**Sexting**, a commonly used expression that describes sending nude or semi-nude photographs via text message, is an increasingly popular method for teens to express themselves in their relationships.<sup>8</sup> In fact, about 1 in 4 teens has sent a nude picture.<sup>9</sup> The majority of “sexts” are sent voluntarily as a form of flirtation, but teens are often coerced into sending a nude photo or explicit message to their partner. Those in possession of explicit messages or photos can disseminate them to a large audience in a matter of seconds using social media; threatening to release the photos can give an abusive partner leverage. Teens who engage in sexting are much more likely to have suicidal thoughts and engage in other risky behaviors such as unprotected sex.<sup>10</sup> In addition, teenagers in some places have been found guilty of possession of child pornography,<sup>11</sup> and may face criminal charges under laws that attempt to “protect minors [...] from their own lack of judgment.”<sup>12</sup> Sexting does not, however, fall into the Supreme Court’s definition of child pornography,<sup>13</sup> and is criminal only if it is found to be “speech integral to criminal conduct,” so an otherwise legal and consensual sexual act is protected under the First Amendment.<sup>14</sup>

## ***Non-Consensual Secondary Sexting and Revenge Porn***

**Secondary sexting** is when the recipient of a sext forwards it to a third party without the consent of the original sender (who is usually the subject of the photo).<sup>15</sup> It is closely related to **revenge porn**, or the distribution of sexually explicit images to the public without the subject’s knowledge. Revenge porn is a form of harassment and control that causes severe emotional reactions in victims. The explicit images can be collected without the victim’s knowledge, through applications that hijack a computer’s camera or by placing small and undetectable cameras in a bedroom. It can be prosecuted under copyright, stalking, intentional infliction of emotional distress, or invasion of privacy laws,<sup>16</sup> but 25 states now have laws specifically criminalizing revenge porn,<sup>17</sup> and a federal bill criminalizing revenge porn is set to go before the House in the near future.<sup>18</sup> The Communications Decency Act (CDA) protects providers of interactive online services from liability for the content published on the site,<sup>19</sup> but fortunately several sites (Facebook, Reddit, Twitter, and most recently Google) have explicitly banned revenge porn in their updated policies.<sup>20</sup>

## ***Technology Uses for Stalkers and Abusers***

TDV perpetrators can use technology to stalk their victims. Smartphones are equipped with **location-tracking services** that provide the abuser with easy access to the victim’s whereabouts. TDV perpetrators may buy phones for their partners, which they

use to track their partners and their every move. Software meant for parents to monitor and protect their children can be used by abusers to track their victims. Social media websites enable abusers to pinpoint the location or activities of the victim, such as where she went to dinner or where she is on vacation. If a teen makes her social media profile public to anyone with Internet access to view, the information is available to her abuser even if they are no longer connected on the site.

Some stalkers use technology to communicate with their victims constantly. *Frequency* of text messages, not necessarily their content, can be frightening and threatening for victims, as well as an invasion of their privacy.<sup>21</sup> Whether the level of communication is considered threatening depends upon the individuals involved. The median number of texts teens send per day is 60. Teenage girls text the most (with a median of 100 texts per day, compared to a median of 50 per day for boys).<sup>22</sup>

TDV perpetrators can easily hack into computers and accounts using spyware; all it takes is the victim opening a single file to download spyware on a computer that tracks all computer activity without the victim's knowledge.<sup>23</sup> Accessing an intimate partner's email account without their consent has been held to be a violation of the federal Computer Fraud and Abuse Act (CFAA).<sup>24</sup>

### ***Cyberbullying and Online Anonymity***

Technological devices and online forums provide teens with a means to communicate without having direct, face-to-face contact. Cyberbullying is defined as the use of technological communication to threaten or intimidate another individual. Almost half of all teens in a relationship report some sort of digital harassment.<sup>25</sup> Technology can be used to hide the identity of an abuser; a perpetrator can create a fake Facebook or Instagram account, go by a pseudonym in an online chat room and anonymously spread secrets or nasty rumors, or manipulate evidence to make it look like the victim is the perpetrator. Certain smartphone applications or calling services can hide the telephone number of the abuser so that text messages or phone calls sent to the victim can remain anonymous.<sup>26</sup> Courts can refer to the victim's cell phone bill to expose that the calls or texts were never actually sent from the victim's phone.<sup>27</sup>

### ***Evaluating ESI (Electronically Stored Evidence)***

Documented evidence and present sense impressions found in text messages, twitter posts, and other forms of ESI expand a factfinder's resources. ESI is not stored in just one physical device; it is uploaded to the cloud, and often saved on other "synced" devices as well. ESI can be treated as any other form of evidence; it was incorporated



into the Federal Rules of Civil Procedure in 2006, and there is case law and scholarly writing indicating that it fits within our existing legal structure.<sup>28</sup> The following must be considered when faced with ESI offered as evidence: 1) whether it is **relevant** according to Federal Rule of Evidence 401, such that it tends to make an important fact more or less probable; 2) whether it is **authentic** as required by Rule 901, meaning it is what it is claimed to be; 3) whether it is **hearsay**, and if so, whether it is covered by an applicable exception in Rules 803, 804, and 807; 4) whether the evidence is **original**, or, if it is a duplicate, whether there is admissible secondary evidence; and 5) whether the **value** of the ESI outweighs possible prejudice.<sup>29</sup> For e-hearsay to be admissible, it must meet the **timing**, **presence**, and **knowledge** requirements: “were the statements made in the text, tweet, status update etc. contemporaneous with the writer’s personal observation of the event?” And “was the writer actually there for the event?”<sup>30</sup>

**Authenticity** can be a significant problem with ESI, since it is so easy to manipulate. But written documents can be falsified just as easily, so ESI can still fit into the existing Rules of Evidence.<sup>31</sup> Witness testimony corroborating electronic hearsay is not necessary. As long as e-hearsay is accompanied by independent evidence, it can be authenticated.<sup>32</sup> This is often the case; the Urban Institute Justice Policy Center found in 2013 that “84 percent of cyber dating abuse victims also reported psychological dating abuse victimizations.”<sup>33</sup>

### ***A Benefit of ESI: It Is Very Hard to Destroy***

Fortunately for courts, it is difficult to delete electronically shared information, and traces of the truth are almost always left behind.<sup>34</sup> Most digital devices automatically upload all data to the cloud, so it is accessible even if a physical cell phone is destroyed, or an email is deleted.

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## USE OF SOCIAL MEDIA IN TEEN DATING VIOLENCE: GLOSSARY

**Cloud** – a server owned by a company (like Amazon™, Apple™, Google™, or Snapchat™) that relieves personal computers/smartphones/online applications from having to store huge amounts of data. Clouds are online databases that can be accessed from anywhere, and store electronic information automatically. Some clouds are public, and some have restricted access.

**Facebook™** – the most popular social media website. Each user has a profile that can be made public or private (only visible to known users or “friends”). Users can share photos and personal information about themselves on their profile page, or “wall.” Users can send private messages to one another, comment publicly, “like” posts and photos, or alert others of their presence through “poking.” Sending a “poke” is a mere click that puts the pocker’s name on the recipient’s Facebook wall, but it can have great meaning when used as a reminder to the victim that her abuser is still thinking about her. “Poking” is a form of communication that can be restricted by a protective order.

**Snapchat™** – a web application that allows users to take “snaps” (photos or short videos), add text and drawings, and send them to selected recipients. After a 1-10 second time limit, the “snap” can no longer be viewed. The app is popular for sending nude pictures, since the snaps are “deleted” after a few seconds. But a recipient can take a screenshot of the “snap,” saving it to the user’s phone. Additionally, third-party apps (SaveSnap™, SnapBox™, and SnapSpy™) allow recipients to save photos. Snapchat™ saves snaps to its cloud, even after they are “deleted” from the sender’s and recipient’s phones. Thus, snaps are never truly deleted.

**Twitter™** – a microblogging service that allows users to post pictures or short messages (“tweets”) that must be 140 characters or less. Users can make their profile public or private. Users can send private messages to others that do not appear in the public “twitterverse.”

**Instagram™** – an online mobile sharing service for photos and videos. Users create profiles containing pictures and videos taken on their smartphone. Users communicate on the platform via comments on photos. There is no limitation on who can set up an Instagram™ account, or how many accounts one individual can have, so an abuser could set up a dummy account consisting only of photos of his victim, and invite her friends and family to follow the account.

**Kik™** – a free instant messaging application for mobile phones. Much like text messaging, users can send and receive an unlimited number of messages, photos, videos, links to web pages, and other content. Photos and videos sent within the app remain saved as part of the conversation between two users – media does not

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disappear the way it does with Snapchat™. What differentiates Kik™ from other forms of social media such as Snapchat™, Twitter™, or Instagram™ is its emphasis on anonymity; to register, the app requires a “real name” and email address, but no phone number or other form of identity verification. Users can search for contacts via username or “real name,” but users can also search for interest groups (e.g., “cooking,” “fashion,” “soccer”) and chat with any member of those groups. Since Kik™ is not tied to a specific telephone number, only a username and email address, teens without cell phones can still use Kik™ on internet-connected devices such as iPod Touches™ or tablet devices. This allows for greater anonymity and freedom from parental scrutiny, as parents cannot monitor data usage or track which phone numbers their teens have been frequently contacting.

**YouTube™** – the world’s most popular video hosting site. Anyone can view videos posted on it, and users who create accounts can make and post videos that can be accessed publicly or privately for others to view.

**MySpace™** – a social media blogging website used to communicate with other users and to share thoughts, information, and photos.

**Tumblr™** – a short-form blogging and social media website. Users can elect to make their blogs public or private, and can post any type of multimedia content.

**Flickr™** – a photo-sharing website. Individuals post their own photos, and researchers and bloggers post images for advertising purposes. Flickr™ has mobile apps that enable the website to be accessed easily from a smartphone.

**Chatroom** – a website that allows users to communicate and send messages electronically.

**Tablet** – a general-purpose computer contained in a touchscreen panel. It has all the features of a personal computer. The iPad™ falls under this category.

**Screenshot** – a captured image of the display screen of an electronic device. This enables the picture-taker to save images of text message conversations, snapchats, photos, and call logs for future reference. These images can be easily shared on other sites, like Facebook™ or Tumblr™.

**Location-Tracking** – a smartphone feature that allows satellites and GPS technology to track the location of the phone. This setting is often enabled automatically for apps that rely upon the user’s location.

**Emojis/ Emoticons** – Pictorial symbols meant to represent words or concepts that can accompany text, or completely replace text to express an idea. In addition to smiley

faces, emoji applications include numerous symbols including representations of guns, skulls, syringes, and pills, which can be used to threaten or intimidate.

**Secondary Sexting** – When the recipient of a sext forwards it to a third party without the consent of the original sender (who is usually the subject of the photo).

**Revenge Porn** – A form of sexual abuse involving the distribution of nude or sexually explicit images of an individual without their consent. It is often perpetrated by ex-boyfriends or ex-husbands in attempts to seek revenge or exert control. Also known as non-consensual pornography (NCP).

**Periscope™** – A live video-streaming app. Users can film anything (a live event or something playing on a screen), connect to Twitter™ on the Periscope™ App, and let Twitter™ users view what they have posted.

## USE OF SOCIAL MEDIA IN TEEN DATING VIOLENCE: TECHNOLOGY “HOW-TOS” FOR JUDGES

### *How to Stay Up-to-Date on TDV Issues*

Technology is constantly changing and new apps gain popularity rapidly. The platforms included in this fact sheet are the latest list, but are subject to change.

- **Break the Cycle** is updated regularly with current issues (<http://www.breakthecycle.org>).
- **Futures Without Violence** has a number of helpful Fact Sheets (<http://www.futureswithoutviolence.org/resources-events/get-the-facts>).
- The **National Network to End Domestic Violence** (NNEDV) has a thorough list of resources (<http://nnedv.org/resources.safetynetdocs.html>).

### *How to Retrieve Messages from Smartphones*

- Applications that victims or law enforcement officials can download to recover text messages that have been deleted from a smartphone:
  - Recover, Wondershare, Dr. Fone, TextRar
- Contact cell phone carriers (Verizon, Sprint, etc.) to access their databases of information from personal cell phones.
- Search other electronic devices, such as laptops or tablets
  - Apple has a **"cloud" server** where it automatically saves information from electronic devices.
  - Apple iPhones typically upload text message content to computers, laptops, and tablets when they are connected to one another (e.g. when a phone is synced with iTunes)
  - You do not have to manually save something to the cloud for it to save there - most companies make the save function automatic
- Search other individuals' electronic devices (including the victim's)
  - When a Google "Hangout" history (instant message conversation) is deleted from a computer, it will be deleted from the user's Gmail account and mobile devices, but **other people who participated in the Hangout can still view the history.**<sup>35</sup>
- How to collect cell phone evidence:
  1. Use time stamp features
  2. Request information from service providers
  3. Advise parties with Orders of Protection to use **screen shots** to capture text messages, emails, and photos ("snaps") that can expire
  4. Refer to telephone bills and bank statements to view costs and outgoing calls<sup>36</sup>
  5. In some cases, authorities have successfully obtained the records of notoriously hard-to-track prepaid cell phones<sup>37</sup>

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## ***How to Obtain Information That May Be Open to “E-discovery”***

- For many websites, law enforcement officials can subpoena Internet service providers and view Web site logs to obtain criminal evidence
  - [www.search.org](http://www.search.org) has contact information for many web site hosts and other technology service providers
- The federal Stored Communications Act (SCA)<sup>38</sup> allows social media providers to refrain from divulging private communications, even in response to civil subpoenas.
  - To access communications on Facebook, Twitter, and Google+, follow the request channels of those providers.<sup>39</sup>
    - **Facebook:** Users click the "Download a copy of your Facebook data" link, and the company will send the user his/her site history
    - **Twitter:** all "tweets" are publicly viewable and catalogued with date and time stamps
      - Public tweets can also be located on websites such as AllMyTweets.net
      - Direct messages to individuals are not available to the public.
      - To see direct messages, Twitter provides instructions at <http://support.twitter.com/articles/1406-posting-or-deleting-direct-messages>
    - **Google+:** obtain information through <https://support.google.com/takeout><sup>40</sup>
- Email information can be traced through **IP (Internet Protocol) addresses** located in the email header.
  - IP addresses trace what streams information travelled to and from where

## ***How to Ensure Teen Victims are Protected***

- Teen victims may fail to follow recommendations to refrain from using a form of technology to avoid the abuse or stalking.
  - Instructing a victim to shut down her Facebook account will not end the abusive behavior; the perpetrator will find another means of harassment and control.<sup>41</sup>
  - Cutting victims off from their online community removes their support network.<sup>42</sup>
  - Continued online presence can enable the victim to monitor continued abuse, which she can subsequently report.
- Victim-centered responses from legal professionals provide necessary assistance while facilitating continued involvement in academic and social activities necessary for growth and happiness.<sup>43</sup>
- List of possible communications to include in adolescents' orders of protection against abusive partners:
  - "No calling, no texting, no emailing any account belonging to the petitioner, no Facebook 'poking,' messaging or posting, on the petitioner's wall or about the petitioner on another individual's wall, no communication via Instagram, Snapchat, or any other social networking site or app."
  - Judges can order that perpetrators give them (or a probation officer) access to the perpetrators' electronic devices and social media passwords.<sup>44</sup>

- For teens in particular, it may be useful to quiz them so they understand that any electronic communication violates the OP
  - e.g. "Would posting an old picture of you as a couple on Facebook violate the order?"
- Even when contact between parties is necessary or inevitable (e.g., attending school, sharing parental duties), limitations can be placed on communication or sharing personal information.
  - "For example, even if the order already prohibits electronic contact, the prohibition may also specify that the stalker not access computers or phones used by the victim or contact the victim through email or social networking services."<sup>45</sup>

### ***How to Evaluate ESI (Electronically Stored Evidence)***

- Federal Rule of Evidence 901(b) provides examples of how to determine whether evidence is authentic.
  - Example number (4) includes "appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances."<sup>46</sup>
  - Be on the lookout for idiosyncratic abbreviations, **emojis** (picture symbols), nicknames or pet names, or inconsistent subject matter in determining whether the alleged author did, in fact, write the message in question.
- If there is even a chance that a cell phone contains electronic evidence, a judge can place a **litigation hold** on the cell phone.
  - Courts have increasingly turned to sanctions if litigation holds on electronic devices are violated.<sup>47</sup>

### ***Endnotes***

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3. *Id.* at 42.
4. 18 USCS § 2701-12.
5. Hon. Matthew A. Sciarrino, Jr., *Social Media's Impact on Criminal Law*, § 2.1, KINGS CNTY CRIMINAL BAR ASSN., Oct. 17, 2013.
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8. Andrew Sta. Ana & Stephanie Nilva, *Teen Victims of Intimate Partner Violence*, 386, N.Y. LAWYERS MANUAL ON DOMESTIC VIOLENCE, (SIXTH) (forthcoming).
9. Eugene M. Hyman, et al., *In Love or In Trouble: Examining Ways Court Professionals Can Better Respond to Victims of Adolescent Partner Violence*, JUV. & FAMILY CT. J. 61, no. 4, 21-22 (Fall 2010) at 33.
10. See *People v. Ebertowski*, 228 Cal. App. 4th 1170, 11177 (2014) (holding that the probation conditions that defendant provide social media passwords and submit to searches of his electronic devices were reasonable).
11. Fraser, et al., *supra* note 2 at 49.

12. Lorraine v. Markel Am. Ins. Co., 241 F.R.D. 534 (D. Md. 2007) at 544.
13. Christou v Beatport, 849 F.Supp.2d 1055 (D. Colo., 2013) (imposing sanctions on defendant, who lost his iPhone after Plaintiff submitted a litigation hold letter, even though court found defendant's actions to be negligent and acknowledged the texts may not prove relevant); *see also* Gary M. Pappas, *Smartphones Can Be An E-Discovery Gold Mine or Sinkhole*, JDSupra Law News (2013); Zubulake v. UBS Warburg, LLC, 229 F.R.D. 422 (S.D.N.Y. 2004).

## LGBTQ ISSUES IN TEEN DATING VIOLENCE

*\*Note: all terms relating to LGBTQ identities or the LGBTQ lived experience are defined in the LGBTQ Issues in Teen Dating Violence: Glossary Information Sheet*

There exists a myth that lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth do not experience Teen Dating Violence (TDV) in the same way as heterosexual teens. This widespread belief, based in “the cultural assumption of gender,” is known as the “myth of mutual abuse.”<sup>1</sup> The myth of mutual abuse perpetuates the idea that “violence in gay intimate partnerships is a mutual abuse or combat.”<sup>2</sup> This myth is harmful because it erases the experiences of LGBTQ TDV victims. It is crucial to debunk this myth and to understand that TDV is perpetrated in same-sex as well as heterosexual teen intimate partnerships.

In fact, TDV is even more prevalent in LGBTQ teen intimate partner relationships than in heterosexual teen intimate partner relationships, with one study stating that **24% of “youth who reported having only same-sex romantic or sexual relationships” experienced “either psychological abuse or physical dating violence.”**<sup>3</sup> A study conducted by the Urban Institute Justice Policy Center found that

**“...higher shares of LGBTQ youth reported victimization experiences [sic] of cyber dating abuse (37 percent, compared to 26 percent of heterosexual youth), physical dating violence (43 percent, compared to 29 percent of heterosexual youth), psychological dating abuse (59 percent, compared to 46 percent of heterosexual youth), and sexual coercion (23 percent, compared to 12 percent of heterosexual youth). Further, higher shares of LGBTQ youth reported perpetrating cyber dating abuse (18 percent, compared to 12 percent of heterosexual youth), physical dating violence (33 percent, compared to 20 percent of heterosexual youth), and psychological dating abuse (37 percent, compared to 25 percent of heterosexual youth).”**<sup>4</sup>

Transgender youth are especially at risk, as the Urban Institute study shows that they report the highest rates of physical dating violence (88.9%), psychological dating abuse (58.8%), cyber dating abuse (56.3%), and sexual coercion (61.1%).<sup>5</sup> These data demonstrate that LGBTQ teen intimate partnerships are as potentially dangerous as heterosexual ones, and it is clear that abuse is being perpetrated in LGBTQ teen intimate partnerships despite the “myth of mutual abuse.”

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**LGBTQ teens may have trouble recognizing that they are victims of TDV**, “even when the battering is severe,” because “intimate partner violence is commonly defined and discussed within a heterosexual context.”<sup>6</sup> Also, if teens are living in a household or community that is not tolerant of LGBTQ individuals, their **sexual orientation and/or gender identity might prevent access to protection and resources**. For example, victims might stay with their abuser because the victims’ parents are homophobic and the victims feel that they cannot turn to their family for support. Finally, LGBTQ victims of TDV might feel too afraid to tell others about their abuse because doing so would “out” – expose – themselves and/or their partners as LGBTQ, in an environment that they perceive to be hostile towards LGBTQ individuals.

This **fear of “being outed”** complicates TDV in LGBTQ intimate partnerships in a way that heterosexual teens do not experience. **TDV perpetrators may use “outing” as a method of coercion**. For example, in a study of 521 youth attending an LGB rally, researchers found that “Bisexual males had... over 5 times the odds of gay males for being threatened to be outed by a partner” and “bisexual females had over 5 times the odds of lesbians for being threatened to be outed by a partner.”<sup>7</sup> Transgender teens may be even more fearful of outing than their LGB peers, because “**transgender youth report much higher rates of harassment and assault** than [cisgender] male and female peers,” “92% of transgender youth report often hearing sexist remarks by peers in school, and 79% report often hearing sexist remarks from faculty or staff,” and “89.5% of transgender youth report feeling unsafe in school because of their gender expression compared to less than half of their [cisgender] male and female peers.”<sup>8</sup>

Just as in heterosexual teen intimate partnerships, technology plays a large part in LGBTQ teen intimate partnerships. As explained in *The Use of Social Media in Teen Dating Violence* Information Sheet, technology and social media can be used by TDV perpetrators to coerce, threaten, harass, emotionally abuse, and stalk victims. As noted above, “**LGBTQ youth reported significantly higher rates of cyber dating abuse victimization** and perpetration than heterosexual youth,” with 37% of LGBTQ teens reporting cyber dating abuse victimization and “about half that” reporting cyber dating abuse perpetration.<sup>9</sup>

Abuse of LGBTQ teens by their intimate partners, whether perpetrated in person or online, is especially harmful because **LGBTQ youth are “at an increased risk for suicidal thoughts and behaviors, suicide attempts, and suicide.”**<sup>10</sup> More specifically, “youths with same-sex orientation are more than 2 times more likely than their same-sex peers to attempt suicide” and, as is the case with “all youths, victimization experiences [are] associated with suicidality.”<sup>11</sup> Also, “compared with their same-sex peers, boys and girls with same-sex sexual orientation reported significantly

more alcohol abuse and depression,” which are suicide risk factors.<sup>12</sup> The outlook is even bleaker for transgender youth; for example, **one study of 55 transgender youth found that 25% of its subjects (14 youths) had attempted suicide.**<sup>13</sup>

This elevated risk of depression and suicidal thoughts in LGBTQ youth can be attributed to the hardships they face due to societal stigma – invalidation or rejection of their identities; bullying; fewer resources specifically devoted to LGBTQ youth to foster mental health; difficulties transitioning for transgender youth, etc. – but when examined in the context of intimate partner violence these statistics are a large warning sign. **Abuse by intimate partners could lead already-depressed LGBTQ teens to harm themselves, cause healthy LGBTQ teens to become depressed, or lead to suicidal ideation and/or suicide.**

Alongside the risks of depression and suicide, as well as physical abuse and threats to physical safety such as stalking or verbal harassment, LGBTQ TDV is exceptionally dangerous because **LGBTQ teens are much more likely to be homeless** – with 30% of street youth identifying as lesbian, gay, or bisexual, and 6.8% of street youth identifying as transgender.<sup>14</sup> There are “currently no known LGBT-specific domestic violence shelters in the United States,”<sup>15</sup> and, “homeless LGBT persons have great difficulty finding shelters that accept and respect them” because they are “often at a heightened risk of violence, abuse, and exploitation compared with their heterosexual peers.”<sup>16</sup> Homeless transgender people “are particularly at physical risk due to a lack of acceptance and are often turned away from shelters; *in some cases signs have been posted barring their entrance.*”<sup>17</sup> If an LGBTQ young person’s family is not accepting of their identity, they may rely on their intimate partner for food, shelter, and survival. If this supportive intimate partner is abusive, **LGBTQ victims of TDV may stay with their abusive partners rather than face homelessness.**

**LGBTQ teens are also highly susceptible to human trafficking** due to their higher risks of homelessness and depression and/or other types of mental illness, and intimate partner abuse elevate the risk of trafficking. As explained on *The Dynamics and Consequences of Teen Dating Violence* Information Sheet, TDV perpetrators may force their victims into prostitution as part of their abuse – the perpetrators enter the victims’ lives, form intimate partnerships with the victims, garner their trust, then traffic them through varying methods of coercion. If an LGBTQ teen is already homeless and dependent upon an intimate partner for support, or if an LGBTQ teen is depressed and views an intimate partner as someone who can take care of them and make them feel better, **an LGBTQ TDV perpetrator could easily take advantage of the victim’s vulnerability and force their victim into prostitution.**

Teen Dating Violence is extremely dangerous for teen victims of any sexual orientation; however, the stakes are especially high in every case of LGBTQ Teen Dating Violence. LGBTQ youth already face more hardships than their heterosexual peers, as many studies have shown – e.g., “members of the LGBT community are at higher risk than heterosexuals for HIV/AIDS, substance abuse, and various mental health problems such as anxiety and depression”<sup>19</sup> – and if, on top of that, these teens are abused by intimate partners, the risks are compounded greatly. Even if it is difficult to understand the exact nature of an intimate partnership between two LGBTQ teens, or if the language these teens use to identify themselves is confusing, cases of LGBTQ Teen Dating Violence should be considered with the same seriousness and care as heterosexual TDV cases and cases of adult intimate partner violence.

### **Tips for Working with LGBTQ Teens in the Courtroom**

- *Always ask for teens’ preferred pronouns – see the LGBTQ Issues in Teen Dating Violence: Glossary for more information – and address them using the name by which they call themselves, even if it differs from that listed on state identification. Doing so will demonstrate to the teens that you respect their identity and that you are someone whom they can trust.*
- School environments can be hostile towards LGBTQ youth, so working with the school to hold LGBTQ TDV offenders accountable might be challenging.
- Be aware that some LGBTQ youth may not be “out” in their community – or even to their family members – and may be reluctant to reveal their sexual orientation or gender identity in a public manner.
- LGBTQ TDV victims may also be afraid to “out” their abuser or expose details about their abuse for fear of the abuser’s retaliation, or because the victims do not want to feel as if they are “betraying the LGBTQ community” by admitting abuse at the hands of an LGBTQ partner.

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## LGBTQ ISSUES IN TEEN DATING VIOLENCE: GLOSSARY

Until very recently, gender, sex, and sexuality were viewed based on binary systems: male or female, gay or straight. Now, due to greater societal acceptance of varying sexual orientations and new insight into the differences between biological sex and gender identity, people of all ages – especially young people – are finding new ways and using new words to label their gender identity and sexual orientation. For example, Facebook offers 58 different gender options, allows for the creation of a “custom” gender, and allows users to select among three personal pronouns – “he,” “she,” and “they” – in order to express their true selves most authentically.<sup>1</sup> Due to this individualization of identity, in court, young persons may identify themselves in an unanticipated way. It is respectful for the court to honor whatever identities the young people who come before the court may have, and the court’s acceptance of the way in which they choose to speak about themselves will promote greater compliance in the courtroom and with court orders.

Because there is such variance in identity and self-expression, we have provided a limited glossary here, adapted from the University of California Riverside LGBT Resource Center<sup>2</sup> and the University of Wisconsin-Madison LGBT Campus Center.<sup>3</sup> We invite you to refer to both universities’ glossaries for a more complete set of terms that young people might use to identify themselves in your court.

It is important to note the difference between the terms “sexual orientation (sexuality),” “sex identity (sex),” and “gender identity (gender),” as these terms are used throughout the glossary. **Sexuality** is the “physical and/or emotional attraction to, and desire to sexually and/or emotionally partner with, other people of specific genders and/or sexes.”<sup>4</sup> **Sex** is the “physical, biological, chromosomal, genetic, and anatomical makeup of a body, classified as male, female, or intersex.”<sup>5</sup> This term can also describe the “categorization of a person’s physiological status based on physical characteristics.”<sup>6</sup> **Gender** is “an individual’s internal sense of being male, female, both, neither, or something else. Since gender identity is internal, a person’s gender identity is not necessarily visible to others.”<sup>7</sup> Sexual orientation is not dependent upon gender or sex identity.

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Sexual orientation and gender identity vary greatly from individual to individual. For example, a young woman who is sexually attracted to both men and women might refer to herself as “bisexual,” but she might also define herself with the words “pansexual” or “queer.” A young transgender man who is emotionally attracted to other men but is not attracted to anyone sexually might refer to himself as “a trans gay asexual man” or simply “a queer trans man.” Young persons who do not see themselves as part of the gender binary might ask the court to refer to them with “they/them/theirs” pronouns, and might identify as “agender,” “non-binary,” “gender non-conforming,” or “genderqueer.”

Finally, as the UC Riverside LGBT Resource Center notes, “Each person who uses any or all of these terms does so in a unique way (especially terms that are used in the context of an identity label). If you do not understand the context in which a person is using one of these terms, it is always appropriate to ask.”<sup>7</sup>

**Agender** – a person who does not identify with any gender, or feels that they have no gender.

**Asexual** – a person who is not sexually attracted to anyone or does not have a sexual orientation.

**Bigender** – a person whose gender identity is made up of both male/man and female/woman; a person with a tendency to shift between stereotypically masculine and feminine behaviors depending on context.

**Bisexual** – a person who is emotionally, physically, and/or sexually attracted to individuals of their own gender and of genders different from their own. Typically, this means a person attracted to both men and women, but some feel that the strict “both men and women” definition excludes attraction to transgender individuals. This sexual attraction does not have to be equally split between genders, and there may be a preference for one gender over the other.

**Cisgender** – a person whose gender identity is aligned with the gender they were designated at birth, based on their physical sex. The term is also used to connote individuals who are not transgender, the way “heterosexual” or “straight” are used to connote individuals who are not lesbian, gay, bisexual, or queer.

The prefix *cis-* attached to the word *gender* comes from the Latin word *cis*, meaning “on the side of.” *Cis* is the Latin antonym of the word *trans*, which means “on the other side of” or “across from.” Therefore, “cisgender” literally means that a person’s gender identity is “on the same side of,” or in alignment with, a person’s physical sex.

**Coming Out** – the process by which a person accepts their own sexuality, gender identity, or intersex status; the process by which a person shares their sexuality, gender

identity, or intersex status with others. Oftentimes, this is a continual, lifelong process, and stigma against LGBTQ individuals can make coming out difficult and/or dangerous.

**Designated Female at Birth (DFAB)** – a phrase used by trans, intersex, or gender-nonconforming individuals to indicate that, via the viewing and labeling of their bodily characteristics, they were deemed to be the female sex at birth.

**Designated Male at Birth (DMAB)** – a phrase used by trans, intersex, or gender-nonconforming individuals to indicate that, via the viewing and labeling of their bodily characteristics, they were deemed to be the male sex at birth.

**FTM (Female-to-Male)** – a term used by the transgender and gender-nonconforming communities to identify a person assigned the sex of “female” at birth, but who currently identifies his gender as male.

**MTF (Male-to-Female)** – a term used by the transgender and gender-nonconforming communities to identify a person assigned the sex of “male” at birth, but who currently identifies her gender as female.

**Gay** – a term used to refer to homosexual/same-gender loving communities as a whole, or as an individual identity label for anyone who experiences same-gender attraction. Used commonly to specifically represent male-identified individuals who are emotionally, physically, and/or sexually attracted to male-identified individuals.

**Gender Dysphoria** – an emotional and/or mental dissonance between one’s desired concept of their body and what their body actually is; a term used in psychiatry to define the incongruence between an individual’s gender identity and their designated sex at birth.

**Gender Identity (Gender)** – an individual’s internal sense of being male, female, both, neither, or something else; how a person conceptualizes their gender despite what sex they were designated at birth; e.g., cisgender man or woman, transgender man or woman, genderqueer, gender non-conforming, agender. (Defined above.)

**Gender Non-Conforming** – individuals who do not identify as transgender or cisgender, or conform to traditional gender norms.

**Genderqueer** – an umbrella term for people whose gender identity exists outside the male-female gender binary; another way to express that someone does not identify as cisgender or transgender.

**Heterosexual** – a person who is emotionally, physically, and/or sexually attracted to people of a different sex or gender identity.

**Homosexual** – a person who is emotionally, physically, and/or sexually attracted to people of their same sex or gender identity.

**Intersex** – a person who is born with sex chromosomes, external genitalia, and/or an internal reproductive system that is not considered “standard” for either the male or female sex. This word is preferred to the term to “hermaphrodite.”

Many intersex individuals are forcibly assigned a certain sex through surgical operations during childhood. There is a movement to ask intersex individuals themselves, when they are grown, whether they want such a surgery instead of allowing doctors or intersex individuals’ parents to make the decision for them when they are children.

**Lesbian** – a term used to describe female-identified individuals who are emotionally, physically, and/or sexually attracted to female-identified individuals.

**Outing (To Be Outed)** – the process in which someone discloses another person’s sexual orientation, gender identity, or intersex status without the concerned person’s permission. Outing is directly associated with an LGBTQ individual’s personal safety and consent – abusers can threaten to “out” their LGBTQ victims as a manipulation tool.

**Pansexual** – a person attracted to individuals of all gender identities; a person for whom gender does not factor into their experience of sexual attraction; a person who is attracted to certain physical features or personality traits in all people regardless of gender.

**Preferred Pronouns** – denotes which pronouns someone would like others to use to refer to them. It is polite to ask every person – even if you think you already know their gender identity – what their preferred pronouns are.

**Queer** – an individual identity label for anyone who does not identify as heterosexual or cisgender; an umbrella term for any/all identities that fall outside the gender-normative and heterosexual majority. The term was once used pejoratively but a movement to reclaim the word began in the 1980s and it is now widely used by members of the LGBTQ community – hence, the “Q” added to the end of the LGBT acronym.

**Sex Identity (Sex)** – The categorization of a person’s physiological status based on physical characteristics; the physical, biological, chromosomal, genetic, and anatomical makeup as a body, classified as male, female, or intersex. (Defined above.)

**Sexual Orientation (Sexuality)** – an individual’s emotional, physical, and/or sexual attraction to and desire to sexually and/or emotionally partner with individuals of specific genders; i.e., homosexual, heterosexual, bisexual, pansexual, asexual. (Defined above.)

**Trans** – an abbreviation of the word “transgender.” Can be used on its own (“I’m trans and a lesbian”) or in conjunction with certain genders (“I’m a pansexual trans man.”).

**Transgender** – a person whose gender identity differs from the gender they were designated at birth based on their physical sex. The prefix *trans-* attached to the word *gender* comes from the Latin word *trans*, meaning “on the other side of” or “across from.” *Trans* is the Latin antonym of the word *cis*, which means “on the side of.” Therefore, “transgender” literally means that a person’s gender identity is “on the other side of,” or in opposition to/not aligned with, a person’s physical sex.

## **Endnotes**

1. Russell Goldman, ABC News, *Here’s a List of 58 Gender Options for Facebook Users* (February 13, 2014), <http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users/> (last visited October 22, 2015).
2. Eli R. Green & Eric N. Peterson, UC RIVERSIDE LGBT RESOURCE CENTER, *LGBTQI Terminology* (2003-2004), <http://www.lgbt.ucla.edu/documents/LGBTTerminology.pdf> (last visited September 29, 2015).
3. UNIVERSITY OF WISCONSIN-MADISON LGBT CAMPUS CENTER, *Trans, Genderqueer, and Queer Terms Glossary*, [https://lgbt.wisc.edu/documents/Trans\\_and\\_queer\\_glossary.pdf](https://lgbt.wisc.edu/documents/Trans_and_queer_glossary.pdf) (last visited September 29, 2015). This resource was adapted with permission from JAC Stringer of The Trans and Queer Wellness Initiative (2013).
4. Adapted from endnote 2, at 7 “Sexual Orientation.”
5. *Id.*, at 7 “Sex Identity (Sex).”
6. *Id.*
7. *Id.*, at 4 “Gender Identity.”

## ORDERS OF PROTECTION FOR VICTIMS OF TEEN DATING VIOLENCE

### *What Does Teen Dating Violence Look Like?*

Adolescents use different language to describe their dating relationships. Often teens use terminology such as “hooking up” or “getting together sometimes” rather than identifying the relationship as “romantic” or labeling their partner as a boyfriend or girlfriend.<sup>1</sup>

It is important to recognize that even though the relationship appears casual, the violence can still be severe. Teens are subjected to the same types of abuse in relationships as adults – physical abuse, emotional/verbal abuse, and sexual abuse. In most cases, the abuse escalates over time, sometimes to the point of lethality, and for many teens, especially those seeking legal services, the dating violence is just one small piece of the violence in their lives. Recognizing that youth in middle and high school can perpetrate dating abuse is an important step to providing protections for youth victims.<sup>2</sup>

Additionally, technology can play a significant role in dating violence. Social media, cell phones, and text messages can become tools of power and control in the hands of an abusive partner. Addressing this harm is critical when creating orders of protection. (Refer to the *Use of Social Media in Teen Dating Violence* Information Sheets for more information.)

### *Perceived Barriers to Seeking Orders of Protection*

Teens may not recognize abuse in their intimate relationships,<sup>3</sup> and if there is abuse, many teens are not familiar with the possibility of obtaining an order of protection. Of those who are aware of the remedy, many are still reluctant to report the abuse because of:<sup>4</sup>

- A strong anti-snitch culture (reporting intimate partner abuse to the courts would be akin to “snitching” and therefore not an option; teens might be more likely to try to handle a situation themselves) and machismo culture (male socialization discourages boys from admitting to police any victimization, even serious violence) among youth
- General shame in admitting their victimization
- Fear that the order of protection will not work or that it is not useful (i.e., “It’s only a piece of paper” mentality)
- Safety concerns and apprehension that the violence will increase
- Fear of retaliation, from both the abuser’s and victim’s family and friends
- Long waits in court and inconvenient hours

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- A disinclination to let go of the relationship (teens often perceive ending the relationship as a great loss, especially if it entails a loss of their peer group as well)
- Concern that telling someone about abuse would decrease their own control in the situation, reflect badly upon their decision-making, or expose them to more danger

Understanding these concerns can go a long way in assuring youth that an order of protection can increase their safety without turning their lives upside down.

## ***Practice Pointers***

### ***Craft Specific Orders***

Courts should be willing to grant a civil order of protection even if a criminal order is in place or being sought because the civil order belongs to the victim and will survive even if the criminal case is dismissed or probation expires. The Court decides if the victim has met her burden to issue the order and then considers how to tailor it.

When tailoring the order, recognize that youth have less access to changing their daily social environments than adults, and they rely on the orders to protect safe spaces from the perpetrator's violence. The reality is that the perpetrator may live in the same neighborhood, have mutual friends, use the same transportation, or continue to attend the same school.

- Consider the victim and abuser's shared spaces (e.g., school, neighborhoods, extracurricular activities) as well as social media. For example, instead of stating "Refrain from Communication," an order can extend this restriction to specifically include social media and text messaging, as well as messages from friends and family. Make clear that if the abuser or those indicated within the order make contact, the court will consider it a violation.<sup>5</sup>
- Ask victims what conditions would be helpful and realistic for them.
- Remember that the relief available in adult cases is also available in teen cases, including the federal mandate against gun possession by domestic violence offenders.

### ***Recognize That the Process Can Be Intimidating and Re-Traumatizing***

Youth enter the legal system with a different set of experiences that affect their perception. Teens may assume that adults will not understand what they are going through and fear that they will face harsh judgment. Some teens will be nervous and intimidated, some will be eager to please an authority figure, some will appear bold and confident, and others will be hostile and aggressive. Placing aside expectations of how a teen might act helps avoid conclusions that they do not need help.<sup>6</sup>

- Reduce the stress of being in the same room as the abuser, such as allowing the teens to wait in separate areas or limiting the surprise as to when they will be in the same room. Avoid letting the teens leave at the same time. Such acts help promote the feeling of safety.

- Give detailed, written information about the steps in the process, including what to expect and how to prepare. The stress and confusion teens experience during the court process suggests the difficulty young people may have in digesting information or tracking decisions while under extreme stress.
- Provide sensitivity training to court personnel. Tone of voice or other intimidating behavior can inadvertently trigger past traumatic experiences and aggravate current fears. For example, a disapproving tone of voice might make victims think they won't receive a fair outcome.

### ***Demonstrate Taking the Violence Seriously***

Appearing in court can be empowering for victims of abuse, especially for teens who are just beginning to stand up for themselves and their rights. Hearing a judge state that the abuser's actions were wrong can go a long way towards restoring the teen's confidence and sense of self.<sup>7</sup>

- Take the extra time to be supportive and compassionate with youth victims. Victims of abuse need to feel that the courts take their experiences of abuse seriously.
- Establish a "zero tolerance" policy. Youth subjected to dating violence may be involved in their first intimate relationship and it is important that all court personnel and court-related professionals convey that all forms of abuse, including physical, sexual, and emotional abuse, have no place in an intimate relationship.
- Monitor the abuser's behavior and compliance with court orders by requiring regular court appearances for status updates and/or progress reports.
- If possible, require the abuser to attend a teen-specific domestic violence intervention program.
- Support the establishment of teen-specific batterer intervention programs in your community.

### ***Questioning a Young Petitioner***

- Use open ended questions – let the youth tell their story in their own words.
- Consider the teen's developmental stage when forming questions and interpreting a teen's behavior.
- Avoid legalese; use straightforward language.
- Ask follow-up questions and for clarification of vague or incomplete answers, and explain why you are asking the follow-up questions.
- Teens may use slang or shortcuts in explaining what happened – ask for an explanation if you don't understand.

- Avoid the question "why" unless necessary – adolescents may interpret it as accusatory and shut down.
- Remember, as described in the Information Sheet *The Teenage Brain: New Knowledge from Neuroscience*, teens may look like adults but their brains are still maturing.

## ***The Role of Schools***

Victims and abusers often attend the same school. Schools play an important role in enforcing separation, ensuring safety, and understanding/educating others about adolescent dating violence.<sup>8</sup> Courts can report the existence of an order of protection and provide a picture of the perpetrator to the school. Regardless of how particular schools handle protective orders, judges can take numerous steps to ensure they are honored:

- For example, a school might map out the students' routes between classes, staggering class exit times, changing lunch hours, notifying staff, and if appropriate, having an escort between classes.
- Additionally, schools can implement training and protocol mandates for teachers and administrators, as well as guidelines for enforcing protective orders to increase effectiveness. Such guidelines might include, developing a safety plan, ensuring the victim has a right to a support person at all times, or recognizing victim preference if changes need to be made.<sup>9</sup>
- Courts should always provide a copy of a protective order to the petitioner's teachers and school administrators and make them aware of their own obligations under that order. Once a school knows there is an order, it effectively has notice that a student requires protection.
- Crafting specific orders can help a school understand precisely which accommodations are required. Well-tailored orders tell a school exactly what needs to be done: e.g., keep the students 50 feet apart, change a certain student's schedule, provide a safety escort, etc.
- When a court issues a stay-away order, if the students are in the same class and there is only one class for their age group, the court can specify that the respondent change schools if necessary to comply with the order. This course of action is preferable to risking the petitioner's safety by keeping the students in the same room. This is similar to how courts often require the abuser to leave a shared home, emphasizing that the perpetrators should be the ones to change their lives rather than the victim.

Additionally, courts can hold schools liable for violations of protective orders on their premises through a variety of legal strategies. Although a judge may not be able to hold a school in contempt for not facilitating compliance with the protective order, a student victim may bring a variety of actions against the school.

- **Title IX of the Education Amendments of 1972:** A student might file a Title IX complaint with the Federal Department of Education if a violation of her restraining order has led to a hostile educational environment that the school has failed to address. In bringing a successful Title IX complaint, a student must show that school officials had actual knowledge of the situation, that they were deliberately indifferent to protecting her, and that the situation was so “severe, pervasive, and objectively offensive” that it has barred her access to education. She must be able to show intentional discrimination, which can be demonstrated through indirect evidence – such as failure to act after receiving actual knowledge of the abuse.
- **42 U.S.C § 1983:** A student can bring a claim in federal court under 42 U.S.C. § 1983 if the school or school district acted under color of law to deprive the student of a constitutional right, such as the right to be secure in her person.
- **State Tort Law:** If a school knew of a student’s protective order and failed to accommodate it, a student may claim negligent infliction of emotional distress or third-party tort liability. The student would need to show that both the abuser’s conduct and the student’s injury were foreseeable, and an order of protection would likely provide extremely persuasive evidence of foreseeability.

### ***Adolescent Access to Orders of Protection***

Many states grant minors access to orders of protection.<sup>10</sup> However, state laws differ regarding the process and vary considerably as to whether teens can petition for an order of protection on their own behalf.

“Frequently, state family violence laws do not apply to adolescent intimate partner violence; protection often requires that the perpetrator and victim have a history of living together or have a child together, conditions that many adolescents in abusive intimate relations will not meet, making it difficult for adolescent victims to obtain a protective order that can be an essential component of a safety plan, including an order by the court for the removal of the perpetrator’s gun... changes [are] needed to protect [adolescent victims]’ lives.”<sup>11</sup> As an aspect of judicial leadership, if you are in a state where a minor cannot access an order of protection, consider what role you can play in making that accessible.

Below are examples from several states.

### **Who Can Obtain an Order of Protection?**

**CALIFORNIA:** Cal. Fam. Code § 6211(c) articulates that someone in a dating relationship can perpetrate domestic violence.<sup>12</sup> Under Cal. Code Civ. Proc. § 372(b)(1), a parent or guardian must apply for an order of protection on behalf of a minor under the age of 12.<sup>13</sup> Minors between the ages of 12 and 18 can apply for an order of protection on their own; however, at least one parent will be notified unless this is not in the minor’s best interest.

**DISTRICT OF COLUMBIA:** Under D.C. Code § 16-1003, minors can obtain civil protection orders. Victims 16 years and older can file on their own behalf, while victims 12-15 years old can file only if they are a victim of intimate partner violence and victims under 12 need a parent, guardian, or custodian to file on their behalf.<sup>14</sup> Additionally, victims can obtain an order of protection against another minor who is 12 years or older.

## Who Can Obtain an Order of Protection? (cont'd)

**DISTRICT OF COLUMBIA (cont'd):** There are two requirements to obtaining a civil protection order. First, the victim must demonstrate intimate partner violence, interpersonal violence, or intrafamily violence.<sup>15</sup> Second, the victim must prove there is good cause to believe the abuser committed or threatened to commit a criminal offense against the person.<sup>16</sup>

**FLORIDA:** Fla. Stat. § 784.046: “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature.

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

**ILLINOIS:** In Illinois, under 750 ILCS 60/201(a), any person abused by a “family or household member,” with “person” including a minor child, can seek an order of protection.<sup>17</sup> The definition of “family or household member” includes persons who have had a dating relationship but excludes casual acquaintances or ordinary fraternization in a business or social context.<sup>18</sup> Minors cannot be denied an order of protection even when it is against another minor.<sup>19</sup> However, minors cannot apply for an order of protection without an adult.

**NEW YORK:** The Family Court Act § 812<sup>20</sup> lists four categories of persons who can “originate” order of protection proceedings which include: any person related to the respondent as their spouse, former spouse, parent, and child or member of the same family or household. As of 2008, those involved in intimate and dating relationships fall into the category of household members and are permitted to obtain orders of protection.

The court uses certain factors to determine whether such a relationship is actually a “dating or intimate” relationship, including: the nature of the relationships, the frequency of interaction between the persons, and the duration of the relationship. Two people do not need to have a sexual relationship in order for that relationship to qualify under this section of the statute. The statute warns that neither “casual acquaintances nor ordinary fraternization between two individuals in business or social contexts” will be considered under this category of relationships.

There are no age restrictions on who can petition and obtain an order of protection in the New York Family Courts, nor who can be a respondent of an order. A parent can also commence action against a minor under the age of 16 if that minor has committed one of the specific offenses listed under Family Court Act § 812(1).<sup>21</sup> Additionally, in New York Family Court, the judge will ask the petitioner, regardless of age, whether they want an attorney or not. In most Family Court proceedings, parties are entitled to a lawyer. If a party cannot afford one, the court will usually assign one.<sup>22</sup>

**OHIO:** Dating violence is not defined in any Ohio statute related to orders of protection. Dating violence is defined in the statute permitting dating violence education programs in school ORC Ann. § 3313.666 as “harassment, intimidation or bullying.” As of June 2010 a minor, or her/his parent or guardian, can get a civil<sup>23</sup> or criminal<sup>24</sup> order of protection against another minor. The language of the domestic violence definition statute has not changed to permit respondents who are in dating relationships that do not result in a child to petition for an order of protection. However, in practice, it is possible for a person to obtain an order of protection because the order is based “not on the definition [of a respondent] but on the crime.” The statute that permits criminal orders of protection against minors lists a host of crimes for which an order of protection can be issued.<sup>25</sup>

## ***Keep In Mind***

Break the Cycle, a national organization dedicated to providing comprehensive dating abuse programs exclusively to young people, offers these suggestions for courts:<sup>26</sup>

- Challenge yourself to see every teen as an individual rather than a stereotype.
- Youth often know less than the average adult about court procedures, the legal system, and their legal rights. Explain the conditions of the order clearly and the options for modifying the order to accommodate schedule or life changes to both parties using developmentally and age appropriate language.
- Teens face different practical concerns than adults – they may attend the same school, share a friend group, or participate in the same activities as their abusive partners.
- Don't take a teen's behavior personally – it may just be nerves or difficulty talking to adults.
- Ask questions – don't make assumptions about the youth, their case, or their relationship.
- Whenever possible, share info on a "need to know" basis and let teens know which other officers will have access to their case file and what they will do with the information.

## ***Endnotes***

1. DC Superior Court's Judicial Benchcard for Protection Order Hearings Where Either or Both of the Parties are Minors
2. Youth Access to Protection Orders: A National Overview, Break the Cycle (Fall 2014),  
[http://www.breakthecycle.org/sites/default/files/Youth%20Access%20to%20Protection%20Orders%20-%20A%20National%20Overview\\_0.pdf](http://www.breakthecycle.org/sites/default/files/Youth%20Access%20to%20Protection%20Orders%20-%20A%20National%20Overview_0.pdf).
3. Teen Dating Abuse Report 2009: Impact of the Economy and Parent/Teen Dialogue on Dating Relationships and Abuse (June 2009), available at  
<https://www.breakthecycle.org/sites/default/files/pdf/survey-lina-economy-2009.pdf>.
4. Andrew Klein, et al., *An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence*, Report Number 242131 (April 29, 2013), available at  
<https://www.ncjrs.gov/pdffiles1/nij/grants/242131.pdf>.
5. During the first appearance in criminal proceedings, no contact orders frequently prohibit all contact, including texting, email, phone, and through friends. Additionally, §1203.097 of the California Penal Code requires a court to issue a protection order as a condition of probation in adult cases, a requirement easily transferrable to teen cases. The Court can then monitor the teen's compliance during mandatory probation reviews. See Eugene M. Hymen, Wanda Lucibello & Emilie Meyer, *In Love or in Trouble*, 61 JUVENILE AND FAMILY COURT JOURNAL 17, 28 (Fall 2010).
6. *Supra* note 4.
7. Break the Cycle: Working With Teen Victims of Dating Violence,  
[http://www.breakthecycle.org/sites/default/files/Law\\_Enforcement.pdf](http://www.breakthecycle.org/sites/default/files/Law_Enforcement.pdf).



8. See, e.g., Thomas A. Mayes, *Students with No-Contact Orders Against Abusive Classmates: Recommendations for Educators*, 52 PREVENTING SCHOOL FAILURE 37 (2008).
9. *Supra* note 4.
10. *Supra* note 3.
11. Nancy Glass et al., *Young Adult Intimate Partner Femicide: An Exploratory Study*, 1 HOMICIDE STUDIES 177, 182-183 (2008).
12. Cal Fam. Code § 6211(c).
13. Cal Code Civ. Proc. § 372(b)(1).
14. D.C. Code § 16-1003(a).
15. See D.C. Code § 16-1003(6)-(10) (defining the different categories of violence).
16. See DC Superior Court's Judicial Benchcard for Protection Order Hearings Where Either or Both of the Parties are Minors
17. 750 ILCS 60/201(a).
18. 750 ILCS 60/103(6).
19. 750 ILCS 60/214(a) ("Petitioner shall not be denied an order of protection because petitioner or respondent is a minor.").
20. N.Y. FAM. CT. ACT LAW § 812(1) (CONSOL. 2015).
21. See *Paula S. v. Steven S.*, 585 N.Y.S.2d 964 (N.Y. Fam. Ct. 1992).
22. NYCOURTS.GOV: NEW YORK STATE UNIFIED COURT SYSTEM, <https://www.nycourts.gov/courts/6jd/tompkins/family/you.shtml> (last visited Sept. 30, 2015).
23. ORC Ann. § 3113.31.
24. ORC Ann. § 2151.34.
25. See ORC Ann. § 2151.34(A) (2) (a).
26. Break the Cycle: Working With Teen Victims of Dating Violence, [http://www.breakthecycle.org/sites/default/files/Law\\_Enforcement.pdf](http://www.breakthecycle.org/sites/default/files/Law_Enforcement.pdf).



## HOLDING TEEN DATING VIOLENCE OFFENDERS ACCOUNTABLE

### ***Disposition and Sentencing Considerations Generally***

The Supreme Court has ruled that both capital punishment and life imprisonment without the opportunity for parole as applied to juvenile defendants are unconstitutional in violation of the Eighth Amendment.<sup>1</sup> Crucial to the Court's reasoning in both cases were the differences in brain development between juveniles and adults.

In *Roper v. Simmons*,<sup>2</sup> the Court focused heavily on the importance of the neurological differences between children's and adults' brains, which is discussed in *The Teenage Brain: New Knowledge From Neuroscience* Information Sheet. The Court noted three main differences which mitigated juveniles' culpability:

- First, "a lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions."
- Second, "juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure."
- Third, "the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed."<sup>3</sup>

### ***How Does Brain Development Factor In?***

Adolescent behavior might seem inappropriate, but in the context of teen experiences and brain development this may not be the case. It is important to have an awareness of the impact of social and developmental factors in order to intervene effectively.

Two brain systems contribute to adolescent behaviors: the socio-emotional system and the cognitive control system.<sup>4</sup> They have different locations in the brain and develop differently.

- Socio-emotional system: Responsible for processing emotions, social information, and reward and punishment. Major changes in early adolescence are related to hormones. Changes lead to increased thrill seeking, easier emotional arousal, and increased interest in social information.
- Cognitive control system: Responsible for deliberate thinking and weighing of costs and benefits, planning ahead, and regulating impulses. Develops from pre-adolescence through mid-20s.

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Children and adolescents are still developing biologically (brain development), cognitively (reasoning and problem solving), and psychosocially (peer pressure and risk taking), all relevant to culpability. Adolescence is a time characterized by a social emotional system that is easily aroused and highly sensitive to social pressure, as well as a still immature cognitive control system. As a result, adolescents are less able to control impulses, less able to resist pressure, less likely to think ahead, and more driven by the thrill of anticipated rewards.

Overall intellectual ability largely stops maturing after 16; however, psychosocial maturity continues to develop through the mid-20's and beyond. Thus, the "Immaturity Gap" arises, and an adolescent's short-sightedness, impulsivity, and susceptibility to peer influence can undermine their more developed decision making ability.<sup>5</sup>

It is important to place adolescents' actions in the context of their cognitive, psycho-social, and intellectual development, and while judges should not excuse abusive behaviors, they should consider the developmental stage of adolescence as a mitigating factor when determining the proper disposition or sentencing.

### **Factors Leading to Teens' Poor Decision Making:**

- Lack of foresight and attention to immediate gratification
- Less sensitivity to risk and a focus on the potential benefits, contributing to impulsivity
- Coercion and distress in the form of peer-pressure
- Desire for peer approval and fear of rejection

### **Examples of Poor Decision Making:**

- Joining gangs
- Shoplifting
- Drug Use
- Cheating on school exams

## ***Approaches to Disposition Hearings & Sentencing***

Recognizing teen dating violence as distinct from general violence is essential when making disposition determinations. An understanding of developmental and neurological differences between youth and adults, as well as the high cost of incarceration, has led to juvenile justice system reform. Initiatives, such as the Crossover Youth Practice Model, the Juvenile Detention Alternatives Initiative, and Models for Change, help prevent youth from entering the juvenile justice system unnecessarily and improve their family and community environments for the future.<sup>6</sup> Intervention programs generate opportunities to re-educate perpetrators of teen dating violence about their relationships and their use of violence. Program activities might include "discussions of healthy and unhealthy relationships, sex-role stereotyping, coping with anger or

rejection, and the effect of alcohol or drug use on one's behavior, among other topics."<sup>7</sup> Studies show that "a court-based intervention program for juveniles... is especially effective for first-time offenders who have not yet "hardened" into a destructive behavior pattern."<sup>8</sup> These findings suggest that by working with adolescent victims and perpetrators, courts may be able to attain a level of rehabilitation that might be unattainable in an adult population.<sup>9</sup>

A response which holds youth offenders accountable while providing rehabilitative opportunities shows adolescents that the legal system and social structures do not condone violence but also do not discard youth.<sup>10</sup> Recognizing the potential crossover issues among criminal, family, and juvenile law can help uncover "the information necessary to making safety-driven decisions and interventions that do not inadvertently re-victimize adolescents and expose them to greater risk."<sup>11</sup>

The National Research Council (NRC) proffers a developmental approach to juvenile justice reform that provides a clear path for systems.<sup>12</sup> The NRC identified seven hallmarks of a developmental approach to juvenile justice:<sup>13</sup>

- Accountability without criminalization;
- Alternatives to justice system involvement;
- Individualized response based on assessment of needs and risks;
- Confinement only when necessary for public safety;
- A genuine commitment to fairness;
- Sensitivity to disparate treatment; and
- Family engagement.

The Santa Clara County Juvenile Domestic and Family Violence Court (JDFVC) uses similar features to ensure appropriate intervention with adolescents. These include:<sup>14</sup>

- Intake procedures that flag cases;
- A dedicated docket with trained attorneys in both the district attorney's office and the public defender's office; and
- Monthly meetings with involved staff.

## ***Tailoring the Response***

Creating a tailored response sends the message that teen dating violence is unacceptable and offers the opportunity to work with adolescent victims and perpetrators to curtail future violence.<sup>15</sup> Conceptually, it might be difficult to accept youth, for example, as young as eight, in dating relationships, but acknowledging the violence in this context is critical and should not be dismissed as acceptable "rough-housing."<sup>16</sup>

Teen Dating Violence ranges from misdemeanors to murder. Craft tailored responses that:

- Implement early and effective intervention. It is important that all consequences be given as quickly as possible after finding a teen is responsible/guilty. Keep in mind, all dispositions should be evidence based.
- Require accountability for youth perpetrators. It is important for the court to recognize the severity of the offense and issue a commensurate sentence. However, equally important is the need to facilitate rehabilitation. Balancing both interests is left to the discretion of each judge, but accounting for the teen's development can help accord weight.
- Dispositions should be age/developmentally appropriate; 14 is different than 16
- Require close monitoring by the court. Similar to adult domestic violence court, it is especially important that teen batterers have frequent court reviews. Require at least a monthly check in, and consider whether the teen dating violence perpetrator should appear more often, for example, every two weeks. A court should require the perpetrator to check-in more frequently to underscore the severity of the charges. If available, judges should consider using special intervention programs which include assignment to specialized courts with regular reviews and heightened supervision.<sup>17</sup> Electronic monitoring is also an option.
- Set detailed conditions for probation. For example, require the perpetrator to attend school regularly, submit to warrantless search and seizure, comply with curfews, abstain from alcohol and drug use, refrain from contacting the victim or the victim's family, and participate in individual counseling or domestic violence programs.<sup>18</sup> Teens also require special probation conditions, such as, obeying parents, not joining gangs, no tattoos, no drugs or alcohol, and mandated drug testing.
- Place the perpetrator in a batterer intervention program for teens that requires close supervision. Encourage the community to have these resources available for the younger age groups, the more culturally specific the better, so the court has program options appropriate for the perpetrator.
- Domestic violence intervention programs for teens are very difficult to find or develop. They require group leaders who are specialists in working with juveniles. Judicial leadership on this issue is crucial to the development and use of resources tailored to teens.

- Ensure the court and juvenile probation officers remain in contact with the victims, their parents, and the batterers' parents to make sure the teen is attending the program and learning from it, and that victims have the information they need regarding the batterers' behavior toward them, their mutual children, if any, parenting classes, and school.

Courts can capitalize on teen offenders' potential for rehabilitation by focusing on victim-centered approaches and interventions with perpetrators that create both accountability and opportunity. Below are two examples of systems implementing such an approach.

- The Santa Clara County Juvenile Domestic and Family Violence Court (JDFVC) holds adolescent perpetrators accountable, in part by incorporating and adapting a number of laws applicable to adults into its procedures, such as mandating that the judge issue a protection order in all teen partner violence related offenses as a condition of probation, which is a requirement in adult cases.<sup>19</sup>
- The New York State Unified Court System has the Youth Offender Domestic Violence Court (YODVC) which is dedicated exclusively to misdemeanor cases involving teen dating violence.<sup>20</sup> YODVC addresses perpetrators between the ages of 16 and 19, so some perpetrators are adults under the criminal law. However, YODVC may apply some special sentencing provisions. Additionally, because the YODVC is part of a Family Justice Center, there is a completely confidential civil track that an adolescent can pursue which might help victims feel more comfortable with full disclosure.

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## TEEN DATING VIOLENCE: THE NEED FOR JUDICIAL LEADERSHIP

The domestic violence reform movement focused on adult victims and perpetrators has been underway since the 1970s, but attention to the equally serious harms and dangers of violence in teen relationships, and the fact that unchecked it transmits domestic violence to the next generation, is very new. As detailed in the *Dynamics of Teen Dating Violence* Information Sheet, one in five teen girls in a relationship reports being physically and/or sexually abused;<sup>1</sup> abused teens suffer depression, eating disorders, poor school performance, and often self-medicate with alcohol and drugs;<sup>2</sup> teen dating victims are coerced into criminal activity and trafficked;<sup>3</sup> intimate partner homicide is a leading cause of death for teen victims.<sup>4</sup>

Despite these alarming realities, it was not until 2005 that teen dating violence was included in the Violence Against Women Act, in the reauthorization of legislation originally passed in 1994. In 2006, following the lead of domestic violence organizations nationwide, Congress designated the first week of February as “National Teen Dating Violence Prevention and Awareness Week.” In 2010 Congress expanded that week to a full month,<sup>5</sup> and the White House began issuing proclamations urging awareness of the short and long term impact and prevention efforts.<sup>6</sup> But despite this official attention, the misperception that violence in a dating relationship is nothing to be alarmed about, is just domestic violence ‘light,’<sup>7</sup> is widespread in the courts and the community. Teen dating violence – including its intersections with issues ranging from custody to juvenile justice to trafficking -- is an area of the law in great need of judicial leadership.

### What’s at Stake in Teen Dating Violence Cases

- 1 in 5 teen girls in a relationship reports being physically and/or sexually abused.
- Abused teens suffer depression, eating disorders, poor school performance, and often self-medicate with alcohol and drugs.
- Teen dating victims are coerced into criminal activity and trafficked.
- Intimate partner femicide is a leading cause of death for teen victims.

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## ***Judicial Leadership for the Courts – Domestic Violence Courts***

Dealing effectively with teen dating violence requires judges, court staff, and court-related professionals with specialized training on the particular needs and developmental stages of teenagers, but very few domestic violence courts are dedicated to teens. Judicial leadership is needed to establish more of them. Fortunately the first and second of these courts – the first a juvenile family court, the second a criminal court – are extensively described in materials available on the web. These materials are listed on the Resources sheet that follows this commentary.

The first of these courts is the Juvenile Domestic Violence and Family Court of Santa Clara County in San Jose, California, established by the county's Superior Court and Juvenile Probation Court in 1999. What is particularly interesting about this court in this era of straitened court budgets is that it was established without special funding. As described by Judge Eugene Hyman, who presided over this court from its founding:

“The Court was started with no additional financial resources. Instead, collaborative partners ‘loaned’ personnel. Juvenile probation provided dedicated probation officers to supervise cases, the public defender and district attorney provided dedicated personnel. The largest police agencies in the county provided supervisors to an oversight committee, as did county mental health and other agencies.”<sup>8</sup>

The Santa Clara Court had a dedicated court docket and developed protocols between the court and its collaborating partners to ensure a common understanding of the role and responsibilities of each. California law already required probation and law enforcement to have domestic violence training. The new court required specialized training for court personnel and attorneys as well. Victims were provided with age-appropriate services and offenders were referred to a 26-week intervention course tailored to teens. At the end of ten years there had been two comprehensive evaluations of the court's effectiveness in reducing recidivism. The findings of both evaluations were that first-time offenders who completed the intervention program were less likely to re-offend, and the all juveniles seen by this court were less likely to re-offend while on probation and attending the course and being monitored in frequent mandatory court reviews.<sup>9</sup> Reaching young offenders to change their behavior before it became entrenched was key.<sup>10</sup>

The second dedicated court is the Youthful Offender Domestic Violence Court in Brooklyn, New York, established in 2003. A study of that court's effectiveness described this court as follows:

- The Brooklyn Youthful Offender Domestic Violence Court (YODVC) is designed to promote: *Victim safety* through links to a specialized victim advocate, social services and other resources that address the unique needs of teen complainants (such as difficulty in safety planning, limited shelter options, developmental concerns such as loss of autonomy, issues regarding trust, parents and families, school, etc.).
- *Behavior change* among adolescents arrested for dating violence through adolescent educational groups designed to prevent their continuing the cycle of violence into adulthood.
- *Informed judicial decision-making* based on specialized training in adolescent development and relationship violence among teens (i.e., enhanced knowledge about the ways in which teens experience social pressures; the secrecy surrounding teen dating violence; the common reconciliation between teen couples, particularly when the teens have a child in common; and teens' lack of relationship experience).
- *Collaboration* among criminal justice agencies, schools and community-based groups offering assistance to adolescent domestic violence victims."<sup>11</sup>

This court was evaluated after its first six months. One of the most interesting findings was the dramatic increase in victim cooperation. The specialized victim advocate secured corroborating affidavits in 50 percent of all teen dating violence cases, whereas prior to having this specialized advocate the District Attorney's office estimated that it obtained a corroborating affidavit in fewer than 10 percent of cases.<sup>12</sup>

Specialized teen dating violence courts are optimum, but may not always be possible. However, another way judges can lead in this area is to ensure that every court that deals with domestic violence includes in its education programs a focus on the specifics of teen dating violence and how judges, court personnel, probation officers, victim advocates, batterer intervention programs and others should respond to the needs and challenges of this age group.

## ***Judicial Leadership for the Courts – Family Courts***

Because many teen dating violence victims have children with their abusers, victims' efforts to escape often require courts to rule on custody and visitation. Many teen victims and abusers are exposed to domestic violence in their families of origin and are enmeshed in a generational cycle which it is critical to interrupt. Court rulings that support the non-abusing, protective parent and eliminate children's exposure to violence are key to that interruption.<sup>13</sup>

Custody and visitation rulings in teen dating violence cases are also an important opportunity to promote parenting classes for both parents. Young parents and youth raised in indifferent foster care are often unaware that good parenting requires more than food, clothing and shelter. They do not know that they need to be talking and playing with their children from the moment of birth in order to literally build their brains.<sup>14</sup> In some cases judges will have jurisdiction to mandate parenting classes for abusers but only suggest them for victims, but participation in these classes should be strongly encouraged for both parents.

## ***Judicial Leadership for the Courts – Juvenile Courts***

Teen dating violence has significant repercussions for courts dealing with delinquent youth, particularly teenage girls. As noted in *The Dynamics and Consequences of Teen Dating Violence* Information Sheet, frequently teen girls arrested for offenses ranging from shoplifting to drug sales to prostitution are being coerced into criminal activity by a violent dating partner. Some are being trafficked. Judicial leadership is needed to change the way juvenile courts view these young women and understand their lives. What is the role of the courts in helping teens who are not threats to public safety but are living with threats to their own safety? As detailed in the report, "Gender Injustice: System-based Juvenile Justice Reforms for Girls,"<sup>15</sup> treating these girls as fatally flawed and imposing detention is not a fair or effective approach. They need trauma-informed courts,<sup>16</sup> safety planning, and the variety of family and community support services that will improve their environments and enable them to move forward with their lives. Juvenile courts that understand teen dating violence have an opportunity to reframe these cases. Let public defenders and prosecutors know that you want to see cases presented with more than boiler plate charges; you want to know about the context that is driving the teen's behavior. Take a leadership role in supporting effective diversion programs that will help teen dating violence victims rather than revictimizing them.

## ***Judicial Leadership for the Community***

Judges' outreach to their communities is governed by their states' codes of judicial conduct, and some are more expansive than others. In 2006 the Conference of Chief Justices and Conference of State Court Administrators urged the American Bar Association to add language to its Model Code of Judicial Conduct recognizing judges' civic responsibilities, including developing public education programs and engaging in community outreach activities to promote the fair administration of justice.<sup>17</sup>

Indiana's code exemplifies this commitment. The Comment to Rule 3.1 of the Indiana Code of Judicial Conduct, Extrajudicial Activities in General, states:

“To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.”<sup>18</sup>

In 2013 the National Council of Juvenile and Family Court Judges ([www.ncjfcj.org](http://www.ncjfcj.org)), working with Futures Without Violence, created a three-day curriculum titled *Adolescent Relationship Abuse* which they presented in 2012 for juvenile, family, and criminal court judges from across the country concerned about the increasing number of teen victims and perpetrators of intimate partner violence appearing before them. NCJFCJ subsequently published *The Judicial Institute on Adolescent Relationship Abuse: Curriculum Excerpts and Exercises*<sup>19</sup> with excerpts from each segment of the complete curriculum. With respect to the Judicial Leadership segment NCJFCJ states:

“Judges are encouraged to imagine Coordinated Community Responses in their own communities to help them identify who should join them in creating a safety-and-accountability-net for adolescents. In this segment, judges are challenged to evaluate their own behaviors and practice communicating effectively with youth.”<sup>20</sup>

In addition to those who should join the court in an “official” Coordinated Community Response, judges are in a unique position to educate their communities – parents,

schools, youth organizations, faith-based organizations and others – about the seriousness of teen dating violence and the necessity for prevention. Judges can make the community aware of the resources available to help parents engage in discussions with their teens and to help institutions and organizations develop prevention programs. The Resources list attached to this commentary provides information about these resources that judges can pass on when, for example, they speak at a high school, or use the occasion of National Teen Dating Violence Prevention and Awareness Month to hold a prevention program at their own court.

Teen dating violence is a highly complex issue profoundly influenced by victims' and offenders' experiences in their families and communities as well as their own brain development. The significant research on teen brains summarized in the Information Sheet "The Teenage Brain: New Knowledge from Neuroscience," and the many resources on teen dating violence now available for courts and communities, offer judges the tools to make a significant difference in the lives of teens who are perpetrating and being subjected to teen dating violence, and in the lives of the children they may have currently or in the future.

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## TEEN DATING VIOLENCE: RESOURCES FOR JUDICIAL LEADERSHIP

As noted on the “Teen Dating Violence: The Need for Judicial Leadership” Information Sheet, judges have a unique opportunity to provide leadership on the issue of teen dating violence in their own courts and in the community (see pages 5-6). Below is a compilation of useful resources about teen dating violence for judges, courts, schools, parents, teens, and the community. Listed are various books, articles, websites, and organizations that offer additional insight on the issues discussed in the Information Sheets.\*

\*NJEP and Legal Momentum have not reviewed all of these resources. This list should not be considered as an endorsement.

### Resources for the Courts:

#### **The Santa Clara County Juvenile Delinquency Domestic Violence and Family Court, State of California, Superior Court**

- Superior Court of California, “Special Courts for Minors,” [http://www.sccourt.org/self\\_help/juvenile/jjustice/special\\_courts.shtml](http://www.sccourt.org/self_help/juvenile/jjustice/special_courts.shtml).
- In 2008 the Santa Clara County teen dating violence court became the first and to date the only winner of the United Nations Public Service Award. This nomination narrative describes in detail the court, its impact, and the lessons learned [http://unpan3.un.org/unpsa/Public\\_NominationProfile2013.aspx?id=418](http://unpan3.un.org/unpsa/Public_NominationProfile2013.aspx?id=418).
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## Youthful Offender Domestic Violence Court, Brooklyn, New York

- Court Overview: <http://www.courtinnovation.org/project/youth-domestic-violence-court>.
- **Podcast – Youthful Offender Domestic Violence Court: Working With Teen Victims and Abusers (Transcript).** Judge Miriam Cyrulnik explains how the court – the first criminal court of its kind in the country – addresses the unique needs of adolescent domestic violence victims and perpetrators.  
<http://www.courtinnovation.org/research/podcast-youthful-offender-domestic-violence-court-working-teen-victims-and-abusers>.
- Cara Tabachnick, “When Love Hurts,” The Crime Report, June 11, 2013, <http://www.thecrimereport.org/news/inside-criminal-justice/2013-06-when-love-hurts>.
- Kristine Herman, “Youth Dating Violence: Can A Court Help Break the Cycle?,” Center for Court Innovation (2014), <http://www.courtinnovation.org/sites/default/files/youthdatingviolence.pdf>.

## National Council of Juvenile and Family Court Judges Curriculum (2013)

- The National Council of Juvenile and Family Court Judges (NCJFCJ), working with Futures Without Violence, created a three-day curriculum titled *Adolescent Relationship Abuse* which they piloted in 2012. Subsequently NCJFCJ published *The Judicial Institute on Adolescent Relationship Abuse: Curriculum Excerpts and Exercises* with excerpts from each segment of the complete curriculum. The 88 page adaptation is available for purchase at <http://www.ncjfcj.org/resource-library/publications/judicial-institute-adolescent-relationship-abuse-curriculum-excerpts-0>.
- All NCJFCJ resources are available at <http://www.ncjfcj.org/resource-library>.

## Supreme Court of the State of New York, Appellate Division, First Department, *Lawyer’s Manual on Domestic Violence: Representing the Victim, 6<sup>th</sup> Edition* (2015)

- Andrew Sta. Ana & Stephanie Nilva, “Teen Victims of Intimate Partner Violence” in *LAWYER’S MANUAL ON DOMESTIC VIOLENCE, APPELLATE DIVISION, FIRST DEPARTMENT* (Mary Rothwell Davis, Dorchon Leidholdt & Charlotte A. Watson eds., 6th ed. 2015). This manual is available online at <https://www.nycourts.gov/ip/womeninthecourts/pdfs/DV-Lawyers-Manual-Book.pdf> and in hard copy from the New York State Judicial Committee on Women in the Courts, <http://www.nycourts.gov/ip/womeninthecourts/>, (212) 428-2794.

***Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse* (Louise McOrmond-Plummer, Patricia Eastaer AM & Jennifer Y. Levy-Peck eds., 2014).**

- This book brings together advice for professionals working with individuals who have been subject to Intimate Partner Sexual Violence (IPSV) and puts forward recommendations to tackle this prevalent form of sexual violence. Multidisciplinary and international in approach, the book covers key issues salient to all professionals - the impact of IPSV, reproductive coercion, the physical and psychological indicators, possible consequences of taking a case to court, and best practice service responses.
- One section addresses the risks and needs of IPSV victims in different contexts, such as those in same-sex or teenage relationships, immigrant victims, and those living in rural areas or in prison. This is an authoritative resource for all professionals who work with IPSV victims including counselors, social workers, refuge workers, victim advocates, mental health professionals, pastoral workers, lawyers, police, and health practitioners.
  - See Chapter 18, “Intimate Partner Sexual Violence and the Courts,” by Lynn Hecht Schafran beginning on page 221, and Chapter 23, “Addressing Intimate Partner Sexual Violence in Teen Relationships,” by Jennifer Y. Levy-Peck beginning on page 281.

**Honorable Matthew A. Sciarrino, Jr., *Social Media’s Impact on Criminal Law*, Kings County Criminal Bar Association, October 17, 2013**

- This article provides an in depth account of the various social media elements and case briefs highlighting how judges have incorporated their understanding of social media into the judicial system. The article progresses topically, and peppers sources throughout. Available at: [http://www.kccbba.org/wp-content/uploads/2015/10/SML\\_and\\_Crim\\_Law\\_CLE-Sciarrino.pdf](http://www.kccbba.org/wp-content/uploads/2015/10/SML_and_Crim_Law_CLE-Sciarrino.pdf).

***Futures Without Violence, Effective Responses to Teen Sexting: A Guide for Judges and Other Professionals*, 2009**

- Futures Without Violence is a national nonprofit organization that provides training programs and policy recommendations to end violence against women and children. Since 1999, FUTURES has trained nearly 9,000 judges across the United States on the topics of domestic violence, sexual assault, and stalking.
  - FUTURES provides a variety of educational resources specifically for judges and their courts at <http://www.futureswithoutviolence.org/judicial-education/>.

- One particular resource that FUTURES offers is *Effective Responses to Teen Sexting: A Guide for Judges and Other Professionals*. This report “reflects discussions as well as research on the latest legal, educational, and programmatic responses to teen sexting and answers questions judges and other community leaders may have about this challenging issue.” The guide also offers key factors for judges to consider when adjudicating cases where teen sexting is a factor, and gives suggestions for how to distinguish between “voluntary, social/sexual experimentation or exploration and coercive, controlling and detrimental tactics that could belie destructive and dangerous youth relationships.”
  - A PDF of the guide is accessible at <http://www.futureswithoutviolence.org/userfiles/file/Judicial/Effective%20Responses%20to%20Teen%20Sexting.pdf>. To learn more about the report visit <http://www.futureswithoutviolence.org/effective-responses-to-teen-sexting-a-guide-for-judges-and-other-professionals/>.

## **On Trauma and the Criminal Justice System – Substance Abuse and Mental Health Services Administration (SAMHSA), <http://www.samhsa.gov/>**

- SAMHSA, created by Congress in 1992, is the agency within the U.S. Department of Health and Human Services that “leads public health efforts to advance the behavioral health of the nation. SAMHSA’s mission is to reduce the impact of substance abuse and mental illness on America’s communities.”
- ***Essential Components of Trauma-Informed Judicial Practice (2013)***. As discussed in “The Dynamics and Consequences of Teen Dating Violence” Information Sheet, teen dating violence is a traumatizing experience for victims. This SAMHSA publication provides the information judges should be aware of when dealing with victims of traumatic experiences, noting specific strategies judges have found beneficial. The article defines trauma, examines its impact, and provides recommendations for judicial practice in how judges communicate with victims. The article also includes examples of courtroom proceedings and details the reactions of trauma victims, as well as the approaches judges can take to lessen anxiety. Finally, the article reviews the courtroom setting’s effect on trauma victims and how a judge might adapt and modify the environment. Available at: [http://www.nasmhpd.org/sites/default/files/JudgesEssential\\_5%201%202013finaldraft.pdf](http://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf).

- ***Creating a Trauma-Informed Criminal Justice System for Women: Why and How.*** As noted in “The Dynamics and Consequences of Teen Dating Violence” and “Teen Dating Violence: The Need for Judicial Leadership” Information sheets, some victims of teen dating violence are coerced into criminal activity, and thus into the criminal justice system, by their abusers. This resource, while not teen specific, explains that an overwhelming majority of women in jails and prison have experienced trauma and are victims of sexual and physical abuse, which call for a trauma-informed response. Trauma can result in psychological changes, which are often exacerbated when entering the criminal justice system. SAMHSA details the “five intercept points” at which women experience the criminal justice system, and at each of these intercept points, communities are given “an opportunity to offer trauma survivors involved with the criminal justice system a chance to reclaim healthy lives.” Accessible at [http://www.nasmhpd.org/sites/default/files/Women%20in%20Corrections%20TIC%20SR\(2\).pdf](http://www.nasmhpd.org/sites/default/files/Women%20in%20Corrections%20TIC%20SR(2).pdf).

**Priscilla Offenhauer & Alice Buchalter, *Teen Dating Violence: A Literature Review and Annotated Bibliography*, July 2011**

- This extensive annotated bibliography includes the literature on responses to the issue of dating violence in the law and from the legal system. It identifies significant research carried out in the decade since 1999 on the issue of dating violence among high school and middle school youth. The survey provided by the bibliography and summary covers quantitative and qualitative literature on the definition and prevalence of, as well as risk factors for, teen dating violence. Commonly researched risk factors, correlates, or predictors of teen dating violence include demographic and community level factors, as well as more proximate family-level, individual-level, and situational risks. Particular note is taken of longitudinal work on such factors. The survey also encompasses research on the deleterious effects of dating violence both in the context of the current relationship and in future intimate partnerships. Finally, the bibliography and summary cover the literature on the effectiveness of prevention programs and on responses to the issue of dating violence in the law and legal systems. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/235368.pdf>.



## **Resources for Schools:**

**American Bar Association National Teen Dating Violence Prevention Initiative, *Teacher's Guide: Interesting, Fun, and Effective Classroom Activities to Influence Teen Dating Violence Awareness and Prevention*, 2006**

- This initiative suggests various activities and learning techniques designed to help inform teens about issues related to teen dating violence. The suggestions are categorized by subject area and promote critical thinking by calling on students to devise ways to eliminate violence from relationships. The initiative also suggests projects teachers might assign to their students to help teens recognize the prevalence and pervasiveness of teen dating violence. Available at:  
<http://www.americanbar.org/content/dam/aba/migrated/unmet/teendating/teachersguide.authcheckdam.pdf>.

**Virginia Sexual & Domestic Violence Alliance, “Building Healthy Relationships Across Virginia: A Facilitator’s Guide to Teen Dating Violence Prevention”**

- The activities in this guide provide participants with skills to identify the characteristics of healthy and unhealthy relationships; find dating partners who complement their own values and personalities; and ensure that respect is present in interactions between themselves and their dating partner, including any potential sexual interactions. Most of these activities provide numerous concrete examples of healthy and unhealthy relationship characteristics. These examples were updated by groups of teens just prior to production of the 2012 edition of this manual to make the relationship scenarios feel as realistic and current as possible. Available at:  
<http://www.vdh.virginia.gov/ofhs/prevention/dsvp/lcp/documents/2012/pdf/VSDVAA7.pdf>

**Jewish Women International, “Resources: Dating Abuse: For Educators” and “Resources: Dating Abuse: Programs for High Schools, Universities & Synagogues”**

- Jewish Women International (JWI) provides a great deal of information about teen dating violence – see the “Resources for the Community” section of this Information Sheet for more information. JWI’s resources can be used by any educator or institution regardless of religious affiliation.
- The first webpage, “For Educators,” <http://jwi.org/page.aspx?pid=591>, explains the role educators play in combating teen dating violence and provides resources educators can use to learn more about teen dating violence and incorporate dating violence into a lesson.

- The second webpage, “Programs for High Schools, Universities & Synagogues,” <http://jwi.org/page.aspx?pid=592>, offers program ideas educational institutions can use to raise awareness about teen dating violence.

## Day One, <http://www.dayoneny.org/>

- Day One is a New York City-based nonprofit focused on teen dating violence. The organization and its resources are fully described on page 13 in the “Organizations With a Focus On Teen Dating Violence” section of this Information Sheet. Note that Day One’s resources include “**Tools for Educators**” (<http://www.dayoneny.org/tools-for-educators/>) “to support educators and youth work toward ending dating violence among youth.”

## **For Middle Schools – Futures Without Violence, “Start Strong: Building Healthy Teen Relationships”**

- Futures Without Violence is an organization dedicated to developing innovative ways to end violence against women, children, and families at home and around the world.
- “Start Strong,” which teaches 11 to 14-year-olds about healthy relationships, is the largest initiative ever funded to prevent teen dating violence and abuse. This innovative approach to prevention is rallying entire communities to promote healthy relationships and prevent teen dating violence in middle schools. The interactive website features prevention programming which highlights strategies schools can employ to instruct middle school students on healthy relationships.
  - To learn more and explore the resources, visit <http://www.futureswithoutviolence.org/children-youth-teens/start-strong/>. To see examples of successful local “Start Strong” programs, visit <http://startstrong.futureswithoutviolence.org/>.

## **For High Schools – Futures Without Violence, “Coaching Boys Into Men”**

- Futures Without Violence also created “Coaching Boys Into Men,” a curriculum that provides high school athletic coaches with the resources they need to promote respectful behavior among their players and help prevent relationship abuse, accessible at <http://www.futureswithoutviolence.org/engaging-men/coaching-boys-into-men/>



## **Resources for Parents, Teens, and the Community:**

**Teens & Social Media** – Chuck Hadad, *Why Some 13-year-olds Check Social Media 100 Times a Day*, CNN, October 13, 2015

- This study chronicles the prevalence and effects of social media in teen relationships. It demonstrates teens' dependency on maintaining constant contact with each other through social media (as teens seek external approval) and the power abusers wield via controlling and insulting posts. The study discusses how the private becomes public, and notes the important role parents and guiding figures can play in mitigating online conflict. View the CNN report at <http://www.cnn.com/specials/us/being13>. A summary of the report can be accessed at <http://www.cnn.com/2015/10/05/health/being-13-teens-social-media-study/>.

**Jennifer Y. Levy-Peck, “Addressing Intimate Partner Sexual Violence in Teen Relationships,”** in *Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse* (Louise McOrmond-Plummer, Patricia Easteal AM & Jennifer Y. Levy-Peck eds., 2014).

- See the “Resources for the Courts” section of this Information Sheet for a detailed description of this book, which brings together advice for professionals working with individuals who have been subjected to Intimate Partner Sexual Violence (IPSV) and puts forward recommendations to tackle this prevalent form of sexual violence. Chapter 23, “Addressing Intimate Partner Sexual Violence in Teen Relationships” (beginning on page 281), focuses specifically on teen dating violence.

**New York State Office for the Prevention of Domestic Violence (OPDV), *Teen Dating Violence: Information for Parents, Teen Dating Violence: Information for Teens, and Teen Dating Violence: Bystander Intervention, Prevention, and Education***

- These three brief documents provide an overview of what constitutes teen dating violence by listing common behaviors and red flags apparent in teen relationships. They also provide suggestions for parents on how to speak to and support their children in these situations.
  - “**Information for Parents**” accessible at <http://opdv.ny.gov/whatisdv/tdvinfoparent.pdf>, “**Information for Teens**” accessible at <http://opdv.ny.gov/whatisdv/tdvinfofoteen.pdf>, and “**Bystander Intervention**” accessible at <http://opdv.ny.gov/whatisdv/tdvinfobystan.pdf>.

- OPDV has also created two comprehensive educational websites that address the subject of teen dating violence in more depth.
  - The website for parents is <http://www.opdv.ny.gov/whatisdv/tdvinfoParent.html>.
  - The website for teens is <http://respectlove.opdv.ny.gov/about/index.html>.

**Center for the Human Rights of Children, University of Loyola Chicago & International Organization for Adolescents, *Building Child Welfare Response to Child Trafficking***

- This is an excellent resource on the trafficking of children and teens, and how advocates can help these victims. The Center's handbook *Building Child Welfare Response to Child Trafficking*, co-authored by the International Organization for Adolescents, was written to specifically address the needs of child and adolescent victims of trafficking as separate from those of adult victims. "The handbook provides policies, protocols, and forms for incorporating child trafficking identification and response mechanisms into state and private child welfare systems, using Illinois as a case study." The handbook includes Human Trafficking of Children Screening Tools, which can be found on pages 50 through 56. To learn more about the handbook and its resources, visit <http://www.luc.edu/chrc/Monograph.shtml>, and to access the Handbook, visit <http://www.luc.edu/media/lucedu/chrc/pdfs/BCWRHandbook2011.pdf>.

**Rhode Island Coalition Against Domestic Violence (RICADV), *Real Talk – A Resource Guide for Educating Teens on Healthy Relationships*, February 2011**

- This tool, developed by RICADV in partnership with the Domestic Violence Prevention Enhancement Leadership Through Alliance (DELTA) State Steering Committee of Rhode Island, was designed specifically for adults who work directly with youth, either in a school or community setting. The tool "is intended to help youth workers facilitate dialogue about teen dating violence and prepare them as they teach healthy relationship skills to youth." Accessible at [http://www.olis.ri.gov/services/ya/Real\\_Talk\\_Resource\\_Guide\\_FULL.pdf](http://www.olis.ri.gov/services/ya/Real_Talk_Resource_Guide_FULL.pdf).

**Jewish Women International, in partnership with the Avon Foundation for Women and NoMore.org, "Dating Abuse: Tools for Talking to Teens"**

- This resource "explains the dynamics of teen dating abuse and provides usable strategies for all adults to have realistic and successful conversations with young people. The resource comes in two parts, which can be used together or separately: "Learn On-Site: The Workshop," a scripted, in-person, one-hour educational workshop that anyone can facilitate to teach adults about teen dating violence; and "Learn Online,"

a collection of online courses, tip sheets, a video, and a webinar recording of the in-person worksheet. Accessible at [www.jwi.org/datingabuse](http://www.jwi.org/datingabuse).

- The **Workshop**, available in both English and Spanish, comes with a Facilitator's Guide and Script, PowerPoint presentation, video, and other training tools. To view the workshop materials, go to "learn on-site" and register as a facilitator.
- The **online courses** are "Promoting Healthy Relationships," which explores prevention strategies and approaches, and "Intervention Strategies," which builds skills for what to say if you suspect a teen you know is a victim or perpetrator of teen dating violence. Tip sheets, available in both English and Spanish, provide more resources for adults and teens, including anonymous hotlines and recommended websites for more information. To view the online courses, go to "learn online."
- The Jewish Women International website also has a page entitled "Tips for Talking with Your Teen About Dating Violence," <http://jwi.org/page.aspx?pid=589>, and provides a great deal of information about the many facets of teen dating violence, accessible at <http://jwi.org/page.aspx?pid=3997>.

## Futures Without Violence, "That's Not Cool" Public Education Initiative

- "That's Not Cool" is a public education initiative specifically for teens to combat digital dating abuse. The initiative is housed at an interactive website, with an "Adult Allies" section of the website for adults who work with teens, accessible at <http://www.futureswithoutviolence.org/children-youth-teens/thats-not-cool/>.

## The Urban Institute, "Teen Dating Abuse in the Digital Age"

- This research project, conducted by the Urban Institute, studies "the role of technology in teen dating abuse and harassment and in teen bullying." The Institute reports that "One in four dating teens is abused or harassed online or through texts by their partners, according to the largest survey to date on the subject. Social networking sites, texts, cell phones, and e-mails haven't pushed abuse rates up, but they have given abusers another way to control, degrade, and frighten their partners, even when apart. Digital harassment also warns of a deeper pattern of abuse offline. Victims are 2 times as likely to be physically abused, 2.5 times as likely to be psychologically abused, and 5 times as likely to be sexually coerced." To learn more, visit the project's homepage, <http://www.urban.org/features/teen-dating-abuse-digital-age>.
  - Research Overview: "**One in Four Dating Teens Feels Abused and Harassed through Digital Technology**" <http://www.urban.org/urban-wire/one-four-dating-teens-feels-abused-and-harassed-through-digital-technology>.

- Brief: “Teen Dating Abuse and Harassment in the Digital World: Implications for Prevention and Intervention”  
<http://www.urban.org/research/publication/teen-dating-abuse-and-harassment-digital-world>.
- Research Report: “Technology, Teen Dating Violence and Abuse, and Bullying” <http://www.urban.org/research/publication/technology-teen-dating-violence-and-abuse-and-bullying>.
- Research Report: “The Rate of Cyber Dating Abuse among Teens and How It Relates to Other Forms of Teen Dating Violence”  
<http://www.urban.org/research/publication/rate-cyber-dating-abuse-among-teens-and-how-it-relates-other-forms-teen-dating>.

## National Coalition Against Domestic Violence (NCADV), “Facts about Dating Abuse and Teen Violence,” 2015

- This fact sheet from NCADV, an organization that works to “create a culture where domestic violence is not tolerated; and where society empowers victims and survivors, and holds abusers accountable,” provides statistics about teen dating violence and offers suggestions on how to combat it from public policy- and community-based standpoints. Accessible at  
<https://www.ncadv.org/files/Dating%20Abuse%20and%20Teen%20Violence%20NCADV.pdf>.

## Organizations With a Focus On Teen Dating Violence:

### Break the Cycle, <http://www.breakthecycle.org>

- Break the Cycle is a national nonprofit organization which provides comprehensive dating abuse programs exclusively to youth ages 12 to 24. The organization creates tools applicable to the classroom and courtroom to help youth live safer, healthier lives. Break the Cycle has created curricula and fact sheets on teen dating violence which provide both an overview of the issue and a series of further resources.

### The Washington Coalition of Sexual Assault Programs (WCSAP), <http://www.wcsap.org>

- WCSAP is an organization that unites “agencies engaged in the elimination of sexual violence” across Washington State. WCSAP provides “information, training, and expertise to program and individual members who support victims, family and friends, the general public, and all those whose lives have been affected by sexual assault.”

- The WCSAP website has materials on teen intimate partner sexual violence – or “teen dating violence” – specifically for parents, advocates, and teens themselves. One of these resources is a **webinar given by Jennifer Y. Levy-Peck**, co-editor of *Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse*, on “**Sexual Assault and Coercion in Teen Relationships.**” To access this webinar, “designed to give advocates tools and resources for working with adolescent IPSV survivors,” visit <http://www.wcsap.org/sexual-assault-and-coercion-teen-relationships>.
- WCSAP also has a resource entitled **The Continuum of Teen Sexual Coercion**, accessible at <http://www.wcsap.org/activity-continuum-teen-sexual-coercion>. This resource lists 30 behaviors such as “physically holds down partner and has sex” and “refuses to use contraception or coerces partner into becoming pregnant” as examples of teen sexual coercion. While the resource is presented as an activity that can be used as part of an education program about teen intimate partner sexual violence, the list can also be used as a standalone educational tool about the real dangers present in cases of teen intimate partner sexual violence.
- WCSAP has an entire resource list for **Teen Dating Violence Awareness Month**, accessible at <http://www.wcsap.org/teen-dating-violence-awareness-month>, which provides links to other WCSAP publications and training materials as well as additional online resources

## One Love Foundation, <http://www.joinonelove.org/>

- Founded in 2010 to honor the memory of Yeardley Love, a University of Virginia senior who was beaten to death in her dorm room by her ex-boyfriend, George Huguley, One Love “works with young people across the country to raise awareness about the warning signs of abuse and activate communities to work to change the statistics around relationship violence.” One Love developed the “My Plan App,” based on Professor Jacquelyn Campbell’s Danger Assessment, which college students can use to “determine if a relationship is unsafe and create an action plan to leave safely,” accessible at [http://www.joinonelove.org/my\\_plan\\_app](http://www.joinonelove.org/my_plan_app). One Love is also a national movement, with branches on college campuses such as Duke University, Vanderbilt University, and the University of Alabama, and the organization created a 90-minute film-based “Escalation Workshop” to educate young people about abuse in relationships, accessible at [http://www.joinonelove.org/escalation\\_workshop](http://www.joinonelove.org/escalation_workshop).



## Loveisrespect, <http://www.loveisrespect.org/>

- The mission of loveisrespect “is to engage, educate, and empower young people to prevent and end abusive relationships.” The organization provides a free and confidential phone, live chat, and texting informational support service available 24 hours/day, 7 days/week, 365 days/year that can be used by “concerned friends and family members, teachers, counselors, service providers, and members of law enforcement: **chat at [www.loveisrespect.org](http://www.loveisrespect.org), text “loveis” to 22522, or call 1-866-331-9474.**
- Loveisrespect has a multitude of informational and educational resources about teen dating violence, including awareness campaigns for young people such as “Love Is Digital” and “Start Talking,” and quizzes that teens can take to test their knowledge about teen dating violence. Finally, loveisrespect conducted a “National Survey of Teen Dating Violence Laws” (<http://www.loveisrespect.org/resources/teen-dating-violence-laws/>) in order to gauge how different states addressed the issue, from orders of protection to accessing necessary health services, with a full report on its research and a “report card” for each of the fifty states.

## Day One, <http://www.dayoneny.org/>

- Day One is a New York City-based nonprofit that “partners with youth to end dating abuse and domestic violence through community education, supportive services, legal advocacy, and leadership development.” The Day One website provides informational resources on dating abuse and domestic sex trafficking for young people across the United States, and also provides “Tools for Educators” (<http://www.dayoneny.org/tools-for-educators/>) “to support educators and youth work toward ending dating violence among youth.” Finally, Day One provides in-person educational workshops for youth and adults on topics such as “dynamics of power and control,” “Criminal and Family Court Resources,” “stereotypes and assumptions about survivors of dating abuse,” various legal workshops, and specialized workshops on “related topics” such as “relationship abuse in the LGBTQ community” and “technological abuse.”