

Achieving Both Accountability and Protection: The Need for Judicial Leadership

TDAV is rarely a one-time incident, but rather “a pattern of abusive behaviors over time that causes fear and/or harm.”¹ The impacts on victims are serious and can lead to severe long term physical and psychological harm, and even lethality. The urgency and gravity of these consequences make clear how important it is for courts to act in and be educated about Teen Dating Abuse & Violence.

1. Victim Centered Approach

“If there is one thing that your teen survivor should remember from [their] court experience, it is the door to your court is always open. The immense societal pressure that teen survivors face to drop protection orders and return to their abusers is magnified in the complex world of adolescence. Being a teen is not easy. Being a survivor is much, much harder.”

Hon. Marshall Murray, “8 Things Judges Need to Know about Teen Dating Violence”, *NCJFCJ*, 2016, <https://www.ncjfcj.org/news/8-things-every-judge-should-know-about-teen-dating-violence/>

Teen Behaviors in Court:

Knowledge about legal system and rights: Teens know less than the average adult about this. Take the time to explain decisions and protective orders in developmentally-appropriate language.

Fear of Punishment: Teens may be reluctant to admit that they have been abused, especially 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.²

Emotions: Teens may appear apathetic, disobedient, or unwilling to cooperate with court personnel. Teens usually have little knowledge of the justice system and are often mistrustful of adults, especially if their victimization is reported by an adult who is a mandated reporter.

4.1% of females & 2% of males
seek help after first being subjected to TDAV³

Signs of Trauma: Teens may act in unexpected ways, including discussing abuse with a flat affect and/or a non-linear recollection of events, which may be signs of trauma, not dishonesty or inaccuracy.

How to respond:

Use behaviorally-based questions:

- How? Craft your questions with descriptions of behaviors rather than labelling them. For example, do not ask, “Has your partner ever raped you?” but rather, “Has your partner ever made you do sexual things that you did not want to do?”. Instead of asking “Is your partner abusive?”, ask e.g., “Does your partner require you to answer their texts immediately and allow them to track your location?”
- Why? Behaviorally-based questions are necessary because many victims of teen dating abuse and violence do not identify themselves as victims *per se* because they have misconceptions of what abuse and violence look like. They may also only see TDAV as violent, physical acts, without considering emotional abuse and coercive control.

Judicial/ Court Personnel Education Programs: It is important for judges and court personnel who handle teen dating abuse & violence cases to understand teens and their behaviors, being aware of:

- the seriousness of teen dating abuse and violence;
- the many forms teen dating abuse and violence can take;
- the implications for victim trauma;
- the impact of intimidating behavior, these behaviors can inadvertently trigger past traumatic experiences and aggravate current fears.
- the implications for risk assessment;
- the implications for custody/visitation when there is a child in common; and
- the interventions necessary with offenders.

2. Barriers

Recognize That the Process Can Be Intimidating and Re-Traumatizing:

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. Putting aside expectations of how a teen might act helps avoid erroneous conclusions that they do not need help⁴.

Separate them from the abuser: 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.

Set Expectations: 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.

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.

Support: Take the extra time to be supportive and compassionate with youth victims. Going through legal procedures is hard and may be retraumatizing. Victims of abuse need to feel that the courts take their experiences of abuse seriously.

Show commitment: Establish a "zero tolerance" policy. Youth subjected to dating abuse and 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 and coercive control have no place in an intimate relationship.

Follow through: Monitor the abuser's behavior and compliance with court orders by requiring regular court appearances for status updates and/or progress reports. Accountability should not end at the issuing of a court order.

Intervention Programs: Support the establishment of teen-specific batterer & domestic violence intervention programs in your community and require abusers to attend. These programs should explore abusers' past trauma and exposure to parental and familial domestic violence, teach empathy & alternative outlets for triggers, encourage acknowledgement of conduct and harm and explore the dynamics of healthy relationship behaviors and consensual sex.

Significant Barriers to LGBTQIA2S+ Youth Utilizing the Court System:

For young people generally, it takes a lot of energy, courage and strength to engage with to the court system. **The history and prejudice LGBTQIA2S+ youth are at risk of makes it especially hard for them to see the courts as an avenue for help or protection.**

LGBTQIA2S+ youth are affected by many issues unaddressed by the justice system. This environment may be or feel like one where they cannot be or present as their true self, and have their identity respected. Courts and authorities have historically disproportionately targeted and discriminated against LGBTQIA2S+ youth, with hostility, or structural laws directly taking away their rights and services.

History of discrimination and oppression by courts and authorities :

Laws: Marriage is only recently legal; anti-sodomy laws; successful panic defense strategies, bathroom laws ; transphobic laws prohibit access to healthcare and sports.

Police brutality:

- Transgender people were 7 times more likely to experience physical violence when interacting with the police compared to cisgender survivors and victims.⁵
- Prison industrial complex and the overincarceration of POC and LGBTQIA2S+ folks: almost fifty percent of transgender people of color reported believing that they had been "arrested for being trans."⁶

Disproportionate Representation in the Criminal Justice System

“Researchers argue that this combination of bullying, family rejection, running away, and homelessness has led to the overrepresentation of LGBTQ youth in the justice system.”⁷

Arrests:

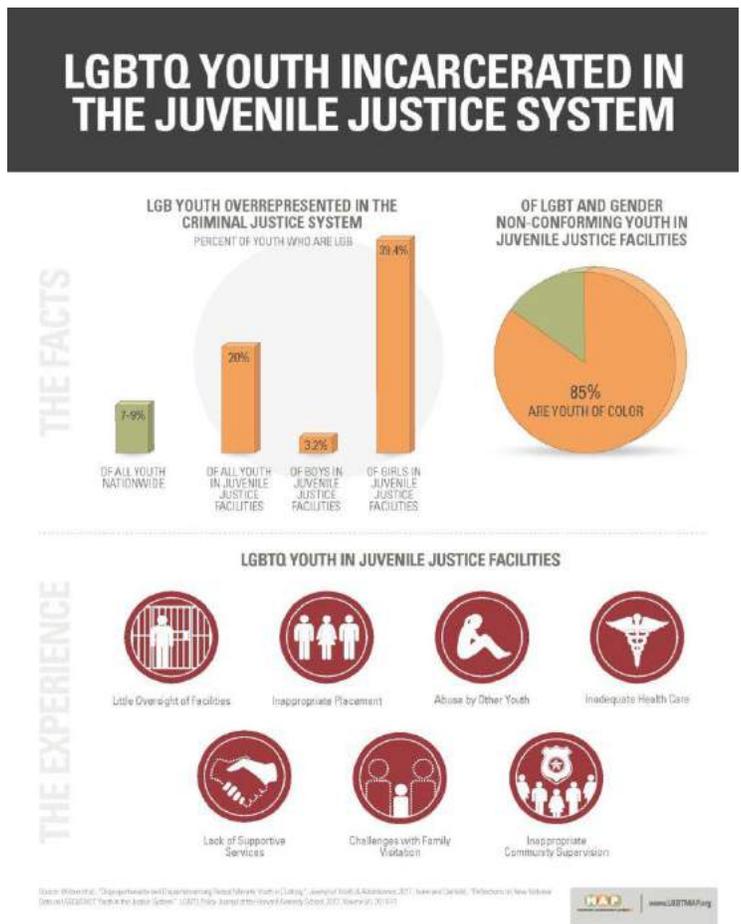
- **Prostitution:** Queer young women are **2x** as likely, and queer young men are 10x as likely to be **incarcerated** compared to non-LGBTQIA2S+ peers.⁸
- **Other Non-Violent Offences:** LGBTQIA2S+ youth are confined **at twice the rate** of their heterosexual/gender conforming peers.⁹

Incarceration:

- **40%** of girls in juvenile detention identify as LGBTQIA2S+.¹⁰
- **20%** of the juvenile detention population identifies as LGBTQIA2S+, **85%** of them are youth of color.¹⁰

Sexual Assault:

LGBTQIA2S+ & gender non-conforming incarcerated youth are much more likely to be sexually abused than adults, and their heterosexual peers.⁹



Impact:

LGBTQIA2S+ youth experience a lot of fear about not being believed or taken seriously, and being unsafe. They may feel the justice system is more likely to criminalize them than to help them, and, not made for them.

3. Court Environment

How to make courtrooms a safer space for LGBTQIA2S+ Youth:

Inclusive Language

Law: Federal law prohibits sex discrimination, including discrimination based on gender identity or transgender status, and several cities and states have specific anti-discrimination laws that prohibit intentionally failing to use a person's preferred name, pronoun, or title. For example, New York City Local Law No. 3 (2002), Code § 8-102 requires employers and covered entities to use the name, pronouns, and title with which a person self-identifies, regardless of the person's sex assigned at birth, anatomy, gender, medical history, appearance, or the sex indicated on the person's identification.¹¹

Need for Safety: Using inclusive language is the first step towards making LGBTQIA2S+ youth feel safe in your courtroom. The history of discrimination against LGBTQIA2S+ people in the judicial and legal system makes youth view the courtroom as a unsafe and unaccepting place. Using accurate, inclusive language is a first step towards showing your courtroom is a safe place for LGBTQIA2S+ youth. Additionally, administrative paperwork usually forces LGBTQIA2S+ youth to choose the fill in the wrong name and gender. Forcing them to deny or erase part of their identity reinforces the feeling that they should not be or feel like themselves in this context. They lose their basic right to be recognized, and referenced, as who they are.

Using accurate, inclusive language can make the courtroom become a place that helps, rather than a place that oppresses, erases and attacks them.

Policies & Paperwork

Have both preferred and legal name on any paperwork. Inquire about a young person's pronouns, and make sure to use the preferred name and pronouns stated.

Courts as a Safer Space

The ABA Model Code of Judicial Conduct Rule 2.3 (included below) mandates judges to refrain from bias or harassment based on gender. This directly applies to inclusive spaces and language in court proceedings. Create a court environment in which there is no tolerance for homophobic or transphobic language by others in the proceedings

- Avoid **“misgendering”** (using the wrong pronouns) or **“deadnaming”** (using a person's pre-transition name) when identifying an individual. Misgendering and deadnaming create a hostile and exclusionary environment. They can also accidentally “out” someone, making them feel unsafe or triggering traumatic memories of discrimination and erasure.
- Correct other people when they misgender or deadname someone. If you are corrected, apologize without justifying why you made the mistake. If the individual visibly looks thrown off and upset, allow them space to process the emotions they are experiencing.

American Bar Association (ABA) Model Code of Judicial Conduct

Rule 2.3: Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

(D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Below are guidances^{12 13} on how to implement and use this inclusive, gender-affirming language and paperwork.

GENDER-SPECIFIC & GENDER-NEUTRAL PRONOUNS

GENDER-SPECIFIC PRONOUNS

are the ways we refer to each other in the third person. People who are transitioning in some way might choose to change their pronouns.

SHE HIS HE HERS

GENDER-NEUTRAL PRONOUNS

THEY
THEM
THEIR



I saw Lauren come to work today and **they** seemed really happy. I wonder if it has anything to do with **their** weekend. I hope I see **them** soon to hear all about it!

ZE (ZEE)
SIE (SEE)
ZIE (ZEE)
HIR (HEAR)



I saw Lauren come to work today and **ze** seemed really happy. I wonder if it has anything to do with **hir** weekend. I hope I see **hir** soon to hear all about it!

ASK

You cannot tell someone's name or pronoun just by looking at them.

RESPECT

If someone takes the time to let you know their name and pronoun, use and respect it. It's not up to you to decide someone else's identity.

PRACTICE

If you have difficulty using someone's pronoun and name, practice. Ask co-workers, peers, and friends to point out when you've made a mistake.

Hi everyone, my name is Lauren. My pronouns are she and her.

ASK! If you find yourself unsure of someone's pronoun, be attentive to how others refer to this person. If you are still unclear or concerned that people might be using the incorrect pronoun, politely and **privately** ask that person what pronoun they use.

All name tags and name plates can also have a spot to show someone's pronouns.

HELLO
my name is

LAUREN

PRONOUNS: She & Her

Start meetings with everyone introducing themselves and stating their pronoun.

#TRANSINCLUSION

PROGRESS DESIGN:
LEAFPAPER.CO

HEAR STOP
IT! IT!
PROGRESSDESIGN

519
SPACE FOR CHANGE

STARTING CONVERSATIONS

AVOID ASSUMED USE OF GENDERED TITLES

MA'AM SIR MISS MR. LADY GENTLE MAN

USE THESE TITLES ONLY AFTER YOU HAVE CONFIRMED HOW SOMEONE WISHES TO BE ADDRESSED.

EMAIL CONVERSATION

WHEN WRITING AN EMAIL,

it is not required to use a gender-specific title (i.e., Mr., Ms., Miss., Mrs.), consider just using the person's first and last name. Along with gender-neutral pronouns, you can use Mx. as a gender-neutral title.

TO OPEN AN EMAIL DIALOGUE, CONSIDER STARTING IT WITH...



SAMPLE CONVERSATIONS THAT REMOVE GENDERED TITLES



Hi there, how are you today?

How can I help you today?
What would you like support with?



I would just like to confirm what name you go by. [...] Great, thanks so much for giving me that information. I will make a note with your account to ensure that other folks know that this is your name.



Is there anything else you would like to tell me to help us better meet your needs?

#TRANSINCLUSION

PROGRESS DESIGN:
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HEAR STOP
IT! IT!
PROGRESSDESIGN

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SPACE FOR CHANGE

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Protecting Confidentiality

Disclosure: Be conscious that not all youth are "out" to family, friends, and social circles, and of the risks and fears LGBTQIA2S+ teens face when disclosing their identity:

- Fear of reinforcing stereotypes about community and/or culture
- Fear of betraying family, community and/ or culture
- Fear of being ostracized from family, community and/or culture
- Fear of retaliation
- Fear of discrimination by courts and other authority figures

Respecting Confidentiality:

- Be mindful about discussing gender identity in open court or court documents without permission when it is not relevant to proceedings
- Be mindful of how issues are raised and whether something could be used against litigants if they are not "out."
- Allow individuals to define their gender and identity.

4. Orders of Protection

Why they are important

Civil vs Criminal: A civil order belongs to the victim and will survive even if the criminal case is dismissed or probation expires. Therefore, Courts should be willing to grant a civil order of protection even if a criminal order is in place or being sought.

Role of Court: The Court decides if the victim has met their burden to issue the order and then considers how to tailor it.

Necessity of Orders: Youth have less access to changing their daily social environments than adults so they rely on the orders to protect safe spaces from the perpetrator's violence.

Considerations

Social Environments: The reality is that the restrained party may live in the same neighborhood, building, have mutual friends, use the same transportation, attend the same place of worship or after school program, or continue to attend the same school. Orders of protections should be tailored to reflect teens' inability to change social environments.

- **Shared Spaces:** Consider the victim's and abuser's shared spaces, physical and virtual. 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 listed in the order make contact, the court will consider it a violation.¹⁴
- **Specificity:** avoid "refrain from communicating" in favor of "refrain from communicating by..." Remember the teen brain and be specific to increase compliance. Be specific and detailed through statements such as "refrain from any and all forms of communication, including but not limited to, email, text message, social media messages and posts..."

Include the Victim:

- **Ask:** Victims should be central in explaining what conditions would be helpful and realistic for them for orders of protection. Ask questions to elicit the spaces that they share and how, if an OOP is in place, it can be complied with. For example, "where are all the places you see X?"
- **Explain:** Make sure the teens understand what an OOP/court order means; who has the ability to amend/cancel it and what the consequences are of violating it.

Schools

Minimize Burden on Victims:

- Narrow Language: Use narrow language in protective orders so schools have a directive as to how to implement the order without putting more burden on the victim to explain and reassert the order to the school
- Educate: Mandate community education to all players involved so schools can learn more about orders, how they work, who to make aware of it and how to implement it.
- Direct: Give directions to all parties and attorneys as to how to convey and discuss the order to the school

5. Specific Courts

Family Courts:

Some teen dating violence victims have children with their abusers. Escaping abuse is then complicated by custody and visitation. How should these courts consider TDAV?

Parenting Classes: These custody and visitation rulings are an important opportunity to promote parenting classes. Young parents and youth raised in indifferent foster care are often unaware that good parenting requires more than fulfilling essential needs such as food, clothing and shelter. Teaching them the need for emotional care through talking and playing with children from the moment of birth is important for their children to develop their brains and healthy coping mechanisms.¹⁵ 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. These classes should not be seen and portrayed as punishment, but as a positive learning opportunity.

Generational Cycle: Many teen victims and abusers are exposed to domestic violence in their families of origin and are enmeshed in a generational cycle. It is critical to interrupt this cycle.

Juvenile Courts:

Teen dating violence victims are often arrested for other offenses ranging from shoplifting to drug sales to prostitution after being coerced into criminal activity by a violent dating partner. Some are being trafficked.

Sex Trafficking and the Juvenile Court System: Teen dating abuse and violence can also lead to young people being forced into sex trafficking. Sex traffickers often enter teens' lives as boyfriends who promise to love and care for them and offer shelter, protection and romance. These "boyfriends" coerce and force their victims to engage in sex with others, which often brings their victims into contact with the justice system on prostitution charges, drug charges and more.

When trafficking survivors of any age come into contact with the justice system, it may be hard to see them as victims. Initially they may be uncooperative and confrontational.

"Human trafficking victims rarely are cooperative with law enforcement during their first confrontation. They have been trained to be evasive and to lie about their age and what they are doing with the trafficker. Failure to follow the code set forth by the trafficker results in physical and sexual abuse....[T]he courts have a critical role in establishing trauma-informed response for all victims. This role includes connecting community resources to each victim to ensure they feel safe throughout the court process."

Judge Virginia Kendall and Christi Wade, "The Judicial System Can Mitigate Re-Traumatizing Sex and Labor Trafficking Survivors," *The Judges' Journal*, Vol. 60 No. 2, Spring 2021.

Human Trafficking Task Force e-Guide: The Role of Courts, OFF. FOR VICTIMS OF CRIME TRAINING & TECH. ASSISTANCE CTR. (U.S. Department of Justice's Office for Victims of Crime (OVC) and Bureau of Justice Assistance (BJA)), <https://www.ovcttac.gov/taskforceguide/eguide/6-the-role-of-courts>

Youth at Risk: LGBTQIA2S+ and black youth are disproportionately affected by violence, poverty and stigmatization **making them more susceptible to the coercive influences of human trafficking.**

- A report by the Department of Justice in 2011 revealed that in a review of all suspected human trafficking incidents across the country that 40% of sex trafficking victims were Black.¹⁶
- A report by the Atlanta Youth Count found that 71 percent of transgender and gender non-conforming youth had experienced trafficking during their lifetimes, 65 percent of whom had become victims while homeless.¹⁷

Trauma Informed Responses: Judicial leadership is needed to change the way juvenile courts treat and view these young victims and understand their lives. Rather than taking a cold and punitive approach, courts should be looking into the details and context of the case, to find underlying issues for other crimes. It is also important for judges to know how to recognize signs of trauma and how they impact victims and their behaviors in court.

Safety Planning: Courts should assist teens in planning how to escape abuse and find safety.

Support Services: A variety of family and community support services will improve teens' environments and support them in moving forward with their lives. Juvenile courts that understand teen dating abuse and violence have an opportunity to reframe these cases.

Context: 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, and offenders as well. Supporting these programs also helps offenders in learning about the impact and seriousness of their actions. This reduces the likelihood of additional offenses.

Domestic Violence Courts:

Teen- Specific 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. Very few domestic violence courts are dedicated to teens, or are educated around TDAV. Judicial leadership is needed to establish more of them and take teens experiences seriously.

Features:

- Specialized Training
- Age- Appropriate Services
- Intervention Programs tailored to teens

Benefits:

Behavior Change: Teen-specific domestic violence courts with intervention programs and educational groups reduce the likelihood of repeated offenses by first-time offenders. Generally, all juveniles seen in these courts attending courses and being monitored through frequent mandatory court reviews are less likely to re-offend while on probation.

Increased Victim Cooperation: The Youthful Offender Domestic Violence Court in Brooklyn, New York had a specialized victim advocate in their court proceedings. This addition led to an increase from 10 to 50 percent of corroborated affidavits in all teen dating violence cases.¹⁸

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."¹⁹

Examples:

Juvenile Domestic Violence and Family Court of Santa Clara County, San Jose, California:

Judge Eugene Hyman, who presided over this court from its founding, described it as below: "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."²⁰ 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.

Youthful Offender Domestic Violence Court in Brooklyn, New York:

The Brooklyn Youthful Offender Domestic Violence Court (YODVC) was 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, and school).

6. Resilience

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."

Dr. Frances Jensen, *A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults* (2015) at p.181

Definition

Resilience refers to the phenomenon of overcoming stress or adversity. Behaviors associated with resilience could be viewed as dysfunctional without context, but within a specific context may also be understood as strategies adopted to avoid further harm.²¹ Resilience plays a vital role in teens overcoming teen dating violence and other stressors.

Learned Behavior

Resilience is a learned behavior. Because the teen brain is still developing, it is malleable and rapidly absorbs new information. Teens are therefore at a prime time to develop resilience if given the right support, community and services.

PROMISING FUTURES

PROMOTING RESILIENCY

among children and youth experiencing domestic violence



PROTECTIVE FACTORS THAT PROMOTE RESILIENCY

INDIVIDUAL	FAMILY	COMMUNITY
<p>Temperament Individual temperament or sense of humor</p>  <p>Relationships Ability to form relationships with peers</p>  <p>Understanding Ability to make sense of their experiences</p>  <p>Mastery Opportunities to experience mastery</p>  <p>Expression Opportunities to express feelings through words, music, etc.</p>  <p>Conflict Resolution Development of conflict resolution & relaxation techniques</p>  <p>Culture Strong cultural identity</p> 	<p>Role Models Adults who role model healthy relationships</p>  <p>Supportive Relationships Positive child-caregiver relationships</p>  <p>Health Healthy caregivers</p>  <p>Networks Relationships with extended family members and others</p>  <p>Stability Stable living environment</p> 	<p>Access to Services Basic needs, advocacy, health</p>  <p>School Positive school climate and supports</p>  <p>Mentors Role models & mentors, i.e. coach, faith leader</p>  <p>Neighborhood Cohesion Safe & connected communities</p> 

The development of this infographic was supported by Grant Number 90EV0401 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. (1) Masari, A. S. (2006). Promoting resilience in development: A general framework for systems of care. In R. J. Fligg, et al. (Eds.), Promoting resilience in child welfare (3-17). Ottawa: Univ. of Ottawa Press. (2) Herzig, S., Finkhor, D., Turner, H., & Ormrod, R. (2011). Children's exposure to intimate partner violence and other family violence (pp. 1-12). Juvenile Justice Bulletin – NCJ 232272. Washington, DC: U.S. Government Printing Office.

What leads to resilience:

The National Child Traumatic Stress Network, in their sheet titled “Resilience and Child Traumatic Stress” describes the system that can help maintain and develop resilience in children. The full sheet can be found at https://www.nctsn.org/sites/default/files/resources/resilience_and_child_traumatic_stress.pdf. Elements and extracts are described below:

Maintenance of Support Systems: A strong, positive relationship with a primary caregiver who acts to ensure safety and protection after a traumatic event can significantly enhance the development of resilience by supporting the child in making sense of their experience and dealing with difficult emotions.

Family: A circle of family members who are committed to each other, share time together, resolve problems and conflicts effectively and efficiently can also support resilient recovery.

Schools: A school that provides a positive social environment, works to foster and develop the child’s cognitive skills, and promotes student safety and belonging through the support of school counselors, school social workers, school resource officers, teachers, and other school staff can create a sense of belonging and stability that can help children cope with trauma.

Community: A community that ensures access to quality essential services such as childcare, after-school programs, healthcare, and mental health services, has safe neighborhoods; provides green space, quality food services, and healthy recreational activities; fosters a sense of community and connectedness; and has an equitable and diverse culture” can similarly help develop effective coping skills.

7. Judicial Leadership

How can judges help teens learn resilience:

How the court system responds to teen dating violence victims and if the courts understand the seriousness of teen dating violence and have available the necessary support services and programs are significant factors in developing resiliency.

Assumptions: Teens may be coming to the courts for a number of reasons and with different backgrounds. For example, they could be seeking orders of protection, or have a child in common with their abuser, or face delinquency charges for criminal activity into which their abuser coerced them. It is important for judges to understand the larger role that trauma plays in the link between teen dating violence, delinquency, and victimization.

“Just because a teen is a criminal defendant doesn’t mean they cannot be a victim of dating violence...as adults, we have had our entire life to develop positive, prosocial coping mechanisms. Teenagers have not had that time, and are still learning how to react to stressful situations, let alone victimization by a loved one. It’s not unusual for teens who are in abusive relationships to exhibit trauma-fueled conduct such as aggressiveness, substance abuse, fighting or other disciplinary problems. Teens may also play hooky from school to avoid contact with the abuser.”

Hon. Marshall Murray, 8 Things Judges Need to Know about Teen Dating Violence (2016),
Article posted on NCJFCJ

Evaluating Cases Considering ACEs: Some behaviors might seem dysfunctional, but may be used as coping mechanism to avoid further harm. The role that trauma plays in shaping teenagers' behavior cannot be understated, especially as judges work to address offenders' behavior. When judges evaluate each case of teen dating abuse and violence, it is important to remember the long term effects of Adverse Childhood Experiences.

Crafting Responses: There is no definitive list or model in crafting responses to TDAV, but intervention programs including exploration of past trauma, teaching empathy, addressing alternative outlets for triggers, encouraging acknowledgement of the offender's conduct and caused harm, and exploring the dynamics of healthy relationship behaviors and consensual sex are significantly more effective. The intervention programs can be tailored towards cognitive training while also focusing on the development of interpersonal skills, opportunities for learning and identification of personal strengths and support systems seems fruitful" (Rowan Hodgkinson).

Supportive Force: *"If there is one thing that your teen survivor should remember from [their] court experience, it is the door to your court is always open. The immense societal pressure that teen survivors face to drop protection orders and return to their abusers is magnified in the complex world of adolescence. Being a teen is not easy. Being a survivor is much, much harder."*

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<https://www.ncjfcj.org/news/8-things-every-judge-should-know-about-teen-dating-violence/>

- ¹ Kevin J. Vagi et al., “Teen Dating Violence (Physical and Sexual) Among US High School Students: Findings From the 2013 National Youth Risk Behavior Survey,” *Jama Pediatrics* 169, no. 5 (2015): 474-482.
- ² Vaughn I. Rickert, Constance M. Wiemann & Roger D. Vaughan, “Disclosure of Date/Acquaintance Rape: Who Reports and When,” *Journal of Pediatric and Adolescent Gynecology* 18, no. 1 (2005): 17-24.
- ³ Barbara Oudekerk, Dara Blachman Demner and Carrie Mulford, “Teen Dating Violence: How Peers Can affect Risk & Protective Factors,” National Institute of Justice, November 2014, <https://www.ojp.gov/pdffiles1/nij/248337.pdf>
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- ⁵ “Hate Violence Against Transgender Communities”, National Coalition of Anti Violence Programs, 2013, https://avp.org/wp-content/uploads/2017/04/ncavp_transhvfactsheet.pdf
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