



Public Advocate for the City of New York

ACTING LIKE ADULTS: TEENAGERS AND DATING VIOLENCE

**A REPORT BY PUBLIC ADVOCATE BETSY GOTBAUM
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Executive Summary

Across the country, more and more people are becoming aware of the scourge of domestic violence. Police, politicians, and the press are beginning to acknowledge that domestic violence is a problem that affects millions of people in the U.S.. Unfortunately, there is still not sufficient awareness of the high numbers of young people who are engaged in violent dating relationships. Many young people, both victims and perpetrators, lack services and support.

This report explores the extent to which teen dating violence is a problem in New York City and examines the City's role in educating young people about the risks of dating violence and the steps it has taken, and still needs to take, to keep them safe. It also looks at what assistance and relief may be available to young survivors in New York City.

Summary of Findings

- Ninety-seven percent of teenagers who are in violent relationships do not disclose the abuse to adults. If they speak to anyone, they are most likely to speak to their friends and peers.
- Because of Department of Education (DOE) policy, survivors of relationship abuse often remain in the same schools as their batterers. There are only limited circumstances under which students can be transferred out of schools in the event of a violent incident. The only recourse consistently available to a victim is to request a safety transfer, which she may or may not be granted, and which penalizes her for the abuse she has suffered.
- Suspending batterers from school does not offer victims any real, permanent protection. Suspended batterers return to school after the suspension is over, sometimes just six days later, exposing their victims to a risk that is potentially even greater than before.
- The DOE neither has a uniform policy nor designated personnel to handle teen relationship abuse. The DOE does not have a coordinator specifically designated to address the problems of relationship abuse among youth. The lack of a uniform policy has led to a piecemeal approach in schools that makes the method for handling relationship abuse inconsistent and unpredictable from school to school.
- Teachers and other school staff do not receive training on how to identify and prevent dating violence among their students.
- While the DOE has some programs to teach students about relationship abuse, those programs are only in a limited number of schools. The DOE has a new

health curriculum, which reportedly contains a segment on relationship abuse, but it remains to be seen how extensive and appropriate this curriculum will be.

- The DOE does not track how many students have reported being in a violent relationship or have sought help from their schools during the school day as a result of their violent relationships. Without this critical information, it is impossible to know the extent of the problem in the schools, to figure out the best ways of addressing it, and to know what resources should be dedicated to it.
- Young people who do not have a child in common with their batterer are unable to obtain civil orders of protection from the Family Courts. In order for this to change, the State Legislature would have to amend the law. In 2004, the City Council passed a resolution calling on the State Legislature to allow persons in violent dating relationships to petition the family courts for an order of protection. Related bills have passed the State Assembly a number of times, but they have repeatedly stalled in the State Senate.

Summary of Recommendations

- The DOE should post the City's Domestic Violence Hotline and Youthline phone numbers in all appropriate locations in junior high, middle, and high schools. Locations should include places students are most likely to read the postings, such as bathrooms and locker rooms. Postings should also include an informational checklist of warning signs of abusive behavior.
- The DOE should modify its school transfer policy to require and simplify the transfer of batterers from schools they attend with their victims. It is unacceptable that a victim's only way to feel safe in school is to ask for a safety transfer herself. The DOE transfer policy should not violate the batterer's due process rights, but it should allow for a transfer when violent acts occur either on- or off- campus. At a bare minimum, an order of protection should trigger a hearing for an involuntary transfer of the batterer.
- The DOE should implement a uniform policy in schools for handling teen relationship abuse. A uniform school policy should include a variety of elements, including safety planning with the victim, class and lunch period schedule changes, suspensions or transfers, dissemination of information to teachers and security personnel, counseling for the victim and perpetrator, locker assignment changes, letters to the perpetrator's parents or guardians, and staggered school departure times for the victim and batterer.
- The State Department of Education should include a workshop on teen relationship violence in teacher certification requirements. The workshop should

include information on identifying relationship abuse and information on resources and services available to students experiencing relationship abuse.

- To the extent possible, the DOE should expand its RAPP program, or otherwise ensure that domestic violence advocates, are able to come into each and every junior high, middle, and high school to speak with the students about relationship abuse.
- The DOE should designate a coordinator to combat student dating violence. The position would include responsibility for tracking incidents of teen dating violence, tracking enforcement of orders of protection in schools, and implementing a uniform citywide response to student dating violence.
- The State Legislature should enact legislation allowing persons who are in violent dating relationships to petition for orders of protection in Family Court.

Introduction

Dating violence¹ affects an alarming number of young people in the United States. In 2001, the Harvard School of Public Health estimated in a report that one in five teenage girls is physically or sexually assaulted by a dating partner.² In another study, forty percent of girls between the ages of fourteen and seventeen reported knowing someone their own age who had been hit or beaten by a boyfriend.³ The incidence of violence in high school dating relationships has been variously measured at nine percent to forty-one percent.⁴ Young people in same-sex relationships are equally at risk of experiencing dating violence as their peers.⁵

Teenage relationship abuse is a growing problem in New York City. Approximately ten percent of domestic violence victims treated at New York City public hospitals are under the age of twenty.⁶ In 2004, the New York City Domestic Violence Hotline received 18,282 calls from teenagers, an increase of over thirty-six percent from the number of calls from teenagers received the year before.⁷

This report will examine the failure of City schools to protect teenagers in abusive dating relationships. In addition, it will address young people's lack of access to other critical resources, such as the family court system. Some of the information was previously released by the Public Advocate in the February 2004 report, "Before It's Too Late: Adolescent Relationship Abuse in New York City."⁸

¹ The terms dating violence, relationship abuse, and intimate partner violence or abuse are all used in this report, but all connote the same thing. They all refer to violence that happens within romantic relationships. However, the terms are not meant to suggest that both parties in the relationship are violent towards each other. The violence is typically one-sided. It can be perpetrated by both men and women in heterosexual, homosexual, and transgender relationships. Because the vast majority of relationship violence is perpetrated by men against women, this report will refer to survivors using female pronouns and batterers using male pronouns.

² Rose Palazzolo, *A Date with Violence – Study Says One in Five Girls is Abused by Boyfriend*, Health, ABC News.com, August 2001, available at <http://www.rense.com/general12/onefive.htm>. While this report primarily focuses on the issue of young people and relationship abuse, the Public Advocate recognizes that many of the problems facing young people in relationship abuse situations are similar, and in many cases the same as, those being confronted by survivors who experience sexual abuse and forced sex within a dating relationship, and those who are sexually assaulted by someone they are not dating.

³ The National Center for Victims of Crime, *Teen Dating Violence Fact Sheet*, available at <http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspxnz?DocumentID=38057>, citing to "Children Now," Kaiser Permanente poll, December 1995.

⁴ Carole A. Sousa, *Teen Dating Violence: The Hidden Epidemic*, 37 Fam. & Council. Cts. Rev. 356, 358, July 1999.

⁵ National Domestic Violence Hotline, *Teens, Young Adults and Dating Violence*, available at <http://www.ndvh.org/teens.html>.

⁶ Lynda Crawford, *A Report on Violent Teen Dating Relationships*, Gotham Gazette, September 2003, available at <http://www.gothamgazette.com/article/children/20030903/2/511>.

⁷ Mayor's Office to Combat Domestic Violence, *Domestic Violence Fact Sheet February 2005*, available at http://www.nyc.gov/html/ocdv/downloads/pdf/factsheet_feb2005.pdf.

⁸ *Before It's Too Late* is available at http://www.pubadvocate.nyc.gov/policy/before_its_to_late.html.

The Impact of Dating Violence on Teenagers

Studies have uncovered a broad array of associated health and education risks specific to adolescents who have been in or are currently in, abusive relationships. Female adolescents who experience physical dating violence suffer a higher incidence of substance abuse, eating disorders, and high-risk sexual behavior.⁹ They are also eight to nine times more likely to attempt suicide.¹⁰ High school girls who have been abused are four to six times more likely to become pregnant than their non-abused peers.¹¹ This statistic is made even more disconcerting by the fact that a recent study by the Centers for Disease Control found that new or expectant mothers under the age of twenty are at higher risk for homicide than any other age group.¹²

Many teenagers do not tell any adults or authority figures, including parents, about the violence that they are experiencing. Research indicates that over ninety-seven percent of teenagers do not report violent incidents to authority figures.¹³ In one study of teenage victims, sixty-one percent of adolescents confided in a friend about abuse, and thirty percent did not tell anyone.¹⁴

There are several reasons why young people may be secretive about their relationships. They might not understand that they are victims or that they have not done anything wrong, they might fear retaliation from their batterers, or they might feel embarrassed or ashamed about their situations. Like adult relationships, teenage relationships are complicated and, despite the abuse, victims might love their batterers; teenagers might be scared that disclosing abuse to adults will mean that they will not be allowed to continue dating their boyfriends or girlfriends. Teenagers in violent same-sex relationships may be even less likely to confide in anyone about the abuse that they are experiencing if disclosing the abuse will mean disclosing their sexual identity. Finally, teenagers may hesitate to speak to their parents or guardians about abuse because they are scared that they will lose some of their recently-obtained independence.

When Rosanna was a sophomore at a Queens high school, she had a seventeen-year-old boyfriend. They dated for over a year. He was very controlling and hit her when he was angry at her. They attended different high schools, but met at the bus stop after school to travel home together; they were virtually neighbors. He did not allow her to

⁹ Jay G. Silverman, PhD; Anita Raj, PhD; Lorelei A. Mucci, MPH; Jeanne E. Hathaway, MD, MPH *Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, Journal of American Medical Association, 572-579, August 1, 2001, abstract available at <http://jama.ama-assn.org/cgi/content/abstract/286/5/572?lookupType=volpage&vol=286&fp=572&view=short>.

¹⁰ See 8.

¹¹ *Ibid.*

¹² Donna St. George, CDC *Explores Pregnancy-Homicide Link*, Washington Post, February 23, 2005 available at <http://www.washingtonpost.com/wp-dyn/articles/A45626-2005Feb22.html>.

¹³ See 3; Rhode Island Coalition Against Domestic Violence, *Public Awareness Campaign Speaks to Teens about Dating Violence*, available at <http://www.ricadv.org/datingviolence.html>.

¹⁴ The National Center for Victims of Crime, *If you are a Victim of Teen Dating Violence*, available at <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentAction=ViewProperties&DocumentID=32370&UrlToReturn=http%3a%2f%2fwww.ncvc.org%2fncvc%2fmain.aspx%3fdbName%3dSiteSearch>; *Old enough to date? Learn warning signs of abuse*, Tucson Citizen, January 27, 2005.

participate in activities at school and required that she meet him at the bus stop daily. If she ever needed to change her plans, she had to call him for permission. She remained silent about the situation for months, scared of what he would do if she told someone and scared of the potential reaction of an authority figure. She didn't know whom she could trust and who could help. Eventually the isolation became worse than the fear, and she reached out to her high school guidance counselor.¹⁵

Dangerous Schools: The DOE Does Not Protect Teen Victims of Relationship Abuse

An adult who is in an abusive relationship has several steps she can try to take to protect herself from her batterer when she leaves him. She can relocate, she can change jobs, and she usually can seek a protective order from the Family Court. In contrast, teenagers are far less mobile and have far fewer options.

It is likely that a young survivor of relationship abuse may attend the same school or live in the same community as her batterer or his friends, and schools demand a degree of contact between students that other environments do not. The teenage survivor may have to attend classes with her batterer, pass him in the halls, and ride the same bus home with him. Even if she breaks up with him, she still may have to interact with him or his friends on a daily basis. A teen involved with an adult batterer is relatively restricted in her mobility based on her family's residence and the school she attends.

The Department of Education (DOE) fails to provide adequate safety solutions for a teenage victim of dating violence attending City schools. There are only three available paths that allow a victim to permanently avoid attending the same school as her batterer – either the victim is granted a safety transfer, the batterer agrees to a voluntary transfer, or the school issues an involuntary transfer of the batterer. All are inadequate solutions. The first option re-victimizes the abused student by making her the one to change schools, a voluntary transfer of the batterer is unlikely to happen, and an involuntary transfer of the batterer is nearly impossible for the school to obtain.

Schools Lack Policy on Dating Violence

Part of the confusion regarding what recourse an abused student may have stems from the fact that the DOE does not have a specific, uniform policy for addressing relationship violence in the schools. The DOE attempts to address relationship abuse through the regulations against unacceptable behaviors set forth in the Discipline Code;¹⁶ however, the specific behaviors set forth do not actually reflect the complex emotional and physical reality of relationship abuse.

Even in the most serious of cases, lack of policy prevents schools from adequately complying with court orders¹⁷ protecting students. When it comes to enforcing orders of

¹⁵ All case examples in the report are based on stories shared with the Public Advocate's office by survivors and domestic violence advocates. In all instances, names have been changed to protect the safety of the survivors.

¹⁶ Michele Cahill, Senior Executive, Office of Youth Development and School Community Services and Rose Albanese-De-Pinto, Senior Counselor, Office of School Intervention and Development, letter to Lisa Paris, May 9, 2005.

¹⁷ Orders of protection, and young people's lack of eligibility for them, is discussed later in this report.

protection that require the attacker to stay away from the victim, schools do not have a uniform practice to follow, and instead handle the situations on a case-by-case basis.¹⁸ When possible, schools may try to adjust students' schedules to make sure they are not sharing the same class;¹⁹ however, some schools lack the space to keep the students apart, and others do not have the flexibility of scheduling to ensure that they are not in the same classrooms. In addition, if the abuser has graduated or does not attend the school, no policy exists to notify school security personnel who could contact authorities if the abuser tried to enter school grounds.

School Safety Transfers are Inappropriate and Unavailable

Provision 120.5 of the Regulations of the Commissioner of Education allows for student transfers in the event that a student is unsafe at the school that s/he attends;²⁰ however, the circumstances for which a safety transfer can be requested are limited. The transfer is only available for students who are victims of violent criminal offenses that occurred on school grounds.

“Violent criminal offenses” include the infliction of “serious physical injury” as defined in the penal law, sexual offenses that involve forcible compulsion, and other offenses that are defined in the penal law and involve the use, or threatened use, of deadly weapons.²¹ Thus, a teenager in a violent relationship can only request a transfer if she has been severely attacked physically, or a deadly weapon was involved, *and* the incident happened on school property.

An incident that occurs off school grounds -- even one that results in an order of protection -- may not lead to a safety transfer for a victim. Moreover, a student subjected to an on-campus physical attack is not guaranteed a safety transfer because the student must be able to present a great deal of evidence to demonstrate the danger she is in. According to InsideSchools.org, an organization dedicated to improving public education in New York City, presenting a police report of the assault may not be sufficient.²² In any case, safety transfers are an inadequate solution because they penalize the victims of abuse; to protect themselves, the victims must leave their supportive environments for new schools, while the perpetrators of the abuse may not be held accountable at all for their actions.

To illuminate how ineffective this regulation is for a young person in a violent relationship, consider the case of a hypothetical fifteen-year-old girl who comes to school on Monday morning with a black eye and bruises on her arm because her boyfriend, who is in her homeroom, attacked her over the weekend. This young woman would not be able to request a safety transfer to a different school: A black eye and bruises do not constitute a “serious physical injury” because under the regulation this term is defined by

¹⁸ See 15.

¹⁹ See 15.

²⁰ Provision 120.5 is available at <http://www.emsc.nysed.gov/sss/SDFSCA/Provisions-Part120.5.htm>.

²¹ *Ibid.*

²² Insideschools.org, *Survival Tips, Transfers: For health and safety reasons*, available at http://www.insideschools.org/st/ST_transfer2.php.

the penal law. The penal law defines a “serious physical injury” as one in which the injury “creates a substantial risk of death, or which causes death or serious protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.”²³ Her batterer did not attack her with any “deadly weapons,” which the penal law defines as “any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.”²⁴ And finally, the attack did not happen on school grounds. Her boyfriend could attack her every weekend for months, and the girl would have to face him every Monday morning, because she does not qualify for a safety transfer.²⁵

Student Suspensions Are Insufficient Solutions

In an alternative scenario, if that same fifteen-year-old girl sustained the black eye on the school’s campus, she still would not be able to request a safety transfer as her injury still would not constitute a serious physical injury under the penal law. She might be able to report the incident, however, and hope that her batterer receives an off-campus suspension for a year.²⁶ Students can be suspended from school for various infractions, and specifically if their presence in school presents a danger to other students.²⁷

Currently, the DOE makes it necessary to establish a record of suspensions before a dangerous student is assigned a mandatory, or involuntary transfer. In January 2004, Chancellor Klein announced a new policy of seeking mandatory transfers for students who have two or more suspensions within a twenty-four month period.²⁸ Therefore, if the 15-year-old girl in the hypothetical situation described above was attacked twice on school grounds by her boyfriend, and he was suspended twice for those attacks, he should be transferred to a different school according to DOE policy.

Even after a student is suspended twice, however, the DOE usually fails to transfer a dangerous student from a school permanently or in a timely manner. A report released by the Public Advocate’s office in January 2005 found that the DOE was failing to provide mandatory transfers for students with multiple disciplinary infractions.²⁹ In that report, the Public Advocate’s office found that eleven out of twelve high school administrators attested to the fact that regional offices fail to provide mandatory transfers for students with multiple disciplinary infractions.

²³ NY CLS Penal § 10.00 (10)

²⁴ NY CLS Penal § 10.00 (12)

²⁵ An exception could be made if she attended a Title 1 school in need of improvement, in which case she could request a transfer under No Child Left Behind Act.

²⁶ There are two kinds of suspensions: principal suspensions and superintendent suspensions. Principal suspensions can last up to 5 days. Superintendent suspensions, which are ordered in situations with very serious charges, can last from 6 days up to one year. In the case of an assault, students receive superintendent suspensions which are always off-campus suspensions.

²⁷ Advocates for Children, *High School Superintendent’s Suspension Guide for Parents of NYC Public High Schools*, available at <http://www.advocatesforchildren.org/pubs/hssusp.html>.

²⁸ Public Advocate of the City of New York, *New York City Department of Education’s Zero-Tolerance Policy for Chronically Disruptive Students*, released January 13, 2005, available at: <http://www.pubadvocate.nyc.gov/reports/schoolsafety.shtml>. The policy applies to both principal and superintendent suspensions.

²⁹ See 27.

Because it is so doubtful the batterer will be transferred, even if he receives an out-of-school suspension after attacking his girlfriend, in all likelihood he will be back in school once the suspension is over. In fact, the victim is likely to be in even more danger when he returns, as the batterer may blame her for getting him suspended. It is also possible that his friends will continue to harass her during his absence.

New York Teachers Are Not Trained to Identify or Address Teen Dating Violence

A factor contributing to the danger a student may face in school is that teachers and other school staff are not trained to identify the signs of relationship abuse in their students.³⁰ Teachers are required to attend a two-hour child abuse identification workshop in order to be certified to teach. In addition, all teachers hired after February 2, 2001, must attend a two-hour workshop on school violence prevention and intervention;³¹ however, neither of these workshops includes curriculum on identifying relationship abuse in students and counseling students who are in violent relationships, nor is there a mandated workshop on dating violence.³² This means that, even if a student comes to a teacher to report a case of relationship abuse or the teacher is able to identify the problem, he or she may not know where to send students or what help is available.

City Students Do Not Learn About Teen Dating Violence Prevention

Young people lack information about resources that may be available to youth in violent relationships.³³ The City has a responsibility to educate all students about dating violence and has begun to take minimal steps towards accomplishing this task.

The DOE has recently developed a new health curriculum that includes sections on domestic violence and teen relationship abuse.³⁴ It has only begun to train school staff in the new curriculum,³⁵ however, and it remains to be seen how extensive and effective it will be.

In 1999, the Mayor's Office to Combat Domestic Violence (MOCDV) and the City's Human Resources Administration (HRA) partly compensated for the gap in the health curriculum by partnering with domestic violence organizations to create a model teen relationship abuse education program in public high schools. The Adopt-A-School/Relationship Abuse Prevention Program (RAPP) is a comprehensive, school-based teen relationship abuse prevention program that promotes healthy relationships, intervenes in the cycle of teen intimate partner violence, and prevents destructive patterns of teenage dating abuse from extending into adult relationships.

Since its inception, RAPP has been present in only twenty high schools. The DOE now has plans to introduce RAPP into ten more schools, including a few junior high schools,

³⁰ See 15.

³¹ NY CLS Education Law § 3004

³² See 15.

³³ Stephanie Nilva and Alison Yager, Break the Cycle New York, *Young Victims of Intimate Partner Violence: A Progressive Approach to Civic and Social Systems*, unpublished, April 2005.

³⁴ See 15.

³⁵ See 15.

in the fall of 2005, to bring the total number of participating schools to thirty.³⁶ There are 314 high schools in the City, however, which means fewer than one in ten will participate in the program even after it expands, and an even smaller percentage of junior high and middle schools will be participating.³⁷

Some high schools that are not in the RAPP program have other outside non-profit agencies conduct presentations on violence and healthy relationships for students and staff. All of these programs are critical not just to reaching out to teenage victims but also to educating perpetrators and potential perpetrators.

Todd, a junior at a high school in Manhattan, sat through a presentation given to his class by an outside non-profit organization about healthy relationships. The program made him think. After it was over, he approached the presenter. "I think I may be abusive to my girlfriend," he said. "She's kind of abusive to me, too, but I think I do it more." The guest presenter provided him with information about local agencies that offer healthy relationships groups for youth, as well as batterers' intervention programs for young people.

While these programs are a good start, they do not go far enough. It is important to reach out to children at an even earlier age. Children who are exposed to violence are likely to act out aggressively, often in the form of bullying at school. Later, the bully's aggressiveness can develop into sexual harassment or dating violence.³⁸ Young people should be targeted for education on domestic violence and healthy relationships before they even get to high school. None of the 241 junior high and middle schools in the City currently participate in the RAPP program, though six are scheduled to be included when the program expands in the Fall.³⁹

The City established another outreach initiative in the Fall of 2004, when it began an education campaign to encourage young people in violent dating relationships to call City hotlines to seek assistance.⁴⁰ The Department of Youth and Community Development (DYCD) and the DOE have distributed materials to four hundred public junior high and high schools, City hospitals, and after-school programs as a part of that campaign.⁴¹

³⁶ Mayor's Office to Combat Domestic Violence, *About OCDV: New Initiatives*, <http://www.nyc.gov/html/ocdv/html/about/initiatives.shtml>. Some students do receive training from independent domestic violence organizations that make arrangements with schools to come in and do trainings on this issue; however, these programs are not part of a City-implemented program to comprehensively address this problem.

³⁷ The number of total high schools is from "The New York City Department of Education's Directory of Public High Schools." The number of schools participating in the RAPP program can be found at <http://www.nyc.gov/html/ocdv/html/issues/teenagers.shtml>.

³⁸ Government of Alberta, Alberta Roundtable on Family Violence and Bullying, *Achieving a Violence Free Alberta is Everyone's Business*, p. 24 available at <http://www.fathersforlife.org/doc/FVroundtableworkbook.pdf>.

³⁹ The number of junior high schools can be tabulated on <http://www.nycenet.edu/OurSchools/default.htm>.

⁴⁰ Mayor's Office to Combat Domestic Violence, *Special Issues: Teenagers*, available at <http://www.nyc.gov/html/ocdv/html/issues/teenagers.shtml>.

⁴¹ See 39.

No DOE Specialist for Student Dating Violence

It is unknown how many teenagers in New York City attend the same public schools as their batterers because the Department of Education does not track this information.⁴² The DOE also does not have a record of the number of civil or criminal orders of protections the schools have tried to enforce, the number of violent acts between batterers and their victims that have occurred on school premises, or the number of survivors who have requested transfers either for themselves or for their batterers to avoid future violence.⁴³ Based on national data, phone calls placed to the City's Domestic Violence Hotline, and anecdotal reports from students, teachers, and school administrators, advocates are aware that relationship violence among teens is a widespread problem.⁴⁴

The DOE does not have an individual dedicated specifically to addressing problems related to teen relationship abuse in the schools. It appears that two offices, the Citywide Coordinator for "Child Abuse and Domestic Violence" and the Administrator for the "Substance Abuse and Violence Prevention Program," may be partially responsible for oversight of this issue;⁴⁵ however, it is impossible for them to effectively handle such important, vastly different, and prevalent issues. If the DOE assigned staff specifically to oversee the problems of abuse of students by their dating partners in schools, then it would be possible to track incidents, help implement a uniform policy, and coordinate trainings for teachers, staff, and students.

Inaccessible Courts: Teenagers Lack Access to Court System

Thirty-four states and the District of Columbia permit victims of dating violence to petition for civil protective orders;⁴⁶ New York State is not one of them. Civil orders of protection are a critical first step in helping women regain control of their lives after ending an abusive relationship. In order to obtain a civil order of protection in New York, the petitioner and respondent must be "members of the same family or household."⁴⁷ Same family status is defined to include people who either are, or used to be, married to each other, people related by blood, and people who have a child in common, regardless of whether or not they have ever been married or have ever lived together.⁴⁸

New York is one of fourteen states whose laws remain silent as to whether one's age should be a factor in determining access to civil orders of protection. Ten states explicitly permit minors to obtain orders of protection without parent or guardian involvement, though nine of those states do place some restrictions on that access.

⁴² See 15.

⁴³ See 15.

⁴⁴ Stephanie Nilva, Executive Director, Break the Cycle New York, phone conversation with Lisa Poris, January 25, 2005.

⁴⁵ Office of Youth Development and School-Community Services, available at <http://www.nycenet.edu/Administration/Offices/youthdev/default.htm>.

⁴⁶ Break the Cycle, *Recognition of Minor Victims in State Civil Domestic Violence Laws*, February 2005.

⁴⁷ NY CLS Family Court Act § 812 (1)

⁴⁸ *Ibid.*

Because of the restrictions of New York's law, the only young people who are likely to qualify to petition in Family Court for an order of protection are those who have a child in common with their abusers. Young people in violent same-sex relationships would never qualify for a civil order of protection in New York State.

Individuals in dating relationships in New York State are confined to the criminal justice system to seek protective orders, and the restriction leaves many of them vulnerable. Many young people, particularly immigrants and those in same-sex relationships, do not trust police and do not see the criminal courts as a source of help.⁴⁹ A victim of any age could reasonably feel reluctant to initiate criminal proceedings that might lead to a partner's imprisonment; initiating such actions could endanger the victim further by inciting retaliation. Those survivors of abuse who are willing to turn to the criminal courts for help face a system in which they are not parties to the criminal proceedings and, therefore, have no control over the process. They also face a higher burden of proof in criminal court than they would in family court, making it more difficult to access protection.

Elizabeth is an eighteen--year-old young woman working on getting her GED. Her local District Attorney's office brought charges against her ex-boyfriend after she filed a police report against him. On various occasions, he had dragged her along the sidewalk, thrown a telephone receiver at her, and hit her so hard on the head that she needed stitches. When the DA's office began its investigation, Elizabeth cooperated with the Assistant District Attorney on her case. As the case went on she began to experience mounting anxiety and depression, and expressed this to the ADA. When the ADA told her that she would have to testify before a grand jury, Elizabeth decided she could no longer go along with the process. The criminal prosecution made her nervous, and she worried about retaliation from her ex-boyfriend and his family. The thought of telling her story to a jury of strangers made her extremely uncomfortable. Despite the advice she received from the ADA that without the criminal prosecution she would not be able to obtain an order of protection because she would not qualify for one in Family Court, Elizabeth refused to testify. She knew that she was sacrificing the security of the order of protection in order to disentangle herself from "the system."

New York's lack of a civil option for an order of protection for adolescents heightens the danger that young people in violent relationships are facing. In a study of women who were petitioners for protective orders conducted by the National Center for State Courts for the United States Department of Justice, researchers found that the simple act of petitioning for a civil protection order was associated with an improved sense of well-being in study participants. Eighty percent of the participants reported feeling safer six months after they had petitioned for the protective order, and ninety percent reported feeling better about themselves.⁵⁰ A recent study in Maryland has confirmed that women

⁴⁹ See 32.

⁵⁰ National Institute of Justice Research Preview, *Civil Protection Orders: Victims' Views on Effectiveness*, January 1998, available at <http://www.ncjrs.org/pdffiles/fs000191.pdf>.

who received a civil protective order are subjected to less intimate-partner violence three months later.⁵¹

The exclusion of young people in dating relationships from New York's statutory law relating to protective orders minimizes the gravity of their situation. It affirms the opinions of many parents and authority figures that teenagers' relationships are not as serious as adult relationships, and therefore they can easily be ended if the relationship becomes abusive. In fact, studies have indicated that parents may actually contribute to teen dating violence by denying or minimizing the problem.⁵² The reason that only a small percentage of young people reveal their abusive relationships to adult or authority figures may be that they recognize that adults do not take their relationships seriously.

Some of the states that allow young people to petition for a civil protective order require mandatory adult involvement in the process. In those states, either the parent or a guardian ad litem⁵³ must petition for the protective order on behalf of the minor, or must sign the minor's petition for the order.⁵⁴ While it is laudable that these states have a means for a minor to obtain a civil protective order, the requirement that an adult be involved in the process may act as a deterrent for minors who do not wish to have a parent involved. Young people have many reasons for not informing their families about the violence in their relationship. If a teenager must make an admission to a parent or guardian about the nature of their relationship in order to obtain an order of protection, many young people who would benefit from a protective order might choose to forego the protection.

In 2004, the City Council passed Resolution 0589-2004, of which the Public Advocate was a co-sponsor, calling on the State Legislature to allow persons in violent dating relationships to petition the family courts for an order of protection. The resolution would allow both adults and young people in dating relationships to petition for a civil order of protection. While the State has considered this issue in the past, and the State Assembly has passed similar bills, it has yet to pass in the State Senate.⁵⁵ Until the State changes the Family Court Act to permit petitions from victims of violent dating relationships, many young people will only be able to receive an order of protection in the context of the criminal justice system.

⁵¹ Joe Surkiewicz, *Of Service – House of Ruth Study Shows Protective Orders Protect Battered Women*, The Daily Record, April 29, 2005.

⁵² Christine Carlson, *Invisible Victims: Holding the Educational System Accountable for Dating Violence at School*, Harvard Women's Law Journal, 2003, at 359.

⁵³ A guardian ad litem is a person appointed by the court to represent a minor's interests during a court proceeding.

⁵⁴ The National Center for Victims of Crime, *Minor's Access to Protective Orders*, available at <http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentAction=ViewProperties&DocumentID=32674&UrlToReturn=http%3a%2f%2fwww.ncvc.org%2fncvc%2fmain.aspx%3fdbName%3dSiteSearch>.

⁵⁵ New York State Assembly, *Bill Summary A05052*, available at <http://assembly.state.ny.us/leg/?bn=A05052>.

Findings

- **Over ninety-seven percent of teenagers do not report dating violence to adult authority figures.** If teenagers report abuse to anyone, they are more likely to speak about it to their friends and peers than anyone else. Thirty percent of young people in dating relationships do not tell anyone about the abuse.
- **The DOE does not hold student batterers accountable for attacks that may take place either on the school campus or off the campus.** There are only limited circumstances under which students can be transferred out of schools in the event of a violent incident. Batterers often continue to attend the same schools as their victims, even after attacks take place on the school campus. The only recourse consistently available to a victim is to a request a safety transfer, which she may or may not be granted and which penalizes her for the abuse she has suffered. If she is granted the transfer, she will be the one forced to go to another school.
- **School suspensions of batterers do not actually protect student abuse victims.** If the assault did not happen on school campus, administrators often are unable to suspend the violent students at all. Suspended batterers return to school after the suspension is over, sometimes just six days later, exposing their victims to a risk that is potentially even greater than before. Because of the faulty school transfer policy, administrators are unlikely to transfer student batterers even if there have been multiple suspensions.
- **The DOE neither has a uniform policy nor designated personnel to handle teen relationship abuse.** The DOE does not have a coordinator specifically designated to address the problems of relationship abuse among youth. The lack of a uniform policy has led to a piecemeal approach in schools that makes the method for handling relationship abuse inconsistent and unpredictable from school to school. The arbitrary nature of school responses to relationship abuse can place youth at risk of further abuse.
- **The DOE does not train teachers and staff to look for signs of abusive relationships among students.** Although public school teachers are required to attend workshops on identifying child abuse and on school violence intervention generally, they do not receive training on how to identify dating violence among their students.
- **The DOE does not ensure that all students receive information on relationship abuse.** Commendable programs such as the RAPP program are only available in a limited number of schools. The DOE has a new health curriculum which reportedly contains a segment on relationship abuse, but it remains to be seen how extensive and appropriate it will be.
- **The DOE has no record of how many students have reported being in a violent relationship or have sought help from their schools during the school**

day as a result of their violent relationships. The DOE does not have an administrator assigned to track this information or to help coordinate a response to the problem in the schools. Without this critical information, it is impossible to know the extent of the problem, to figure out the best ways of addressing it, and to know what resources should be dedicated to it.

- **Young people who do not have a child in common with their batterer are unable to obtain civil orders of protection from the Family Courts.** In order for this to change, the State Legislature would have to amend the law. In 2004, the City Council passed a resolution calling on the State Legislature to allow persons in violent dating relationships to petition the family courts for an order of protection. Related bills have passed the State Assembly a number of times but have repeatedly stalled in the State Senate.

Recommendations

- **The DOE should post the City’s Domestic Violence Hotline and Youthline phone numbers in all appropriate locations in junior high, middle, and high schools.** Locations should include places students are most likely to read them, such as in bathrooms and locker rooms. Because teenagers are more likely to confide in a friend than anyone else, and because they lack information about resources, it is important that postings include information on how to help a peer or friend in an abusive relationship. Postings should include an informational checklist of warning signs of abusive behavior. They should also include information about how to safely contact school counselors, hotlines, and advocacy organizations to talk about problems.
- **The DOE should modify its school transfer policy to require and simplify the transfer of batterers from schools they attend with their victims.** It is unacceptable that a victim’s only way to feel safe in school is to ask for a safety transfer herself. The DOE transfer policy should not violate the batterer’s due process rights, but it should allow for a transfer when violent acts occur either on- or off- campus. At a bare minimum, an order of protection should trigger a hearing for an involuntary transfer of the batterer.
- **The DOE should implement a uniform policy in schools for handling teen relationship abuse.** A uniform school policy should include a variety of elements, including safety planning with the victim, class and lunch period schedule changes, suspensions or transfers, dissemination of information to teachers and security personnel, counseling for the victim and perpetrator, locker assignment changes, letters to the perpetrator’s parents or guardians, and staggered school departure times for the victim and batterer. For cases in which only the victim attends the school, the policy should include a procedure for instructing safety personnel not to allow the perpetrator onto the school campus.

- **The State Department of Education should include a workshop on teen relationship violence in teacher certification requirements.** The workshop should include information on identifying relationship abuse and information on resources and services available to students experiencing relationship abuse.
- **To the extent possible, the DOE should expand its RAPP program, or otherwise ensure that domestic violence advocates, are able to come into each and every junior high, middle, and high school to speak with the students about relationship abuse.**
- **The DOE should designate a coordinator to combat student dating violence.** The position would include responsibility for tracking incidents of teen dating violence, tracking enforcement of orders of protection in schools, and implementing a uniform citywide response to student dating violence.
- **The State Legislature should enact legislation allowing persons who are in violent dating relationships to petition for orders of protection in Family Court.** Until the Legislature changes the Family Court Act to permit such petitions, a young person is able to receive an order of protection only in the context of the criminal justice system, unless she has a child in common with her batterer. For many reasons young people may be wary about seeking assistance from the criminal justice system, and amending the law is critical to their safety.