



DC COALITION AGAINST DOMESTIC VIOLENCE

Break the Cycle

**Empowering Youth to End
Domestic Violence**

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Testimony before the
District of Columbia Council
Committee on Public Safety and the Judiciary

on the

“IntraFamily Offenses Act of 2007”
Bill 17-0055

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Written Testimony of:

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and

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Good afternoon Chairman Mendelson and members of the Judiciary Committee. My name is Juley Fulcher and I am the Director of the Washington, DC Office of Break the Cycle and the Chair of the Board of Directors of the District of Columbia Coalition Against Domestic Violence. I am here today before this honorable council testifying today on behalf of Break the Cycle and the DC Coalition Against Domestic Violence.

I would like to begin by thanking Chairman Mendelson, Councilmember Wells and Councilmember Brown for their leadership on this important issue. Break the Cycle strongly advocates in favor of the passage of the IntraFamily Offenses Act of 2007, Bill 17-0055. Founded in 1996, Break the Cycle is a national nonprofit organization whose mission is to engage, educate, and empower youth to build lives and communities free from domestic and dating violence. We accomplish this goal by providing preventive education, free legal services, advocacy and support to young people between the ages of 12-24 who are experiencing dating violence. Break the Cycle faces young people of DC scarred by domestic violence, dating violence, sexual assault, and stalking daily. In 2004, Break the Cycle opened a direct service and public policy office in Washington, DC to meet the critical need for youth-focused services and systemic change. Since then, we have provided domestic violence prevention and early-intervention services to more than 7,300 young people in the District. Break the Cycle has helped more than 275 young victims to achieve healthy, nonviolent relationships and homes through legal services, referrals and advice. Our staff regularly provides trainings for local social service agencies and others who interact with young victims of domestic and dating violence, and have trained 6,400 adult service providers to date. It is because of our work on the front lines that we implore you today to address the needs of those young people facing abuse in our city.

Dating Violence and Youth in the District of Columbia: The Problem

According to the Department of Justice, teens aged 16 to 19 experience the second highest rate of intimate partner violence – almost three times the average for women as a whole.¹ In many instances, the first episode of dating violence typically occurs by age 15.² Not surprisingly, this violence touches almost everyone in high school; between 50 and 80 percent of teens report knowing someone in an abusive relationship³ and the prevalence of high school students who experience dating violence in Washington, DC is one of the highest in the country.⁴ Furthermore, a Centers for Disease Control study found that District teens also are more likely than teens in most other U.S. cities to possess a gun, knife, or club; be injured in a physical fight; be raped;

¹ In 1999, 15.4 16-24 year olds out of 1000 were abused while the rate for women in general was 5.8. Bureau of Justice Statistics, "Intimate Partner violence and Age of Victim, 1993-1999." NCJ 187635: October 2001, 3.

² Ximena B. Arriaga & Nicole M. Capezza. Targets of Partner Violence: The Importance of Understanding Coping Trajectories. JOURNAL OF INTERPERSONAL VIOLENCE, Vol. 20, No. 1, 89-99 (2005).

³ M. O'Keefe and L. Trester, "Victims of Dating Violence Among High School Students," Violence Against Women, 4, no. 2 (1998): 195-223.

⁴ Department of Health & Human Services Centers for Disease Control & Prevention, "Youth Risk Behavior Surveillance-United States, 2005", Morbidity & Mortality Weekly Report, June 9, 2006, Vol. 55, No. SS-5.

possess, be threatened with, and/or injured by a weapon on school property; and engage in truancy due to concerns for their safety.⁵

Victims of dating violence are often forced into sex, beaten, and even murdered. Nationally, nearly a quarter of teen girls between 16 and 19 who are victims of homicide are murdered by a current or previous boyfriend.⁵ The risk of violence during pregnancy is even more pronounced for adolescents -- one study found that no less than a quarter of adolescent mothers experience intimate partner violence before, during, or just after their pregnancy, with some studies reporting rates of 50 to 80 %.⁶

While anecdotal information has always been available from service providers, it is only in recent years that we have become aware of just how big the problem of teen dating violence is. Because laws and practices around domestic violence were created without considering the needs of this demographic, we have left young victims unprotected and young perpetrators unaccountable. The IntraFamily Offenses Act of 2007, Bill 17-0055, will change that for District teens.

How the Bill will Help Protect District Teens

District of Columbia law does not clearly articulate what protections are available for minors. The IntraFamily Offenses Act confers the right to petition the Court for protection to a “**person** who is the victim of an intrafamily offense [emphasis added].”⁶ Without guidance from the legislature on whether the term “person” includes minors, judges and court clerks respond to civil protection order (CPO) petitions filed by unaccompanied minors on an ad hoc basis. In practice, this means that whether an unaccompanied minor will be permitted to file for a CPO on a given day depends entirely on the discretion of the presiding judge. This results in the delay or outright denial of legal protection to many youths. This bill will provide a critical clarification that will allow DC teens to be assured of consistent access to the safety and protection of the courts when they are being abused by a dating partner.

Similarly, current law has left ambiguity on whether minor abusers can be held accountable for their actions under the IntraFamily Offenses Act, what procedures are appropriate for adjudication and oversight involving minor abusers, and what services should be provided to minor abusers. B17-0055 clears up this ambiguity for the Courts, ensuring that minor offenders are held accountable for their actions and receive appropriate intervention services to halt their destructive behaviors.

Finally, the bill ensures that teen victims receive access to appropriate services to stabilize their lives and find lasting safety. More than half of Break the Cycle’s young clients have children and 45% of them have a child in common with their abuser. Most of these children were present during the violence. By providing teens with clear access

⁵ Centers for Disease Control and Prevention, “Youth Risk Behavior Surveillance – United States, 2003,” 53 *Morbidity and Mortality Weekly Report*, SS-2 (May 21, 2004) at 36, 38, 40, 42, 44, available at: <http://www.cdc.gov/mmwr/PDF/SS/SS5302.pdf>.

⁶ D.C. Code Annotated § 16-1001, *et seq.*

to protection orders, the ability to file for custody of their own children, and access to Crime Victims Compensation, we are helping to ensure the safety and stability of both teen victims and the next generation witnessing this abuse.

Requested Amendments to the IntraFamily Offenses Act of 2007

We are concerned, about two provisions in B17-0055, which we believe will discourage abused teens from seeking temporary and civil protection orders. First, we are concerned that the bill's requirement that a parent be notified if a minor obtains a CPO will deter many teens from seeking CPOs. Often, and for a wide variety of reasons, teens are unwilling to confide in adults about abuse. Consider the words of a Break the Cycle client:

As a 15-year old victim of abuse, I did not know what I could do to feel safe and happy again. My abuser sexually assaulted me, grabbing me and touching me inappropriately. I was too scared to tell my parents because I did not want to burden them. I felt dirty and shameful. Silence seemed like my only option, yet it was not a solution that would give me my life back.

According to one study of 13 to 18 year olds, only a third of the respondents who had been in or knew about an abusive relationship said they had told anyone about it.⁷ Seventy-three percent said that if they were trapped in an abusive relationship, it would be their peers that they would go to for help.⁸ The same teens that most need the protections this bill will provide – those who are unwilling or unable to ask a parent to file a CPO on their behalf – are those most likely to decline to exercise their right to seek a CPO if a parent will be notified. We cannot risk leaving these young people unprotected.

Second, we are concerned that the bill's requirement that teens aged 12-15 be represented by attorneys in emergency temporary protection order (TPO) hearings will create an unnecessary barrier to safety for teens when there is an urgent need for protection. Although we strongly support minor victims being appointed attorneys for the CPO hearings and hope that attorneys are also available to represent minors in TPO hearings whenever possible, it is not practical to expect that attorneys will always be available for TPO hearings. Due to the urgent need for protection, TPO hearings are usually heard the same day a victim files a petition for a protection order. This would require attorneys to be located and available at the Court within a couple hours. While Break the Cycle and other local agencies work hard to be available on such an emergency basis, it is not always possible. Thus, mandating attorney appointment in the context of emergency TPO hearings can cause significant delay. Such delay may discourage teens who are nervous about the process or who have school, childcare constraints, or other conflicting obligations from seeking TPOs, which play a critical role in ensuring victim safety pending a final CPO hearing. Teens who believe they or their children are in

⁷ Liz Claiborne Inc. Omnibuzz Topline Findings: Teen Relationship Abuse Research. February 2005.

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immediate physical danger will leave the courthouse unprotected.⁹ The current availability of advocates in the Domestic Violence Intake Center from Survivors and Advocates for Empowerment (SAFE) who are able to accompany a minor to the TPO hearing provides an acceptable solution when no attorney representation is immediately available.

For these reasons, we strongly urge the Council to amend B17-0055 by eliminating the parent notification and TPO representation requirements.

Conclusion

Break the Cycle and the DC Coalition Against Domestic Violence, like all other domestic violence service providers in the District of Columbia, would like to be able to reach all victims of domestic violence in DC, to provide them with their options and rights as our residents and to create a violence-free future for our city. Today, we look to the Council to provide dating violence protection to minors. We ask that you amend the current bill in the ways we have described here -- to not require parental notification or attorney representation at the TPO stage. Furthermore, we ask the Council to move quickly to enact the IntraFamily Offenses Act of 2007, Bill 17-0055, with the requested amendments, so that the youth of our city will have access to the safety they so urgently need. Thank you.

⁹ The issue of removing administrative barriers and prioritizing access to immediate protection for victims was addressed at a hearing before this committee in 2005. *“Protection orders are an important vehicle through which the courts can help keep victims of domestic violence safe. Unfortunately, it is not uncommon for a victim of domestic violence to require extension of a temporary protection order to provide for his or her immediate safety.* Currently, if an order expires at a time when the courts are not available to provide an extension – e.g., when they are closed – an at-risk victim goes without protection until the next business day. *Clearly the safety of an individual should not be subject to the schedule of administrative function.* [emphasis added]” -- Testimony of Edward D. Reiskin, Deputy Mayor for Public Safety and Justice at a Public Hearing on “Domestic Violence in the District of Columbia” before the Committee on the Judiciary of the Council of the District of Columbia, December 8, 2005. Note that the current bill, as drafted, will remedy this previously raised concern. With an amendment to remove the requirement of attorney appointments for TPO hearings for 12-15 year old petitioners, we will remove the unnecessary administrative barrier they would otherwise face, as well.