Bruised Rainbows: LGBTQ Youth and Teen Dating Violence and Legal Challenges

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Learning Objectives

1. Understand terminology associated with LGBTQ identities / communities.
2. Recognize unique barriers, including legal barriers, for LGBTQ youth survivors of IPV.
3. Develop methods for overcoming barriers, including legal barriers, for LGBTQ youth survivors of IPV.
L.A. Gay & Lesbian Center

- Established in 1971
- 5 sites
- Staff of more than 270 and more than 3000 volunteers
- Provides a multitude of social and educational services
  - Health and Mental Health Services
  - Jeffrey Goodman Special Care Clinic
  - Kruks/Tilsner Transitional Living Program
  - Pharmacy
  - Legal Services Department
  - STOP Partner Abuse/Domestic Violence Program
Domestic Violence Legal Advocacy Project (DVLAP):

The Domestic Violence Legal Advocacy Project was established in 2005 at the L.A. Gay & Lesbian Center to provide comprehensive legal services for LGBTQ survivors of domestic violence. We are funded by the DOJ through the LAV Program.
Terms Associated with LGBTQ Identities and LGBTQ Communities
Sexual Orientation & Gender Identity

- **Sexual orientation** refers to a person's emotional, romantic and sexual attraction to individuals of a particular gender.

- **Gender identity** describes the gender with which a person identifies (i.e., whether one perceives oneself to be a man, a woman, or describes oneself in other ways).
What does LGBTQ mean?

- **The L: Lesbian** – A woman who is predominately or exclusively attracted to women emotionally, physically, spiritually and/or sexually.

- **The G: Gay** – A term identifying a man who is predominately or exclusively attracted to men emotionally, physically, spiritually and/or sexually.

- **The B: Bisexual** – A term identifying a person who is attracted to men and women emotionally, physically, spiritually and/or sexually.

- **Note:** The L, G and B relate to a person’s sexual orientation.
What does LGBTQ mean?

The T: Transgender – An umbrella term used to describe a continuum of individuals whose gender identity and how it's expressed, to varying degrees, does not correspond to their biological sex.

✓ Note: The T relates to a person’s gender identity.
What fall under the umbrella of “Transgender”?

- **Transsexual** – A person who has gone through any part of the process of Sex Reassignment Surgery (SRS) and identifies as the gender they feel they are.
  - **Female to Male (FTM)** – a person born female who transitions to live and identify full time as a male/man.
  - **Male to Female (MTF)** – a person born male who transitions to live and identify full time as a female/woman.
What does LGBTQ mean?, continued...

- Cross-dresser – person who wears clothing opposite their assigned gender, usually not all the time. Does not identify as the opposite gender identity.

- Drag Queen – person, sometimes gay men, impersonating famous females, usually for performance.

- Drag King – person, sometimes lesbians, impersonating famous males, usually for performance.
What does LGBTQ mean?, continued...

**The Q: Questioning** - Refers to people who are exploring or questioning their sexual feelings, orientation, and/or sexual identity, and who may be experiencing lesbian, gay, bisexual, or transgender feelings or urges.

**Queer** – (1) an umbrella term used to refer to the entire LGBTQ community. (2) A term identifying individuals that identify as a sexual minority. (3) A term that some straight allies use to self-identify, acknowledging their connection to the community, based upon shared values, supportive behavior, commitment to social change etc... which isn’t contingent on their own sexual identity
A Note On Language

- Language and words that communities use to define themselves vary temporally, geographically, and culturally.
- Because many oppressed communities have had their right to self-identify taken away, using respectful language is the first important step in becoming an ally.
What’s most important?

- LGBTQ individuals are incredibly diverse and come from all racial, ethnic and socio-economic backgrounds.

- Respect how people self-identify however that may be: genderqueer, a man who sleeps with men (MSM), a woman who sleeps with women (WSW), pansexual, two-spirit, dyke, androgyne, asexual, bear, stud, etc...
LGBTQ Youth Dating Violence: Issues and Barriers
“You fight like a girl!”

- Black eye due to being punched in face
- Intentional exposure to HIV virus
- Sexually assaulted
- Threatened with knife
- Threatened to kill and kill themselves
- Continuously kicked over 16 times, even after the point of being unconscious
- Ribs Broken and then gun held to head for 2 hours

If you heard these stories what gender would think the survivor was? What gender would you think the batterer was? How old would you think the victim is?
Myth and Reality

- **Myth:** Battering in LGBTQ relationships are not as prevalent, harmful or dangerous as battering in relationships of non-transgender heterosexual people.

- **Reality:** Current research confirms that battering is just as prevalent (occurring in 25-33% of relationships) and just as harmful and dangerous among LGBTQ people as among non-transgender heterosexual people (NCAVP, 2007 National Domestic Violence Report).

* Teen Prevalence
Things to Know about Domestic Violence

を持っているとされることが多く、暴力は、口頭でのラブオーマンスやパワーフェイスとしてのテクニックを含む形で現れます。

- The survivor feels isolated and powerless.

- The survivor is convinced that the abuse is somehow their fault.

- Abuse comes in many forms, including verbal, emotional, sexual, economic, and physical.

- Leaving the relationship can be very difficult and can be dangerous for the survivor.
Dynamics of LGBTQ Domestic Violence, continued...  

LGBTQ Survivors face the same tactics of abuse that heterosexual survivors face.  

But, LGBTQ survivors also face the additional hurdles related to homophobia/biphobia/transphobia etc.  

Batterers are savvy ~ they use these hurdles against survivors in a variety of ways.
LGBT DV unique obstacle...

- **Homophobia** – The irrational fear of, aversion to, or discrimination against homosexuality or homosexuals, bisexuals (biphobia), and transgender persons (transphobia). It is not an actual phobia because it is caused by disgust rather than fear or anxiety. The findings suggest that social conditions and attitudes, rather than psychological factors, create homophobia.
Heterosexism & Heterocentrism

- Heterosexism is a belief that male/female sexuality is the only natural or moral mode of sexual behavior.

- Heterocentrism is an assumption (often subconscious) that everyone is heterosexual, and the attitudes associated with assumption.

- Heterocentrism often shows up in less intentional ways in every day life. For instance, when a woman says she is going on a date, many people will ask, “What’s his name?” or “Is he cute?” assuming it is a heterosexual date. Nevertheless, these people may not have anything against same-sex dating.
The LGBTQ cycle of violence and power & control wheel are exacerbated by internalized and externalized oppression. These present additional challenges to safety and help seeking.
LGBT Cycle of Violence

Externalized Homophobia & Heterosexism

Internalized Homophobia & Heterosexism

Tension

Remorse

Explosion

Institutional Homophobia & Heterosexism

Homophobia & Heterosexism
LGBT Power and Control Wheel

**EXTERNALIZED HOMOPHOBIA & HETEROSEXISM**

- **Coercion & Threats**
  - Using coercion & punishments to gain compliant behavior making and/or carrying out threats to harm
  - Threatening to leave or commit suicide
  - Threatening to "out" ~stalking

- **Intimidation**
  - Using looks, gestures or actions that are frightening & intimidating
  - Reinforcing homophobic control
  - Abusing service animals or pets
  - Displaying weapons

- **Economic Abuse**
  - Stealing ~ preventing you from getting or keeping a job
  - Making you ask for money
  - Interfering with work or education
  - Using your credit cards without permission
  - Not working & requiring you to support her/him:

- **Emotional Abuse**
  - Put downs ~ making you feel bad about yourself
  - Questioning if you are a "real" lesbian or gay man which reinforces internalized homophobia
  - Telling you that you are defective because of your gender identity

**INTERNALIZED HOMOPHOBIA**

- **Status Control**
  - Treating you like a servant ~ making all the "big" decisions ~ being the one to define each person’s role & duties in the relationship ~ using class, race, age, etc. to hurt and control you

- **Using Children and/or Pets**
  - Accusing you of being an unfit parent because of HIV status
  - Threatening to take the children or pets ~ threatening to "out" you to authorities or spouse so they will take the children away ~ threats to harm children or pets

- **Minimizing, Denying & Blaming**
  - Making light of the abuse ~ saying it didn’t happen ~ shifting responsibility for abusive behavior ~ saying it’s your fault or "you deserved it" ~ accusing you of "mutual abuse" ~ saying women can’t abuse women & that men are supposed to fight

**POWER AND CONTROL**

- **Isolation**
  - Controlling what you do, who you see or talk to ~ limiting your outside activities ~ using jealousy to control you ~ making you accountable for your whereabouts ~ saying no one will believe you ~ restricting medical care and social services
General Barriers for Teens in Dating Violence

- First relationships, lack of awareness, not understanding the differences between healthy, unhealthy and domestic violent behavior
- Belief by others that violence does not happen in teen relationships
- Lack of transportation
- Family and school pressures
Added Barriers for LGBTQ Youth Survivors

- Fear of continued victimization by law enforcement, criminal justice, and social service workers may keep many LGBTQ survivors from seeking assistance and safety.

- Fear of being “outed” to friends, family, employers / employees may make it more difficult for the survivor to seek assistance. (i.e. youth homelessness and hate violence).
Barriers for LGBTQ Youth Survivors Cont...

- Fear that the abuse the survivor is experiencing will not be taken seriously because it is occurring within an LGBT relationship.
- Same-Sex relationships are often not considered to be an acceptable family or partnership.
Barriers for LGBTQ Youth Survivors Cont...

- Fear if you are the more masculine partner you will be presumed to be the abuser.
- Fear that the abuser will convince people that they are the victim or that you are equally responsible. Mutual Abuse Myth.
- Lack of acknowledgement and support from other LGBTQ individuals who may not be aware of the fact that DV in LGBTQ relationships occurs and is dangerous.

Note: All of these can be exasperated by homophobia and heterosexism.
TRANS SPECIFIC ISSUES AND CHALLENGES*

--Adapted from: www.forge-forward.org
Trans BIAS and DV implications

• Trans people are greatly impacted by Bias
  – Victims are often made more vulnerable to violence via societal and familial bias.
  – Abusive partners often employ transphobia as part of their use of power and control
  – Victim services professionals run the risk of re-victimizing their client through both unintentional and at times intentional bias
  – The criminal justice system at times reflects the cultural sanctioning of heterosexism and transphobia.
Tactics Used Against Trans Victims

- Using the incorrect pronouns or referring to partner as “it”
- Denying access to medical treatment, hormones or to info about trans issues or forbidding them to discuss topics related to gender identity
- Fetishizing or eroticizing trans partner without their consent
- Telling partner they deserve abuse or will never find another partner who treats them better.
- Touching body parts victim doesn’t want touched or calling body parts by names offensive to the victim
- Threatening to out partner
Tactics used by Trans Abusers

- Telling the partner that reporting abuse would harm the trans community
- Claiming that abusive behavior is caused by hormones or that it is part of their gender expression, i.e. “I’m just being butch.”
- Claiming they are more ‘politically correct.’
- Denying partner access to info about trans issues or forbidding them to discuss topics related to gender identity
- Claiming that refusing to have a particular type of sex undermines their gender expression or claiming that “this is how real men/women have sex”
*Reminder*

Domestic violence occurs in approximately 1 in 3 relationships regardless of sexual orientation, gender identity, ethnicity, socioeconomic status, education, religious affiliation, political ideology, physical ability etc.

Domestic violence crosses all boundaries and does not discriminate.
SCREENING

In LGBTQ domestic violence, one can never assume the person in front of them is the survivor.

Differentiation between survivor & batterer is vital...
Legal Issues and Challenges for LGBTQ Youth Survivors of Domestic Violence
Civil Protection Orders

- What are they?
  - Civil orders
  - Can require that one party stays away from, does not contact, and refrains from harassing another party, as well as other orders

- What happens if they are violated?
  - Sometimes civil fines or criminal sanctions, typically make law enforcement more likely to respond
Who can get a Protection Order?

- Generally, people who are “dating”, have a child in common, are married or registered domestic partners, or live together can get protection orders against each other if someone who has committed a crime against them.

- Note – Age requirements - discussion
The California DVPA – Age Requirements

- If you are 12 years old or older, you can obtain a restraining order on your own without a parent or guardian’s permission.
  - However, if you are under 18 and living with a parent or guardian, a copy of the restraining order must be sent to at least one parent or guardian, unless the judge decides it would not be in your best interests.

- If you are under 12, you will need a parent or guardian to file for you.

Who can get a protection order?

- In most states, people in same-sex relationships can get protection orders against abusive partners
  - South Carolina and Montana, explicitly exclude people in same-sex relationships
  - 6 Jurisdictions explicitly allows for same-sex protection via statute or case law – CA, WA, NJ, OH, PA, & DC
  - All other states have gender-neutral language
    * Transgender clients' relationship status is dependent on the gender identity and legal sex of the client under state law.
Practice Tips...

- Beware of Outing
- School Barriers
- Are there other options where DVRO aren’t an option? EX. Civil Harassment Orders, Criminal Advocacy
Additional Legal Challenges and Variations

Defense of Marriage Act (DOMA) – State and Federal
Immigration

- Ineligible to apply for self-petitioning VAWA immigration relief if in a “same-sex” relationship.
- LGBTQ survivors of Domestic Violence are eligible to apply for a U-VISA – requires that you are helpful to the investigation or criminal prosecution.
- Is Asylum an option?
Anti-Discrimination Protections

- About half of the states provide protections against sexual-orientation based discrimination.
- Few protect against gender-identity discrimination.
- In states that do, you can advocate for a client with employers, schools, and housing authorities.
- Remember – federal (i.e. military) and religious organizations are often exempt.
BRAINSTORMING – STRATEGIES FOR OVERCOMING BARRIERS GROUP EXERCISE.
SCENARIO  Exercise – see handout

QUESTIONS

1. What are the major barriers facing John?

2. How do these barriers affect his ability to access help with the system?

3. What strategies will you use to overcome these barriers / what advice will you give to John?
Final Tips and Recommended Practices

- Foster an environment where a person’s LGBTQ identity is welcomed, acknowledged and respected, not judged and not ‘spot-lighted.’
Generally:

- Use gender neutral language on intake forms:
  - Partner rather than boyfriend, husband
  - They, rather than he or she
  - Person rather than man, woman
  - Relationship status rather than marital status
  - Parent or Guardian, rather than Mother, Father
Tracking LGBTQ Identity

- Note the language the client is using to refer to her or himself regarding identity, pronouns, relationship, and her/his abuser.
- Use that language yourself, even when you are not in the client’s presence.
- If you are not sure about the meaning of something, ask.
- If you are not sure if it’s ok to use a particular word, ask.
- Remember to keep the focus on care rather than indulging in questions out of curiosity.
And, Respect a Client’s Self-Determination to Be “Out” or Not…

- Be aware that your client may be out in certain circumstances and not in others. Ask before disclosing any information.
Fostering a Welcoming Environment:

- Display LGBTQ-welcoming materials in the office and shelter environments (e.g., rainbow flag, sticker or banner):
Resources:

L.A. Gay & Lesbian Center – www.lagaycenter.org
323-993-7649 or dvlap@lagaycenter.org

24-Hour National Domestic Violence Hotline – 800.799.7233

NCAVP - National Coalition of Anti-Violence Programs (212) 714-1184, info@ncavp.org, www.ncavp.org
Questions?