

Break the Cycle

Empowering Youth to End
Domestic Violence

**STATE-BY-STATE
TEEN DATING VIOLENCE
REPORT CARD
2009**

EXECUTIVE SUMMARY

Break the Cycle State-by-State Report Card
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STATE-BY-STATE REPORT CARD HIGHLIGHTS FOR 2009

- Break the Cycle refined its scoring system in order to better assess the way that state civil domestic violence protection order laws address the needs of teen victims of domestic violence.
- Eight states' grades improved – Illinois, Minnesota, Mississippi, Florida, Delaware, Wisconsin, Maryland, New York, and Iowa.
- Two states received “A” grades for the first time – Illinois and Minnesota.
- Four states that received “F” grades last year improved their grades – Wisconsin (“B”), Maryland (“C”), New York (“C”), and Iowa (“D”).
- New York changed its civil domestic violence protection order law to include dating and cohabitating relationships, better protecting teen victims of domestic violence.
- Florida expanded its definition of domestic abuse to include dating violence and increased protections for victims of dating violence, allowing many teens greater access to civil remedies.
- New Mexico added sexual assault and stalking to its definition of domestic abuse, expanding protection for all victims of domestic violence.
- The District of Columbia passed legislation increasing legal protection for minor victims of domestic violence, including clarifying when minors may petition for protection on their own behalf and holding minor perpetrators accountable and providing appropriate interventions.

STATE-BY-STATE REPORT CARD EXECUTIVE OVERVIEW

As the leading voice for teens on the issue of dating violence, Break the Cycle advocates for policy and legislative changes to better protect the rights and promote the health of teens nationwide. Engaging, educating and empowering youth through prevention and intervention programs, Break the Cycle helps young people identify and build safe, healthy relationships.

One in three teens will experience some form of abuse in a dating relationship. Teens who suffer from abusive relationships exhibit increased rates of substance abuse, high-risk sexual behaviors, eating disorders and suicidality. Teen victims are substantially more likely than classmates to bring weapons to school and three times as likely to be involved in a physical fight.

Sadly, teens face overwhelming obstacles to getting help such as limited access to basic securities like money, shelter and transportation. Exacerbating the barriers for teens are the widespread statutory restrictions that exist because so few states recognize teens as victims of domestic abuse. In fact, teens experience abuse at extremely high rates and young women between the ages of 16 and 24 exhibit the highest rates of abuse—above any other age group.

Break the Cycle believes that minor teens should be able to access the same legal protections as adult victims of domestic violence, including civil domestic violence protection or restraining orders, and that state domestic violence laws should explicitly state the rights and responsibilities of minors under the law. Break the Cycle believes that all teens over the age of 12 should have the right to petition for protection on their own behalf and that domestic violence protection orders should be available against minor abusers.

To call attention to this critical situation, Break the Cycle set out to assess the climate of each state's civil domestic violence protection order laws and their impact on teens seeking protection from abusive relationships. Initially, the aim of the research was to compile an up-to-date single location of this state-by-state information for teens and those who care about them.

However, after the preliminary research was completed, Break the Cycle identified a series of common trends (both negative and positive) that called for further analysis. The factors were then grouped into larger categories, which were placed in order from most adverse to most protective. Point values (ranging from -5 to +5) were assigned to each category depending on whether the statute language was helpful or harmful in the protection of minors.

When a state's law was ambiguous or unclear with regard to the treatment of minors, Break the Cycle's scoring system assigned negative points. If a discrepancy existed between the text of the statute and the application of the law to minor victims of domestic violence, Break the Cycle relied on the guidance of domestic violence organizations from within that state to clarify the law. In cases where such clarification was not possible, final scores reflect the text of the statute only.

Once final scores were tallied, the numbers were converted to percentages with the following distribution:

- A** **≥81%**
- B** **71% - 80%**
- C** **63% - 70%**
- D** **55% - 62%**
- F** **≤54% or automatic failure**

Only five states received A's—California, Illinois, Minnesota, New Hampshire and Oklahoma. Eleven states failed, with ten of those states receiving an automatic failure.

Break the Cycle hopes these grades will spur action among state legislatures throughout the country and activism among our nation's youth. It is essential that dating violence and the needs of minor victims be specifically addressed within state domestic violence statutes. Lawmakers have a responsibility to address this issue and to propose legislation that will ensure the protection of all victims of domestic violence—regardless of their age.

STATE-BY-STATE REPORT CARD FACTORS CONSIDERED FOR EVALUATION & GRADING

Positive Factors

- The statute includes various lesser offenses within its definition of abuse that make it easier for a victim to get a protection or restraining order (e.g. cyberstalking, harassing phone calls, sexually oriented offenses, stalking, emotional abuse, animal cruelty)
- Generally, the length of the restraining order lasts for one year. Anything more than one year is positive and longer than two years is extremely positive.
- The statute provides the victim with various kinds of compensation (e.g. medical expenses, injuries, insurance, moving expenses, lost earnings, reimbursement for meals, pain and suffering).
- The statute allows minors to file a protection or restraining order without an adult's involvement.
- The statute recognizes extended degrees of family members under the group that may get a protection or restraining order on behalf of a minor or are protected by the order (e.g. step, grandparent, child, second cousin).
- The statute allows a victim to obtain a protection or restraining order against minors within a certain age limit.

Negative Factors

- Sexual abuse is not included within the definition of abuse.
- The statute does not include a stay away order.
- Dating is not recognized but sexual relations are recognized.
- The statute specifically identifies heterosexual relationships as the only group afforded domestic violence protection.
- The statute does not include personal relationships in which the parties are residing together.
- The statute does not provide for child custody, child or spousal support for the victim requesting a protection or restraining order.
- The statute requires a minor to get parental permission when seeking a protection or restraining order.
- The statute does not protect other individuals under the protection or restraining order (i.e. family members, children, and/or other household members).
- The statute does not specify who files for a petition on behalf of a minor (because minors cannot file on their own).
- Generally, the length of the restraining order lasts for one year. Anything less than one year is negative.
- The statute does not allow restraining orders to be filed against someone under 18 years of age.

Automatic Failure

- Dating relationships are not specifically recognized as valid domestic relationships for obtaining restraining orders.
- Protection orders and restraining orders are not available to minors.

Please note: This analysis of state laws was conducted by looking *only* at state civil domestic violence protection or restraining order laws. While teens may be able to seek protection and other remedies through other types of protection or protection orders or through the criminal law, these laws were not included for the purpose of this analysis.

STATE-BY-STATE REPORT CARD SUMMARY OF FINDINGS

Below is a summary of findings¹ on how state civil domestic violence protection order laws address the circumstances teen victims² face.

Dating Relationships

- Thirty-nine states and the District of Columbia allow victims of domestic violence who are dating their abuser to apply for a civil domestic violence protection or restraining order. These states are: AK, AR, CA, CO, CT, DC, DE, FL, HI, IA, ID, IL, IN, KS, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NY, NH, NJ, NM, NC, ND, OK, PA, RI, TN, TX, VT, WA, WV, WI and WY. Not all of these states use the word “dating” in the law or define dating in the same way. But, all thirty-nine include protection for victims in a dating relationship.
- Eleven states do *not* allow a victim who is in a dating relationship to apply for protection under their civil domestic violence protection or restraining order laws. These states are: AL, AZ, GA, KY, MD, OH, OR, SC, SD, UT and VA.
- One of these states, Oregon, allows a victim who is in a sexual relationship with the abuser to apply for a protection or restraining order.

Co-Parents

- All but four states, LA, NH, TN, and VT, explicitly allow victims of domestic violence who have a child with their abuser to apply for a protection or restraining order. However, each of those four states includes at least some protection under the law for teens that are or were dating, living with or in an intimate relationship with their abuser.
- Illinois goes farther than other states, allowing victims of domestic violence to apply for a protection or restraining order against an abuser who is allegedly the parent of their child.

Restrictions for Same-Sex Relationships

- There are five states that in some way restrict protection under the civil domestic violence laws to opposite-sex couples only. Three of these states, MT, NC and SC, specifically offer protection only to opposite-sex couples.
- Louisiana law specifies that to qualify for a domestic violence protection order as a cohabitant, the victim must be living with an abuser of the opposite sex.
- In Idaho, the text of the civil domestic violence law does not exclude same-sex couples; however, when the law was adopted, the Idaho legislature stated that the law was intended for opposite-sex couples.

¹This Report Card and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, Break the Cycle is not responsible for inaccuracies in the text.

² The relationship categories discussed in this section apply to all petitioners regardless of age, but are particularly relevant to teens.

Restrictions on Protection for Minor Victims

- New Hampshire is the only state where the law specifically allows a minor of any age to go to court by themselves to apply for a protection order.
- In Missouri, domestic violence protection orders are only available to adults.
- Nine states, CA, CT, MN, NJ, OK, OR, UT, WA and WY, allow minors to obtain protection or restraining orders without the involvement of a parent, guardian or other adult if they meet certain requirements. These requirements include being a certain age (e.g. over 16) or having a certain relationship with the abuser (e.g. having a child in common with the abuser). Three of these states, CT, NJ, WY, do not specify how a minor victim can apply if they do not meet the age or relationship requirements.
- Four states, AZ, ID, IA, and NV, explicitly require that a minor must have a parent or legal guardian involved in the process of applying for a protection or restraining order.
- More than half of states do not explicitly specify the minimum age of a petitioner.
- 16 states do not specify who can file for a minor
CO,CT,DE,DC,MA,NE,NJ,MN,NY,NC,ND,RI,TN,VA,WY, and SD.
- Tennessee does not specify who can file for a minor; however, a minor must have one signature from a parent or legal guardian.

Restrictions on Protection from Minor Abusers

- Seven states impose explicit age restrictions on the person against whom a protection or restraining order is obtained: AZ, CO, MI, MO, NV, NJ, and OK. Many state laws are silent on the issue of obtaining protection or restraining orders against minors.
- In Missouri and Nevada, a victim cannot get a protection or restraining order against anyone who is a minor. In New Jersey, the abuser must be 18 years old or emancipated.
- Four state laws allow protection or restraining orders against some, but not all, minors. In Oklahoma, a victim cannot get a protection or restraining order against someone under the age of 13; in Arizona the abuser must be 12; and, in Colorado and Michigan, the abuser must be at least 10.

STATE-BY-STATE REPORT CARD GRADE SUMMARY

Alabama	<i>F</i>
Alaska	<i>C</i>
Arizona	<i>F</i>
Arkansas	<i>B</i>
California	<i>A</i>
Colorado	<i>D</i>
Connecticut	<i>D</i>
Delaware	<i>C</i>
District of Columbia	<i>C</i>
Florida	<i>B</i>
Georgia	<i>F</i>
Hawaii	<i>C</i>
Idaho	<i>D</i>
Illinois	<i>A</i>
Indiana	<i>B</i>
Iowa	<i>D</i>
Kansas	<i>D</i>
Kentucky	<i>F</i>
Louisiana	<i>B</i>
Maine	<i>C</i>
Maryland	<i>C</i>
Massachusetts	<i>D</i>
Michigan	<i>C</i>
Minnesota	<i>A</i>
Mississippi	<i>B</i>
Missouri	<i>F</i>

Montana	<i>D</i>
Nebraska	<i>D</i>
Nevada	<i>D</i>
New Hampshire	<i>A</i>
New Jersey	<i>C</i>
New Mexico	<i>D</i>
New York	<i>C</i>
North Carolina	<i>F</i>
North Dakota	<i>D</i>
Ohio	<i>F</i>
Oklahoma	<i>A</i>
Oregon	<i>D</i>
Pennsylvania	<i>B</i>
Rhode Island	<i>C</i>
South Carolina	<i>F</i>
South Dakota	<i>F</i>
Tennessee	<i>C</i>
Texas	<i>B</i>
Utah	<i>F</i>
Vermont	<i>C</i>
Virginia	<i>F</i>
Washington	<i>B</i>
West Virginia	<i>C</i>
Wisconsin	<i>B</i>
Wyoming	<i>C</i>

For more information visit www.breakthecycle.org.

STATE-BY-STATE REPORT CARD RECOMMENDATIONS FOR POLICY IMPROVEMENT

Break the Cycle's recommendations for improvement seek the removal of any and all barriers that might prevent a young person from accessing protection under the law. Even in states that received an "A" grade, there are ways to make laws more accessible to and protective of teens. Following is a brief overview of recommendations for state law improvement:

- States should permit minors 12-years-old and above to petition for domestic violence protection orders.
- States should remove restrictions that require parental involvement, permission and/or notification in order for minors to access civil domestic violence remedies.
- States should ensure minors can petition for custody and child support for their own children.
- States should promote education among their judges and within the juvenile system on the issue of teen dating violence.
- States should permit same-sex couples to access all civil domestic and dating violence remedies.
- States should specifically state that "dating" meets the relationship requirement within their domestic violence protection order and criminal statutes, regardless of the existence of a sexual relationship.
- State laws should provide for free legal services for minors seeking protection or, at a minimum, provide lay advocacy services for minor litigants.
- Statutes should ensure minors are legally able to consent to, contract for and afford services necessary to address domestic and dating violence, such as medical care and mental health services. That might require states to establish funding pools to help adolescents cover the costs of services which are not free.
- States should ensure that minors can apply for and access Crime Victims Compensation Funds to help cover the costs associated with their victimization and treatment.
- States should hold minor perpetrators accountable by allowing protection orders to be issued against them and creating youth-centered intervention programs. However, courts should also take into account the perpetrator's youth when determining appropriate court services and confidentiality.
- States should ensure that schools implement appropriate, effective prevention and intervention policies to address dating and sexual violence in a manner that respects victim confidentiality and holds perpetrators accountable.

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