



Quarterly E-Newsletter

Volume 5

Fall 2006

It's Hard Out Here For a Teen: Responding to Dating Abuse and Domestic Violence Among Youth

Stephanie Nilva, Esq.
Executive Director, Day One*

As communities begin to recognize the phenomenon of teen dating abuse and domestic violence, legal and social service professionals must adjust their approach to client service in order to respond to the unique needs of the youth population. Teens and young adults who experience domestic violence, sexual assault, or stalking in intimate relationships are not merely younger versions of adult victims. While many of their experiences are the same as those of adults, young people face unique barriers and challenges in accessing assistance – both in the legal and social service sectors – that service providers and policy advocates could do much to alleviate.

Teens and young adults are experiencing abuse in their relationships in many of the same ways adults do, and at comparable rates.¹ One out of every three teenagers reports experiencing abuse in a romantic relationship, including verbal and emotional abuse,² and almost one in five adolescent girls has been physically or sexually harmed in a dating relationship.³ Further, young women between the ages of sixteen and

* Stephanie is the Executive Director of Day One. Prior to establishing Day One in October 2005, Stephanie was the Director of Break the Cycle New York, which she launched as the local office of a national organization in 2003. Stephanie has been working in the domestic violence field for more than twelve years. Day One partners with New York City youth to end dating abuse and domestic violence through community education, legal advocacy, supportive services and leadership development. Serving the five boroughs of New York City, Day One operates all of its programs on an empowerment model that invests young people in maintaining safe relationships for themselves and their peers. Working alongside youth, Day One educates, organizes and advocates on behalf of young people at risk of or experiencing intimate partner violence. Learn more at <http://www.dayoneny.org/>

¹ Bureau of Justice Statistics, U.S. Dep't of Justice, NCJ 167237 Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends 13 (March 1998).

² Carolyn T. Halpern et al., Partner Violence Among Adolescents in Opposite-Sex Romantic Relationships: Findings from the National Longitudinal Study of Adolescent Health, 91 *Am. J. of Pub. Health* 1680 (2001).

³ 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).

twenty-four experience the highest per capita rate of intimate partner violence in the United States.⁴ In New York City, where Day One is located, a 2004 study of young women between the ages of 15 and 24 seeking family planning services found that 22% of their dating relationships were characterized by physical abuse and 37% by a forced sexual experience.⁵

This article reviews the obstacles young people face as victims of teen dating violence (TDV), and the approach of service providers and the justice system. It asserts that advocacy on behalf of youth requires specialized skills and an interdisciplinary response to their myriad needs. While assisting teens can be challenging, the patience and effort you put into assisting young victims can mean a great difference in your successfully helping them obtain protection.

The Unusual Experience of Teens

A young victim of intimate partner violence will experience unique forms of confusion and isolation. If she lacks a model of a healthy relationship or has limited personal experience in intimate relationships, she may not define her experience as abusive. At a transitional stage of emotional development, a teen may not understand the cause of the abuse and could blame herself for a partner's violence.⁶ Her autonomy is likely to be restricted by her age and ties to family; and she may feel confined or overwhelmed because she shares a classroom, apartment building, or neighborhood with her abuser.⁷

In addition, peer pressure or fear of losing newly gained independence may prevent a victim from disclosing abuse. In one study, fewer than 3% of boys or girls reported an incident of teen dating violence to someone such as a teacher, police officer, or counselor; only 6% reported it to a relative.⁸ As with adult victims, shame is still a factor for young people affected by TDV, and while some young victims share their experience with friends, many do not.⁹ A victim may feel her social status among friends is dependent on having a boyfriend, or her friends may minimize the abuse. Teens will be reluctant to reveal to parents that they are at risk for fear of losing newfound freedoms. Occasionally caregivers of youth will support the relationship whether or not they know about the abuse. A parent may believe the abuser to be a good match based on his cultural background, financial status, or for other reasons. Sometimes, authority figures will discourage a young person from accessing professional help, thinking the abuse could not be severe or that ties between teenagers

⁴ Bureau of Justice Statistics, U.S. Dep't of Justice, NCJ 187635, Intimate Partner Violence and Age of Victim, 1993-1999 (October 2001).

⁵ Planned Parenthood of New York City & Columbia School of Public Health Survey (on file with author).

⁶ This article uses "she" to refer to victims, as the vast majority of domestic violence is perpetrated by men against women.

⁷ California Women's Law Ctr., Teen Dating Violence: An Ignored Epidemic (Policy Brief) 2 (2001), available at <http://www.cwlc.org/publications.html>.

⁸ Christian Molitor, Ph.D., et al., Gender and Contextual Factors in Adolescent Dating Violence, *The Prevention Researcher*, Vol. 7, No. 1 (February 2000).

⁹ Id.

are more easily severed.¹⁰ Youth who reside in communities where there is substantial exposure to child protective services will have an understanding of mandated reporting and may be extremely guarded about revealing intimate partner abuse to adults, as TDV is often misconstrued as child maltreatment.

Battered youth may fail to disclose abuse believing that no help is available, that others will question their claims, or that outside interference will be ineffective or exacerbate the violence. Those who choose to come forward may have difficulty finding support or encounter professionals who are untrained to identify or respond to their needs.

How to Help Young Victims of Relationship Abuse

To adequately respond to the challenge of serving youth, you must have a great deal of patience and understanding. For many adults, simply respecting the choices of youth may be challenging. Teenagers have daily experiences that may be unfamiliar or unusual to adults, but those experiences have a powerful influence on their behavior. A young person may enter every conversation with an adult expecting condescension and authoritarian behavior. She will not have the same priorities as an adult client, though she may be experiencing comparable abuse. In order to build the trust necessary to help a teen access safety, you will have to accept and validate the young person's experience, and support her decision-making power, no matter how irrational her choices seem. All professionals working with youth must be careful not to replace clients' decisions with their own.

1. Foster the autonomy of your young clients.

When young victims are interviewed in a professional setting, such as a school or office, you should ensure the location offers privacy and explain whether the interviewer is a mandated reporter or can offer the youth confidentiality. If the meeting was arranged for another purpose, and you suspect that the young person is being abused by an intimate partner, screening for TDV should be incorporated into the meeting. However, you must establish a trusting relationship before attempting to discuss any abuse the youth may have experienced. There is no formula for gaining the confidence of a teen. Some will respond well to a casual conversation; others may need more sympathy or directed questions.

2. Confidentiality is key.

In order to make a client comfortable discussing sensitive topics, be sure she has an understanding of the confidential relationship she has with you as an

¹⁰ Christine Carlson, *Invisible Victims: Holding the Educational System Accountable for Dating Violence at School*, 26 Harvard Women's Law Journal 539 (2003), available at <http://www.law.harvard.edu/students/orgs/jlg/general/tocs.php#26>.

attorney, or that she understands the boundaries of her conversation if you are another type of professional. Be patient in encouraging her to share all relevant parts of her story.¹¹

It is not enough to tell your client your conversations are “confidential.” Nor is it sufficient to ask, “Do you understand what confidential means?” If you tell the client you are not permitted to tell anyone what she says, she still may believe that her parents would be an exception to that rule.

- Without being condescending, explain in detail what confidential means and that it includes everyone (parents, teachers, judges, etc.). Be sure to explain the rare instances in which an attorney would have to disclose a confidence.
- Once your client understands the confidential relationship she has with her lawyer, be sure she knows that such confidentiality does not extend to all lawyers, or to all professionals, even those who appear to be working on her behalf. Young people can be confused about a prosecutor’s role, or that of a child protective caseworker.

Young people may feel intimidated by professionals, especially attorneys. Teens and adolescents assume that, as minors, they have few rights, and will not expect you to defer to them. You will need to remain conscious of the importance of treating them as you would any adult client. Ask permission before speaking to anyone about their case, including relatives, teachers, and other counselors who may be involved in the young person’s life.

3. Try to make your client as comfortable as possible.

You will have to read your client’s body language and follow her lead in the conversation. Careful wording is necessary.

- Avoid words like “victim,” “abuse” and “domestic violence,” as young people rarely will identify with such language. It would not be unusual for a teen to deny being “abused” but acknowledge that her boyfriend hits her.
- Before asking about the partner’s behavior, begin with general questions about the relationship that will not trigger any defensiveness or embarrassment. Then, use broad questions like, “Is anything happening in your relationship you want to talk about?” or “Does s/he do anything that hurts you or makes you feel bad?”

¹¹ Be sure your client understands as well the boundaries of the confidential relationship, and that she does not have the same protection when speaking to, for instance, a district attorney.

- Don't make assumptions about your client's sexuality. Recognize that partner abuse is present in same-sex relationships, and be prepared to assist her with additional related challenges that may be present in the legal system.

Your teen or adolescent client will likely bring another person with her when she comes to your office. You will have to take special care in balancing the importance of conducting an intake in private, to ensure confidentiality, and preserving the comfort of your client. Also, in addition to your client's preferences, you may be confronted with an insistent parent or new boyfriend who wants to sit in on the interview.

- Be sure your policies are clear before the client comes to the appointment, though be aware that insisting you want to meet alone may make her nervous. She may interpret this as your not trusting her friends or her choices.
- Talk to your client in advance about who is welcome at your office, especially if you work for an organization with a confidential address.

Take special care when discussing possible sexual assault with young clients. A teenager who may be willing to disclose physical abuse may avoid saying that she is sexually active, much less that she was raped. Furthermore, if she has experienced only coercion linked to sexual intimacy, she may simply lack the context and terminology to describe a sexual assault.

- Ask simple questions, such as "Did your boyfriend/girlfriend make you do anything you don't want to do?"

The young person may not respond to any of these questions, and you must resist the impulse to pressure her to answer out of concern for her safety. Your young client may be resistant if she senses, rightly or wrongly, that you are trying to convince her to make a specific decision. While it can be helpful to let her know you are worried about her, she may assert that she is fine and can take care of herself. Or she simply may not be ready to pursue legal options. Letting her know that you are available to talk or take additional steps when she is ready will be more productive in the long term. In these circumstances, you can discuss her experiences with her, and spend time creating a tailored safety plan.

- Help your client identify the range of abuse she may have experienced over time. Exploring the experience in detail may help her more readily recognize warning signs in a future relationship.

It may be enormously difficult to let a teenager leave your office telling you she is staying with her abuser, but if the teen knows she can trust you she will use you as a resource when she is ready. As with all domestic violence victims,

she is best positioned to make decisions about her own safety. One important option for mandated reporters is to locate and give the client a toll free number that will enable her to call a lawyer to have a confidential conversation. Importantly, professionals should not begin conversations without advance preparation and gathering such resources.

4. *Simplify communications with your client.*

Young people tend to develop an attachment to one service provider, and may not follow through if accessing additional services means going to a separate location and repeating their story to a series of new professionals. Inevitably, their lack of funds and limited exposure to new communities will inhibit them as well. Services that are not community-based should incorporate a policy and practice of conducting intakes and meetings at schools, client's homes, or the local coffee shop when necessary.

- Minimize the number of meetings for which the client must travel.
- Make provisions to provide travel expenses, in advance, to youth for office visits or court dates whenever possible.
- Teens and adolescents may not carry identification, and they should be reminded if ID is needed at the courthouse or an office building.
- Collect at least a few safe phone numbers where your client can receive messages. She may not have a cell phone, and maintaining regular contact could be difficult.

5. *Be sure your client understands regulations that affect her.*

A teenager is not likely to understand the nuances of the legal system – neither its protections nor its pitfalls. As a result, she may conceal what she feels are her “bad acts.” For example, if she is an undocumented resident, she may worry that pursuing an order of protection would place her at risk of deportation. If she is ashamed of conduct that her abuser coerced her into, she may not want to share details with you. You must explain the implications of the law as it applies to the protection she is seeking and any of her behavior.

- Be sure your questions are non-judgmental and demonstrate an understanding of why the victim might engage in illegal behavior. To draw out difficult topics, ask “What is the worst thing s/he would say about you, even if it's not true?”

Your client may use physical force to defend herself. Explain the risks and consequences of her harming her abuser. For example, if your community has a mandatory arrest law, and there is no examination of who is the primary

aggressor, she could be arrested if her abuser is scratched while she is protecting herself. A young adult may not realize the repercussions of other types of behavior, for instance if she shares a child with her abuser.

- Be alert to potential involvement of the child welfare system.

Your client may have a child that is present when her partner abuses her. Depending on the resulting risks and who learns of this, your client may become the subject of a child welfare investigation. Repeat to your client that confidentiality does not extend to people beyond her lawyer. Explain the risks of her sharing information with others that may be misinterpreted as her placing her child at risk. Additionally, a young client with a baby may attract the attention of the child welfare system simply as to how she became pregnant; an investigation might be directed at the adolescent herself, or at her parent(s), who may be charged with neglect of the teen. Also, you should direct her to services she might need as a young parent if necessary.

6. Know what relief is available for youth.

Because historically teen dating abuse has not been acknowledged, few services exist that respond to the specialized needs of young victims of relationship abuse.¹² Despite the fact that forty percent of girls between the ages of 14 and 17 report knowing someone their age who has been hit or beaten by a boyfriend,¹³ most services for domestic violence victims are designed for or limited to adults. When services designed for youth are scattered in multiple locations, young people with limited mobility and resources are less likely to access all the help they need or return for multiple appointments. You will have to learn what available services are designed for youth and what eligibility standards your client must meet.

- If your client needs access to services, such as public benefits, equip her with information about eligibility. If you are unable to accompany her to make her request, prepare her to respond to clerks who may assume incorrectly that she is ineligible for help based on her age.

Typical services available for adult domestic violence victims may be inaccessible or inappropriate for young clients. Few domestic violence shelters exist that specifically serve youth, and teens are frequently denied shelter services because of their age. Many states or localities restrict eligibility for

¹² Inger Sagatun-Edwards et al., The Santa Clara County Juvenile Domestic and Family Violence Court, 4 Journal of the Center for Families, Children, and the Courts 91 (2003), available at <http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/journal/>; Roger J. R. Levesque, Emotional Maltreatment in Adolescents' Everyday Lives: Furthering Sociolegal Reforms and Social Service Provisions, 16(2) Behavioral Sciences and the Law 237, 249 (1998).

¹³ Liz Claiborne Inc., Statistics: Abuse and Teens (2005), <http://www.loveisnotabuse.com/statistics.htm> (citing a Children Now/Kaiser Permanente poll, December 1995).

domestic violence shelters to adults.¹⁴ Some shelters fear that a young victim might disclose the confidential location of the shelter; others are concerned that accommodating minors may expose the shelter to liability if challenged by a victim's parents. Additionally, a shelter may be reluctant to accept a minor who might be denied public assistance, thereby preventing reimbursement to the shelter.

- Contact shelters directly for your client to find out their policy on accepting minors.

Even if a domestic violence shelter is willing to accept a minor, its programming is usually oriented towards adults. Shelter workers have valid concerns that services provided do not fit the needs of youth; young residents may feel frustrated or alienated by group counseling sessions with adults, or by the shelter's rules. In many communities the only referral for young victims seeking to escape an abuser is to the local homeless or runaway shelter, which has a public address and may or may not offer domestic violence services.

7. Familiarize yourself with local laws affecting youth.

Depending on state law, civil attorneys may need to become familiar with the criminal justice system, in the event that clients are ineligible for civil protective orders or have concurrent cases in the two systems. Though in many states victims of intimate partner violence may look to either the criminal or civil system for protection, neither system does a thorough job of protecting young victims. The civil system routinely bars youth from applying for the protection they seek based on age or the status of the relationship. The criminal system can be disempowering as the victim rarely controls the proceeding, and its high standard of proof is daunting.

Civil Court Protection

The slow evolution of domestic violence legislation has led to inconsistent state laws, which too often provide young victims of abuse with inadequate civil protection. Jurisdictional restrictions and requirements have significant effects on victims of TDV seeking access to justice. Several state laws obligate minors to petition for civil orders only when represented by an attorney or accompanied by a guardian of some kind.

Some of the greatest impediments to young people seeking protective orders are statutes that restrict access to the civil courts to individuals based on the status of the relationship. In New York, only individuals related by blood, marriage, or a legal relationship to the same child may petition the family court

¹⁴ Susan M. Sanders, Teen Dating Violence: The Invisible Peril 45 (2003).

for a civil order of protection.¹⁵ Most teen and young adult victims of abuse are unmarried and childless, and thereby barred from the civil courts. Other states that permit civil orders for individuals in dating relationships may not protect a victim of abuse for various reasons. Some state statutes do not protect a victim of stalking or an individual whose relationship is not of sufficient duration. Some laws define abuse by a “current” partner, but do not specifically include violence by “former” intimates. Limiting the definition of the relationship to “dating” or “romantic,” or defining it in the context of sexual intimacy, can bar many petitioners from accessing protection as well.

Criminal Justice System

The limitations of the criminal justice system as a resource for victims of TDV are numerous, yet the greatest barrier for youth is the entry point, which in nearly every state is an arrest of the abuser. Generally, young people are reluctant to approach police for help and have little confidence that police involvement will ensure their safety.¹⁶ They also may not wish to disclose the abusive behavior. In a recent study of college students by the U.S. Department of Justice, victims of violence reported that the top reason they did not report the violence they experienced to the police was that it was a “private or personal matter.”¹⁷

- Accompany your client to the police station to make a report about the abuse she has experienced. Without your help, police may not take a teenager alone seriously; they also may misinform her about whether or where she is eligible for relief.

Become familiar with your state’s penal code. Your young client may experience coercion, financial control, verbal abuse, and even subtle acts of physical abuse that may not rise to the level of arrestable offenses. Obtaining a criminal order of protection without an arrest can be a nearly impossible task in most jurisdictions.

Many characteristics of the criminal justice system serve to wrest control from the victim in much the same way her abuser has done. The goals and experience of the victim are not central to the criminal prosecution. As a witness and not the petitioner in the case, the victim does not control the proceeding and

¹⁵ According to New York Family Court Act § 822(a), “Any person in the relation to the respondent of spouse, or former spouse, parent, child, or member of the same family or household” may file the petition. Individuals in the “same family or household” include people related by blood or marriage, people who are married or divorced, or parents who have a child in common. See New York Family Court Act § 812 (1) (a-d).

¹⁶ Beverly M. Black & Arlene N. Weisz, Dating Violence: Help-Seeking Behaviors of African American Middle Schoolers, 9 (2) Violence Against Women 187, 189 (2003); Richard B. Felson, et al., Reasons for Reporting and Not Reporting Domestic Violence to the Police, 40 Criminology 617, 631 (2002).

¹⁷ Bureau of Justice Statistics, U.S. Dep’t of Justice, Violent Victimization of College Students, 1995-2002, at 6 (2005).

does not receive representation by an attorney, as she would in civil court.¹⁸ The prosecutor's office decides whether and when to bring the case, which is brought on behalf of the state not the victim. The criminal justice system has a punitive purpose, and many young victims seeking protection may be uninterested in punishing their batterers. Also, a young victim may have reasonable concerns that subjecting the abuser to the consequences of the criminal justice system may escalate the violence and place her more at risk.¹⁹ A teen may fear her abuser's friends if he is involved in gang-related activity; she may believe that even criminal penalties for a minor will not remove the abuser from her community for an extended period of time.

- With your client's permission, contact prosecutors to ensure that they are bringing the maximum charge against the abuser. You may need to educate the prosecutor about teen dating abuse. Also, you may be able to act as a resource for the prosecutor in maintaining contact with the client.

For the young person who overcomes her reluctance to communicate with police and follows through with a criminal prosecution of her batterer, the requirement that her case be proved "beyond a reasonable doubt" may still prevent her from obtaining a protective order. Because the standard of proof in criminal court is much higher than in civil court, young people who are ineligible for civil relief fail to access protection more frequently than their adult (or married) counterparts. Still, that the client is not an active party to a criminal case could be seen as an advantage. Because she is not controlling the charges against the batterer, he may be less likely to hold her responsible for any penalty and retaliate against her.

Because domestic violence cases are rarely resolved with the obtaining of a protective order, ideally providers will become familiar with – or have easy access to other experts in – other areas of law, such as public benefits, housing, immigration, and educational law among others. A teen might need to become emancipated from her parents in order to access public benefits that will afford access to a domestic violence shelter. Clients will frequently need more comprehensive legal or case management services that include speaking to a parent or accessing safe housing. Addressing a young victim's circumstances in a holistic way is the best method of ensuring her long-term safety.

8. *Develop a safety plan that fits your client's needs*

¹⁸ However, in at least two U.S. states, the prosecutor's office represents victims in seeking civil orders of protection.

¹⁹ Bureau of Justice Statistics, U.S. Dep't of Justice, Violent Victimization of College Students, 1995-2002, at 6 (2005); see also Felson et al., Reasons for Reporting at 641-642, and Cressida Wasserman, Nat'l Ctr. for Victims of Crime, Dating Violence on Campus: A Fact of Life, Networks 16, 19 (Fall 2003/Winter 2004).

Inevitably, safety planning – in which a step-by-step strategy for keeping safe is developed with the client – will play a critical role for victims of TDV. Assisting teens successfully means understanding the world of youth. A relationship between two young people may appear more ambiguous than one between adults that is defined by marriage or a shared household. A successful safety plan for a teen is designed for her school setting and community. Most importantly, you must recognize that the client's relationship status with her abuser may change many times between appointments or before court dates. Be prepared to discuss how your client, when she is ready, can safely break up with someone she may continue to see in school or near her home. She will need to think carefully through how the 'break-up' will occur. She should avoid terminating the relationship in a private place. She may opt to have friends around her or end the relationship over the phone or by email. Rehearse with her things that she can say if her partner tries to persuade her to remain in the relationship. Still, a teen's safety plan must reflect her reality and give her tools to keep safe in the event she continues to see the abuser.

- Understand her social life.

Because a teen's social circle or schedule may vary by day or by week, the safety plan must adapt to those circumstances. A sixteen year old victim involved with an abuser in her school will have different needs than one involved with a 25 year old man. A teen may fear the abuser's friends or his gang. She may feel hopeless about pursuing help because they will remain in the same school. A client involved with an older abusive partner will be particularly subject to his controlling behavior. An adult boyfriend, with a job or a car that makes him particularly appealing, may exert more influence over your client. His age and mobility may make her feel more powerless and under his control.

- Altering her route to school, knowing the location of local police stations, traveling with friends or family, and keeping a charged cell phone or change for a phone call with her are valuable reminders.
- Offer to speak to the school principal about alerting security personnel, changing a student's schedule, moving her locker, or obtaining a safety transfer.
- If your client has a job, offer to speak to your client's employer about changing her work schedule or arranging time off to come to court. Some jurisdictions have provisions that protect the jobs of employees who must attend court dates for domestic violence proceedings.

When developing a safety plan, a teen might be vague or wary about telling you where she goes and with whom. She may spend time in places you think are inappropriate or unsafe. When discussing your client's behavior with her, be sure to address her conduct without passing judgment but in the context

of how it may affect her safety plan. She may be using drugs or drinking around her batterer. If her judgment is impaired by substance abuse, she may be unable to leave a dangerous situation easily, or her credibility with police may be affected.

- Set aside your personal feelings about her behavior.

Instead of telling your client what to do, ask her what ideas she has for how she can keep herself safe. If she feels that she is an equal partner in developing the safety plan, she is more likely to use it. The plan should be reviewed in subsequent meetings with your client. Ask her what has been working and what hasn't been working, and make adjustments as needed. As you continue to demonstrate that your client's perspective is important, you will continue to build a foundation of trust, and empower your client to feel comfortable speaking to you about her experience. Your respecting her autonomy will make her more likely to contact you and other service providers for help in the future.

Conclusion

Young people are experiencing domestic violence, sexual assault and stalking at rates comparable to those of adults, yet their needs differ from those of adult victims. Taking the time to build a trusting relationship and establish open communication with a teen is painstaking work, but necessary to the goal of helping your client achieve safety.

This E-Newsletter is provided as a public service by the ABA Commission on Domestic Violence. All materials contained in this E-Newsletter, should not be construed as legal information, legal advice, legal representation, or any form of endorsement or recommendation. Unless specifically stated as policy of the ABA Commission on Domestic Violence, this information has not been approved by the House of Delegates or Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.