RESOLVED, That the American Bar Association encourages state and territorial legislatures to include within domestic violence statutes the same remedies, protections, and services to adolescents that are available to adults, including domestic violence restraining orders, access to shelters and safe houses, support groups, education, and counseling; other programs to aid in the prevention and elimination of violence; and access to legal assistance for adolescent victims; and

FURTHER RESOLVED, That the American Bar Association urges educational authorities, law enforcement officials, juvenile courts, and other government agencies to support more effectively adolescent dating awareness programs, domestic violence awareness programs, adolescent victim services, and teen offender intervention programs.
REPORT

I. Introduction

Adolescent dating violence is a prevalent issue that has been too widely ignored by society and the legal system. Approximately one in ten high school students experiences physical violence in a dating relationship. About one-third of all females under the age of 20 have either experienced some kind of dating violence or will experience it before they become adults. In many cases this violence has lethal consequences. The statistics are disturbing, yet too little attention has been given to this especially vulnerable group of young people.

II. General Need for Statutory Reform

The dynamics of adolescent dating violence and adult domestic violence are quite similar. However, the protections provided by law for these two classes of victims are very different. Adult victims of domestic violence can obtain civil and criminal justice system remedies under the laws of every state. However, the statutory and age requirements included in many domestic violence statutes actually prohibit adolescents from seeking these same protections. The most common requirement is that victims must have reached the age of majority in order to have access to statutory legal remedies. Thirteen states define domestic violence to include only relationships between adults. Nine states explicitly offer protection only to victims over age 18. Three more states require that these victims be at least 16 years old. Four states clearly specify that both the victim and the offender must be adults in order for the court to issue an order of protection.

Other obstacles for adolescents are the various living arrangement requirements incorporated into many statutes. This poses a problem because a great majority of adolescents do not live, or have not lived, with their abusers. Ten states use exclusionary definitions that require victims to be current or former cohabitants or spouses of their abusers. Only 15 states, the District of Columbia, Puerto Rico, and the Virgin Islands include dating adolescents in their definitions of domestic violence.

3 Id. at 435.
6 Id.
7 Id. at 371.
Teens excluded from coverage under current domestic violence statutes may find legal protection in anti-stalking laws. Victims can file a police complaint for more general crimes, as well as file for restraining orders under civil harassment laws. However, even these alternative forms of legal protection have restrictions, and they should not be a substitute for protections for teenagers under domestic violence laws.

The child welfare system is another potential resource for adolescents who have been battered by intimate partners. However, too often that system is unavailable to provide appropriate assistance. Many child protective services (CPS) agencies will decline to assist in matters that do not involve direct abuse or neglect of an adolescent by a parent or person responsible for their care. Furthermore, child protection personnel frequently view adolescents as less vulnerable to harm than younger children, thus teen victims of violence may not receive the help they need, especially given the limited resources of CPS.

Many adolescents lack access to legal recourse as well as necessary services. Adolescent girls are particularly vulnerable to relationships with abusive older men. This is due to the developmental issues that they face, low self-esteem or self-confidence, and inexperience with intimate relationships. Without legal and other support, these victims may be likely to experience school failure, truancy, early pregnancy, and other long-term negative consequences.

III. Legal Protections for Adolescent Victims

All legal protections available to adult victims should be available to adolescent victims. Civil and criminal domestic violence statutes need to include explicit remedies for minors. Statutes should incorporate relevant definitions contained within the National Council of Juvenile and Family Court Judges' Model Code on Domestic Violence. The Model Code defines "intimate violence" as abuse between family and household members, as well as violence between any intimate partners. The Model Code further defines "intimate partners" as persons of all ages in dating, courtship, or engagement.


Amy Hill et al., Protections for Child and Adult Abuse Victims Fail Adolescents, 20 Youth Law News 5 (May-June 1999).

Sharon G. Elstein and Noy Davis, Sexual Relationships Between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses 39 (ABA Center on Children and the Law, 1997).
relationships. In addition, adolescents need further legal protections specifically tailored to their unique needs.

Currently, thirty-one states specify that only individuals who are married, related by blood, have a child in common, or are living together qualify for civil protection order relief. Many adolescents do not fit into these categories. Civil protection or restraining orders offer a wide variety of legal remedies to the victims of domestic violence. Through protection/restraining orders, judges can order offenders to refrain from further abuse, vacate a residence, return or relinquish personal property, and stay away from their victims.

Minors also encounter many obstacles when seeking non-legal services available to adult victims of domestic violence. For example:

Shelters for battered women are often prohibited by city or state law from housing minors. Youth shelters designed to house runaway teens do not adequately address the problem of domestic violence. The locations of youth shelters are known and, therefore, do not provide the secured protection that teens fleeing from a situation of dating violence need.

States also need to provide specialized programs and services for teen victims. Services such as shelters, safe houses, support groups, education, and counseling, should be accessible to all victims of dating violence. In addition, courts should have the power to appoint attorneys or guardians ad litem to assist teenagers in domestic violence legal proceedings. Minors usually may not file a civil case or ask for restraining orders unless they have a guardian ad litem. Such representation can help guide the adolescent victim and offender through the court process with more ease and understanding.

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15 Id.
16 Id. at 354.
17 Id.
Education awareness programs on teen dating violence should also be available to teens and their entire communities. Many adolescents think that abusive relationships are normal, or don’t know that they involve a crime. In addition, teenagers are typically very hesitant to ask for assistance from adults. Only one out of every twenty-five teenagers involved in an abusive relationship is seeking help. Adolescents are especially reluctant to seek help from their parents. They may fear that their parents will be angry or will take away their independence. As a result, the law should provide protection to abused teens seeking help without the necessity of parental consent.

Many teens also don’t know how to access services and legal remedies. Intimate violence awareness classes or seminars at schools can help educate teenagers about dating violence. In addition, teen batterers are generally excluded from adult treatment services. Jurisdictions should establish specialized intervention programs for teen batterers. Finally, communities would benefit from developing and conducting dating violence awareness programs. Most especially, school officials, police, and juvenile court personnel should be required to participate in training programs that address teen dating violence prevention and intervention.

As one commentator on this issue has noted, “unless we formulate a coherent and legal response to the epidemic of teenage dating violence, the generational cycle of violence will continue.”

Respectfully Submitted,

Rachelle DesVaux Becke, Chair
ABA Young Lawyers Division

July 2000

26 Id. at 466.
30 Amy Hill et al., Protections for Child and Adult Abuse Victims Fail Adolescents, 20 Youth Law News 2 (May-June 1999).
1. **Summary of Recommendation(s).** This recommendation urges the extension of remedies, protections, and services within domestic violence statutes to adolescents, and urges schools, police, juvenile courts, and other government agencies to better support adolescent dating and domestic violence awareness programs.

2. **Approval by Submitting Entity.** The ABA Young Lawyers Division approved this recommendation at the meeting of its Assembly on February 12, 2000, in Dallas, Texas.

3. **Has this or a similar recommendation been submitted to the House or Board previously?** To the best of the knowledge of the Young Lawyers Division, this or a similar recommendation has not been submitted to the House or Board previously.

4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?** To the best of the knowledge of the Young Lawyers Division, the ABA has policy that addresses the issue of domestic violence, but none that specifically addresses violence in the context of adolescent dating.

5. **What urgency exists which requires action at this meeting of the House?** The incidence of adolescent dating violence is increasing, and efforts to address the issue are increasingly important.

6. **Status of Legislation. (If applicable.)** To the best of the knowledge of the Young Lawyers Division, there is no legislation pending at present that addresses this issue.

7. **Cost to the Association. (Both direct and indirect costs.)** None.

8. **Disclosure of Interest. (If applicable.)** Not Applicable.

9. **Referrals.** The resolution has been referred to the staff directors of all ABA sections and divisions and the Commission on Domestic Violence with the request that it be forwarded to their respective leaderships for comment.

10. **Contact Person. (Prior to the meeting.)** Bo Landrum, YLD Staff Director, Chicago Phone: (312) 988-5608; Fax: (312) 988-6231; E-mail: jlandrum@staff.abanet.org;

11. **Contact Person. (Who will present the report to the House.)** To be determined from among the following YLD Representatives to the ABA House of Delegates: Jeffrey M. Paskert, Fredrick H.L. McClure, William G. Scoggin, or La Ronda D. Barnes.