

## Providing Shelter to Minor Dating Abuse Survivors

**16** -year old Tara is frightened and needs a safe place to go. Her 18-year old boyfriend Justin is abusive. He slaps her, pulls her hair, pushes her down and coerces her to have sex without birth control. Recently, Tara told Justin she is pregnant and he ordered her to have an abortion or he will beat her up to make her miscarry.

*Justin is also the son of her father's close friend and neighbor. He is very welcome in Tara's household. Tara once tried to tell her mother about the abuse and her mother told her to "stop being so dramatic." Tara is confused and scared. She needs a safe place to sleep where Justin cannot find her and she can get some help figuring out how to safely end this relationship, and make decisions about the pregnancy.*

Teen survivors of dating abuse, like Tara, need access to safe and confidential shelter where they can receive specialized domestic violence services. Under current systems, that shelter seems nearly impossible to access. Criminal and civil state laws can unintentionally prevent domestic violence shelters from accepting teens for residential services. Special laws that authorize runaway and homeless youth shelters do not typically encompass domestic violence shelters. And existing domestic violence shelters are not particularly set up to house teenagers; shelter rules and policies tend to assume that teens are in shelter *along with* a parent. Shelter through the child welfare system is even out of reach when the dating violence is not considered child abuse under state law.

It is time to address this gap in services for teens needing emergency shelter to escape dating abuse. Homelessness, youth, and domestic violence advocates should collaborate to: 1) determine and clarify what level of domestic violence shelter service can be provided right away to teens in local areas, 2) improve the domestic violence services available to teens in runaway and homeless youth shelters, and 3) advocate for systemic reform to enable consistent access to safe shelter with needed services for homeless youth and teens fleeing dating abuse.

### The Need

There is a clear overlap between homelessness and intimate partner violence. Domestic violence was the cause of homelessness for 28% of homeless families in 2008.<sup>1</sup> Homeless youth often are at greater risk for experiencing dating abuse because of previous exposure to trauma and risk behaviors, such as substance abuse and sexual exploitation.<sup>2</sup> One study found that 70% of homeless youth reported physical violence occurring in their relationship(s).<sup>3</sup> Dating abuse is particularly prevalent for teens who become pregnant. In one study, 29% of young women pregnant as teens reported having been physically abused in the 12 months before the pregnancy.<sup>4</sup> Another found that 50-80% of teen moms reported being in a violent, abusive or coercive relationship just before, during or after the pregnancy.<sup>5</sup> In another study of 570 teens who reported violence during pregnancy, 75% of them also reported experiencing violence two years post-partum.<sup>6</sup> Considering the prevalence of violence experienced by homeless youth, these young people may be better served by shelters with greater security and sensitivity to domestic violence.

Laws that restrict service providers from providing shelter for minors often assume that the home of a parent or guardian is the safest place for a young person. However, in cases of dating abuse, a parent may not be supportive of their child leaving the relationship, may not believe the abuse is happening, or may even ostracize the young person for being in the relationship at all. In 2012, the National Law Center on Homelessness and Poverty found that 20% of children experiencing homelessness left over conflict about sexual orientation. Often for good reasons, the young person may not feel safe talking to their parent or guardian about the abuse because of underlying cultural norms about sexual orientation, sex, and dating. Or, a minor may be unable to seek parental assistance because of estrangement from the parents, possibly as a tactic of the abuser. Where the parent is not an accessible part of the minor's life, the parent is not available for either safe shelter or legal consent to access a secure shelter bed.

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Even a supportive parent may not have the resources or capacity to keep a young person safe or to provide a confidential location as needed. One study found 1 in 5 female victims of domestic violence and 1 in 14 male victims of domestic violence experienced stalking between the ages of 11-17.<sup>7</sup> Weapons are used to threaten or harm victims in 20% of stalking cases.<sup>8</sup> Even more concerning, in its last analysis of intimate partner violence and age of the victim, the Bureau of Justice Statistics found that 22% of murdered females between the ages of 16 and 19 were killed by an intimate partner.<sup>9</sup> Secure, confidential shelter locations matter. Parents or caregivers may not know how to handle violent situations, or may be putting themselves and others at risk in an attempt to protect the young person. Denying access to domestic violence shelters to youth in abusive relationships potentially traps their entire family in a dangerous situation and impedes the family's ability to address the seriousness of their problem.

But given that there is a federally-supported runaway and homeless youth shelter system, why do these youth need access specifically to *domestic violence* shelters? Because domestic violence shelters are distinct from other crisis shelters. Immediate safety is the first and most important goal so the buildings are designed to maximize safety and security. Youth survivors are also at greater risk for re-victimization later in life, alcohol and drug abuse, depression, eating disorders, struggling in school, and suicidal thoughts. While some of these effects overlap with what homeless youth experience, they stem from different causes and call for different responses, responses that homeless shelters may not be prepared to provide. Few RHY transitional shelter providers reported screening for intimate partner violence and victimization during intake and even fewer felt that they were providing effective services to address dating violence and abuse.<sup>10</sup> In focus groups conducted with Chicago homeless youth shelter providers, the workers identified

their "lack of expertise" around domestic violence as a barrier to serving teens escaping dating abuse.<sup>11</sup> A domestic violence shelter is better versed in providing a trauma-informed response to dating abuse than a homeless shelter, and teens in need should be able to seek the services that meet their needs.

Additionally, because so many pregnant and parenting teens are experiencing dating abuse, they need a shelter designed to accommodate parents with small children. Domestic violence shelters are built on the assumption that parents fleeing violence will bring their children with them, and are designed to accommodate very young children. Homeless youth shelters, on the other hand, often have less capacity to accept young adults with small children.<sup>12</sup>

Despite the link between domestic violence and homelessness for youth, less than 50% of the domestic violence programs surveyed were familiar with or comfortable providing services to runaway or homeless youth.<sup>13</sup>

## The Barriers

Why aren't domestic violence shelters routinely housing teens fleeing dating abuse? Because state and local laws intended to keep children safe with their parents unintentionally prohibit domestic violence shelters from providing services. The barriers run the gamut from traditional 'harboring a runaway' laws to onerous licensing procedures to shelter service requirements that teens cannot consent to participate in. While exceptions have been carved into these laws to facilitate specific homeless youth shelters, most exceptions still don't facilitate domestic violence specific shelter services for unaccompanied youth. In some places, shelters are merely uncertain as to what is or is not legally allowed so they screen out teens completely to avoid legal liability issues. Just assessing what the shelter can or cannot do intimidates many programs out of trying to do anything for teens.

Some programs may cite state laws prohibiting “harboring a runaway” or “contributing to the delinquency of a minor” as the reason they cannot provide emergency shelter to teens. Looking at the 50 states and 6 territories, 16 of them make it an explicit crime to harbor a runaway child.<sup>14</sup> Even among those statutes, the laws vary as to what activities are prohibited. For instance, harboring a runaway can mean it is a crime to shelter a teen who is a runaway with the intent to allow the child to remain away from home against the wishes of parent or guardian.<sup>15</sup> Or it may only be a crime to grant shelter and conceal the teen when a report has been made to the police. In Illinois, harboring a runaway means giving shelter without consent of the parent or guardian for more than 48 hours without notifying law enforcement.<sup>16</sup> North Dakota provides an exception allowing for 72 hours shelter where the child has been abused.<sup>17</sup> Shelters are reasonably wary to run afoul of such statutes. Additionally, most jurisdictions have other laws which could be interpreted to prevent domestic violence programs from granting shelter to minors, such as prohibitions against “contributing to the delinquency of a minor” or “interference with custodial rights.”<sup>18</sup> The risk of criminal or civil liability for violating such laws deters established shelter programs from working with minors.

Programs are also concerned about whether teens are legally able to consent to receive services. Most shelter providers require residents to consent to receiving shelter services, and if a minor cannot legally consent, they cannot receive shelter. These laws and the standards applied vary by jurisdiction, and only a few states have taken steps to overcome the age barrier. Additionally, domestic violence shelters typically offer an array of services, including advocacy, peer and group counseling, and therapy with a licensed provider. The ability of minors to contract, even for necessities like shelter, can be severely restricted or completely non-existent. The parameters of a minor’s right to contract/consent to services will be different in each state and can change depending on the

type of service being offered. Shelters may conclude that minors who cannot legally participate in the available services will be a liability whom they cannot properly serve.

Licensing restrictions can also pose a serious barrier to serving minors in domestic violence shelters. Many states do not require any licenses for domestic violence shelters to house adults with their children, but do require licenses for any facility that cares for or shelters children alone. States have created special “homeless youth” licensing rules to facilitate those shelters, but those rules may assume the licensee will solely house youth. For example, Illinois Department of Children and Family Services regulations prohibit any licensed youth emergency shelter from sheltering persons over age 21.<sup>19</sup> Such a regulation forces a domestic violence program to choose between serving adult victims with their children or unaccompanied youth victims, but not both. This is true even though domestic violence shelters are serving youth victims every day when they enter shelter in the company of a victimized parent. Even where licensing as a facility for youth is possible for an existing domestic violence shelter, the requirements of the license may be so onerous that shelters do not feel they can expend the resources to become licensed.

## The Existing Possibilities

Given this patchwork legal landscape, what can domestic violence agencies do to serve unaccompanied youth in urgent need of safe shelter to escape dating abuse? First, acknowledge that the need for services specifically to minors exists, and that it is within the agency’s mission to address the need. Then, commit resources to determining what exactly best practices are when an agency is contacted to provide shelter to a minor fleeing dating abuse. The following is a checklist of steps to prepare for and provide services to unaccompanied youth in need.



1. Assess the exact requirements and limitations of local laws regarding :
  - “harboring a runaway” or “contributing to the delinquency of a minor”
  - youth ability to contract for necessities and consent to services.

There may be a window of time (sometimes 24 or 72 hours) during which a program could shelter an unaccompanied teen consistent with the law. Or, the law may contain exceptions for shelters or a defense for persons acting on a belief that shelter is necessary to prevent harm to the child. The 2012 report “Alone Without a Home” from the National Law Center on Homelessness and Poverty and the National Network for Youth provides an excellent summary of laws affecting minors in 56 U.S. jurisdictions.

2. Assess the licensing requirements for domestic violence shelters and for shelters serving unaccompanied youth in your jurisdiction. Where there are conflicts making it impossible to serve both groups, begin a discussion with the licensing agency about whether waivers are possible to facilitate domestic violence shelter services to unaccompanied youth. Where there are conflicts between government agencies as to what licensing is or is not required, work with those agencies to resolve the conflict rather than excluding teens from safe shelter options.
3. Reach out to runaway and homeless youth programs in your jurisdiction. Find out how they currently address the needs of youth domestic violence survivors, and explore creative collaborations to improve the domestic violence program’s ability to be youth-friendly and serve their needs.
4. Analyze referral and intake procedures to be sure that youth are not explicitly or implicitly screened out on a routine basis.
5. Prepare staff to meet with youth who request help, and to discuss with youth any limitations on services, including any legal requirements that the program notify child welfare, law enforcement, or parents/guardian as to the location of the teens and the violence disclosed.
6. Discuss with a youth seeking services whether:
  - the youth is fully or partially emancipated, or seeking emancipation; or
  - the youth has or would like to seek parental consent to receive shelter services.

Programs should develop appropriate protocols to document parental consent and establish appropriate lines of communication between the youth, the program staff and the parent. Be clear with the youth about what confidentiality there is or is not between program staff, youth, and parents.

7. Design services aimed at meeting the needs of teens which they can definitely consent to receive under local law. One example is on-site parenting classes designed specifically for survivors of dating abuse. Then create clear outreach materials to inform teens about the services to which they have access.
8. Examine any “required” participation or services within the shelter to determine whether they are appropriate for youth in the shelter, and whether youth can consent to receive those services under local law. If those services are not a good fit, then reconsider whether they actually need to be required.
9. Undertake an overall review of the shelter environment to make it a youth-friendly place for all teens in the shelter (with or without a parent). Do the rules unreasonably restrict the movement and autonomy of teens? Do the rules assume that all minors in the shelter are there in the company of a parent? After assessing the rules, assess the space and make-up of the staff. Does the shelter have youth-friendly space, as well as staff with the background and ability to program for and respond to teen needs? If not, then reach out to runaway and homeless youth providers in your region to learn and initiate change within your shelter.
10. Raise public awareness in the community about the needs of youth fleeing dating abuse. A domestic violence shelter won’t be the right fit for every teen fleeing dating abuse, but it will be the best fit for some. By collaborating with runaway and homeless youth providers, the experience and resources for young survivors can be improved in both traditional youth homeless shelters and domestic violence shelters.

## Participation in Reform

Many voices nationally are calling for reform in laws related to runaway and homeless youth.<sup>20</sup> Given the strong link between domestic violence and homelessness, domestic violence shelter programs should be an active voice in any discussion about the needs of homeless youth.

Where laws intended to keep children safe actually deprive youth of the ability to access

safe shelter beds, domestic violence programs should advocate for reform and form coalitions with experts on homelessness and youth. When domestic violence providers and homeless youth providers don't collaborate on solutions, there arises an unacceptable gap in services to vulnerable minor survivors of dating abuse. It is incumbent on providers to mind that gap and move to eliminate it as much as possible.

<sup>1</sup> U.S. Conference of Mayors. A Status Report on Hunger and Homelessness in America's Cities: 2005, 2006, 2007, 2008\

<sup>2</sup> National Resource Center on Domestic Violence. *Runaway and Homeless Youth and Relationship Violence Toolkit: Guidance and Materials for Practitioners* (2013) (available at <http://www.nrcdv.org/rhydvtoolkit/>)

<sup>3</sup> Boris NW, Heller SS, Sheperd T, Zeanah CH. "Partner violence among homeless young adults: Measurement issues and associations." *Journal of Adolescent Health* 2002; 30:355-63.

<sup>4</sup> Wiemann, C., Agurcia, C., Berenson, A., Volk, R. & Rickert, V. (2000). Pregnant adolescents: Experiences and Behaviors associated with physical assault by an intimate partner. *Maternal and Child Health Journal*, 4 (2), 93-101.

<sup>5</sup> Leiderman, S. and Almo, C. 2001. Interpersonal Violence and Adolescent Pregnancy: Prevalence and Implications for Practice and Policy. Center for Assessment and Policy Development and the National Organization on Adolescent Pregnancy, Parenting, and Prevention.

<sup>6</sup> Harrykissoon, S., Rickert, V. & Wiemann C. (2002). Prevalence and Patterns of Intimate Partner Violence Among Adolescent Mothers During Postpartum Period. *Pediatrics & Adolescent Medicine*, 156 (4).

<sup>7</sup> Black, Michele, Kathleen Basile, Matthew Breiding, Sharon Smith, Mikel Walters, Melissa Merrick, Jieru Chen, and Mark Stevens. "The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report." (2011): iv-113.

<sup>8</sup> Mohandie, Kris, J. Reid Meloy, Mila Green McGowan, and Jenn Williams. "The RECON typology of stalking: Reliability and validity based upon a large sample of North American stalkers." *Journal of Forensic Sciences* 51, no. 1 (2006): 147-155.

<sup>9</sup> Bureau of Justice Statistics, Department of Justice (2001). Intimate Partner Violence and Age of Victim, 1993-99, NCJ 187635. (available at <http://www.bjs.gov/content/pub/pdf/ipva99.pdf>)

<sup>10</sup> *Runaway and Homeless Youth and Relationship Violence Toolkit*, at Note 2, *supra*.

<sup>11</sup> Marcy, Helene M., Monica Martinez.. "Helping With Domestic Violence: Legal Barriers to Serving Teens in Illinois" Center for Impact Research (2000) available at [impactresearch.org/documents/legalissuesreport.pdf](http://impactresearch.org/documents/legalissuesreport.pdf)

<sup>12</sup> *Id.* (At time of report, there were 60 beds for homeless youth in Chicago, but only 20 could take parenting teens.)

<sup>13</sup> *Runaway and Homeless Youth and Relationship Violence Toolkit*, at Note 2, *supra*.

<sup>14</sup> National Law Center on Homelessness and Poverty and National Network for Youth. *Alone Without A Home: A State-by-State Review of Laws Affecting Unaccompanied Youth*, (Sept 2012) at pg 5. (available at [www.nlhpc.org/Alone\\_Without\\_A\\_Home](http://www.nlhpc.org/Alone_Without_A_Home))

<sup>15</sup> Iowa Code §§ 710.8- 710.9 (2011).

<sup>16</sup> 720 Ill. Comp. Stat. 5/10-6 (2011).

<sup>17</sup> N.D. Cent. Code § 12.1-08-10 (2011).

<sup>18</sup> *Alone Without A Home*, pg. 221-230, at Note 14, *supra*.

<sup>19</sup> 89 Ill. Adm. Code 410.20

<sup>20</sup> E.g., American Bar Association Commission on Homelessness and Poverty and the National Network for Youth. *Runaway and Homeless Youth and the Law: Model State Statutes* (2009). (available at [www.americanbar.org/groups/public\\_services/homelessness\\_poverty/initiatives/homeless\\_youth\\_andthelaw.html](http://www.americanbar.org/groups/public_services/homelessness_poverty/initiatives/homeless_youth_andthelaw.html))