

Break

the Cycle

**Empowering Youth to End
Domestic Violence**

**STATE-BY-STATE
TEEN DATING VIOLENCE
REPORT CARD
2008**

EXECUTIVE SUMMARY

Break the Cycle State-by-State Report Card
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For more information about this report, please contact Break the Cycle.

Break the Cycle

5200 W. Century Blvd., Suite 300
Los Angeles, CA 90045

P.O. Box 21034
Washington, DC 20009

www.breakthecycle.org
www.thesafespace.org

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.

To call attention to this critical situation, Break the Cycle set out to assess the climate of each state's civil domestic violence restraining 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.

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 three states received A's—California, Oklahoma, and New Hampshire. Fifteen states failed, with twelve 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 restraining or protective 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 restraining or protective order without an adult's involvement.
- The statute recognizes extended degrees of family members under the group that may get a restraining or protective order on behalf of a minor or are protected by the order (e.g. step, grandparent, child, second cousin).
- The statute allows victim to obtain a restraining or protective 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 protective or restraining order.
- The statute requires a minor to get parental permission when seeking a restraining or protective order.
- The statute does not protect other individuals under the restraining or protective 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.
- Protective 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 restraining order laws. While teens may be able to seek protection and other remedies through other types of restraining or protective 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 findings on how state civil domestic violence restraining order laws address the circumstances teen victims face.

Dating Relationships

- Thirty-eight states and the District of Columbia allow victims of domestic violence who are dating their abuser to apply for a civil domestic violence restraining or protective 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, 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-eight include protection for victims in a dating relationship.
- Twelve states do *not* allow a victim who is in a dating relationship to apply for protection under their civil domestic violence restraining or protective order laws. These states are: AL, AZ, GA, KY, MD, NY, 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 restraining or protective 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 restraining or protective order. However, each of those four states include 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 restraining or protective order against an abuser who is allegedly the parent of their child.

Cohabitants

- Only three states: IN, MT and NY, exclude people living with their abuser from protection under the civil domestic violence restraining or protective order laws.
- However, of these, Indiana and Montana offer protection to victims who are dating their abuser.
- In New York, only victims who are married or used to be married to their abuser or have a child with their abuser can apply for a civil domestic violence order of protection.

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 protective 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.

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 protective order.
- In two states, MO and WI, domestic violence restraining orders are only available to adults.
- Nine states, CA, CT, MN, NJ, OK, OR, UT, WA and WY, allow minors to obtain restraining or protective 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). Five of these states, CT, NJ, OR, UT, and WY, do not specify how a minor victim can apply if they do not meet the age limit or the relationship requirements.
- Six states, AK, AZ, DE, ID, IA, MS, explicitly require that a minor must have a parent or legal guardian involved in the process of applying for a restraining order.
- Two states, NJ and RI, require victims be over 18 to qualify for a restraining order as a cohabitant. However, in both these states, minor victims may apply if they are dating or have a child with their abuser.
- In five states, IA, OR, UT, WA and WY, if you are related to your abuser, you must be at least 18 to qualify for a restraining order.
- Sixteen other states make no provision in the law for how minor victims of domestic violence apply for a restraining or protective order. These states are: CO, DC, FL, KY, ME, MA, NE, NV, NM, NY, NC, ND, RI, SD, VT, and VA.

Restrictions on Protection from Minor Abusers

- Eight states impose age restrictions on the person against whom a restraining order is obtained: AZ, CO, MI, MO, NV, NC, OK and WI.
- In MO, NV and WI a victim cannot get a protective order against anyone who is a minor.
- Five state laws allow restraining orders against some, but not all, minors. In North Carolina, a victim cannot get a protective order against someone under 16 years of age. In Oklahoma, the abuser must be 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>D</i>
District of Columbia	<i>C</i>
Florida	<i>D</i>
Georgia	<i>f</i>
Hawaii	<i>C</i>
Idaho	<i>D</i>
Illinois	<i>B</i>
Indiana	<i>B</i>
Iowa	<i>f</i>
Kansas	<i>D</i>
Kentucky	<i>f</i>
Louisiana	<i>B</i>
Maine	<i>C</i>
Maryland	<i>f</i>
Massachusetts	<i>D</i>
Michigan	<i>C</i>
Minnesota	<i>B</i>
Mississippi	<i>C</i>
Missouri	<i>f</i>

Montana	<i>D</i>
Nebraska	<i>D</i>
Nevada	<i>C</i>
New Hampshire	<i>A</i>
New Jersey	<i>B</i>
New Mexico	<i>D</i>
New York	<i>f</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>f</i>
Wyoming	<i>C</i>

For more information visit www.breakthecycle.org.

STATE-BY-STATE REPORT CARD RECOMMENDATIONS FOR POLICY IMPROVEMENT

In general, 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 of 12-years-old and above to petition for protective orders.
- States should remove restrictions that require parental involvement, permission and/or notification in order for minors to access courts and essential services.
- States should ensure minors can apply 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 protection from relationship violence.
- States should specifically state that "dating" meets the relationship requirement within their domestic violence protective order and criminal statutes.
- 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 for addressing the abuse 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 school policies to address youth dating and sexual violence in a manner that respects victim confidentiality and holds perpetrators accountable.

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