

Gender & Diversities Institute
&
Centro de Investigación en Estudios de la Mujer
Universidad de Costa Rica

Teen Dating Violence: An Ignored Epidemic

LeAnna M. Gutierrez, Esq.
California Women's Law Center
Los Angeles, California, USA

Domestic Violence in the United States

Intimate partner violence is primarily a crime against women. In the United States, 85% of all intimate partner violence is committed against women.¹ 90% of protective orders are against male defendants.² In fact, according to the United States Department of Justice, women are more likely to be victimized by a nonstranger than a stranger, while the opposite is true for men.³ And women are the victims of three out of four of all intimate partner murders.⁴ Similarly, women are at the greatest risk of being murdered by someone they know. For example, 30% of all female murder victims are killed by intimate partners.⁵ Interestingly, while the overall homicide rate in the United States has been in steady decline since the 1970s, intimate partner homicide of men has declined 60% since 1976, while the rate of intimate partner homicide of women has remained relatively stable since 1976.⁶

Teen Dating Violence

Unfortunately, adolescent girls are not immune to the violence adult women experience every day. Statistics show that women between the ages of 16 and 24 are the most vulnerable to nonlethal violence.⁷

The patterns and signs of teen dating violence tend to mirror those exhibited in adult abusive relationships. Dating violence is violence perpetrated by one partner against another and includes physical abuse ranging from pushing, to throwing objects, to attacking with weapons, as well as sexual and emotional abuse.⁸ Abusive boys, like abusive men, intimidate, physically threaten, force sexual intimacy, isolate young women from friends and family, equate possessiveness and jealousy with love, and use their social status to establish control over the women in their lives.

In the United States between 1993-99 there were over 17,000 incidents of intimate partner violence committed against girls between the ages of 12 and 15 years old.⁹ Weapons, including guns and knives, were used in 11% of these violent incidents.¹⁰ And 11% of the incidents were rapes or sexual assaults.¹¹ Unfortunately, only 27% of the

victims reported the abuse to law enforcement.¹² And only 60% told anyone at all, usually a friend rather than an adult.

During these same years, there were over 123,000 incidents of intimate partner violence committed against girls between the ages of 16 and 19.¹³ Weapons were used in 13% of the incidents.¹⁴ And only 45% of the victims reported the abuse to law enforcement.¹⁵ While this shows a greater percentage of girls in their late teens reporting, it still accounts for under half of all of the violent incidents perpetrated at the hands of intimate partners.

The failure to address teen dating violence is especially damaging to adolescent girls due to the cyclical nature of domestic violence. Many children who grow up in violent homes recreate the violence in their peer relationships. Girls who are abused at young ages tend to involve themselves with abusive men as they grow older. Likewise, without intervention, a teenage boy who is battering his girlfriend will continue to use controlling behavior as he enters adulthood.

One way that teen dating violence is different from adult domestic violence is that peer pressure plays an enormous role in dating violence. Abusive boys, like men who are violent toward their partners, are often outwardly charming and well liked. Such behavior often makes it difficult for women to leave abusive relationships; the situation can be especially problematic for teenage girls.

Link Between Dating Violence and Teen Pregnancy

Recent studies have shown that there is a correlation between pregnancy and dating violence among teens. While researchers have not been able to conclusively state that dating violence increases teen pregnancy, the fact is that 26% of pregnant teenagers reported begin physically abused by their boyfriends.¹⁶ And 50% of those reporting abuse stated that the battering began or was intensified with the knowledge of the pregnancy.¹⁷

Pregnant teens are already vulnerable due to the discrimination they suffer from peers and adults, and the shame related to the pregnancy, which results in them being more likely to stay in abusive relationships for fear that they will be completely alone if they leave. Similarly, the stress that pregnancy places on teens and the feelings of confusion and shame, helps to create an atmosphere that is conducive to violence and control.

Barriers to Reporting the Abuse

Mandatory child abuse reporting laws are useful to some degree, however, they create great barriers to teens in abusive relationships. Teens are generally aware of mandatory reporting laws and therefore do not tell anyone about the abuse, for fear that the abuse will not be held in confidence.

Some reasons for a teen's reluctance to tell someone are fear of minimization of the abuse by adults, fear of causing prosecution, fear of losing freedom after their parents find out about the abuse, fear of lack of confidentiality, embarrassment, concerns about immigration status and repercussions of an arrest, fear of high legal fees, peer pressure to

stay in the relationship or to not get the abuser in trouble, language barriers and cultural barriers.

Legal Options

There are legal options available to teens in abusive relationships. Abuse can be reported to law enforcement as a criminal matter, and/or the victim can seek a civil restraining order against the batterer.

There are, however, some disturbing facts about restraining orders. Approximately 60% of issued restraining orders are violated. And greater than 17% of all intimate partner murder victims had obtained valid restraining orders against the batterer at the time of death.¹⁸

With that said, if restraining orders are obtained early in the relationship and if violations are aggressively prosecuted, they can be very useful tools for young girls to stop the violence they experience.

Overview of Orders in California

There are four different types of orders that can be obtained against an abusive partner or acquaintance. A teen can obtain an emergency protective order, a temporary restraining order, a permanent restraining order, or a civil harassment order. Each order has slightly different requirements but all provide similar protections. All domestic violence orders are free. However, civil harassment orders which are not domestic violence orders, do have a fee attached.

Emergency Protective Orders, or EPOs, are available 24 hours a day but are only good for up to 5 business days or 7 regular days, including weekends or holidays. An EPO can only be obtained if the person seeking the order is in immediate and present danger of violence. If that is the case, the police can contact a judge at any time of day or night to request to have an order issued over the telephone.

Temporary Restraining Orders, or TROs, are good for up to 3 weeks, and Permanent Restraining Orders can be good for up to three years. In order to obtain a permanent restraining order, a full hearing is held at which both parties involved are allowed to present evidence proving why an order is or is not required.

Civil harassment orders are essentially the same as restraining orders. The difference is that these orders can be obtained against anyone regardless of the relationship between the victim and the abuser. Civil harassment orders are often used to restrain acquaintances, neighbors or stalkers.

Not all restraining orders are mutual, meaning that both the person seeking the order and the person to be restrained are both subject to the order. However, if the order is mutual it is important that both parties adhere to its requirements, because both are bound by law to do so.

Who Can Obtain an Order and Against Whom

In California anyone who is at least 12 years old can petition a judge for a restraining order without the consent or presence of an adult or guardian. The judge has discretion to appoint a guardian if she deems that the minor is incapable of going forward with the proceeding without adult assistance. The judge also will notify the parent or parents of the victim unless she finds notification would not be in the best interests of the minor.

Domestic violence restraining orders are heard in Family Court, instead of Juvenile Court, if the victim is older than 12, regardless of the age of the batterer. This is important because when cases are heard in Juvenile Court the proceedings are not open to the public. In addition, all documents relating to Juvenile Court proceedings are kept confidential. However, when cases are heard in Family Court the proceedings are open to the public and the information is not confidential. This means that restraining orders against juvenile batterers are not confidential. The only caveat to this is that if there is a police report, the minor's name will be redacted in the interest of confidentiality. The result is that it is somewhat unclear at times what information presented during a hearing to obtain a restraining order will be confidential and what will not.

The age at which a person can obtain a restraining order varies from state to state. Some states require that the person seeking the order is at least 18 years old, while other states have various exceptions to the age requirement. California was one of the first three states to allow minors to petition for restraining orders.

A restraining order can be obtained against anyone with whom the victim had a dating relationship (in California one date is sufficient to constitute a dating relationship), an engagement, marriage, or cohabitation relationships, has a child in common with, or is related by blood, marriage or adoption. Again, civil harassment orders can be obtained against anyone regardless of relationship to the victim.

What a Restraining Order Can and Cannot Do

A restraining order can keep the abuser away from the victim in the following ways:

- Require no contact with the victim, including but not limited to physical contact, written communications, including email, or telephonic communications.
- Require the restrained person to stay a specified distance away, usually 100 feet. This of course presents substantial problems when dealing with teens. Often teen abusers and victims attend the same schools. Obviously in these situations the order cannot be obeyed without a substantial amount of assistance from the school.
- Restraining orders can also require the batterer to return property, attend batterers treatment programs, reimburse the victim for expenses resulting from abuse, and can include temporary custody and visitation decisions.
- Finally in California, it is a misdemeanor to violate a restraining order, meaning that if a person violates an order he can be jailed for up to one year and/or fined.

Shelter Availability for Teens

One of the difficulties teens face is a lack of resources, as well as simply not receiving helpful and useful information when they do reach out for assistance. For example, the California Youth Crisis hotline refers teens who are victims of dating violence to general youth shelters. The youth shelters house runaways, minors who are being abused at the home, and anyone who needs shelter. These shelters are not equipped to assist teen dating violence victims or abusers. For example, teen shelters are set up to accept anyone who walks in, which simply fails to provide the security dating violence victims require. Also, there is no requirement that the counselors receive any sort of domestic violence training.

Teens are very rarely referred to domestic violence shelters. Battered women shelters generally do not accept unemancipated minors without an adult to accompany them whether or not they would legally be able to do so. And battered women's shelters generally would not take an unemancipated minor without, at the least, parental consent. This is due to both practical and legal restrictions.

Battered women shelters are designed and equipped to assist adult women. Most teens who are going to a shelter are either runaways or former foster children who have since gotten involved with abusers and simply have no support systems at all. Most shelters are not equipped to handle those cases. Furthermore, in California battered women's shelters do not need to be licensed while teen shelters must be. This legal requirement tends to discourage domestic violence shelters from choosing to service teens.

Legislative Ideas and Policy Recommendations

There are legislative solutions to addressing teen dating violence.

- California law distinguishes between teen dating violence and adult domestic violence by requiring that all violence toward unemancipated minors under the age of 18 be reported as child abuse.¹⁹ To its credit, California law is unique in that it requires mandatory reporting of teen dating violence. Because of the mandatory reporting requirements, Child Protective Service workers are often the first people who receive the complaint about the abuse. They then review the case and, depending on the county or city, send the complaint to the city or district attorney's office.
- Child Protective Service workers, therefore, must be able to distinguish between dating violence and child abuse. There are vastly different dynamics present in these situations. While there will be dating violence situations that will also be legally defined as child abuse, depending on the age of the abuser, there are many situations where the abuser is also a teen, or does not qualify under the statutory rape statutes.
- With regards to teen dating violence the same dynamics at play in adult domestic violence situations can be found in teen relationships. For example, this can mean that the complaining victim may retract her complaint following positive attention from her abuser. Without proper training these cases are likely to be mishandled to the detriment of the victim. For example, because child abuse is under the

jurisdiction of Child Protective Services, mislabeling dating violence as child abuse often delays the involvement of law enforcement allowing the batterer to elude serious punishment.

- Furthermore, without proper training in teen dating violence, Child Protective Service workers may not know to screen teens within a household where there is domestic abuse. This is crucial because teens who are exposed to violence in the home are at greater risk of entering into a violent relationship themselves. There must also be follow-up training for workers while they are in the field. A one-time training session on domestic violence is simply not enough training to ensure that Child Protective Service workers are screening for dating violence when they are confronted with teens exposed to domestic violence in the home, or are properly identifying dating violence situations.
- Making a distinction between adult domestic violence and teen dating violence also irrationally labels the same type of violent behavior differently based solely on the age of the victim. Further, when dating violence is reported as child abuse, statistics regarding child abuse and domestic violence become skewed and the pervasiveness of dating violence is hidden while the pervasiveness of child abuse is inflated. These inaccurate statistics reinforce the myth that dating violence is not a problem that schools, parents, or lawmakers need to address.
- Domestic violence laws must be equally applicable to minors. This is true in California. However, it does not hold true in other states.
- States must mandate that all schools provide education regarding dating violence. Many teens do not know how to recognize an abusive relationship, do not know the legal remedies available to them, nor are they aware of available resources. Many shelters are already actively going into classrooms and teaching students and faculty about dating violence. While this is commendable, there needs to be a state-mandated curriculum so that an individual school is not deciding whether or not to provide education on dating violence and so the education is not dependent on the funding, availability and staffing of the local battered woman's shelter. These classes must include education about domestic violence, the legal remedies available to victims, resources available and counseling opportunities.
- There must also be required judicial education on domestic violence laws and how they apply to teens. It is difficult enough for a teen to file a restraining order—having a judge who is not aware that the teen does not need a parent present makes the situation much more difficult. Also, the more educated judges are regarding teen dating violence, the more assistance they can give to schools on how to effectively deal with restraining orders.
- Furthermore, there must be more research conducted on the issue of teen dating violence. Both on a state and national level there has been very little done on this issue. The statistics concerning dating violence among teens must be separated out from the overall statistics on assaults among juveniles. Both on a national and a state level, the dating violence statistics are not separated from the statistics on simple and aggravated assaults. This makes gathering information to conduct further research on teen dating violence very difficult. For example, the recent United States Surgeon General's report on teen violence simply failed to include dating violence. The reason provided by the office of the United States Surgeon

General was that there was simply not enough time to do a report on teen violence that included dating violence. This attitude minimizes the seriousness of the problem and marginalizes girls who are in abusive situations. And it reinforces their view that what they are experiencing is either normal or at the least not important or serious enough for adults to be concerned about it.

Community Solutions

There are also actions that can be taken by schools and individual communities to address the problem of dating violence. School officials need to be aware of the problem of teen dating violence and must create an atmosphere within the school community that is comfortable for victims of dating violence. There are several ways to accomplish this:

- A restraining order is ineffective if violations of the order are not reported. It is crucial that teachers and other school officials know when a student has a restraining order against another student. Each school should establish a restraining order tracking system so that the appropriate officials are aware of outstanding restraining orders within the school. A system that tracks all restraining orders obtained by students will serve to notify school employees that an order exists, thus enabling them to recognize subsequent violations.²⁰
- All school nurses and counselors should receive domestic violence and dating violence training. Nurses and counselors can be great resources for teens but they must have the training and education so that they can be helpful. Also, school counseling offices should make restraining order forms available in schools as well as detailed information regarding where and how to file the order. Also, peer counselors can be very effective when working with teens.
- Complaints or reports of dating violence should be kept separate from other reports of student on student assaults in order to facilitate the awareness of patterns of violence that may emerge.
- Dating violence generally does not occur as an isolated incident. Thus, patterns of abuse are recognizable if accurately reported, and identifying these patterns of abuse will help officials develop effective policies to address dating violence.
- Local shelters must establish solid relationships with schools so that they can work together to address dating violence. Likewise, it is important that there is a strong community network that can assist the teachers and school officials in addressing dating violence.
- In addition to the work schools must do to address dating violence, religious institutions within the community must work toward educating the community.
- Finally, the media plays a significant role in society's views on domestic violence. For this reason, the people within the media should take part in educating the community and should ensure that incidents of dating violence are reported accurately.

Conclusion

Ignoring the pervasiveness and danger of teen dating violence marginalizes the terrifying experiences confronting young women daily. Young women and men cannot be called upon to recognize and stop the violence within their relationships without assistance from

both the legal and educational systems. A student who participated in the domestic violence class at SELF High School in Irvine, California, clearly illustrated this point when she said, “If I hadn’t taken the class, I wouldn’t have known I was in an abusive relationship. I thought it was normal.”²¹

¹ See CALLIE MARIE RENNISON, PH.D., AND SARAH WELCHENS, U.S. DEPT. OF JUSTICE, INTIMATE PARTNER VIOLENCE, NCJ 178247 (May 2000).

² American Bar Association network, <http://www.abanet.org/scripts/printView.asp>, last visited Dec. 7, 2001.

³ See RENNISON, supra note 1.

⁴ See id.

⁵ See id.

⁶ See id.

⁷ See CALLIE MARIE RENNISON, PH.D., U.S. DEPT. OF JUSTICE, INTIMATE PARTNER VIOLENCE AND AGE OF VICTIM, NCJ 187635 (Oct. 2001).

⁸ See Alwyn Cohall, M.D., et al., Love Shouldn’t Hurt: Strategies for Health Care Providers to Address Adolescent Dating Violence, [3] 54 J. Am. Med. Women’s Association. 144, 144–145 (1999).

⁹ See RENNISON, supra note 7.

¹⁰ See id.

¹¹ See id.

¹² See id.

¹³ See id.

¹⁴ See id.

¹⁵ See id.

¹⁶ American Bar Association network, <http://www.abanet.org/scripts/printView.asp>, last visited Dec. 7, 2001.

¹⁷ See id.

¹⁸ See id.

¹⁹ California Penal Code § 11165 et seq. requires that teachers and health officials, among others, report to Child Protective Services (CPS) any suspected abuse of a minor under the age of 18, including those minors who are married or emancipated. See CAL. PENAL CODE §§ 11165-11165.6 (Deering 2001).

²⁰ Massachusetts has employed a restraining order tracking system that requires school officials to track restraining orders issued to students. See Bombardieri, supra note 12.

²¹ Michael Datcher, Beat it, available at <http://www.salon.com/news/1998/01/28news.html> (Jan. 28, 1998) (last visited Aug. 22, 2001).