

**LEGALMOMENTUM®**

The Women's Legal Defense and Education Fund™

# TEEN DATING ABUSE AND VIOLENCE



National Judicial  
Education Program

*Information Sheets  
and Resources*

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Teen Dating Abuse & Violence is a scourge that is as epidemic, harmful, and potentially lethal as adult domestic violence. Unchecked, teen dating abuse and violence can entrench a lifetime pattern of perpetration by abusers and acceptance of abuse by victims. The rapidly growing awareness of teen dating abuse and 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 abuse and violence and its intersections with other areas of the law, as well as Resources for courts and communities.

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## TDAV Slide Decks Powerpoints with Commentary:

The subjects covered in these Information Sheets are addressed in depth in the set of 6 Power Point Slides with suggested Commentary intended to be used in presentations about Teen Dating Abuse and Violence and integrated into presentations about relevant subjects, such as trafficking, juvenile courts and drug treatment:

- The Dynamics and Consequences of Teen Dating Abuse & Violence
- The Teenage Brain: Nature & Nurture, Neuroscience & ACEs
- Sexual Abuse & Assault
- The Use of Technology and Social Media and the Electronic Evidence Produced
- Issues for LGBTQIA2S+ Teens
- Offender Accountability and Victim Safety

These Information Sheets and Slide Decks 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 Abuse & Violence

## 1. What is Teen Dating Abuse and Violence?

*“Teen dating violence occurs between two young people in a close relationship and includes four types of behavior: physical violence, sexual violence, stalking and psychological aggression. TDV can be perpetuated in person or electronically, and it affects millions of U.S. teens each year.”*

*-National Conference of State Legislatures*

**1 in 3**

young people will be in an abusive or unhealthy relationship in their adolescence.<sup>1</sup>

**1.5M**

high school students across the US will be subjected to physical abuse by an intimate partner in a year.<sup>2</sup>

The Department of Justice Office on Violence Against Women (OVW) defines teens as young people between the ages of 14 and 24. Types of teen dating abuse and violence may include:

### Emotional, psychological and/or verbal abuse

- Name calling or spreading rumors
- Intimidation, like yelling or throwing/slamming objects
- Constant monitoring and/or jealous behaviors, which can lead to isolation from friends and family
- Minimizing abuse and/or “gaslighting”

### Sexual Abuse & Violence

- Coercing partner into sexual activity or contact
- Physically forcing partner into sexual activity or contact
- Releasing or threatening to release intimate photos or sexts
- Reproductive coercion: forcing pregnancy or abortion

### Stalking

- Following
- Constant unwanted calling and texting
- Monitoring phone calls or computer use
- Using social media to track location

### Physical Abuse & Violence

- Pinching
- Hitting
- Shoving
- Biting
- Scratching
- Strangling (choking)
- Kicking

The Children's Safety Network created a fact and resource sheet<sup>3</sup> about Teen Dating Abuse. The graphics below were adapted from that sheet. They highlight the prevalence, types and important impacts of abuse on youth.

**ABUSE TAKES MANY FORMS**  
Abuse can be...

- PHYSICAL**: hitting, kicking, shoving
- SEXUAL**: unwanted kissing or touching, rape
- EMOTIONAL**: isolating, stalking, yelling, threatening
- DIGITAL**: -can be sexual or emotional- constant texting and calling, pressuring to send explicit photos, stalking online or through GPS, stealing passwords

**IT HAS A LASTING IMPACT**  
Victims are more likely to...

- use drugs or alcohol
- become depressed or anxious
- become suicidal
- be in abusive relationships in the future

...than those who haven't been abused

**IT'S COMMON**  
**1 in 10** high school students have been abused by dating partners in the past year

## 2. What is Intimate Partner Sexual Abuse?

Intimate partner sexual abuse is not defined by gender or sexuality, but by abusive behavior. Intimate partner sexual abuse can be perpetrated in all types of intimate relationships and is rarely an isolated incident. It is often perpetrated alongside other forms of abusive behavior, including physical and emotional abuse<sup>4</sup>. Below are included examples of intimate partner sexual abuse:

### Insensitive, critical or degrading behavior relating to sex and sexuality

- Using sexually degrading names or criticizing victim's physical features/attractiveness/body image
- Making victim feel cheap or dirty for wanting sex
- Using sex to prove faithfulness
- Withholding affection or accusing partner of being sexually abusive for denying sex; blaming victim for not being satisfied
- Stalking to ensure fidelity
- Accusing partner of infidelity
- Punishing partner for attracting sexual attention – whether actual or imagined
- Checking partner's underwear for signs of sex
- Bragging about having other sexual partners

<h3>Trying/Making Victim Perform Sex Acts Against Their Will, When Not Fully Conscious or When Afraid</h3> <ul style="list-style-type: none"> <li>• Coercing victims into acting out pornography</li> <li>• Reproductive Coercion</li> <li>• Coercing abortion</li> <li>• “Apologizing” after a battering incident by coercing sex</li> <li>• Coercing prostitution/trafficking</li> <li>-</li> </ul>	<h3>Hurting the Victim in Relation to Sex</h3> <ul style="list-style-type: none"> <li>• Battering before, during or immediately after sex</li> <li>• Hurting victim physically during sex</li> <li>• Assaulting victim’s breasts and/or genitals</li> <li>• Bondage</li> <li>• Forced physically painful and sadistic sex</li> </ul>
<h3>Physical Harms</h3> <ul style="list-style-type: none"> <li>• Sexually Transmitted Infections (STIs)</li> <li>• Unintended pregnancy</li> <li>• Bruising, broken bones, burns, internal injuries</li> <li>• Long-lasting physical consequences because of repeated assaults, including internal injuries and chronic pain</li> </ul>	<h3>Extorting Sex</h3> <ul style="list-style-type: none"> <li>• Refusing to pay child support without sex when there is a child in common</li> </ul>

The Monique Burr foundation for children created a relationship continuum<sup>5</sup> to equip teens with the tools to recognize the signs of healthy, unhealthy and abusive relationships.



## RELATIONSHIP CONTINUUM

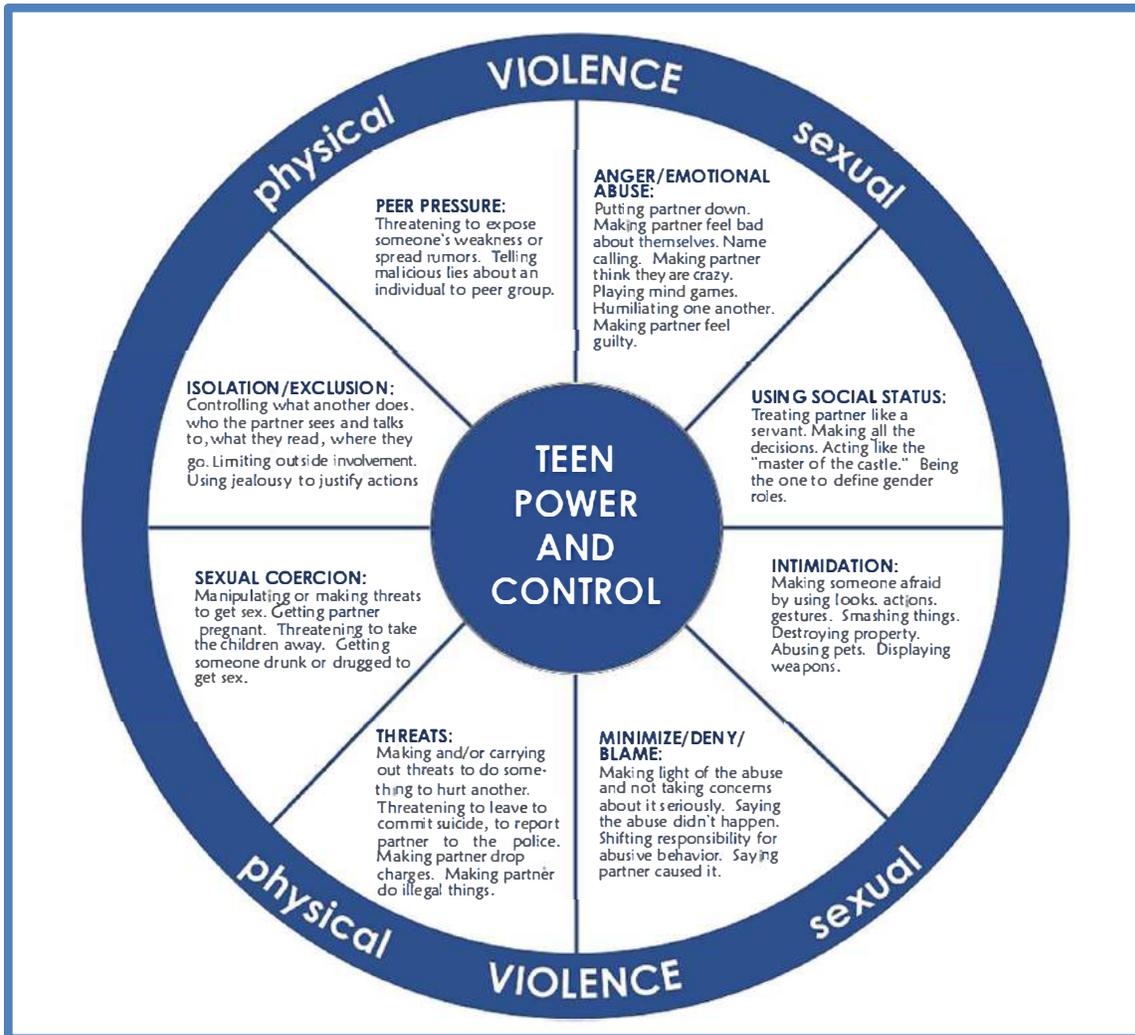
All relationships are different. While many are healthy, others may be unhealthy or even abusive. These behaviors occur along a continuum and often increase in intensity and/or frequency.



Copyright © 2021 - Monique Burr Foundation for Children  
[www.mbfpreventioneducation.org](http://www.mbfpreventioneducation.org)

### 3. Teen Power and Control Wheel

The Teen Power and Control wheel presents the behaviors to which TDAV victims are most universally subjected by their partner.



#### Origin

This diagram<sup>6</sup> was adapted 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>7</sup> DAIP "wanted a way to describe battering for victims, offenders, practitioners in the criminal justice system and the general public." It is adapted here for teens.

#### Technological Abuse

- Controlling a partner's content and followers on social media and demanding access to accounts.
- Convincing a partner to "sext" or share intimate photographs that they don't want to.
- Harassment by phone, text, or social media.
- Tagging (notifying user that another user mentioned them in a post or comment) partner in threatening or hurtful posts.

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).

## 4. Teen cf. Adult Dating Abuse & Violence

Although the perpetrators of TDAV are young people, TDAV is as dangerous as adult intimate partner violence.

Teens lack relationship experience and because of their developing brain, are less in control of their emotions. Navigating the boundaries and the rules of their families complicates their ability to label relationships and set boundaries with partners. For example, their family could tell them they aren't allowed to date, forcing them to lie about when and where they see their partner. The restrictions set by parents may lead teens to hide their relationship.

### Definition of "Dating"

**50%** of sexually active teens have had at least one sexual partner they were not dating.<sup>8</sup>

In some instances, if the relationship is mostly physical, teens may think of and describe their intimate partnership as "just a hook-up."

### Secrecy

The reliance on and presence of parents may force a teen into hiding their relationship from parents and other adults. This is prevalent in LGBTQIA2S+ relationships. The secrecy of the relationship forces the secrecy of the abuse. This makes it much harder for a teen to recognize and understand abusive behaviors for what they are.

### Relationship Experience

**25%** to **46%** of female adolescents involved in aggressive intimate relationships interpreted the violence as an act of love.<sup>9</sup>

Many teens have limited relationship experience and believe that TDAV is only perpetrated in long-term, romantically and physically intimate relationships. If their relationship does not fit that model, they may view their relationships as not "serious enough" to look for signs of abusive behavior in their partners. This makes it difficult for teens to recognize that their partner is abusing them.

## 5. The Risks and Outcomes of Teen Dating Abuse & Violence

As mentioned previously, TDAV is rarely a one-time incident, but rather “a pattern of abusive behaviors over time that causes fear and/or harm.”<sup>10</sup> The impacts on victims are serious and can lead to severe long term physical and psychological harm. The urgency and gravity of these consequences make clear how important it is for courts to act in TDAV cases. Some of these consequences may include:

- **INESCAPABLE DIGITAL ABUSE:** Teens heavy reliance on social media makes it difficult for them to fully escape from and cut all ties to an abuser.
- **STALKING:** Technology also makes it easier for perpetrators of TDAV to stalk their victims, a prevalent habit in TDAV cases. This presents a real danger to the victim— in 20% of adolescent stalking cases, a weapon is used.<sup>11</sup>
- **POOR ACADEMIC PERFORMANCE:** Stress caused by the abuse can lead to this, limiting a victim’s overall lifetime earnings.<sup>12</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.
- **MALADAPTIVE COPING MECHANISMS:** Victims of TDAV 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>13</sup>
- **PATTERN OF VIOLENT BEHAVIOR:** TDAV 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>14</sup>
- **NORMALIZING ABUSE:** TDAV victims may view this abusive behavior as normative and become involved in violent relationships in later life.

## 6. Screening For Behaviors That May Indicate TDAV:

Screening for signs of abuse in cases involving adolescents – even those cases that may not seem to encompass TDAV – is crucial. There are many barriers to keep in mind when doing so:

### Reluctance to Disclose:

Adolescent victims of TDAV may be reluctant to admit that their partner abused them due to a number of factors, and may seem apathetic or unwilling to cooperate with court personnel.

## Fear of Punishment:

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>15</sup>

## Reading Beyond the Words:

It is important to read and interpret adolescents' body language during proceedings. For example, if a victim unwilling to admit being abused appears anxious or fearful of the abuser, some form of TDAV may be taking place. Also, TDAV victims may be heavily traumatized, and their behaviors might seem unusual, such as 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>16</sup>

## Significant Age Differentials:

In some TDAV 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>17</sup>

# 7. Coercive Control

*I emotionally abused her by telling her one thing and doing the opposite. I controlled her dress, behavior, and who she could be friends with. I used my gang to intimidate her by pointing out victims and threatening to do the same to her.” – Ruiz, 17*

Barrie Levy “In Love and In Danger” (2006)

**Coercive control is a pattern of coercive or controlling behaviors that intimidate, degrade, isolate, and control the victim**—aimed at making the victim subordinate to the abuser; it is often psychological and emotional abuse, but can also be physical, financial or sexual.

Many victims often say that **the violence wasn't the worst part.**

“Well over 90% of abusive assaults are non-injurious, relatively minor, and fall far below the radar of an injury-based model. Nevertheless because of their frequency in a typical abuse situation, low-level assaults have a devastating effect. A related problem with the prevailing model is that it fails to recognize that the **level of fear and entrapment women present is the cumulative result of all that has come before rather than of the proximate event.** When victims or their children present with high levels of fear in response to a seemingly trivial assault, they are thought to be exaggerating, or, in family court, to be manipulating or “alienating” their children from a father figure.”

Dr. Evan Stark, “Coercive Control,” National Domestic Violence *Fatality Review Initiative: Fatality Review Bulletin*, 2010, retrieved from <https://angelz fury.wordpress.com/2010/09/02/coercive-control-national-domestic-violence-fatality-review-initiative-fatality-review-bulletin-spring-2010/>

## Examples of Coercive Control

**Origin:** Forensic social worker, Dr. Evan Stark, coined the term “coercive control” in his 2010 book *Coercive Control: How Men Entrap Women in Personal Life*. Other sources<sup>18</sup> contribute to show that coercive control has a variety of forms:

### Pressure/ Forcing Partner Into:

- Answering texts within a few minutes
- Answering calls at all times
- Granting location tracking to partner at all times
- Cutting off their family & friends
- Restricting daily activities
- Dressing, walking, talking and taking pictures in specific ways and not in others
- Giving access to all social media accounts
- Adhering to behaviors associated with stereotypical gender roles

### Control and Verbal Violence:

- Gaslighting
- Name- calling and other forms of bullying behaviours
- Controlling access to money
- Controlling aspects of health and body

*“The combination of these big and little indignities best explains why [victims] suffer and respond as they do in abusive relationships, including why so many [victims] become entrapped... why they are prone to develop a range of psychosocial problems and exhibit behaviors or commit a range of acts that are contrary to their nature or to a basic common sense or decency. The risk that battered [victims] will kill or be killed is a direct function of entrapment by coercive control.”*

-Dr. Evan Stark, “Coercive Control”

## 8. Reproductive Coercion

12%

of teen girls reported being subjected to reproductive coercion in a Northern California study in 2012-2013.<sup>19</sup>

“We have to treat pregnancy itself as a warning sign. I always tell other counselors that I’m training, ‘When you see a pregnant teenage girl, always, always assess for an abusive relationship, because 99 percent of the time, that will be the case.’”

Dr. Jill A. Murray, quoted in Harris, He Thought a Baby Would Keep Me in His Life Forever: When Partner Abuse Isn’t a Bruise But a Pregnant Belly (2009)

26%

of teen girls who were sexually active and in abusive relationships reported birth control sabotage or pregnancy coercion.<sup>20</sup>

A 2007 study found that some young men explicitly stated that they would pressure a partner to have condomless sex as a way to assert power in the relationship. Other research found that some young men believe a partner requesting the use of condoms is a sign of cheating.<sup>22</sup>

Despite the cultural trope that women “trap” men in a relationship by getting pregnant, social science research shows the opposite. In abusive heterosexual relationships, there are high rates of men using reproductive coercion, exerting one of the most intimate and lasting forms of control over a victim. This form of abuse is especially pernicious because of its secretive nature.

Teens often learn information about sex through peer sharing rather than comprehensive sex education, making them more susceptible to **misinformation about sex**.

*“My sister was 14 years old when she became involved with this abusive guy, and when she was 15 his mother wanted grandkids so he coerced her into getting pregnant.”<sup>21</sup>*

## Types of Reproductive Coercion:

Similar to Intimate Partner Sexual Abuse, reproductive coercion is not defined by sexuality or gender and does not solely occur within heterosexual, cisgender relationships. Partners can use physical, economic and emotional abuse to pressure a partner into insemination or finding a woman to carry a child. Additionally, the female reproductive system is not reserved to cisgender women, trans men and non-binary people can also become pregnant, especially if their partner restricts access to their hormone doses. These facts are important to keep in mind when thinking of barriers to recognition of abuse and disclosure. It is also important to note that reproductive coercion is perpetrated in teen dating relationships at rates similar to adults relationships.

Reproductive coercion takes many forms. In attempting to coerce the partner into sex without protection against pregnancy or sexually transmitted infections, pregnancy or abortion, one can use<sup>23</sup>:

### Birth Control Sabotage

- Pressuring partner through emotional abuse to not use birth control
- Manipulating contraception by: forcibly removing contraception such as contraceptive rings, contraceptive patches or condoms; hiding, throwing away, or destroying birth control, poking holes in condoms
- Stealthing: Male partner removes or purposely damages condom during sex without partner's clear consent
- Refusing to pull out during sex when previously agreed upon
- Refusing to use condoms,
- Physically or economically preventing partner from obtaining birth control
- Manipulating or restricting access to hormones

### Emotional Abuse:

Coercing partner into a certain pregnancy outcome by:

- Convincing partner no one will want them if they choose a certain pregnancy outcome
- Calling partner names, degrading them, or using profanity directed at them
- Threatening to harm self or others
- Threatening to hurt or kill partner, or force a miscarriage
- Threatening to reveal something private about partner, including their hidden sexuality or gender identity
- Using religious or cultural beliefs
- Making partner feel guilty for continuing pregnancy or choosing to have an abortion
- Threatening to leave partner
- Making the pregnancy about fidelity and attachment in relationship

### Economic Abuse

Refusing to help pay for:

- Birth control or an abortion
- Costs of raising children if partner chooses a certain pregnancy outcome
- Prenatal care and basic health needs

Forcing pregnancies and births, one after another within a short time frame, to force partner into inability to work or leave the home without difficulty or risk

Destroying partner's credit, sabotaging assets, or amassing debt.

### Physical Abuse

**Threats:** Beating, kicking, hitting, strangling, raping, destroying property or possessions or using any form of physical violence to force partner into beginning or continuing a pregnancy or having an abortion.

**Consequences:** The physical abuse may result in miscarriage, early delivery or into having a child requiring special assistance.

## Neglected Reproductive Coercion:

**Transgender Victims:** Transgender people may identify with the gender binary of woman/ man, or as non-binary, genderfluid, gender nonconforming and may need access to a variety of reproductive health services. They also may be subjected to sexual coercion in ways that might not be congruent with assumptions about their gender identity or sexual orientation. Research has demonstrated that transgender people are subjected to sexual violence at a greater rate than cisgender people and most often in the context of an intimate relationship<sup>24</sup>. If you are unfamiliar with the medical health needs of transgender people, there are various resources available to help you, such as the Virginia Sexual and Domestic Violence Toolkit Around Sexual and Reproductive Coercion.<sup>25</sup>

**Male Victims:** Cisgender men (of all sexual orientations) may be at risk for reproductive coercion, including experiencing pressure to not use condoms during sexual encounters. The risk for sexually transmitted infections (STIs) is greater when people feel they are unable to negotiate safe condom usage in their relationships<sup>26</sup>.

## Consequences of Reproductive Coercion

- **Higher rates of unintended pregnancy:** Adolescent girls in physically abusive relationships were 3.5 times more likely to become pregnant than non-abused girls<sup>27</sup>, and as many as two-thirds of adolescents who become pregnant were sexually or physically abused at some time in their lives.<sup>28</sup>
- **Higher rates of sexually transmitted disease:** Women subjected to abuse are 3 times more likely to get an STI than women not in abusive relationships.<sup>29</sup> This is caused by abusers' putting them at a higher risk through things such as birth control sabotage.

# 9. Sex Trafficking and the Juvenile/ Criminal Justice 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.

**Cooperation:** 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 revealed that in a review of all suspected human trafficking incidents across the country, “Black females represent 40% of those victimized by sex trafficking.”<sup>30</sup>

Judge Pamila J. Brown, “Disparate Impact Considerations in Human Trafficking Cases,” *The Judges’ Journal*, Volume 60, Number 2, Spring 2021

- 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.<sup>31</sup>

For a comprehensive approach to this issue see *Working with Juvenile Victims of Sex Trafficking* developed by Judge Mark J. Kappelhof, 4<sup>th</sup> District, Hennepin County, Minneapolis for the Minnesota Judicial Branch website. The web course covers the problem and its challenges, the victims, the law, and what judges can do in their own courtrooms and to create solutions:

[https://mjbstream.courts.state.mn.us/Courses/DN\\_BESU\\_vids/Published\\_Sex\\_Trafficking/story\\_html5.html](https://mjbstream.courts.state.mn.us/Courses/DN_BESU_vids/Published_Sex_Trafficking/story_html5.html) "

## 10. Lethality

Despite the small amount of data and research available, the limited existing information makes clear that lethality is as much a potential danger for adolescents as it is for adults.

*“I was sure I’d never hit a girl because my dad beat my mom. But I felt I had to have control, and I did. I had a hard time trusting girls. I used to hit [my girlfriend], punch her, slap her. I told her she was no good and called her a slut. I choked her and threatened to kill her. – Paul, 18”*

Barrie Levy, “In Love and In Danger” (2006)

# 17 years old

is the average age of female teens killed by an intimate partner and the perpetrator is on average 4 years older - Adhia et al; “Intimate Partner Homicide of Adolescents,” *JAMA Publications*, April 2019

# 90%

of adolescent lethality case victims are female – Adhia et al; “Intimate Partner Homicide of Adolescents,” *JAMA Publications*, April 2019

A 2019 analysis of the National Violent Death Recording System showed that Compared to **19-24** year old victims, **11-18** year old victims were more likely to be killed by a former intimate partner, and less likely to be killed at the victim’s residence.

These unique characteristics of adolescent lethality cases explain the increased risk for youth in break ups and altercations compared to adults in similar situations.

## Causes

The most common categories of homicide related to teen dating abuse and violence were:

- breakups
- refusing to start a relationship with the perpetrator
- jealousy
- pregnancy
- reckless firearm behavior

## Suicidality

Teen dating abuse and violence is a major risk factor for suicidal ideation and is **associated with an increase in teen suicide**, which is the second leading cause of death among teenagers.<sup>32</sup>

## Importance of action by judges

Most intimate partner homicides of adolescents are perpetrated with firearms (61% of cases), demonstrating the importance of accessing orders of protection for adolescents subjected to TDAV<sup>33</sup>. Teen Dating Abuse and Violence is no less dangerous or lethal than in adult relationships. It is important for judges to take these youths and their relationships seriously.

# The Teenage Brain: Nature & Nurture, Neuroscience & ACEs

*"[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."*

– Dr. Frances Jensen, *A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults* (2015) at 27-28.

## 1. Brain Maturity

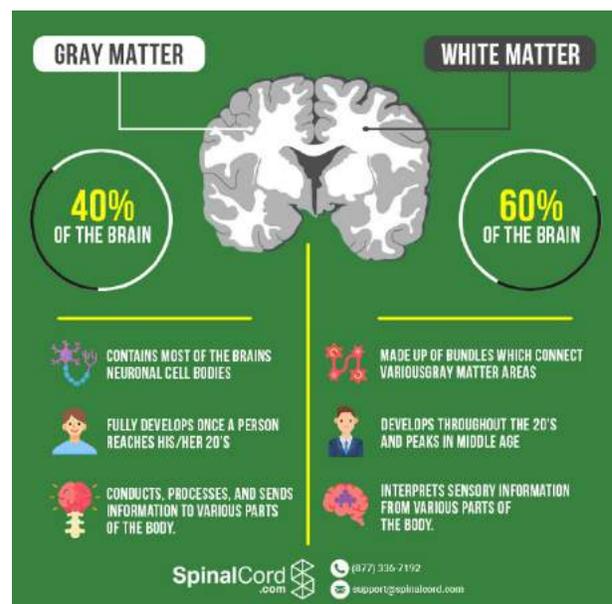
As explained above, the teenage brain works through connectivity. It is composed of:

### Gray Matter (Neurons)

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.

### White Matter (Myelin)

White matter is the whitish fatty proteins that sheathe the axon fibers connecting nerve cells called "myelin". It is essential for the transmission of information via nerve cells.



## Connectivity through Myelinated Axon Fibers:

**Communication:** 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. The National Institute of Mental Health describes this connectivity as “a little like providing a growing city with a fast, integrated communication system.”

**Pre-frontal cortex:** 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.

## How do we know this? The Advances created by fMRI

**Functional magnetic resonance imaging (fMRI):** The advent of 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

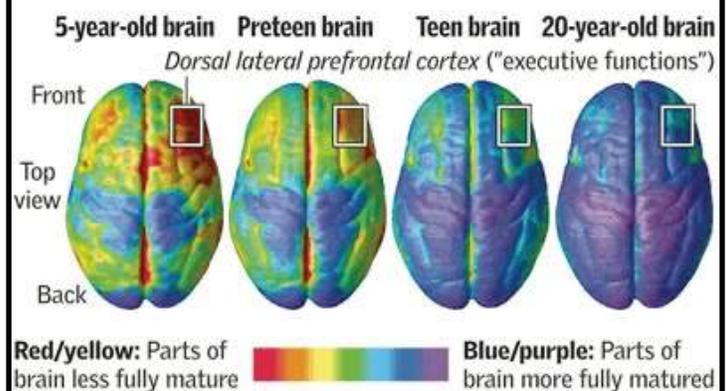
[Click here for more information about fMRI](#)

*“[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.”*

*Dr. Frances Jensen, A Neuroscientist’s Survival Guide to Raising Adolescents and Young Adults (2015) p.37*

### Judgment last to develop

The area of the brain that controls “executive functions” — including weighing long-term consequences and controlling impulses — is among the last to fully mature. Brain development from childhood to adulthood:



Sources: National Institute of Mental Health; Paul Thompson, Ph.D., UCLA Laboratory of Neuro Imaging

Thomas McKay | The Denver Post

## 2. Risk- Taking and Reaction Times for Teens

### Teens cf. Adults

A brain scan experiment at Dartmouth College illustrates slow development of the myelination process with respect to risk-taking. The formed frontal lobes of the brain connect to the rest of the brain through myelination, controlling one's ability to reason and make judgments, as well as impulse control. Researchers scanned adults' and adolescents' brains while the subjects responded to questions about a risky activity.<sup>34</sup>

**Question: Should you light your hair on fire?**

#### ADULTS

**Reaction:** Nearly automatic images of the danger appears leading to a visceral rapid response.

**Brain:** The need to make a judgment activates the frontal lobe, recognizes danger, and quickly communicates to the rest of the brain to respond.

#### TEENS

**Reaction:** Response Time was  $\frac{1}{6}$ th of a second longer than for adults. Rather than an automatic response, teens had to pause and reason through their answer.

**Brain:** The frontal lobe is still under construction & its connection through myelin to the rest of the brain is significantly slower than in adult brains.

### Teens cf. Children

The Go/No-Go task is a widely used research instrument<sup>35</sup> used to study behavior regulation (i.e., impulsiveness). Children and teens were directed to press a button when a certain letter or picture appeared and to do nothing when the letter X appeared. Their reactions were as follows:

**Task: Go/No Go!**

#### CHILDREN

**Reaction:** Children give into their impulse to push the button when X appears more often.

**Accuracy:** Children have similar accuracy scores overall

#### TEENS

**Reaction:** Teens more often resisted impulse due to development of cognitive control.

**Accuracy:** Accuracy scores were similar overall, meaning teens and children's response inhibitions are similar

### 3. Dopamine and the Allure of Reward

#### Dopamine

- Dopamine is one of the brain's neurotransmitters – chemicals that transmit information between neurons. It enables us to both see the possibility that an action will produce a reward, and then act to secure that reward.
- As part of the reward system, dopamine promotes pleasurable feelings, which is why it is involved in addiction.

#### Dopamine rises during adolescence, leading teens to seek out novelty and excitement.

- Impulsivity is usually due to teens' lack of access to their pre-frontal cortex executive function.
- Hyperrationality is how the teen brain sometimes evaluates potential consequences in situations where the teen grasps the facts and risks of a situation but ignores the context.
- Teen brains' evaluation criteria sometimes put more weight on the exciting potential benefits of an action as opposed to the realistic outcomes.

#### Case Study in Teen Thinking and Hyperrationality:

Context: Dr. Siegel provides an example of hyperrationality through the thinking of a 17-year old patient. She knew that her school had a zero tolerance policy for alcohol at school-related functions, but nonetheless brought hard liquor to a party hosted by her school director's daughter. His patient pressed others to drink and became so drunk herself that she had to have her stomach pumped. The school expelled her.

Teen's Awareness: When asked what she thought might happen after the party when she knew the school's zero tolerance rule, she said, "Well, I *did* think about it. I knew what might happen, I guess, but the fun of getting completely smashed at the director's own house just seemed like too much to turn down."

*"As teens we are often not oblivious to the negative consequences of our actions. Instead, even though the negative consequences – the cons – are fully known, we place more emphasis on the potential positive aspects – the PROS – of an experience; the thrill, the shared experience, the fun, the excitement of breaking the rules. That emphasis on the positive we now know, is a result of the shifts in the brain's structure and function during the adolescent period."*

- Dr. Daniel J. Siegel, *Brainstorm: The Power and Purpose of the Teenage Brain* (2013, 2015) p.66

## 4. Adverse Childhood Experiences (ACEs)

*“When I was a kid, you know, when I talked back, when I did something wrong, I got hit, you know...I got beat, so that’s the only thing I know. That’s my really big problem.”*

- Teddy, 21 years old,

Lauren Justice, ‘What Would I have Done if I Would Have Killed Her That Night?’,  
New York Times, , <https://www.nytimes.com/2019/03/02/opinion/sunday/women-men-abuse.html>

### What Are ACEs?

The Adverse Childhood Experiences Study (ACEs) explains how crucial children’s experiences inside and outside the home are to their lifelong mental, physical and emotional health and behavior. Neuroscience explains why exposure has a profound impact on children’s developing brains. ACEs have important implications for both victims and perpetrators of teen dating abuse and violence. Domestic violence is learned behavior, learned in the home. For more detailed information on ACEs, go to the Center for Disease Control and Prevention website at <https://www.cdc.gov/violenceprevention/aces/index.html> & ACEs Aware at <https://www.acesaware.org/heal/resources/>

### How did we start looking into childhood trauma?

- Dr. Vincent J. Felitti, Chief of Preventative Medicine, Kaiser Permanente and Co-Principal Investigator, Adverse Childhood Experiences (ACE) Study unexpectedly found a relationship between obesity and childhood sexual abuse when interviewing dropouts from a weight loss study. He asked a patient, “How much did you weigh when you became sexually active?” She replied, “Forty pounds. It was when I was four years old, with my father.”
- Following this, he focused further on incest cases and found that 56% of his 186 obesity patients reported childhood sexual abuse.
- This led him to work with Dr. Robert Anda of the Center for Disease Control to create the ACE Study, first conducted from 1995-1997.

### What did the study look like?

It consists of 10 questions about witnessing or experiencing three types of exposure: abuse, neglect, and household dysfunction. Here is a table<sup>36</sup> outlining examples for these three types:

ABUSE	NEGLECT	HOUSEHOLD DYSFUNCTION	
 Physical	 Physical	 Mental Illness	 Incarcerated Relative
 Emotional	 Emotional	 Mother treated violently	 Substance Abuse
 Sexual		 Divorce	

### The ACEs Questionnaire

People completing the ACEs questionnaire receive one point for each type of childhood adversity they experienced. For example, the first question is:

While you were growing up, during your first 18 years of life:

1. Did a parent or other adult in the household often or very often... Swear at you, insult you, put you down, or humiliate you? or Act in a way that made you afraid that you might be physically hurt? **If yes enter 1**

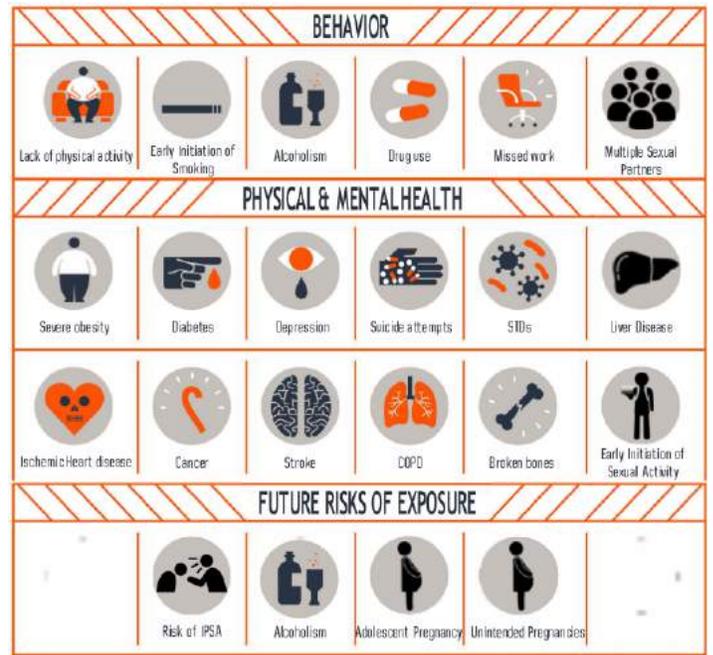
Click here for the original 10 questions retrieved from <https://www.ncjfcj.org/wp-content/uploads/2006/10/Finding-Your-Ace-Score.pdf>:

## Effects of ACEs

**Health Results:** Adults raised in stressful or dysfunctional household environments, such as those where domestic violence, childhood abuse and other forms of adversity were being perpetrated, generated higher levels of the stress hormone cortisol.

**What does this mean:** Prolonged exposure to cortisol can damage the cardiovascular system and cause other mental and physical health disorders such as depression, hypertension, heart disease, asthma and obesity across the lifespan. ACEs has implications for public health and society as well as the individual.

The table<sup>36</sup> below shows the different effects ACEs can have:



## 37 Which communities do ACEs impact the most?

**61%** of black children and **51%** of Hispanic children have experienced at least one ACE, compared to **40%** of white children.<sup>37</sup>

### People with low income and limited education:

- **Community Environment:** ACEs are the result of not only situations children face within their own homes or families but the general circumstances in which they live. Families with low income and limited education are more likely to live in neighborhoods with high rate of unemployment, few educational opportunities, a strong gang presence, and high rates of domestic violence.
- **Cumulative Impact:** Because the impact of ACEs is cumulative, we see high rates in areas where several detrimental situations like those listed above are occurring simultaneously.
- **Systemic Racism and Intergenerational Trauma:** Communities of color, especially BIPOC, are disproportionately in precarious socio-economic situations because of systemic racism, intergenerational trauma, and inescapable cycles of poverty.

### LGBTQIA2S+ and Childhood Trauma:

- According to many studies, including one published by the US National Library of Medicine<sup>38</sup>, people from the LGBTQIA2S+ community experience childhood trauma at dramatically higher rates than non-LGBTQIA2S+ people. This is likely the result of lack of understanding among family members, the taboo of discussing these issues in some communities, and the stigma often imposed by society at large.

## 5. Epidemiology & Neurology

### ACEs & Social Epidemiology:

Social Epidemiology is a quantitative discipline which acts essentially as a statistical tool-box to analyze the association between socioeconomic variables and health outcomes. **The ACEs study is a form of social epidemiology.**

## Impact of Domestic Abuse on Children:

- Social science research amassed over the last few decades documents the many ways exposure to domestic violence undermines children’s mental and physical health, social and emotional development, and interpersonal relationships, as well as the fact that it is often intergenerational.
- Exposure to domestic violence can lead to behaviors, mental and physical health risks and future risks as listed above in the ACEs section.

## Social Science Research:

“At its most basic level, living with the abuse of their [parent] is to be considered a form of emotional abuse, with negative implications for children’s emotional and mental health and future relationships. . . . Growing up in an abusive home can critically jeopardize the developmental progress and personal ability of children, the cumulative effect of which may be carried into adulthood and can contribute significantly to the cycle of adversity and violence. Exposure to domestic violence may have a varied impact at different stages with early and prolonged exposure potentially creating more severe problems because it affects the subsequent chain of development.”

Stephanie Holt, Helen Buckley & Sadhbh Whelan, *The Impact of Exposure to Domestic Violence on Children and Young People: A Review of the Literature*, 32 *Child Abuse & Neglect* 797,799, 802 (2008)

## The “What” & the “Why” in relation to ACEs and Domestic Violence:

*“The convergence of evidence from neurobiology and epidemiology calls for an integrated perspective on the origins of health and social problems through the lifespan.”*

Robert F. Anda et al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, 256 *Eur Arch Psychiatry Clin Neurosci.* 174, 182 (2006), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3232061/pdf/nihms340170.pdf>.

### Neurobiology:

Neuroscience tells us **why** children are so negatively impacted by exposure to domestic violence. It explains how growing up in fear bathes the highly plastic developing brain in stress hormones that literally shape brain structures and circuits.

### Epidemiology:

Social science research tells us **what** domestic violence exposure does to children’s development.

## Developing Brains & Exposure to Domestic Violence

One question on the ACEs questionnaire is specifically about childhood exposure to domestic violence:

- Was your mother or stepmother: Often or very often pushed, grabbed, slapped, or had something thrown at her? or Sometimes, often, or very often kicked, bitten, hit with a fist, or hit with something hard? or Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?\*

Unfortunately there is still a widespread belief that if the child was not directly, physically abused, *exposure* to parental domestic violence does no harm. We now know conclusively that childhood exposure to domestic violence has profound consequences, literally shaping the child’s brain.

Click here to read [Lynn Hecht Schafran, \*Domestic Violence, Developing Brains and the Lifespan: New Knowledge from Neuroscience\*, \*The Judges' Journal\*, Volume 53, Number 3, Summer 2014](#)

## 6. Toxic Stress Chain

### Environments' Effect on Toxic Stress

- In a safe environment where children have a nurturing relationship with a caregiver, the **moderate stress** they experience is coped with in healthy ways, producing resilience. Children learn to deal with everyday stress.
- In an environment that is constantly unsafe, children can develop **toxic stress**, which can lead to long-term negative effects.

### Toxic Stress

**What is Toxic Stress?:** An excessive or prolonged/ long-lasting activation of stress response systems in the body and brain, which can also lead to a wear-and-tear effect on the body.<sup>39</sup>

**What causes toxic stress?:** Strong, frequent, and/or prolonged adversity—such as exposure to violence—without adequate adult support or buffering protection over a period of time throughout childhood. Continued exposure to ACEs can lead to toxic stress.

**Toxic Stress and Academic Performance:** Toxic stress effects a child's levels of retention:

**Calm Child:** can focus on the words of the teacher and, using neocortex, engage in abstract cognition

**Child in Alarm State:** less efficient at processing and storing the verbal information the teacher is providing.

Children who experience toxic stress are:

- twice as likely to be suspended, and three times as likely to be expelled
- 35 to 47 % more likely to be placed in special education

Only about 65% of youth in foster care graduate from high school, and only between 3% and 10% graduate from college.<sup>40</sup>

### Alarm State<sup>41</sup>

**What is the Alarm State?** An adaptive response to prolonged chaos, unpredictability, threat, and distress, often in the form of dissociation. It leaves the person in an alarm state constantly on high alert, leaving their body in a constant state of heightened arousal, even when no external threat or demand is present.

**What causes the Alarm State?** Long-term exposure to ACEs and toxic stress

**What are the effects?:** The very adaptive responses that help the child survive and cope in a chaotic and unpredictable environment put the child at a disadvantage when outside that context.

*“When a stressor arises, perhaps an argument with a peer or a demanding school task, they can escalate to a state of fear very quickly.”*

Dr. Bruce Perry, “Maltreatment and the Developing Child: How Early Childhood Experience Shapes Child and Culture,” *Reactivity*, retrieved from <http://www.lfcc.on.ca/mccain/perry.pdf>

## Fear Conditioning<sup>41</sup>

**What is Fear Conditioning?** The effect of fear on children in a state of fear for information retrieval:

**State of calm:** Use of the higher, more complex parts of our brain to process and act on information.

**State of fear:** Use of the lower, more primitive parts of our brain. As perceived threat levels go up, responses become less thoughtful, more reactive, governed by emotional and reactive thinking styles.

**What are the effects?** Repetitive activation of the stress response systems alters one's baseline state of arousal. The traumatized child lives in an aroused state, ill-prepared to learn from social, emotional, and other life experiences. Gradually, even neutral stimuli elicit fear. The child is living in the minute. Alcohol and other drugs magnify the effect.

## 7. The Impact of Stress on Teen Brains

### Teen Stress

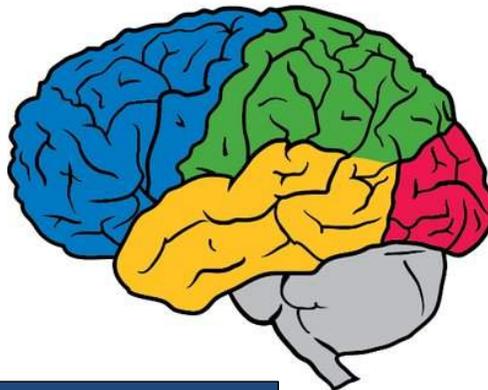
Teens' response to stress hormones is different than for adults. For example the stress hormone THP calms adults but ratchets up anxiety in teens.

### Teen Risk-Taking

As shown in the Teens v. Adults section, teens have a reduced self-regulatory competence because of their undeveloped frontal lobe and slow connectivity.

### Teen Memory

Long-term elevation of cortisol shrinks the hippocampus, the part of the brain where memories are stored. This undermines learning, school performance, and lifetime earning capacity.



### Teen Emotions

Emotional self-regulation depends on various subcategories of executive functioning skills that are still developing in teen brains, leading them to more emotional highs and lows.

Dysregulated emotions lead to poor impulse control, worsening the issues mentioned in relation to Risk-Taking.

### Teen Brains and Exposure to TDAV

TDAV leads to severe or prolonged stress, leaving victims more susceptible to developing PTSD than adults.

Teens are also less likely to have developed adaptive coping mechanisms, leading them to maladaptive coping mechanisms at an early age such as self-medication self-harm, addictions of all kinds – alcohol, cigarettes, drugs, texting. These all take a tenacious hold on the teenage brain.

## 8. 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.<sup>42</sup> 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



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PROTECTIVE FACTORS THAT PROMOTE RESILIENCY

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

The development of this infographic was supported by Grant Number 90EV5401 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. (1) Masten, A. S. (2006). Promoting resilience in development: A general framework for systems of care. In R. J. Finkelhor et al. (Eds.), *Promoting resilience in child welfare* (3-17). Ottawa: Univ. of Ottawa Press. (2) Henry, S., Finkelhor, D., Turner, H., & Orwood, R. (2011). Children's exposure to intimate partner violence and other family violence (pgs. 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](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.

## 9. 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."*

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

## Significant Barriers for LGBTQIA2S+ Youth Seeking to Access the Court System:

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 selves, 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.

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

## 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.<sup>43</sup>

**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 the initial contact and knowledge of the courtroom a difficult and scary place for youth to get to, using accurate language shows you recognize and accept their identity is a first step towards making them feel comfortable and seen. Additionally, administrative paperwork and ways to identify themselves usually already cause them to deny or erase part of their identity, assigning the wrong gender and name, reinforcing the fact that they should not be themselves, or feel like themselves in this context, losing one's basic right to be recognized, and referenced, as who they are. The courtroom can become a place that helps, rather than a place that oppresses, erases and attacks them.

Below are guidances<sup>44 45</sup> 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

### 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...

DEAR SHONDRA COOPER,  
HELLO SHONDRA COOPER,

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

#TRANSINCLUSION

## 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

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. It 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.

## 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.

# The Role of Social Media & Electronic Evidence: Glossary

This glossary is current as of Spring 2021. The range of social media platforms and the language associated with them is constantly changing. Judges and court personnel need to be regularly updated.

## SOCIAL MEDIA PLATFORMS:

**Facebook:** Online social networking website and mobile app on which people can create profiles, share information such as photos, videos and written posts, comment on or link to information posted by others, and join groups to find housing, objects, and community/shared interests. Allows for direct messaging to individuals and groups, location sharing and video calling through “Facebook Messenger.”

**Instagram:** Mobile app that allows users to share pictures and videos and apply filters to them. These can be posted permanently, or on “stories” that disappear after 24 hours. Allows for direct messaging and video calling.

**LinkedIn:** Social network for businesses and professionals. Individuals can make connections with others and create profiles. Company pages can also be created. Job postings and applications can be found and posted on this platform as well.

**Reddit:** Collection of forums where people can share news and content or comment on other people’s posts. “Subreddits” are dedicated to sharing news and asking questions about specific topics.

**Snapchat:** Mobile application that allows users to take “snaps” (photos or short videos), add text and drawings, and send them to selected recipients. The platform has been popular for sending nude pictures because photographs only appear for 1-10 seconds. However, screenshots and third-party applications allow recipients to save photos and videos, sometimes without the senders’ knowledge. This has created many serious problems. The application also allows for direct messaging and video calling. Users can choose to show their location to all their friends through the app.

**Tik Tok:** Social media platform where users share short videos of varied types. Allows for direct messaging.

**Twitter:** A microblogging service that allows users to post pictures or short messages (“tweets”) that must be 140 characters or less. Users can send private messages to others.

**WhatsApp:** Messenger application using the internet to send free messages, images, audio or video and allows for video calling.

**Youtube:** Video sharing website where users can upload, view and share video clips.

**Online Dating Platforms:** all of the applications below are geosocial, meaning that they connect users based on their location. Users connect with people within a selected radius of distance.

**Bumble:** Online dating application that allows users to anonymously swipe to like or dislike others' profiles based on their photos, a short bio, and common interests. Once two users have "matched," they can exchange messages. In matches between men and women, only women can make the first contact. In same-sex matches either person can send a message first. The app also has social and professional networking options.

**Grindr:** Location-based social networking and online dating application for gay, bi, trans, and queer people. It was one of the first dating apps for gay men.

**Her:** A networking and dating application geared towards lesbian, queer, bisexual and straight women and non-binary people.

**Hinge:** Online dating application designed for more serious and long term connections between users. Users draft their profiles in response to various questions and can add more personal details and pictures. Swipes to like a user are not anonymous.

**Tinder:** Similar to Bumble, but there are no restrictions on who messages first.

## Social Media Forms of Communication

**Direct Message:** private form of communication between social media users that is only visible to the sender and recipient.

**Post:** Content such as a message, visual content or audio publicly posted on social media.

**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™.

**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).

**Sext:** a sexually explicit message, image or video sent by message.

**Stories:** mobile, full-screen, vertical videos and images that only last for 24 hours before they disappear. They are temporary but can be organized into collections on some application like Instagram for later viewing by others.

## Platforms Dedicated to Video Calling

**Facetime:** Application that supports video and audio calling between Apple devices.

**Zoom:** Cloud-based video conferencing service with live chat. Functionalities allow for recording and breaking users up into different "breakout rooms" to have smaller separate video conferences within the same call.

**Google Meet:** Google Meet was designed specifically for large-scale video conferences that can be joined with a link or a code. Requires a Google account.

# The Role of Social Media & Electronic Evidence:

1 in 4

dating teens are abused or harassed online/via text by partner<sup>46</sup>

92% of teens go online daily, and 24% say they go online "almost constantly."<sup>47</sup>

1 in 5

TDAV victims are subjected to digital abuse at school/during school hours.<sup>46</sup>

Victims of digital abuse are 2x as likely to be abused physically, 2.5x as likely to be abused psychologically, and 5x as likely to be sexually.<sup>46</sup>

Teens rely on social media for their friendships, for their relationships, for education and awareness, to find community and information, and to read the news. Not having social media significantly disconnects teens from their networks, security and world. The incredible benefits of the online world have made it an essential part of everyday life and communication. Unfortunately, this dependence also makes it impossible to escape and protect oneself from cyber abuse, and the new forms of control, danger and abuse that the legal and modern world are still working to account for and protect from. The abuse becomes relentless.

## 1. Obsession & Dependence on Electronics

50% of teens say they feel addicted to their mobile device.<sup>48</sup>

Teenagers' constant use of social media rewires their developing brains to constantly seek out immediate gratification. This can lead to addictive behaviors. The "sudden cessation of online social networking may in some chronic users cause signs and symptoms that at least partially resemble the ones seen during drug/alcohol/nicotine abstinence syndrome."<sup>49</sup>

## 2. Forms of Cyber Abuse

**Constancy:** The omnipresence of technology and our devices gives abusers a new ability to constantly make their presence and dominance known, furthering coercive control.

**Secrecy:** Abusers can gain location access and get remote access to information on a victim's phone. This can be done in seconds through easily accessible, little to no cost cell phone applications or through previously shared access. Armed with this private information without the user's knowledge, an abuser can easily establish coercive control by having constant tracking and stalking powers over the victim.

Below are the common types of abuse the virtual world has opened up to abusers:

### Cyber Harassment:

**Private:** Excessive and threatening messaging

**Publicly :** Writing embarrassing/ harassing/ threatening material on social media

### Coercive Control:

Spyware/Tracking – including location  
Tampering with victim’s social media accounts  
Coercing sexually explicit images

### Sextortion

**Definition:** Extortion or coercion wherein the “currency” sought is not monetary but rather is sex acts or sexual imagery.

**Access:** The internet and social media platforms have enabled perpetrators to target victims and given them new ways to gain control over and information about them.

**Forms:** The threats made to accomplish sextortion are made in many forms. Most commonly it is a threat of releasing previously received imagery or sex acts. It is also often the threat of disclosing embarrassing or damaging information or harming a loved one.

**Laws:** Criminal law structures often fail to capture sextortion conduct. Since 2017 at least 16 jurisdictions have enacted clear criminal penalties for sextortion. (check which footnote to remove for past content).

### Non-consensual Pornography

**Definition:** The distribution of sexually graphic images of individuals without their consent. This includes both images originally obtained without consent as well as images consensually obtained within the context of an intimate relationship. This is often referred to as “revenge porn” though the term is misleading, and now disfavored, because the overwhelming majority of perpetrators are not motivated by revenge.

**Laws:** As of February 2021, 46 states and Washington D.C have passed laws prohibiting the distribution or production of non-consensual pornography.<sup>50</sup>

### Sexting

**Definition:** the transmission of nude and/or sexual images or written sexual content. It can often be a normal, consensual act.

**Teens & Relationships:** The fact that teens are utilizing digital means to form and further personal relationships extends to sexual exploration. Sexting has become a normalized form of intimacy in teen dating relationships. It is often consensual and therefore, unlike “revenge porn” and “sextortion,” it is not always an act of abuse or harm.

**Laws:** The federal definition of child pornography is “any visual depiction of sexually explicit conduct involving a minor (less than 18).” This leaves room for potential criminal liability for sharing images consensually. “Sexually explicit” does not necessarily require depiction of a sex act. Rather, an image depicting a nude minor may constitute child pornography under federal law if the image is sufficiently sexually suggestive. (See 18 U.S.C. 2256.)

**Potential Criminal Liability of Creator:** While most law enforcement and prosecutorial agencies have a policy against prosecuting a minor for creation and/or possession of images of child pornography that depicts themselves, the law generally does not make such a carve out.

For more information on this topic, read Wall Street Journal article by Amy E. Feldman : “For Teens, Sexting Can Be a Crime”, Wall Street Journal, 2020, <https://www.wsj.com/articles/for-teens-sexting-can-be-a-crime-11605801722>

### 3. Impacts of Cyber Abuse on victims

*“There were days I cried for six hours straight and didn’t leave my room. It was constant. It was on my phone. It was all the time.” Whenever a new post went up, she felt as though she’d been “sexually assaulted at that moment,”*

-Chenoa Cooper – as quoted in Law 360 article:  
“With Online Revenge Porn, “The Law Is Still Catching Up”

**Inescapability of cyber abuse:** It is a common misconception that abuse carried out electronically presents less imminent risk to safety and/or inflicts less harm. In fact, electronic means of communication make the victim accessible to the abuser nearly all of the time. Think about how often you are out of grasp or earshot of your cell phone. There is no “escape”.

**Public Sphere of Social Media:** Social media can also provide an opportunity for an abuser to unwittingly involve peers in the abuse by publicly posting humiliating details about the victim. When you consider the heavy reliance on social media and electronic communication for teens forming social bonds in today’s world, removing oneself from these spheres would be further isolating to the victim and furthers the harm. Victims of digital abuse are significantly more likely to be subjected to co-perpetrated physical, psychological and sexual abuses.

**Harm of Cyber Abuse:** Cyber abuse leads to constant, prolonged bad stress. Research on teen brains shows that teens:

- are more susceptible to developing PTSD than adults<sup>51</sup>.
- are liable to develop maladaptive coping mechanisms through alcohol, smoking, texting, drugs, and self-harm
- experience addictions in a much more destructive and harder to eradicate way than adults.

For more details, see the Teen Dating Abuse and Violence Information Sheet titled “The Teenage Brain: Nature & Nurture, Neuroscience and ACEs.”

### 4. Evidence of Cyber-Facilitated TDAV

#### Who owns it?

- The victim
- The offender
- Social Media Platforms
- Cell phone carriers

#### Type of Cyber Abuse evidence:

- Testimony
- Screenshots/photographs (emails, text messages & cell site, messaging app and social media account data)
- Records (e.g., call logs)
- Reports of forensic examinations

## How to obtain evidence:

**Records maintained by owner:** The victim may be able to provide evidence from calls, texts, and/or social media from their own phone or account.

**Subpoena:** This is generally accepted for producing subscriber information and IP address(es) but not for obtaining the substance of accounts (e.g., messages).

**Search warrant:** This is generally required for searching a cell phone (unless upon consent) or to receive cell carrier account information, social media account substance (e.g., messages).

**Court order:** Usually required for obtaining location data.

**Non disclosure orders:** When requesting information from providers on a user's account, courts can include a nondisclosure order to avoid the owner finding out.

**Limitations/narrowing of orders/warrants:** Warrants and orders can be formatted to minimize privacy invasions by specifying a relevant date range, type of content, the people between whom the content was exchanged or only using public content. However, some providers or those performing the forensic search for the evidence are unable to do the sophisticated filtering required to comply with a narrowly tailored order. Strategies to deal with this are:

- Setting up a "*Taint team*" that can receive the full dump of the phone, for example, and filter to give law enforcement only what they are permitted to search under your order.
- Returning the evidence for *in camera inspection*: If a case is already pending, judges can also receive the evidence *in camera* – but then you (or your clerks) are stuck filtering for what the parties can have.

**Preservation Requests:** Law enforcement has the ability to submit preservation requests while they attempt to obtain a warrant/order (usually preserves for 30 – 90 days even if user attempts to delete content; courts can issue sanctions if platform fails to preserve content).

**Motions to compel:** Opposing party motions to compel content of a victim's social media account, email account, etc. should be evaluated critically. In the criminal context, the victim is not a party and the victim's credibility can be explored via cross examination. Requests to compel the full information of a victim's account are very often a fishing expedition to obtain personal and embarrassing information. It is sometimes an effort to further the abusive pattern of establishing power and control. If within the criminal context, the prosecution generally does not have an affirmative obligation to obtain social media/electronic evidence unless they are aware it contains Brady information.

## How is the Foundation Laid?

**Testimony:** It can often be sufficient to lay a foundation to admit electronic evidence. One major issue with digital evidence is establishing whether the defendant was in fact the one communicating through the account that bears their identity at the moment the content at issue was sent. This can be sufficiently established circumstantially. Questions such as these bear on the weight to be accorded the evidence, to be determined by the fact-finder, rather than the question of admissibility.

**Business record affidavit:** Some social media/internet/telecom companies provide a business record affidavit with their records.

**Custodian of records:** With many social media and internet companies it is difficult to schedule a custodian to testify as to recordkeeping. Most often they must travel to attend the trial. They require a date certain for trial and often need notice well in advance. These custodians also generally will absolutely not answer any questions beyond the foundation for the records being admitted (e.g., nothing about storage of information)

**Chain of custody:** This is a chronological paper trail documenting when, how, and by whom individual items of physical or electronic evidence were collected, handled, analyzed, or otherwise controlled during an investigation. Under the law, evidence cannot be accepted as evidence unless the chain of custody is an unbroken and properly documented trail without gaps or discrepancies.<sup>52</sup>

## Theories for Admission of Relevant Digital Evidence

**Evidence of the offense itself/ Res Gestae:** The content itself or other characteristics of the communication, such as its existence, timing and frequency (e.g., to demonstrate stalking behavior) can show coercive control, stalking, harassment and more.

**Prior bad acts:** Digital evidence may establish a prior bad act for which there is a sufficient basis for admission. These can be used to establish the motivations and intent of an abuser, establishing the full range of acts contributing to the coercive environment to which the victim was subjected.

**Corroboration:** Digital evidence can corroborate disclosure, admission, testimony about a perpetrator's conduct or other important and necessary elements to the court.

**Content falls under hearsay exception:** Given the manner in which people use social media to communicate in real time, digital evidence may contain statements that establish they are present sense impressions or even excited utterances. See *Richter, Liesa L. "Don't Just Do Something! E-Hearsay, the Present Sense Impression, and the Case for Caution in the Rulemaking Process." American University Law Review 61, no.6 (2012) 1657-1726.*

**Nature of relationship between parties/victim and offender:** Digital evidence can reveal the nature of relationship between parties and their social environments.

## 5. Opportunities for Judicial Leadership

The role, influence and use of social media is new to the court system, and it is difficult to fully grasp the understanding and seriousness of its abuse. It is extremely important to encourage training for judges and court personnel on:

- Evolving technologies that facilitate communication
- Evolving forms of, and forums used to facilitate, teen dating abuse and violence
- The imminence of harm presented by cyber abuse
- Case law developments on admission of electronic evidence

Additionally, because technology is ever evolving, it is important to regularly update and provide these trainings.

For a full list of resources see the Teen Dating Abuse and Violence Information Sheet titled "Teen Dating Abuse & Violence: Resources for Judicial Leadership"

# LGBTQIA2S+ Issues in Teen Dating Abuse & Violence – Glossary

## Sex, Sexual Orientation, Gender Identity, & Gender Expression

Sex, Gender and Sexuality have been and continue to be viewed in terms of binaries : male/ female, gay/ straight, man/woman. Using these categorizations to classify people in legal, medical and political environments simplifies the lived experiences of members of our society. Due to greater social acceptance of non-normative sexual orientations and gender identities, our language is developing to accurately represent the experiences of people. Before listing definitions of this language, it is important to note that gender identity is separate from sexual or romantic orientation, and non-binary people and trans people have a variety of sexual orientations, just as cisgender people do.

Below is a non-exhaustive list of these definitions.<sup>53 54</sup>

Note: First and foremost, ask and let individuals identify themselves and mirror their language.

**Queer/ LGBTQIA2S+:** an umbrella term to describe individuals who do not identify as straight and/or cisgender and/or fit into the male/ female binary definitions of sex. In the past, queer has been used as a derogatory term. Some people from the LGBTQIA2S+ community have reclaimed it for themselves, but it is not used or embraced by all LGBTQIA2S+ people.

### SEX

The classification of a person at birth as male or female or intersex. Infants are assigned a sex, usually based on the appearance of their external anatomy. It is primarily associated with physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy.

**Female:** a person with primary sex characteristics of XX chromosomes in the cell nuclei and a vagina, uterus and ovaries. The production of estrogen develops secondary female sex characteristics in adolescence.

**Male:** a person with primary sex characteristics of XY chromosomes in the cell nuclei and a penis and testes. The production of testosterone develops secondary male sex characteristics in adolescence.

**Intersex:** an umbrella term for people with primary and/or secondary sex characteristics that do not fit the strict male/ female binary. There are many possible differences in genitalia, hormones, internal anatomy, or chromosomes, compared to the usual two ways that human bodies develop.

## SEXUAL ORIENTATION

An enduring pattern of romantic or sexual attraction or a combination of these towards people.

### Sexual Attraction

**Asexual:** A term used to describe someone who does not experience sexual attraction toward individuals of any gender. This does not exclude them from experiencing various types and levels of romantic attraction.

**Bisexual:** A person attracted to members of their own gender as well as those of another gender.

**Heterosexual:** This sexual preference means that an individual feels attraction on an emotional, romantic or sexual level to people of the opposite sex.

**Homosexual:** person primarily emotionally, physically, and/or sexually attracted to members of the same sex/gender.

**Gay:** An individual who identifies as a man who is physically, romantically and emotionally attracted to other people who identify as men; or, an umbrella term for any person attracted to the same sex or gender.

**Lesbian:** An individual who identifies as a woman who is physically, romantically and emotionally attracted to other people who identify as women.

**Pansexual:** Someone who is pansexual is attracted to any sex or gender. This means that a pansexual person might feel equally attracted on an emotional, romantic, sexual, or affective level to people of any sexual orientation or gender identity.

### Romantic Attraction<sup>55</sup>

A capacity that evokes the desire to engage in romantic intimate behavior, experienced in varying degrees. Romantic orientation is on a spectrum. Romantic and sexual attraction are different. One can experience both, neither or one without the other. All of the identities defined below do not necessarily experience sexual attraction to the sex/ genders they are attracted to. Conversely, one can feel sexual attraction without feeling romantic attraction, or be somewhere on the spectrum of both.

**Aromantic:** A person who experiences little or no romantic attraction.

**Bioromantic:** A person who is romantically attracted to both sexes or genders.

**Heteroromantic:** A person who is romantically attracted to a member of the opposite sex.

**Homoromantic:** A person who is romantically attracted to a member of the same sex.

**Panromantic:** A person whose romantic attractions are not influenced by sex or gender identity.

**Polyromantic:** A person who is romantically attracted to all or many genders or gender expressions.

**Greyromantic:** A person who identifies as being somewhere between aromantic and experiencing romantic attraction. For example, some greyromantic people only sometimes experience romantic attraction but most of the time don't; some experience romantic attraction, but not strongly enough to want to act on it; and some experience romantic attraction but only under very limited and specific circumstances.

**Demiromantic:** A person who does not experience a romantic attraction unless they have formed a strong emotional bond. A demiromantic person may or may not experience sexual attraction.

## GENDER IDENTITY

A person's innermost concept of self as man, woman, a blend of both, or neither – how individuals perceive themselves and what they call themselves. Gender identity can be the same or different from one's sex assigned at birth.

**Agender:** A term for people whose gender identity and expression does not align with man, woman, or any other gender. A similar term used by some is gender-neutral.

**Androgynous:** Identifying and/or presenting as neither distinguishably masculine nor feminine.

**Bigender:** Someone whose gender identity encompasses both man and woman. Some may feel that one side or the other is stronger, but both sides are present.

**Cisgender:** A term used to describe someone whose gender identity aligns with the sex assigned to them at birth.

**Gender Binary:** The gender binary is a system of viewing gender as consisting solely of two identities and sexes, man and woman or male and female.

**Genderfluid:** A person who does not identify with a single fixed gender, and expresses a fluid or unfixed gender identity. One's expression of identity is likely to shift and change depending on context.

**Gender non-conforming:** A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category.

**Gender questioning:** A person who may be processing, questioning, or exploring how they want to express their gender identity.

**Genderqueer:** A term for people who reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation. People who identify as genderqueer may see themselves as being both male and female, neither male nor female, or as falling completely outside these categories.

**Non-binary:** An umbrella term for gender identities that are outside the gender binary of woman/man. Non-binary identities are not associated with a specific gender expression such as androgyny. People have a wide variety of gender expressions. Some non-binary people go through medical or legal transition with surgery, hormones and legal name change. There is no specific look, way or path to be non-binary.

**Transgender:** An umbrella term for people whose gender identity and/or expression is different from cultural and social expectations based on the sex they were assigned at birth.

**Two-spirit:** A term that refers to historical and current First Nations people whose individual spirits were a blend of male and female. This term has been reclaimed by some in Native American LGBTQIA2S+ communities to honor their heritage and provide an alternative to the Western labels of gay, lesbian, bisexual, or transgender.

## Gender Expression

The external/ public appearance or presentation of a person's gender identity, usually expressed through behavior, hair, make-up, clothing, haircut or voice, and which may or may not conform to socially defined masculine or feminine behaviors and characteristics. A person's name and pronouns are also possible ways for people to express their gender. All people, regardless of their gender identity, have a gender expression and they may express it in any number of ways.

**Feminine:** A feminine person expresses their gender in a way typically associated with women.

**Masculine:** A masculine person expresses their gender in a way typically associated with men.

**Androgynous:** An androgynous person has a gender expression that isn't distinctly "masculine" or "feminine".

## DISCRIMINATORY & TRANSITION ASSOCIATED TERMS

**Dead name:** How some transgender people refer to their given name at birth.

**Gender dysphoria:** Clinically defined as significant and durational distress caused when a person's gender assigned at birth is not the same as the gender with which they identify.

**Misgender:** Referring to or addressing someone using words and pronouns that do not correctly reflect the gender with which that person identifies.

**Passing:** A term used by transgender people which means that they are perceived by others as the gender with which they self-identify.

**Transitioning:** The social, legal, and/or medical process a person may go through to live outwardly as the gender with which they identify, rather than the gender they were assigned at birth. Transitioning can include some or all of the following: telling loved ones and co-workers, using a different name and pronouns, dressing differently, changing one's name and/or sex on legal documents, hormone therapy, and possibly one or more types of surgery.

# LGBTQIA2S+ Issues in Teen Dating Abuse & Violence

## 1. Teen Dating Abuse & Violence Challenges for LGBTQIA2S+ Youth

LGBTQIA2S+ youth face unique barriers in recognizing, disclosing and escaping Teen Dating Abuse and Violence. Internalized and externalized homophobia, heterosexism and transphobia often lend themselves to tactics used by abusers. The discrimination, shame and isolation survivors experience because of their gender and/or sexual identity as well as the stereotypical view of assault and abuse as a heterosexual, cisgender couples' issue create substantial barriers to accessing support for LGBTQIA2S+ youth.

### Isolation:

**67%**

hear their families make negative comments about LGBTQIA2S+ people. \*

**42%**

indicated that the community in which they live is not accepting of LGBTQIA2S+ people<sup>56</sup>

\*This rate is even higher for youth who are not out to their parents (78%) and for youth of color.<sup>57</sup>

**Family:** A study on parental responses to “coming out” showed that in younger cohorts, common parental responses were that it is “**just a phase**” or that their child was “**too young to know.**”<sup>58</sup> This undermining and unsupportive response makes the family environment a much harder space in which to speak about their relationships, and thus, their abuse.

**Community:** Because their community, family and friends may reject them because of their gender and sexual identity, the only spaces that youth can find safe and accepting are limited, small LGBTQIA2S+ social circles. If a victim is part of the same social circle as their abuser, separating from an abuser or disclosing and escaping abuse may be rendered much more difficult. In cases where that separation is possible, they may then be ostracized and alienated from one of the few safe spaces/social circles to which they previously had access.

### Safety

The lack of community-specific and gender-affirming services may reinforce transphobic and homophobic thoughts for LGBTQIA2S+ youth. The limited or non-existent representation and conversation around LGBTQIA2S+ TDAV also leads to low confidence in service providers, law enforcement, and courts as to their sensitivity and the effectiveness of services for LGBTQIA2S+ people. Community services are vital for LGBTQIA2S+ youth's safety.

## What do community and gender-affirming services look like?

- Queer or trans specific youth groups
- Affordable and confidential gender-affirming medical and health treatment (including therapy)
- Community LGBTQIA2S+ centers
- School regulations that protect queer and trans youth
- Dating violence resources that reflect the experiences of queer survivors

## Shame

Students who are unsure of their sexual identity/orientation are at the highest risk of TDAV.<sup>59</sup>

*"I met Anthony through work when I was 22. The relationship seemed okay in the beginning, but in hindsight, there were warning signs of what was to come... Apart from my massive social withdrawal, the effect on my sexuality was really destructive. I became ashamed about being gay, about being sexually attractive and about having sexual desires. It was like going back in the closet."*

*-David, "Tales from Another Closet: Personal stories of domestic violence in same-sex relationships."  
ACON's Lesbian and Gay Anti-Violence Project. (2010)*

Homophobia, transphobia and heterosexism's social prevalence, and the discrimination and isolation that LGBTQIA2S+ youth experience is also internalized. Abusers, peers and the victim themselves may wrongly blame the abuse on the victim's sexuality or gender expression and identity. Additionally, the lack of representation of LGBTQIA2S+ relationships means that a "normalized" or "healthy" relationship standard doesn't exist, leaving a victim much more vulnerable to understand their abusers' abuse as "normal".

Feeling connected and claiming ownership over one's body can be a strong challenge for people who experience body dysmorphia and gender dysphoria. This can lead to shame and self-blame for the victim, creating additional barriers to recognition and admission of victimization and abuse. This could accentuate the victim's experience of psychological and physical abuse and isolation, leaving them more vulnerable and entrapped to the abuser.

## Disbelief

Society and popular culture often only portray and view abuse and violence as perpetrated by men against women. This leads to not only social stigma towards abuse in LGBTQIA2S+ relationships, but also institutional barriers.

When discussing female to female abuse in same sex relationships specifically, the occurrences are quite high, yet under-researched.

**43 %**

of LGBT youth reported being survivors of physical dating violence compared to 29% of heterosexual youth<sup>60</sup>

**67.4%**

of lesbian women reported having only female perpetrators of intimate partner violence<sup>61</sup>

**17.5%**

**&**

**24.5%**

of LBGTQIA2S+ students report having experienced sexual dating violence compared to 8.3% of heterosexual students<sup>62</sup>

## Stigma and Institutional Barriers:

Despite these high statistics, same sex assault continues to be under-researched because non-heterosexual sex and rape are often not perceived as “real.” This belief is accompanied by stereotypes of women as weak and/or nonviolent, incapable of assault and of men as incapable of being assaulted.

## Heteronormative Definitions of Sex and Survivors:

These beliefs are not only socially accepted and replicated, but many institutions also uphold heteronormative definitions of sex in their practices, including law enforcement, healthcare systems, and several states’ rape statutes.

### Examples

- Idaho defines rape as “the penetration, however slight, of the oral, anal or vaginal opening with the penetrator’s penis.” A separate definition exists for male-on-male rape, but not for female-on-female rape.
- Indiana defines rape as an act where the victim is of the “opposite sex”.

### Impact

- Law enforcement responses reflect the impact of these policies and stereotypes.

**64%**  
of LGBTQIA2S+ students experienced indifferent reactions from school security officers<sup>63</sup>

**36%**  
of providers reported that police did not recognize domestic violence in same sex relationships and **28%** reported they did not with transgender survivors<sup>64</sup>

- Shelter and support services are predominantly geared towards serving female victims abused by male perpetrators, leaving victims unprotected from their female abusers, and restricting services for male victims.

## Community:

There are concerns that the acknowledgement of violence committed by women against women might reinforce prejudice against lesbians or minimize concerns about the scale of male violence perpetrated against women. For example, calling out an abuser could reinforce the stereotype of lesbians being predatory and a “threat” to straight women. All of which are toxic, misconstrued and false assumptions. They do not make female on female abuse any less real or traumatizing and in no way should validate disbelieving survivors. Victims are not going against their community, they are recognizing abuse.

## The Risk of Being “Outed”

Teens are much more likely to not be “out” or still be in the process of figuring out their gender and sexual identity. An abuser may threaten to “out” their partner as leverage in their relationship. It may also be much harder for a victim to seek help, especially from peers, family, and authority figures because they are not ready or in a safe environment to reveal that they are not in a heterosexual relationship. It isn’t just about how one is outed, but also where and to whom.

### Outing isn’t just about sexuality:

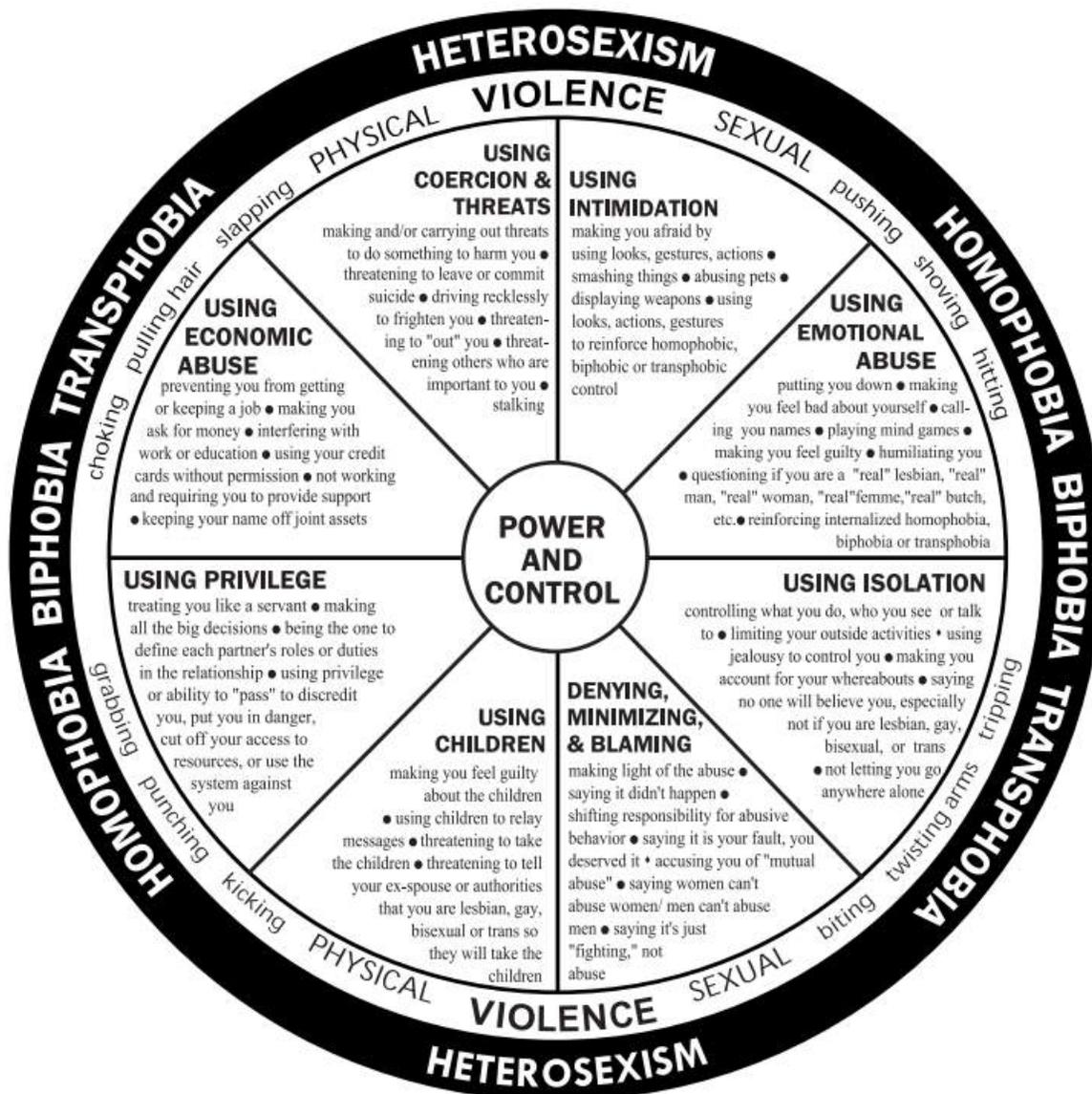
It can *also* include:

- Sexual history
- Gender identity
- Gender presentation in certain contexts
- HIV status

### Outed where?

- In school
- In extracurricular activities
- Online
- To friends and families
- To someone an abuser knows will be ‘unsafe’ for the victim

## 2. Power and Control Wheel for LGBTQIA2S+ Abuse



This wheel<sup>65</sup> is another version of the original "Power and Control Wheel" shown in our previous sheet on "The Dynamics and Consequences of Teen Dating Abuse & Violence". It displays the additional challenges facing a victim in an LGBTQIA2S+ abusive relationship. Abusive partners can reinforce tactics to maintain power and control with societal factors that compound the complexity a survivor faces in leaving or finding safety in an LGBTQIA2S+ relationship.

### 3. Transgender Youth and “Passing”

*“Passing ultimately forces an individual to live their life in the confines of society’s perception of normal which includes the looks, sounds, traits and actions typically allied to a binary gender.”*

-Transgender Hub, “Is Passing Really That Important”, (2017), retrieved from <https://www.transgenderhub.com/is-passing-really-that-important/>

#### Definition:

- Passing refers to a transgender person’s ability to be correctly perceived as the gender they identify with, and to *not* be perceived as transgender<sup>66</sup>.
- Passing refers specifically to trans people who recognize themselves in the gendered binary of either men or women. It should be noted that some non-binary people cannot “pass” as the gender with which they identify, because it is outside of the binary. Passing is rooted in “**cisnormativity**” – the assumption that everyone has a gender identity that matches the sex they were assigned at birth.

#### How does “passing” (or not) affect how someone is treated by others?

##### Ambivalent Privilege of Passing.

- Trans people who “pass” are less likely to experience harassment in public spaces such as gendered bathrooms, gendered sections of stores, while filling out any forms, and/or in the street.
- Their pronouns and preferred name are more likely to be respected, reaffirming their identity.
- Trans people who “pass” get more media attention because it makes their experience more understandable and relatable to cisgender people.

##### Community Isolation and Identity.

The ability to “pass” is not something that every trans person wants or has access to. “Passing”:

- can alienate a person from others in the queer community.
- means being seen in a cis gender binary because of cisnormativity, and in upholding and maintaining the assumption of being cisgender, a trans person may also feel that they are erasing a part of their identity for the sake of safety and understanding. Some people prefer saying they are “blending” with the general population without drawing attention to their gender.
- “Conversations, intimacy, experiences, cultural references, mindsets, health all have distinctly unique aspects when you’re transgender.”<sup>67</sup>

**Teens access to passing.** Teens are much less likely to have access to medical and social transition. They depend and live with their family, and usually have little or no financial independence.

- Their ability to be “out” is limited is by their family and social environment. Using a different name and pronouns can be difficult to navigate if they don’t want their unaccepting family to find out. Additionally, depending on the school and authority figures, they may not have the option to use their preferred name. They would need their family’s consent to change their legal name.
- Medical transition requires a significant amount of assets and care. Without the support of their family, they will not afford this care, or the space to recover and heal in the case of surgery.

**Harassment and violence.** Many instances of transphobic violence or harassment are triggered by a sense of being tricked or betrayed. For example, a man catcalling a trans woman on the street may initiate harassment based on the belief that their victim is a cisgender woman, and can then become violent upon “discovering” that their victim is trans.

**Rejection of identity.** A cisgender person may feel “tricked” when they discover a person is transgender. This sense of betrayal and of being lied to is rooted in the belief that everyone is cisgender, and that trans men are not real men and trans women are not real women. **This concept is transphobic and wrong.**



## History of high-profile cases having used the “trans panic” and “gay panic” defense:



**1998:** Murder of 21-year-old Matthew Shepard in Laramie, WY by two men after Shepard put his hand on one of the men’s knees.

**2002:** Murder of Gwen Araujo, a 17-year-old trans woman in California who was killed by four men, two of whom she had been intimate with, after they discovered she was transgender.

**2019:** Murder of 17-year-old Nikki Kuhnhausen in Washington by a 25-year-old Vancouver man who had been seeking a sexual encounter with her and strangled her to death after learning that she was transgender.

### Case Study on the Panic Defense

A 17-year-old trans woman, Kayla, starts dating a cisgender man named X who is a few years older than she is. They met on an online dating app. They’ve gone out together several times and started to kiss and hold hands.

Kayla started taking estrogen a year ago, and while her friends and family know that she is trans, she often “passes” as a cisgender woman and is rarely questioned about her gender identity. She does not disclose to the man she’s been dating that she has not undergone any surgical transition, although she plans to when she saves up enough money.

After dating for several weeks, they decide to become intimate and she discloses to him that she is trans. He becomes enraged, telling her that she lied to him about who she was and that he can’t believe he kissed a man. He strikes her across the face. She manages to leave, but afterwards he begins texting her non-stop with transphobic slurs. A week later he outs her publicly on her Facebook page. She files a police report for the assault and harassment. The police officer who interviews her misgenders her several times and keeps using her deadname (the name she was given at birth and no longer uses) even after she corrects him multiple times. When the case goes to court, X invokes the Panic Defense, stating that he was threatened by her disclosure that she was trans.

### Elements of Kayla’s Story:

#### Cisnormativity

X assumed that Kayla was cisgender and claims that the revelation about her gender identity was a threat that justified his violence. In his mind, he consented to being with a cisgender woman, not a trans woman. However, Kayla did not misrepresent her identity as a woman, and the assault against her is a crime.

### Blame and Isolation

Kayla may experience intense shame because her identity was used to justify the use of violence against her. Kayla already feels isolated because of the limited representation of trans women in the media and the lack of resources serving LGBTQIA2S+ youth in her community. The abuser's behavior and prejudice amplifies this isolation.

### Accountability

Kayla decided to turn to the justice system to hold X accountable, but doing so meant exposure to harassment and discrimination at the hands of police. Accountability needs to focus on the actions of the abuser, rather than the victim's sexuality/gender identity.

### Erasure

X's assumption that Kayla is cisgender erases part of her identity. Kayla has not chosen to be transgender; she is transgender.

### "Passing" as a double-edged sword

Kayla's ability to "pass" allows her to move through the world without being subjected to significant levels of harassment. However, X felt threatened by his attraction to a trans person and felt betrayed when she disclosed to him that she is trans.

The abuser is making the victim's identity about himself. Kayla's sexuality and gender identity are hers; the way the abuser feels about and relates to them is not the victim's responsibility. This type of defense and its use in the legal system creates a very unsafe environment and connection to the court system for youth.

## 4. Bullying, Mental Health & Schools

**80%+**

of LGBTQIA2S+ middle and high school students have been subjected to harassment at school & their sexual orientation/gender expression were reported as the most common reasons for the harassment<sup>70</sup>

**40+%**

of LGBTQIA2S+ students reported being subjected to cyberbullying in the past year, almost 3 times more than non- LGBTQIA2S+ youth<sup>69</sup>

**60%**

of LGBTQIA2S+ students reported having been subjected to LGBTQ-related discrimination by their school itself.<sup>70</sup>

### Unwelcoming Environment:

As the statistics above show, peer harassment is not the only challenge LGBTQIA2S+ students face. The discrimination schools perpetuate makes them unsafe places to report harassment, because they are part of the problem. The most common reasons officially recorded for underreporting were that students did not feel that the school would respond with effective intervention meaning reporting might worsen the harassment.

## What does this mean for TDAV:

- **Sexual Harassment:** This harassment and bullying is also sexual - 1 out of 3 LGBTQIA2S+ youth reported being sexually harassed online in the past year<sup>69</sup>. “Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth reported **significantly higher rates** of cyber dating abuse victimization, and perpetration than heterosexual youth.”<sup>71</sup>
- **Reporting:** Bullying and unsupportive school systems leave youth more vulnerable to dating abuse and undermine their confidence in the school’s ability to effectively intervene, creating a deterrent to reporting to school or safety authorities.
- **Relationship to Authorities:** Less than 5% of LGBTQIA2S+ survivors of dating violence seek protective orders. Schools are among the first places in which LGBTQIA2S+ youth may learn that harassment and abuse will be met with impunity by authorities.<sup>72</sup>

## Suicide

40%

of transgender adults report having made a suicide attempt

92%

of this group report having attempted suicide before 25 years of age<sup>73</sup>

- A hostile school environment has a significant impact on a young person’s mental health (LGBTQIA2S+ youth with high rates of peer victimization have significantly higher rates of suicidality).
- LGBTQIA2S+ youth who have had **1 or more adverse childhood experience (ACEs) were more likely to have undergone conversion therapy**, and those who were subjected to conversion therapy are almost twice as likely to experience suicidal ideation or attempt suicide when compared to their peers.<sup>74</sup>
- LGBTQIA2S+ young people experience suicidal ideation at 3 times the rate of heterosexual youth and are almost 5 times more likely to attempt suicide.<sup>75</sup>

## Benefits and Online Community

With the small amount of accessible and existing in-person services, the online world creates sources of community and support, especially for LGBTQIA2S+ youth. 73% of LGBTQIA2S+ youth say that they are more honest about themselves online than in the real world (as opposed to 43% of non-LGBTQIA2S+ youth).<sup>76</sup> Despite the higher occurrences of harassment and abuse online, this medium does create safety, community and resources for these youth.

## 5. Primary Aggressor Analysis and the Myth of Mutual Abuse

LGBTQIA2S+ teen dating abuse and violence is especially prone to the Myth of Mutual Abuse being upheld by the abuser, and perpetuated by support services, their social environment and the court system because the stereotypical gendered roles of abuser and victim are no longer attributable. It is important to look under the surface, looking at the “wide range of behaviors of both partners in the relationship and determin[e] who has the power and control over the other person.” (LGBTQ Partner Abuse, The Network/La Red)

### The Myth of Mutual Abuse

*In situations where both partners are injured or being violent towards each other, some abusers may claim to a court that they are the victim. Judges may be inclined to view or label a relationship as “mutually abusive”. The stereotypical view of men as abusers, and women as victims also reinforces the view that same-sex relationships are mutually abusive.*

**This is a myth.**

### Reality

Abuse is about an imbalance of power and control<sup>77</sup>. In an abusive relationship, there may be unhealthy behaviors from both partners, but one person always controls the relationship, makes the most serious threats and causes the most injury – *the primary aggressor*. So what makes courts and society view this as mutual abuse? What allows abusers to frame themselves as the victim?

#### Self-Defensive Behaviors:

When one suffers from abuse, they may need to use vocal and physical violence for protection, or even survival.

Self-defense does not equal abuse.

#### Assumptions & Gender Roles:

LGBTQIA2S+ abuse breaks the stereotyped thinking that men are abusers and women are victims. Society normalizes the view of the abuser as male, strong and physically abusive. As described in “The Dynamics and Consequences of Teen Dating Abuse & Violence” sheet, there are many different kinds of abuse, physical, emotional, economic, etc.

Abuse can be enacted by and towards people of all sizes, genders and can take many different forms. Even if it is physical, strength and size

#### Blame Shifting:

Abusers may try to manipulate their victim into thinking they are responsible and accountable for the violence they are suffering. Abusers can use acts of self-defense, frustration and anger to frame themselves as victims, and aggravate the abuse through guilt.

#### Difference between survivor and abuser:

Victims may not recognize the red flags of abuse in their abusers’ behaviors and this, along with an abusive partner’s constant manipulation and blame shifting, can make it hard for one to view themselves as the survivor and *not* the abuser. One important difference between survivor and abuser is the willingness to seek change. Admitting to unhealthy or abusive behavior, committing to stopping, reaching out for help and asking about the process of change are things that abusive people rarely do.

## Role of Courts:

The following excerpt from Karen Lee Asheran's article about abuse in lesbian relationships exemplifies the dangers and repercussions of systems upholding the myth of mutual abuse, for both the victim and the abuser:

*"When a victim seeks help and is told that she is in any way (even equally) responsible for the violence, she hears that the abuser is right. The message is that she is to blame, therefore has the power to fix the violence, and she returns to her critical self-dissection which is encouraged by her partner. This keeps her more deeply trapped in the relationship, and consequently increases the risk of lethality. In addition, telling an abusive woman that her partner is equally abusive releases the abuser from responsibility, and eliminates any hope for accountability. She believes not only that she need do nothing to improve her behaviors, but also her sense of herself as victim is fortified."*

- Karen Lee Asheran, "Some thoughts on the Myth of Mutual Abuse", 2006, retrieved from <http://vawnet.org/sites/default/files/materials/files/2016-08/ThoughtsonMutualAbuse.pdf>

**It is vital for courts to perform primary aggressor analysis.** This analysis should be done before a litigant gets to the court appearance.

### What do Screening & Assessment tools do?

*"Proper assessment can mean the difference between assisting a survivor in escaping abuse and isolating a survivor from help by mistakenly assisting their abuser."*

Determine if the individual in question is a survivor or perpetrator of abuse, or neither.

- Context: Questions leading up to the behavior
- Intent: Reasoning behind the behavior
- Effect: How did the behavior impact the individual

### LGBTQIA2S+ cases of abuse:

The reality of LGBTQIA2S+ abuse may not seem as it does on its face. With proper assessment, a fuller story may emerge. Traditional modes of analysis might be turned on their head.

Cross-protective orders and harms committed on both sides are common in LGBTQIA2S+ abuse. This does not imply mutual abuse. Courts must consider their assumptions, self-defensive behaviors and perform in-depth assessments. It is vital to perform primary aggressor analysis.

### Screening:

Evaluating the balance of power and control in a relationship might mean screening for:

- individual autonomy
- effect/consequence of behavior
- use of threat of physical violence
- sexual coercion
- entitlement
- fear and dread
- isolation

### Role of Judges:

Some judges may think it is not their job to find out who the real victim and rather that it is their job to find out whether family offenses were committed.

As shown in the passage from Karen Lee Asheran, in this context self-defense **efforts undertaken for survival can be delegitimized**, and used against victims to undermine what they experienced.

**LINK TO RECOMMENDED RESOURCE: [NYS LGBTQ Intimate Partner Violence Network, "Power and Control in Relationships: An Assessment Tool,"](#)**

## 6. Judicial Leadership

### Barriers LGBTQIA2S+ Youth Face in Coming to the Court System:

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.

For young people generally, it takes a lot of energy, courage and strength to engage with to the court system, but 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.**

#### 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.<sup>78</sup>
- 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."<sup>79</sup>

## 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.”<sup>80</sup>*

### Arrests:

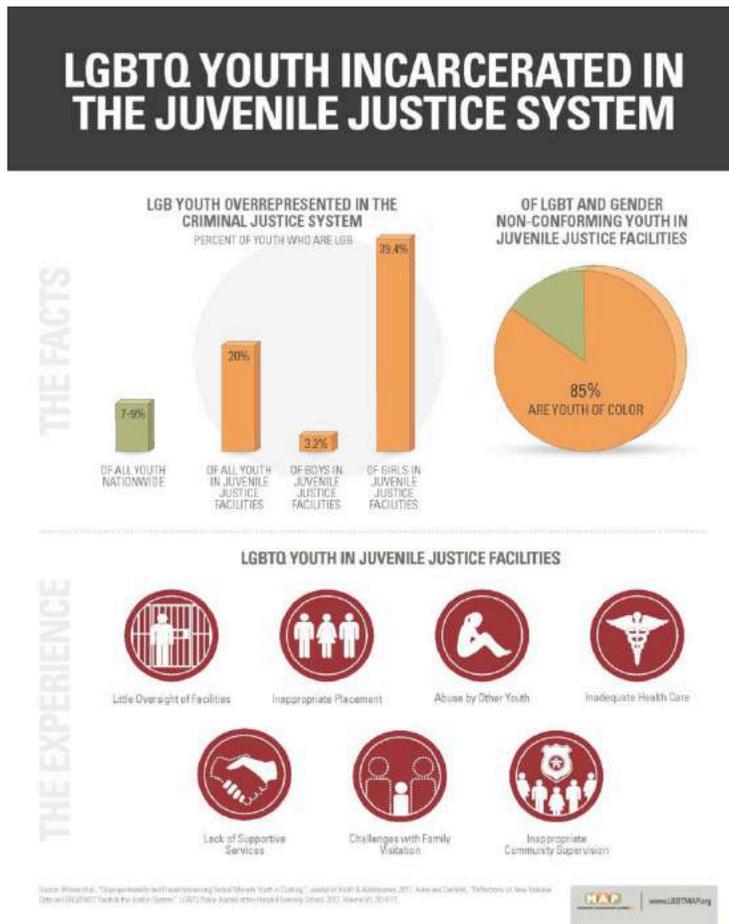
- **Prostitution:** Queer young women are **2x** as likely, and queer young men are 10x as likely to be **incarcerated** compared to non-LGBTQIA2S+ peers.<sup>81</sup>
- **Other Non-Violent Offences:** LGBTQIA2S+ youth are confined **at twice the rate** of their heterosexual/gender conforming peers.<sup>82</sup>

### Incarceration:

- **40%** of girls in juvenile detention identify as LGBTQIA2S+.<sup>83</sup>
- **20%** of the juvenile detention population identifies as LGBTQIA2S+, **85%** of them are youth of color.<sup>83</sup>

### Sexual Assault:

LGBTQIA2S+ & gender non-conforming incarcerated youth are much more likely to be sexually abused than adults, and their heterosexual peers.<sup>82</sup>



### Impact:

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

## 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.<sup>84</sup>

**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 the initial contact and knowledge of the courtroom a difficult and scary place for youth to get to, using language that shows you recognize and accept their identity is a first step towards making them feel comfortable and seen. Additionally, administrative paperwork and ways to identify themselves usually already cause them to deny or erase part of their identity, assigning the wrong gender and name, reinforcing the fact that they should not be themselves, or feel like themselves in this context, losing one's basic right to be recognized, and referenced, as who they are. The courtroom can become a place that helps, rather than a place that oppresses, erases and attacks them.

Below are guidances<sup>85 86</sup> 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.

**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.

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

Start meetings with everyone introducing themselves and stating their pronoun.

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

HELLO  
my name is

**LAUREN**

PRONOUNS: She & Her

### 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

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

**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.



**DEAR SHONDRA COOPER,  
HELLO SHONDRA COOPER,**

#### 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

INFORMING DESIGNER: COURTNEY BUCKLE

HEAR STOP IT! AMPLIFIERS

519 SPACE FOR CHANGE

#TRANSINCLUSION

INFORMING DESIGNER: COURTNEY BUCKLE

HEAR STOP IT! AMPLIFIERS

519 SPACE FOR CHANGE

### 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:

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. It 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.

## 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.

# 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.”<sup>87</sup> 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.<sup>88</sup>

**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 TDAV<sup>89</sup>

**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 help<sup>90</sup>.

**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.

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- 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."<sup>92</sup>

## 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.”<sup>93</sup>*

### Arrests:

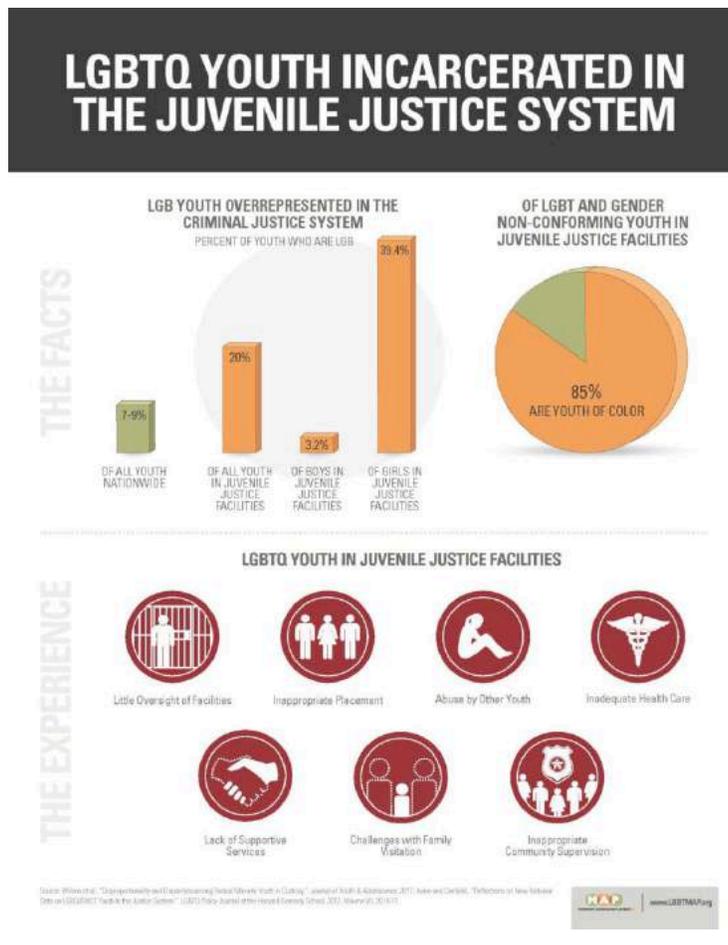
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### Impact:

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.<sup>97</sup>

**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<sup>98 99</sup> 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.



### 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

INFOGRAPHIC DESIGN BY  
LEAHFORPAIN.COM/CA



## STARTING CONVERSATIONS

### AVOID ASSUMED USE OF GENDERED TITLES



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?

## 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.<sup>100</sup>
- **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.<sup>101</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. 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.<sup>102</sup>
- 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.<sup>103</sup>

**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.<sup>104</sup>

**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>105</sup>

### 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."<sup>106</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.

#### 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.<sup>107</sup> 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



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PROTECTIVE FACTORS THAT PROMOTE RESILIENCY

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

The development of this infographic was supported by Grant Number 90EV5401 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. (1) Masten, A. S. (2006). Promoting resilience in development: A general framework for systems of care. In R. J. Flynn, et al. (Eds.), *Promoting resilience in child welfare* (3-17). Ottawa: Univ. of Ottawa Press. (2) Henry, S., Finkelhor, D., Turner, H., & Orwood, R. (2011). Children's exposure to intimate partner violence and other family violence (pgs. 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](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."*

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

# Teen Dating Abuse & Violence: Resources for Judicial Leadership

## The Importance of Judicial Leadership

In recent years, states have updated their codes of judicial conduct to encourage judges to participate in outreach to their respective communities. Judges have a unique opportunity to provide leadership on the issue of teen dating abuse and violence in their own courts and in the community. It is important for teens to have a supportive, aware and inclusive environment, that takes their issues seriously. Below is a compilation of useful resources about teen dating abuse and 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.

## 1. Resources for the Courts

### Organizations:

#### Center for Court Innovation

The Center for Court Innovation offers a variety of podcasts, programs, articles and videos to assist and educate the courts on a wide variety of issues. These include resources on teen dating abuse and violence, working with youth and running Youthful Offender Domestic Violence Courts.

<https://www.courtinnovation.org/publications?keys=youth+dating&aof=All&program=>

#### The National Council of Juvenile and Family Court Judges (NCJFCJ)

The NCJFCJ is the oldest judicial membership organization in the country and provides all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice. This organization created webinars specific to TDAV and holds a library of their own publications and articles by other judges. These include guidance on social media use, teen brains and more for courts.

<https://www.ncjfcj.org/family-violence-and-domestic-relations/teen-dating-violence/>

**National Institute of Justice,  
“Juvenile Domestic and Family Violence:  
The Effects of Court-Based Intervention Programs on Recidivism” (2006)**

This document contains a study on two Court-based intervention programs in California (San Francisco and Santa Clara Counties) addressing juvenile, domestic, and family violence. The main findings were that such programs deterred first-time offenders, that domestic/family violence offenders with a prior record were the most difficult to rehabilitate, and that where strategies strive to increase the number of offenders that partake in these programs may lower recidivism rates.

<https://www.ojp.gov/pdffiles1/nij/grants/216614.pdf>

**Substance Abuse and Mental Health Services Administration (SAMHSA),  
“Essential Components of Trauma-Informed Judicial Practice”**

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. This guide defines trauma, examines its impact, and provides recommendations for how judges should communicate with victims. The guide also includes examples of courtroom proceedings and details the reactions of trauma victims, as well as approaches judges can take to lessen anxiety. Finally, the guide reviews the courtroom setting’s effect on trauma victims and how a judge might adapt and modify the environment.

[http://www.nasmhpd.org/sites/default/files/JudgesEssential\\_5%201%202013finaldraft.pdf](http://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf)

## Publications

**Judge Eugene Hyman, Wanda Lucibello & Emilie Meyer, “In Love or In Trouble: Examining Ways Court Professionals Can Better Respond to Victims of Adolescent Partner Violence,” *Juvenile & Family Court Journal*, Volume 61, Issue 4, Fall 2010.**

This article focuses on adolescent partner violence and how it is often excluded by the legal system which focuses on adult partner violence. Through analysis of examples and approaches, recommendations are made for professionals to better engage with adolescent partner violence. The article was co-written by a judge of the Superior Court of California, the Chief of Special Victims at the Brooklyn District Attorney’s Office, and an attorney with the Family Violence Department of the National Council of Juvenile and Family Court Judges.

<http://onlinelibrary.wiley.com/doi/10.1111/j.1755-6988.2010.01049.x/abstract>.

**Jennifer y. Levy-Peck, “Addressing Intimate Partner Sexual Violence in Teen Relationships” in *Intimate Partner Sexual Violence*, Patricia Eastel AM & Jennifer Y. Levy-Peck, eds. (2014) Chapter 23, Pages 281-293**

This chapter brings together advice for professionals, including those in the justice system, who work with teens who have been subjected to Intimate Partner Sexual Violence (IPSV). Multidisciplinary in approach, the chapter covers key issues salient to all to teen relationships - the impact of IPSV, reproductive coercion, the physical and psychological indicators, possible consequences of taking a case to court, and best practice service responses.

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

This extensive annotated bibliography includes 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 in the bibliography and summary covers quantitative and qualitative literature on the definition, prevalence of, and 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. Specific mention is made 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 legal systems.

<https://www.ojp.gov/pdffiles1/nij/grants/235368.pdf>

**Lynn Hecht Schafran, “Intimate Partner Sexual Abuse: Who Are the Victims, What Are the Risks? Adults, Teens, and Children”, The Judges’ Journal, Vol. 60, Number 2, Spring 2021**

Intimate partner sexual abuse (IPSA) is a frequent aspect of teen dating abuse and violence. IPSA is highly damaging for victims both psychologically and physically, and is often the prelude to trafficking. Forced sex together with physical violence is a red flag for danger and potential lethality.

<https://www.legalmomentum.org/library/intimate-partner-sexual-abuse-who-are-victims-what-are-risks-adults-teens-and-children>

## 2. Resources Focused on Specific TDAV Topics

### Sex Trafficking:

#### Day One

Day One resources provide insight on the intersection of dating violence and domestic sex trafficking for young people across the United States.

<https://www.dayoneny.org/overview-1>

**Minnesota Judicial Branch, eLearning Module  
“Working with Juvenile Victims of Sex Trafficking”**

This eLearning Modules covers the problem of juvenile sex trafficking and the challenges, the victims, the law, and what judges can do in their own courtrooms and to create solutions.

[https://mjbstream.courts.state.mn.us/Courses/DN\\_BESU\\_vids/Published\\_Sex\\_Trafficking/story\\_html5.html](https://mjbstream.courts.state.mn.us/Courses/DN_BESU_vids/Published_Sex_Trafficking/story_html5.html)

## **The Audre Lorde Project, Say What?: How to Talk About Trans and Non Conforming People, Youth, and People in the Sex Trade Respectfully**

This report, created jointly by the Audre Lorde Project, FIERCE, and Streetwise and Safe, contains an analysis of language and recommendations on its alteration so as to be more inclusive of trans and gender non-conforming people, youth, and sex workers. It is meant to act as a guide for media outlets and journalists to understand why certain language is problematic and how it can be remedied.

[https://alp.org/sites/default/files/saywhat\\_mediaguide\\_003.pdf](https://alp.org/sites/default/files/saywhat_mediaguide_003.pdf)

## **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.

<https://ecommons.luc.edu/chrc/3/>

## **Teen Dating Violence and Social Media**

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

This article explains the ways in which social media has affected criminal law. It provides relevant general statistics, explains certain platforms, and delves into important cases including on the topic of sexual harassment, sexting, and distribution of child pornography.

[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**

This resource acts as a guide for judges and community leaders on sexting; specifically, public education and response to its unintended consequences, and distinguishing between voluntary and involuntary experimentation, and control tactics in youth relationships.

<https://www.futureswithoutviolence.org/effective-responses-to-teen-sexting-a-guide-for-judges-and-other-professionals/>

### **"That's Not Cool" Public Education Initiative**

"That's Not Cool" is a public education initiative created by FUTURES, The Department of Justice Office on Violence Against Women and the Advertising Council. The initiative is specifically created to educate teens on dating violence, unhealthy relationships, and digital abuse. The initiative is housed on an interactive website with an "Adult Allies" section of the website for adults who work with teens.

<http://www.futureswithoutviolence.org/children-youth-teens/thats-not-cool/>

### **The National Council of Juvenile and Family Court Judges (NCJFCJ)**

#### **“Social Media: Teen Dating Violence: Social Media and Tech Misuse Guidance for Judges” (2021)**

“As courts adjust to the new realities of online life, judicial decisions, rulings and court orders must be crafted to reflect an understanding of the dangers and dynamics that youth face as they create their new world of social engagement and human connections.”

<https://www.ncjfcj.org/publications/teen-dating-violence-social-media-and-tech-misuse-guidance-for-judges/>

### **Urban Institute, Research Report:**

#### **“Technology, Teen Dating Violence and Abuse, and Bullying”**

This research report is an in-depth look into the violence and abuse that youth to which youth may be subjected to via technology. Of those surveyed, many identified as youth of colour with a large percentage (94%) identifying as heterosexual.

[https://www.urban.org/research/publication/technology-teen-dating-violence-and-abuse-and-bullying/view/full\\_report](https://www.urban.org/research/publication/technology-teen-dating-violence-and-abuse-and-bullying/view/full_report)

## **3. Resources for Parents & Other Caregivers, Teens and the Community**

### **Futures Without Violence**

Futures Without Violence offers a variety of programs, guidelines, prevention strategies and tools to empower and educate youth, parents and communities. These promote resiliency and work to break the cycle of violence in families and teen relationships.

<https://www.futureswithoutviolence.org/children-youth-teens/>

### **Start Strong**

Building Healthy Teen Relationships (Start Strong) was a national program of the Robert Wood Johnson Foundation (RWJF) in collaboration with Blue Shield of California Foundation (BSCF) and Futures Without Violence. The core components of the Start Strong program were to: i) educate and engage youth in schools and out of school settings; ii) educate and engage teen influencers such as parents/caregivers, older teens, teachers and other mentors; iii) change policy and environmental factors; and iv) implement effective communications/social marketing strategies.

<http://startstrong.futureswithoutviolence.org/>

### **One Love**

One Love offers workshops, peer-to-peer discussions and educational resources on relationships, abuse and love for youth. They offer a framework that helps students spread their message online and in their communities.

<https://www.joinonelove.org/>

## Day One

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. Day One also 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.”

<http://www.dayoneny.org/>

### **Parents & Other Caregivers:**

This sheet provides a list of warning signs, preventative actions and directions on how to approach a teen disclosing about TDAV for parents & other caregivers.

[http://static1.squarespace.com/static/535a821ce4b0a24faf6af3b8/t/53fe880be4b0408d593f8aeb/1409189899087/tips\\_parents\\_eng\\_pdf.pdf?sm\\_au=iVV1snZfVjM26kVQ](http://static1.squarespace.com/static/535a821ce4b0a24faf6af3b8/t/53fe880be4b0408d593f8aeb/1409189899087/tips_parents_eng_pdf.pdf?sm_au=iVV1snZfVjM26kVQ)

## Love Is Respect

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.

<http://www.loveisrespect.org/>

### **LGBTQIA2S + specific**

This resource provides useful guidelines for LGBTQIA2S+ teens and young adults to help navigate the world of dating.

<https://www.loveisrespect.org/resources/lgbtq-relationships-and-dating-violence/>

### **Parents & Other Caregivers:**

This sheet provides education, action and awareness around healthy relationships for youth parents & other caregivers.

[http://www.loveisrespect.org/pdf/Help\\_Your\\_Child.pdf](http://www.loveisrespect.org/pdf/Help_Your_Child.pdf)

## **New York State Office for the Prevention of Domestic Violence (OPDV), Teen Dating Violence**

This resource provides an overview of what constitutes teen dating violence by listing common behaviors and red flags apparent in teen relationships.

<https://www.ny.gov/programs/teen-dating-abuse-awareness-and-prevention>

### **Information for Parents:**

This resource provides 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 and a list of external resources specific for parents.

<https://opdv.ny.gov/whatisdv/tdvinfoparent.html>

<https://www.ny.gov/teen-dating-abuse-awareness-and-prevention/teen-your-life>

### **Bystander Intervention, Prevention, and Education:**

This resource provides an overview of different resources available to learn the tools of bystander intervention.

<https://opdv.ny.gov/whatisdv/tdvinfobystan.pdf>

**Barrie Levy, “In Love and In Danger: A Teen’s Guide to Breaking Free of Abusive Relationships” (2006)**

This book gives youth information about abusive dating relationships to help them understand the causes and consequences of TDAV, what they can do, how they can find help from parents and other adults, and how to build healthier relationships. It addresses youth directly in a straightforward and non-condescending manner through advice, statistics, and interviews with teens.

**Miranda Pratt, 20 Things I Wish I Had Learned in Sex Ed: A Young Woman’s Guide to Sex, Saying “No” and Surviving the Modern Minefield of Gender Relations (2018)**

In this short book the author draws on her own very negative experiences to describes healthy relationships, the hallmarks of unhealthy relationships, and her involvement in an extremely toxic teen relationship marked by repeated sexual abuse. The section titled “Your Sexual Assaulter Can Be Your Boyfriend: Consent and Relationships,” includes subsections titled “Rapists Are Counting on Your Silence,” “What To Do if You Are Sexually Assaulted,” and “Shame is a State of Mind.”

## **4. Resources for Schools and Youth Serving Organizations:**

### **Day One**

The Day One website provides informational resources on dating abuse for young people across the United States, and also provides “Tools for Educators...to support educators and youth work toward ending dating violence among youth.”

<https://www.dayoney.org/tools-for-educators>

**Jewish Women International, 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.

<https://www.jwi.org/tools>

**National Public Safety Partnership,  
“Real Talk – A Resource Guide for Educating Teens on Healthy Relationships” (2012)**

This guide is designed for adults, including youth workers, to improve their ability to teach healthy relationship dynamics to youth.

<https://www.nationalpublicsafetypartnership.org/clearinghouse/Resource/577>

**National Coalition Against Domestic Violence (NCADV)  
“Take a Stand for Healthy Relationships”**

This new program offers a 6 module curriculum for educators for grades 6-8, teaching students how to understand and build healthy relationships. These modules encourage communication and self-awareness skills. [https://www.teens4healthyrelationships.com/?utm\\_source=blog&utm\\_medium=referral&utm\\_campaign=mayblog\\_cep&utm\\_content=blog\\_may](https://www.teens4healthyrelationships.com/?utm_source=blog&utm_medium=referral&utm_campaign=mayblog_cep&utm_content=blog_may)

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

This resource, provided by the State of New York, contains information on bystander intervention, prevention, and education. It links to other resources for teens, parents, and schools. <https://opdv.ny.gov/whatisdv/tdvinfobystan.pdf>

## 5. Resources by State

### California:

**Injury and Violence Prevention Branch of the California Department of Public Health**

This webpage defines teen dating violence and adolescent dating abuse and situates it in the context of adult intimate partner violence. It contains links to several other resources and programs. <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/TeenDatingViolence.aspx>

### Minnesota

**Women’s Foundation of Minnesota - Young Women’s Initiative**

This resource is a 20 point action plan to achieve equity for young women and girls in Minnesota. These goals are aimed at improving the lives of girls and young women ages 12 to 24 focused on issues of safety and violence prevention, education and preventing violence through healthy relationships. <https://www.wfmn.org/young-womens-initiative-minnesotas-blueprint-action-release/>

**Violence Free Minnesota**

This resource is the official website of Violence Free Minnesota, an organization working to end relationship abuse in the state. Their Youth Advisory Board meets monthly to work on campaigns, trainings, events and more to prevent youth relationship abuse. <https://www.vfmn.org/>

## New York

### **New York State Office for the Prevention of Domestic Violence (OPDV), Teen Dating Violence: Information for Teens**

This document provides definitions of what constitutes teen dating violence by listing common behaviors and red flags apparent in teen relationships.

<https://opdv.ny.gov/whatisdv/tdvinfoTeen.pdf>

### **Andrew Sta. Ana & Stephanie Nilva, “Teen Victims of Intimate Partner Violence” in Lawyer's Manual On Domestic Violence, New York Appellate Division, First Department (Mary Rothwell Davis, Dorchen Leidholdt & Charlotte A. Watson eds., 6th ed. 2015).**

This manual on domestic violence centres on victim safety and abuser accountability in cases of different types of intimate partner violence such as stalking, physical violence, firearms surrender, etc. Under Section 5, the chapter entitled “Teen Victims of Intimate Partner Violence,” includes information on intersectionality, the seriousness of teen dating abuse, disclosure, and technology.

<http://ww2.nycourts.gov/sites/default/files/document/files/2018-07/DV-Lawyers-Manual-Book.pdf>

## North Carolina

### **Love Speaks Out**

This is a Teen Dating Violence prevention program that seeks a future without dating abuse and domestic violence. LoveSpeaksOut provides engaging, dynamic presentations that makes the information relatable and understandable for teens.

<https://www.mecknc.gov/CommunitySupportServices/PI/Prevention/Pages/Love-Speaks-Out.aspx>

### **North Carolina Coalition Against Domestic Violence**

This organization has a variety of programs specific to addressing TDAV and serving victims. These are in collaboration with community services and schools. They also have a program specifically geared to Latino youth. They also have links to articles and other resources for TDAV.

<https://nccadv.org/our-services/teen-dating-violence>

## Virginia

### **The Virginia Sexual & Domestic Violence Alliance**

Alongside other organizations, the Virginia Sexual & Domestic Violence Alliance created a website for resources and information for professionals to address sexual violence in Virginia. This contains a Teen Dating Violence Prevention Guide with 6 units that address TDAV and promote healthy relationships with teens.

<https://www.communitysolutionsva.org/index.php/resources/item/building-healthy-relationships-across-virginia>

## Washington

### **The Washington Coalition of Sexual Assault Programs (WCSAP)**

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.”

<http://www.wcsap.org/sexual-assault-and-coercion-teen-relationships>.

## Wisconsin

### **Dare2Know**

Dare2Know is an organization that educates teens on healthy relationships. They have different programs for Teen Ambassadors and Adult Mentors, and online educational tools.

<https://dare2knowwi.org/>

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