

TEEN DATING VIOLENCE: THE NEED FOR JUDICIAL LEADERSHIP

The domestic violence reform movement focused on adult victims and perpetrators has been underway since the 1970s, but attention to the equally serious harms and dangers of violence in teen relationships, and the fact that unchecked it transmits domestic violence to the next generation, is very new. As detailed in the *Dynamics of Teen Dating Violence* Information Sheet, one in five teen girls in a relationship reports being physically and/or sexually abused;¹ abused teens suffer depression, eating disorders, poor school performance, and often self-medicate with alcohol and drugs;² teen dating victims are coerced into criminal activity and trafficked;³ intimate partner homicide is a leading cause of death for teen victims.⁴

Despite these alarming realities, it was not until 2005 that teen dating violence was included in the Violence Against Women Act, in the reauthorization of legislation originally passed in 1994. In 2006, following the lead of domestic violence organizations nationwide, Congress designated the first week of February as “National Teen Dating Violence Prevention and Awareness Week.” In 2010 Congress expanded that week to a full month,⁵ and the White House began issuing proclamations urging awareness of the short and long term impact and prevention efforts.⁶ But despite this official attention, the misperception that violence in a dating relationship is nothing to be alarmed about, is just domestic violence ‘light,’⁷ is widespread in the courts and the community. Teen dating violence – including its intersections with issues ranging from custody to juvenile justice to trafficking -- is an area of the law in great need of judicial leadership.

What’s at Stake in Teen Dating Violence Cases

- 1 in 5 teen girls in a relationship reports being physically and/or sexually abused.
- Abused teens suffer depression, eating disorders, poor school performance, and often self-medicate with alcohol and drugs.
- Teen dating victims are coerced into criminal activity and trafficked.
- Intimate partner femicide is a leading cause of death for teen victims.

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Judicial Leadership for the Courts – Domestic Violence Courts

Dealing effectively with teen dating violence requires judges, court staff, and court-related professionals with specialized training on the particular needs and developmental stages of teenagers, but very few domestic violence courts are dedicated to teens. Judicial leadership is needed to establish more of them. Fortunately the first and second of these courts – the first a juvenile family court, the second a criminal court – are extensively described in materials available on the web. These materials are listed on the Resources sheet that follows this commentary.

The first of these courts is the Juvenile Domestic Violence and Family Court of Santa Clara County in San Jose, California, established by the county's Superior Court and Juvenile Probation Court in 1999. What is particularly interesting about this court in this era of straitened court budgets is that it was established without special funding. As described by Judge Eugene Hyman, who presided over this court from its founding:

“The Court was started with no additional financial resources. Instead, collaborative partners ‘loaned’ personnel. Juvenile probation provided dedicated probation officers to supervise cases, the public defender and district attorney provided dedicated personnel. The largest police agencies in the county provided supervisors to an oversight committee, as did county mental health and other agencies.”⁸

The Santa Clara Court had a dedicated court docket and developed protocols between the court and its collaborating partners to ensure a common understanding of the role and responsibilities of each. California law already required probation and law enforcement to have domestic violence training. The new court required specialized training for court personnel and attorneys as well. Victims were provided with age-appropriate services and offenders were referred to a 26-week intervention course tailored to teens. At the end of ten years there had been two comprehensive evaluations of the court's effectiveness in reducing recidivism. The findings of both evaluations were that first-time offenders who completed the intervention program were less likely to re-offend, and the all juveniles seen by this court were less likely to re-offend while on probation and attending the course and being monitored in frequent mandatory court reviews.⁹ Reaching young offenders to change their behavior before it became entrenched was key.¹⁰

The second dedicated court is the Youthful Offender Domestic Violence Court in Brooklyn, New York, established in 2003. A study of that court's effectiveness described this court as follows:

- The Brooklyn Youthful Offender Domestic Violence Court (YODVC) is designed to promote: *Victim safety* through links to a specialized victim advocate, social services and other resources that address the unique needs of teen complainants (such as difficulty in safety planning, limited shelter options, developmental concerns such as loss of autonomy, issues regarding trust, parents and families, school, etc.).
- *Behavior change* among adolescents arrested for dating violence through adolescent educational groups designed to prevent their continuing the cycle of violence into adulthood.
- *Informed judicial decision-making* based on specialized training in adolescent development and relationship violence among teens (i.e., enhanced knowledge about the ways in which teens experience social pressures; the secrecy surrounding teen dating violence; the common reconciliation between teen couples, particularly when the teens have a child in common; and teens' lack of relationship experience).
- *Collaboration* among criminal justice agencies, schools and community-based groups offering assistance to adolescent domestic violence victims."¹¹

This court was evaluated after its first six months. One of the most interesting findings was the dramatic increase in victim cooperation. The specialized victim advocate secured corroborating affidavits in 50 percent of all teen dating violence cases, whereas prior to having this specialized advocate the District Attorney's office estimated that it obtained a corroborating affidavit in fewer than 10 percent of cases.¹²

Specialized teen dating violence courts are optimum, but may not always be possible. However, another way judges can lead in this area is to ensure that every court that deals with domestic violence includes in its education programs a focus on the specifics of teen dating violence and how judges, court personnel, probation officers, victim advocates, batterer intervention programs and others should respond to the needs and challenges of this age group.

Judicial Leadership for the Courts – Family Courts

Because many teen dating violence victims have children with their abusers, victims' efforts to escape often require courts to rule on custody and visitation. Many teen victims and abusers are exposed to domestic violence in their families of origin and are enmeshed in a generational cycle which it is critical to interrupt. Court rulings that support the non-abusing, protective parent and eliminate children's exposure to violence are key to that interruption.¹³

Custody and visitation rulings in teen dating violence cases are also an important opportunity to promote parenting classes for both parents. Young parents and youth raised in indifferent foster care are often unaware that good parenting requires more than food, clothing and shelter. They do not know that they need to be talking and playing with their children from the moment of birth in order to literally build their brains.¹⁴ In some cases judges will have jurisdiction to mandate parenting classes for abusers but only suggest them for victims, but participation in these classes should be strongly encouraged for both parents.

Judicial Leadership for the Courts – Juvenile Courts

Teen dating violence has significant repercussions for courts dealing with delinquent youth, particularly teenage girls. As noted in *The Dynamics and Consequences of Teen Dating Violence* Information Sheet, frequently teen girls arrested for offenses ranging from shoplifting to drug sales to prostitution are being coerced into criminal activity by a violent dating partner. Some are being trafficked. Judicial leadership is needed to change the way juvenile courts view these young women and understand their lives. What is the role of the courts in helping teens who are not threats to public safety but are living with threats to their own safety? As detailed in the report, "Gender Injustice: System-based Juvenile Justice Reforms for Girls,"¹⁵ treating these girls as fatally flawed and imposing detention is not a fair or effective approach. They need trauma-informed courts,¹⁶ safety planning, and the variety of family and community support services that will improve their environments and enable them to move forward with their lives. Juvenile courts that understand teen dating violence have an opportunity to reframe these cases. Let public defenders and prosecutors know that you want to see cases presented with more than boiler plate charges; you want to know about the context that is driving the teen's behavior. Take a leadership role in supporting effective diversion programs that will help teen dating violence victims rather than revictimizing them.

Judicial Leadership for the Community

Judges' outreach to their communities is governed by their states' codes of judicial conduct, and some are more expansive than others. In 2006 the Conference of Chief Justices and Conference of State Court Administrators urged the American Bar Association to add language to its Model Code of Judicial Conduct recognizing judges' civic responsibilities, including developing public education programs and engaging in community outreach activities to promote the fair administration of justice.¹⁷

Indiana's code exemplifies this commitment. The Comment to Rule 3.1 of the Indiana Code of Judicial Conduct, Extrajudicial Activities in General, states:

“To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law.”¹⁸

In 2013 the National Council of Juvenile and Family Court Judges (www.ncjfcj.org), working with Futures Without Violence, created a three-day curriculum titled *Adolescent Relationship Abuse* which they presented in 2012 for juvenile, family, and criminal court judges from across the country concerned about the increasing number of teen victims and perpetrators of intimate partner violence appearing before them. NCJFCJ subsequently published *The Judicial Institute on Adolescent Relationship Abuse: Curriculum Excerpts and Exercises*¹⁹ with excerpts from each segment of the complete curriculum. With respect to the Judicial Leadership segment NCJFCJ states:

“Judges are encouraged to imagine Coordinated Community Responses in their own communities to help them identify who should join them in creating a safety-and-accountability-net for adolescents. In this segment, judges are challenged to evaluate their own behaviors and practice communicating effectively with youth.”²⁰

In addition to those who should join the court in an “official” Coordinated Community Response, judges are in a unique position to educate their communities – parents,

schools, youth organizations, faith-based organizations and others – about the seriousness of teen dating violence and the necessity for prevention. Judges can make the community aware of the resources available to help parents engage in discussions with their teens and to help institutions and organizations develop prevention programs. The Resources list attached to this commentary provides information about these resources that judges can pass on when, for example, they speak at a high school, or use the occasion of National Teen Dating Violence Prevention and Awareness Month to hold a prevention program at their own court.

Teen dating violence is a highly complex issue profoundly influenced by victims' and offenders' experiences in their families and communities as well as their own brain development. The significant research on teen brains summarized in the Information Sheet "The Teenage Brain: New Knowledge from Neuroscience," and the many resources on teen dating violence now available for courts and communities, offer judges the tools to make a significant difference in the lives of teens who are perpetrating and being subjected to teen dating violence, and in the lives of the children they may have currently or in the future.

Endnotes

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