



Teen Dating Violence

Guidance for Judges Issuing Relief for Teen Victims of Dating Violence

National Council of Juvenile and Family Court Judges

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Introduction

Teen dating violence (TDV) affects many young people in the United States. This technical assistance brief will discuss the dynamics of TDV, best strategies for courts working with teen victims and perpetrators, and issuing relief to best meet the needs of youthful parties. Judges are in a unique position to exercise an important role from the bench and to be an instrument of encouragement, collaboration, and change. There is an obligation and an expectation that we serve the members of our communities, including those who are on the cusp of adulthood and may not yet have reached the age of majority.

Definition, Prevalence and Need for Response

TDV is intimate partner violence. It can be perpetrated in person, online, through social media or through other technological means. It can involve physical violence (with or without injury), sexual violence (to include unwanted texts of a sexual nature, or coerced sharing or distributing of sexual pictures), psychological aggression (verbal and non-verbal), stalking (to include electronic and location service monitoring), and other threatening behaviors.¹ For many adults, the intimate partner violence in teen relationships can appear to be teasing, puppy love, or just the way young people behave. It can seem harmless and inconsequential. These

¹ See [Fast Facts: Preventing Teen Dating Violence](https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html)
(<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html>)

stereotypes can be misleading and perilous. The advice to “ignore this unwanted behavior and it will go away,” can be incorrect and dangerous. Statistics indicate the prevalence of intimate partner violence among youth: 1 in 12 high school students experience physical abuse; 1 in 12 high school students experience sexual abuse.²

Courts are in a position to identify and address intimate partner violence in teen petitioners and respondents. Providing injunctive relief in the form of protection orders is one way courts can help increase the safety of teen victims, hold perpetrators accountable and break the cycle of violence and abuse. Providing relief to teen petitioners requires courts to acknowledge the unique lives and safety needs of this group. Increased knowledge of teen brain development, social interactions and risk factors allow courts to maximize effectiveness and mitigate unintended consequences.

Teen Dating Violence Dynamics

It is well covered territory that teens and adults may view the world differently at times. While these two groups may not share the same world view, it is important to contextualize TDV to provide the best and safest solution available. Trauma and stress deeply affect teen brain development. While teen relationships may not seem long lasting to adults, any controlling, threatening or harmful behavior is something to take seriously.

² Based on data from [CDC's 2019 Youth Risk Behavior Survey](https://www.cdc.gov/healthyyouth/data/yrbs/feature/index.htm) (https://www.cdc.gov/healthyyouth/data/yrbs/feature/index.htm)

Courts must recognize that teen relationships can be on a spectrum. They may involve casual dating, “talking,” “situationships,” or something more substantial. Relationships may be between two or more people. Any of these interactions may include sexual activity. Relationships can be influenced by the latest communication trends, like social media platforms, texting and video apps, friend groups and what teens see on tv or streaming services. Abuse can include digital abuse, emotional abuse, physical violence, sexual violence, stalking, isolation or intimidation. Teens, just like adults, may not end relationships when violence and manipulation is present. Judges must keep these nuances in mind when issuing relief in protection orders involving teens.

Teens and the Court Process

The age at which an individual can petition the court for a protection order to address intimate partner violence is dictated by statute. All 50 states have statutes which address protection orders. If the petitioner has not reached the required age, there may be the opportunity to request special permission to submit their claim or to have a guardian or a next friend petition on behalf of the minor seeking protection. Below is a chart indicating ages at which petitioning for a protection order is allowable and corresponding states.

Age Designation	Eligible in the following states and U.S. Territories
No age designation	New Hampshire, Oregon, Texas, Vermont
12 and under with Guardian ad Litem	California
12 and older	California
13 and older	District of Columbia, in specific cases
15 and older	Washington
16 and older	District of Columbia
17 and older	Missouri
18 and older, emancipated minor, or otherwise deemed eligible	May seek protection orders in all states and U.S. Territories
Statutory age designation may be unclear	Georgia, Illinois, Nebraska, Nevada, New Mexico, New York, North Dakota, South Dakota, U.S. Virgin Islands
Ineligible Minors	Ineligible minors may seek assistance in filing from a parent or guardian in all states and U.S. Territories

For information on your state’s age requirements visit your state’s [statutory compilation on juveniles and protection orders](https://bwjp.org/site-resources/states-allowing-juveniles-access-to-protection-orders/) (https://bwjp.org/site-resources/states-allowing-juveniles-access-to-protection-orders/). Judges should refer to statute, as well as state and local guidance, when seeking additional information on issuing protection orders for and against minors.

Teens and Injunctive Relief Considerations

Jurisdictions may have multiple types of injunctive relief that petitioners can limitedly tailor to meet their specific needs. It is important that the court is aware of the options available and the relief provided under each type of protection order. Certain orders may require the petitioner to be in a certain relationship with the respondent. Other types of orders may be more relaxed in the relationships they address. It is critical to note that teen dating relationships can and do look different than those of adults. The parties may or may not be same sex or may be gender fluid, the relationship may or may not be sexual in nature, and the relationship may have been short-lived or long in duration, or even still occurring. Traditional dating norms may not be present. The purpose of the injunctive relief remains the same – stop the violence in the relationship.

Courts must exercise patience and understanding when considering teen requests for protection orders. Petitions filed by young people without assistance may include youthful vernacular or lack sophistication. They may also include requests for relief that fall outside of the listed relief provided by statute. Examples of this relief may include staying away from certain locations such as practice fields, areas of schools, and locations of extracurricular activities or volunteer opportunities. Relief may also include prohibition from engaging in stalking behaviors on social media or posting on social media about the protected party. Courts should carefully consider these petitions and exercise judicial discretion and understanding when dealing with teen petitioners and respondents. Young litigants may not understand court norms or what is considered appropriate courtroom

behavior. Teens may not meet court dress codes or they may be disruptive. Courts may educate youthful parties on these norms and practices, but these are not required to seek and receive relief. Courts must meet teen petitioners and respondents on their level, doing their best to understand the facts and provide the appropriate relief.

Considerations in Injunctive Relief

It is important for the court to ascertain if the petitioner is entitled to the relief for which they are applying by meeting statutory requirements. All relief for which the petitioner requests and is qualified should be granted. Teens in relationships may attend the same school, clubs and activities or places of worship. The petitioner and respondent may share the same friend and social groups. It is important for the court to ascertain the risk to the petitioner and address the challenges faced by young people seeking safety. The court should examine any teen or juvenile related relief available in their jurisdiction. Many jurisdictions do not offer relief specifically geared toward juvenile petitioners. Courts should consider crafting relief to meet the needs of these unique litigants. This may include tailoring of stay away provisions with specific locations and times. For example, "stay away from the petitioner's soccer practice and games." This allows for a certain amount of flexibility should soccer practice change location or time. Stay away provisions should address school (to include individual classes, locations, lockers, etc.), work, extracurricular activities, social events, etc. No contact provisions should reference social media and online networks, as well as other electronic communication applications. The court should not limit these by name as they are ever changing.

Keeping the relief broad enough to encompass a wide variety of platforms will save the petitioner from having to seek a modification when social media and messaging trends change. Courts should also prohibit any type of distribution of images or other personal information related to the petitioner by the respondent. The effects of inappropriate posts and messaging can be far reaching and cause emotional distress and more. Teen specific relief is very limited. In most jurisdictions there is no relief specifically for this age group. Many teen petitioners find that they are applying for the same protection orders for which adult intimate partner violence victims apply. While some of these options may apply for teens, others may not provide the structure and guidance necessary to increase safety and hold offenders accountable. Courts and judges should not shy away from employing “catch-all provisions” or providing relief under “any other relief necessary” allowances. Using this leeway, Courts should clearly and succinctly address needs of petitioners that otherwise may not fit into traditional protection order relief. This can include staying away from specific social events or occurrences, unique locations, even prohibiting certain social media or messaging app use, or prohibiting contact by proxy. With teens being highly mobile and involved in a myriad of activities, as well as being extremely connected through online platforms, the catch all provision can provide the flexibility the court requires to provide the protection our young survivor needs.

The court must also consider the term of the protection order. Many times the duration of court orders are defined by statute. If courts do have flexibility with the term of the protection order being issued, consider the needs and requested duration being made by the survivor. Consider the

age and the ability of the petitioner to return to court if an extension or new petition is needed. If the court is difficult to get to, or the petitioner had to meet special requirements, such as permission to file because of young age, it may be difficult for that petitioner to meet those requirements or be present for a subsequent hearing if the duration of the order is set for a short time. The survivor is entitled to the maximum amount of protection they qualify for under law. Be aware that both petitioners and respondents may always petition the court for modification, extension or dismissal of protection orders.

It is important to note that parents or guardians may be involved in these cases for both the petitioner and respondent. The court should take extra care in explaining the restrictions and violation consequences of the protection order on the respondent to both the parties and any adult accompanying them. Finally, it is important that the court strive to be the least intrusive possible in easily disrupted youth lives and schedule hearings outside of school hours when possible.

Special Enforcement Considerations

Issuing protection orders to and against youthful litigants must be recognized as a unique opportunity to halt the cycle of violence and influence the future of teens. It is imperative that while courts provide for the enhanced safety of teen survivors, they also provide for the expectation of no tolerance and accountability for teen perpetrators. The court has a role in moving from accountability of the offender to reducing intimate partner violence in society. For the respondent the elements of prevention

and recognizing and halting acts of violence, harassment, and stalking before they begin should be the focal point. There is no repercussion if the respondent complies with the order. The protection order is not a punishment, but it does restrict the respondent based on the court's findings of behavior that should be prohibited.

Compliance

Petitioners may seek to enforce protection orders through a civil order to show cause, rather than contacting police and seeking a criminal legal response. Allegations of violations should be taken seriously, and offenders must be held accountable. Teen violators need to face consequences that are proportional to the violation to deter future non-compliance and increase petitioner safety. Courts should carefully consider appropriate compliance mechanisms available, to include some methods, such as fines, as essentially holding the offender's parent or guardian accountable as well. Compliance mechanisms appropriate for teens should first be considered, like community service for non-compliance, etc. Courts must weigh the consequences and the effects on the youthful offender and make appropriate choices while maintaining survivor safety as its primary goal. When appropriate, protected parties may seek enforcement through the criminal justice system for violation of a protection order. Procedures and consequences are then governed by that system.

Service of Process on Teen Respondents

It is important for the court to know and understand the service requirements in their state or jurisdiction. For service to be affected, the

state may require service of process to occur on someone over the age of 18, or on the parent or guardian of the respondent. The court should be aware of these requirements and alert law enforcement or the agency serving the documents that this service of process may require special attention. Remember, regardless of the age of the respondent, notice and the opportunity to be heard remain the backbone of due process in American jurisprudence.

Dismissal, Repeat Petitions, Repetitive Petitioners

Similar to adults seeking protection orders, teen petitions should be seriously considered every time filed. The frequency of filing and subsequent failure to appear at the hearing for a final order may be the petitioner negotiating their safety. Like adults, teens may be using the court system and protection orders in ways that work best for them. The court must consider each and every petition. This also rings true for requests to dismiss orders already in place. Courts must weigh the request of dismissal with the safety of the victim and the community. Consider questioning both parties privately to determine if either are being coerced into seeking dismissal or modification. Courts should carefully question the petitioner and the respondent about dismissal and make appropriate choices to meet the litigant needs. Teens may face pressure from the respondent, as well as parents or guardians, to seek, modify or dismiss orders. Courts should carefully consider the safety of the petitioner when modifying or dismissing an order.

Conclusion

With diligence, understanding and firm application of the law, courts can set the tone of zero tolerance for TDV. Early application of court mechanisms which improve survivor safety and agency, and hold offenders accountable, allow courts to influence future behavior of youthful parties. By providing these impressionable individuals with the assistance and relief they need, judges are uniquely positioned to have a positive effect in aiding in the reduction of intimate partner violence.

Additional Considerations

Teens and Social Media

Teen social interaction and technology/media use can be wildly different than those of persons 20 or even 5 years older. Teen use of social media platforms is ever changing. From multiple platforms, to the frequency of use, teens can use social media at a rate that may surprise many adults. Teens may spend a vast amount of time online and interact with their peers and others there. Social media is a way to communicate, but it can also be a tool for bullying, abuse, stalking and intimidation. For example, a teen victim who has ended a relationship may see or hear of a post where the previous partner has photographed themselves outside of the victim's home or school. This may seem harmless; however it can be a way to communicate that the perpetrator is in the vicinity and the victim is under surveillance or is not safe. Teen victims may also experience "trolling" or abusive comments on their social media posts from a perpetrator. Finally, victims may experience "revenge porn" or online posting of explicit images of them by a perpetrator. This list is by no means exhaustive and misuse of and abuse through social media can take many forms which can elicit harm. Courts should consider directly addressing social media and online platforms in relief issued. Courts should take care and try to avoid limiting both parties' or the petitioner's use of social media.

LGBTQIA+ Considerations

Young people who identify as LGBTQIA+ have the same needs as young people who identify as non-LGBTQIA+. It is important to note that marginalized groups, like LGBTQIA+, experience victimization at higher

rates than their peers due to historical societal and legal marginalization. For LGBTQIA+ teens, this includes experiencing a higher rate of physical violence than their non-LGBTQIA+ peers.³ Regardless of sexual orientation, gender, or gender expression, if a young person meets the statutory requirements for the issuance of relief, the court should grant such request within the confines of the law.

Pregnant Teens

It must be noted that in hearing these cases courts may encounter teens who are pregnant. It is important courts recognize the physical and decision-making autonomy of the pregnant teen. These petitioners may seek special permission to make choices that they may otherwise need an adult to facilitate. Courts should consider the teen's petition for a protection order as well as any other relief requested with the utmost seriousness, understanding this request may affect the teen's life for years to come. If the teen meets the requirements for the request, it should be granted.

Some courts may be required to report statutory rape. Statutory rape is sex with a minor where the difference in the ages between the parties exceeds a certain number of years. This age gap amount is dictated by statute. For example, this may be consensual sex between a 13- and 17-year-old. Courts should be aware of mandatory reporting requirements and statutory rape statutes within their jurisdiction.

³ Dank M, Lachman P, Zweig, J, & Yahner J. 2010 "[Dating Violence Experiences of Lesbian, Gay, Bisexual, and Transgender Youth](https://www.urban.org/sites/default/files/publication/23946/412892-Dating-Violence-Experiences-of-Lesbian-Gay-Bisexual-and-Transgender-Youth.PDF)" (https://www.urban.org/sites/default/files/publication/23946/412892-Dating-Violence-Experiences-of-Lesbian-Gay-Bisexual-and-Transgender-Youth.PDF), Urban Institute, Justice Policy Center.

Teens enrolled in institutions of higher learning may also be under the age of 18. It should be noted that colleges and universities may have policies on issuing campus no contact orders. No contact orders issued by extra judicial tribunals convened by schools or campus/university administration under Title IX regulations are not the equivalent to, nor do they preclude survivors from seeking orders from state courts.

Common Terms and Acronyms

LGBTQIA+: Acronym for lesbian, gay, bisexual, transgender, queer, intersex, asexual.

Inclusive Terms that Include People of All Genders and Sexualities

Talking: Usually non- exclusive relationship between two individuals who are not a couple. Usually considered a precursor to a dating relationship.

Situationship: A romantic relationship in which neither party is certain of the definition.

It's Complicated: Relationship status on social media platforms. Stage between friends and couple. May also indicate dissatisfaction with existing relationship.

Location Services: Functionality which allows apps and websites to locate your device. Can be used as a way to stalk an individual by allowing their phone location to be tracked by perpetrator.

Social Media: Forms of electronic communication through which users create online communities to share information, ideas, personal

messages, and other content like videos. May be used on a computer, tablet or smart phone.

DMs: Acronym for direct messages. Private messaging between parties on social media platform.

Resources for Judges

Resources for Continued Learning

We recommend reviewing and sharing the following links to support your continued education on this topic. Some of these resources can be tailored to meet the needs of teens in your community directly, or to share with other adult allies, mentors, family members in the lives of teens to support community outreach and education efforts on this topic.

[Office of Violence Against Women, Training and Technical Assistance Providers Directory](https://ta2ta.org/directory.html) (https://ta2ta.org/directory.html)

The TA Provider Directory is a resource for both TA providers and grantees, potential grantees, and subgrantees. It provides information about other OVW TA providers, a description of their TA projects, the project point of contact information, and the grant programs served. Information on various projects, and focus areas, including culturally specific resources can be found here.

[8 Things Every Judge Should Know About Teen Dating Violence](https://www.ncjfcj.org/news/8-things-every-judge-should-know-about-teen-dating-violence/)

(https://www.ncjfcj.org/news/8-things-every-judge-should-know-about-teen-dating-violence/)

This article expands on the basics of teen dating violence. Created by NCJFCJ for judges, it discusses interacting with teen dating violence victims and offenders.

[Love is Respect](http://www.loveisrespect.org) (National Dating Violence Hotline)

(www.loveisrespect.org)

Love Is Respect is the national resource to prevent unhealthy relationships and intimate partner violence. It focuses on empowering young people through inclusive and equitable education, support, and resources. A project of the National Domestic Violence Hotline, love is respect offers 24/7 information, support, and advocacy to young people between the ages of 13 and 26 who have questions or concerns about their romantic relationships. It is a resource specifically for teen victims. Call: 866.331.9474 Text: "LOVEIS" to 22522.

[National Center on Protection Orders and Full Faith & Credit](https://bwjp.org/our-work/national-center-on-protection-orders-and-full-faith-credit/)

[NCPOFFC](https://bwjp.org/our-work/national-center-on-protection-orders-and-full-faith-credit/) (<https://bwjp.org/our-work/national-center-on-protection-orders-and-full-faith-credit/>)

NCPOFFC helps to identify and resolve the systemic problems that exist around issuance, service, and enforcement of protection orders. The complexities of inter-jurisdictional policies should never result in harm for survivors. NCPOFFC provides tailored tools and research to aid professionals engaged in protection order work.

[National Council on Juvenile, Family, and Court Judges \(NCJFCJ\)](https://www.ncjfcj.org/family-violence-and-domestic-relations/)

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The National Council of Juvenile and Family Court Judges is the oldest judicial membership organization in the country and provides all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice. The following materials were

created to advance capacity building efforts in the area of teen dating violence.

[Stalking Prevention, Awareness, and Resource Center \(SPARC\)](http://stalkingawareness.org)

(stalkingawareness.org)

SPARC is a federally funded project providing education and resources about the crime of stalking. Its aim is to enhance the response to stalking by educating the professionals tasked with keeping stalking victims safe and holding offenders accountable. SPARC ensures that allied professionals have the specialized knowledge to identify and respond to the crime of stalking.



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The National Council of Juvenile and Family Court Judges® (NCJFCJ) provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

For more information about the NCJFCJ or this document, please contact:

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