

## The Resource Center Newsletter

### Things to Know About Teen Dating Violence

Our guest blogger this month is Judge Marshall Murray of Wisconsin, who has presided for more than twenty years in Milwaukee's courts, including the children's court, domestic violence court, family court and probate court. While the article was originally written for judges, it offers important information and tips for all professionals working with teen survivors.

#### **8 Things Every Judge Should Know About Teen Dating Violence<sup>1</sup>**

One of the most important duties for any court system is to ensure that youth in the community are protected. As the former presiding judge of the Milwaukee Children's Court, Milwaukee County Domestic Violence Courts, Milwaukee County Family Court and now the Presiding Judge of the Milwaukee County Probate Court, I have seen many teen survivors of dating violence, including all genders and sexual orientations and every ethnic background imaginable.<sup>2</sup> It was, and is, very sad to me that while these young people are supposed to be focusing on the challenges of adolescence, they were instead grappling with the violence caused by their partners.

February is Teen Dating Violence Awareness Month, and the National Council of Juvenile and Family Court Judges (NCJFCJ) is highlighting the importance of youth victimized through dating violence. As a judge and a parent, it's difficult for me to imagine that 1 in 3 girls that I saw in my court were likely to be physically, emotionally, or verbally abused by an intimate partner.<sup>3</sup> That number is too high for any community. Worse, girls and young women from the ages of 16 to 24 experience the highest rate of intimate partner violence, almost triple the national average.<sup>4</sup>

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<sup>1</sup> Edited and reprinted from an article originally published on January 29, 2016.

<sup>2</sup> Throughout this article the pronoun "she" is used, although victims of teen dating violence can be both male and female. As with adult domestic violence, teen dating violence is a gendered phenomenon and there is a substantial overrepresentation of young teen girls who are victims of dating violence.

<sup>3</sup> See <https://www.loveisrespect.org/resources/dating-violence-statistics/> (last accessed January 13, 2020); Antoinette Davis, *Interpersonal and Physical Dating Violence among Teens*, Focus (Nat'l Council on Crime and Delinquency, Sep. 2008), available at [https://www.nccdglobal.org/sites/default/files/publication\\_pdf/focus-dating-violence.pdf](https://www.nccdglobal.org/sites/default/files/publication_pdf/focus-dating-violence.pdf) (last accessed January 13, 2020).

<sup>4</sup> See e.g., <https://www.loveisrespect.org/resources/dating-violence-statistics/> (last accessed January 13, 2020).

One of the hardest tasks I have faced is making decisions in cases that involve victimized youth. I know that judges around the country (many of whom are parents) also are deeply concerned about making the right decision in cases that involve teen survivors. These are tough issues for any judge to handle alone. That is why the NCJFCJ and I put together this article entitled “8 Things Every Judge Should Know About Teen Dating Violence.” It is certainly not everything you may need to know, but it’s a start. We hope you find this blog helpful. If you are interested in what you read and want to learn more, please feel free to reach out.

Sincerely,  
Hon. Marshall Murray  
Presiding Judge, Milwaukee County Probate Court  
Member, National Council of Juvenile and Family Court Judges

1. Don’t treat teen survivors like adult survivors.
2. Remember that teens think differently from adults.
3. Recognize the link between delinquency, substance abuse, and teen victimization.
4. Think about culture.
5. Talk to your school system to keep the survivor protected.
6. Social media can be a medium for control and abuse in teen victims.
7. You can’t do it alone: talk to community partners.
8. Ensure the door to your court is open (and they know how to get there).

### **1. Don’t treat teen survivors like adult survivors.**

Like adult survivors, supporting youth survivors’ agency and self-determination is important. However, teens are not “young adults” in any sense of the word. In fact, that term is a misconception that harkens back to well before the 19<sup>th</sup> century when children were thought of as tiny adults in children’s clothing. Teens and adolescents are developmentally and emotionally unique. As eloquently put by the National Institute of Mental Health “... the brain does not begin to resemble that of an adult until the early 20s ... [t]he parts of the brain responsible for more ‘top-down’ control, controlling impulses, and planning ahead – the hallmarks of adult behavior – are among the last to mature.”<sup>5</sup>

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<sup>5</sup> *The Teen Brain: Still Under Construction*, Nat’l Institute of Mental Health, (2011), available at [http://www.ncdsv.org/images/NIMH\\_TeenBrainStillUnderConstruction\\_2011.pdf](http://www.ncdsv.org/images/NIMH_TeenBrainStillUnderConstruction_2011.pdf) (last accessed January 13, 2020).

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Likewise, teen dating violence is not identical to adult domestic violence. Teens have specific vulnerabilities unique to their age and development. The Georgia Coalition Against Domestic Violence notes that, “[f]actors such as social expectations, entertainment media messages about relationships, and constant social media engagement can impact how teens individually perceive teen dating relationships and engage in conversations around teen dating violence.”<sup>6</sup> This means that a judge may have to spend time understanding the context in which violence is occurring. Crafting a good, meaningful judicial response means learning about a teen’s home life, her school, what she does for fun, her friends and family and what resources are available in the community.

## **2. Remember that teens think differently from adults.**

The United States Supreme Court case *Miller v Alabama* encapsulated how teens think differently.<sup>7</sup> There, the court stated that “ ... children ‘are more vulnerable ... to negative influences and outside pressures,’ including from their family and peers; they have limited ‘control over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings.”<sup>8</sup> We know that teens have limited capacity for foresight and impulse control. We also know that in many cases teens may have an underdeveloped cognitive control system, limiting their stop-and-think response.<sup>9</sup> All of this means that teens will likely perceive system involvement differently from adults.

For a teen dating violence survivor, the inability to perceive risk as accurately or carefully as adults can also impede separation from an abuser. In fact, only a little over one-third of teens who were abused ever disclosed their abuse.<sup>10</sup> Adult responses to violence like help-seeking, talking to police, and moving away are often unavailable or not apparent to teens.

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<sup>6</sup> *Empowering Youth and Communities to End Teen Dating Violence Community Resource Guide*, Ga. Coalition Against Domestic Violence, pg. 4, available at <https://d3vnvedzfq7zpv.cloudfront.net/content/uploads/20160706131150/GCADV-TDV-Resource-Guide-Empowering-Youth-Communities-to-End-Teen-Dating-Violence.pdf> (last accessed January 13, 2020).

<sup>7</sup> *Miller v. Alabama*, 132 S. Ct. 2455, 2462 (2012), citing *Roper v. Simmons*, 543 U. S. 551 (2005)

<sup>8</sup> *Id.*

<sup>9</sup> See e.g., *Teen Brain: Behavior, Problem Solving, and Decision Making*, Am. Acad. of Child & Adolescent Psychiatry (Sept. 2016), available at [https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx) (last accessed January 13, 2020).

<sup>10</sup> Omnibuzz Topline Findings – Teen Relationship Abuse Research, Teenage Research Unlimited (Feb. 2005), available at <http://www.breakthecycle.org/sites/default/files/pdf/survey-lina-2005.pdf> (last accessed January 13, 2020).

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Teens are often reluctant to disclose abuse to an authority figure, and judges are one of the clearest sociological symbols of authority. For teens, authority figures can be a jumble of teachers, mentors, parents, older siblings, uncles and aunts, law enforcement, and yes, boyfriends and girlfriends. By the time a teen has reached your courtroom, she has interacted with a number of adults, all of whom portray themselves as authority figures. It may help to ask yourself, “did every one of those authority figures convey the same message as me?” You want a teen in your courtroom to feel comfortable reaching out to system partners and seeking help. Above all, you want her comfortable talking to you.

Remember that a risk-benefit calculation is much less clear to teens, particularly a teen who has been traumatized by abuse. Teens may have difficulty weighing consequences and may either minimize or catastrophize potential courses of action. For example, a teen victim may fear telling her parents about an abusive partner because of a prohibition on dating. A foster youth may not disclose dating abuse because she fears being removed from her school-of-origin. An LGBTQ+ teen may be terrified of social condemnation if her relationship is discovered on social media.

To complicate matters further, some adolescent behavior overlaps with abusive conduct. Teens are cognitively primed to test social limits, and some forms of teen dating violence can be difficult to distinguish from general adolescent behavior. It is not unusual to find adolescents who display a, “lack of respect, verbal abuse, put-downs, involvement of alcohol or drugs and a [general] disregard for privacy.”<sup>11</sup> This does NOT under any circumstance excuse any form of abuse or coercion. However, it does make analysis of teen dating violence a more complex process.

### **3. Recognize the link between delinquency, substance abuse, and teen victimization.**

Just because a teen is a criminal defendant does not mean she cannot be a victim of dating violence. Exposure to domestic violence increases the likelihood that a youth will engage in delinquent conduct.<sup>12</sup> Both the Centers for Disease Control and Prevention and the National Childhood Traumatic Stress Network note that youth exposed to domestic violence generally experience psychosocial problems at a higher

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<sup>11</sup> Jennifer Y. Levy-Peck, *Sexual Assault and Coercion in Teen Relationships*, Wash. Coalition of Sexual Assault Programs, available at <https://www.wcsap.org/resources/webinars/advocacy/focus-areas/ipsv/sexual-assault-coercion-teen-relationships> (last accessed January 13, 2020).

<sup>12</sup> Veronica Herrera and Laura Ann McClosky, *Gender Differences in the Risk of Delinquency Among Youth Exposed to Family Violence*, 25 *Child Abuse & Neglect* 1037 (2001).

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rate than non-exposed youth. In fact, studies note that victims may adopt drug and alcohol use to cope with partner abuse.<sup>13</sup>

As adults, we have had our entire lives to develop positive, pro-social coping mechanisms. Teenagers have not had that time and are still learning how to react to stressful situations, let alone victimization by a loved one. It is not unusual for teens in abusive relationships to exhibit trauma-fueled conduct such as aggressiveness, substance abuse, fighting or other disciplinary problems. Teens may also play hooky from school to avoid contact with the abuser.

Judges should always remember that in delinquency one of the primary messages is for the minor to take responsibility. In contrast, one of the axiomatic principles in domestic violence treatment is that a victim is never responsible for abuse. As a judge, reconciling this mixed message is our job, and it can be inordinately complicated. But if it is difficult for us to explain, how hard is it for a teen survivor to grasp? It is critically important to speak to teen survivors who appear in delinquency court and remind them that abuse can be confusing, scary, and something that is never their fault.

#### **4. Think about teen culture.**

Teen culture today is highly interpersonal. Modern youth are intimately connected to technology and tend to problem-solve using online research and social media. A teen's social connections on online platforms (whether moderated or not) may serve as an ad hoc support system. In the alternative, online social platforms can be used as a forum for bullying, harassment, or cyberstalking. Critically, this use of violence may be invisible to adults (including judges and other professionals) not familiar with social media.

It is important to recognize that adults may not be a teen's first choice for help-seeking. A teen may be more inclined to search for information about dating violence on a smartphone than compromise her identity by speaking to a teacher. This is not necessarily a bad thing. Teen survivors may be more inclined to seek help if they are guaranteed that their actions are completely anonymous. Indeed, this is one of the

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<sup>13</sup> See e.g., <https://www.nctsn.org/what-is-child-trauma/trauma-types/intimate-partner-violence/effects> (last accessed January 13, 2020); J. Miller and N.A. White, *Gender and Adolescent Relationship Violence: A Contextual Examination*, 23 *Criminology* 1207(2003).

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reasons why the National Domestic Violence Hotline allows survivors to chat and text advocates.

## **5. Talk to your school system to keep the survivor protected.**

A great start to community collaboration led by the court is speaking with the local school system. A juvenile court judge may spend anywhere from 10 to 30 minutes speaking with a teen survivor in a court proceeding. In contrast, the vast majority of an adolescent's day is spent in school interacting with educators.<sup>14</sup> The majority of school administrators and teachers care deeply about their students' protection, and will do their best to work with agencies that address teen dating violence. Clear communication about what schools should and should not do can resolve ambiguities that can negatively affect the survivor.

A detailed court order can also help guide a school district responding to a teen dating violence situation. A school with a teen survivor may be required to shift an abuser's class schedule and develop procedures to ensure the survivor and abuser do not encounter each other during school hours. In addition, clear orders help hold the abuser accountable and address protection during extra-curricular activities such as football games, dances, club meetings, field trips, and other events with large student participation. When crafting such orders, it can help to speak with school personnel to ensure they are aware of the boundaries of the order and the rationale behind the specific provisions of the order itself.

## **6. Social media can be a medium for control and abuse of teen victims.**

"More than a quarter (26%) of youth in a relationship and nearly a fifth (18%) said they experienced some form of cyber dating abuse victimization in the prior year."<sup>15</sup> The use of social media in teen dating violence intersects with a variety of crimes including identity theft, fraud, child pornography, and harassment. Orders limiting the use of social media in dating violence cases are almost always necessary to protect the survivor from harassment.

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<sup>14</sup> *A Day in the Life of a High School Teen*, US Dept. of Health and Human Services, Office of Adolescent Health, available at <http://www.hhs.gov/ash/oah/adolescent-health-topics/americas-adolescents/day.html> (last accessed January 13, 2020).

<sup>15</sup> Janine M. Zweig et al., *Technology, Teen Dating Violence and Abuse, and Bullying*, Urban Institute Justice Policy Center (Aug. 2013), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/243296.pdf> (last accessed January 13, 2020), citing D, F, Roberts and U.G. Foehr, *Trends in Media Use*, Future of Children (2008).

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Along with the risks posed by social media, it is also important to remember that youth use social media in many positive ways. Teens can communicate with support systems through Facebook and Twitter, seek help, find information and resources and in some circumstances, find immediate help during a crisis. Encouraging teens to use domestic violence mobile apps can also increase their ability to find help quickly and build resilience.

I encourage all judges to research the many ways social media can be used positively to help respond to teen dating violence victims. The National Center for State Courts (NCSC) has an extensive guide on how courts and judges can use social media to increase access in novel new ways.<sup>16</sup> Futures Without Violence also publishes the *Leveraging Social Media to Talk to Teens about Dating Violence* guide.<sup>17</sup>

## **7. You can't do it alone: Talk to community partners.**

If there is one thing we judges have learned over the past four decades about domestic violence, it is that neither judges nor courts can do it alone. Community collaborative systems provide the best results for survivors and are among the most effective forms of accountability to teen abusers. When the court acts as a centerpiece of community systems addressing dating violence, some of the burden can be relieved from resource-limited probation and court staff. At the same time, proper communication between agencies like the school district, batterer intervention programs, and victim services can allow the court to react faster to high risk cases.

Reaching out to community leaders to form partnerships is the first step to achieving an organized collaborative response to this issue. Futures Without Violence notes that, “[h]ealth care providers such as school nurses, family doctors, health clinics and medical centers can be key to both intervention and prevention ... [and are] people that young teens and their parents look to and trust.”<sup>18</sup> The Native American Communities Justice Project in California suggested that, “[i]nstruction by Native

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<sup>16</sup> <https://www.ncsc.org/Information-and-Resources/Social-Media/Managing-Social-Media.aspx> (last accessed January 13, 2020).

<sup>17</sup> See <https://www.futureswithoutviolence.org/use-social-media-talk-teens-dating-violence/> (last accessed January 13, 2020).

<sup>18</sup> *Start Strong: Building Health Relationships*, Futures Without Violence available at <http://startstrong.futureswithoutviolence.org/4-elements-of-success/engage-influencers/health-professionals/> (last accessed January 13, 2020).

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trainers in Native American communities about how to use the state court system” might also be helpful to bridge divides between native communities, families and the courts.<sup>19</sup>

### **8. Ensure the door to your court is open (and they know how to get there).**

If there is one thing that your teen survivor should remember from her court experience it is that the door to your court is always open. The immense societal pressure that teen survivors face to drop protection orders and return to their abusers is magnified in the complex world of adolescence. Being a teen is not easy. Being a teen survivor is much, much harder. As judges, the message we should communicate to teen survivors in the courtroom is that we believe violence is an issue, and we take their safety very seriously, even if others do not. The importance of this to teens trapped in abusive relationships cannot be overstated. A teen survivor who hears this message from a judge understands that the court is a safe place to seek protection ... and that is a good place for any judge to start.

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<sup>19</sup> *Native American Communities Justice Project – Beginning the Dialogue, Domestic Violence, Sexual Assault & Teen Dating Violence*, Cent. for Fam., Child. & the Courts, Admin. Off. of the Courts (May 2010), available at, <http://www.courts.ca.gov/documents/NACJResearchReport051310.pdf> (last accessed January 13, 2020).

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