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Addressing Teen Dating Violence After VAWA 2005

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Break the Cycle*

I know what is to be scared every second you exist, to be able to predict if someone is going to hurt you based on expression on their face, to wash away your own blood everyday, and to make peace with death. I am only 21. I met my first love when I was 13 and we dated until I was 20. After I started college, things began to change. Rather than end what had become an unhealthy relationship, we spent more time together. One night we began to argue and he pushed me into a wooden table. In shock and fear, I followed him to his car. We were still for almost a minute, when without a word he grabbed the side of my face and smashed into the passenger-side window. The pain was horrible and I held my breath until we had driven out of the parking lot, and then I cried like never before. Following this, the violence became easier for him and more confusing for me. I was being punched, slapped, strangled, and kicked. He bit me, broke one of my fingers, and chipped my teeth. He gave me six black eyes in three months. It turned into a whirlwind of pain, mass confusion, denial, and the sensation of trying to climb out of a wet, muddy hole. While experiencing abuse, you are unsure of what to do, where to go or how to get out.

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-Keisha, age 21

Domestic violence doesn't suddenly start in adulthood. The seeds of violence and victimization start early. The Department of Justice consistently finds that girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence – almost three times the average for women as a whole.¹ More than half of teens (57%) know friends or peers who have been physically, sexually, or verbally abused.² A study on domestic violence among teens found that as many as one-third of high school and college students will experience violence in a relationship during their dating years.³ Victims of dating violence are often abused, teased, forced into sex, beaten, and even murdered. Nationally, nearly a quarter of teen girls between 16 and 19 who are victims of homicide are murdered by a current or previous boyfriend.⁴ No less than a quarter of adolescent mothers experience intimate partner violence before, during, or just after their pregnancy, with some studies reporting rates of 50 to 80 %.⁵ According to a Liz Claiborne survey, 40% of girls know someone who has been pressured into having intercourse; nearly a third of girls (32%) know someone who has been pressured into performing oral sex.⁶ Youth must have somewhere and someone to turn to in times of crisis.

The emotional and physical pain of domestic and dating violence in the early years of life can begin a ripple effect of individual and social problems that can last a lifetime, and even span generations. Victims of teen dating violence are more likely to: use alcohol, tobacco, and cocaine; drive after drinking; engage in unhealthy weight control behaviors; commit sexually risky behaviors including first intercourse before age 15, multiple partnering, and lack of condom use; become pregnant; and commit suicide.⁷ These behaviors limit youths' ability to become healthy adults. Young people must be educated and empowered to end the violence in their lives. In addition to the immediate trauma caused by abuse, domestic violence contributes to a number of chronic health problems, including

¹Bureau of Justice Statistics, U.S. Department of Justice, NCJ 187635, Intimate Partner Violence and Age of Victim, 1993-1999 (October 2001) (reporting that 15.4 of 1000 16-24 year olds were abused, while the rate for women in general was 5.8 of 1000).

² Liz Claiborne Inc., Teen Relationship Abuse Research (2005), http://www.loveisnotabuse.com/surveyresults_teens2006.htm.

³ David Sugarman & Gerald Hotaling, Dating Violence: Prevalence, Context, and Risk Markers, in Violence in Dating Relationships: Emerging Social Issues 3 (Maureen Pirog-Good & Jan Stets eds., 1989) available at <http://www.questia.com/PM.qst?a=o&d=25998088>.

⁴ Bureau of Justice Statistics, U.S. Department of Justice, NCJ 187635, Intimate Partner Violence and Age of Victim, 1993-1999 (October 2001).

⁵ Sally Leiderman with Cari Almo, Center for Assessment and Policy Development and the National Organization on Adolescent Pregnancy, Parenting, and Prevention, Interpersonal Violence and Adolescent Pregnancy: Prevalence and Implications for Practice and Policy (2001), <http://capd.org/publications.htm>.

⁶ Liz Claiborne Inc., Teen Relationship Abuse Research (2005), http://www.loveisnotabuse.com/surveyresults_teens2006.htm.

⁷ Jay Silverman, et al., Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality, 286 (5) Journal of the American Medical Association 572 (2001).

depression, alcohol and substance abuse, and sexually transmitted diseases such as HIV/ AIDS.⁸ Additionally, youth that witness domestic or dating violence also have higher probabilities of truancy, poor school performance, and trouble concentrating.⁹ Children who are exposed to domestic violence are more likely to exhibit behavioral and physical health problems including, depression, anxiety and violence towards peers.¹⁰ Not surprisingly, teens are most likely to engage in dating violence or domestic abuse if they witnessed domestic violence in their homes during childhood.¹¹ Clearly, domestic and dating violence limit youths' ability to become healthy adults and those patterns continue into the next generation.

The transition of a child to adulthood has never been an easy process, but these statistics show that the hurdles facing our youth when it comes to violence can be overwhelming. Like adult domestic violence, dating violence affects both females and males in opposite-sex and same-sex relationships, all races and nationalities, and all religions and neighborhoods. Unfortunately, these young people who are most affected by domestic and dating violence are lacking information, resources, and, most importantly, the services needed to end the cycle of abuse in their lives.

The Violence Against Women Act of 2005

The Violence Against Women Act, unanimously reauthorized by the U.S. Congress and signed into law at the beginning of this year,¹² amends federal criminal statutes, provides funding for proven effective programs, and creates new programs to fill gaps in the original legislation. Changes in all three of these areas provide additional avenues for addressing the domestic and sexual violence that teens and young adults experience.

Changes in Criminal Law

The original Violence Against Women Act passed in 1994 made it a federal crime to cross state or territorial lines to commit domestic violence (18 USC §2261). However, the definition of domestic violence under the US Code only covers those related by marriage, having lived together, or having a child in

⁸ Ann Coker, et al., Physical Health Consequences of Physical and Psychological Intimate Partner Violence, 9 (5) Archives of Family Medicine 451 (2000).

⁹ Catherine Lee, Witness of Domestic Violence: The Vulnerable and the Voiceless, (on file with author).

¹⁰ Peter Jaffe and Marlies Sudermann, Child Witness to Women Abuse: Research and Community Responses, in National Council on Family Relations, Understanding Partner Violence: Prevalences, Causes, Consequences, and Solutions (Families in Focus Series, Vol. II), (Sandra Stith and Murray Straus eds., 1995).

¹¹ American Psychological Association, Report of the American Psychological Association Presidential Task Force on Violence and the Family (1996).

¹² Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162.

common (18 USC §2266). Thus, dating relationships were not subject to this statute, whether adult or minor. VAWA 2005 amended the statute making it a federal crime to cross state lines or use the mail “with the intent to kill, injure, harass, or intimidate...a dating partner” and place that person in reasonable fear of serious bodily injury to themselves or a family member. The amendment goes on to define dating partner as “a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of -- (a) the length of the relationship; and (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship.” (18 USC §2266) Of course this change provides additional protection for adult dating relationships, but it is particularly critical for teens and young adults who are less likely to be married to, living with, or have a child with their intimate partners.

Another important change in the federal criminal law under VAWA 2005 is expanded coverage of the crime of stalking. First, the federal crime of interstate stalking (18 USC §2261A) was broadened in three ways: the actions covered, the stalker’s intentions, and the victim’s resulting fear. The law previously only applied to interstate stalking that involved travel on the part of the stalker, or the use of the mail or “any facility of interstate or foreign commerce.” Responding to the ever changing technology now available and the opportunities for its misuse, VAWA 2005 amended the statute to include “plac[ing] someone under surveillance” or using an “interactive computer service” in the course of stalking. With the higher usage of technology by teens and young adults, this change is particularly important to address reality of their world. Prosecution is further aided by amendments expanding the stalker’s required intent -- from “intent to cause death or injury” to “intent to kill, injure, harass, or intimidate, or to cause substantial emotional distress” – and the required impact on the victim – expanding coverage to actions that “causes [the victim] substantial emotional distress” in addition to those that place the victim in reasonable fear of death or bodily injury to him or herself, a member of the victim’s immediate family, or the victim’s spouse or intimate partner. Finally, cyberstalking was criminalized by amending the prohibition on “Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications” to cover Internet communications as well (47 USC §223(h)).

Funding for Services to Victims of Teen Dating Violence

As is the case in the federal criminal statutes, the definition of domestic violence within VAWA programs is limited to relationships where the parties have been married, live together, or have a child in common. In the 2000 reauthorization, a definition of dating violence was added to VAWA. However, most programs funded under VAWA were designated for domestic violence services only; they didn’t include the term “dating violence.” VAWA 2005 addressed this problem by expanding all existing programs to cover domestic violence, dating violence, sexual assault and stalking. Moreover, as the

language had always been silent as to the age of the victims that could be served, VAWA 2005 amended all programs to clearly state that both adult and youth victims can be served under these programs. This includes the important Legal Assistance for Victim of Violence program (42 USC §3796gg-6), which will now be available to provide targeted services to victims of teen dating violence.

While opening up existing programs to allow services to teen victims is helpful, it doesn't provide the kind of targeted programming that is necessary to begin effectively addressing the broad problem of teen dating violence. For this reason, several new programs were created in VAWA 2005 specifically to address the needs of young people experiencing violence. The Services to Advocate for and Respond to Youth program (42 USC 14043c) or STARY will provide much needed funding to stop the cycle of violence where it is most likely to occur, with youth ages 16 to 24.¹³ Youth are often untrusting of authority, uninformed on the law, dependent on others for their financial well being, without transportation, and ignorant of the services available to them. Special services and service providers with the skills to deal with these unique challenges are vital to early intervention with youth dating and domestic violence. These grants will focus specifically on advocacy, safety planning, counseling and legal services and service providers who can address the unique needs of youth.

The Access to Justice for Youth program (42 USC 14043c-1) was created to help communities to build a systemic response to teen dating violence. Currently, the legal system in many states does not allow youth victims the same access to justice and safety as it does adults. Youth often slip through the cracks of the justice system because neither adult nor juvenile courts know how to deal with youth perpetrators and victims of domestic and dating violence. Currently, there is only one juvenile domestic violence court in the country. Access to Justice for Youth would provide demonstration grants to allow courts, domestic violence and sexual assault service providers, youth organizations, and law enforcement agencies to work together to create a model system which addresses the needs of youth. Both perpetrators and victims must be treated by the law in a way that allows for safety, dignity, and justice. This funding will give communities the opportunity to work together to create a system that truly meets their needs and provides victims and perpetrators the justice and protection they deserve.

Finally, the Supporting Teens through Education and Protection program (42 USC 14043c-3) or STEP focuses resources on the one location where we know we can reach large numbers of youth – schools. Schools have always been envisioned as a safe haven where youth learn and grow into productive citizens. However, violence in schools has shattered this idea, and left many young people afraid of the very place they are sent to grow and mature. Thousands of incidents of rape and sexual assault are reported in public schools

¹³ Bureau of Justice Statistics, U.S. Department of Justice, NCJ 187635, Intimate Partner Violence and Age of Victim, 1993-1999 (October 2001).

across the country in a single year, and this does not include the countless cases of rape and sexual assault that go unreported. Teen victims are less likely than adults to report violence to the police.¹⁴ The vast majority of teens in a recent survey – nearly 75% – stated they would confide in a friend if they were experiencing dating violence; 25% would confide in a teacher, coach or school counselor.¹⁵ Unfortunately, the friends and teachers in whom they would confide are often uninformed about the rights of youth in abusive relationships, and thus unable to help a young person in need. Schools need effective policies and procedures to address this problem when it occurs among their students and school staff must be taught the warning signs of and resources available for students dealing with domestic and dating violence. The STEP program allocates funds to educate faculty, develop effective school policies about domestic and dating violence, and provide resources to teach students about the issue and provide appropriate referrals. This program will allow schools to work in collaboration with sexual assault and domestic violence providers, police, courts, and other organizations to ensure that schools are the safe and healthy environments necessary to help youth become healthy adults.

Conclusion

Sexual assault and domestic violence are problems that pervade our society. The effects of these problems are far reaching, and especially detrimental to young people navigating the transition from childhood to healthy adulthood. Young people must be taught that domestic violence and sexual assault are unacceptable. Services must be tailored to their needs and they must be educated about the resources available to them. They must be empowered to stop the violence that affects them so profoundly. They deserve the building blocks to create healthy relationships in the future. Today's teen and young adult victims and perpetrators of domestic violence and sexual assault will be those we deal with in the adult criminal, civil and family justice systems, healthcare system and social services systems tomorrow. It is time to protect young people from abuse, and to teach them to build prosperous, healthy, violence-free futures. Hopefully, the new tools provided by the Violence Against Women Act of 2005 are just the beginning.

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¹⁴ Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Children as Victims: 1999 National Report Series, Juvenile Justice Bulletin (May 2000), <http://www.ncjrs.org/pdffiles1/ojdp/180753.pdf>.

¹⁵ Liz Claiborne Inc., Teen Relationship Abuse Research (2005), http://www.loveisnotabuse.com/surveyresults_teens2006.htm.