Legal Responses to Teen Dating Violence

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I. Introduction

The problem of domestic violence is not limited to adult relationships. In fact, the number of teenagers involved in abusive and violent relationships is alarming. Research suggests that approximately one out of ten high school students experiences physical violence in a dating relationship.1

Around the country, gruesome stories of teen dating violence abound. Gretchen Wright, a sixteen year old in Washington, D.C., was shot point blank in the forehead allegedly by her seventeen year old boyfriend in January 1994.2 Rosie Vargas, a fourteen year old from Santa Ana, California, was shot and killed by her sixteen year old boyfriend in June 1994. Shortly after, her boyfriend killed himself. Vargas was pregnant when she was killed.3 Malaya Flipping, a sixteen year old from Orange County, Florida, was shot and killed in 1994 by her ex-boyfriend, Fabian Hall, who was seventeen years old.4 After the
shooting, her ex-boyfriend committed suicide. In many ways the violence occurring between teenagers is similar to domestic violence occurring between adults. However, peer pressure and a reluctance to seek help from adults adds to the complicated dynamics of domestic violence when teens are involved.

Adolescents who experience violence in dating relationships face numerous obstacles when trying to access legal protection. While they can call the police against a juvenile or adult offender, the cases may not be charged or prosecuted. In addition, the juvenile delinquency system rarely addresses the specific problem of teen dating violence, but simply treats these cases as routine juvenile offenses. In the civil context, very few states authorize minors to seek civil protection orders unless they are married, living with their abuser, or have a child in common with the abuser. Without specific statutory authority, teens are legally incapable of initiating their own case and must have the assistance of an adult or guardian. Some protection order statutes expressly limit protection to adult victims of domestic violence.

Perhaps more importantly, few counseling and treatment services are available to help adolescents who are experiencing or perpetrating dating violence. There are even fewer prevention programs designed to help children develop nonviolent ways for resolving conflicts in their intimate relationships.

While the legal community is slowly responding to the problem of domestic violence among adults, few have focused attention on the violence plaguing teen relationships. Lawyers, through pro bono representation, legislative advocacy, and community legal education, can play a significant role in stemming the tide of teen dating violence.

II. What Is Teen Dating Violence?

In this article, the term "teen dating violence" is defined broadly as physical, psychological, or sexual abuse occurring between individuals, at least one of whom is under eighteen, who are married, living together, have children together or are involved in a dating relationship or in an attempted dating relationship. In other words, violence between neighbors, business associates, and strangers would not constitute dating violence unless there had been some type of intimate or attempted intimate relationship, not necessarily sexual, between the parties.5

Dating violence among individuals under the age of twenty-one is a pervasive problem. A study in one school district suggested that one

5. Authors and researchers have defined the term dating violence in differing ways. See DATING VIOLENCE, supra note 1, at 103 (suggesting that "'dating' or 'courtship' be conceptualized as a dyadic interaction that emphasizes mutually rewarding activities
in four high school students experienced violence in a dating relationship either as the recipient of the violence or as the perpetrator of the violence.\(^6\) Other surveys of high school and college students show that an average of 28 percent of the students experienced dating violence.\(^7\) Overall, studies indicate that anywhere from 9 percent to 39 percent of high school students experience dating violence at some point.\(^8\)

A study looking at the incidence of abuse during teen pregnancy found that 26 percent of pregnant teens reported physical abuse from their boyfriends. Forty to 60 percent of these adolescents said that

\[\text{that can enhance the likelihood of future interaction, emotional commitment and/or physical intimacy.} \] \(^{11}\) See also Kathryn E. Suarez, Teenage Dating Violence: The Need for Expanded Awareness and Legislation, 82 CAL. L. REV. 423, 426 (1994) (defining dating violence "as an act, or a threat, of physical abuse in the context of any interaction involved in the courtship or mate selection process.").

State statutes define dating violence in varying ways. In Illinois, for example, the Domestic Violence Act explains that "neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship." ILL. ANN. STAT. ch. 750, para. 60/103(6) (Smith-Hurd Supp. 1994). In Massachusetts, the statute applies to individuals who "are or have been in a substantive dating or engagement relationship." MASS. GEN. LAWS ANN. ch. 209A, § 1(e) (West 1994). In determining whether this type of relationship exists, a court is required to consider several factors including: "(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship." Id.

6. Nona O'Keefe et al., Teen Dating Violence, SOCIAL WORK, Nov./Dec. 1986, at 466. In this study, slapping, pushing, and shoving were the most frequent types of physical violence used.

Statistics on the prevalence of dating violence vary, in part, because studies define dating violence in differing ways. The statistics will vary depending upon the type of behavior defined as violent. See Sugarman & Hotaling, supra note 5, at 101-02 (where the authors review research studies and literature on dating violence and identify a variety of risk factors for such violence). Some studies are limited only to incidents causing physical injury while excluding incidents of sexual and psychological abuse. Others analyze a broader range of incidents. For purposes of their analysis, Sugarman and Hotaling looked at research which defined violence as "the use or threat of physical force or restraint that has the purpose of causing injury or pain to another individual." This definition does not include sexual abuse. The authors acknowledged that this may cause lower prevalence rates of dating violence and may underestimate the gender differences in victimization since women are more frequently sexually abused than men.

7. BARRIE LEVY, IN LOVE AND IN DANGER: A TEEN’S GUIDE TO BREAKING FREE OF ABusive RELATIONSHIPS 28 (1993) (citing Sugarman & Hotaling, supra note 5).

8. Lori B. Girshick, Teen Dating Violence, 3 VIOLENCE UPDATE 1 (1993). See also Sugarman & Hotaling, supra note 5, at 103. Several law students and I recently conducted workshops on teen dating violence with high school students from around the country. These students were attending the National Youth Leadership Forum in Washington, DC, in March 1995. At the beginning of each session we would ask how many of the students knew of high school age kids who were involved in a situation of dating violence. Approximately eighty teens attended the sessions and virtually every single one indicated they knew of such a situation.
the battering began or intensified once their boyfriends learned of the pregnancy. As the newspaper accounts discussed earlier suggest, teen dating violence can be lethal. FBI statistics indicate that 20 percent of female homicide victims are between the ages of fifteen and twenty-four and one out of three women killed in the United States is murdered by a husband or boyfriend.

Studies indicate that both males and females perpetrate adolescent dating violence. Females, however, are more likely to experience heightened fear and more severe forms of physical and sexual violence than males. Teen dating violence occurs in gay and lesbian relationships and occurs across racial, ethnic, class, and religious boundaries.

As in adult violence, teen dating violence manifests itself in the forms of physical violence, psychological abuse, and sexual violence. Studies of both high school and college students suggest that dating violence primarily occurs when the relationship is steady or more serious.

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10. Levy, supra note 7, at 28 (citing S. AGETON, SEXUAL ASSAULT AMONG ADOLESCENTS (1983)).

11. Id. at 28. According to 1993 FBI statistics, out of 5,278 female homicide victims 1,531 were killed by a spouse, ex-spouse, or boyfriend. Conversation with Jim Omohundro, FBI, March 1995.

12. Gamache, supra note 1, at 73; O'Keefe et al., supra note 6, at 466 (whose survey results indicated that violence between girls and boys was reciprocal. However, the authors indicate that their survey did not take into account size differences between boys and girls or the severity of harm inflicted during the violent encounter. The study also did not examine gender differences in the type of violent conduct used.)

Sugaman & Hotaling, supra note 5, at 101-02 (review the literature and state that three studies report higher rates of males perpetrating violence, while the majority of studies cite higher rates of women inflicting violence. Nevertheless, teens also report in these studies that women more frequently are the recipients of violence. It is important to note that the studies reviewed do not analyze the severity of harm inflicted by gender nor do they measure incidence of sexual violence. The authors of the review suggest that these omissions may skew the results by underestimating the number of female victims of teen violence.)


14. Levy, supra note 7, at 28, O'Keefe et al., supra note 6, at 467.

15. Gamache, supra note 1, at 75. See also Levy, supra note 7, at 31-38.

16. Levy, supra note 7, at 29 (citing J. Henton et al., Romance and Violence in Dating Relationships, 4 J. OF FAM. ISSUES 467-82 (1983) (a study which showed that young men were more violent once they start to see themselves as part of a couple)). See also Gamache supra note 1, at 73 (citing Jones, supra note 13, and M.R. Laner & J. Thompson, Abuse and Aggression in Courting Couples, 3 DEVIAN T BEHAVIOR
The power dynamics evident in many adult abusive relationships surface in adolescent dating relationships as well. As one author puts it, "adolescent batterers express similar beliefs in their right to control female partners and employ tactics similar to adult batterers to maintain this position."

Studies surveying teens about dating violence indicate that adolescents perceive males as the aggressor in most violent incidents. In addition, studies demonstrate that there is a lack of social stigma attached to using violence to obtain a desired objective.

While women perceived that their violence results from uncontrollable anger, jealousy, self-defense and retaliation, they perceived that the male partner was motivated by sexual denial. Violent men reported findings consistent with this contention. Between a quarter to a third of men reported that their violence served the purpose to "intimidate," "frighten," or "force the other person to give me something."

In addition, both male and female adolescents surveyed frequently cite jealousy and alcohol as causes of the violence.

The literature on teen dating violence cites various explanations for the violence. Some suggest that teens receive encouragement in the media and approval from friends for the belief that men should dominate women in relationships, including the right to use physically and sexually aggressive behavior. Others suggest that the violence is a learned behavior. Some theorists suggest there are significant differences between marital violence and dating violence. See Suarez, supra note 5, at 433 (discussing James Makepeace's Theory of Dating Violence). See also Sugarman & Hotaling, supra note 5, at 110-11 (discussing the divergent findings in studies regarding the effect of sex role stereotypes in perpetuating dating violence).


18. Gamache, supra note 1, at 73. Some theorists suggest there are significant differences between marital violence and dating violence. See Suarez, supra note 5, at 433 (discussing James Makepeace's Theory of Dating Violence). See also Sugarman & Hotaling, supra note 5, at 110-11 (discussing the divergent findings in studies regarding the effect of sex role stereotypes in perpetuating dating violence).

19. Sugarman & Hotaling, supra note 5, at 106-07, 116 (pointing out that male adolescents are more forthright than many adult male batterers in explaining that it is their desire for control which motivates the violence).


21. Levy, supra note 7, at 52-53; Girshick, supra note 8, at 2; Worcester, supra note 9, at 5. See also Sugarman & Hotaling, supra note 5, at 115 (concluding that "... a more positive attitude toward the use of violence in intimate situations has been related to a greater likelihood of inflicting dating violence, especially for men.")
behavior. One study has demonstrated, for example, that high school students whose parents had been in violent relationships had a statistically higher rate of violence in their own relationships.\footnote{O'Keefe et al., supra note 6, at 467. According to this study, more than 51 percent of students who saw their parents being abused were involved in violent dating relationships.} Although the results of studies looking at the intergenerational cycle of violence for teens are not consistent, there seems to be a correlation between experiencing abuse as a child and later perpetrating violence in a relationship.\footnote{Levy, supra note 7, at 54; Worcester, supra note 9, at 7; National Center on Women and Family Law, The Effect of Woman Abuse on Children 9-13 (1991). Cf. Sugarman & Hotaling, supra note 5, at 112 (indicating that studies more clearly indicate a positive relationship between being directly abused as a child and later perpetrating dating violence as opposed to witnessing violence as a child and later perpetrating violence. It is important to note that Sugarman and Hotaling do not disregard the theory of intergenerational cycles of violence but simply suggest that more research is needed.)} While alcohol and drugs may intensify the violence, they are not generally believed to cause the violence.\footnote{Sugarman & Hotaling, supra note 5, at 111. See also Levy, supra note 7, at 54 (stating that although alcohol and drugs are not the cause of violence, abuse of these substances can heighten the violence).}

Teenage abusers act in manipulative and coercive ways in order to maintain control in the relationship. Teen victims of relationship violence report that their abusers use insults, humiliate them, monitor their every movement, isolate them from friends and family, threaten to commit suicide, threaten to harm family or destroy property, force them to commit illegal acts and then threaten to report them to the authorities, minimize the violence or blame the victim for the violence, use jealousy as an excuse, and physically and sexually abuse them.\footnote{Gamache, supra note 1, at 74-80 (citing several studies in which teens report that disagreements around sexual issues led to the violent encounter). Id. at 78 (citing Lane & Gwartney-Gibbs, supra note 13, at 45-59).} To complicate matters, following a violent incident, some adolescent abusers manipulate their partners by apologizing profusely, making convincing promises to mend their ways, and acting in a loving manner.\footnote{Levy, supra note 7, at 45-48 (discussing the cycle of violence).}

One might find it difficult to comprehend why adolescents who are not married or do not have children with their batterer remain trapped in abusive situations. Presumably the teen is not under the abuser's economic control and the ties between the two are weaker than between married adults. Research on violent teen relationships, however, suggests that other powerful forces perpetuate cycles of violence.
The pressure to conform to peer expectation, lack of experience with intimate relationships, a perceived need to adhere to female gender roles, low self-esteem, and reluctance to seek assistance from parents or other adults make it difficult for many teens to break out of situations of abuse. Teens mistake control, possessiveness, and jealousy for love. Many teenagers believe that occasional violence is a normal part of relationships and that the violence is a sign of love. Teens also have a very real fear that the violence will intensify if they try to end the relationship. Their fear is based in reality, for serious violence or homicide most frequently occurs when the teenager is attempting to end the relationship.

III. Current Legal Response to Teen Dating Violence

A. Legal Protection and Enforcement for Adults

Adult victims of domestic violence can seek civil remedies and press criminal charges under the law in every state. The extent to which these civil and criminal statutes are enforced in situations of domestic violence varies. Civil restraining orders, sometimes referred to as civil protection orders, offer a wide variety of protection to victims of domestic violence. In most states, for example, a judge has the authority to issue a temporary or long-term restraining order requiring that the offending party refrain from further abuse, vacate a residence, return or relinquish

27. See Sugarman & Hotaling, supra note 5, at 111 (reviewing studies which indicate that there exists an “association between lowered self-concept and being a victim of dating violence”).
28. Gamache, supra note 1, at 74; Levy, supra note 7, at 53; Worcester, supra note 9, at 5.
29. Gamache, supra note 1, at 74; Worcester, supra note 9, at 5. See also Levy, supra note 7, at 57-61 (where the author discusses romantic, nurturing, and addictive love and provides teens with a checklist to determine if they are involved in an unhealthy, addictive love situation).
30. Sugarman & Hotaling, supra note 5, at 107, 117.
31. Gamache, supra note 1, at 81 (stating that many victims attend the same high school as their abuser and feel that they are subject to continual abuse if they try to end the relationship). See also Levy, supra note 7, at 75.
32. Luz Villareal, supra note 4 (discussing Malaya Flipping, sixteen years old, who was shot and killed by her ex-boyfriend, Fabian Hall, seventeen years old. Friends said the couple had recently broken up and Hall was jealous of Flipping’s new relationship.). See also Courtland Milloy, Finding the Faith for a Miracle, WASHINGTON POST, Feb. 13, 1994, at B1 (discussing Gretchen Wright, sixteen years old, who was shot in the forehead allegedly by David Samuel Thomas, seventeen years old. Thomas was described in court records as an “enraged suitor” who shot Wright because she wanted to break up with him.)
33. Statutes also exist in D.C., Puerto Rico, and the Virgin Islands. See generally Klein and Orloff, supra note 17.
34. Throughout the article, I will use the term civil protection order.
personal property, and stay away from the victim. In addition, many civil protection order statutes enable the court to determine temporary custody, temporary child support, and temporary maintenance issues.\textsuperscript{35}

To qualify for a civil protection order, an individual must meet a relationship requirement. Most state statutes require that parties to a civil protection order be related by blood, marriage, or having a child in common. Other states also include couples who have lived together.\textsuperscript{36}

In a majority of states, however, adults in dating relationships where the parties have never lived together and do not have a child in common are not eligible to request a civil protection order. In these dating situations an individual must apply for a restraining order under state civil harassment/stalking statutes or tort law.\textsuperscript{37} This can be a cumbersome and costly procedure and the remedies available under civil protection order statutes may not be available.\textsuperscript{38}

In the criminal context, an array of criminal statutes proscribing violent or threatening behavior are used against adult perpetrators of domestic violence. Victims can press criminal charges against their partner if there has been an act of physical violence or threats of physical violence.\textsuperscript{39}

More progressive jurisdictions around the country have developed special units within prosecutors' offices and police departments to address domestic violence.\textsuperscript{40} In several of these units, law enforcement officials receive special training in the dynamics of domestic violence and its effects on families. They train on procedures for handling and investigating domestic violence cases.\textsuperscript{41} Perhaps most importantly, these units offer support services to adult victims of domestic violence.

\textsuperscript{35} Klein \& Orloff, \textit{supra} note 17, at 910-1019.
\textsuperscript{36} See id. at 814-32 for a listing of state statutes.
\textsuperscript{37} For example, a court in Wisconsin used a state harassment statute to protect an individual in a dating relationship. Banks v. Pelot, 460 N.W.2d 446 (Wis. Ct. App. 1990).
\textsuperscript{38} In Washington, D.C., for example, if a person does not qualify for a civil protection order, he or she must pay $200 to initiate a civil complaint seeking a restraining order (under a tort theory) whereas filing for a civil protection order is free and much less complicated. See also Suarez, \textit{supra} note 5, at 445 (for further discussion of the usefulness and limits of anti-stalking laws to protect victims of teen dating violence).
\textsuperscript{39} See Klein \& Orloff, \textit{supra} note 17, at 1142-48. See also Levy, \textit{supra} note 7, at 85.
\textsuperscript{40} \textit{GAIL A. GOOLKASIAN, U.S. DEP'T OF JUSTICE, DOMESTIC VIOLENCE: A GUIDE TO CRIMINAL JUSTICE ENFORCEMENT}, at 31, 56 (1986) (discussing the task force set up within the Denver, Colorado, police department to help formulate a clear policy on domestic violence and generally discussing domestic violence units in prosecutor's offices).
\textsuperscript{41} Id. at 29-51.
These support and counseling services provide needed assistance to the survivor of domestic abuse and they often facilitate cooperation and follow through in both civil and criminal cases.

Similarly, judges in several jurisdictions receive specialized training on the issue of domestic violence.\textsuperscript{42} Special treatment programs for adult perpetrators of domestic violence exist in numerous states and offer an important component of civil and criminal post-adjudicatory relief.\textsuperscript{43}

The majority of civil protection order statutes and criminal statutes are not designed with teen dating violence in mind. In addition, criminal justice system training and special support services do not focus on the problem of domestic violence between or involving adolescents.

B. Rights and Remedies in Cases of Teen Dating Violence

The major legal obstacle that adolescents face in trying to obtain civil protection orders is the statutory relationship requirement. Thirty-one states specify that only individuals who are married, related by blood, have a child in common, or are living together qualify for civil protection order relief.\textsuperscript{44} While some adolescents fit into these categories, many do not. Those teens involved in a violent dating relationship cannot access the protections provided under these restrictive statutes.

Of these thirty-one states, twenty-three indicate that minors or children are covered by the statute or define adults to include persons sixteen

\textsuperscript{42.} For example, in 1993 the National Council of Juvenile and Family Court Judges conducted a domestic violence training in San Francisco attended by judges, attorneys, and legislators from around the country.

\textsuperscript{43.} See National Council of Juvenile and Family Court Judges, Model Code on Domestic and Family Violence § 219 (1994) [hereinafter Model Code]. See also Goolkasian, supra note 40, at 68-74.

and older. Four states explicitly exclude minor petitioners from coverage, and the rest are silent as to minors. An adolescent might try to bring an action under one of these silent statutes, arguing that the court should interpret the statute broadly to include minors.

Fifteen states, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, authorize individuals in dating relationships to obtain civil protection orders. These states recognize that domestic violence...
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does not only occur among married couples or those living together, but is a prevalent problem among individuals involved in dating relationships.\textsuperscript{48} Ten of these statutes expressly mention minors.\textsuperscript{49} In the remaining seven states, and the Virgin Islands, it is not clear to what extent minor petitioners are covered, although one could argue that the statutes should be construed broadly to cover minors.

Some courts have interpreted civil domestic violence statutes which do not specifically refer to minors in dating relationships as providing protection in such situations. In Pennsylvania, for example, the statute covered "children" but did not specifically address the issue of teen relationship violence. Nevertheless, in Diehl v. Drummond\textsuperscript{50} the court held that a civil protection order could be issued against the minor petitioner's sixteen year old boyfriend.\textsuperscript{51}

In addition to those states allowing minors to petition for relief, ten states and the Virgin Islands expressly authorize civil protection order actions to be brought against minors.\textsuperscript{52} These statutes, however, do not clarify how the order is to be enforced if the defendant is a minor.

\textsuperscript{48} See Sugarman & Hotaling, supra note 5, at 103. See also Suarez, supra note 5, at 3.

\textsuperscript{49} See, e.g., N.H. REV. STAT. ANN. § 173-B:3 (I-a) (1994) ("[m]inority of petitioner shall not preclude the court from issuing protection orders."); W. VA. CODE § 48-2A-4(a) (1992) ("A petition for a protective order may be filed by . . . (2) An adult family or household member for the protection of . . . any family or household member who is a minor child."). See also CAL. FAMILY CODE § 6257 (West 1993); D.C. CODE ANN. § 16-1003(a) (1994); ILL. ANN. STAT. ch. 750, para. 60/214(a) (Smith-Hurd 1994); OR. REV. STAT. § 107.226 (1993); PA. STAT. ANN. tit. 23, § 6106(a) (1991); P.R. LAWS ANN. tit. 29, § 623 (1990); R.I. GEN LAWS § 15-15-5(B) (1994); and WASH. REV. CODE ANN. § 26.50.020(2) (1994).


\textsuperscript{51} See DATING VIOLENCE, supra note 1; see also Klein & Orloff, supra note 17, at 823, 836.

\textsuperscript{52} See ALASKA STAT. § 25.35.010 (1991) ("The court may appoint a guardian ad litem or attorney to represent a minor who is subject to this chapter."); CONN. GEN. STAT. ANN. § 46b-38a(2) (West 1994) ("Family or household member means . . . (c) person sixteen years of age or older presently residing together or who have resided together"); IDAHO CODE § 39-6306(4) (1993) ("Relief shall not be denied because . . . respondent was a minor at the time of the incident of domestic violence."); ILL. ANN. STAT. ch. 750, para. 60/214(a) (Smith-Hurd 1994) ("Petitioner shall not be denied an order of protection because respondent is a minor."); MASS. GEN. LAWS ANN. ch. 209A, § 3(a) (West 1994) ([the court can order] "the defendant to refrain from abusing the plaintiff, whether the defendant is an adult or minor."); OKLA. STAT. ANN. tit. 22, § 60.1(I) (West 1995) ("Domestic abuse means any act of physical harm, or the threat of imminent physical harm which is committed by [a] minor age thirteen (13) or older."); R.I. GEN. LAWS § 15-15-5(B) (1994) ("[I]f . . . your attacker is a minor . . . you have the right to . . . request (1) an order restraining your attacker from abusing you."); UTAH CODE ANN. § 30-6-1(2) (1990) ("Cohabitant means a . . . person who is 16 years of age or older"); V.I. CODE ANN. 16, § 91(c) (1994) ("Victim includes any person who has been subjected to domestic violence by a . . . child."); WASH. REV. CODE ANN. § 26.50.020 (West 1994) ("No guardian or guardian ad litem need be appointed on behalf
There is no indication whether a minor can be held in criminal contempt, nor is there discussion of whether criminal contempt cases involving minors must be adjudicated in juvenile delinquency court.

Some courts have interpreted statutes which do not expressly authorize suit against minors to allow such action. In *Diehl v. Drummond*, for example, the court found that it had authority to issue a civil protection order against a sixteen year old respondent. The court clarified that if the minor defendant violated the order, the enforcement proceedings would have to take place in juvenile court. The court further noted that the violative behavior would not be treated as criminal contempt but would be charged as a separate offense (assault, attempted assault, etc.) under the juvenile delinquency statute. Consequently, if the conduct which violated the order was not, in and of itself, a criminal act then there is no way to enforce a protection order against a minor. While not affording full protection to victims of domestic violence, the hybrid approach adopted in *Diehl* enables courts to curb dating violence while maintaining the protections that adolescents are afforded in the juvenile delinquency process.

Eight states expressly prohibit civil protection actions against minors. It seems that the legislatures in these states have determined that these actions raise due process concerns which are more appropriately addressed in the juvenile delinquency system. In states where the statute is silent on the issue, some trial judges will restrict the use of civil protection order statutes against minors.

In the criminal context, when a perpetrator of domestic violence is under eighteen, the adolescent generally will be adjudicated through the juvenile court system. In many states adolescents between the...
ages of fourteen and eighteen who commit serious violent offenses can be charged as adults and prosecuted through the adult criminal system.\textsuperscript{60} A minor might be charged with traditional offenses such as assault, threats, assault with a deadly weapon, destruction of property, rape, and homicide. In some states a minor may be charged under a criminal domestic violence statute.\textsuperscript{61}

It is interesting to note, however, that certain states define victims of domestic violence differently in civil and criminal statutes. These differences can have an impact on minors. A restrictive age or relationship requirement may be imposed in a civil protection order statute whereas a broader definition of age or relationship is incorporated in the criminal statute.\textsuperscript{62} In Washington State, for example, those in dating relationships, including teens sixteen and older, may obtain a civil protection order. Under the criminal code, however, a victim of domestic violence must be at least eighteen and there is no dating relationship provision.\textsuperscript{63}

In addition, juvenile proceedings can be more informal than adult criminal proceedings.\textsuperscript{64} In most states juvenile proceedings are considered civil\textsuperscript{65} and the goal of juvenile adjudication is rehabilitation, not punishment.\textsuperscript{66}

Prosecutors, defense attorneys, and judges often do not take note of the domestic violence nature of the offense and treat the situation as a routine juvenile offense. The court and prosecutors may fail to establish the types of detention or conditions of release in juvenile cases

\textsuperscript{60} Kuehl, supra note 51, at 201, 248-50. The age at which a child falls under the jurisdiction of the juvenile court rather than the adult criminal court varies by state.

\textsuperscript{61} See, e.g., ILL. ANN. STAT. ch. 725, para. 5/112A-14(a) (Smith-Hurd 1994); OKLA. STAT. ANN. tit. 22, §§ 60.4(A), 60.6(G) (West 1995); and UTAH CODE ANN. § 77-36-1 (1994).

\textsuperscript{62} Suarez, supra note 5, at 442-45.

\textsuperscript{63} Id. at 444. Similarly, in Pennsylvania, the civil code defines domestic violence as including individuals in a dating relationship, but the criminal code sets out a more limited definition of domestic violence which only includes spouses or individuals who are living together or have lived together in the past. In Minnesota, the civil domestic violence statute is more inclusive than the criminal domestic violence statute whereas in Alabama, the criminal statute is more inclusive than the civil statute. In Michigan, the civil domestic violence statute imposes a majority age requirement whereas the criminal statute does not. In South Dakota and Rhode Island, on the other hand, the criminal statutes impose a majority age requirement whereas the civil statutes do not. Id. at 444-45.

\textsuperscript{64} Kuehl, supra note 51, at 211. See also LEGAL RIGHTS OF CHILDREN, supra note 59, at 261.

\textsuperscript{65} Id. at 258-59.

\textsuperscript{66} Id. at 246. Despite the informality, however, a reasonable doubt burden of proof is imposed at the adjudicatory phase of a juvenile delinquency hearing. This has particular ramifications in the dating violence context, for typically there are no witnesses to these crimes. It may be difficult to prove beyond a reasonable doubt that an offense occurred. Id. at 308-09.
which are more routinely imposed in adult criminal domestic violence cases. Juveniles are more likely to be released into the custody of their parents, and specific conditions of release designed to protect the victim are not put into place.

Courts need to establish conditions of release for juveniles akin to those ordered for adults in which they are required to stay away from the victim and ordered not to communicate with the victim. The conditions of release issue can be complicated by the fact that the victim and perpetrator may attend the same school.

In addition, those juveniles found guilty of committing offenses involving dating violence do not generally receive a disposition which effectively deals with the problem. Adolescents are frequently placed on probation or home supervision without regard to the potential for contact between the victim and the offender. It is also significant to note that there are few targeted counseling or treatment services for adolescent perpetrators of dating violence. If the offender is an adult but the victim is a minor, the offender will be prosecuted through the adult criminal system. A minor can generally file a police complaint and testify in a criminal trial.

In summary, minors in most states can obtain civil protection order relief if they meet the relationship requirement set out in the statute. The relationship requirement remains a tremendous obstacle for teens in dating relationships. There is less consistency among the states as to whether a court can issue a civil protection order against a minor. Some trial judges believe that such actions are more appropriately dealt with in the juvenile delinquency system. However, it is questionable whether the problem of teen dating violence is adequately addressed in the juvenile delinquency system.

IV. Initiating or Defending a Claim for Protection

Under common law and statutory law, unemancipated minors are considered legally incompetent. Procedural rules and laws have devel-

67. See id. at 286. Majority of juveniles are not detained. Instead they are released to parents or guardians.
68. Kuehl, supra note 51, at 211.
69. If a minor has become legally emancipated, he or she does not need an adult to file suit on his or her behalf. In order to determine whether a minor is emancipated, a court generally analyzes whether the minor (1) is financially independent and (2) is living independently of his or her parents. State statutes may also delineate particular circumstances, such as marriage, under which a minor is considered emancipated. See generally LEGAL RIGHTS OF CHILDREN, supra note 59, at 664-86.
70. Minors in most states cannot initiate a lawsuit or defend one without an adult representative. See, e.g., Dye v. Fremont Cty. School Dist. No. 24, 820 P.2d 982 (Wyo. 1991) (unemancipated minor cannot sue or be sued.)
oped to overcome this disability which include providing for a guardian ad litem or preserving the child's right of action until the child reaches adulthood. Minors are not authorized to initiate or defend legal actions unless they are brought by a parent or guardian on the minor's behalf or by a next friend or guardian ad litem appointed by the court.\footnote{71}

In Connecticut, Oklahoma, Oregon, Utah, Washington, and Wyoming, the legislature has lowered the age at which individuals are typically eligible to initiate a civil protection order action on their own.\footnote{72} The statutes suggest that in these states individuals sixteen and older may obtain civil protection orders without adult assistance.\footnote{73} These statutes recognize that adolescents who are sixteen and older are experiencing domestic violence and are mature enough to bring an action on their own. Only Washington State and Oregon cover dating relationships in their statutes. Therefore, adolescents who are sixteen or older and involved in an abusive dating relationship in the other four states cannot obtain a protection order.

In the majority of cases involving teen dating violence, an adult petitions on behalf of a minor.\footnote{74} In Flurry v. Howard,\footnote{75} for example, the trial court issued a protection order based on a petition filed by a minor girl's parents against the girl's minor boyfriend.

\footnote{71. \textit{Legal Rights of Children}, supra note 59, § 11.02, at 517-18. See also Kuehl, supra note 51, at 211. In a majority of states there is no distinction between the terms \textit{guardian ad litem} and next friend.}


73. See Conn. Gen. Stat. Ann. § 46b-38a(2)(D) (West 1994) ("Family or household member means . . . (D) persons sixteen years of age or older . . . presently residing together or who have resided together."); Okla. Stat. Ann. tit. 22, § 60.2(A) (West 1995) ("[A]ny minor age sixteen (16) or seventeen (17) years may seek relief under the provisions . . . of this title."); Or. Rev. Stat. § 107.726 (1993) ("A person who is under 18 years of age may petition the circuit court for relief . . . if (1) The person is (a) The spouse of the respondent; (b) The former spouse of the respondent; or (c) A person who has been in a sexually intimate relationship with the respondent and (2) The respondent is 18 years of age or older."); Utah Code Ann. § 30-6-1(2) (1990) ("Cohabitant means an emancipated person . . . or a person who is 16 years of age or older"); Wash. Rev. Code Ann. § 26.50.020(2) (1994) ("A person under eighteen years of age who is sixteen years of age or older may seek relief . . . and is not required to seek relief by a guardian or next friend."); and Wyo. Stat. § 35-21-102(a)(i) (1994) ("Adult means a person who is sixteen (16) years of age or older, or legally married.").

74. See generally \textit{Legal Rights of Children}, supra note 59, at 534. Parents generally represent the interests of their children in legal proceedings. In many states parents can assume this role without any formal court appointment. A problem arises, however, if a conflict exists between the parent's interests and those of the minor.

75. Flurry v. Howard, 813 P.2d 1052, 1053 (Okla. 1991).}
Twenty-six states, the District of Columbia, and Puerto Rico expressly allow a parent, guardian, guardian ad litem, or other interested party to bring a civil protection order action on behalf of a minor. Some statutes limit the authority to a parent or guardian whereas other statutes simply state that anyone may bring an action on behalf of a minor. Legislatures typically enacted these provisions to protect young children in households where one parent was abusing the other. However, parents or other adults can use these same provisions to initiate actions on behalf of minor victims of dating violence so long as the minor meets the relationship requirement of the statute.

Some suggest that because children cannot litigate on their own behalf, parents cannot litigate for them but must hire an attorney. Nevertheless, in practice, parents petition for protection orders on behalf of their children without obtaining counsel.

If the defendant in the protection order case is a minor, some courts refuse to proceed and transfer the case to the juvenile delinquency division. In other states, a case can proceed against a minor as long as the parents or guardian of the minor are served with notice of the matter and defend on the minor’s behalf. Two domestic violence statutes


77. For example, Georgia’s statute is vague. It states: “A person who is not a minor may seek relief on behalf of a minor.” Ga. Code Ann. § 19-13-3(a) (Michie 1994). Kentucky’s statute is more restrictive. It states: “A petition . . . may be filed by . . . an adult family member or member of an unmarried couple on behalf of a minor family member.” Ky. Rev. Stat. Ann. § 403.725(3) (Michie/Bobbs-Merrill 1994).

78. Suarez, supra note 5, at 454.

79. Legal Rights of Children, supra note 59, at 541. Kramer states: “Although a litigant normally has the right to represent himself and to act as his or her own counsel, a minor child does not have such right; therefore, a nonattorney guardian ad litem, such as a parent, must hire an attorney to represent the minor’s interests at trial.” Id. at 544 (citing Cheung v. Youth Orchestra Foundation of Buffalo, Inc. 906 F.2d 59 (2d Cir. (N.Y.) 1990)). But see Aid Assoc. for Lutherans v. Knobel-Glasgow, 738 F. Supp. 1286 (Neb. 1989).
expressly authorize the court to appoint a guardian ad litem for minor defendants. In the remainder of states, a court is likely to use its inherent authority to appoint a guardian ad litem and/or attorney to represent a minor defendant.

If a minor does not have parents who can initiate or defend an action on his or her behalf or does not want to involve a parent or adult in the situation, then the court can appoint a guardian ad litem. Courts have a duty to insure that the interests of a minor are protected and have inherent authority to appoint a guardian ad litem for a child.

Most states have rules modeled after Federal Rule of Civil Procedure 17(c) which authorize a court to make such an appointment. Rule 17(c) states that: Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant. An infant who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall appoint a guardian ad litem for an infant not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

State guardian ad litem rules may be found in general codes of civil procedure or may be codified in specific rules pertaining to family law matters. The court may choose to hold a hearing on a motion for a guardian ad litem and may require that parents be notified of the hearing, however, there is no requirement that such notice be issued.

In some states guardians ad litem are attorneys and in others they are not. It is often unclear whether the guardian ad litem is to act as the child’s advocate and represent the child’s wishes or whether the guardian ad litem is to make decisions that he or she believes are in

81. See infra, note 83.
82. It is also possible that the interests of a parent and minor might conflict in the civil protection order context. For example, a parent and teen could disagree on the legal remedies the abused teen should seek. The court might appoint a guardian ad litem in this circumstance.
83. Legal Rights of Children, supra note 59, at 531.
84. Fed. R. Civ. P. 17(c).
85. See, e.g., Fla. R. Civ. P. 1.210(b) (1994) (requiring that “[t]he court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.”). See also Mass. R. Civ. P. 17b; D.C. Ct. R. Ann. 17(c) (1994).
86. Suarez, supra note 5, at 467. The author states that while teens, unless emancipated, must have a guardian ad litem, the guardian does not have to be a parent and therefore, parental consent does not seem to be a prerequisite to obtaining a restraining order.
the best interests of the child regardless of the minor's views.\textsuperscript{87} State rules and statutes often do not specify who should be appointed as guardian ad litem nor do they define the role of the guardian ad litem.\textsuperscript{88}

Courts may decide, particularly with an older child who is capable of understanding the proceeding, that the interest of the minor will be fully protected throughout the action and a guardian ad litem is not necessary.\textsuperscript{89} However, the minor would still be required to have an attorney initiating or defending the action on his/her behalf.\textsuperscript{90} If the minor does not have an attorney, then the court can appoint one.

An attorney contemplating representation of a minor in a civil protection order case must determine whether the governing statute places restrictions on minors. It is fairly easy in most states for an attorney to represent a parent who is bringing a petition or defending one on behalf of their teen.\textsuperscript{91} If the minor does not have an adult bringing or defending the case, then the court would have to make a determination as to whether a guardian ad litem and/or attorney needs to be appointed.

It is not clear whether a minor has the authority to retain an attorney on his or her own. Generally all contracts entered into by a minor are voidable.\textsuperscript{92} Therefore, any retainer agreement signed by a minor might be subject to disaffirmance.\textsuperscript{93} Nevertheless, in one case in which a minor went ahead and retained an attorney on her own, the Alaska Supreme Court held that the attorney retained by the minor must be present at the juvenile delinquency hearing.\textsuperscript{94} In \textit{Wagstaff}, the court also stated that:

\begin{quote}
[w]here the parents' interests are hostile to the child's the parents may not select the child's attorney. The child may retain the attorney of his choice or, in the alternative, ask the court to appoint an attorney for him. If the child has retained counsel, the court must respect the child's choice.\textsuperscript{95}
\end{quote}

The \textit{Wagstaff} court did not address the contracts question of whether a juvenile has the authority to retain the services of an attorney or whether such a contract would be enforceable.\textsuperscript{96} Therefore, an attorney might move to be appointed by the court rather than directly retained

\textsuperscript{87} \textit{LEGAL RIGHTS OF CHILDREN}, \textit{supra} note 59, at 542-45.
\textsuperscript{88} \textit{Id.} at 533, 538-39.
\textsuperscript{89} \textit{Id.} at 541.
\textsuperscript{90} \textit{Id.} at 541, 544.
\textsuperscript{91} \textit{See id.} at 534.
\textsuperscript{92} \textit{See id.} ch. 10, \textit{Children and the Law of Contracts}, at 501-06.
\textsuperscript{93} \textit{Id.} at 501-06. Although if a court determines that the legal representation is a "necessary," then the minor cannot later nullify the contract. \textit{Id.} at 504-06.
\textsuperscript{95} \textit{Id.} at 1227.
\textsuperscript{96} \textit{Id.} at 1227.
by the adolescent. Attorneys should consult state contract law as well as local ethical boards on this issue.

The legal incapacity of minors to obtain civil protection orders without adult assistance is a particularly strong obstacle when one considers the dynamics of domestic violence and the interests/needs of adolescents. Most adult victims of domestic violence are deeply ashamed that they are embroiled in an abusive relationship. They frequently blame themselves and are too humiliated to seek help from family and friends. These reactions are magnified when experienced by teens. Adolescents are trying to establish their own identity and independence. They feel a great deal of confusion in general and a situation of violence intensifies the confusion.97 While the victim wants the violence to stop, she may not want to report the problem and get her boyfriend into trouble.

 Teens are very reluctant to go to their parents with these kinds of problems. Many fear that they will be compromising their independence, for they believe their parents will take complete control of the situation and make all necessary decisions without involving the minor. Others fear that their parents will be angry or unsupportive.98 In fact, many teens are hesitant to seek assistance from any adult.99 Research suggests that out of twenty-five teenagers involved in an abusive relationship, only one will seek help.100

 Perhaps most importantly, many minors do not know that legal remedies exist to protect them from abuse by a partner. As a result, those teens who might seek protection if they were aware of the law remain in danger.

V. Need for Law Reform

A. Expanding Coverage to Include Minors

State legislatures need to address the problem of teen dating violence. Cycles of abuse begin in teen relationships and continue into adulthood unless they are stopped.101 Therefore, it is imperative that states ensure that domestic violence statutes, both civil and criminal, protect teen

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97. Gamache, supra note 1, at 75. See also Sugarman & Hotaling, supra note 5, at 107.
98. Gamache, supra note 1, at 80. See also Kuehl, supra note 51, at 212.
99. Sugarman & Hotaling, supra note 5, at 107-08. A review of studies indicate that individuals who have experienced dating violence do not readily seek out teachers, counselors, clergy, or law officers. Victims will turn to friends, and to a lesser extent, members of their family, for assistance.
101. Gamache, supra note 1, at 82-83.
victims of dating violence and deter teen perpetrators from future violence.

Specifically, civil and criminal statutes need to cover individuals involved in dating relationships. Requirements limiting relief to individuals who are married, living together, or who have a child in common, should be expanded to include those in dating relationships. In addition, civil protection order statutes should explicitly authorize minors to bring an action against other minors or against adults.

The National Council of Juvenile and Family Court Judges recently published a Model Code on Domestic Violence which incorporates these type of reforms. In its definitions section, the Model Code defines "domestic or family violence" as:

the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense: (a) Attempting to cause or causing physical harm to another family or household member; (b) Placing a family or household member in fear of physical harm; or (c) Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress.

The Code then defines "family or household member" as:

(a) Adults or minors who are current or former spouses; (b) Adults or minors who live together or who have lived together; (c) Adults or minors who are dating or who have dated; (d) Adults or minors who are engaged in or who have engaged in a sexual relationship; (e) Adults or minors who are related by blood or adoption; (f) Adults or minors who are related or formerly related by marriage; (g) Persons who have a child in common; and (h) Minor children or a person in a relationship that is described in paragraphs (a) through (g).

The model statute does not limit protection to individuals who are married, related by blood, living together, or who have a child in common. The Model Code makes a strong policy statement about the existence of teen dating violence and the need to address the problem legislatively.

The Model Code does not, however, define at what age an individual would be considered a minor rather than an adult. The civil and criminal sections of the code do not specifically address the status or procedures to be used when dealing with minor parties and the sections discussing treatment do not differentiate between the treatment needs of minors

102. Model Code, supra note 43.
103. Id. at 1.
104. The Advisory Committee which drafted the Model Code was comprised of judges, prosecutors, police, defense attorneys, advocates for victims of domestic violence and legislators. Id. at 1.
from those of adults. In addition, the Code does not address the issue of enforcement of civil protection orders against minors. A state statute might clarify, for example, that all criminal contempt actions involving minor defendants will be adjudicated in juvenile delinquency court.

States must also ensure that each actor in the criminal justice system (courts, police, probation, social services, prosecutors, defense attorneys) is trained and responds appropriately to the problem of teen dating violence. In addition, legislation and funding are needed to ensure that counseling, shelter, and treatment services are available to teens experiencing or perpetrating relationship violence.

B. Allowing Adolescents to Seek Protection

As the coverage of civil protection order statutes expands to include minor victims and perpetrators of teen dating violence, legislatures and courts must clarify the circumstances under which a minor needs an adult to initiate or defend the case on his or her behalf and then simplify the procedures for appointing a guardian ad litem or an attorney.

States might follow the lead of Connecticut, Oklahoma, Oregon, Utah, Washington, and Wyoming and specify that teens sixteen and older may initiate an action on their own.105 This reform would recognize the reality that dating violence is a pervasive problem among adolescents and that older teens are mature enough to use available tools to protect themselves.

Some might argue that teenagers should not be able to file for civil protection orders on their own nor should they be able to obtain a guardian ad litem without notifying their parents. A minor might not be mature enough, the argument goes, to weigh the consequences of seeking a protection order. In addition, some might argue that parents should be notified when their children are in any type of danger.

These arguments mirror the larger legal debate between those advocating for increasing the autonomy of minors in a number of areas and those arguing that enhanced autonomy causes harm to the minor and infringes upon parental rights to control and guide children.106 State legislatures have the authority to determine the age at which minors can or cannot undertake certain actions.107 Across the country the behavior of adolescents is regulated in varying and inconsistent ways. Legisla-

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105. Supra note 73.
106. Legal Rights of Children, supra note 59, at 590-91.
107. Id. at 589 ("Majority or minority is not considered a fixed or vested right, but rather is considered a status created by law and subject to statutory limitations or exceptions.").
tors and policymakers disagree about the extent to which and at what point adolescents are capable of making their own decisions.\textsuperscript{108}

On the one hand there are state statutes which enable minors at varying points in adolescence to consent to the adoption of their child, file for child support for their child, consent to emergency medical treatment, obtain a driver's license, and enter into binding contracts for student loans.\textsuperscript{109} Yet in many states minors cannot marry without parental or court consent,\textsuperscript{110} cannot receive certain types of medical treatment without parental consent or judicial bypass, and cannot drink alcohol until age twenty-one.\textsuperscript{111} Varying and sometimes inconsistent public policy rationales are used to justify the need to regulate minors in one context while giving them greater freedom in others.\textsuperscript{112}

The public policy interest in protecting teenagers and preventing escalating injury and homicide outweighs the need for parental control in the area of teen dating violence. While it might be helpful for teens in violent relationships to have adult guidance, studies consistently show that adolescents are extremely reluctant to seek adult assistance.\textsuperscript{113} The law should afford protection to those teens who are in danger and are only willing to seek help if they can do so on their own.

This autonomy for adolescents would not go unchecked, for judges must review and sign protection orders before they are issued. As a result, teens who are emancipated for purposes of seeking a civil protection order would not be making unilateral decisions. The court would first determine whether an order is necessary and then would ensure that the relief awarded is appropriate. The judge would also have the authority to appoint an attorney for the teen if the judge believed such appointment was necessary. Finally, under many state statutes, protection orders are not irrevocable but can be modified.\textsuperscript{114}

For teens under the age of sixteen, or in those states in which the legislature may be unwilling to take the step of lowering the age below eighteen, the civil domestic violence statute should explicitly state that a parent, guardian, or other representative may bring or defend an action on behalf of a minor or that the court may appoint a guardian

\textsuperscript{108} See id. at 585 (citing resources which discuss the intellectual, social, and moral development of children at different ages). See generally id. at 585-587.

\textsuperscript{109} Id. at 586.

\textsuperscript{110} Id. at 592-96.

\textsuperscript{111} See id. at 620-24 and 641-46.

\textsuperscript{112} Id. at 583-663.

\textsuperscript{113} Gamache, supra note 1, at 80; Kuehl, supra note 51, at 212; Sugarman & Hotaling, supra note 5, at 107-08.

\textsuperscript{114} Klein & Orloff, supra note 17, at 1081-82.
ad litem or attorney to do so. The Model Code on Domestic Violence suggests that legislatures adopt the following language: "A parent, guardian, or other representative may file a petition for an order for protection on behalf of a child against a family or household member who commits an act of domestic or family violence." The Washington State civil domestic violence statute offers a model for addressing the issue. It states: "A guardian or guardian ad litem can be appointed for either a petitioner or respondent."

At a minimum, state laws should permit minors to obtain civil protection orders with the assistance of an adult. In addition, statutes and rules are needed to clarify and simplify the procedure for appointing a guardian ad litem and/or attorney in these cases.

VI. Nonlegal Remedies

Those in the legal community need to be aware of nonlegal remedies available to teens experiencing dating violence. Innovative programs have developed around the country to address the issue. In Hawaii, for example, the Alternatives to Violence Organization has a juvenile program coordinator and the organization offers a teen victims support group. They have programs designed for adult batterers in which teens can participate. They also conduct presentations on dating violence in local high schools. Similarly, in Minnesota, the Alternatives to Violence Organization has a juvenile program coordinator and the organization offers a teen victims support group. They have programs designed for adult batterers in which teens can participate. They also conduct presentations on dating violence in local high schools.

117. Suarez, supra note 5, at 449 (suggesting that state legislatures should amend both civil and criminal domestic violence statutes to cover all individuals in violent dating relationships regardless of age. She proposes that a model statute would include the following definition: ‘‘intimate violence’ is defined as abuse between family and household members, and between intimate partners. Intimate partners’ include persons of any age involved in a dating, courtship or engagement relationship.’’).
118. The Women’s Self Help Center in St. Louis, Missouri, has a curriculum called Project H.A.R.T. (Healthy Alternatives for Relationships Among Teens) that is presented to teens in the area’s junior and senior high schools. Conversation with Joleene Unnerstall, Women’s Self Help Center, 2838 Olive, St. Louis, MO 63103. The Women’s Center and Shelter of Greater Pittsburgh has a three-day dating violence prevention program that it presents in local schools. Conversation with Deborah Krochka, Women’s Center and Shelter of Greater Pittsburgh, P.O. Box 9024, Pittsburgh, PA 15224. LACAAW (Los Angeles Commission on Assault Against Women) provides advocates to accompany victims of dating violence to court and conducts a prevention program in local schools. Conversation with Francine Ocon, LACAAW, 6043 Hollywood Blvd., Ste. 200, Los Angeles, CA 90028.
119. Conversation with Momi Lopez, juvenile program coordinator, Alternatives to Violence, P.O. Box 909, Wailuku, HI 96793.
The Harriet Tubman Women's Center conducts programs on dating violence in the schools. The Center provides one-on-one counseling in the schools and shelter to teens sixteen or older who have children.\textsuperscript{120}

In most jurisdictions, however, as in the legal context, minors encounter many obstacles when trying to seek counseling, shelter, or educational services. Often minors cannot access the network of nonlegal services available to adult victims of domestic violence. Shelters for battered women are often prohibited by city or state law from housing minors. Youth shelters designed to house runaway teens do not adequately address the problem of domestic violence. The locations of youth shelters are known and therefore, do not provide the secured protection that teens fleeing from a situation of dating violence need.

Shelters and programs for battered women often do not provide specialized services for teens. Some states have begun to realize the need to provide services for teen victims and perpetrators of dating violence. In Illinois, for example, the state changed the licensing requirements for shelters to enable them to house abused teens. As a result, a battered women's shelter in Chicago began planning targeted programs for teen victims.\textsuperscript{121} Finally, treatment programs for batterers generally target adult perpetrators.\textsuperscript{122} Some jurisdictions are beginning to expand their treatment services so as to accommodate adolescents. In Washington, D.C., for example, the Domestic Violence Intervention Program allows adolescents who are sixteen and older to participate in adult batterer treatment groups.\textsuperscript{123}

Overall, while scattered educational programs, counseling services, and treatment options exist for adolescents involved in violent relationships, they are not as widespread as they need to be.\textsuperscript{124} If adolescents do not have adequate information and support, legal

\textsuperscript{120} Conversation with Stephanie Ball, Harriet Tubman Women's Center, 310 East 38th St., Room 202, Minneapolis, MN 55409.


\textsuperscript{122} Suarez, supra note 5, at 439, n.103; nn.231, 244; and 463.

\textsuperscript{123} Discussions with Desiree Danson, Acting Supervisor, Domestic Violence Intervention Program (Mar. 1995).

\textsuperscript{124} See Gamache, supra note 1, at 82 (who urges communities to address the problem of violence in adolescent relationships through education). See also Sugarman & Hotaling, supra note 5, at 116 (who make similar recommendations about the need for high schools and universities to teach about relationship violence and offer ways for resolving conflict without violence).
remedies for addressing teen dating violence will remain underutilized and ineffective.

VII. What Lawyers Can Do

Lawyers can have a tremendous impact in the area of teen dating violence. Members of the bar, and law students, either as volunteers or in clinical law school programs, can make new and important legal precedent and help adolescents who desperately need assistance.\citefoot{125}

The magnitude of the problem of teen relationship violence is great, yet few lawyers represent teen victims. Serving as a guardian ad litem in one of these cases or representing a minor for whom the court has chosen not to appoint a guardian ad litem is a perfect way to fulfill pro bono obligations. There is a great need for lawyers who understand the dynamics of dating violence to represent perpetrators of teen dating violence in either civil or juvenile delinquency actions. An informed and concerned attorney can ensure that an adolescent’s due process rights are protected while also assisting the adolescent in getting the treatment that he or she needs.

There are also interesting opportunities for law reform and legislative advocacy in this area. One might lobby for statutes which authorize minors to obtain civil protection orders. One might work with the courts to develop court rules and procedures for simplifying and clarifying the process by which (1) an adult can bring an action on behalf of a teenager needing a protection order, and (2) the court can appoint a guardian ad litem and/or attorney to represent an adolescent.

Others might advocate to ensure that local prosecutors and police develop special units or expertise in identifying and addressing teen dating violence. Attorneys can develop and participate in training for judges, the bar, court clerks, police, and school personnel on the issue of teen dating violence and legal remedies to stop it. Members of the bar can also work to ensure that there are support and shelter services for adolescent victims of dating violence and treatment programs available for adolescent offenders.

Finally, lawyers can play an integral role in community legal education. Lawyers and law students can participate in existing programs or implement new programs in elementary, junior high, and high

\citefoot{125} See generally Legal Rights of Children, supra note 59, at 19-20 (discussing the expanding opportunities for lawyers to represent children. Kramer states that "the presence of counsel will assure that children continue to receive greater due process protections before they may be deprived of important interests or rights.").
schools to teach students about the dynamics of and legal issues surrounding teen dating violence.\textsuperscript{126} Through education, lawyers can provide invaluable information to youth who may be experiencing dating violence while at the same time preventing the insidious cycle of domestic violence from continuing into the next generation of adults.

\textsuperscript{126} Lawyers and law students in the Families and the Law Clinic at The Catholic University, Columbus School of Law, have developed a dating violence curriculum that it is using in two public high schools in Washington, D.C. Law students and attorney/supervisors discuss teen dating violence and legal and nonlegal options for addressing the problem. Educators and advocates have developed a number of curricula on teen dating violence including: Helping Teens Stop Violence, Allan Creighton and Paul Kivel (1990); Preventing Teen Dating Violence: A Three-Session Curriculum for Teaching Adolescents, Carole Sousa et al. (Dating Violence Intervention Project). See also Suarez, supra note 5, at 467 (stating that Minnesota has required that a dating violence prevention program become part of the curriculum across the state).