



The Law's Response to Teen Dating Violence

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Southeast Virginia Legal Aid Society, Feb. 11, 2022

Outline

1. Characteristics

2. State Law Approach: Criminal & Civil

3. Federal Law Approach: VAWA

4. Implications & Conclusion

Definition

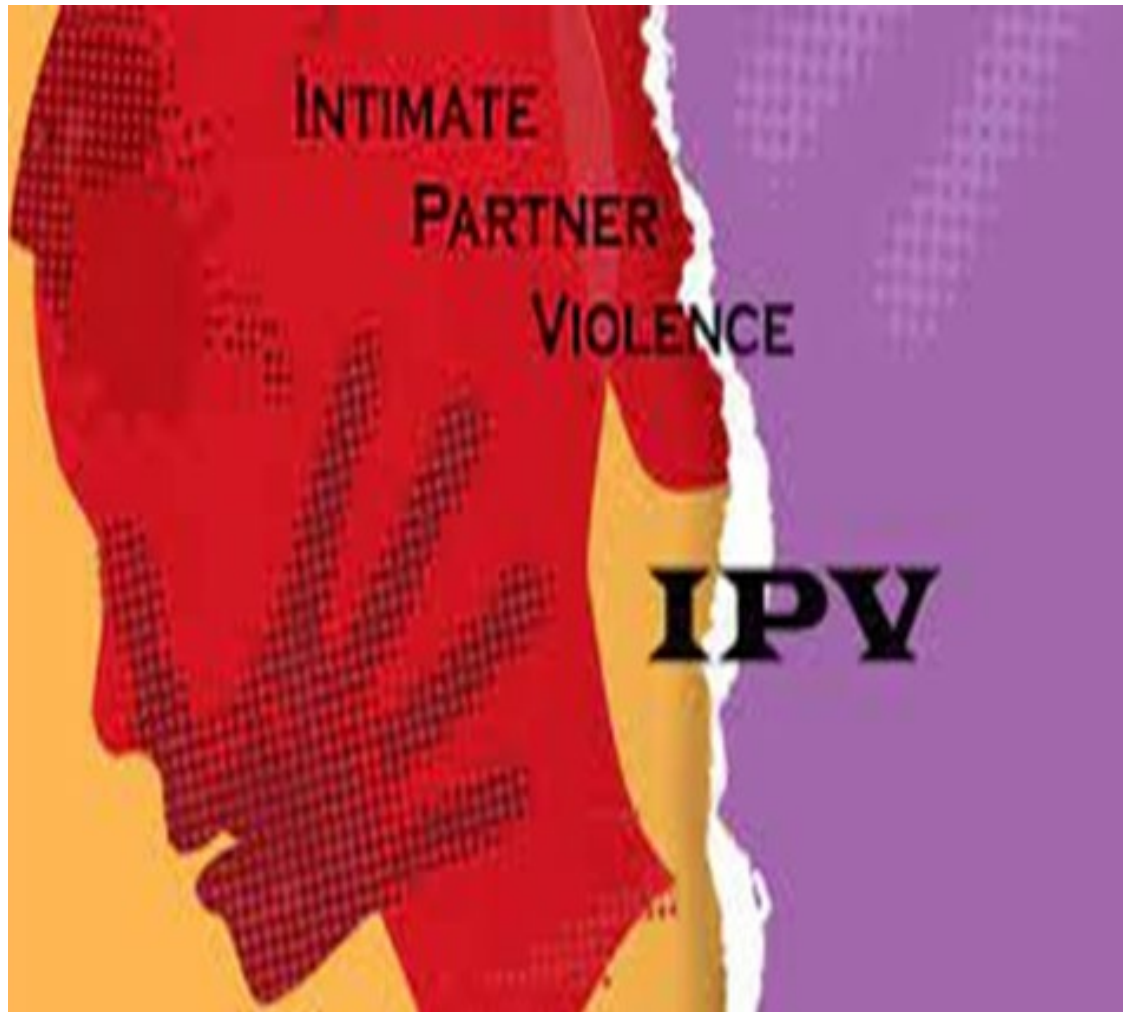
Physical, sexual, &
psychological/emotional
violence

Involving a current or
former dating partner in
which at least person is
under age 18

Description

Occurs in person &
electronically

Involves both opposite &
same-sex relationships



Comparison
with Adult
IPV

Many Similarities to Adult IPV

Forms of abuse (physical, sexual & psychological, etc.)

Can be in person or electronic

Cuts across racial, ethnic, & socioeconomic lines

-

Similarities with Adult IPV

Separation Assault

Nearly 1 in 5 teenage dating girls said a boyfriend had threatened violence or self-harm if presented with a break-up

Liz Claiborne, Teen Dating Abuse Survey (2005)

Differences from Adult IPV

Not financially dependent on abusers

Less likely to cohabit or have children together

Lack of relationship experience

Dependence on peers

The Silent Epidemic



Important Events



Rihanna



How Common

Nearly 30% of adolescent girls have experienced physical, sexual, or emotional abuse in their romantic relationships

Futures Without Violence,
https://www.futureswithoutviolence.org/userfiles/file/Teens/Teens_Sept_09_FINAL.pdf

How Common?

**25% of tweens (ages 9-12) have experienced
physical violence in their romantic
relationships**

Liz Claiborne Study, Teen Dating Abuse Survey (2005)

IPV Starts Early

About 1 in 5 women who ever experienced rape, physical violence, and/or stalking by an intimate partner, first experienced partner violence *between 11 to 17 years of age.*

>CDC, NISVS (2010)

Types of Violence

- 37% are victims (12 yrs) of psychological dating violence*
- 15% are victims (12 yrs) of physical dating violence*
- 31% are victims (12 yrs) of electronic dating aggression*
- 25% are victims (13-18 yrs) of sexual abuse (pressured to perform oral sex or engage in intercourse)**

**RWJ Fdn & Futures Without Violence, Prevention in Middle School Matters , Exec. Summary (2012);*

***Liz Claiborne, Teen Dating Abuse Survey (2005)*

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Role of Technology



- Plays major role in TDV
- Frequent texting & calling
- Revenge sexting
- Technology-enhanced stalking

Role of Technology: Research

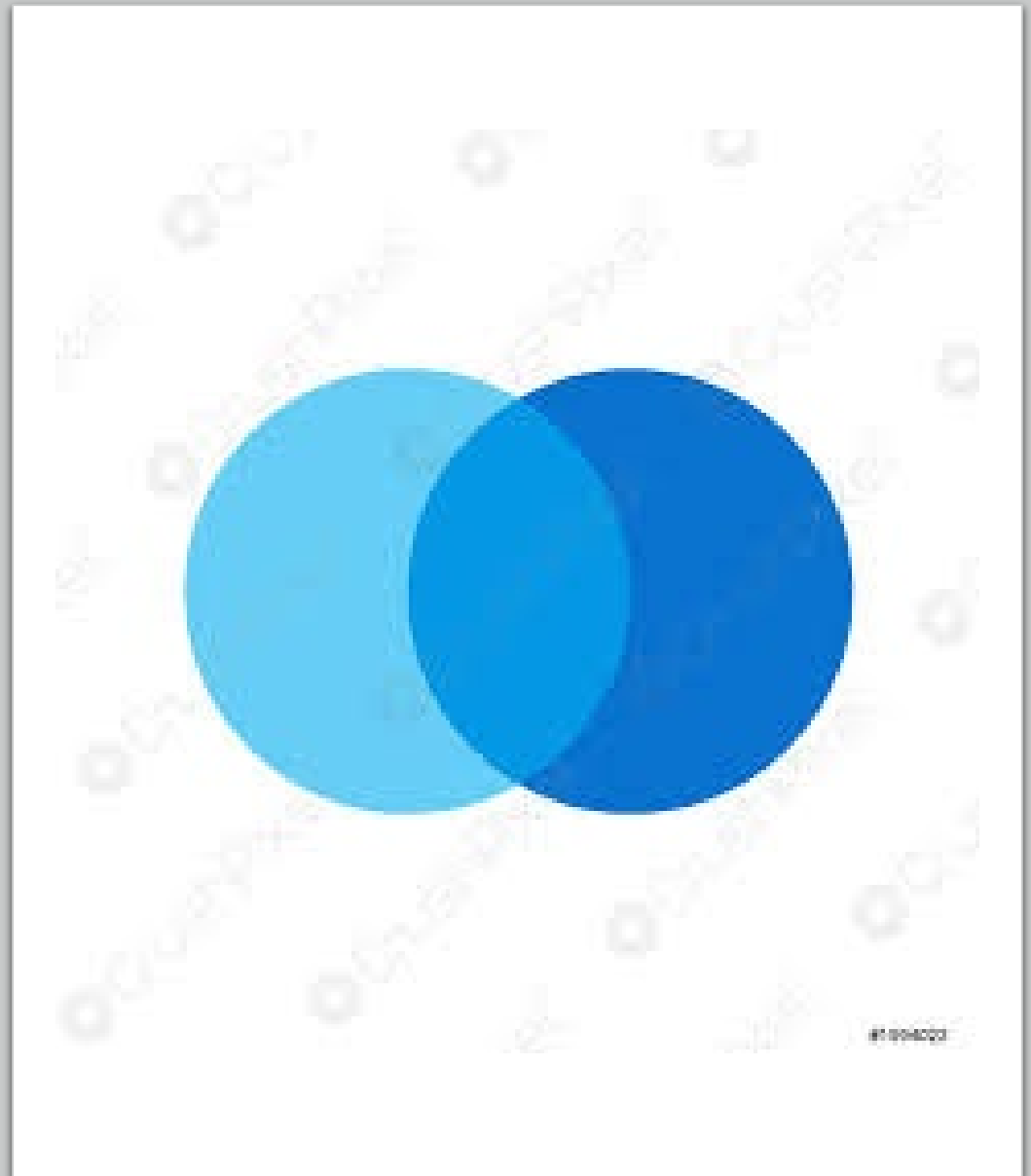


- More than 1/3 of teens in dating relationships say their partner checked up on them as many as 30x/day (regarding whereabouts & companions)
- Almost 1/5 of dating teens say their partner made them *afraid not to respond* to cell phone calls, emails or texts.
- *Peter Picard, Liz Claiborne, Tech Abuse in Teen Relationships Study (2007) (615 youth, age 13-18]*

Overlap

- About 50% of dating youth report mutual violence

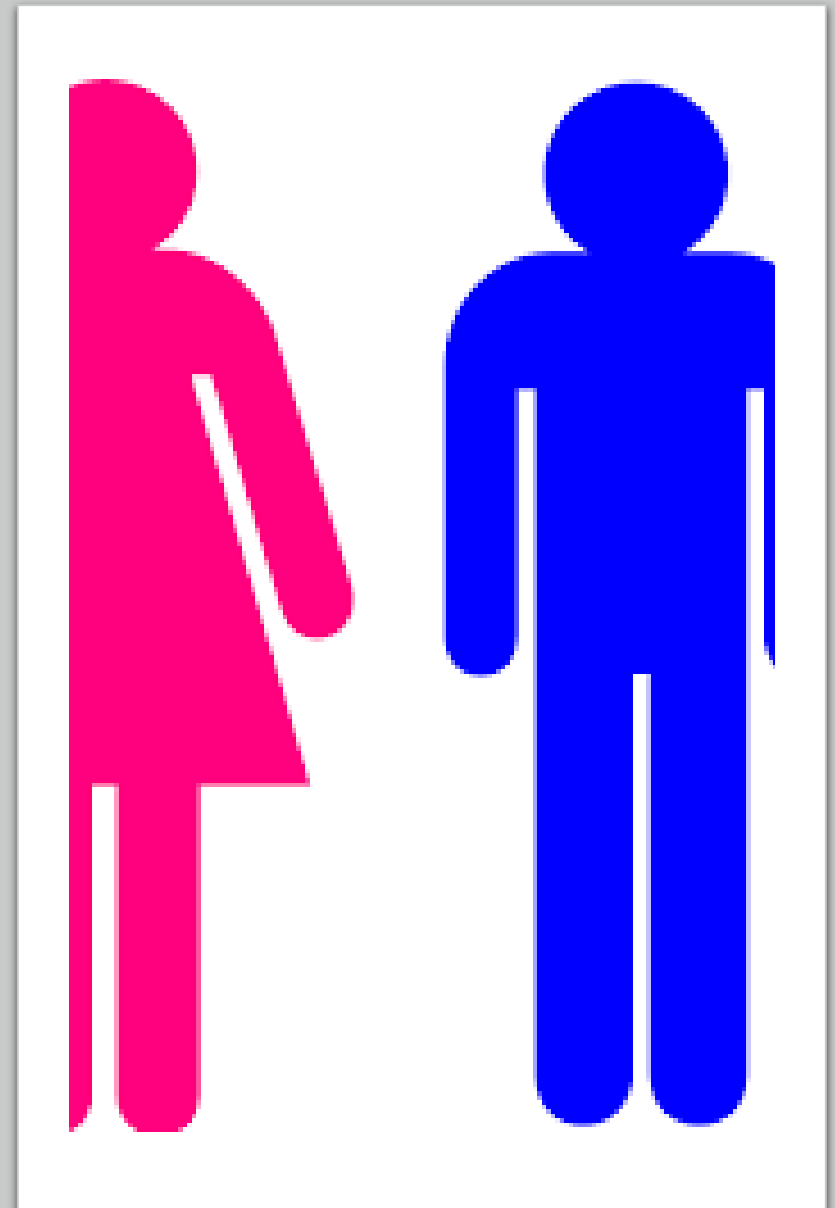
*Taylor &
Mumford, NORC
(2014)*



Gender

- Boys are more likely to inflict *injuries* as a result of perpetrating dating violence than girls.

Am. J. Preventative Med. 34
(2008): 30-38



TDV Homicides



- Girls (*aged 12-15*) who are victims of intimate partner homicides

Rennison, Bureau of Justice Statistics, IPV & Age (2001)

TDV Homicides



- Girls (*aged 16-19*) who are victims of intimate partner homicides

Rennison, Bureau of Justice Statistics, IPV & Age (2001)

Victim Characteristics

Age

Behavioral Indicators: Warning Signs

Health Consequences

Age: Research

- TDV starts early: by age 11 (*CDC*)
- Higher rates of TDV for girls: 25% of high school girls have been abused physically or sexually (*Pediatrics 116: 272-276*)
- Partner violence escalates throughout teenage years
- TDV is predictor of adult intimate partner violence
-

Warning Signs

- Rapid involvement in relationship
- Excessive jealousy
- Invasions of privacy
- Explosive anger & force during arguments
- Unusual moodiness
- Pressuring partner into unwanted sex
- Blaming for problems & not taking responsibility
- Controlling behavior
- Isolation from friends & family
- Constantly monitoring whereabouts
- False accusations
- Ruining personal property
- Taunting & bullying
- Threatening or causing physical violence.

Health Consequences

Physical injury
& death

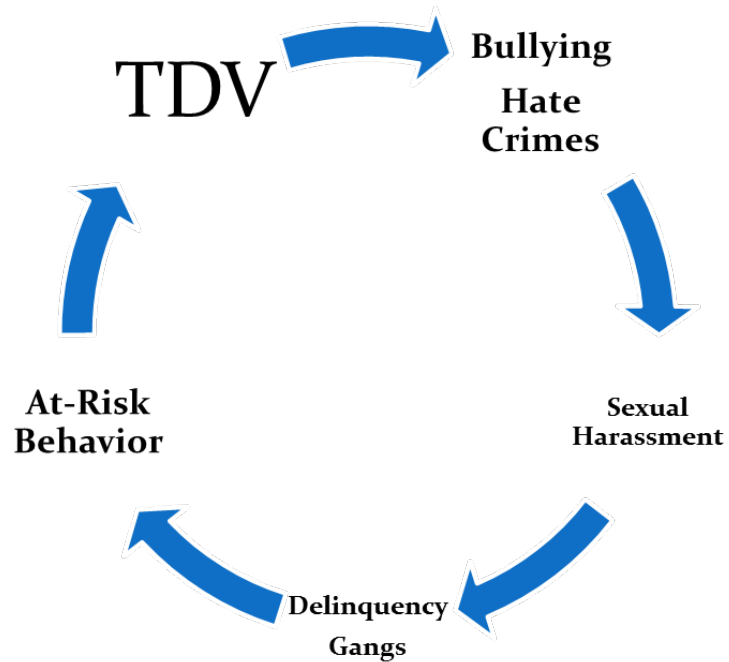
Depression,
anxiety, &
suicidality

Eating disorders

Substance abuse

Reproductive
harm (pregnancy,
STD's)

TDV Link to Social Problems



Influence of Parents & Peers



Parents Are Out of Touch

- Fewer than 1/3 of teens in abusive relationships confided in their parents
- Nearly half of parents with children aged 11-18 have not discussed dating violence with them
- 2/3's of daughters have not had a conversation about dating abuse with their parents

>Liz Claiborne Study, Teen Dating Abuse Survey (2005)





Peer Involvement

- Only 1 out of 3 victims ever told *anyone* about it
- 73% of teens (age 13-18) would *turn to a friend* for help in case of dating abuse

>*Liz Claiborne Study, Teen Dating Abuse Survey (2005)*

State & Federal Policy



Law's Response

Criminalization

Civil Protection
Orders

Prevention Education

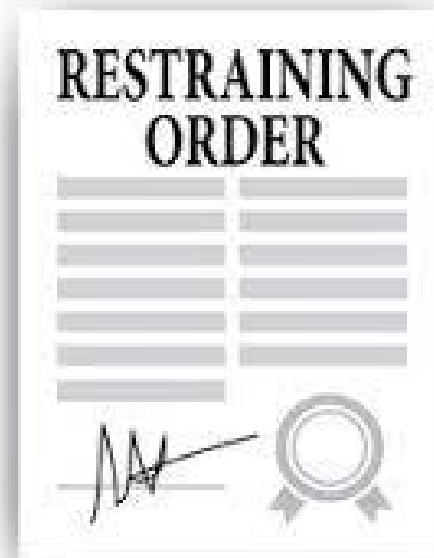
Criminal Response

Physical violence = same crimes as adult IPV (assault, battery, murder, crime of domestic violence, etc.)

Sexual violence = same crimes as adults plus statutory rape (sexual intercourse with a person under the age of consent, whether or not the sexual act is against that person's will)

Civil Protection Orders

- Expedited remedy
- Judicial petition
- Requires abusers to stay away from victims via no contact & stay-away orders & other restrictions
- Carries threat of criminal prosecution for violations



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Advantages CPO

immediate
relief

easier to prove
than criminal
offense

broad relief

accountability

empowering
for victims

Criticisms

Adhia et al., Variation in State Laws, J. Adolescent Health (2019) 30:1-6

Not all state laws allow teens the right to obtain PO's

Not all state laws allow teens to petition on their own behalf (they need a parent)

Not all state laws cover "dating relationships" or all types of abuse

Protection Orders in California

Cal. Fam. Code
§6211 (c)

- Minors (aged 12 & under) can file for PO without a parent
- But if under 18 & living with a parent, then parent must be notified unless judge determines notification isn't in minors' best interests





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Protection Orders in District of Columbia D.C. Code §16-1003 (6A)

- Victims 13-15 yrs can petition if in a qualifying relationship (romantic, dating, or sexual relationship)
- Victims <12 need a parent to file on their behalf
- If a parent files for a minor who is age 13 or older, the judge must consider the minor's wishes in deciding whether to issue the PO & its terms

Protection Orders in Virginia



- Victims can get PO for “family abuse: acts by “family or household member” involving violence, force, or threat that results in physical injury or places person in reasonable fear of death, sexual assault, or bodily injury
- Eligible: spouse/former; some relatives; co-parent or cohabitant (dating partners are not eligible) (Va Code §16.1-228)
- Only emancipated minors can file for protection orders on their own behalf
- PO is available via petition to Juvenile & Domestic Relations District Court if either party is under age 18

Another
Approach:
TDV
Prevention
Education



Rhode Island

- First state law on teen dating violence prevention education
- Lindsay Ann Burke Act (2007)





Lindsay Ann Burke: *Who was She?*

Lindsay's Mother's Role in Law Reform



Joe

- She lobbied for R.I. state law
- She testified before Congress regarding importance of prevention through education
- Urged Congress to fully fund program (as part of VAWA) to provide money for training school personnel, developing policies, and supporting victims

Mother's Role



- Started MADE (Moms and Dads for Education to stop dating abuse) with Liz Claiborne, Inc. to advocate nationally for middle & high schools to teach TDV
- R.I. law became model for other states
- Then-R.I. State Attorney General (Sheldon Whitehouse) became U.S. Senator & authored language about TDV prevention in federal law

Lindsay Ann Burke

Mother started Lindsay Ann Burke Memorial Fund

- Offers workshops to health teachers, school staff, parents
- Donates free curriculum materials to schools
- Sponsors annual poster contest for h.s. students
- Created a DVD training
- Created web resource site for health teachers

Rhode Island Lindsay Ann Burke Act (2007)

Requires school districts to develop dating violence policies & teach about dating violence, specifically in health class in public middle & high schools

Law requires every middle school and high school to educate staff and students about the dynamics of abuse and have a policy on how to respond to incidents of dating violence.

R.I. Lindsay Ann Burke Act (2005)

R.I. Gen. Laws Ann. §§16-85-1, 16-85-2, 16-21-30, 16-22-24

- 1. School districts must develop dating violence policy to address incidents that occur at school and inform parents of such policy
- 2. School districts must provide training to administrators, teachers, nurses, mental health staff at middle & high school levels
- 3. **School districts must teach age-appropriate dating violence curriculum through *HEALTH EDUCATION* classes every year in grades 7 through 12**
- 4. Strong recommendation for dating violence awareness trainings for parents

What is Included?

- (d) Each school district shall provide dating violence training to all administrators, teachers, nurses, and mental health staff at the middle and high school levels....
- The dating violence training shall include, but not be limited to:
- basic principles of dating violence; warnings signs of dating violence; and the school district's dating violence policy, to ensure that they are able to appropriately respond to incidents of dating violence at school. Thereafter, this training shall be provided yearly to all newly hired staff deemed appropriate to receive the training by the school's administration.
 - R.I. Gen. Laws §16-21-30

Video

- Katie Couric, Teen Dating Violence (7 min)
- https://m.youtube.com/watch?v=pRDM_wdz7cw

TDV Prevention Programs

SAFE DATES: An Adolescent Dating Abuse Prevention Curriculum, Hazelden Publishing, information at www.hazelden.org

LOVE IS NOT ABUSE: a teen dating violence prevention curriculum, information at www.breakthecycle.org

FUTURES WITHOUT VIOLENCE, START STRONG PROGRAM, information at <https://startstrong.futureswithoutviolence.org/about/>

States with School TDV Laws

- Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Nebraska, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and Washington

- *Nat'l Conf of State Legislatures, Teen Dating Violence (2018)*

School TDV Laws



- Mandatory versus Permissive
 - Curriculum Reform versus Policy/Protocols
 - Training of School Personnel
 - Develop Response & Reporting Mechanisms
-
- *Nat'l Conf of State Legislatures, Teen Dating Violence (2018)*

TDV Prevention Education

Va. Code Ann. §22.1-207.1:1

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and ***the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school***, as described in the Board of Education's family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on (i) the prevention of dating violence...



Other State TDV Education Laws

Federal Law

VAWA Reauthorization 2013

- Authorized grants for a new TDV prevention program
- Saving Money and Reducing Tragedies through Prevention Act (SMART Prevention Act)

Smart Act (VAWA 2013)

Authorized grants:

- *To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young individuals and individuals who influence young individuals....*

Smart Act (VAWA 2013)

- Such a program should include—
- (A) age and developmentally-appropriate education on domestic violence, dating violence, sexual assault, stalking, and sexual coercion, as well as healthy relationship skills, in school, in the community, or in health care settings;
- (B) community-based collaboration and training for those with influence on youth, such as parents, teachers, coaches, healthcare providers, faith-leaders, older teens, and mentors;
- (C) education and outreach to change environmental factors contributing to domestic violence, dating violence, sexual assault, and stalking; and
- (D) policy development targeted to prevention, including school-based policies and protocols.

Implications

Good news:

- Focus on TDV *prevention*
- Focus on younger adolescents

Bad news:

- Mandatory laws are difficult to pass
- Impetus has often been death of a teen
- Dependent on parents' lobbying efforts
- Lack of funding for implementation
- Need comprehensive response
 - Criminal & civil response
 - Protection orders for teens
 - Appropriate resources & interventions

VAWA Proposed Legislation (2022)

- Senator Murkowski's bill would amend *Public Health Service Act* to rename a formerly authorized demonstration grant as "Bree's Law"
- Bill allows demonstration grants for the purpose of improving adolescent health
- The bill also aims to teach teens:
 - where to go for help if they experience dating violence,
 - how to build healthy relationships,
 - how to practice positive communication skills, and
 - how to recognize and prevent abusive relationships from the start.

VAWA Proposed Legislation amending Public Health Service Act (Bree's Law, S. 2364)

Develop

Develop education and programs relating to TDV & abuse awareness and prevention (at no-cost to high school & middle school students in U.S.) to teach teens about healthy relationships & to recognize/prevent abusive relationships

Create

Create an interagency working group to address TDV (including DHHS, DOE, DOJ) & including parents of TDV & TDV survivors

Require

Require annual report to Secretary of HHS with recommendations to reduce and prevent teen dating violence

Take-Aways

Teen dating violence is highly prevalent among adolescents of all ages

TDV has serious short and long-term implications for health, including injury, death & adult IPV

The state law response consists of criminal laws, protection orders, and TDV prevention education. Federal law response consists of VAWA grant provisions promoting awareness.

Law reform could target improvements in protective order laws & widespread passage of TDV prevention education laws.

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Custody Laws Put Safety First

by Danielle Pollack & Joan Meier

Over the past five years there has been growing attention to the failure of child custody courts to protect children at risk from a dangerous parent. One response has been mounting pressure for stronger custody laws to better protect children in these cases. Armed with new research about disturbing family court outcomes, advocates, experts, and survivors of nightmarish experiences in family courts are slowly but deliberately advancing federal and state statutory reforms aimed at addressing the problem. These reforms seek to ensure that courts prioritize children's safety over parents' rights, close gaps between the private custody and child welfare systems for at-risk children and improve judicial and court personnel training standards.

This article briefly introduces the movement for family court change and describes a set of federal and state reforms that have recently been achieved or are in progress. It then discusses some key policy issues which have arisen in the development of these reforms, while offering the authors' perspectives and guidance to future policy advocates.

Movement for Family Court Reform

Over the past several decades a "protective parent" movement demanding child-safety reforms has been growing in the U.S. and internationally. It is fueled by patterns of disturbing outcomes,

See CUSTODY LAWS, page 11

Innovative Legal Remedies for Coercive Control

by D. Kelly Weisberg and Julie Saffren

I. Background

The doctrine of coercive control marks a radical transformation in our understanding of intimate partner violence. It has slowly revolutionized the field by enhancing our knowledge of the underlying dynamics of power and control. In the past few years, law reform efforts have culminated in the codification of coercive control in several foreign countries and a few American states. The codification movement stems from an awareness that new strategies are necessary to capture this pattern of abuse that the law heretofore failed to recognize.

Forensic social worker Evan Stark coined the phrase "coercive control" in articles in the 1990s and a landmark book in 2007.¹ Coercive control consists of an ongoing course of abusive psychological conduct that is sometimes interwoven with physical abuse. Its effects are cumulative rather than incident-based. This understanding contrasts with the traditional view of intimate partner violence as discrete incidents of physical assault in which severity is measured by the extent and seriousness of physical injury. Tactics of coercive control involve intimidation,

degradation, humiliation, surveillance, and isolation. This conduct is designed to establish a regime of domination of the victim in daily life that is intended to instill fear, dependence, compliance, loyalty, and shame.

This form of abuse is widespread; perhaps as many as 60% to 80% of abused women experience coercive control in addition to their experiences of physical and emotional abuse.² Coercive control can be just as damaging as, and sometimes more damaging than, physical violence. It can lead to severe depression, post-traumatic stress disorder, and sometimes suicide.

Dr. Stark conceptualizes the offense in criminal terms—not as a crime of assault but rather as a "liberty crime" focused on depriving victims of their rights to physical security, dignity, and respect. As he explains, "Emphasis shifts from what men do to women to what they keep women from doing."³ He has proposed criminalization as a means of recognizing the seriousness of the offense and as a legal remedy for abusive conduct that generally evades liability.

Several legal scholars have adopted Dr. Stark's formulation in advocating

See LEGAL REMEDIES, next page

About This Issue . . .

This issue of DVR focuses on cutting-edge developments in domestic violence policy: (1) law reform incorporating "coercive control" into law, and (2) law reform to prioritize children's safety over parents' rights in child custody decision making.

D. Kelly Weisberg, Editor, *Domestic Violence Report*

ALSO IN THIS ISSUE

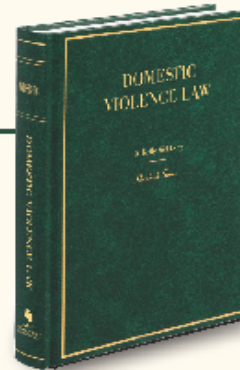
California Court of Appeal Cases Mark Important Victories for Survivors and Advocates 3

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DOMESTIC VIOLENCE LAW

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This Hornbook is an authoritative, comprehensive overview of all aspects of state and federal law on domestic violence. Hallmark features include in-depth exploration of the following topics and more:

- The nature and extent of domestic violence
- The role of influential factors (age, sex, race, ethnicity, sexual orientation, disability, social class)
- The full range of physical, sexual, and psychological abuse
- Violence Against Women Act
- Criminal defenses (self-defense, duress, cultural defense, provocation)
- Evidentiary issues (Confrontation Clause, hearsay, forfeiture-by-wrongdoing)
- Family law issues (marriage, divorce, custody, and abduction)
- Orders of protection (both civil and criminal)
- Tribal law
- Up-to-date coverage of the Violence Against Women reauthorization bill before Congress, the recent U.S. Attorney General's decision reversing longstanding asylum protection for survivors, and the recent U.S. Preventive Services Task Force recommendation regarding health care screening for domestic violence.

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