

Teen Dating Violence

KEY ISSUE

Public Policy



prepared by

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KEY ISSUE

Public Policy

Federal legislation and public policy addressing teen dating violence is, historically, relatively new. Protecting the safety and controlling the behavior of adolescents and young adults – even those involved in abusive or violent intimate relationships – has been seen by most legislators, law enforcement officials and policy makers as the private responsibility of parents. Indeed, it wasn't until the last quarter of the 20th century that the phrases “battered woman” and “domestic violence” entered the U.S. public policy arena (Valente, Hart, Zeya & Malefyt, 2001). The recent attention to dating violence in adolescent relationships may be attributable in large measure to the foundational work of the anti-domestic violence movement – which spurred legal and social reforms since the 1970s – to recognize and respond to domestic violence against women and their children. Improving system responses to battered adult women and their children via federal and state laws and policies provides a critical first step for more intensive efforts concentrating on teen dating violence.

This *Key Issue* provides a brief overview of the recent federal action defining dating violence (VAWA II); federal funding for transitional housing assistance and services to minors fleeing domestic violence (PROTECT Act) and state action issues and challenges involving protection orders and legal sanctions for teen dating violence perpetrators.

Violence Against Women Act of 2000

The federal Violence Against Women Act of 2000 (VAWA II) added a definition of dating violence into federal law and incorporated dating violence into a number of VAWA activities. Dating violence is defined in VAWA II as:

“...violence committed by a person – (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.”

Violence Against Women Act of 2000, 42 U.S.C. §3796gg-2(9)

Specific sections of VAWA II also expand funded activities to include dating violence in the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, STOP (Services, Training, Officers, Prosecutors) Violence against Women Formula Grants, Rural Domestic Violence and Child Victimization Grants and Grants to Reduce Violent Crimes Against Women on Campus Program. Dating violence is not, however, currently part of the Legal Assistance for Victims (LAV) grant program. VAWA II also expands judicial training on dating violence and specifically includes juvenile courts in this training (Office on Violence Against Women, 2001).

Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act)

The PROTECT Act of 2003 amends the Violence Against Women Act of 1994 to authorize funding for transitional housing services and related activities to “provide assistance to minors, adults, and their dependents” who are the following:

“(1) homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and (2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.”

PROTECT Act, P. L. No. 108-21, Title VI, Sec. 611 (to be codified as 42 U.S.C. §13975)

Authorized activities under the PROTECT Act are broad and include rental and utility assistance and support services for minors, adults, and their dependents. Grant programs are to be administered through the Office on Violence Against Women (OVW) of the U.S. Department of Justice (PROTECT Act, 2003).

PROTECTION ORDERS AND CRIMINAL SANCTIONS – STATE-BASED POLICY CHALLENGES

Civil protection orders can afford a survivor of domestic violence a variety of comprehensive remedies and a voluntary opportunity to request relief based upon individual need. There are, however, a number of barriers for teens in accessing protection orders. First, to qualify for a protection order, an applicant must have the requisite “covered relationship” – e.g., current and former spouses, intimate partners, and those with a child in common. Teen relationships marked by domestic violence often do not fit within one of these protective order classifications – although an increasing number of jurisdictions are adding “dating violence” to their protective order codes (National Center for Victims of Crime, 2003; Brustin, 1995). Second, many places require minors to have legal guardians apply for protection orders on the minor’s behalf and/or mandate notice of the proceeding to the teen’s parent or guardian. This can constitute a barrier to safety for teens living out of the home or those who are otherwise estranged from legal guardians. The breach of confidentiality caused by requiring another person to apply on behalf of the teen has its own safety risks. Finally, another complication may be whether or not the protection order can be obtained against a minor (National Center for Victims of Crime, 2003). This barrier eliminates the protective order remedy for some teen victims altogether.

Another primarily state-based public policy issue related to teen dating violence is how to best provide sanctions for young offenders. Historically, the juvenile justice system developed in the late 19th century as an alternative to the adult criminal legal system. The basic premise of juvenile justice was to differentiate between children and adults when it came to criminal sanctions. Rehabilitation and treatment were the primary values for structuring consequences of criminal acts by young offenders (Steinberg, 2003). Contemporary juvenile justice policy has changed significantly over the last century and is now characterized by legal changes that lower the age at which youths can be tried as adults and expansions in the range of offenses for which youth can be transferred to adult court (Steinberg, 2003). The tendency to treat youths as adults also comes at a time when the criminal legal system is scrutinized for its simultaneous

overrepresentation of communities of color broadly and continuing underutilization generally as a responder to violence against women.

In structuring analysis and responses to the challenges of holding teen batterers accountable, teen survivor safety concerns must be front and center. Safety issues for teens include the challenges and barriers to obtaining civil legal relief such as protective orders and accessing confidential support and advocacy services. Teen victim safety options are also impacted by a teen's ability to afford basic human needs such as a place to live, food, healthcare, and child care either separately from adult caretakers or in dependence upon them. Finally, it is important to monitor and assess law and policy that may tend to coerce teen victims into the accountability and rehabilitative measures directed at the young offender.

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References

- Brustin, S. (1995). Legal Responses to Teen Dating Violence. *Family Law Quarterly*, 29, 331-356.
- National Center for Victims of Crime (2003) *Overview of Legislative Issues*. Retrieved January 5, 2004 from <http://www.NCVC.org/policy/issues/datingviolence/index.html>
- National Center for Victims of Crime (2003) *Minors' Access to Protective Orders*. Retrieved January 5, 2004 from <http://www.NCVC.org/policy/issues/datingviolence/orders.html>
- Office on Violence Against Women (2001) *The Violence Against Women Act of 2000 (VAWA 2000)*. Retrieved January 5, 2004 from http://www.ojp.usdoj.gov/vawo/laws/vawa_summary2.htm
- Prosecutorial Remedies and other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act), Pub. L. No. 108-21, Title VI, sec. 611 (to be codified at 42 U.S.C. §13975).
- Steinberg, L., (2003). Juveniles on Trial: MacArthur Foundation Study Calls Competency into Question. *ABA Criminal Justice*, 21-25.
- Valente, R.L., Hart, B.J., Zeya, S., & Malefyt, M. (2001). The Federal Commitment to Ending Domestic Violence, Sexual Assault, Stalking, and Gender-Based Crimes of Violence. In C.M. Renzetti, J.L. Edleson & R.K. Bergen (Eds.), *Sourcebook on Violence Against Women* (pp. 279-301). Thousand Oaks, CA: Sage.
- Violence Against Women Act of 1994, Pub. L. No. 103-322 (codified in scattered sections of 8 U.S.C., 18 U.S.C., & 42 U.S.C.).
- Violence Against Women Act of 2000, Pub. L. No. 106-386 (codified in scattered sections of 8 U.S.C., 18 U.S.C. & 42 U.S.C.).

ENCLOSURES

The enclosed materials (reprinted with permission) provide information related to legislative and legal issues involved in advocacy for teens involved in violent dating relationships:

Office on Violence Against Women (2001) *The Violence Against Women Act of 2000 (VAWA 2000)*.

Retrieved January 5, 2004 from http://www.ojp.usdoj.gov/vawo/laws/vawa_summary2.htm

National Center for Victims of Crime (2003) *Overview of Legislative Issues*. Retrieved January 5, 2004 from <http://www.NCVC.org/policy/issues/datingviolence/index.html>

National Center for Victims of Crime (2003) *Minors' Access to Protective Orders*. Retrieved January 5, 2004 from <http://www.NCVC.org/policy/issues/datingviolence/orders.html>

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ADDITIONAL INFORMATION

Additional information on these and other teen-related issues is available through the following:

- Technical Assistance/Public Education Team of the National Resource Center on Domestic Violence
Telephone: 800-537-2238 and TTY: 800-553-2508

and other organizations comprising the Domestic Violence Resource Network (DVRN):

- Battered Women's Justice Project
Telephone: 800-903-0111, Ext. 1 (Criminal Justice), Ext. 2 (Civil Justice), Ext. 3 (Defense);
- National Health Resource Center on Domestic Violence
Telephone: 888-792-2873 and TTY: 800-595-4889;
- Resource Center on Domestic Violence: Child Protection and Custody
Telephone: 800-52-PEACE (527-3223);
- Sacred Circle, National Resource Center to End Violence Against Native Women
Telephone: 877-733-7623