

## A National Overview

A growing understanding of dating abuse among youth as a prevalent and urgent issue provides an opportunity to improve state policies. One in three youth in the United States experiences physical, sexual, or emotional abuse from a dating partner, and strong policies can serve prevention, intervention, and response purposes. Creating youth-oriented state legislation is a key part to protecting victims and ending dating abuse. Survivors of dating abuse between the ages of 12-18 often have limited access to legal protections. These legal protections include access to civil protection orders, rights of confidentiality, and legal autonomy, which vary by state and jurisdiction. Restrictions on these legal protections can compromise survivor safety or create barriers to accessing appropriate services.

To facilitate policy improvements and clarify future best practices, Break the Cycle began the State Law Report Card Project. The Report Cards focus on minors’ access to Civil Protection Orders (CPOs) and identify five indicators for assessing each state’s laws. Each state’s civil domestic protection order laws and their impact on minors seeking protection from abusive relationships were assessed and steps for improving protections were outlined. The indicators were developed by legal professionals who work directly with teen clients and from literature on the most common legal barriers facing youth who experience dating abuse.

The indicators were: accessibility to minors, procedural hurdles, parental involvement, types of relationships, and treatment of minor offenders.

### Accessibility to Minors

This indicator assessed whether all or some minors have access to protection orders, or whether courts cannot grant protection orders to minors. Civil Protections Orders can be valuable for victim safety; one 2002 study found having a permanent protection order resulted in an 80% decrease in police-reported physical violence in the year following the initial incident<sup>1</sup>. Having a permanent protection order makes a significant difference in the victim’s safety and ability to live without fear or physical harm. Although this study was conducted using adult subjects, the positive outcomes gained from protection orders relate to youth as well, and are often more significant. Youth do not have as much access as adults to changing their home and daily social environments, such as their schools, and therefore must rely on protection orders to make safe spaces protected from the violence of the perpetrator. Moving forward, states should increase access to all minors, regardless of age. As the chart below displays, most states received an A grade and all courts are able to grant protection orders to minors.

Grade	Accessibility to Minors	Percent of States That Received Grade
A	The law allows all courts to grant CPOs to all minors.	98.2%
B	The law allows courts to grant another type of order to all minors.	0%
C	The law allows courts to grant CPOs to some minors, depending on age.	1.8%
D	The law allows courts to grant CPOs only to emancipated minors.	0%
F	The law does not allow courts to grant CPOs to minors.	0%



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## Procedural Hurdles

This indicator assessed whether minors can file petitions for protection orders on their own behalf, or if an adult must file. Although many states grant minors access to protection orders state laws vary greatly as to whether minors can petition for protection orders on their own behalf. In a 2005 study, only 33% of youth told anyone about experiencing abuse in their relationship<sup>2</sup>, and they typically tell a friend before they disclose to a parent. Youth sometimes feel that telling someone about abuse would decrease their own control in the

situation, reflect badly upon their decision-making, or expose them to more danger. Allowing youth to file on their own behalf allows them greater autonomy to choose the best outcome for their situation, improves the likelihood of follow through with the court process, and thus promotes survivor safety. Our suggestion for improvement was either expanding the types of adults able to file on the minor’s behalf or allowing minors to file on their own behalf.

## Parental Involvement

This indicator assessed whether a parent or guardian must be notified if a minor files for a protection order, and whether a parent or guardian must consent to the minor’s decision to file for a protection order. Requiring parental consent and/or notification can pose serious deterrents to reporting dating abuse for youth. In a major high school study of youth dating abuse survivors who disclosed to anyone, less than 5% told a parent or guardian.<sup>3</sup> Youth are often unwilling to disclose to parents and studies have shown

requiring parental consent and/or notification in reproductive health settings decreases youth usage of services<sup>4</sup>. States should consider explicitly allowing minors to seek protection orders without parental consent or notification. Of the states that require parents or guardians to be notified, there is no uniform process of notification. The state of residence, the age of the minor, the age of the abuser and the relationship between the minor and the abuser can all determine when and how a parent or guardian is notified.

Grade	Procedural Hurdles	Percent of States That Received Grade
A	Minors can file petitions for a CPO on their own behalf.	23.3%
B	Any adult can file a petition for a CPO on behalf of a minor.	7.1%
C	An adult family member or household member can file a petition for a CPO on behalf of a minor; the law allows some minors to file petitions on their own behalf; or the law does not specify whether minors may file petitions on their own behalf.	53.6%
D	Only a guardian ad litem, court appointed guardian, a parent, or legal guardian can file a petition for a CPO on behalf of a minor.	12.5%
F	The law only allows a guardian ad litem or court appointed guardian to file a petition for a CPO on behalf of a minor.	3.6%

Grade	Parental Involvement	Percent of States That Received Grade
A	The law does not require that a parent or guardian be notified about the minor’s CPO.	0%
B	The law does not specify whether the parent or guardian will be notified about the minor’s CPO.	85.7%
C	The law requires that a parent or guardian be notified about the minor’s CPO.	10.7%
D	The law requires that a parent or guardian consent to the filing of a petition for a CPO on behalf of the minor.	1.8%
F	The law requires that a parent or guardian file the petition on behalf of the minor.	1.8%

## Types of Relationships

This indicator assessed whether people in dating relationships, including same sex relationships, can seek protection orders against their partners. It is important that state laws extend protection order relief beyond domestic relationships to explicitly include dating relationships that are romantic or sexual in order to capture the nature of teen relationships. Limiting legal protections for those in traditionally domestic relationships, such as those related by marriage, children in common, or

cohabitation excludes the vast majority of minors and many in same sex relationships. It is important for state laws to explicitly affirm that youth in same sex relationships have equal access to protection orders; multiple studies show LGBTQ youth experience dating abuse at the same, if not higher, rates as their heterosexual peers.<sup>5</sup> All people in dating relationships should have equal access to filing protection orders and equal access to legal remedies.



Grade	Types of Relationships	Percent of States That Received Grade
A	All people in all dating relationships, including same sex relationships, can seek a CPO or equivalent orders against their partners.	26.8%
B	The law allows people in dating relationships to seek a CPO or equivalent order but is unspecified about same sex partners.	60.7%
C	The law allows people in all dating relationships to seek a lesser type of order against their partners.	3.6%
D	The law allows people in opposite sex dating relationships to seek a CPO against their abusers, but excludes same sex dating relationships.	1.8%
F	The law does not allow people in dating relationships to seek a CPO against their partners.	7.1%

## Protection Orders Against Minor Offenders

This indicator assessed whether protection orders can be obtained against minor abusers, and if so, how those protection orders can be obtained. Recognizing that youth in middle and high school can perpetrate dating abuse is an important step to providing protections for youth victims. One study found that out of victims ages 12-17, in 26% of cases the abuser was a dating partner also age 12-17.<sup>6</sup> Courts should provide options for prosecuting minor offenders as well as protecting minor

victims in order to provide the most thorough response to dating violence. Optimally, states should allow protection orders to be obtained against minor abusers in domestic violence court rather than juvenile court or another forum. This affords survivors the confidentiality protections of petitioners' information normally found in domestic violence court, and avoids the lack of information regarding offenders normally found in juvenile court.

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Grade	Grade Explanation	Percent of States That Received Grade
<b>A</b>	CPOs can be obtained against minor abusers in domestic violence court.	<b>26.8%</b>
<b>B</b>	CPOs can be obtained against minor abusers in juvenile court.	<b>12.5%</b>
<b>C</b>	The law allows another type of order to be obtained against a minor abuser.	<b>0%</b>
<b>D</b>	The law does not specify whether a CPO may be obtained against a minor abuser, or only allows for some minors.	<b>57.1%</b>
<b>F</b>	The law does not allow a CPO to be obtained against a minor abuser.	<b>3.6%</b>

Break the Cycle's State Law Report Cards publicize best and worst protections in all 50 states and District of Columbia for youth experiencing abusive dating relationships, and are an effort to educate and assist states in protecting their young constituents. The State Law Report Card Project allows states to compare their laws against other states and consider where they should improve their protections for minors in abusive relationships. The Report Cards are a useful tool to support domestic violence advocates to hold their state accountable to best practice standards and demonstrate where abused youth lack protection. Additionally, state legislatures can predict what grade they would achieve depending on how they improved their laws, which encourages states to strive towards full protection and a positive reputation.

<sup>1</sup> Civil Protection Orders and Risk of Subsequent Police-Reported Violence (2002)

<sup>2</sup> Omnibuzz Teen Relationship Abuse Research. Fifth & Pacific Companies Inc. Teen Research Unlimited, February 2005

<sup>3</sup> 2009 High School Delaware Youth Risk Behavior Survey

<sup>4</sup> Teenagers' Access to Confidential Reproductive Health Services

<sup>5</sup> The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation; Prevalence of Partner Violence in Same-Sex Romantic and Sexual Relationships in a National Sample of Adolescents; Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9–12 — Youth Risk Behavior Surveillance, Selected Sites, United States, 2001–2009

<sup>6</sup> Uniform Crime Reports, Section V: Special Report – Violence Among Family Members and Intimate Partners