

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title: An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence**

**Author(s): Andrew Klein, Ph.D., Amy Salomon, Ph.D., Laura Elwyn, Ph.D., Amy Barasch, Esq., Jane L. Powers, Ph.D., Mary Maley, M.S., James A. Gilmer, M.A., Matthew Pirchner, M.A., Ian Harris, Esq., Jennifer Sarah Tiffany, Ph.D., Deineria Exner-Cortens**

**Document No.: 242131**

**Date Received: May 2013**

**Award Number: 2010-MU-FX-0005**

**This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant report available electronically.**

**Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.**

# FINAL REPORT

## An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence

April 29, 2013 / Grant #: 2010-MU-FX-0005

**Andrew Klein, Ph.D.**

Advocates for Human Potential, Inc.  
490 B Boston Post Road  
Sudbury, MA 01776  
978-261-1435 • 978-443-4722 (fax)  
[aklein@ahpnet.com](mailto:aklein@ahpnet.com)

**Amy Salomon, Ph.D.**

Advocates for Human Potential, Inc.  
490 B Boston Post Road  
Sudbury, MA 01776  
978-261-1409 • 978-443-4722 (fax)  
[asalomon@ahpnet.com](mailto:asalomon@ahpnet.com)

**Laura Elwyn, Ph.D.**

Advocates for Human Potential, Inc.  
41 State Street, Suite 500  
Albany, NY 12207  
518-729-1221 • 518-475-7654 (fax)  
[lelwyn@ahpnet.com](mailto:lelwyn@ahpnet.com)

**Amy Barasch, Esq.**

28 Marion Avenue  
Albany, NY, 12203  
518-729-3372  
[amy.barasch@gmail.com](mailto:amy.barasch@gmail.com)

**Jane L. Powers, Ph.D., Director,**  
ACT for Youth Center of Excellence  
Bronfenbrenner Center for Translational  
Research  
Cornell University  
Beebe Hall Ithaca, NY 14853  
607-255-3993 • 607-255-8562 (fax)  
[jlps@cornell.edu](mailto:jlps@cornell.edu)

**Mary Maley, M.S.**

Extension Associate  
ACT for Youth Center of Excellence  
Bronfenbrenner Center for Translational  
Research Beebe Hall, Cornell University  
Ithaca, NY 14853  
607-254-4760 • 607- 255-8562(fax)  
[mm153@cornell.edu](mailto:mm153@cornell.edu)

**James A. Gilmer, M.A.**

New York Justice Center  
161 Delaware Avenue  
Delmar, NY 12054  
518-729-8508  
[jim.gilmer@cqc.ny.gov](mailto:jim.gilmer@cqc.ny.gov)

**Matthew Pirchner, M.A.**

179 Common Wealth Way,  
Aiken, SC, 29803  
585-261-4218  
[MatthewPirchner@gmail.com](mailto:MatthewPirchner@gmail.com)

**Ian Harris, Esq.**

Formerly at Day One  
PO Box 1507  
New York, NY 10013  
212-566-8120 • 212-566-8121 (fax)  
[iharris@dayoneny.org](mailto:iharris@dayoneny.org)

**Jennifer Sarah Tiffany, PhD**

Director of Outreach and Community  
Engagement  
Director, HIV Risk Reduction Research  
and Education Projects  
Bronfenbrenner Center for Translational  
Research  
College of Human Ecology  
Cornell University  
Beebe Hall  
Ithaca, NY 14853  
607-255-1942 • 607-255-8562 (fax)  
[jst5@cornell.edu](mailto:jst5@cornell.edu)

**Deinera Exner-Cortens**

Ph.D. Candidate, Human Development  
Bronfenbrenner Center for Translational  
Research  
Cornell University  
Beebe Hall,  
Ithaca, NY 14853

*This project was supported by Grant No. 2010-MU-FX-0005 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the US Department of Justice.*

## **Abstract**

### **An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence**

An increasing number of states, like New York, are expanding order of protection (OP) laws to allow teens to secure orders for dating violence without parental involvement. New York did so effective July, 2008.

While there has been extensive research in regard to civil OPs involving adults for intimate partner violence, this study of all OPs taken out by New York dating violence victims in 2009 and 2010 represents the first of its kind to examine OPs involving teens for dating violence. The goal of this research is to increase our understanding of OPs by teens as a remedy for dating violence by developing a comprehensive portrait of their use in New York State.

The study is both quantitative and qualitative. The quantitative portion of the study features secondary data analysis of multiple data sets, including all appropriate OPs obtained from New York Family Courts and criminal histories and police incident files from the State's Division of Criminal Justice Services. The qualitative research is based on focus groups and individual interviews with two populations of youth: 1) a statewide sample (N=122), both boys and girls, likely to be dating and exposed to dating violence but who had not necessarily used OPs (At Risk Group) and 2) a small sample of New York City young women (N=13) who have sought and/or secured Civil Orders of Protection (User Group).

We find the New York law to be very much a work in progress. Even the lowest estimates of teen dating violence (9.4% physical abuse, CDC, 2012), far exceed the

number of OPs (1,200) requested for dating violence in the two years of study. As the At Risk teen focus groups reveals, teens are unfamiliar with the expanded law. In addition, the User group reports substantial barriers facing teens in obtaining orders, including being labeled as “snitches” by their peers, fears that OPs would not work, and ambivalence about giving up on the abusive relationship.

The data reveals that more than 90% of the petitioners were female and respondents male. While all of the victims were teens, most of the abusers were not, averaging just short of 21 years old. The majority of respondents had prior criminal histories. Most victims alleged harassment, including cyberstalking, and assaults. The relatively few female respondents more closely resembled female petitioners, than male respondents, being younger and less likely to have prior arrest histories. Police were involved in only 10 percent of the incidents that prompted the study petitions.

While the majority of the teen petitioners returned to court more than once, most received only one or two temporary orders, lasting a month or so. Likely as a result of this limited duration, few respondents were charged with violating the orders. However, analysis of arrest and police incident reports, as well as new petitions taken out by study petitioners, indicated that a little more than a quarter of the respondents reabused their victims from one to three years after the initial petition. Risk for reabuse was associated with gender (being male), respondents having a prior criminal history, respondents being year or more older than their victims, and couples with children in common.

The research suggests OPs potentially constitute an important tool for teen victims. However, given lack of police involvement, without an alternative network of supportive adults, including parents and school personnel, the expanded use of OPs for

teen dating violence will remain limited. New York courts also face a challenge in accommodating teen petitioners.

## Table of Contents

<b>ABSTRACT.....</b>	<b>3</b>
An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence.....	3
<b>TABLE OF CONTENTS .....</b>	<b>6</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>12</b>
An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence.....	12
Key Findings.....	13
<b>I. INTRODUCTION.....</b>	<b>20</b>
A. Purpose, Goals, and Study Objectives .....	20
B. Literature Review: Research on Orders of Protection and Teen Dating Violence ...	21
Adult Protective Orders.....	21
Orders of Protection for Juvenile Dating Violence Victims .....	26
Prevalence of Teen Dating Violence.....	28
Characteristics of Teen Dating Violence .....	30
Teen Help Seeking for Dating Violence .....	36
Criminal Justice Response to Dating Violence .....	37
<b>III. RESEARCH DESIGN AND METHODS .....</b>	<b>40</b>
<b>PART ONE: QUANTITATIVE RESEARCH REPORT .....</b>	<b>41</b>

A. Research Questions.....	41
B. Study Data.....	41
C. Study Petitions .....	43
D. Study Measures.....	45
E. Quantitative Analysis Methods .....	46
<b>IV. QUANTITATIVE STUDY FINDINGS.....</b>	<b>48</b>
Order of Protection Description .....	48
Aim # 1: Question 1: What are the demographic characteristics of juveniles who seek protective orders? .....	48
1. Geography .....	48
2. Gender .....	49
3. Race/Ethnicity .....	49
4. Age .....	49
Aim # 1: Question 2: What are the demographic characteristics of respondents against whom orders are sought? .....	50
1. Gender .....	50
2. Race/Ethnicity .....	50
3. Age .....	50
4. Prior Criminal History.....	50
5. Concurrent Arrests .....	52
Analysis of Respondent Gender Differences .....	53

Aim # 1: Question 3: What are the characteristics of incidents involved in these orders (e.g. relationship type, abuse alleged, living situation of parties)? .....	55
1. Petitioner-Respondent Pairs Gender .....	55
2. Petitioner-Respondent Pairs Age Differential.....	55
Analysis of Petitioner-Respondent Pair Age Differential by Group.....	56
3. Child in Common.....	60
Analysis of Petitioner-Respondent Pairs with and without Child in Common.....	61
4. Abuse Allegations .....	62
Aim # 2: Question 1: What action did the court take in regard to the petitions filed?64	
1. Orders of Protection Issued .....	64
Analysis of Differences between Petition Issued or Not.....	66
2. Counter Petitions .....	67
3. Supreme Court Transfers .....	67
Aim # 2: Question 2: What are the stipulations commonly made by judges in OPs granted to juveniles?.....	68
1. Stipulations.....	68
Analysis of Orders with and without Stay Away From School Stipulations.....	68
Aim # 3: Question 1: What is the incidence of reabuse? .....	69
1. New Petitions Filed .....	70
2. Violation of Orders.....	70
3. Domestic Incident Reports (DIR) .....	71
4. New Arrests.....	72

Aim # 3: Question 2: What petitioner, respondent, incident, and judicial response factors predict subsequent reabuse? .....	73
1. Gender .....	73
2. Age .....	73
3. Child in Common .....	73
4. Respondent Criminal History .....	73
5. Order Status .....	73
<b>V. NEW YORK EMPIRE POLL .....</b>	<b>76</b>
<b>VII. QUANTITATIVE RESEARCH LIMITATIONS .....</b>	<b>82</b>
<b>PART TWO: QUALITATIVE RESEARCH.....</b>	<b>84</b>
<b>VIII. RESEARCH DESIGN AND METHODS: QUALITATIVE.....</b>	<b>84</b>
A. At-Risk Focus Groups .....	85
1. Methods .....	86
2. Findings .....	88
B. OP User Group.....	96
1. Methods .....	97
2. Findings .....	101
<b>IX. DISCUSSION AND IMPLICATIONS FOR POLICY AND PRACTICE .....</b>	<b>111</b>
<b>APPENDIX .....</b>	<b>122</b>
Appendix 1. References.....	122
Appendix 2. OP Petition Form .....	135

Appendix 3. DIR Form.....	139
Appendix 4. Petitions Origin by County .....	142
Appendix 5. Most Serious Prior Charge against Respondents (n=615).....	143
Appendix 6. Concurrent Arrests (within one month of petition filing) (n=261).....	145
Appendix 7. Petitioner and respondent pairs (gender, age, relationship)* .....	146
Appendix 8. Counties for Cases Transferred to Supreme Court (n=40) .....	147
Appendix 9. Stipulations by Order of Protection Type .....	148
Appendix 10. Demographics for Groups With and Without Orders .....	149
Appendix 11. Difference in Petitioner and Respondent Demographics or Groups With and Without Child in Common .....	151
Appendix 12. Respondent with Sex Offense Histories .....	153
Appendix 13. Percent of respondents who had one or more arrest after original petition was filed by category (respondent n=550) .....	158
Appendix 14. Advisory Council Members.....	160
Appendix 15. Advisory Council Comments and Recommendations .....	162
Principle Advisory Council Responses and Recommendations.....	162
Knowledge of the Order of Protection System by Juveniles .....	164
Important to understand the developmental stage of juveniles .....	165
Reactions to the numbers of statutory rape cases.....	165
Gender issues.....	167
Few Referrals to Supreme Court.....	167
Recommendations .....	167
System changes .....	169



## **Executive Summary**

### **An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence**

An increasing number of states, like New York, are expanding order of protection (OP) laws to allow teens to secure orders for dating violence without parental involvement. New York amended its protective order law effective July, 2008, allowing teens without children in common with their abusers to secure OPs for dating violence.

While there has been extensive research in regard to civil OPs involving adults for intimate partner violence, this study represents the first of its kind to examine protective orders involving teens for dating violence. The study is both quantitative and qualitative.

The goal of this research is to increase our understanding of OPs taken out by teens as a remedy for dating violence by developing a comprehensive portrait of their use in New York State and exploring with the potential and actual teen consumers, how they perceive these orders and the barriers they face in utilizing them.

The quantitative portion of the study featured secondary data analysis of multiple data sets, including all petitions filed by teen dating violence victims (18 and younger) across New York State in 2009 and 2010 and criminal and police domestic violence incident report files for all respondents. It should be noted that this data constitute the entire population of teens under 19 in New York State who filed for a civil Order of Protection for dating violence in 2009 and 2010; however, these data can be viewed as a sample that is potentially generalizable to larger (albeit more heterogeneous) populations. Therefore in describing these data we present information that includes tests of statistical significance and sample statistics that may be useful for future comparisons with other

studies on teen dating violence. Nonetheless, our main focus is the magnitude (and meaning) of group membership, group differences, and so forth rather than statistical significance. In addition, we included a question on the State Empire Poll to determine awareness of the state’s 2008 OP legal reform.

The qualitative research was based on focus groups and individual interviews with two populations of teens: 1) a statewide sample of teens (N=122), both boys and girls (12 to 18 years old), likely to be dating and exposed to dating violence but who had not necessarily used OPs (At Risk Group); and 2) a small sample of New York City young women (N=13) who have sought and/or secured Civil Orders of Protection (User Group), ages 15 to 19 years old.<sup>1</sup>

## **Key Findings**

### **1) Limited utilization of OPs by teen dating violence victims**

In the first two full years after New York’s OP expansion, only 1,200 teens petitioned New York Family Courts for civil orders for dating violence against 1,205 different respondents. Given even the lowest estimates of the extent of teens dating violence (9.4% physical abuse, CDC, 2012), this represents but a tiny fraction of potential teen dating violence victims across New York.

As revealed by the statewide 2011 Empire State poll,<sup>2</sup> representative of adult New Yorkers (18 years and older), only 14.5% have heard either “a lot” or “some” about the

---

<sup>1</sup> The one 19 year old was 18 when she petitioned the court for an OP for dating violence.

<sup>2</sup> The sample for the Empire Poll, conducted by the Survey Research Institute (SRI) at Cornell University, is obtained from random digit dial (RDD) lists, covering both cellular and land-line exchanges for New York State. The sampling frame was split between upstate and downstate residents, allowing comparisons between the whole state and these geographic regions with a one in twenty chance of sampling error greater than 4.9 percentage points.

new law. The At Risk focus groups revealed no greater knowledge among teen New Yorkers. The At Risk sample seemed especially confused and concerned about the very components of the new law that are supposed to help make it more acceptable to youth, including the fact that parents don't have to be involved in the process.

Further, the research revealed that little more than ten percent of the study respondents were involved with the police in regard to the incident that prompted their teen victims to seek OPs. Research indicates that police are a major referral source for OPs for adult victims, meaning that the teen dating violence victims do not have equivalent assistance from police in learning about or being encouraged to seek OPs. Nor did schools substitute for police in informing teens and assisting them secure OPs according to both sets of focus groups.

## **2) Substantial barriers reported in regard to obtaining OPs**

Youth in both the At Risk and User groups reported substantial barriers to using OPs; most centered on beliefs and fears about OP usefulness (it's "only a piece of paper"), acceptability ("your friends...might look at you a different way," including being branded a "snitch"), and accessibility ("It's a big deal"). The OP Users stressed their ambivalence in letting go of the relationship and the resulting loss. Some teens reported that the loss was far greater than the boyfriend himself, and often included their mutual friends. Said one, "It's like I don't have anybody."

## **3) Almost all petitioners were females, and younger than their dating partners.**

More than 90% of the petitioners were female and respondents were male, notwithstanding some literature suggesting gender parity in dating violence victimization

(see, e.g., Foshee, 1996; Malik et al, 1997; O’Keefe, 1997). In almost two-thirds of the petitioner-respondent pairs, the petitioner was younger than the respondent, with a mean age difference of 2.92 years. As a result, while most of the victims were teens, most of the abusers were not (average age 20.9 years).

The few female respondents more closely resembled female petitioners, not male respondents. They were significantly less likely to have prior arrest histories than male respondents (20.5% vs. 54.2%,  $p < .0001$ ); they were younger (19.7 years vs. 20.99 years,  $p = .003$ ), and less likely to have a child in common (48.2% vs. 61.6%,  $p = .006$ ).

New York judges were also significantly less likely to grant petitions against female respondents. Male petitioners were more likely to petition against female respondents after they had been subjects of a prior petition by the same female, suggesting that these petitions constituted retaliatory petitions.

#### **4) Most of the abuse alleged by petitioners involved harassment and assaults.**

The abuse alleged by petitioners included most commonly harassment (83.7%), aggravated harassment (50.9%), and assault (52.3%). New York law defines harassment broadly to include elements of stalking, cyberstalking stalking, as well as physical assaults (“strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same” (§240.25)).

A small number of respondents closely resemble sexual predators. At least 30 could have been charged with criminal sexual acts because their victims were either under age 15 or 17 and they were 18 or 21 or older, respectively. These respondents had more substantial prior criminal histories than other respondents, including prior sexual

abuse offenses, and their petitioners were significantly more likely to alleged sexual abuse in their OP petitions against them ( $p < .05$ ).

**5) Repeated and sometimes escalating violence drove teens' decisions to move forward with OPs. Support from caring and knowledgeable adults, as well as the opportunity to meet with peers who have gone through similar experiences, was viewed as critical *before and after* the decision although adult professional supports and peer groups were reported as extremely limited.**

For teens with children, concern for their babies' safety was the prime motivating factor reported for seeking OPs. For some, parents prompted them to go to court, even when they were not ready to go themselves; for others, advice from a caring professional (counselor, social worker, teacher, hospital worker<sup>3</sup>) helped them ultimately make the decision to seek an OP. However, potential supports for young dating violence petitioners were found to be extremely limited. Traditional adult-focused domestic violence (DV) organizations rarely worked with teen clients, while youth-focused agencies claimed they did not work with this population at all.

**6) OP Users painted a picture of a justice system in transition, where key players had not yet developed a systematic approach to working with young petitioners and the process itself could be re-traumatizing.**

For example, one judge, according to the teen user, basically directed the entire court hearing to the parent, ignoring the young person, while another asked the parents to leave the courtroom to ensure the petitioner's voice would be heard. In one instance,

---

<sup>3</sup> One teen described how an attorney happened to hear her boyfriend assaulting her on a sidewalk and came down from his office to assist her and informed her about and encouraged her to obtain an OP.

according to another user, the police provided much appreciated written information on the process for securing an OP, while in another, the officer denied that the a youth could get an OP on her own. When at Court, most respondents reported being overwhelmed. Worse, one user described being terrified after being ushered into a small room with her abuser where a court attorney apparently endeavored to mediate or expedite the forthcoming court hearing. She reports she was too frightened to speak.

**7) A little more than a quarter of respondents reabused their petitioners through 2011.**

The study measures for reabuse were limited to official reports. Extrapolating from police domestic violence incident reports (DIR) filed by police outside New York City against study respondents, combined with new abuse petitions filed by study petitioners, as well as respondent arrests for violating OPs, the reabuse rate was between 27 and 28% though 2011. The follow-up period ranged from one to three years.

Less than 10% of the respondents were charged with violating an OP, a much lower rate than that found in most studies of adult OPs. However, only 20% of the petitioners received final orders that remained in effect, on average, for just over a year. Two-thirds of the petitioners received only one or repeat temporary orders that remained in effect, on average, for two months. As a result, there was limited opportunity for respondent violations.

The relatively low reabuse rate, coupled with the limited duration of study orders, suggests any deterrent effect of OPs for teen victims of dating violence likely results from the petitioner making the decision to file for an order and doing so, not the order itself.

**8) Specific characteristics were found that predicted reabuse.**

Gender was associated with reabuse, significantly more likely where the petitioner was female and the respondent was male. Age of either petitioner or respondent was not associated with reabuse, but the age differential between them was. Respondents who were a year or more older than their petitioners were significantly more likely to reabuse, less likely if the same age or younger than the petitioner. Petitioners who had a child in common with their respondents were more likely to be reabused. Respondent prior criminal history also was associated with reabuse. With the exception of age differential between petitioner and respondent, these same factors have been found to predict reabuse among adult intimates.

### **Summary**

While not as yet widely utilized by teen dating violence victims, the research suggests such orders potentially constitute an important tool for teen victims in terms of deterring reabuse and satisfying victim, at least as expressed by our small group of OP users and high return rates for teen petitioners. However, given lack of police involvement in the incidents of teen dating violence, without an alternative network of adults, including parents and school personnel to inform teens of OPs and assist teens in obtaining them, the expanded use of OPs for dating violence will remain limited. Also, New York courts face a challenge in accommodating petitioners in terms of reducing the many hours it takes to be heard and facilitating the process so that petitioners may obtain final, longer lasting orders.

Further investigation is needed to understand why New York Family Courts do not issue final orders despite evidence that the majority of the teen petitioners did return as requested for repeat hearings.



## I. Introduction

### A. Purpose, Goals, and Study Objectives

While there is growing recognition of the prevalence of teen dating violence and its serious short- and long-term detrimental impacts (Callahan, et al. 2003; Coker, et al, 2000; Eigenberg, H., 2012; Exner-Cortens, D., et al, 2012), counter measures are still in their infancy. A number of states have recently enacted laws requiring schools to teach about dating violence. Consequently, studies of dating violence prevention have been mostly limited to school-based group education programs (see, e.g., Foshee, Bauman, Ennett, Linder, Benefield, & Suchindran, 2004).

However, at least 19 states have expanded civil orders of protection (OPs) to allow juveniles to secure an order for dating violence (Breaking the Cycle, 2012). Protective orders for *adult* intimate partners, married or not, have been found to be helpful in studies both for reducing reabuse and empowering victims, even when the abuse continues. However, there is no research on the institution of such orders of protection for teen dating violence, whether or not juveniles will use them or if such orders for juveniles will prove similarly beneficial.

The following report represents the first such study of the use of protective orders to address dating violence suffered by non-adult victims. The study examines all such protection order petitions filed across the State of New York in 2009 and 2010 by petitioners 12 through 18 years of age. New York amended its OP laws effective July 2008 to allow juveniles to petition the Family Court for orders of protection for intimate abuse, whether or not they have a child in common with the respondent (alleged abuser).

Prior to this date, only juvenile petitioners with a child in common with the respondent could file for OPs in New York.

There are two parts to the study. The first is a quantitative analysis of orders of protection sought by juvenile petitioners for dating violence across New York in 2009 and 2010. The data provide profiles of the juvenile petitioners, their respondents, the incidents that prompted the petitions. Additionally, the data provide the court responses and whether or not the order subsequently was violated; the respondent engaged in new intimate partner violence during, or after, the order expired (or was not issued); or the respondent was arrested for any offense subsequent to the study petition.

The second part of the study involved two series of focus groups and interviews with youth across New York to assess juvenile knowledge of and attitudes toward orders of protection as a remedy for dating violence, as well as the actual experiences of juveniles who secured them for dating violence.

Finally, in conducting this research, the research team was guided by an advisory council of prominent New York officials concerned with teen safety, including judges, police officers, educators, and advocates. Council members reviewed the research. Their comments, as well as their take on what the research means for practitioners like themselves, is contained in the final section of this report.

## **B. Literature Review: Research on Orders of Protection and Teen Dating Violence**

### ***Adult Protective Orders***

There has been a lot of research on the use of civil protective orders as a remedy for adult intimate partner violence, almost none for their use as a remedy of teen dating

violence. A brief review of the research on adult protective orders, supplemented by studies on teen dating violence, provide, at least, a hint of the potential use and effect of protective orders by teens as a remedy for dating violence.<sup>4</sup>

Protective orders for adults specifically for intimate partner violence were first introduced in Pennsylvania in 1976, followed by Massachusetts in 1978. Since then, every state in the union and the District of Columbia have enacted laws providing for a version of these orders. Generally, victims may petition a civil court (including a civil docket of a criminal court or a family or probate court) for an initial, temporary order pending service to the respondent (alleged abuser). The respondent then is given an opportunity to appear in court and contest the order or specific order stipulations. Not all petitioners who receive the temporary order may return to court to request a final order. Although a study documented that 75% of the women who obtained initial orders returned for final orders in one Massachusetts court (Klein, 1996), studies from other jurisdictions have generally found lower return rates, including only 16% in Omaha, Nebraska (Moyer, 2000).

A Kentucky study of more than 200 women who obtained orders of protection suggests the barriers that order petitioners face that may discourage victims from seeking orders or returning to court for final orders. The greatest proportion, two-thirds, reported systemic barriers, including navigating the court system and difficulty in filling out the paperwork. Almost forty percent noted the inconvenience of the process, having to take time off from work, arrange for child care, limited court hours, and the like. Twenty-nine

---

<sup>4</sup> All footnote references are contained in Appendix 1.

percent reported barriers relating to “justice system bias,” including judges taking men more seriously than women, not listening to them, being rude or condescending, especially if the women had dropped prior orders. Finally, a little over a quarter reported lack of faith in the system or fear, including fear of facing the perpetrator in court, fear of retaliation or just embarrassment. (Logan et al, 2009). A study outside of Kentucky suggests that the demeanor of the judge and court staff may influence whether or not the petitioner returns to request final orders (Ptacek, 1999).

Before a judge can grant a final protective order, the respondent, the alleged abuser, must be served. In many jurisdictions, local police are charged with service. Studies have found this may be problematic. A California study found that 17% of orders are not served (Sorenson, 2005).

According to many surveys, orders are almost as popular with intimate partner violence victims as with legislators. A national survey suggested, for example, that between 16% and 37% of women received a protective order for the most recent incident of intimate partner sexual or physical assault, and/or stalking (Tjaden & Thoennes, 2000). Another found about one-third of intimate partner violence victims received a protective order in the past five years (Morbidity and Mortality Weekly Report, 2000). Among shelter populations, the percent of victims possessing orders has been reported to reach 40% (Penell, Burke, & Mulmat, 2002).

Studies suggest that one of the major promoters of adult use of orders is police. It is standard policy for police in many jurisdictions when responding to a domestic incident to provide victims with information on securing protective orders. A multi-court study found that almost half of petitioners (43%) said they either learned of orders or

were encouraged to apply for them by police responding to a domestic violence incident (Ptacek, 1999). Harrell and Smith (1996) found that police were involved in 60% of the abuse incidents that were cited by order petitioners.

Studies have also documented that petitioners do not immediately seek protective orders after first suffering abuse from their partner. A multistate study also found nearly 25% reported enduring abuse for more than five years before seeking an order (Keilitz, et al, 1997); a Colorado study found the average petitioner had suffered almost 13 abusive behaviors in the year prior to seeking an order, with a median abuse duration of 2.4 years (Harrell & Smith, 1996). According to several studies, most petitioners report having been physically assaulted (Klein, 1996, 64%) or received injuries (Harrell & Smith, 1996, 56%).

Studies have generally found that orders of protection may deter repeat abuse and empower victims. One of the common measures used to determine if protection order “work” is their rate of violation. A meta-analysis by Spitzberg (2002) of 32 studies reported violation rates of from three to 79 percent with a mean of 40 percent. Although violations represent concrete measures, they may not describe the full impact of protection orders. For example, a Kentucky study found although half of restrained abusers violated their orders, victims reported significant reductions in the level of abuse and violence (Logan & Walker, 2010; Holt et al., 2003 after nine months; Ptacek, 1999).

These studies, however, cannot reveal whether or not the abuse would have naturally declined overtime without the orders simply because, for example, the victims also were more likely to have left abusers against whom they obtained the orders. A study that constructed a control group, women who were abused as identified by a police report

but did not obtain protective orders were compared with other women also identified by police reports who did obtain orders. Researchers found that women with “final” orders were less likely to be physically abused than women without them; however, the study was unable to control for differences between the women who obtained orders and those that did not (Holt et.al. 2002). Also the study discounted violations of no contact orders, focusing only on assaults.

Other studies suggest the specific stipulations ordered by the court make a difference. Victims are less likely to be reabused if their orders bar all contact, not just “abusive” contact (Logan et al., 2006). When the victims and abuser have children in common, judges may be particularly reluctant to order no contact.

In terms of their impact on abusers, studies also suggest that while some court restrained abusers may be deterred from reabusing the petitioner, the abuser may go on to abuse a succession of other partners. A Massachusetts study, for example, found that about one in every four (23.3 percent) court restrained domestic violence offenders listed in that state’s registry were serial batterers, having as many as eight different victims in six years. The serial abusers were significantly more likely to have longer prior criminal histories, including drug and alcohol offenses, than their court restrained, non-serial abusers. They were also significantly more likely to be male, younger and unemployed (Adams, 1999).

The research consistently finds that most victims express satisfaction with civil orders, *even if the orders are violated by their abusers*. For example, in a multiple-site study in Massachusetts, 86% of the women who obtained a “final” order said the order either stopped or reduced the abuse notwithstanding the fact that 59% called police to

report an order violation. Upon further questioning, the women expressed the feeling that the order demonstrated to the abuser that the “law was on her side (Ptacek, 1999).” In Kentucky, victims reported being less fearful of future harm and most felt the order was “fairly to extremely” effective despite a 50% violation rate (Logan et al., 2008). Victims who obtained orders in a multi-state study reported the orders improved their overall “well-being,” especially if the abuser had a prior criminal history and were *more* likely to reabuse (Keilitz et al., 1996).

The question remains, however, how protective orders work for juveniles suffering from dating violence. Will juveniles avail themselves of these orders? Will they be able to navigate the court system to obtain orders? Will courts pay attention to juvenile petitioners alleging dating abuse and fashion orders that address teen dating violence? Will respondents obey orders or will police enforce them?

While research points to successful strategies for reducing intimate partner violence against adults using OPs, it is not known whether this research is relevant to juveniles. As Mulford and Giordano (2008, p. 1) caution, “(K)ey differences between adolescent and adult romantic relationships” may not allow us to study teen dating abuse in an “adult framework.” We also know that police are mandated to inform adult victims of OPs when responding to domestic incidents in many states (Klein, 2004). Given much lower police involvement in dating violence cases, juveniles may not have equivalent police encouragement. Research suggests that other sources of encouragement from teachers or guidance counselors may not play a similar role for juveniles (Mayes, 2008).

### ***Orders of Protection for Juvenile Dating Violence Victims***

An increasing number of states (20) now allow minors to secure OPs for dating

violence explicitly by statute or in practice. While these orders have long been available to adults, they are relatively new for teens and, until recently, the orders had to be secured by an adult on behalf of the minor. New York, for example, did not expand its OP statute to allow juveniles without children in common to file petitions until July 2008 (N.Y. FAM. CT. ACT. § 822 (2009)); Texas in September 2011. Even in states that have allowed juveniles to obtain orders, initial surveys have found that these orders have not been widely used (Green & Mohlhenrich, 2005).

Advocates and research both suggest that most juvenile victims of dating violence are reluctant to reveal their abuse. Surveys indicate that teen victims may not tell their friends about their abuse (Liz Claiborne Inc., Teenage Research Unlimited, 2005) and are even less likely to tell a parent (Zwicker, 2002). In fact, the movement to expand orders to allow juveniles to secure OP without parental involvement (and notification in some states) is based, in part, on the belief that parents are unlikely to secure OPs on a child's behalf even if state law allows them to do so because they are often unaware of the abuse. Break the Cycle, an advocacy agency that grades state response to teen dating violence, for example, admonishes:

“All teens age 12 and older should have the right to petition for protection on their own behalf, without parental involvement...(explaining) (p)arental consent and parental notification requirements in state domestic violence laws are significant obstacles for many young people. For various reasons, youth may not want their parents to know that they are having problems in their relationship, or even that they are in a relationship at all. A few states allow minors to seek protection orders and only advise parents after an

order has been granted; however, any parental notification requirement could deter minors from seeking protection orders. Break the Cycle believes it is vital that youth be able to access protection orders without the permission or knowledge of their parent or guardian. (Break the Cycle, 2010)

However, this raises an additional question, if teens won't reveal their abuse to their parents or friends, will they do so to court clerks and judges? Given the barriers cited by adult victims to obtaining orders, will juveniles, unsupported by parents or other adults, be able to navigate the court system to obtain orders on their own?

### ***Prevalence of Teen Dating Violence***

Studies on teen dating violence suggest the context for teen dating violence protective orders, even if they do not speak directly to their utilization by teens or their effectiveness as a remedy for teen dating violence.

Although teen dating violence has been consistently found to be a fact of life for many adolescents and its impact often devastating and lifelong (see, e.g., Banyard & Cross, 2008; Callahan et al., 2003), it remains an understudied phenomenon (Hickman, Jaycox, & Aronoff, 2004; Mulford & Giordano, 2008). Estimates of teen dating violence prevalence vary widely, ranging from 10% to 60% of high school students (Foshee, 1996; Silverman, Raj, Mucci, & Hathaway, 2001; O'Keefe, 2005; Centers for Disease Control and Prevention [CDC], 2008; Cascardi et al., 1994). Of course, estimates of prevalence depend upon how dating violence is defined.

For example, some studies have found up to 18% of female adolescents have been “sexually victimized” by a dating partner (Foshee, 1996; Molidor & Tolman, 1998; O’Keefe & Treister, 1998). On the other hand, another survey of 10<sup>th</sup> and 11<sup>th</sup> graders found that more than half of the girls and 13% of boys were victims of “sexual coercion,” defined as sexual behaviors involving verbal coercion, threats of force, or use of drugs or alcohol (Lavoie, 1995). A survey in 2010 of 1,430 seventh graders (12 and 13 year olds) in Los Angeles, San Diego, Bridgeport, Saginaw, and Indianapolis, conducted by the Robert Wood Johnson Foundation, found 37% of the 7<sup>th</sup> graders reported experiencing “psychological” dating abuse, 15% experienced “physical” dating abuse, and 31% experienced “electronic dating aggression” within the prior six months (RWJ and BC/S). The Liz Claiborne and the Family Violence Prevention Fund’s national study of teen dating violence surveyed 1,233 mostly older teens, up to 18 years old. The survey found that 47% reported having been personally victimized by “controlling behaviors” from a boyfriend or girlfriend; 29% had been the victim of sexual abuse, physical abuse, or threats of physical abuse by a boyfriend or girlfriend; and 24% had been victimized by the “use of technology” from a boyfriend or girlfriend (Liz Claiborne and Family Violence Prevention Fund, 2009). A prior national longitudinal study of adolescent dating violence that found 32% reported “emotional” abuse or physical violence in a relationship over the past 18 months (Halpern, Oslak, Young, Martin, & Kupper, 2001). A study of 4,163 girls across Massachusetts between ages 14 and 18 years, found that high levels of dating violence crossed all ethnic and racial groups (Miller et al, 2010).

Teen dating violence rates obviously depend upon a variety of other factors, too, not the least being at what age children begin dating. Dating patterns for younger

children may differ from older teens. However, according to a survey in 2008 sponsored by Liz Claiborne, almost half of 11 to 14 years olds reported having been in a dating relationship, including 37% of those 11 to 12 years old (Liz Claiborne, 2008). The Robert Wood Johnson Foundation survey reported above found three-quarters of the 7<sup>th</sup> graders reported ever having a boy or girlfriend.

At least one study suggests that a high proportion of female dating violence victims may have more than one abusive dating partner as teens. Bonomi (2012) found that a third of teen dating violence victims between age 13 and 19 years had more than one abuser.

Given these numbers of teens suffering dating violence, what might be the demand for orders of protection by teens? More specific studies of teen dating violence victims, perpetrators and their relationships and the abuse inflicted may begin to answer this question.

### ***Characteristics of Teen Dating Violence***

**Age:** Dating violence begins at an early age. The Liz Claiborne survey found 20% of 13- to 14-year-olds in dating relationships reported they knew friends and peers who have been assaulted by dating partners (2008) although older teens report a significantly higher rate of violence (Malik, Sorenson, & Aneshensel, 1997). Among teens who had sex by age 14, the rate of physical abuse is extremely high (34%), dropping to 9% for those who didn't have sex until after age 16 (Liz Claiborne, 2008).

**Gender:** While some researchers find equal or higher rates of dating violence perpetration by girls than boys (see, e.g., Foshee, 1996; Malik et al., 1997; Roscoe & Callahan, 1985; O'Keefe, 1997; Spinney, Goforth, & Cohn, 2007; Bonomi, 2012), most

studies suggest that dating violence is more frightening, and often more injurious for girls than for boys (Molidor & Tolman, 1998; O’Keefe, 2005; Wolitzky-Taylor, Ruggiero, Danielson, Resnick, Smith, Hanson et al., 2008; Hamby, 2012). In one study, for example, while 16 percent of girls said they were scared of sustaining a serious injury as a result of dating violence, only 3% of the boys reported such fear (Carroll et al., 2011). In another study, while female victims reported “emotionally hurt” and “fear” as the two primary effects of dating violence, the males reported the abuse to be “funny” or expressed “anger” over it (O’Keefe & Treister, 1998). While almost half of the women reported in another study they had been “pressured into sex” during their teenage years and they experienced “controlling behavior,” most of the men said their abuse took the form of “unwanted calls or text messages, put-downs and name-calling,” even though more men, 13%, reported being physically abused than women, 5% (Bonomi, 2012). Finally, while both males and females often cite anger as their motivation to engage in dating violence, females more often cite self-defense while males cite the need to control their partners (Felson & Messner, 2000; Foshee, 1996; O’Keefe, 1997; Watson, 2001).

Other research finds that young women, ages 16–24, experience higher rates of relationship violence than young men (see, e.g., Rennison & Welchans, 2000; Marquart, Nannini, Edwards, Stanley, & Wayman, 2007; Ackard, Eisenberg, & Neumark-Sztainer, 2007). Males are also more likely than females to be the perpetrators of sexual assault (see, e.g., Bennett & Fineran, 1998; Foshee et al., 1996; Molidor & Tolman, 1998).

**Sexual Orientation:** Teens identifying as lesbian, gay, and bisexual are as likely to experience violence in same-sex dating as youths involved in opposite-sex dating (Halpern, Young, Waller, Martin, & Kupper, 2004). Some find rates higher for

gay, lesbian and bisexual youth (Elze, 2002; Felson & Messner, 2000; Freedner et al., 2002). In addition to abuse behaviors shared with heterosexual abusers, bisexual abusers threaten to “out” their partners.

**Race, Ethnicity, Geography, and Class:** The Centers for Disease Control (CDC) found the prevalence among black females was 14.0%, compared to 7.5% of whites and 9.2% for Hispanics, with similar rates for males (2006). Other studies, however, have found race is not a factor (Halpern et al., 2001; Silverman, Raj, & Clements, 2004; Spinney et al., 2007; Miller et al., 2010). Dating violence appears to occur in a wide range of socio-economic strata (SES), but may occur more often in low SES (Makepeace, 1987; Sigelman, Berry, & Wiles, 1984). Some studies have found higher rates in urban areas over rural ones (Bergman, 1992; Makepeace, 1987).

**Dating Violence Risk Factors:** Many studies find that substance abuse (Burcky et al., 1998; O’Keefe and Treister 1988; O’Keefe, 1997), low self-esteem and depression, and engaging in risky behaviors are associated with both teen abusers and victims (Silverman et al., 2001). However, these behaviors may be the result of the dating violence, not predictive of it (Howard & Wang, 2003a & 2003b), as studies have found negative associations between dating violence and youths’ physical and psychological well-being (CDC, 2006; Coker, Smith, McKeown, & King, 2000; Silverman et al., 2001; Callahan, Tolman, & Saunders, 2003). The CDC's 2007 Youth Risk Behavior Surveillance System survey, for example, indicates that adolescents who report being physically hurt in a dating relationship were also more likely to report that they engage in risky sexual behavior, binge drinking, use drugs, attempt suicide, and participate in physical fights.

Teens, particularly males, who witness family violence, have been found to be at higher risk for dating violence (DeMaris, 1990; Foo & Margolin, 1995; O’Keefe, 1997), although other studies disagree (Schwartz et al., 1997). Others have found that being hit by an adult with intent to cause harm predicts onset of serious dating violence victimization (see, e.g., Foshee et al., 2004; Simons, Lin, & Gordon, 1998). The Liz Claiborne survey found teens who have witnessed domestic violence and abuse between their parents experience abuse at a 50% higher rate than those who have not witnessed abuse (Liz Claiborne and Family Violence Prevention Fund, 2009).

Exposure to violence in the community may also be associated with male and female abusers and female victims (Malik et al, 1997; O’Keefe & Treister, 1998). Dating abusers have also been found to be aggressive against other peers and to have prior dating violence against prior victims, suggesting their behavior is not based on a specific dating relationship (Riggs & O’Leary, 1989; Chase, Treboux, O’Leary, & Strassberg, 1998; Cano, Avery-Leaf, Cascardi, & O’Leary, 1998).

Dating abusers have been found to have poor social skills, inability to manage anger and conflict, believe that violence is acceptable in relationships, have more traditional beliefs about gender roles, witness abuse at home, use alcohol, have problematic behavior outside the relationship, have friends who are also date abusers, and have been exposed to violence in the community (Cate, Henton, Koval, Christopher, & Lloyd, 1982; Henton, Cate, Koval, Lloyd & Christopher, 1983; O’Keefe, 1997; Malik et al., 2007).

Studies have also found that peers may influence dating violence. Having friends experiencing dating violence has been linked to being both a victim for females and

perpetrator for both females and males (Arriaga & Foshee, 2004).

**Dating Violence Relationships:** Most victims report their abusers are their own ages, except the youngest victims, 12 to 14 years old, three-quarters of whom report their abusers to be older (15–17 years). Among older victims (15–17 years), only a quarter report their abusers are older (18–20 years), although 10.8% report them to be even older (21–29 years) (Catalano, 2010).

Juvenile mothers may be at especially increased risk of violence by their children's fathers. Studies have also found that 41% of adolescent mothers become victims of abuse within 24 months after giving birth (Harrykisson, Rickert, & Wiemann, 2002). Teens in abusive relationships are four to six times more likely to get pregnant than are other teens, and 25% of pregnant teens are in abusive relationships, compared with 4%–8% of pregnant adults (Boschert, 2012). For this reason, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists (ACOG) has recommended screening for dating abuse (Pediatrics 2009;124:393-402; Obstet. Gynecol. 2012;119:412-7). The Academy recommends that screening begin with 11 year olds and that preteens, as well as teens, be educated about healthy relationships.

**Teen Dating Violence Abuse Impact:** At least one study involving Chattanooga high school students found that although teen abusers use the same tactics as adult abusers, the nature of the teen relationships magnified their adverse effects. The researchers concluded that it's hard enough for an adult to leave a relationship, but “crushing peer pressure” in middle and high school where relationships are everything make it even more complicated. The lead researchers commented, "For a teenage girl, that pressure is so cruel (Eigenberg, H., 2012).”

There is a growing literature on the short and long term adverse impacts of dating violence (Banyard & Cross, 2008; Silverman et al, 2001; Ackard et al, 2007; Howard & Wang, 2003). Perhaps most alarming, at least some adolescents, both victims and abusers, appear to carry these abusive patterns into the future, compromising adult relationships (Smith, White, & Holland, 2003). A review of domestic violence deaths in one county found that 42% occurred in relationships that began when the victim was underage (Klein, 2009). Another fatality review from Georgia found over one quarter (29%) of victims were teenagers when they began these relationships (Georgia Commission on FV and Georgia Coalition Against Domestic Violence, 2010). Similarly, the Washington Coalition Against Domestic Violence documented that in addition to the 9% of state domestic violence homicides involving victims who were under 21 at the time they were killed, nearly one- third were under 21 years old when they first begin dating their murderers (Swenson, 2012).

**Parental Involvement:** According to Liz Claiborne, parents are “disturbingly out of touch with the level of teen dating violence and abuse among their teens.” A large majority of abused teens are not informing parents of their abuse. Further, among those who do, 78% don’t listen to their parents’ advice to end the abusive relationship. A third ignored their parents because of “love” for their boy or girlfriend; two-thirds decided to give their boy or girlfriend one more chance.

The survey found that no other adults took their parents’ place either. Teens are not talking to their parents or other authority figures. Only 15% reported talking to a school counselor or social worker. While 80% turn to their friends, far fewer, 21%, go to a website or online for help, and still fewer, 5%, call an abuse help line.

A later Tennessee study similarly found that students are reluctant to speak to teachers, counselors, or other adults about dating violence (Eigenberg, 2012).

**Role of Schools:** Most schools that address teen dating violence do so by including “healthy relationship” courses or assemblies to provide students with information about dating violence. As of 2012, a dozen states have enacted laws specifically mandating such educational programs or policies. Another half dozen encourage it by law (CDC Dating Violence Post Card, updated September 2012). There is a growing body of research on the effectiveness of these school based programs (see, e.g., Foshee, Bauman, Ennett, Linder, Benefield, & Suchindran, 2004; Powers & Kerman, 2006; Taylor, et al. 2011). However, these programs are primarily preventive, not designed specifically to assist individual students in abusive relationships. School counselors do not appear to be responding to victim needs either.

A survey of 305 school counselors found most, 61%, tried to assist victims of teen dating violence over the past two years. However, almost all, 90%, were hampered because they received no formal training to do so; 43% reported this lack of training constituted their main impediment to assisting teen victims. Counselors mostly helped victims by calling parents/guardians, or referring the student to legal authorities. A little more than 10% referred the student to either protection agencies and/or the school nurse for legal or medical assistance. Surprisingly, 28% of the school counselors believed dating violence to be a minor concern. (Khubchandani et al., 2012).

### ***Teen Help Seeking for Dating Violence***

At least one study suggests that dating violence victims may not actively seek available assistance even when informed of its existence. In a study conducted at the

Boston Medical Center Emergency Room, researchers gave all victims of dating violence a list of local dating-violence services where they could get help. A month after their ER visit, only four out of 127 contacted again said they'd reached out for assistance (Carroll et al., 2011).

### ***Criminal Justice Response to Dating Violence***

While law enforcement has always been able to arrest juveniles for specific delinquent acts, including many that may constitute dating violence, national data suggests that such arrests are rare (Snyder & McCurley, 2008). Once arrested, even the few juvenile courts specializing in domestic violence have found only mixed success in preventing reabuse (Sagatun-Edwards et al, 2003; Uekert, Sagatun-Edwards, Crowe, Peters, Cheesman, & Kameda, 2006).

Almost nothing is known about protective orders for teens in response to dating violence. There was an early study completed in Massachusetts that focused on OPs issued in 1993 against juvenile respondents. Although juveniles could not petition on their own, parents could petition on their behalf. Unfortunately, the study did not distinguish between juveniles who abused parents/family members or peers. The study did reveal, however, that most of the juvenile respondents were 16 to 17 years old males, a third had children with their victims, and most had prior juvenile or adult records (17 years or older). Most of the alleged abuse was repeated physical assaults with up to a quarter occurring in schools. Overall, 18% of the respondents (both family and dating) violated the orders. Those with prior juvenile or criminal histories were more likely to violate than those without such histories (Adams, Isaac, Cochran, & Brown, 1996).

Research on adult protective orders for intimate partner violence suggests they

may be helpful for teens suffering dating violence. Teen dating violence, its victims and perpetrators, are not totally dissimilar from adult intimate partner violence, its victims and perpetrators, with one exception, age. Given their youth, will teen victims seek orders and will their current or former dating partners pay any attention if they do? The expansion of protective orders for teens for dating violence across the New York provides some answers.

## **II. Research Goals and Aims**

The goal of this research is to increase our understanding of OPs taken out by juveniles and teens as a remedy for dating violence by developing a comprehensive portrait of their use in New York State, documenting the extent and patterns of re-abuse in cases when they are used, and exploring with the potential consumers, teens themselves, how they perceive these orders and the barriers they face in utilizing them. The specific aims of the study are:

**Aim #1:** To provide a detailed description of the use of protective orders by juveniles and teens for dating violence, including who is securing them, against whom and for what, and whether petitioners (victims) return to court for permanent orders after securing temporary orders.

**Aim #2:** To determine the courts' response to these orders, including the specific stipulations imposed.

**Aim #3:** To determine the rate of order violations and other re-abuse reported to police in cases where orders have been obtained, as well as the victim, offender, incident, and order characteristics that are associated with re-abuse up to two years after the order was first obtained.

**Aim #4:** To explore in-depth with young people across the state their perspective about the use of civil protective orders among teens, including why these orders are underutilized and how to improve them to meet their unique needs.

### **III. Research Design and Methods**

Using an integrative, multi-methods research design (Greene, 2007; Tashakkori & Teddie, 1998) that features quantitative analysis of statewide datasets coupled with in-depth qualitative focus groups and individual interviews, this exploratory study will provide a comprehensive understanding of the use of Orders of Protection (OP) for teen dating violence. It will be the first study to investigate this issue using statewide data and complementary qualitative methods.

The report is divided into two sections, the first pertains to the quantitative research and the second, the qualitative research.

In implementing this study, the research team was guided by an Advisory Council made up of senior level members of a broad range of professions, all of which have a vested interest in policies and practices that affect the safety of New York juveniles, including judges, police officers, educators and domestic violence victim advocates. After the research was completed, a draft of the research was disseminated to the Council and a synthesis of member comments is included in the final Appendix of this report.

## Part One: Quantitative Research Report

### A. Research Questions

The quantitative component of the study will allow us to meet the first three specific aims detailed above, while the extensive qualitative component will address the fourth specific aim (see Qualitative Study below). As to the quantitative study, research questions are presented for the descriptive aims (1 and 2), while research questions and hypotheses are included for the more analytic aim regarding re-abuse (3), as found in Exhibit 1 below.

#### Exhibit 1: Specific Aims, Research Questions, and Hypotheses

##### Aim # 1. Describe current use of OP by juveniles

Question 1: What are the demographic characteristics of juveniles who seek protective orders?

Question 2: What are the demographic characteristics of respondents against whom orders are sought?

Question 3: What are the characteristics of incidents involved in these orders (e.g. relationship type, offenses alleged, living situation of parties)?

##### Aim # 2. Describe court response

Question 1: What action did the court take in regard to the petitions filed?

Question 2: What are the stipulations commonly made by judges in OPs granted to juveniles?

##### Aim # 3. Describe and analyze subsequent reabuse

Question 1: What is the incidence of reabuse?

**Hypothesis:** Reabuse rates will be below that found in OPs for adults (~50%) as the nature of dating relationships should be more transient.

Question 2: What petitioner, respondent, incident, and judicial response factors predict subsequent reabuse?

**Hypothesis:** Respondent age (negatively associated) and prior criminal history (positively associated) will be the strongest predictors of reabuse.

### B. Study Data

The data for the study population was obtained from the New York State Court's Office of the Court Administrator (OCA) which maintains an automated file of all civil orders of protection petitions filed across that state. Petitioners requesting such orders fill

out a form (802 Family Offense Petition, 9/2009) and file in the state's Family Courts. The data is extracted from this information and entered into the automated files. A copy of this form can be found in Appendix 2.

Data on respondent criminal histories were obtained from the Division of Criminal Justice Services Computerized Criminal History file. Data on Domestic Incident Reports (DIR) filed by almost all police departments outside New York City were also obtained from the New York State Division of Criminal Justice Services. Although police departments are required to file incident reports on all domestic incidents and requested to send copies to the Division, New York City Police does not send its reports to the Division and were consequently not available for this research. A copy of a DIR report form is contained in Appendix 3.

Under the supervision of the Chief of Crime Research and Analysis for the New York State Division of Criminal Justice Services (DCJS) and with the help of OCA staff, a graduate student Research Intern compiled information from all civil petitions for an Order of Protection in New York State in 2009 through 2010. Selection criteria included indication that the petition was for dating violence and the petitioner was under the age of 19. Data included information on the original (and any subsequent) petitions and any related temporary or final orders of protection. In addition, the Research Intern matched identifying respondent information with Computerized Criminal History information to provide data on all respondent arrests. Most personal identifiers (e.g. name, address) were removed but indirect identifiers such as date of birth and court ID numbers were retained, and this data was provided to Advocates for Human Potential in the form of Excel and SPSS files for further analysis. The AHP analyst used petitioner, respondent, docket and

transfer IDs to aggregate all information based on the unit of unique petitioner/respondent pairs providing the basis for the analysis that follows.

Subsequently, the DCJS Research Intern matched the original 2009 to 2010 petitioner and respondents with: (1) subsequent OCA petitions and Orders issued through April 2012; (2) Domestic Incident Reports (from outside of New York City); and (3) any additional respondent arrests. This data was also provided to AHP with direct personal identifiers removed. The AHP analyst matched this reabuse information with the original 2009-2010 petitioner/respondent pairs to analyze reabuse and related characteristics.

Data on adult awareness of the availability of OPs for teen dating violence were obtained from a concurrent New York Empire Poll conducted in 2011 which is described subsequently in this report.

### **C. Study Petitions**

The sample consisted of all civil orders of protection petitions filed by all juveniles and youths who were 18 years old or younger who had petitions on file in 2009 and 2010 across the State of New York for dating violence. Pursuant to statute (F.C.A. §§ 812,818,821), dating violence includes the following relationships: married, formerly married, have a child in common, in an intimate relationship (“NOT casual social or business acquaintances”), or were in an intimate relationship. The study does not include juvenile petitioners seeking protection from non-dating partners, including parents or other persons related by blood or marriage. The study does not include criminal protective orders issued by judges in conjunction with delinquency or adult criminal cases. Prior to July 2008, juveniles could secure OPs only if they had a child in common.

Effective July 2008, juveniles could secure OPs for dating violence whether or not they had a child in common with the respondent.

There were 1,200 unique petitioners, 1,205 unique respondents, and 1,205 unique petitioner-respondent pairs involved in the eligible 2009-2010 petitions. This included 21 counter-petitioners, pairs that were, in a sense, counted twice. However, both parties in these pairs met the petitioner criteria and therefore we include both pairs in most of the following analyses. Most of these cases (96.7% or 1,165) were heard in Family Court only; however, 3.3% (40) were transferred to Supreme Court which is authorized when there are concurrent other family and/or criminal court matters involving the same parties.

Generally, when persons file for an OP, there is an *ex parte* hearing, without the respondent being present. If the court finds sufficient evidence (preponderance of the evidence) to substantiate the alleged abuse, the petitioner is granted a temporary order. If the court does not find sufficient evidence, the petition is denied and the process ends. Local police are provided a copy of any temporary order issued, with any stipulations ordered by the court, to serve on the respondent. The respondent is also given notice for a subsequent hearing. Local police are charged with making a reasonable effort to serve the order on the respondent. Once they serve the respondent, they notify the court that the order has been served.

At the subsequent hearing, if the respondent appears, he or she can contest the allegations of abuse and/or the stipulations to be ordered by the court. At this point, the court can issue a final order if the judge is satisfied that the respondent has been properly

served and has had a chance to be heard and present evidence on his or her behalf. The court can also continue the temporary order and schedule another hearing.

#### **D. Study Measures**

The abuse against the petitioner is defined in the order of protection which provides a list of 12 offenses from disorderly conduct to forcible touching, although space is provided to include other offenses/behaviors. The stipulations of the judge upon granting the petition are listed in the court file, also from a list provided the judge on a standard order form, although space is included for additional stipulations.

Prior and subsequent criminal history of respondents is limited to adult criminal charges (those filed for individuals who are 16 years or older or juveniles who were younger but tried as an adult) that require police to finger print the individuals charged. This includes all felony charges and misdemeanors exclusive of charges that constitute violations of less serious offenses and town or city ordinances. It should be noted that excluded offenses classified as “violations” include “Harassment 2<sup>nd</sup>,” a typical domestic violence offense, (PL 240.26).

Re-abuse is measured in several manners: 1) new petition filed by the study petitioner subsequent to the first study petition filed in 2009 or 2010 against the same respondent through 2011; 2) the study respondent is arrested for violating an OP; 3) the study respondent is reported to have engaged in a “domestic incident” (as captured in a DIR) against the study petitioner in 2011<sup>5</sup> (exclusive of New York City petitioners). The

---

<sup>5</sup> At the time of this study, DIRs for 2010 were not yet automated and available through the Division of Criminal Justice Services.

DIRs also are analyzed for respondents' abuse against a different victim which also constitutes reabuse but against a different victim.

### **E. Quantitative Analysis Methods**

It should be noted that this data constitutes the entire population of teens under 19 in New York State who filed for a civil Order of Protection for dating violence in 2009 and 2010. From that perspective, we are not presenting the sample estimates of population parameters but rather the population descriptors themselves. From another perspective, however, this data can be viewed as a sample that is potentially generalizable to larger (albeit more heterogeneous) populations such as all teens filing for OPs against dating violence in the U.S., or all teens experiencing dating violence in NY. Therefore in describing this data we present information that includes tests of statistical significance and sample statistics that may be useful for future comparisons with other studies on teen dating violence. Nonetheless, our main focus in this report is on the magnitude (and meaning) of group membership, group differences, and so forth rather than statistical significance.

The following sections provide a description of characteristics of petitioners and respondents including demographics, relationships, allegations, court stipulations and criminal histories of respondents. Prevalence, means, medians, ranges and other descriptive statistics are presented. All analyses were performed using SPSS Version 15.0. We also compared a variety of groups defined, for example, by characteristics such as age or gender, by court actions such as the issuing of an Order of Protection, or by an indicator of reabuse. In these cases we used statistical tests to determine whether the

differences between the groups were significant based on an alpha level of 0.05. Three statistical tests were applied.

- 1) Chi square test of association between two categorical variables (e.g. was there a difference in the percentage of female petitioners in the group who were given orders versus the group who was not);
- 2) Independent sample t test to test differences in the means of continuous variables between two groups (e.g. was there an age difference between the group who were given orders versus the group who was not);
- 3) One way analysis of variance (ANOVA) to test mean differences between 3 or more groups (e.g. groups defined by age differences between petitioner and respondent). Bonferroni post hoc tests were used to determine statically significant differences between specific groups.

Alpha level was set at .05 and exact p values are provided unless they were very small. Bonferroni modifications for family-wise error rates were used when appropriate.

Results of a New York State Empire Poll are also contained in the quantitative findings. Although the survey was conducted independently of this project, a question regarding knowledge of orders of protection for teen dating violence was added at our request. A description of the survey and the findings in regard to the added question are discussed subsequently and separately.

## IV. Quantitative Study Findings

### Order of Protection Description

The study reveals a comprehensive picture of a complete, statewide population of juveniles up to 18 years of age who requested orders of protection, their respondents, the incidents that prompted their petitions as well as the court response and impact of the orders in terms of subsequent respondent abuse from one to three years after the study petition was requested. The dating violence captured in this study of teen protective orders may not be representative of teen dating violence even within the State of New York during this period, especially as relatively few teens availed themselves of this legal remedy during the study period. However, at the very least, this study represents one of the first teen dating violence studies utilizing a large dating violence-involved population that is not based on surveys of specific teen samples. Further, this study is based on a uniform definition of “dating violence” as provided by New York statute, not the subjective interpretation of each teen surveyed. The following sections provide study findings by aims.

#### ***Aim # 1: Question 1: What are the demographic characteristics of juveniles who seek protective orders?***

**1. Geography:** Petitioners filed for OPs from 59 of New York State’s 62 counties. Three upstate counties (Franklin, Hamilton, and Orleans) had no filings, and 29 counties had five or less filings each, in sum representing less than 7% of all cases. The five counties of New York City constituted 42.3% of the total filings. A breakdown of filings by county is contained in Appendix 4.

As would be expected, the percentages reflect the population density in the communities surrounding New York City and in other urban areas such as Rochester, Buffalo, and Albany.

**2. Gender:** An overwhelming majority of the petitioners (92.1%) were female.

The proportion of female to male petitioners does not resemble teen dating violence by gender found in most surveys as described in the literature review. It may be that the disproportionate use of these orders by juvenile females is reflective of the more severe violence and harmful impact of the dating violence they suffer which are required to receive an order of protection or the reluctance of young males to identify themselves as victims of dating violence perpetrated by females and seek court orders of protection.

**3. Race/Ethnicity:** Just over a quarter of the petitioners were white and close to the same number were Hispanic<sup>6</sup>. Approximately 16% were black and only a handful of petitioners identified themselves as Asian, American Indian, or of another race. Note, information on race/ethnicity is entirely missing for close to a third of the petitioners who did not check any boxes on the order of protection application form.

**4. Age:** The mean age of petitioners was 17.9 (the median age was 18.1). Slightly less than half (42.7%) were 17 or younger and over half (57.3%) were 18 at the time they filed the petition. The ages ranged from 12.4 to 18.98 years.

---

<sup>6</sup> In the OP petition, petitioners are asked to fill out race separate from whether or not they are Hispanic. Consistent with the NYS Division of Criminal Justice Services for its criminal data banks, we have included “Hispanic” as equivalent to race. Although this reduces the total number reporting either “White” or “Black,” it substantially reduces the number of race otherwise marked as unknown and maximizes the available information.

***Aim # 1: Question 2: What are the demographic characteristics of respondents against whom orders are sought?***

**1. Gender:** A majority of respondents, 90.6%, were male.

**2. Race/Ethnicity:** A quarter of respondents identified as Hispanic, similar to the percentage for petitioners. Over a fifth (22.1%) was white, slightly less than for petitioners, and just over a fifth was black, slightly more than for petitioners. As with petitioners, only a handful described themselves as Asian, American Indian or “other” race, and almost a third of respondents did not provide information on race or ethnicity.

**3. Age:** The mean age of respondents was 20.9, and ranged from 14 to 52 years old. The median age was just under 20.. Less than a third, 30.5%, were 18 or younger.

**4. Prior Criminal History:** Just over half of the respondents (51%) had an adult arrest history (age 16 or above, or tried as an adult if younger) prior to the study OP petition. (It should be noted that New York is only one of two states where a person is considered an “adult” at 16 years of age for criminal offending.) As a result of exclusion of less serious offenses that do not require police to fingerprint defendants, the respondents may have had more robust prior criminal histories than our data reveal. Nonetheless, collectively, respondents had 2,387 prior arrests with an average number of almost four prior arrests (3.88) with a range of 1 to 29. The mean age at first arrest for those with prior adult arrest histories was 18.8 years. We did not have access to respondent juvenile records.

Arrests are classified by charge deemed to be the most serious charge for each arrest incident. The most common category of arrests was for “crimes against persons,” often categorized as “crimes of violence.” As many as 50% had been previously arrested

for an assault, either “simple” or “aggravated.” Unfortunately, New York criminal files do not distinguish which if any of these assaults were against intimate or non-intimate victims. “Public order offenses” were the next most common with 59.2%. Approximately 40% of respondents with prior arrests had been charged with either “property crimes” or “drug- and alcohol-related crimes.” Appendix 5 contains a full breakdown of the respondents’ prior arrest histories by most serious charge.

Surprisingly, despite the relative youth of the average respondent, a majority had already begun to amass a criminal history for many types of crimes, not limited to specifically abuse-related offenses. In this respect, these respondents are similar to those brought to court typically by adult intimate petitioners. In a Massachusetts study, for example, Klein (1996) found almost 80% of the adult respondents had a prior record of arrest, averaging six prior arrests for domestic and non-domestic violence offenses. While this is more than the respondents in this study, the average age of the respondents in the Massachusetts study was 33, not 20.9 years.

**Prior Order of Protection Violations:** 26 respondents (4.2% of those with prior arrests) had prior arrests involving OP violations. While other respondents may have had prior orders lodged against them, this represents only the percent who were arrested for violating a prior order.

**Prior Probationary Sentences:** 99, or 11.2%, of the respondents with prior criminal histories had served time on probation as a criminal disposition. Generally, probationary sentences are imposed either for more serious charges or defendants with prior convictions.

**5. Concurrent Arrests:** Civil orders of protection may be prompted by a domestic violence incident which also involved police and respondents may also be arrested for the incident. As indicated in the literature review, in regard to adult orders of protection, many victims either learn about orders or are prompted to secure them by the police officers responding to an abuse incident. Although the family court files are not explicitly linked to these related criminal cases, we singled out arrests involving the respondents that occurred within a month of the petition for an order of protection, in either direction, as possibly being for the same behavior that prompted the petition. We only accessed adult arrests (age sixteen and over) and had no access to arrests of the juvenile respondents.

A little over 20% (21.7%) of respondents had arrests within 31 days of Order of Protection petition filings (see Appendix 6). The average number of concurrent arrests for those who had them was 1.28, ranging from one to five. Similar to prior arrests, the most prevalent category of concurrent offenses was crimes against persons, followed by public order offenses, drug and alcohol offenses, and property crime. More than half of the respondents with concurrent arrests were charged with “simple” or “aggravated” assaults. It is assumed that these constitute the charges that are most likely linked to the abuse incident that prompted the juvenile petitioner to request an order of protection although New York Criminal files do not contain information whether these assaults were against intimates or not.

As previously indicated, 40 petitions for orders were transferred to Supreme Courts, suggesting that there was a concurrent criminal or related civil case pending involving the same parties. There is a high likelihood that many of these concurrent

arrests may have involved the same incident that promoted the petitioner to seek an order of protection. In fact, there were concurrent arrests (within one month) for 56.8% of the hearings transferred to Supreme Court for the 37 petitions filed during the study period.<sup>7</sup> This is more than twice that found for the 22.4% concurrent arrests for the hearings not transferred to the Supreme Court.

What this suggests, then, is that police were involved **at most** in a relatively small percent (~13%) of the incidents that prompted the order petitions. This differentiates these orders requested from adult civil protective orders where, as the literature review reveals, a large proportion of adult orders are prompted by police involvement. Even in jurisdictions, like New York, where courts often impose criminal protective order, police often advise victims to also obtain civil protective orders because criminal protective orders may last only until trial or case dismissal.

### ***Analysis of Respondent Gender Differences***

Female respondents differed significantly from male respondents, more closely resembling female petitioners than male respondents. Male respondents were more likely to have a history of prior arrests than female respondents (54.2% vs. 20.5%,  $p < .0001$ ). In terms of categories of prior arrests, the male respondents were significantly more likely to have arrests for alcohol and drug offenses (39.9% vs. 13%,  $X^2(1) = 6.7$ ,  $p = .01$ ) and public order crimes (60% vs. 30.1%,  $X^2(1) = 4.0$ ,  $p = .046$ ). They were also significantly more likely to have a greater number of prior arrests on their records (3.9 vs. 2.3,  $p < .001$ ).

---

<sup>7</sup> Three of the petitions were not filed during the study period, but granted during the study period.

There were only seven female respondents who had concurrent arrests so it was not possible to identify substance differences based on gender.

The female respondents were also significantly more likely to be younger (19.7 years vs. 20.99 years,  $p=.003$ ), closer in age to their petitioners (1.8 years vs. 3 years,  $p=.004$ ), and less likely to have a child in common with their petitioner (48.2% vs. 61.6%,  $p=.006$ ). Perhaps most critically, as will be described in a following section that details court responses to the petitions, judges were significantly less likely to issue an order against female respondents than males (33% vs. 13%,  $p<.0001$ ). This may reflect that fact that some of the petitions filed by males were *after* they had orders secured against them by the same party they then identified as respondents. These may represent unmeritorious retaliatory petitions.

There were no other substantive differences between male respondents and female respondents in regard to number or type of allegations submitted to the court against them.

These findings track those found in adult abuse studies. Female respondents and females arrested for intimate partner violence do not fit the same profile as male respondents and males arrested for intimate partner violence, notwithstanding their instant abuse may be equivalent (Macmillan & Kruttschnitt, 2004). For example, a North Carolina arrest study documented that males identified as the victim of domestic violence were significantly more likely to be arrested as perpetrators in a subsequent domestic violence than females first identified as victims of domestic violence (Friday et al., 2006).

***Aim # 1: Question 3: What are the characteristics of incidents involved in these orders (e.g. relationship type, abuse alleged, living situation of parties)?***

***1. Petitioner-Respondent Pairs Gender:*** The majority of petitioner-respondent pairs (90.5%) involved female petitioners and male respondents. Just under 8% involved male petitioners and female respondents, and about a fifth of those (21) involved counter-petitions during the study period (where the petitioner was a respondent in another order study petition). Less than 2% of the sample involved same sex petitioners and respondents.

Although studies suggest that dating violence among same sex couples is no less prevalent than among heterosexual couples, the low percentage of orders for same sex couples is also consistent with studies of adult protective orders (where state law allows for same sex couple filings). Nonetheless, the use of orders of protection for same sex couples with teen petitioners is substantially lower than that for same sex couples for adult petitioners across New York. According to the New York Office of Court Administration, between July 28, 2008 and September 30, 2008, for example, a little less than 6% of the 12,347 petitions for orders of protection allowed as a result of the 2008 amendment involved same sex couples, almost three times that found for same sex couples with teen (12 to 18 years) petitioners.

***2. Petitioner-Respondent Pairs Age Differential:*** For a little over a quarter of the pairs (26.6%), petitioners and respondents were within one year of each other in terms of age. However, for almost two thirds of the pairs, the respondent was older than the petitioner by at least a year, and for close to 4%, the respondent was more than 10 years older than the petitioner. The mean age difference between petitioners and respondents

was 2.92 years, ranging from -3.32 (petitioner more than 3 years older than respondent) to 36.84 years (respondent almost 37 years older than petitioner).

The age differential is consistent with the research that suggests that the likelihood of dating violence is increased when there is an age difference between the partners, particularly if the couple is sexually active. For example, a pending study of dating violence in Virginia concluded that “Wider age gaps between partners are associated with emotional, physical, and sexual victimization, sexual activity and risky sexual behavior, as well as substance use and delinquency.” The researchers posit that older partners tend to be “riskier” and youth involved with older partners engage in more risk (Oudekerk & Reppucci, 2012).

Appendix 7 contains a summary chart on petitioner-respondent pairs by gender, age differential, and relationship.

### ***Analysis of Petitioner-Respondent Pair Age Differential by Group***

To examine age differentials more closely, we compared any differences among three groups defined by age differences between petitioners and respondents: (1) petitioners are more than a year older than respondent; (2) petitioners and respondents are the same age, within a year; and (3) respondents are older than petitioners by more than a year. Much of this information is contained in other sections, but it is collected and summarized here. Exhibit 2 lists the differences in petitioner/respondent demographics for age difference groups as well as gender pairing for the age difference groups.

**Exhibit 2. Difference in Petitioner and Respondent Demographics for Age Difference Groups\***

Petitioner Demographics		Petitioner older (n=43)	Same age within year (320)	Respondent older (794)	X <sup>2</sup> or ANOVA
		Percent (n)	Percent (n)	Percent (n)	
<b>Gender</b>	Female	65.1 (28)	82.8 (265)	97.4 (773)	X <sup>2</sup> (2)=111.6, p < .001
	Male	34.9 (15)	17.2 (55)	2.6 (21)	
<b>Age</b>	<b>Mean (SD)</b>	18.1 (0.7)	18.0 (0.8)	17.9 (0.9)	F(2,1154)=4.3, p=.014 g2 v g3, p<.05
<b>Respondent Demographics</b>					
<b>Gender</b>	Female	37.2 (16)	17.8 (57)	4.3 (34)	X <sup>2</sup> (2)=91.2, p < .001
	Male	62.8 (27)	82.2 (265)	95.7 (759)	
<b>Race/Ethnicity</b>	White	18.6 (8)	30.9 (99)	18.9 (150)	X <sup>2</sup> (8)=24.2, p = .02
	Black	23.3 (10)	16.3 (52)	23.9 (190)	
	Hispanic	27.9 (12)	25.6 (82)	25.6 (203)	
	Other	0	0.9 (3)	1.8 (14)	
	Race/ethnicity Unknown	30.2 (13)	26.3 (84)	29.8 (237)	
<b>Age Groups*</b>	17 and younger	100 (43)	35.9 (115)	2.9 (23)	X <sup>2</sup> (6)=744, p < .001
	18 to 19	0	64.1 (205)	24.6 (195)	
	20 to 29	0	0	67.5 (536)	
	30 and older	0	0	5.0 (40)	
<b>Age*</b>	<b>Mean (SD)</b>	16.5 (0.8)	18.3 (0.9)	22.2 (4.5)	F(2,1154)=149.7, p < .001; all groups p<.05
<b>Criminal History</b>	Sex Offender	4.7 (2)	1.3 (4)	5.9 (47)	X <sup>2</sup> (2)=11.6, p = .003
	Number prior arrests (mean (sd))	0.6 (1.1)	1.0 (1.7)	2.5 (3.8)	F(2,1154)=30.4, p < .001 g3 v g1, g2, p < .001

Petitioner Demographics		Petitioner older (n=43)	Same age within year (320)	Respondent older (794)	X <sup>2</sup> or ANOVA
		Percent (n)	Percent (n)	Percent (n)	
<b>Gender Pairing</b>					
<b>Different</b>	Petitioner female; respondent male	62.8 (27)	81.6 (261)	95.7 (759)	X <sup>2</sup> (6)=114.7, p < .001
	Petitioner male; respondent female	34.9 (15)	16.6 (53)	2.6 (21)	
<b>Same</b>	Petitioner female; respondent female	2.3 (1)	1.3 (4)	1.6 (13)	
	Petitioner male; respondent male	0	0.6 (2)	0	
<b>Relationships</b>					
Child in common (any)		46.5 (20)	52.8 (169)	66.4 (527)	X <sup>2</sup> (2)=22.3, p < .001
Current intimate (any)		11.6 (5)	8.1 (26)	6.9 (55)	ns
Former intimate (any)		46.5 (20)	41.9 (134)	30.0 (238)	X <sup>2</sup> (2)=17.6, p < .001

\*Age is missing for 4% (48) respondents so n for this exhibit is 1157.

**Petitioner demographics:** There were fewer female petitioners in the group where petitioners were older than respondents, more in the group where petitioners and respondents were the same age, and the most in the group where respondents were older than petitioners<sup>8</sup>. Although the difference in mean age of

---

<sup>8</sup> This may be confounded somewhat by the counter petitions (see section on counter petitions).

petitioner between the same age versus respondent older groups was statistically significant, this difference (18.0 versus 17.9) was not substantive.

**Respondent demographics and criminal history:** There were fewer male respondents in the group where petitioner was older than respondent, more in the same age group, and the most in the group where respondents were older than petitioners. For respondents, there was also a statistically significant difference for race/ethnicity, with white respondents being more likely and black respondents being less likely to have a same age relationship between petitioner and respondent. Again this finding should be viewed with caution due to limited of race/ethnicity information. As the age difference groups are largely based on respondent age (since petitioners are all 18 or under), there is a statistically significant difference in respondent age between the three groups. The two groups where petitioner and respondent were not the same age both had a higher prevalence of respondents with prior arrests for sex offenses (see the expanded discussion of the subgroup of respondent sex offenders in Appendix 8). The differences in prior arrests among the three groups are likely a reflection of the differences in respondent age between the three groups.

**Gender pairing and relationships:** The group where the petitioner was older than the respondent had the least female petitioner/male respondent pairs and the most male petitioner/female respondent pairs, whereas the group where the respondent was older than the petitioner had the most female petitioner/male respondent pairs and the least male petitioner/female respondent pairs. The same age group fell in between. The group where the respondent was older than the petitioner had a higher

prevalence of child in common and a lower prevalence of former intimate relationship than the other two groups.

**3. Child in Common:** A little less than two-thirds of the pairs had a child in common. The large percent of pairs with a child in common may be attributable to two factors. First, New York OP law traditionally allowed juveniles with children in common to petition for orders of protection so this remedy may be better understood and appreciated than the more recent 2008 reform allowing juveniles without children to petition for orders of protection. Second, as described in the literature review, juveniles with children may be significantly more likely to be abused than those who do not have children. The adult protection order studies also find high rates of petitioners with children in common. Adult petitioners have been found to be motivated to file when they feel the abuse is threatening their children. Similar motivations are described in the subsequent section on qualitative study findings.

Juveniles with children in common were eligible to receive OPs before the 2008 amendment. Therefore, both the quantitative and qualitative data in this study that pertain to petitioner-respondent pairs with children in common do not reveal the impact of the 2008 amendment expanding OPs to juveniles for dating violence. For this reason, we compared the cases where petitioner and respondents had children in common and had no children in common to make sure that combining the two groups in this research does not distort the overall findings on the impact of the expanded OP law.

***Analysis of Petitioner-Respondent Pairs with and without  
Child in Common***

This section examines differences between the 727 petitioner-respondent pairs with a child in common and the 478 petitioner-respondent pairs with no child in common. Mostly, not surprisingly, the pairs with a child in common involved older couples, but with petitioners more likely to be younger than respondents. Petitioners with a child in common had a slightly older mean age and there were fewer of them in the 17 and under age group than petitioners without a child in common. The group with a child in common also had fewer respondents in the 17 and under age group, and more respondents in their 20s. In addition, a substantially greater percentage of petitioners were a year or more younger than their respondent in the child in common group (72.5%) compared to the no child in common group (55.9%), with a corresponding reduction in the percentage of same age petitioners and respondents, and petitioners older than their respondents.

There was no difference between the two groups in petitioner gender; however, there were differences in race/ethnicity distribution. Fewer petitioners with a child in common were white and more were Hispanic or black compared to petitioners without a child in common. There was a higher percentage of male respondents (and lower percentage of female respondents) in the group with a child in common compared to the group without a child in common, and this difference was statistically significant. As with petitioners, a higher percentage of respondents was black or Hispanic and a lower percentage was white in the group with a child in common compared to the group without a child in common. There was no difference between groups in respondent criminal history.

There were modest but statistically significant differences in gender pairs between the two groups. More pairs in the group with a child in common were female petitioner/male respondent and fewer were male petitioner/female respondent than in the group with no child in common.

There were no differences between the three groups in either the number of allegations or the types of allegations made by petitioners.

At least some of the differences between the three groups based on age difference between petitioner and respondent may simply reflect the increasing mean age of respondents in the three groups. For example, the larger number of prior arrests and greater prevalence of child in common in the group where the respondent was older than the petitioner may be a function of the older age of respondents in this group. There were two differences, however, that are not explained by age of respondents, differences between white and black respondents, and differences in gender pairing. Appendix 9 contains a complete comparison of pairs with children in common and those without a child in common.

**4. Abuse Allegations:** The number of allegations made by petitioners ranged from 0 (there was no allegation information entered on the petitions for 23 petitioner-respondent pairs) to 13. The average number of allegations made by petitioners was 5.6. By far the most common allegations were harassment and aggravated harassment, although over half alleged disorderly conduct and assault. Exhibit 3 contains a breakdown of all allegations filed by petitioners against their respondents.

**Exhibit 3. Abuse Allegations Made by Petitioners**

<b>Allegation</b>		<b>Percent (n)</b>
Harassment		83.7
Disorderly conduct		53.3
Assault		52.3
Aggravated Harassment		50.9
Menacing		47.6
Stalking		47.1
Attempted Assault		44.6
Reckless Endangerment		43.2
Other		41.7
Criminal Mischief		41.2
Forcible Touching		19.8
Sexual Misconduct		19.1
Sexual Abuse		18.9
<b>Number of Allegations</b>	<b>Mean (range)</b>	5.6 (0 – 13)

It should be noted that “harassment” and “aggravated harassment” are defined broadly in New York to include elements of stalking (Section 240.25: intentionally and repeatedly harasses another person by following such person in or about a public place or places), cyberstalking stalking (Section 240.30): (a) communicates with a person, anonymously or otherwise by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or (b) causes a communication to be initiated by mechanical or electronic means or otherwise, with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm), as well as physical assaults (section 240.26): He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same).

Among the allegations, two struck us as particularly noteworthy, stalking and sexual offenses. The high percentage of abuse identified as stalking by petitioners stands

out in stark contrast to very low identification of stalking by law enforcement and prosecutors in general. The two large stalking studies completed, for example, found law enforcement charged only one out of 40 or more stalking incidents as stalking, and even less were prosecuted as stalking (Tjaden & Thoennes, 2001; Klein et al., 2007).

Given the age of respondents and petitioners, it appears that 25 of the respondents alleged to have engaged in sexual misconduct or abuse could be prosecuted for Criminal Sexual Act 2 as their petitioners were under 17 years and they were all at least 21 years or older. Another five could be prosecuted for Criminal Sexual Acts, as they were 18 years old or older and the victims were under 15. However, we noted in the analysis of concurrent arrests, only two respondents were arrested for a concurrent sexual offense at the time of the Order for Protection petition, although 55 of the respondents had prior rape or sexual offense arrests on their records that occurred more than 31 days before the order of protection.

Appendix 8 includes a more comprehensive analysis of respondents with sex offense histories. Although this does not involve a large proportion of the respondents in the study, we include this additional examination because we believe this subgroup of respondents may more closely resemble sexual predators than what most would assume to constitute more “typical” abusive dating partners of teenagers.

***Aim # 2: Question 1: What action did the court take in regard to the petitions filed?***

***1. Orders of Protection Issued:*** As previously mentioned, 1,200 juveniles and teens filed for or had OPs in family court in 2009 and 2010 for dating violence against

1,205 respondents. No order was issued for 14.8% of the petitions, temporary orders were issued for the rest. In addition, final orders were issued for 20.8% of the petitions. In other words, a little less than two-thirds of the petitioners received only temporary orders. The breakdown is illustrated in Exhibit 4.

**Exhibit 4. Types of Orders of Protection Issued (n=1205)**

Type of Order Issued	% (n)	Duration in months to end of last order (median/range)
No Order Issued	14.9% (179)	0
Temporary Orders Only	64.3% (775)	2.2 (0.03 – 27.4)
Temporary and Final Orders Issued*	20.8% (251)	14.0 (0.9 – 60.9)
All Petitioners	100%	2.4 (0 – 60.9)

\*3 petitioners were issued only Final Orders; however this number was so low that we included it in this larger category.

The average number of temporary orders issued was 1.6 and the average duration of each order was 1.3 months. The average duration for a final order was 12months, but ranged up to five years.

The high percentage of petitioners who received only temporary orders appears to be unique to New York State. In other states, studies indicate that courts generally grant final or permanent orders to the majority of petitioners after initially entering temporary orders (see, e.g., Klein, 1996, 75% of petitioners received final orders). Generally, most petitions that do not result in final orders are because the petitioner does not return to court for a final order hearing; however, the data reveal that the majority of the study teen petitioners did return to court at least one more time after initially filing for their initial petition. On the other hand, other studies on final order rates focus on protective orders for adults.

### ***Analysis of Differences between Petition Issued or Not***

There were significant differences between petitioner-respondent pairs where no Order of Protection was issued following petition filing, compared to the 1,020 pairs where an Order was issued (see Appendix 10). Female petitioners were significantly more likely to secure orders than not (94% vs. 81.6%) while the opposite was true for male petitioners (6% vs. 18.4%,  $X^2(1)=32.2$ ,  $p < .001$ ). Although there was not a statistically significant difference on mean age of petitioners between the two groups, there was a difference in the distribution across the two petitioner age groups. In the group with no Orders of Protection there were fewer petitioners in the under 18 group (versus 18 year olds). Correspondent with the difference between the two groups in petitioner gender, there was also a statistically significant difference in respondent gender, with a higher percentage of female respondents in the group with no Orders of Protection issued compared to the group with Orders issued (21% versus 7%,  $X^2(1)=30.7$ ,  $p < .001$ ). Finally, there were statistically significant differences in respondent prior arrests. Only 30% of respondents in the group with no Orders of Protection issued had a prior criminal history compared to 55% of the respondents in the group with Orders of Protection issued ( $X^2(1)=38.6$ ,  $p < .001$ ).

In terms of petitioner-respondent pairs, the group with no Orders issued had a statistically significant lower percentage of female petitioner/male respondent pairs, and a higher percentage of male petitioner/female respondent pairs compared with the group who was issued Orders. There were no statistically significant difference between the groups in terms of age differences and petitioner-respondent relationships. The group

with orders alleged more categories of abuse than those without orders, 5.75 vs. 4.94, ( $t(1203)=2.1, p < .05$ ).

In summary, it appears that New York courts are more likely to issue an Order of Protection if petitioners are female and respondents are male as opposed to the reverse, if petitioners are 17 or under as opposed to 18, if respondents have a criminal history, and if more allegations are made by the petitioner.

**2. Counter Petitions:** As described earlier, there were 21 respondents in our data who counter-petitioned (petitioned the court against a respondent who had previously petitioned against them for dating violence). There is probably an underestimate of counter petitions, however, because we only have information if the petitioner was 18 years or less and most of the respondents were older. Therefore the respondent who counter-petitioned would have had to be 18 or less to be in our data. The counter petitions we do have also result in some minor inflation of certain categories of characteristics. For example, 81% (157) of these pairs are within one year of age of each other (which again makes sense given the criteria for inclusion in our data set; however, this may bias the findings related to the group where petitioner and respondent are the same age.

**3. Supreme Court Transfers:** Forty orders were transferred from the Family to the Supreme Court. Cases are transferred to Supreme Court when there is a criminal or family court case pending involving the same parties. Appendix 11 lists the percent of such transfers by county. Monroe County (Rochester) had a higher percent of transfers than most counties with more than just a handful of petitions.

Perhaps surprisingly, given that transfer to Supreme Court required the respondent to be involved in other court proceedings, including criminal cases, there were

no differences between the group of cases transferred and those not in terms of petitioners, respondent, and pair characteristics, number and type of allegations, and number of prior arrests.<sup>9</sup>

***Aim # 2: Question 2: What are the stipulations commonly made by judges in OPs granted to juveniles?***

**1. Stipulations:** The most frequent conditions ordered by the court were “Refrain from Assault,” (94.2%) “Stay Away from Person, (82.9%)” “Stay Away from Home (78.8%),” and “Refrain from Communication (69.7%).” “Stay Away from School” was ordered in more than a third of the cases (36.8%). The full breakdown is in Appendix 12 for both temporary only orders and final orders.

***Analysis of Orders with and without Stay Away From School Stipulations***

Comparing petitions where judges ordered “stay away from school” from those without such orders, it appears, not surprisingly, these orders were significantly more likely to be ordered for younger petitioner. The mean age for petitioners with stay away stipulations against their respondents was 17.75 years compared to 18.02 years for petitioners without such stipulations in their orders ( $t(735)=4.5, p < .001$ ). There were no differences in the ages of respondents or the differences between petitioner and respondent ages. Exhibit 5

---

<sup>9</sup> Although there were two most serious charges where there was a statistically significant difference (Forcible Rape and Embezzlement), the cell sizes were too small to consider them reliable results (i.e., cell sizes of 0 and 1—there were only 18 people who had prior arrests in the group who was transferred to Supreme Court).

breaks down the differences in ages between petitioners and respondents with stay away from school stipulations.

**Exhibit 5. Differences in Ages Between Petitioner and Respondents With “Stay Away from School” Order Stipulations (n=1,026)\***

<b>Petitioner Age**</b>	<b>Stay Away from School Condition (n=378)</b>	<b>No Stay Away from School Condition (n=648)</b>	<b>T test or X<sup>2</sup> test</b>
<b>Mean Age</b>	17.75	18.02	t(735)=4.5, p < .001
<b>Age Range</b>	14.4 – 18.98	12.41 – 18.92	
<b>Percent aged 16 or under</b>	21.7%	10.3%	X <sup>2</sup> (2)=27.1, p < .001
<b>Percent aged 17</b>	29.9%	29.5%	
<b>Percent aged 18</b>	48.4%	60.2%	

\*There were 1026 out of 1205 petitioner-respondent pairs who had Orders (179 had a petition but no Order in our file).

\*\*Missing dob/age on 35 respondents who had orders.

***Aim # 3: Question 1: What is the incidence of reabuse?***

As described earlier, there were several different measures used to determine whether or not the study respondent continued to abuse his or her petitioner after the study order petition was sought and, if granted, was in effect, and after it expired through 2011. The follow up period after the study petition was initially sought ranged from one year (if the order was filed on the last day of 2010) to three years (if the order was filed on the first day of 2009). As indicated earlier, the measures for reabuse included a new petition filed against the same respondent by the petitioner subsequent to the initial study petition; an arrest for a violation of an OP; and a Domestic Violence Incident Report filed by police against the study respondent involving the same person as the study petitioner. The latter reports were only obtainable in 2011 and for jurisdictions outside New York City. Combining all three measures of reabuse, close to a quarter of the initial set of respondents (24.4%) was positive on at least one measure of reabuse. However, if we

assume the same percent of respondents in New York City were included in DIRs as those outside the City, the statewide reabuse rate increases to 27 to 28%. Assuming the same rate of DIRs in New York City is speculative, but it is supported by comparable rates of the other two indicators of reabuse inside and outside New York City.

**1. New Petitions Filed:** Overall, almost 13% of the petitioners filed new petitions against their study respondents after filing the initial study petition. It is presumed that these new petitions were the result of new abuse suffered (or perceived) by the study petitioners.<sup>10</sup> The percent of new petitions filed was not significantly different for any of the study petitioners, including those who did not receive OPs the first time they petitioned the court during the study period. Exhibit 6 illustrates.

**Exhibit 6. New Petitions Filed (n=1205)**

Type of order		Average length filing to end of study petition order in Days	New Petition Filed
Final order	21%	491 (37 – 1853)	13.5%
Temporary Order only	64%	96 (1 – 834)	12.9%
No order issued	15%	-	10.3%
ALL	100%		12.6%

**2. Violation of Orders:** At least 8.1% and possibly as high as 9.6% of the respondents were charged with the crime of violating orders of protection at least once.

<sup>10</sup> There was some suggestion that some petitioners may have filed for new petitions after police failed to serve their OPs. State statute requires police officers “insofar as practicable” to serve orders “promptly” and not be held liable for damages resulting from the failure to achieve service where, “having made a reasonable effort, such officer is unable to locate and serve the temporary order of protection or order of protection at any address provided by the party requesting the order.” The form police are required to fill out to indicate service provides six separate entry spaces for attempted service.

Note that these violations could not be linked to the study petitioner, only to the respondent, so they may be violations of an order of protection involving a different petitioner. The state’s criminal contempt penal code (215.51) has various subsections, not all of which constitute a violation of an order of protection. Subsections “B” through “D” all constitute order violations; however, section “A” constitutes another offense. While state records include the appropriate subsections for 97 of respondents charged with this offense, no subsections are indicated in 40 other cases. Eliminating overlapping charges, a total of 9.6% of the orders were definitely or possibly violated.

**3. Domestic Incident Reports (DIR):** Excluding the 42.4% of study orders (510) issued against respondents in New York City, 103 or 14.8% of the non- New York City study respondents had at least one subsequent DIR filed against them in 2011. Exhibit 7 breaks down the relationship of the cited respondent with his or her victim identified in the DIR report. As indicated, more than three-quarters of the DIR cited respondents were reported for a domestic incident involving the study petitioner, representing 11.8% of the non-NYC study petitioners. An additional 3.0% of the respondents were written up for a domestic violence incident involving someone other than the study petitioner. Finally, 15 or 2.2% of the respondents reported in a DIR were classified as the victim of the new incident and their prior petitioner was classified as the perpetrator of the new domestic incident.

**Exhibit 7. Domestic Incident Reports**

<b>Involvement in DIR</b>	<b>% (n) of Non-NYC petitioners (679)</b>	<b>% of DIRs</b>	<b>Mean # DIRs</b>	<b>Days from first petition to first DIR</b>
Respondent=suspect Petitioner=victim	11.8% (82)	80%	1.5 (1 – 5)	434 (13 – 980)
Petitioner=suspect	2.2% (15)	15%	1.3 (1 – 5)	-

Involvement in DIR	% (n) of Non-NYC petitioners (679)	% of DIRs	Mean # DIRs	Days from first petition to first DIR
Respondent=victim				
Respondent=suspect Other=victim	3.0% (21)	20%	1.5 (1 – 6)	-

The average number of DIRS filed against study respondents involving the study petitioner was 1.5, ranging from one to five. Four out of the 15 DIRS where the roles of respondents as abusers and petitioners as victims were reversed involved pairs from the counter-petitioner subset.

**4. New Arrests:** Of the 1,205 total respondents, 45.8% (550) of the respondents were arrested after the original petition through the period ending in April 2012, including 9.2% (111) who were arrested within a month of the study petition. . Unfortunately, state criminal records do not indicate which arrests may have involved the study petitioner. However, based on matching DIRs filed in 2011 for non-New York City respondents, it is certain that at least a portion of the respondents' subsequent offending constituted reabuse. The top charges for all arrests subsequent to the study petition filing date through 2011 are broken down in Appendix 13. If nothing else, the new arrests clearly reveal that almost a third of the respondents continued after the petition filing to assault someone and at least half of these incidents constituted serious assaults.

***Aim # 3: Question 2: What petitioner, respondent, incident, and judicial response factors predict subsequent reabuse?***

There were several significant differences between petitioner-respondent pairs where there was an indicator of reabuse by the respondent compared to those where there was no indicator of reabuse.

**1. Gender:** Gender was significantly associated with reabuse. Reabuse was significantly more likely where the petitioner was a female and the respondent was a male and in terms of gender pairing, more male-female pairs had reabusing respondents compared to female-male pairs (26% to 7.5%;  $p=.001$ ).

**2. Age:** The age of either the petitioner or respondent was not significantly related to reabuse; however, age differences between the petitioner and respondent were related. Slightly more of the respondents who were a year or more older than their petitioners were reabusers; slightly less were reabusers if they were either the same age or younger than their petitioners ( $p<.05$ ).

**3. Child in Common:** Petitioners who had a child with their respondent or identified in the initial petition as former dating partners were more likely to be reabused.

**4. Respondent Criminal History:** Respondents who had prior criminal histories were also more likely to reabuse than those who did not.

There was no difference in the number of allegations or prevalence of different types of allegations between petitioners who were reabused or not.

**5. Order Status:** The petitioners who obtained final orders against their respondents were the most likely to be reabused and those not granted orders, the least

likely. The latter may reflect the fact that many denied orders were prior respondents who then sought orders against their prior petitioners.

Exhibit 8 lists all of the differences between the study reabuser and non-reabusers.

**Exhibit 8: Differences Between Reabusers and Non-reabusers**

Petitioner Demographics		Indication of Reabuse (n=294)	No Indication of Reabuse (n=910)	X <sup>2</sup> or T Test
		Percent (n)	Percent (n)	
<b>Gender</b>	Female	97.3 (286)	90.4 (823)	X <sup>2</sup> (1)=14.3, p < .001
	Male	2.7 (8)	9.6 (87)	
<b>Race/Ethnicity</b>	White	27.2 (80)	26.7 (243)	X <sup>2</sup> (4)=15.0, p = .011
	Hispanic	23.5 (69)	27.0 (246)	
	Black	21.1 (62)	14.2 (130)	
	Other	3.1 (9)	1.4 (13)	
	Race/ethnicity Unknown	25.2 (74)	30.5 (278)	
<b>Age</b>	<b>Mean</b>	17.98	17.93	ns
	<b>Range</b>	15.11 – 18.98	12.41 – 18.98	
<b>Respondent Demographics</b>				
<b>Gender</b>	Female	3.1 (9)	11.1 (101)	X <sup>2</sup> (1)=17.3, p < .001
	Male	96.9 (285)	88.9 (809)	
<b>Race/Ethnicity</b>	White	23.8 (70)	25.5 (232)	X <sup>2</sup> (4)=44.1, p < .001
	Hispanic	34.0 (100)	34.5 (314)	
	Black	37.4 (110)	22.6 (206)	
	Other	0.7 (2)	1.0 (9)	
	Race/ethnicity Unknown	4.1 (12)	16.4 (149)	
<b>Age*</b>	<b>Mean</b>	20.89	20.86	ns
	<b>Range</b>	15.0 – 35.54	14.17 – 52.65	
<b>Petitioner-Respondent Relationship</b>				
<b>Child in common</b>	Yes	75.9 (223)	55.3 (503)	X <sup>2</sup> (1)=39.3, p < .001
	No	24.1 (71)	44.7 (407)	
<b>Current Intimate</b>	Yes	5.8 (17)	7.7 (70)	ns
	No	94.2 (277)	92.3 (840)	
<b>Former</b>	Yes	25.2 (74)	39.0 (355)	X <sup>2</sup> (1)=18.6,

<b>Intimate</b>	No	74.8 (220)	61.0 (555)	p < .001
<b>Orders Issued for First Petition</b>				
	No order issued	10.5 (31)	16.9 (154)	X <sup>2</sup> (1)=9.8, p = .007
	Temporary orders only	63.9 (188)	63.6 (579)	
	Final order issued	25.5 (75)	19.5 (177)	
<b>Criminal Justice Involvement</b>				
<b>Prior arrest history</b>	<b>Yes</b>	73.5 (216)	43.8 (399)	X <sup>2</sup> (1)=78.0, p < .001
	No	13.2 (78)	56.2 (511)	

All of the measures employed to determine reabuse of the study petitioners are imperfect, based on only those incidents captured in various official reports, most of which rely on victim reporting. The literature suggests that victims do not report all order violations or criminal abuse they suffer. The National Crime Victim Survey, for example, reports that only 62.1% of adult female and 64.3% of male victims reported (nonfatal) intimate violence to police between 2004 and 2005, with black males having the lowest reporting rate and black females the highest (Catalano, 2010).

It should also be noted that while the order violation rate of 8 to 9.5% is substantially lower than found in most adult protective order studies where it hovers around 50% or more (see, Logan and Walker, 2010), the average study order only lasted for a little more than two months for the almost two-thirds who only secured temporary orders. As a result, the window of opportunity to violate the order was limited.

While requests for new petitions by 13% of the study petitioners also indicates much lower rates of reabuse than one would expect from the literature, it may be that the study petitioners were less likely to seek new petitions, particularly if they continued to be abused after petitioning the court previously for an order of protection. In other words, the relatively low number of new petitions may not represent a measure of reabuse as

much as it represents petitioner frustration with orders of protection as a remedy for dating violence. Although, as described in the qualitative section of this study, teens who had obtained OPs for dating violence agreed they would recommend them to a friend, including those who also indicated their orders had been violated.

What is perhaps most telling measure of subsequent respondent behavior is the least revealing measure of reabuse. New York's state criminal record files reveal that almost 29% of study respondents were arrested for committing an offense against another person, with most arrested for a simple or aggravated assault. Further, 11% were arrested for violent crimes within 30 days after the petitioners requested their OPs. If nothing else, this and the prior criminal histories of respondents suggest many of the respondents identified by a teen petitioner for dating violence did not confine his abusive behavior to his or her dating partner alone.

## **V. New York Empire Poll**

In conjunction with this study, an additional question was added to the 2011 New York Empire Poll to determine the extent of public awareness of the state's 2008 legal reform expanding orders of protection for teens for dating violence. The 2011 Empire State Poll (ESP 2011) was the ninth annual general survey of adult residents, age 18 and over, of New York State. It is a combination of an annual core of community, economic and social science modules together with omnibus modules. The ESP 2011 was conducted by the Survey Research Institute (SRI) at Cornell University.

The survey sample consists of random digit dial (RDD) lists, covering both cellular and land-line exchanges for New York State, purchased from Marketing Systems

Group. Once the household is sampled, every adult has an equal chance to be included in the poll. With 800 respondents, in no more than one time in twenty should chance variations in the sample cause the overall ESP 2011 results to vary by more than 3.5 percentage points from the results that would be obtained if all New York state residents were interviewed. The sampling frame was split between upstate and downstate residents, allowing comparisons between the whole state and these geographic regions with a one in twenty chance of sampling error greater than 4.9 percentage points.

The random sampling frame used within the ESP 2011 allowed for the poll results to be generalized to the entire state.

The specific question relevant to this study was as follows: “As you may know, adult victims of family violence in New York State can obtain Orders of Protection from the courts to help stop further violence. How much, if anything, have you heard about the new law allowing teenage victims of dating violence to also obtain such orders? Exhibit 9 reveals the results.

#### **Exhibit 9. Empire Poll Results**

<b>% Valid*</b>	<b>% All</b>	<b>N Value</b>	<b>Label</b>
4.4	4.4	35	A lot
10.2	10.1	81	Some
85.4	84.9	679	Nothing at All
	0.5	4	Do not know
	0.1	1	Refused
100	100	800	

\*Based on 795 valid cases

As the Empire Poll clearly indicates, juveniles and teen victims of dating violence cannot rely on their parents or other adults in the community to inform them about orders of protection as less than 15% are even somewhat familiar with this possible legal remedy.

## **VI. Observations and Comments Concerning Quantitative Findings**

**1. Relatively few Orders Requested by Teens for Dating Violence.** The total number of petitions by juveniles across New York State represents a tiny fraction of the estimated number of juveniles who are subject to dating violence. While use of orders of protection for adult (female) victims of intimate partner violence has been found to range from 15 to 35% of abused adults, it was nowhere near that in this study period for both teen females and males based on national estimates of teen dating violence.

Why? This may reflect a number of factors. First, the law allowing for such orders for juveniles and teens without a child in common with their abuser is relatively recent (effective July 2008). As such, it is still very much a work in progress. As indicated by the Empire State Poll, relatively few adults, including parents, are aware of the availability of these orders for teens. And, as indicated by the focus groups of teens in the qualitative section of this study, it appears that teens are not any more aware. Second, as indicated in the qualitative section of this study, juveniles may face more barriers in dealing with dating violence in general and navigating the legal/court system specifically than adult victims. Third, the relatively small percent of petitions filed in conjunction with arrests of respondents also suggests that police are not involved in the incidents that prompted the petitions. As a result, one of the prime sources of information about and encouragement for adult victims to file orders is not available to juvenile petitioners.

**2. Low Percent of Female Respondents/Male Petitioners:** Although the literature suggests juvenile females are more likely to engage in dating violence, particularly stalking behavior and nonphysical abuse, than adult females, the percent of

female respondents found in these two years is lower than that usually found among order of protection studies involving adult intimate partner abuse. It may be that the severity or type of abuse that may be required before a teen seeks an order is rarely suffered by boys. Or it may be that the abuse perpetrated by male abusers is less tolerable than that of female abusers. It may also be that boys are more reluctant to admit being abused than a girl.

**3. High Percent of Respondents with Criminal Histories:** The percent of respondents with prior adult arrest records is surprising high considering the average age of respondents is only 20.9 years and the median age is less at 19.8 years. Studies of orders of protection for adults have found high rates of criminal involvement for respondents, but these generally involve abusers who are, on average, at least a decade older. Further, the number of priors, for those with priors, indicates that many respondents in this study are chronic offenders. This is confirmed by the finding that many of respondents continued to commit more criminal offenses after orders were requested against them. As with court restrained adults, the majority of respondents with criminal histories are male.

**4. Subgroup of Sexual Offenders Identified:** Given the age of respondents and petitioners, it appears that at least 25 of the respondents could be prosecuted for Criminal Sexual Act 2 as their petitioners were under 17 years and they were all at least 21 years or older. Another five could be prosecuted for Criminal Sexual Act 2, as they were 18 years old or older and the victims were under 15. Notwithstanding this, few if any were arrested within a month before or after the petition for sex offenses, including those respondents with prior criminal histories of sexual offenses. One of the reasons for the

disconnect between the criminal justice response and what may be better described as “sexual predators” is that the judges hearing the petitions for orders of protection do not access respondents’ criminal histories. Further, as family court judges criminal matters may not be uppermost in their consciousness.

#### **5. Low Reabuse Rates, Higher Likelihood of Respondent Subsequent Arrest:**

The reabuse rate as captured in our data is lower than that found in typical adult protective reabuse studies where it ranges from 23 to 60% within 12 months as described in the literature review; however, our measures for reabuse are limited. We only have DIRS for 2011. Further, we cannot tell from arrest records whether or not they involved intimate partner violence although it appears at least some of the arrests involved intimate partners from corresponding 2011 DIRs filed outside New York City.

While the reabuse against the study petitioners was limited through 2011, including follow periods from one to three years, the characteristics of many of the respondents fit the profile of serial abusers. Studies of serial abusers find they resemble non-serial abusers, with the exception being they are younger and not married to their victims (Adams, 1999; Klein et al., 2005). Within the limited study period follow up, based solely on the DIR reports for 2011, 20.3% of the reabusing respondents were reported for incidents involving different victims than the study petitioners. This suggests that the respondents of teen dating violence petitioners may be less likely to reabuse their study petitioners and move on to abuse new dating partners.

Further, as evidenced by the fact that 46% of the respondents were arrested for a criminal offense after the study petition through 2011, many of the study respondents continued to engage in criminal behavior although not identified as reabusers by our

study measures.

## VII. Quantitative Research Limitations

The quantitative research is limited to two years of data across a single state. Further, the two years reflect the first two full years of that state's OP law expanding orders of protection for juvenile and teen victims of dating violence without a child in common. Consequently, the study may only reflect the initial use of such OPs across a state, before they have been more broadly accepted or known by potential teen dating violence victims.

The data obtained to create petitioner, respondent, and incident descriptions are limited to that reported in the OP petitions and court order forms. As a result, these descriptions are limited. Further, because so many of the petitioners did not indicate race and ethnicity, findings pertaining to these demographics may not be accurate. As mentioned, the measures of reabuse are incomplete, restricted to available official reports indicating reabuse. Consequently, respondent reabuse of study petitioners is underreported as is respondent abuse of other victims through 2011. Further, reabuse measures did not include new arrests (other than Violations of OPs) that may have involved the study petitioners and DIRs were only available for a single year, 2011, and only for incidents outside New York City.

Follow up of study respondents was uneven, with some followed for just one year and others up to three years. Research suggests that even if all were followed for three years, three years would not capture the full eventual reabuse rate of respondents, particularly as the study respondents were younger than that captured in most OP studies.

Despite these limitations, the research suggests that the 2009 expansion of New York OP's statute to cover teen dating violence victims has already demonstrated more utility than at least one other state's reform effort in this area. In June 2010, Ohio's legislature expanded OPs to cover dating violence; however, unlike New York's statute, the Ohio law only covered juvenile petitioners and respondents. Initial press reports across the state have found that the majority of petition requests have been for non-dating violence disputes, mostly between young girls (Kissell, 2012). If the New York study data are representative outside the state, by restricting orders to cover only juvenile respondents, the Ohio law is missing the majority of dating violence, committed by adult males against juvenile and teen females.

## Part Two: Qualitative Research

### VIII. Research Design and Methods: Qualitative

While the popularity of extending OPs to young people expands nationally, little about the prevalence and impact of their use has been known prior to this study. Despite the growth in the past decade of the literature on teen dating violence and related prevention programs (see literature review above) our knowledge remains quite limited when it comes to assessing expansion of orders of protection as effective remedies to teen dating violence, such as New York’s Family Court Act, Section 812. Furthermore, few if any studies have partnered with teens to explore, in-depth, their awareness of the availability of OP for youth; the barriers and facilitators to using them; and suggestions for strengthening OPs to meet the real life experience and needs of young people. The qualitative portion of our current study addresses this gap through the following three overarching aims:

**Aim # 1:** To hear directly from young people across the state about their perspective on the use of protective orders as a remedy for teen dating violence;

**Aim # 2:** To capture this perspective along a broad continuum from young people who are unaware of the availability of this remedy to those who have actively used it; and

**Aim # 3:** To ultimately inform and strengthen the design and development of a here-to-for adult remedy to dating violence to better suit the experiences and needs of young people.

To reach these goals, the study used focus group and individual interviews with two populations of youth: 1) a statewide sample of young people (NYS), both boys and

girls, likely to be dating and exposed to dating violence (At-Risk Group); and 2) a small New York City (NYC) sample of young women who have sought and/or secured Civil Orders of Protection (User Group). The qualitative research team from Cornell University, Advocates for Human Potential, Inc. (AHP) and Day One worked collaboratively on the development of structured protocols and procedures for both groups, but broke into two teams to implement their respective portion of the study. Cornell led the At-Risk Group and AHP/Day One the User Group.

The methods and results from each portion of the study are detailed below. We have included selections from study transcripts throughout (in italics). These serve as examples of comments supporting particular themes. Perhaps more importantly, they bring the voice of teens themselves directly into the narrative.

### **A. At-Risk Focus Groups**

To deepen our understanding of adolescent awareness and perceptions about Civil OPs in New York State (NYS), we turned to young people themselves as expert informants. The three major study questions, which guided this part of the research included:

- What does an At-Risk population of young people know about OPs?
- What are their attitudes and opinions about the use of OPs?
- What are their perceptions about the barriers to OP use among young people in general?

Youth responses to these questions help to inform future research and practice implications on improving access to civil orders of protection for youth experiencing dating violence (see “Discussion and Implications” below).

## **1. Methods**

### **Procedures**

Study protocols, including procedures for data collection, focus group script, questions, consent forms and a brief demographic survey, were developed by the full research team. For the purposes of the At-Risk Groups, these materials were reviewed by adolescents who are members of the NYC Youth Network and serve as consultants to the NYS Department of Health. The major purpose of this review was to ensure that the questions were readily understood by young respondents. As a result, study questions were revised where appropriate. All study protocols were approved by the Institutional Review Board at Cornell University prior to the start of this portion of the project. Subsequently, a team of experienced group facilitators and note-takers was trained to ensure consistency in data collection.

### **Sample Identification and Demographic Characteristics**

A list of potential focus group sites was generated with particular attention paid to capturing the diversity of NYS youth. Potential sites were identified based on geographic characteristics including upstate/downstate and rural/urban/suburban as well as participant characteristics including gender/gender identity and race/ethnicity. We drew upon Cornell's extensive network of community partners in youth-serving agencies, schools, and adolescent sexual health programs throughout NYS. Staff from these organizations assisted researchers by helping recruit focus group members, arrange meeting space, and obtain consent for participants under age 18.

Self-reported demographics were collected from written questionnaires completed by participants at the end of each focus group. As illustrated in Exhibit 10, 64% of the

participants were female, and 36% were male; no participants identified as transgender. Age ranged from 12 to 18 with an average age of 16.1 years. In terms of geographic location, 64% were from the downstate metropolitan area while 36% lived in upstate New York. Within the upstate sample, two focus groups were conducted in rural communities, and the other two were conducted in urban settings. As Exhibit 10 also shows, the sample was racially/ethnically diverse with about half identifying as Black/African American and almost one-third identifying as Hispanic.

**Exhibit 10: Demographic Representation of Focus Group Participants (N=122)**

		<b>Percent (N)</b>
<b>Gender</b>	Female	63.9 (78)
	Male	36.1 (44)
<b>Age (Years)</b>	12	0.8 (1)
	13	4.9 (6)
	14	7.4 (9)
	15	18.0 (22)
	16	25.4 (31)
	17	25.4 (31)
	18	18.0 (22)
<b>Race/Ethnicity</b>	American Indian or Alaska Native	2.5* (3)
	Asian	2.5 (3)
	Black or African American	50.0 (61)
	Native Hawaiian or Other Pacific Islander	0.8 (1)
	Hispanic or Latino	27.9 (34)
	White	12.3 (15)
	Other	11.5 (14)

\* N's for race categories total more than 122 because respondents could select all categories that applied. Percentages are based on 122 and thus total more than 100%.

**Data Collection**

A total of 122 NYS youth participated in 12 focus groups that were conducted between May and August 2011. Separate focus groups were conducted for males and females. Each group was led by a trained facilitator with 1–2 additional staff serving as

note-takers. Groups lasted between 1–1.5 hours and were audio-recorded. All participants received a \$20 cash honorarium for their participation. Facilitators and note-takers met briefly following each focus group to review and refine the written notes.

### **Data analysis**

The Cornell research team conducted qualitative thematic analyses of focus group data using verbatim transcripts from the audio recording and supplementary field notes from each session. Content analysis was guided by grounded theory, and conducted using Dedoose mixed-methods software. An open coding scheme for transcript analysis was developed in an iterative process with the research team using both inductive and *a priori* categories. Inter-coder agreement was established in weekly research team meetings in which codes were reviewed and refined as necessary.

## ***2. Findings***

### **A. What NYS Youth know about Orders of Protection**

In order to assess the level of knowledge that adolescents had regarding Civil OPs for teen petitioners with and without children, we asked a series of “warm up questions” at the start of the focus group. The data summarized below are quantitative counts (by way of raised hands or a paper questionnaire) in response to a series of questions regarding the scenario described in Exhibit 11 below. Comments made by participants in response to the questions were also captured in the focus group transcripts and coded as appropriate.

Nearly all of the participants (92%) believed that A could get an OP in the situation described, suggesting general awareness of the availability of orders of

protection. However, knowledge about the details of civil orders of protection, including who needs to be involved and where one gets an order were not known by the majority of respondents. Nearly three-fourths (73%) of the sample thought incorrectly that parents need to be involved in order to get a civil OP, while 27% did not think A needed his/her parent's help. Seventy-one percent also incorrectly believed that A could get an OP from the police. Many of the participants did not realize that these civil OPs are obtainable only from family court, most incorrectly believing that these civil orders could be obtained from criminal court.

#### **Exhibit 11: Scenario Responses**

<b>The Scenario</b>	
<i>A and B have been going out together for about a month. B has slapped A several times, and often acts jealous. A wants to stop seeing B. B keeps calling and texting A even though A has asked B to stop. A is 15 and B is 17.</i>	
<b>Questions</b>	<b>Percent "Yes"</b>
Can A get an Order of Protection against B?	92%
Would A's parents have to know about or help get the OP?	73%
Where can A get an OP?	
• Police	71%
• Doctor	7%
• Family Court	58%
• Criminal Court	78%
If you were A, would you get an OP?	58%

Noteworthy across all groups, 58% of participants reported that they would get an OP in this particular scenario. Their reasons included: a) safety and to prevent further abuse; b) an OP would serve as another line of defense, and c) because this was not a healthy relationship. The 42% who said they would not get an OP reported a) being fearful, b) system barriers, c) feelings related to self-reliance, and d) other, including victim blaming and acceptance of perceived normative violence in dating relationships

## **Questions Youth Raised About Orders of Protection**

Youth raised a number of questions about OPs during the focus group discussions, underscoring their lack of understanding about the distinction between civil and criminal orders of protection and between orders in dating and non-dating (i.e., family) relationships, as well as the process for obtaining and using them. Questions were remarkably similar among groups, regardless of gender or location. The questions raised fell into three categories: 1) the possible complications when obtaining an OP against someone in your household, school, or workplace; 2) the role of the police and criminal charges as they pertained to the civil OP process; and 3) OP specifics (i.e., who, how, what).

### **1) OPs within a Household, School or Workplace**

Youth expressed considerable concerns and confusion about what would happen if an OP were in place between people living, working or going to school together.

*“If you needed an OP against somebody you live with, would they just remove you from the home like the ACF and stuff?”*

*“If you have an order of protection against someone that you did date, what if you're at work or if you go to school together? How would that work out?”*

### **2) Police and Criminal Charges**

The roles that criminal courts and police play in the civil OP process for teens were not clear to focus group participants. Specifically, teens asked about whether criminal charges were a step in the process, and especially about the involvement of police.

*“Do you have to press charges on somebody, like file charges on somebody in order to have an order of protection? Because that’s what I thought.”*

*“Would I have to go to the family court person? You don’t do police reports?... To report to police or call the cops or ..?”*

### **3) OP Specifics (i.e., who, how, what)**

Youth had a number of questions about the logistics of OPs, such as who can file, and what happens if an OP is violated or expires.

*“Can you file an Order of Protection for someone else?”*

*“Say, you don't have a problem with this person, but your parents are just like, oh, no, you don't need to be around this person. We are going to get you an Order of Protection. They can do that?”*

*“How long does it last?”*

*“So ‘expire’ means that after that date if you want to drop it, you can drop it, but if you don’t drop it, then it remains the same or it expires?”*

*“What if the woman [victim] violates the Order of Protection, what would happen then?”*

## **B. Youth Opinions and Attitudes as Barriers to Seeking OPs**

A key question guiding this part of the study was to learn more about perceived barriers to obtaining a civil OP. Data from this focus group study suggest that the primary perceived barrier to OP access for the At-Risk population of youth is their own opinions and beliefs about OP usefulness, acceptability and accessibility.

These opinions and attitudes fell into four main categories: 1) OPs would not be helpful to improve safety; 2) OPs could potentially increase risk; 3) OPs would not be acceptable within the social norms of youths’ own personal networks of family and friends; and 4) OPs would not be easy to get, due to a lack of both information and support around the OP process.

### **1) OPs are Not Perceived as Helpful**

The most consistent feedback from youth, regardless of gender and location, was the belief that OPs would not be particularly helpful nor provide any sort of real protection that would prevent or stop violence.

*“If an Order of Protection is not going to stop a fight from happening, why get one?”*

*“An order of protection is just paper. It’s not like it’s in stone. You get hit over the head with it. ... A bullet and a knife [is] coming straight through that paper.”*

*“...So how effective is the protection order if you’re going to still see them in between classes and stuff.”*

And, the few focus group members who indicated related experiences with police (although not specifically around OPs) reported a lack of confidence in police helpfulness in responding to their safety needs.

*“The police take forever to get to my house. Or they – or they just never show up.”*

*“They [the police] just don’t come sometimes. So, even if I was having an Order of Protection on a person, and I called them, they ain’t coming. This is simply because of where I live.”*

*[Another voice, in response to the comment above] “and it is also because there is still racism going on. Oh, it’s a Black person living over there. We better take our time. Oh, they know how to handle themselves because they are Black.”*

## **2) OPs Could Increase Risk**

A second major barrier is the fear of retaliation or escalation of violence by the perpetrator or by friends or relatives of the perpetrator as a result of seeking an OP.

*“People think that getting [an OP] is even more dangerous because...it’s probably going to make that person... cause more harm towards you.”*

*“Fear, because they feel like they might anger the person more, and the person might be like ‘I don’t care about the restraining, about the OP or whatever,’ and just come after them anyway and this time hurt them and more than they have.”*

*“So it just be like, ‘Alright I can’t go near you. I can’t hurt you? I’ll go after somebody else in your family and that’s it.’ So if you’re putting an order of protection on somebody make sure it’s for everybody in your family that they know of*

*because you don't – you never know what that person will try to do just to see you ... [he] could hurt somebody else that's close to you."*

### **3) OPs Are Not Acceptable**

OPs were seen as not acceptable for a variety of other reasons. Focus group participants expressed concerns about negative judgments from family and friends for seeking an OP. In addition, there was a common belief that unsafe relationships should be handled on your own or by an individual's personal network, and thus bringing in authorities for protection was not necessary. Concerns were also expressed related to the loss of privacy that can occur when obtaining/holding an OP. In addition, some youth expressed ambivalent attitudes about unsafe dating relationships, including concerns about wanting to stay in the relationship or changing their mind about an OP and returning to a relationship.

#### *a. Negative Judgment*

A sense of negative judgment from family, friends and community members was a barrier perceived by many participants.

*"Your friends whatever, like, might look at you a different way because you chose to go the safer route as opposed to like trying to get yourself out of harm's way and you did it the right way. But they see it as you went to the police and you couldn't handle it – that's really not for guys."*

*"Some of them drop it because they think it's going to make it look like – they're a punk. You don't want to get the look, you don't want to feel bad about like you ruined that relationship and you want to feel like this is your fault for being in that relationship."*

*"A lot of people think they will be a pussy if they got one."*

#### *b. Solving Problems On Your Own*

Youth also described feeling a sense of value when solving dating violence problems without outside help.

*“A large majority of kids our age think that the solution is, you don't need a piece of paper. Go beat their bootie and that will teach them. You know what I mean?...A lot of kids think that just beating them up is going to show them not to mess with you, or having people get that person is going to end it. So, some kids may say, well, why do you need a piece of paper when you have got these, right? When you have got your two fists.”*

*"And he's like yeah, my niece's boyfriend is acting up, so somebody may call, somebody may handle it like in the streets, they may call their uncle, their brother, their sister"*

*“... A lot of people feel like they don't need anyone's help. They feel like they have to, like they gotta do it on their own and when it's not really the case, but they feel like they'll be looked at as less of a man, like they gotta get help.”*

#### *c. Privacy*

Youth cited concerns about the loss of privacy as a barrier to seeking an OP.

*“I feel like you'd get talked about at school. 'Cause, like, I feel like we live in a small town, so everyone would know and figure out, and they'd talk about you.”*

*“I probably wouldn't tell a friend because you don't want anybody trying to dictate your life for you or try and, like, pass judgment on you, just anyone in your business because this person may tell that person, and that person may tell that person, it's a whole different ballgame once it gets to the fifth person. So you just might not want to tell a friend. Or maybe even a family member because they may take it out of proportion and it's probably nothing that serious.”*

#### *d. Dating Violence Attitudes*

Focus group participants held ambivalent attitudes about violence within relationships, including the difficulty of acknowledging that something is wrong and the desire to retain the relationship despite the violence. Also, some felt that dating violence may be exaggerated so that youths could obtain OPs to exert control over their partners.

*“It is going to take a lot of inner strength to even recognize the fact that you are in a situation where you might need to even get an Order of Protection, never mind getting it. After you get it, you still have to deal with the situation. What if you haven't fully gotten over the person? You still want to hang around them. You can't get the protection and then say, well, come over today. I want you to chill with me. We are in a good mood. Like, it just doesn't work like that.”*

*“I know some people that have orders of protection and they use it just to have control of somebody’s life. Like say like there’s a girl and a boy having a relationship and the female has a protection against him, she sees him walking down the street with another girl, she calls the cops on him. Like, oh I just seen him and he harassed me and he didn’t do nothing and she just wants to have that type of control of his life.”*

#### **4) OPs Are Not Easy to Use**

Some youth expressed a lack of knowledge about the OP process, and others described perceptions that the process is inconvenient and time consuming. In addition, youth expressed concerns about OP function and logistics, including that the OP might not be in place soon enough to provide protection, and a reluctance to go to the police due to both a lack of trust, as well as concerns about being asked a lot of difficult questions.

##### *a. Lack of Knowledge*

Youth expressed a general lack of knowledge about the OP process.

*“If you don’t understand how to do it or if you can, it’s going to resort to what you’ve been taught, or like the norms of your neighborhood. You’re going to like rely on your people, you’re not going to rely on strangers you don’t know. And information that you don’t have.”*

*“Well I didn’t because I thought that it was a lot different than what it is. I was under the assumption that he was probably going to do like mandatory jail time and things like that. So from what I knew, I chose not to.... So I was like scared of what was going to happen to him.”*

##### *b. Reluctance to use the justice system*

Engaging with the justice system was perceived to be a long, difficult and potentially scary process, presenting a barrier to the use of OPs for some youth.

*“I think they’re in for a long process because... let’s say if I go in today and I talked to them in the office or whatever, they’d be like alright, well I’m going to need you to come this date to do this at this time and at this moment.”*

*“It’s a big deal. You could get somebody in serious trouble. I don’t know if I want to take this step or if I’m ready for it.”*

*“I think just going to the police and trying to get help might be scary.”*

### **Reducing Barriers**

Having advocacy, support and guidance through the process was described as something that would reduce the barriers of obtaining and using OPs.

*“If I knew how – it might not be simple, but if I knew I could go through it...like everything could get better, that would help me feel better. Like, to have someone that could take me through it, step by step.”*

Notwithstanding the many barriers described and concerns expressed by the youth, it should be reiterated that the majority indicated they would secure an order if abused as described in Exhibit 2. It is also apparent that without assistance, most would have little idea how to go about securing an order from family court.

### **B. OP User Group**

To understand the actual experience of securing civil OPs, the qualitative study turned to young women in New York City (NYC) who had used this remedy for teen dating violence. Our partner, Day One, is the only legal services program in NYC which specializes in representing young women seeking OPs. It seemed a good entry point for the challenging task of identifying sample respondents from the relatively small number of teens who have actually used civil OPs (see “Sample” below). We were interested in gathering in-depth information about the range of experiences along the pathway to securing an OP, and thus focused this portion of the study on the following questions:

- How did OP users first learn about the availability of OPs for youth, and from whom?

- What drove their final decision to move forward with seeking an OP?
- What barriers stood in the way of their petitioning for OPs?
- What was their experience at family court? What helped most? What was most challenging?
- How were OPs enforced?
- What was the perceived impact of OPs on safety?
- How could OPs be strengthened to meet the needs of teens?

## ***1. Methods***

### **Procedures**

As mentioned above, the research team (including Cornell, Day One, and AHP) worked together to develop study protocols, which were then reviewed and piloted with young people. In the case of the OP User Group, Day One's Youth Voices Network (a small advisory group with lived experience of teen dating violence) served in this role.

The purpose of the pilot was to determine whether the Focus Group Guide worked as intended: 1) that it was understandable and made sense to young respondents; 2) that it could be completed in the designated 2 hour timeframe; 3) that associated procedures (consent and taping) worked properly and were acceptable; and 4) that questions or procedures that did not work were flagged and corrected for the actual focus groups. After changes were made, focus group study protocols and related materials (including those for Cornell's At-Risk Groups) were approved by AHP's Institutional Review Board. An amended protocol to allow for supplementary individual interviews of OP users received AHP IRB approval as well. The individual interview questions were

identical to the Focus Group Guide, but language appropriate for group discussion was eliminated; consent forms were also modified for individual interviews.

In order to make the focus group experience as comfortable and productive as possible, given the sensitivity of the topic areas and the age of the respondents, we selected a young woman from NYC with similar background to the respondents (Day One's Community Educator) as the lead facilitator/interviewer. While she had considerable skills in group facilitation developed through her current job, AHP's qualitative study lead conducted a supplemental training specific to this study, as well as observed and provided feedback on her pilot facilitation.

### **Sample Identification and Demographic Characteristics**

AHP partnered with Day One to provide outreach and engagement of User Group participants. While the age-range for the study (12–18) is a subset of the age group that Day One serves (12–24 year olds), the majority of its legal and social service clients fall into the 19–24 year old group. It became quickly apparent that securing the expected numbers of these younger participants (N=40) through Day One alone would be impossible. Consequently, Day One undertook a massive outreach effort including direct calls, personal presentations, and emails to over 90 organizations in NYC, including domestic violence organizations, youth and domestic violence shelters, and youth services organizations. Day One staff presented information about the study at multiple New York City coalitions, reaching dozens of other organizations; gave information about the study to hundreds of student participants in their community education program; and sent repeated emails to multiple statewide list-serves.

We learned a great deal about the challenges of identifying and staying in touch with this population through Day One's outreach efforts, as well as the significant gaps in services targeting this extremely vulnerable group (see "Data Collection" and "Discussion" below). After nearly a year of outreach, our final small opportunistic sample (N=13) felt like we had finally found the veritable "needles in a haystack." It should be noted, as described in the quantitative portion of this study, that there were only an average of 255 orders of protection secured each year by juvenile petitioners for dating violence across all of NYC in 2009 and 2010. Despite our limited sample size, these courageous young women provided a unique window onto the experience of using civil OPs as a remedy for teen dating violence. All the young people in the sample had direct experience seeking and/or securing civil OPs, as identified through an initial question in the study protocol. The average age was 16.9 years old, with a range from 15-19 years. Each had initiated the process of securing an OP at age 18 or younger. The majority of respondents were Latinas (N=7), with the next largest group identifying as mixed race (N=4). Two respondents were African American. The young women in our sample came from all five boroughs with equal numbers from Manhattan, Brooklyn and the Bronx (N=3 each), followed by Queens and Staten Island (N=2 each).

### **Data Collection**

Given the challenge of identifying and engaging our user group, we developed a two part approach to data collection. We initially attempted focus groups as our data collection method, but found that young women who were not affiliated with an organization, nor knew each other through that involvement (like the young people featured in the At-Risk sample), were particularly difficult to organize and schedule to

attend a group meeting. Furthermore, as we came to learn (as indicated by study findings), the fact that these young women all had been or were engaged in the OP process indicated considerable crisis and chaos in their young lives, not the resolution of their problems. As a result, eligible teens who expressed initial interest in the focus groups often quickly disappeared and became inaccessible during the short period between contact and the meeting date. Many of these young victims regularly changed phone numbers and contact information or may have had little control over where they lived or their access to communication. We also found through our extensive outreach efforts that few organizations, aside from Day One, reached out to, or were involved with, these young victims nor were there any places where they naturally congregated or could be located.

Given this experience, we grew to believe that outreach for participants required seeking one individual at a time and scheduling an interview as quickly as possible. Thus, while we held two focus groups (total N=9) and attempted unsuccessfully to organize a third, we decided to add individual interviews as a second data collection method. The strategy; however, proved challenging as well. We identified and engaged only a total of four participants for the individual interviews before our study timeline ran out. Focus groups lasted approximately 1.5 to 2 hours while individual interviews were completed in about an hour. All sessions were audio-recorded. Participants received a \$20 cash honorarium, regardless of whether they participated in a group or individual interview. All data collection was conducted at the Day One offices in Manhattan. This assured that Day One counseling staff would be available immediately to meet with young women during or after the interview in case of any adverse reactions.

## **Data Analysis**

The AHP team conducted qualitative thematic analyses of focus group and individual interview data using verbatim transcripts and the newsprint and field notes used to track the group discussion (for focus groups only). The lead qualitative researcher and an experienced senior research staff person conducted the coding, based on the *a priori* categories of the Guide for top level codes and an inductive process for sub-codes. Inter-coder agreement was developed at regular intervals through cross coding exercises that included the project PI. Given the small size of the sample, content analyses for both group and individual sessions were largely conducted manually although we also used Dedoose software for some of the more complex analyses that cut across various question categories.

## **2. Findings**

### **Learning about Civil OPs**

We found no single or even primary source from which the New York City teens participating in the Day One focus groups or individual interviews learned about civil OPs. Rather, our small sample's awareness about OPs appears based on multiple sources who provided a range of information, from general to more specific, about the availability of OPs in Family Court for youth. Most frequently mentioned sources of information in descending order included: 1) parents and other family members, largely providing initial information about general OP rather than specifics about their availability to teens or the civil Family Court process; 2) school personnel or assemblies/classes, especially about the risks of dating violence and where to turn for

specific help; and 3) justice system personnel, especially Victim Advocates, Day One, and judges for details on eligibility and other process/enforcement information. Police were mentioned by some as providing helpful information about OPs, especially to parents who started exploring the process by going directly to the police, but we also heard instances of their providing wrong information or being dismissive about the seriousness of the situation to teens as well as parents.

While one youth did her own “Google search” and another learned from print materials, it was much more common to learn directly from people. Trusting the individual was noted as important in taking their advice. Notably missing among the most frequent sources of information were friends (largely because victims were reluctant to share their experience of abuse), and youth service providers (we found no evidence that these young people were connected with youth serving organizations or that the latter were aware of their situation).

*“Well, I learned it from my mother. Her boyfriend used to hit her, and she called the cops once, and she ended up getting an Order of Protection.”*

*“I found out through a counsellor at my school because I will always go talk to her about ...like problems that I have with my ex, and she will tell me, she is like, listen, this is serious, go ahead and take the next step, and I just listened to her, and I told my mother about it, and we went to Family Court.”*

*“If you feel like that person cares, and they show you that they care, then you are going to take their advice.”*

### **What Drives the Decision to Move Forward with an OP?**

While incidents varied that prompted the teens to petition the Family Court for OPs, most agreed they went to court after a series of incidents, including assaults, stalking, controlling behavior, and threats, led them to conclude: “enough was enough.” For teens with children, concern for their babies’ safety was the prime motivating factor

behind their decision. For some, a parent prompted them to go to court, even when they were not ready to go themselves, and for others, advice from a caring professional helped them ultimately make the decision to seek an OP.

*“...And then it happened again...just to the point that I need to be like, alright, this person needs to be away from me.”*

*“It’s one thing when it’s me, but when it’s my child, it’s like taking it to a whole new level and I have to take care of my children.”*

*“Like, there’s always like somebody like on you about it, like he’s not for you. It’s not okay for him to hit you, get you bruised. It is not okay for you to be putting on makeup and stuff like that, just to hide it.”*

*“...The social worker she seemed...concerned--like the way she talked about me kind of gave me confidence and like assurance that there are ways –like I don’t have to live in constant fear.”*

### **Barriers to Petitioning**

The interview explored the types of barriers that young people experience when considering moving forward with an OP, including the starts and stops that often characterize the process. Interestingly, we found the barriers most often cited were those internal to the young women themselves (i.e., fears, attachments etc.), rather than the structural barriers they may have encountered in using the system. The most frequently mentioned barriers in the former category include: 1) concerns about how others see you, including being blamed or considered a “snitch”; 2) fear for one’s own safety and that the violence will increase if one moves forward with an OP; 3) ambivalence about the relationship itself despite the violence, as well as reluctance to let go of that relationship; 4) shame about admitting to their victimization; and 5) feelings of being overwhelmed by day-to-day responsibilities (school, parenting, work) while going through the OP process. Two structural barriers also stand out, although mentioned with less frequency, including

barriers created through limited knowledge and misinformation, as well as long waits in court and inconvenient hours.

*“What’s the point of going through all of that if it’s not going to stop him...I thought about that for a very long time...I thought about it’s just a piece of paper...if it’s not going to be effective, if it’s not going to help, what’s the point of going through the process.”*

*“It’s just like sometimes you are kind of, not embarrassed, but you are just ashamed like for people to know you are going through all that stuff, like you getting hit, and that person is supposedly the person you love and honor...You don’t want to go through it because you don’t want other people to know.”*

*“Like you still love this person and you are so confused.”*

### **The Experience at Court**

Asked to comment on their court experiences in getting an OP, many complained about the amount of time it took to get a hearing and then the number of adjournments to either maintain a temporary order or secure a final order. When asked to provide one word that captures the experience, young women most frequently used “stressful,” “exhausting” and “frustrating.” Only two individuals reported navigating the court process alone; most came with family, the Day One social worker or lawyer, or another attorney. Despite the assistance of an adult, many revealed not having a clear idea of the Court process and what to expect when they were there, as well as generally feeling confused and overwhelmed by the experience. Additionally, while we found considerable variation in young people’s experience with specific court personnel like Clerks, Court Officers, and Judges (some quite good, others not), when they expressed complaints generally they had to do with the “attitude” of the court personnel as “bureaucratic” and a “bit hard,” and not understanding what these young people were going through.

*“It's just awful long, and it's just too much on -- especially being a teenager and young, to go through all of that....”*

*“The court should, like be more mindful and conscious of how they speak to people. Especially like teens, because you never know where a person is emotionally. Like, you never know where a person is mentally, like, the way that you're talking to them could be the way that their partner was talking to them. And it might affect them and stuff.”*

*“I'm like, ‘Your honor, he was given over a month to get his stuff together. Like why do I have to wait...It's like I have anxiety and depression because of this and ....it's too much....This is getting ridiculous. My case should have been over months ago, but it's still just going on, and on, and on.”*

### **What Helped the Most in Getting Through the Process?**

User Group respondents mentioned a few major areas of support as most helpful in sticking with, and getting through, the process. Court-based help from a lawyer or Victim Advocate was considered important, especially around navigating the Court process, making sense out of legal language, talking to the judge, and helping deal with the emotional reactions most had to seeing the perpetrator in court. Moral support from family and friends, including their presence in Court, was also viewed as critical. On the earlier end of the process, before getting to court, some OP users cited “non-judgmental” support from counselors and social workers as particularly helpful, as well as believing in yourself and knowing you can get through this. The latter was achieved, at least for some, as a result of relationships with a school counselor or social worker.

*“I think having an attorney is best because they know what they are saying...because sometimes I sit there and they will talk, and I will be like, uh huh, because they will just be saying all these complicated words...and then I have to go outside and make her explain it to me because I'll be like, um, I was lost.”*

*“So nobody tells you if you’re going alone and you don’t have an attorney. You don’t really know what to ask for in the order. Like, ‘can I keep him out of school?’”*

*“I just think ...their [family’s] support, so I think that’s the part that was the most helpful...because I know without it I probably would have just backed out of it and I have no idea where I would have been today.”*

*“My school counselor said you may bend, but you are never going to break.”*

*“I think the most [help] getting through the process ..is mostly me. Like it’s me standing up for myself. It’s me knowing that I have to take a stand. Like if not, its’ going to keep happening over and over again and like I’ve had enough.”*

### **What Was Most Challenging about the Process?**

As already mentioned, the lengthiness of the proceeding including waiting in court, coming back multiple times, and multiple adjournments was identified as a major challenge. However, the young women in our sample reported that the greatest challenges related to going to court involved finalizing the loss of the relationship, followed by the trauma of seeing the perpetrator in court. The latter was viewed as especially problematic when there were surprises associated with where and how this happened. For example, one respondent reported an incident where a Court Attorney brought her into a small room with the perpetrator to try and facilitate case processing, without any explanation, notice or permission. Aside from dealing with the abuser and the end of the relationship, OP users also reported that asking for help from the police pre- or post-award and not being believed, or not getting the help needed, was an especially challenging aspect of the experience. Bringing the court or police into their lives was an additional challenge.

*“I guess having to -- I can't even say betraying of the person, because like they betrayed me. But just having to like finalize like me and the person's relationship as being done. I guess that was like the most hurtful part.”*

*“There was no security and...I can't even remember saying much, but I was just numb and confused and scared...he [the perpetrator] was sitting by the door so I didn't want to get up... I felt so scared and shocked.”*

*“Yeah, like basically, when you call for help, it's for a reason, and it's like they [the police] didn't even blink...”*

### **Enforcing OPs**

Many OP Users reported that they believed their first line of defense in enforcing OPs was to go to the police or call 911. They had learned this information from the order itself and from a variety of individuals (i.e., judge, sheriff, attorney etc.). Those who called the police, however, often viewed their experience as unsuccessful. Some reported that the police were unresponsive to requests for enforcement, others that they were dismissive of the seriousness of the violation, and still others that they released the perpetrator so quickly that the risk of violating the OP would appear minimal to him. As compared to police, schools were not generally understood as having a strong enforcement role, although in a number of cases the school personnel did act to protect the victims—through accompanying her to a train or bus stop, helping her transfer to a new school (a “safety transfer”), or simply checking in on how she was doing. One individual reported that her school did expel the perpetrator because of the OP, enforcing their separation at least in the school house.

*“They [the police] would go looking for him and after a while they would stop, so it's like he never really got the message that look she has an Order for Protection against you, you can't do this, because he was never arrested for any of the times he's broken the Order of Protection.”*

*“...One time it happened that he kept texting me, so my Mom went to the cops and they didn't really take it seriously.”*

*“He would still come into my building, my condo, show up outside my house and the police were called on him several times and he still, he was never locked [up] for it...”*

*“They [the school] kicked him out of the GED program that was in my school. So, they told me, if he is around there, if he is on campus, anywhere around the school, he is going to get arrested.”*

### **Perceived impact of OPs on Safety**

Although uniformly the teens said they would recommend an abused friend obtain an OP, even the teens who were pushed into obtaining an order by parents, most did not find the orders made them feel much safer. The reality is that the perpetrator may live in the same neighborhood, have mutual friends, use the same transportation, even continue to attend the same school. For one respondent, friends of the perpetrator brutally went after her (including stabbing her), and she had to stay with family outside of NYC to get away. When people intervened to enforce the separation, this increased the sense of safety; however, OP Users reported having to develop their own strategies to stay safe, like always remaining in groups, never going to certain places, always looking “behind your back,” and giving up mutual friends. This was generally resented as the victim having to change her routine, even lifestyle, to stay safe while the perpetrator was free to continue life without interruption. Where orders were violated, police responses were found disheartening.

*“I was hoping, oh, once I get this like I will be fine, like I will feel free from it. Like, once I am done with court, or whatever, like because as soon as I got...the Order of Protection granted for two years...like I thought I was going to go, oh, yes, yea!!And like now this great ...weight has been lifted off of me, and it didn't feel that way. I still felt just—like I felt the same...I felt worse kind of.....”*

*“(His) friends target you. When I was with him he got some other girls, and they were all like gang members...and now there's like a whole group of girls after me and like I don't feel safe at all.”*

*“But like what’s crazy is that, like, I still am scared he’s ...”  
 [Another voice adds] “He’ll pop up anywhere?” [First voice  
 continues] “Yeh. Like I still think he is after me. I guess I feel safer  
 than I did without it, but I don’t feel much safer.”*

### **User Recommendations for Improving OPs**

OP Users recommended a variety of thoughtful strategies for improving OPs. They generally fell within two areas: recommendations for improving the process of getting OPs and recommendations for strengthening their impact. We lay out young people’s major recommendations provided during focus groups and individual interviews by these two categories below:

#### *1) Recommendations for Improving the Process of Getting an OP:*

- Court personnel and police need training on the experience and impact of victimization on teens in abusive dating relationships, including the need for improved sensitivity, more thoughtful language, and more responsive approaches to helping.
- Teens need detailed, written information about the steps in the process including what to expect and how to prepare.
- Approaches should be developed to avoid forcing young victims to be with the perpetrator in same courtroom. At a minimum, the system should limit the surprises about where and when this will happen.
- The Court building and waiting areas should be more physically comfortable, welcoming and “uplifting;” food should be allowed to help sustain victims through the lengthy waiting periods.

- The time it takes to secure OPs should be shortened with limits to the number of adjournments allowed.
- Attorneys should be automatically assigned to teens.
- Courts should be open at night to improve access for teens in school and/or who are working.
- Peer support groups should be available (not at the courthouse) for teens going through the process of obtaining an OP.

b) *Recommendations for Strengthening the Impact of Getting an OP:*

- Police response/enforcement is inadequate; they need to take violations more seriously.
- Penalties for violations should be more like the criminal system, including bond, ankle monitors, or jail time as needed.
- Schools can play an important role in enforcing separation, ensuring safety, and understanding/educating about teen dating violence.
- OP terms/restrictions should meet victim needs.
- Strategies need to be developed for more effective service and enforcement of OPs, including potentially having a photo of the perpetrator on the OP itself.
- Survivors should not have to change their lives; the perpetrator should.

## **IX. Discussion and Implications for Policy and Practice**

The purpose of the qualitative study design was to allow researchers to hear the perspectives of two separate (non-comparable) groups: 1) a broad sample of youth, who may or may not know anything specifically about civil orders of protection, but who were likely to be dating and potentially exposed to dating violence; and 2) a smaller group of teens that not only knew about civil OPs as a potential remedy to teen dating violence but had initiated or fully completed the process of obtaining them. We hoped from the first group to gauge general awareness of civil OPs as well as to understand better the attitudes and beliefs that might affect young people's use of OPs. From the User Group, we wanted to understand how they found out about OPs and their direct experience with using them. From both, we believed we could glean key information that would suggest ways in which this remedy (developed by adults for adults) might be made more effective in meeting the needs of teens.

Results from the At-Risk Groups align with the Empire State Survey in finding that young people have very limited awareness about the availability of civil OPs as a remedy for teen dating violence. Adding greater insight to this observation, our At-Risk sample seemed especially confused about the very components of the new law that are supposed to help make it more acceptable to youth: that parents do not have to initiate or accompany the youth to secure an OP; that the police do not need to be brought into the process; and that the defendant will not be sent to jail as a result of securing an OP. Despite this lack of information and considerable concern and questions about the key aspects of the legislation, when given a scenario involving an abusive dating relationship,

a little over half the sample (58%) were open theoretically to pursuing an order of protection. That is not to say that significant barriers to OP use don't exist (especially for the other 42%). These barriers notably involve young people's attitudes and beliefs (and those of their social networks) about the limited helpfulness (it's "only a piece of paper"), acceptability ("your friends...might look at you a different way"), and accessibility ("It's a big deal") of orders of protection. At-Risk Group participants recommend providing advocacy, support and guidance to youth throughout the process as a major step toward eliminating barriers. In addition, however, study findings suggest the importance for researchers and practitioners to consider the following in increasing access and utilization of OPs:

- Examine ways to strengthen both the functional and perceived safety value of OPs. Strong shared viewpoints about the limited value, increased risk, and poor enforcement of OPs expressed across the At-Risk Group, and supported by User Group experience, potentially provide a serious barrier to OP use and treat to the safety of teens.
- Develop ecological strategies to address social norms about OPs and dating violence at the community level, including increasing peer education and the availability of peer support groups. The common belief among these teens that violent interpersonal relationships could be handled on one's own or by one's family and friends, rather than by the law, is a significant potential impediment the decision to seek and enforce an OP.
- Improve multiple channels of information to youth about the OP/Family Court process. This might include parents, school personnel (e.g., guidance counselors,

teachers, and nurses) and other youth serving adults (e.g., medical, legal, and human service professionals). In particular, basic education is needed that emphasizes that Family Court OPs: 1) can be obtained by people of any age; 2) do not require parental consent; and 3) do not involve the police.

Results from the OP User Group echo what we heard from the more general sample about attitudinal barriers to OP use. In fact, when we asked User Group teens about what stood in the way of their moving forward, their actual experience involved overcoming a similar set of fears about: the limited strength of OPs in ensuring safety; the potential of escalation in violence; negative judgments from family and friends; and the overwhelming nature of the experience. Furthermore, hearing directly from teens who have used OPs, despite the small numbers in our sample, provides insight into what more should be considered in improving the quality of and access to OPs.

One barrier, for example, that provoked compelling testimony among many in the User Group was the tension between fear and loss that accompanies decision making about pursuing an OP. Similar to adult intimate partner violence petitioners, our OP User Group expressed strong ambivalence to letting go of the relationship, despite (and sometimes because of) the fear of escalating violence. Perhaps because of this ambivalence (also similar to adults), these teens did not seek an order until it was clear the violence was going to continue, despite repeated promises that it would stop. Many also felt an enormous loss in breaking up with the offender. Compounding this, some teens reported that the loss was greater than the boyfriend himself, and often included their mutual friends. For one girl, the loss of the relationship and her friends felt completely isolating. As she commented on the aftermath of her decision, “it’s like I

don't have anybody.” That isolation from friends and relationships is especially threatening during adolescence, when peer groups are such an important context for individual growth and development.

Not surprisingly, support from caring and knowledgeable adults was reported as critical *while* young people were weighing these decisions about OPs. Parents and school personnel (counselors, social workers, teachers) played a significant role in supporting our sample, more so than we expected. In trying to identify participants for our groups, however, we also discovered that other potential supports for young survivors of dating violence appear to be extremely limited. Traditional adult-focused DV organizations rarely worked with clients who fit the age range, while youth-focused agencies said they rarely if ever worked with clients who had experienced dating violence. We found no shelters dedicated to young abuse victims and adult shelters did not accept unaccompanied people younger than 16 years old. Perhaps most concerning given the importance of peers and the prevalent feelings of isolation expressed by participants, we found no places where young survivors come together to talk about their experience (with the exception of Day One and a few newer support groups). The OP Users highlighted the need for peer support throughout the experience. The findings further suggest that DV and/or specialized youth serving organizations must consider providing pre- and post-court support to ensure young people's ongoing safety during the process.

On the justice system side, OP Users painted a picture of a system in transition where key players had not yet developed a regularized approach to working with these young petitioners. For example, judicial understanding or consensus on the role of parents presented two contrary approaches. One judge, according to the respondent,

basically directed the entire court hearing to the parent, ignoring the young person, while another asked the parents to leave the courtroom to ensure the petitioner's voice would be heard. In another example, the police provided much appreciated written information to a parent on the process for securing an OP in Family Court, while in another instance the officer denied that the a youth could get an OP on her own.

It also appeared from OP Users comments that enforcement of orders proved problematic with seeming police reluctance to arrest or even investigate alleged violations based on petitioner complaints. In one case, it was reported that police service of court orders was problematic in one New York City precinct which limited its officers to three service attempts despite the requirement in New York law to attempt six times. These findings suggest a need for training on the new law itself as well as the development of more systematic approaches to improving meaningful access for teens.

Additionally, findings suggest that police and court personnel would also benefit from training on the seriousness of dating violence and its detrimental impact on teen victims, including the short and long-term effects of traumatic abuse. The growing interest in actualizing "trauma-informed care" among providers and practitioners across multiple disciplines, including criminal justice, is consistent with this recommendation (Harris & Fallot, 2001; Miller & Najavits, 2012; National Center on Trauma Informed Care, 2012). The stress and confusion OP users experienced during the court process, despite accompanying attorneys or other adults, suggests the difficulty young people may have in digesting information or tracking decisions while under extreme stress. In one case, the presence of the perpetrator was sufficient to shut the young woman's entire thought process down. The potential for court personnel to inadvertently exacerbate the

situation by triggering past traumatic experiences by tone of voice or other intimidating behavior needs to be understood to be addressed. Training on trauma-informed approaches for personnel at all levels of the justice system that come in contact with young victims would begin to address this need.

Increasing institutional support for judicial advocacy services to improve accessibility and provide both information and social support to youth through the OP process should be considered as well. In addition to strengthening existing resources (e.g. crisis and advocacy centers), new models could be developed from within the court system, similar to the way the specialized Sexual Assault Nurse Examiner (SANE) works within the medical system.

Unfortunately, it does not appear that schools across the state or even the City had a coherent, comprehensive program or policy in place to educate and support students dealing with dating violence and OPs. The impact of individual supportive teachers, school counselors and even the information imparted in a school assembly was evident from the User focus group. For this reason, if OPs are ever to become a more widespread vehicle to respond to teen victims of dating violence, schools must play an active role in educating youth about healthy relationships and the use of OPs for victims of dating violence. In addition, to ensure their effectiveness, schools must also adopt policies and practices to enforce orders obtained by students. To facilitate that, our study Advisory Council (see Appendix 14 for membership and Appendix 15 for its comments) provided recommendations to improve linkages between the courts and the schools, including: judges uniformly inquiring whether litigants go to the same school; Courts systematically reporting the existence of an OP to the schools; cross-training between the courts and

schools on respective roles and responsibilities; and Court providing a picture of the perpetrator to the school. Schools should also develop safety procedures that include school transfers at the discretion of the survivor and strategies to protect the survivor from the perpetrator and third parties connected to the perpetrator. These school-based approaches are all the more important because, as the quantitative section of this study revealed, relatively few of the dating violence incidents involving teen victims involved police.

## X. Qualitative Study Limitations

This qualitative study examines the major themes described by two samples of youth relative to civil court orders of protection. It should be emphasized that the first of these samples, the so-called At-Risk Group, is not intended to be a statewide general population sample and thus findings should not be generalized to the broader youth population. Rather, while researchers strove to capture regional and other demographic differences (in hopes of hearing a broad range of perspectives), the full totality of voices from NYS youth-- including rural, suburban and white youth-- are under-represented.

Furthermore, while extremely interesting findings have emerged, the tiny numbers of young women represented in the User Group sample (all from New York City), the challenges in identifying and engaging them, as well as our need to resort to two different data collection methods, underscores the need for reader caution in over-interpreting these second set of findings or generalizing to the population of OP Users. In addition, the challenge of finding this small sample, and the fact that most had contact with Day One, suggests that they may potentially be quite different from the larger universe of teens who file OPs. Interestingly, some of the same themes for the User Group also arise out of the more robust At-Risk samples (most obviously in the findings on barriers), tending to provide increased confidence in related findings despite the small numbers in the User Group.

In addition, group facilitators reported (and the transcripts suggest) that a small number of the At-Risk youth may have actually attempted to secure a civil OP. These groups also could include youth across a broad age range as well as teen parents.

Variations in viewpoint, specific to some of these subgroups, could not be tracked in

any systematic way. On a related note, given that the At-Risk groups were separated by gender, the research team was able to do an initial analysis for gender differences across primary top-level themes. They found that there were no major differences in youth responses by gender for this first level of analysis. This finding, however, should be viewed with caution given the primary themes were very broad. Further examination of these data for sub themes could reveal a more nuanced pattern of gender differences that might inform future research and practice. While gender differences were not a focus for this research, and thus that level of analysis was not within the scope of this report, additional study in this area would strengthen the data presented here.

Finally, it should be noted that due to the small sample size in the User Group, any criticism expressed concerning judicial, court or police personnel should not and cannot be seen as an accurate reflection of New York judges, court or police personnel in general.

## **XI. Further Research Needed**

As indicated, the expansion of New York's OP law to cover teen dating violence is very much a work in progress. This study looked at the first two full years of its implementation. As discussed, relatively few juvenile victims utilized the law in these years based on national estimates of teen dating violence. To understand the full impact of this law, it will be necessary to revisit this research in the future after the law is more broadly understood and perhaps better utilized.

Further, this research looked at only one state's experience. Nineteen other states currently cover teen dating violence. Similar research from any of these states would help determine how representative the findings are from this study outside of New York. As mentioned, the only similar numbers we have on another state, Ohio's concurrent attempts to address dating violence through expansion of OPs, has revealed to date far different results (Kissell, 2012). In addition, differences among states' legal requirements may impact the accessibility and effectiveness of OPs as a remedy to dating violence. Future research comparing states where parental consent is necessary, for example, to those where it is not, or state which require a more active role for schools (i.e., informing students about OPs; enforcing OPs; etc.) to those that are silent about the role of schools, would help us understand under which conditions OPs are more or less used.

Given the exploratory nature of this research, additional studies specific to certain findings could provide useful, in-depth information and explanation for some of the NY court system challenges. For example, the study's Advisory Council recommended future research to examine why so few of these juvenile cases result in final orders being issued.

Perhaps a related issue to be explored is whether or not the temporary court orders are being successfully served by police and whether or not successful service is noted on the court papers. The latter is required before judges may commence final hearings.

Although this study involved both quantitative and qualitative components, the User Group was not tied into the quantitative data. Consequently, especially given its small numbers, it is impossible to judge how representative their experiences are compared to other juvenile petitioners. Future studies that seek to profile juvenile petitioners are needed to address this gap. Also, future qualitative research might focus more directly on some of the other important players that surfaced in our findings, including parents, school personnel, and youth serving providers. What do they need in order to surmount the barriers suggested by our research and link more effectively with the courts to create a comprehensive approach to working with teens involved in violent dating relationship? This appears especially important, given our finding on the limited involvement of the police in these cases.

## Appendix

### Appendix 1. References

- Adams, Sandra. "Serial Batterers." Boston, MA: Office of the Commissioner of Probation (1999).
- Adams, S., Isaac, N., Cochran, D., and Brown, M. "Dating violence among adolescent batterers: A profile of restraining order defendants in Massachusetts." Domestic Violence Report (December/January 1996).
- Ackard, D., M. Eisenberg, and Neumark-Sztainer, D. "Long-Term Impact of Adolescent Dating Violence on the Behavioral and Psychological Health of Male and Female Youth," *Journal of Pediatrics* 151 (2007).
- Arriaga, Ximena B. and Foshee, Vangie A. "Adolescent Dating Violence: Do Adolescents Follow in Their Friends', Or Their Parents, Footsteps?" *Journal of Interpersonal Violence* 19(2) (2-1-2004): 162-184.
- Avery-leaf, S., Cascardi, M., O'leary, K. D., and Cano, A. "Efficacy of a dating violence prevention program on attitudes justifying aggression." *The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine* 21(1) (7-1-1997): 11-17.
- Banyard, Victoria L. and Cross, Charlotte. "Consequences of Teen Dating Violence: Understanding Intervening Variables in Ecological Context." *Violence Against Women* 14(9) (9-1-2008): 998-1013.
- Bennett, Larry and Fineran, Susan. "Sexual and Severe Physical Violence Among High School Students: Power Beliefs, Gender, and Relationship." *American Journal of Orthopsychiatry* 68(4) (10-1-1998): 645-652.
- Bergman, Libby. "Dating Violence among High School Students." *Social Work* 37(1) (1-1-1992): 21-27.
- Bonomi, Amy, Anderson, Melissa, Nemeth, Julianna, Bartle-Haring, Suzanne, Buettner, Cynthia, and Schipper, Deborah. "Dating violence victimization across the teen years: Abuse frequency, number of abusive partners, and age at first occurrence." *BMC Public Health* 12(1) (2012): 637.

- Boschert, S. "Partner Violence, Reproductive Coercion are Teen Problems." *Pediatric News* (8-24-2012).
- Breaking the Cycle: <http://www.breakthecycle.org/state-law-report-cards>. (Downloaded 4-26-2013).
- Burcky, W., Reuteran, N., & Kopsky, S. "Dating violence among high school students." *School Counselor* 35(5) (1998): 353-358.
- Callahan, Michelle R., Tolman, Richard M., and Saunders, Daniel G. "Adolescent Dating Violence Victimization and Psychological Well-Being." *Journal of Adolescent Research* 18(6) (11-1-2003): 664-681.
- Cano, Annmarie, Avery-Leaf, Sarah, Cascardi, Michele, and O'Leary, K. Daniel. "Dating Violence in Two High School Samples: Discriminating Variables." *The Journal of Primary Prevention* 18(4) (1998): 431-446.
- Cantrell, L. and Buel, S. "Changing Texas law to include minors in protective orders legislation." *Domestic Violence and the Law* (11-13-2008).
- Capaldi, D. M., Dishion, T. J., Stoolmiller, M., and Yoerger, K. "Aggression toward female partners by at-risk young men: the contribution of male adolescent friendships." *Developmental Psychology* 37(1) (2001): 61-73.
- Carlson, Matthew J., Harris, Susan D., and Holden, George W. "Protective Orders and Domestic Violence: Risk Factors for Re-Abuse." *Journal of Family Violence* 14(2) (1999): 205-226.
- Carroll BC, Raj A. "Dating violence among adolescents presenting to a pediatric emergency department." *Archives of Pediatrics & Adolescent Medicine* 165(12) (12-1-2011): 1101-1106.
- Cascardi, M., Avery-leaf, S., and O'leary, K. D. "Building a gender sensitive model to explain male and female use of dating violence." 102nd annual meeting of the American Psychological Association in Los Angeles, CA (1994).
- Catalano, Shannan M. "Intimate partner violence in the United States." U.S. Department of Justice, Office of Justice programs, Bureau of Justice Statistics (2010).

- Cate, R., Henton, L., Koval, J., Christopher, S., & Lloyd, S. "Premarital abuse: A social psychological perspective." *Journal of Family Issues*, 3, (1982): 79-80.
- Center for Disease Control and Prevention. "Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence - United States, 2005." *Morbidity and Mortality Weekly Report* 57(5) (2-8-2008): 113-140.
- Center for Disease Control and Prevention. "Adverse Child Experiences Reported by Adults---Five States, 2009." *Morbidity and Mortality Weekly Report* 59(49) (12-17-2010): 1609-1635.
- Centers for Disease Control and Prevention. "CDC Report Finds Adolescent Girls Continue To Bear A Major Burden of Common Sexually Transmitted Diseases: Disproportionate Impact on Racial Minorities Persists." CDC Press Release. Washington, DC: U.S. Department of Health and Human Services, Retrieved January 22, 2010 (November 16, 2009), available online at <http://www.cdc.gov/nchhstp/newsroom/STDsurveillancepressrelease.html>.
- Centers for Disease Control and Prevention. "Physical dating violence among high school students-United States, 2003," *Morbidity and Mortality Weekly Report*, 55 (2006): 532-535
- Centers for Disease Control and Prevention. "Youth Risk Behavior Surveillance-United States, 1999." *Morbidity and Mortality Weekly Report* 49(5): 1-96.
- Centers for Disease Control and Prevention. Youth Risk Behavior Surveillance-United States, 2011." *Morbidity and Mortality Weekly Report* 61(4). 6-8-2012.
- Chase, K. A., Treboux, D., O'leary, K. D., and Strassberg, Z. "Specificity of dating aggression and its justification among high-risk adolescents." *Journal of Abnormal Child Psychology* 26(6) (1998): 467-473.
- Coker, A. L., Smith, P. H., McKeown, R. E., and King, M. J. "Frequency and correlates of intimate partner violence by type: physical, sexual, and psychological battering." *American Journal of Public Health* 90(4) (2000): 553.

- DeMaris, Alfred. "The dynamics of generational transfer in courtship violence: A biracial exploration." *Journal of Marriage and the Family* 52(1) (1990): 219-231.
- Eigenberg, H. "Researchers address adolescent intimate partner abuse." UTC News Releases (10-5-2012).
- Elze, D. E. "Against All Odds." *Journal of Lesbian Studies* 6(1) (2002): 17-29.
- Exner-Cortens, Deina, Eckenrode, John, and Rothman, Emily. "Longitudinal Associations Between Teen Dating Violence Victimization and Adverse Health Outcomes." *Pediatrics* 131(1) (1-1-2013): 71-78.
- Falb, K., H. McCauley, M. Decker, J. Gupta, A. Raj, and J. Silverman. "School Bullying Perpetration and Other Childhood Risk Factors as Predictors of Adult Intimate Partner Violence Perpetration." *Archives of Pediatric Adolescent Medicine* 165(10) (2011): 890-894.
- Felson, R. B. and Messner, S. F. "The control motive in intimate partner violence." *Social Psychology Quarterly* 63(1) (2000): 86-94.
- Foo, L. and Margolin, G. "A multivariate investigation of dating aggression." *Journal of Family Violence* 10(4) (1995): 351-377.
- Foshee, V. A. "Gender differences in adolescent dating abuse prevalence, types and injuries." *Health Education Research* 11(3) (1996): 275-286.
- Foshee, V. A., Bauman, K. E., Ennett, S. T., Linder, G. F., Benefield, T., and Suchindran, C. "Assessing the long-term effects of the Safe Dates program and a booster in preventing and reducing adolescent dating violence victimization and perpetration." *American Journal of Public Health* 94(4) (2004): 619.
- Foshee, V. A., T. S. Benefield, S. T. Ennett, K. Bauman and C. M. Suchindran. "Longitudinal Predictors of serious physical and sexual dating violence victimization during adolescence." *Preventive Medicine* 39 (2004): 1007-1016.
- Foshee, V. A., Reyes, H. M. N., and Ennett, S. T. "Examination of sex and race differences in longitudinal predictors of the initiation of adolescent dating violence perpetration." *Journal of Aggression, Maltreatment & Trauma* 19(5) (2010): 492-516.

- Freedner, N., Freed, L. H., Yang, Y. W., and Austin, S. B. "Dating violence among gay, lesbian, and bisexual adolescents: Results from a community survey." *Journal of Adolescent Health* 31(6) (2002): 469-474.
- Friday, P., V. Lord, M. L. Exum, and J. Hartman. "Evaluating the Impact of a Specialized Domestic Violence Police Unit." Final report for National Institute of Justice, grant number 2004-WG-BX-0004. Washington, DC: U.S. Department of justice, National Institute of Justice, University of North Carolina at Charlotte, May 2006, NCJ 215916.
- Georgia Commission on Family Violence and Georgia Coalition Against Domestic Violence. (2009). "2008 Georgia Domestic Violence Fatality Review Annual Report. <http://gcadv.org/wp-content/uploads/2011/01/Fatality-Review-Annual-Report-2008.pdf>, downloaded December 27, 2011.
- Gorman-Smith, D., Tolan, P. H., Sheidow, A. J., and Henry, D. B. "Partner violence and street violence among urban adolescents: Do the same family factors relate?" *Journal of Research on Adolescence* 11(3) (2001): 273-295.
- Green, C. and Mohlhenrich, L. "Dating violence: Can teens access protection orders?" Washington D.C.: National Center for Victims of Crime. (2005)
- Greene, J.C. "Mixed methods in social inquiry." San Francisco, CA: Jossey-Bass. (2007).
- Halpern CT, Young ML, Waller MW, Martin SL, Kupper LL. "Prevalence of partner violence in same-sex romantic and sexual relationships in a national sample of adolescents." *Journal of Adolescent Health*. 2004 Aug;35(2):124-31
- Hamby, S. and Turner, H. "Measuring Teen Dating Violence in Males and Females: Insights From the National Survey of Children's Exposure to Violence." Educational Publishing Foundation (2012).
- Harrell, Adele and Smith, Barbara. "Effects of restraining orders on domestic violence victims." In *Do arrests and restraining orders work* (1996): 214-242.
- Harrell, A., B. Smith, and L. Newmark. "Court Processing and the Effects of Restraining Orders for Domestic Violence Victims." Washington, DC: Urban Institute, May 1, 1993, available online at <http://www.urban.org/url.cfm?ID=405114>.

- Harris, Maxine Ed, and Roger D. Fallot. "Using trauma theory to design service systems." San Francisco, CA: Jossey-Bass (2001).
- Henton, J., Cate, R., Koval, J., Lloyd, S., and Christopher, S. "Romance and violence in dating relationships." *Journal of Family Issues* 4(3) (1983): 467-482.
- Hickmjan, L., Jaycox, L., & Aronoff, J. "Dating violence among adolescents; Prevalence, gender distribution, and prevention program effectiveness." *Trauma, Violence, & Abuse* 5(2) (2004):123-142.
- Holt, V. L., Kernic, M. A., Lumley, T., Wolf, M. E., and Rivara, F. P. "Civil protection orders and risk of subsequent police-reported violence." *JAMA: The Journal of the American Medical Association* 288(5) (2002): 589-594.
- Holt, V. L., Kernic, M. A., Wolf, M. E., and Rivara, F. P. "Do protection orders affect the likelihood of future partner violence and injury?" *American Journal of Preventive Medicine* 24(1) (2003): 16-21.
- Holt, V., M. Kernic, T. Lumley, M. Wolf, and F. Rivara. "Civil Protection Orders and Risk of Subsequent Police-Reported Violence." *Journal of the American Medical Association* 288(5) (August 7, 2002): 589-594, NCJ 196566.
- Howard, D. E., and M. W. Wang. "Psychosocial factors associated with adolescent boys' reports of dating violence." *Adolescence* 38(151) (2003): 519-533
- Howard, D. E., and M. W. Wang. "Risk Profiles of Adolescent Girls who were Victims of Dating Violence." *Adolescence* 38(149) (2003): 1-14.
- Jaffe, P. G., Sudermann, M., Reitzel, D., and Killip, S. M. "An evaluation of a secondary school primary prevention program on violence in intimate relationships." *Violence and Victims* 7(2) (1992): 129-146.
- Karriker-Jaffe, K. J., Foshee, V. A., Ennett, S. T., and Suchindran, C. Sex differences in the effects of neighborhood socioeconomic disadvantage and social organization on rural adolescents' aggression trajectories." *American Journal of Community Psychology* 43(3) (2009): 189-203.
- Keilitz, S., P. Hannaford, and H. Efke. "Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence." Final report for National Institute of

Justice, grant number 93-IJ-CX-0035. Washington, DC: U.S. Department of Justice, National Institute of Justice, 1997, NCJ 172223.

Khubchandani, J., J. Price, A. Thompson, J. Drake, M. Wibishauser, and S. Telljohann. "Adolescent dating violence: A national assessment of school counselors' perceptions and practices." *Pediatrics* (2012).

Kinsfogel, K. M. and Grych, J. H. "Interparental conflict and adolescent dating relationships: integrating cognitive, emotional, and peer influences. *Journal of Family Psychology* 18(3) (2004): 505-515.

Kissell, M. "Orders sought in juveniles' disputes, Law aimed at preventing dating violence used mostly by feuding girls." *Dayton Daily News* (April 7, 2012).

Kitzmann, K. M., N. K. Gaylord, A. R. Holt, and E. D. Kenny. "Child Witness to Domestic Violence: A Meta-Analysis Review." *Journal of Consulting and Clinical Psychology* 71(2) (April 2003): 339-352.

Klein, A. "Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges, NIJ Special Report," grant number 2007M-07032, Washington DC: U.S Department of Justice, National Institute of Justice, NCJ 225722

Klein, A. *The Criminal Justice Response to Domestic Violence*. Belmont, CA: Thomson/Wadsworth, 2004.

Klein, A. "Re-Abuse in a Population of Court-Restrained Male Batterers: Why Restraining Orders Don't Work." In *Do Arrests and Restraining Orders Work?* ed. E. Buzawa and C. Buzawa. Thousand Oaks, CA: Sage, 1996: 192-214, NCJ 161527.

Klein, A., A. Salomon, N. Huntington, J. Dubois, and D. Lang. "Statewide Study of Stalking and Its Criminal Justice Response." Final Report for National Institute of Justice, grant number 2007-WG-BX-0003, Washington, DC: U.S. Department of Justice, National Institute of Justice, May 2007, NCJ 228354.

Klein, A., D. Wilson, A. Crowe, and M. DeMichele. "Evaluation of the Rhode Island Probation Specialized Domestic Violence Supervision Unit." Final report for National Institute of Justice, grant number 2002-WG-BX-0011, March 31, 2005, NCJ 222912.

Lavoie, F., Vezina, L., Piche, C., and Boivin, M. "Evaluation of a prevention program for violence in teen dating relationships." *Journal of Interpersonal Violence* 10(4) (1995): 516-524.

Liz Claiborne, Inc. and Family Violence Prevention Fund, "Troubled Economy Linked to High Levels of Teen Dating Violence & Abuse Survey 2009."). Conducted by Teenage Research Unlimited. (June 2009).  
<[http://www.loveisnotabuse.com/c/document\\_library/get\\_file?p\\_l\\_id=45693&folderId=72612&name=DLFE-202.pdf](http://www.loveisnotabuse.com/c/document_library/get_file?p_l_id=45693&folderId=72612&name=DLFE-202.pdf)>.

Liz Claiborne, Inc. and Teen Research Unlimited. "Tween and teen dating violence and abuse study." New York: Liz Claiborne, Inc. Retrieved October 10, 2008, from: <http://loveisnotabuse.com>.

Logan, T., L. Shannon, R. Walker, and T. Faragher. "Protective Orders: Questions and Conundrums." *Trauma, Violence & Abuse* 7 (2006): 175-205.

Logan, T., R. and C. Walker. "Civil protective order effectiveness: Justice or just a piece of paper?" *Violence and Victims* 25(3) (2010): 332-348.

Logan, T, R. Walker, and J. Cole. "Factors Associated with Separation and Ongoing Violence Among Women with Civil Protective Orders." *Journal of Family Violence* 23(5) (July 2008): 377-385, NCJ 223277.

Logan, T., R. Walker, W. Hoyt, and T. Faragher. "The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, & Costs." Final report for National Institute of Justice, grant number 2005-WG-BX-008. Washington, DC: U.S. Department of Justice, National Institute of Justice, 2009, NCJ 228350.

Macmillan, R., and C. Kruttschnitt. "Patterns of Violence Against Women: Risk Factors and Consequences." Final report for National Institute of Justice, grant number 2002-IJ-CX-0011. Washington, DC: U.S. Department of Justice, National Institute of Justice, August 2004, NCJ 208346.

Makepeace, J. M. "Social factors and victim offender differences in courtship violence." *Family Relations* 36(1) (1987): 87-91.

- Malik, S., Sorenson, S. B., and Aneshensel, C. S. Community and dating violence among adolescents: Perpetration and victimization. *Journal of Adolescent Health* 21(5), 291-302. 1997. Elsevier.
- Marquart, B. S., Nannini, D. K., Edwards, R. W., Stanley, L. R., and Wayman, J. C. "Prevalence of dating violence and victimization: Regional and gender differences." *Adolescence* 42(168) (2007): 645.
- Mayes, T. "Preventing School Failure: Alternative Education for Children and Youth," 52 (4) (2008).
- Miller, E., Decker, M. R., Raj, A., Reed, E., Marable, D., and Silverman, J. G. "Intimate partner violence and health care-seeking patterns among female users of urban adolescent clinics." *Maternal and Child Health Journal* 14(6) (2010): 910-917.
- Miller, N. and Najavits, L. "Creating trauma-informed correctional care: a balance of goals and environment." *European Journal of Psycho-Traumatology* 3 (2012). Available online at <http://www.eurojnlpsychotraumatol.net/index.php/ejpt/article/view/17246/html>.
- Molidor, C. and Tolman, R. M. "Gender and contextual factors in adolescent dating violence." *Violence Against Women* 4(2) (1998): 180-194.
- Moyer, B. "Report on Domestic Violence for 1999 for Lincoln/Lancaster County," Lincoln, NE: Family Violence Council and Lincoln Medical Education Foundation, Inc.: (2000).
- Mulford, C. and Giordano, P. "Teen Dating Violence: A Closer Look at Adolescent Romantic Relationships." *NIJ Journal* 261 (2008).
- National Center for Trauma Informed Care. "Report of project activities over the past 18 months, History and Selected products." (March 2002).
- Offenhauer, Priscilla, and Alice R. Buchalter. "Teen dating violence: A literature review and annotated bibliography." National Institute of Justice, grant number 2010IJR8832. Washington D.C.: Library of Congress, Federal Research Division, 2011, NCJ 235368.

- Oudekerk, B. and Reppucci, N. D. "Examining Explanations for Links between Partner Age Gaps and Poor Health Outcomes." National Institute of Justice Conference in Washington, D.C. (2012).
- O'Keefe, M. "Predictors of dating violence among high school students." *Journal of Interpersonal Violence* 12 (1997): 546-568.
- O'Keefe, M. "Teen dating violence: A review of risk factors and prevention efforts." National Electronic Network on Violence Against Women (2005): 1-13.
- O'Keefe, M., and L. Treister, L. "Victims of dating violence among high school students: Are the predictors different for males and females." *Violence Against Women* 4(2) (1998): 195-223.
- Pennell, S., C. Burke, and D. Mulmat. "Violence Against Women in San Diego." Final Report for National Institute of Justice, grant number 97-IJ-CX-0007. Washington, DC: U. S. Department of Justice, National Institute of justice, March 2002, NCJ 191838. <http://www.ncjrs.gov/app/publications/abstract.aspx?ID=191838>
- Poitras, M. and Lavoie, F. "A study of the prevalence of sexual coercion in adolescent heterosexual dating relationships in a Quebec sample." *Violence and Victims* 10(4) (1995): 299-313.
- Powers, J and Kerman, E. "Teen Dating Violence." ACT for Youth Research Facts and Findings (2006): 1-4.
- Ptacek, J. "Battered Women in the Courtroom: The Power of Judicial Responses." Boston, MA: Northeastern University Press (1999).
- Rennison, C. M., and Welchans, S. "Bureau of Justice Statistics Special Report: Intimate Partner Violence." BJS Statisticians. (2002, January). Retrieved October 3, 2008, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/ipv.pdf>.
- Riggs, D. S. and O'Leary, K. D. "A theoretical model of courtship aggression". Praeger Publishers (1989).

- Roscoe, B. and Callahan, J. E. "Adolescents' self-report of violence in families and dating relations." *Adolescence* 20(79) (1985): 545-553.
- Sagatun-Edwards, I., Hyman, E., Lafontaine, T., & Nelson-Serrano, E. "The Santa Clara County Juvenile Domestic and Family Violence Court." *Journal of the Center for Families, Children and the Courts* 4 (2003): 91-113.
- SAMHSA's National Center for Trauma-Informed Care (NCTIC). "Report of Project Activities Over the Past 18 Months, History, and Selected Products." NCTIC (March 2012).
- Schwartz, M., O'Leary, S. G., and Kendziora, K. T. "Dating aggression among high school students." *Violence and Victims* 12(4) (1997): 295-305.
- Sigelman, C. K., Berry, C. J., and Wiles, K. A. "Violence in College Students' Dating Relationships". *Journal of Applied Social Psychology* 14(6) (1984): 530-548.
- Silverman, J. G., Raj, A., Mucci, L. A., and Hathaway, J. E. "Dating violence against adolescent girls and associated substance use, unhealthy weight control, sexual risk behavior, pregnancy, and suicidality." *JAMA: The Journal of the American Medical Association* 286(5) (2001): 572-579.
- Simons, R. L., Lin, K. H., and Gordon, L. C. "Socialization in the family of origin and male dating violence: A prospective study." *Journal of Marriage & the Family* 60(2) (1998): 467-478.
- Snyder, H. and McCurley, C. "Domestic assaults by juvenile offenders," *Juvenile Justice Bulletin*, NCJ 219180, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (2008).
- Sorenson, B. and Shen, H. "Restraining Orders in California: A Look at Statewide Data." *Violence Against Women* 11 (2005): 912-933.
- Spinney, C., Gofroth, E. and Cohn, E. "Factors influencing the reporting of dating violence prevalence." Kingston, N.J.: Civic Research Institute (2007): 1-21.
- Spitzberg, B. H. (2002). "The Tactical Topography of Stalking Victimization and Management." *Trauma, Violence, & Abuse*, 3(4), (2002): 261-288.
- Spriggs, A. L., Halpern, C. T., and Martin, S. L. "Continuity of adolescent and early adult partner violence victimisation: association with witnessing violent crime in

adolescence.” *Journal of Epidemiology and Community Health* 63(9) (2009): 741-748.

"State Law Report Cards." (2012). *Break the Cycle*, available online at <http://www.breakthecycle.org/state-law-report-cards>.

Swenson, Ty. "In Their Shoes' toolkit to combat dating violence among teens coming to West Seattle, White Center schools." *West Seattle Herald: White Center News* 9-24-2012).

Tashakkori, A. and Teddie, C.. "Mixed methodology: Combining qualitative and quantitative approaches." Thousand Oaks, CA: Sage (1998).

Taylor, B. G., Stein, N. D., Woods, D., and Mumford, E. "Shifting boundaries: Final report on an experimental evaluation of a youth dating violence prevention program in New York City middle schools." 2011. Washington D.C.: U.S. Department of Justice, Grant # 2008-MU-MU-0010, National Institute of Justice, NCJ 236175.

Tjaden, P., and N. Thoennes. "Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey." Final report for National Institute of Justice, grant number 93-IJ-CX-0012. Washington, DC: U.S. Department of Justice, National Institute of Justice, July 2000, NCJ 181867. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=181867>

Tjaden, P., and N. Thoennes. "Stalking: Its Role in Serious Domestic Violence Cases." Final report for National Institute of Justice, grant number 97-WT-VX-0002. Washington D.C.: U.S. Department of Justice, National Institute of Justice, January 2001, NCJ 187346.

Uekert, B., Sagatun-Edwards, I., Crowe, A., Peters, T., Cheesman, F. & Kameda, D. "Juvenile domestic and family violence: The effects of court-based intervention programs and recidivism," Washington D.C.: U.S. Department of Justice, 2003-IJ-CX-1031, National Institute of Justice, 2006, NCJ 216614.

Watson, J. M., Cascardi, M., very-Leaf, S., and O'leary, K. D. "High school students' responses to dating aggression." *Violence and Victims* 16(3) (2001): 339-348.

Wekerle, C. and Wolfe, D. A. "Dating violence in mid-adolescence: Theory, significance, and emerging prevention initiatives." *Clinical Psychology Review* 19(4) (1999): 435-456.

Wekerle, C., and A. Wall. *The Violence and Addiction Equation: Theoretical and Clinical Issues in Substance Abuse and Relationship Violence*. New York, NY: Brunner-Routledge (2002).

Wingood, G. M., DiClemente, R. J., McCree, D. H., Harrington, K., and Davies, S. L. "Dating violence and the sexual health of black adolescent females." *Pediatrics* 107(5) (2001).

Wolitzky-Taylor, K., Ruggiero, K., Danielson, H., Resnick, H., Hanson, R., Smith, D., Saunders, B., & Kilpatrick, D. "Prevalence and correlates of dating violence in a national sample of adolescents." *Journal of the American Academy of Child and Adolescent Psychiatry* 47 (2008): 755-762.

Zwicker, T. "The imperative of developing teen dating violence prevention and intervention programs in secondary schools," *Southern California review of Law and Women's Studies* 131 (2002).

Adams, Sandra. "Serial Batterers." Boston, MA: Office of the Commissioner of Probation (1999).

## Appendix 2. OP Petition Form

F.C.A. §§ 812, 818, 821

Form 8-2  
(Family Offense Petition)  
(9/2009)

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....

Petitioner

Docket No.

-against-

FAMILY OFFENSE  
PETITION

Respondent

.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully states that:

1. a. I reside at [specify address unless confidential]:<sup>1</sup>
- b. The Respondent resides at [specify]:

2. a.  The Respondent and I are related as follows [check applicable box(es)]:

- |  |  |
|--|--|
| <input type="checkbox"/> we are married  | <input type="checkbox"/> we were married       |
| <input type="checkbox"/> we have a child in common   | <input type="checkbox"/> we are parent & child |
| <input type="checkbox"/> we are related by blood or marriage [specify how]:  |  |
| <input type="checkbox"/> we are in an intimate relationship (NOT casual social or business acquaintances) [describe]:  |  |
| <input type="checkbox"/> we were in an intimate relationship (NOT casual social or business acquaintances) [describe]: |  |

b.  I am a peace officer.

3. The Respondent committed the following family offense(s) against me and/or my children, which constitute(s):

- |  |   |
|--|---|
| <input type="checkbox"/> Disorderly conduct                                      | <input type="checkbox"/> Menacing in the second or third degree |
| <input type="checkbox"/> Harassment in the first or second degree                | <input type="checkbox"/> Reckless endangerment                  |
| <input type="checkbox"/> Aggravated harassment in the second degree              | <input type="checkbox"/> Stalking                               |
| <input type="checkbox"/> Assault in the second or third degree                   | <input type="checkbox"/> Attempted assault                      |
| <input type="checkbox"/> Criminal mischief                                       | <input type="checkbox"/> Sexual misconduct                      |
| <input type="checkbox"/> Sexual abuse in the second <sup>2</sup> or third degree | <input type="checkbox"/> Forcible touching                      |

<sup>1</sup> If your health or safety or that of your child or children would be put at risk by disclosure of your address or other identifying information, you may apply to the Court for an address confidentiality order by submitting General Form GF-21, which is available on-line at [www.nycourts.gov](http://www.nycourts.gov). See Family Court Act §154-b.

<sup>2</sup> Where victim is incapable of consent for reason other than being under age 17 [Penal Law §130.60(1)].

[Describe incident, state date, time and place of most recent incident, specify if anyone was injured (how seriously) and if any weapons were used. If there were earlier incidents as well, describe them in additional paragraphs. Use additional sheets where necessary]:

4. I  have  have not filed a criminal complaint concerning these incident(s) [If so, please indicate status].

5. [Check applicable box(es)]:

a. I have no children and there are no other children living in my home.

b. The following children live with me (include children who are not yours).

<u>Name</u>	<u>Date of Birth</u>	<u>Relationship to Me</u>	<u>Relationship to Respondent</u>
-------------	----------------------	---------------------------	-----------------------------------

c. The following children are mine but do not live with me.

<u>Name</u>	<u>Date of Birth</u>	<u>Lives With</u>	<u>Child's Relationship to Respondent</u>
-------------	----------------------	-------------------	---

e. The Respondent committed family offenses against the above child or children as follows [describe including name(s) of child or children, nature of offense(s) and date(s)].<sup>3</sup>

**[Check boxes and complete any of the following paragraphs 6-13 that apply to you. Skip any that do not apply to you.]**

6. The Respondent has acted in a way I consider dangerous or threatening to me, my children or any member of my family, in addition to the incident described in question 3, as follows [describe]:

7. The Respondent was found to have violated an Order of Protection issued on behalf of me or members of my family or household as follows [describe]:

8. The Respondent owns or has access to guns as follows [describe]:

<sup>3</sup> Family offenses include the crimes of assault or attempted assault, aggravated harassment or harassment, disorderly conduct, menacing, reckless endangerment, stalking or criminal mischief.

9.  a. The Respondent has a gun license or pistol permit for the following gun(s) as follows [describe]:

b. The Respondent has a gun license or permit application pending as follows [describe]:

c. The Respondent carries a gun on his or her job as follows [describe]:

10.  a. The Respondent threatened [check applicable box(es)]:

me  my child or children [specify]:

a member or members of my household [specify]:

with a gun or dangerous instrument or object as follows [specify]:

b. There is a substantial risk that Respondent would use or threaten to use a firearm or dangerous instrument or object against me, my child(ren) or member of my household on the basis of the following facts and for the following reasons [describe]:

11. The following court cases are pending between me and the Respondent [specify court, docket or index number, nature of action and status, if known]:

12. The Respondent has the following criminal convictions [specify, including date, crime, sentence and court, if known]:

13. [Applicable where protection is sought for pet(s)]:

a. The following pets live in my house [specify name(s) and type(s)]:

b. The Respondent injured or tried or threatened to injure pets in my household as follows [describe]:

14. I have not made any previous application to any court or judge for the relief requested in this petition, (except [specify the relief, if any, granted and the date of such relief; delete if inapplicable]: \_\_\_\_\_).

WHEREFORE, Petitioner respectfully requests this Court to:

- a. adjudge the Respondent to have committed the family offense(s) alleged;
- b. enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
- c. enter a finding of aggravated circumstances [delete if inapplicable];
- d. enter a temporary order of child support in accordance with Family Court Act §828(4) [delete if inapplicable];
- e. order such other and further relief as to the Court seems just and proper.

Dated:

\_\_\_\_\_

---

Petitioner: (print or type name) / Signature

---

Petitioner's Attorney, if any (print or type name) / Signature

---

Address and telephone number of Attorney, if any

VERIFICATION

STATE OF NEW YORK )  
 ) :ss.:  
 COUNTY OF )

being duly sworn, says that (he)(she) is the Petitioner(s) in the above-named proceeding and that the foregoing petition is true to (his)(her) own knowledge, except as to matters stated to be alleged on information and belief and as to those matters (he)(she) believe(s) them to be true.

\_\_\_\_\_  
 Petitioner: type or print name / Signature

Sworn to before me this  
day of , .

\_\_\_\_\_  
 (Deputy)Clerk of the Court  
 Notary Public

### Appendix 3. DIR Form

Agency		ORI		<b>NEW YORK STATE DOMESTIC INCIDENT REPORT</b>			Sprint # (NYC)		Incident #			
DATES	Month	Day	Year	Time (24 hrs)	Address of Occurrence			APT #	Precinct (over CTV)	Aided # (NYC)	Complaint #	
	How can we safely contact you? (e.g. Name, Phone)								<input type="radio"/> Officer-Initiated <input type="radio"/> Radio Run <input type="radio"/> Walk-In			
<b>SAFE CONTACT INFORMATION</b>												
VICTIM/PARTY (P1)	Name (Last, First, M.I.) / (include aliases)				Phone		DOB	Month	Day	Year	Age	<input type="radio"/> Male <input type="radio"/> Female
	Street & City				APT #	Zip		If non-English, language: <input type="radio"/> Spanish <input type="radio"/> Chinese <input type="radio"/> Other:				
VICTIM/PARTY (P2)	Name (Last, First, M.I.) / (include aliases)				Phone		DOB	Month	Day	Year	Age	<input type="radio"/> Male <input type="radio"/> Female
	Street & City				APT #	Zip		If non-English, language: <input type="radio"/> Spanish <input type="radio"/> Chinese <input type="radio"/> Other:				
SUSPECT / PARTY (P2)	Name (Last, First, M.I.) / (include aliases)				Phone		DOB	Month	Day	Year	Age	<input type="radio"/> Male <input type="radio"/> Female
	Street & City				APT #	Zip		If non-English, language: <input type="radio"/> Spanish <input type="radio"/> Chinese <input type="radio"/> Other:				
SUSPECT/P2	Do parties currently live together?		<input type="radio"/> Yes <input type="radio"/> No		Removed to Hospital?		<input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Asian <input type="radio"/> Native American <input type="radio"/> Other:		Notes (e.g. special needs, disability, requests):			
	IF NO, have they lived together in the past?		<input type="radio"/> Yes <input type="radio"/> No		what hospital?		Prior DV History?		<input type="radio"/> Yes <input type="radio"/> No			
SUSPECT/P2	Do the parties have a child-in-common?		<input type="radio"/> Yes <input type="radio"/> No		RELATIONSHIP: (SUSPECT / P2 to VICTIM / P1)		Prior DV police report?		<input type="radio"/> Yes <input type="radio"/> No			
	Relationship:		<input type="radio"/> Married <input type="radio"/> Formerly Married <input type="radio"/> Intimate Partner/Dating <input type="radio"/> Former Intimate/Dating <input type="radio"/> Child of victim/party 1 <input type="radio"/> Parent of victim/party 1 <input type="radio"/> Other:		Victim fearful?		<input type="radio"/> Yes <input type="radio"/> No			Access to weapons? <input type="radio"/> Yes <input type="radio"/> No		
ASSOCIATED PERSONS	1. Name (Street / APT# / City, if needed)				Phone		DOB	Month	Day	Year	Relationship to victim / P1	
	2.											
3.												
PACT ACTIONS	<input type="checkbox"/> Biting <input type="checkbox"/> Impaired Alcohol/Drugs <input type="checkbox"/> Pushing <input type="checkbox"/> Threw Items <input type="checkbox"/> Destroyed Property <input type="checkbox"/> Injury to Child <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Unwanted Contact <input type="checkbox"/> Forced Entry <input type="checkbox"/> Injury to Other Persons <input type="checkbox"/> Shooting <input type="checkbox"/> Verbal Abuse <input type="checkbox"/> Forced Restraint <input type="checkbox"/> Injury to Pet/Animal <input type="checkbox"/> Slapping <input type="checkbox"/> Violated Visitation/ <input type="checkbox"/> Hair Pulling <input type="checkbox"/> Intimidation/Coercion <input type="checkbox"/> Slamming Body <input type="checkbox"/> Custody Conditions <input type="checkbox"/> Homicide <input type="checkbox"/> Kicking <input type="checkbox"/> Stabbing <input type="checkbox"/> OTHER Suspect Actions: <input type="checkbox"/> Punching <input type="checkbox"/> Strangulation/Choking <input type="checkbox"/> Suicide or Attempt				<input type="checkbox"/> Threats: (specify) <input type="checkbox"/> Injure/Kill Persons <input type="checkbox"/> Injure/Kill Self <input type="checkbox"/> Injure/Kill Pet/Animal <input type="checkbox"/> Take Child <input type="checkbox"/> Destroy/Take Property <input type="checkbox"/> Other:				<input type="checkbox"/> Threat with weapon <input type="checkbox"/> Weapons used: (specify) <input type="checkbox"/> Blunt Object <input type="checkbox"/> Gun <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Sharp Instrument <input type="checkbox"/> Other:			
	Arrest Made? <input type="radio"/> Yes <input type="radio"/> No				Arrest #		Reasons arrest not made on-scene: <input type="radio"/> No Offense Committed <input type="radio"/> No Probable Cause <input type="radio"/> Suspect Off-Scene <input type="radio"/> Warrant/Criminal Summons to be requested <input type="radio"/> Violation level: not in police presence (no citizen's arrest) <input type="radio"/> Other:					
OFFENSES & OP. ARRES	Offenses		Law (e.g. PL)	Section (Sub)	Charges Filed	Offenses Involved: (check all that apply) <input type="radio"/> Felony <input type="radio"/> Misdemeanor <input type="radio"/> Violation <input type="radio"/> Other (Specify):						
	1.				<input type="radio"/>	Registry Checked? <input type="radio"/> Yes <input type="radio"/> No   OP Court Name: _____ Order of Protection? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Family <input type="radio"/> Criminal <input type="radio"/> Supreme Stay Away Order? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Out of State <input type="radio"/> Tribal Order Violated? <input type="radio"/> Yes <input type="radio"/> No   Expiration Date: _____ Any PRIOR orders? <input type="radio"/> Yes <input type="radio"/> No						
2.				<input type="radio"/>								
3.				<input type="radio"/>								
<b>STOP! ***** COMPLETE STATEMENT ON PAGE 2 NEXT *****</b>												
Photos Taken? <input type="radio"/> Yes <input type="radio"/> No		IF YES, photos taken of: <input type="radio"/> Victim Injuries <input type="radio"/> Suspect Injuries <input type="radio"/> Scene <input type="radio"/> Damaged Property <input type="radio"/> Other: _____				Other evidence collected? <input type="radio"/> Yes <input type="radio"/> No IF YES, describe: _____						
Results of investigation and basis of action taken. (Were excited utterances, spontaneous admissions or spontaneous statements made? <input type="radio"/> Yes <input type="radio"/> No (Complete ?10.30 or other form when applicable). _____												
OTHER AGENCIES involved with the parties or incident (e.g. advocates, hospital, probation): _____												
Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="radio"/> Yes <input type="radio"/> No IF YES, officer must contact the NYS CHILD ABUSE HOTLINE REGISTRY # 1-800-635-1522												
Guns in House <input type="radio"/> Guns Seized <input type="radio"/> Has Permit <input type="radio"/> Permit Seized   Issuing County: _____ Permit #(s): _____ Name on Permit(s): _____												
CONTACTS INITIATED BY POLICE: <input type="radio"/> Adult Protective Services <input type="radio"/> Child Protective Services (or ACS) <input type="radio"/> Domestic Violence Services <input type="radio"/> Firearms Licensing <input type="radio"/> Mental Health <input type="radio"/> Parole <input type="radio"/> Probation <input type="radio"/> Rape Crisis <input type="radio"/> Other Agency: _____ Date: _____ Who was notified? _____ Notified by (initial): _____												
Officer's Signature (& Rank) _____ (PRINT and SIGN)				LD.	Month	Day	Year	1. Was DIR given to the victim at the scene? <input type="radio"/> Yes <input type="radio"/> No 2. Was Victim Rights Notice given to victim? <input type="radio"/> Yes <input type="radio"/> No IF NO, give reason: _____				
Supervisor's Signature (& Rank) _____ (PRINT and SIGN)								Page _____ of _____				
POLICE COPY (Please make a copy for your DA's office if appropriate)   NYS DOMESTIC VIOLENCE HOTLINE   ENGLISH: 1-800-942-6906   SPANISH: 1-800-942-6908   3221-6-05 DCJS Copyright © 2005 by NYS DCJS												



**IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, THE POLICE AND COURTS CAN HELP.**

**What the Police Can Do:**

- \* Assist you with finding a safe place, a place away from the violence.
- \* Inform you about how the court can help protect you from the violence.
- \* Help you and your children get medical care for any injuries you received.
- \* Assist you in getting necessary belongings from your home.
- \* Provide you with copies of police reports about the violence.
- \* File a complaint in criminal court, and tell you where your local criminal and family courts are located.

**What the Courts Can Do:**

- \* If the person who harmed or threatened you is a relative by blood or marriage, or is someone you've had a child with, then you also have the right to take your case to family court, criminal court, or both.
- \* If you and the abuser are not related, were never married or don't have a child in common, then your case can be heard only in the criminal court.
- \* The forms you need are available from the family court and the criminal court.
- \* The courts can decide to provide a temporary order of protection for you, your children and any witnesses who may request one.
- \* The family court may appoint a lawyer to help you if the court finds that you cannot afford one.
- \* The family court may order temporary child support and temporary custody of your children.

**New York Law States:** "If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer's jurisdiction, including but not limited to a domestic violence program, a family member's or a friend's residence, or a similar place of safety. When the officer's jurisdiction is more than a single county, you may ask the officer to take you or make arrangements to take you and your children to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency. You have the right to seek legal counsel of your own choosing and if you proceed in family court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you." "You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the family court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The family court may also order the payment of temporary child support and award temporary custody of your children. If the family court is not in session, you may seek immediate assistance from the criminal court in obtaining an order of protection. The forms you need to obtain an order of protection are available from the family court and the local criminal court. The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following 800 numbers. Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime." *(NYS Criminal Procedure Law, Section 530.11 (6))*

**GET HELP NOW - GET SAFE - CALL:**  
**1-800-942-6906 (English) (24 hrs.) or 1-800-942-6908 (Spanish) (24 hrs.)**  
 TTY for the Hearing Impaired: **1-800-818-0656 (English) or 1-800-780-7660** (Spanish and includes a language bank to 140 different languages)  
 In New York City, call the all language, 24 hour Domestic Violence Hotline **1-800-621-4673 (TTY 1-800-810-7444) or 311** or call your local Domestic Violence Program

---

**Victim Information and Notification Everyday (VINE)**  
 Victims may receive information relating to the status and release dates of persons incarcerated in state prison or local jails in New York State. For more information on this program and how you can register, call **1-888-VINE-4NY (1-888-846-3469) from a touch-tone phone (automated system)**

---

**New York City Court Information**

<u>County</u>	<u>Criminal Court</u> (General Information: 646-386-4500)	<u>Family Court</u>
Bronx	215 East 161 St., Bronx 718-590-2000	900 Sheridan Ave., Bronx 718-590-3318
Kings	120 Schermerhorn St., Brooklyn 718-643-3909	330 Jay St., Brooklyn, NY 347-401-9600
New York	100 Centre St., New York 646-386-4615	60 Lafayette St., New York 646-386-5200
Queens	125-01 Queens Blvd., Kew Gardens 718-520-3595	151-20 Jamaica Ave., Jamaica 718-298-0197
Richmond	67 Targee St., Staten Island 718-390-8400	100 Richmond Terrace, Staten Island 718-390-5460

To obtain court information for other areas of NYS, ask the responding officer for court numbers, consult your phone directory, or call the domestic violence hotline (phone number provided above).

**Appendix 4. Petitions Origin by County**

<b>County</b>	<b>Percent (n)</b>	<b>County</b>	<b>Percent (n)</b>
New York City Total	42.3 (510)	Fulton	1.3 (16)
Bronx	14.5 (175)	Broome	1.3 (16)
Kings	11.6 (140)	Schenectady	1.3 (16)
Queens	8.0 (96)	Ulster	1.2 (14)
Monroe	6.9 (83)	Herkimer	1.0 (12)
Suffolk	6.6 (80)	Jefferson	1.0 (12)
Nassau	5.0 (60)	Sullivan	1.0 (12)
New York	4.7 (57)	Genesee	0.8 (10)
Westchester	3.7 (45)	Orange	0.7 (9)
Richmond	3.5 (42)	Oswego	0.7 (9)
Erie	3.6 (43)	Chemung	0.7 (9)
Albany	3.3 (40)	Niagara	0.7 (8)
Onondaga	2.5 (30)	Montgomery	0.5 (6)
Oneida	2.2 (27)	Ontario	0.5 (6)
Dutchess	1.9 (23)	Rockland	0.5 (6)
Rensselaer	1.9 (23)		

### Appendix 5. Most Serious Prior Charge against Respondents (n=615)

		Percent (n)
<b>Crimes Against Persons</b>	Murder	1.0 (6)
	Rape, Forcible	0.8 (5)
	Robbery	18.7 (115)
	Aggravated Assault	20.7 (127)
	Kidnapping	1.0 (6)
	Sex Offense (Except Forcible Rape or Prostitution)	8.1 (50)
	Coercion	0.3 (2)
	Simple Assault	39.2 (241)
	Any Crimes Against Persons	62.4 (384)
<b>Crimes Against Property</b>	Burglary	13.8 (85)
	Larceny	22.3 (137)
	Motor Vehicle Theft	3.9 (24)
	Arson	1.3 (8)
	Forgery & Counterfeiting	3.1 (19)
	Stolen Property	7.0 (43)
	Embezzlement	0.2 (1)
	Unauthorized Use of Vehicle	0.3 (2)
	Possession of Burglar's Tools	0.2 (1)
	Any Crimes Against Property	40.5 (249)
<b>Drug/Alcohol</b>	Controlled Substance Sale: Opium, Cocaine, or Derivatives	1.3 (8)
	Controlled Substance Sale: Marijuana	7.8 (48)
	Controlled Substance Sale: Other	6.0 (37)
	Controlled Substance Possession: Opium, Cocaine, or Derivatives	0.2 (1)
	Controlled Substance Possession: Marijuana	22.1 (136)
	Controlled Substance Possession: Other	14.5 (89)
	Driving under the Influence – Alcohol	2.9 (18)
	Driving under the Influence – Drugs	1.1 (7)
	Any Drug/Alcohol	38.9 (239)
<b>Public Order Offenses</b>	Criminal Mischief	19.2 (118)
	Fraud	17.4 (107)
	Gambling – Other	0.3 (2)
	Offenses Against Public Order	1.9 (5)
	Other Finger printable Offenses	30.7 (189)
	Loitering (Vagrancy)	0.8 (5)

	Dangerous Weapon	15.4 (95)
	Any Public Order	59.2 (364)

**Appendix 6. Concurrent Arrests (within one month of petition filing)  
(n=261)**

		<b>Percent (n)</b>
<b>Crimes Against Persons</b>	Robbery	3.1 (8)
	Aggravated Assault	6.9 (18)
	Kidnapping	1.5 (4)
	Sex Offense (Except Forcible Rape or Prostitution)	0.4 (1)
	Simple Assault	49.0 (128)
	<b>Any Crimes Against Persons</b>	<b>59.0 (154)</b>
<b>Crimes Against Property</b>	Burglary	1.5 (4)
	Larceny	4.2 (11)
	Forgery & Counterfeiting	0.8 (2)
	Stolen Property	1.1 (3)
	<b>Any Crimes Against Property</b>	<b>7.3 (19)</b>
<b>Drug/Alcohol</b>	Controlled Substance Sale: Opium, Cocaine, or Derivatives	0.4 (1)
	Controlled Substance Sale: Marijuana	0.4 (1)
	Controlled Substance Sale: Other	1.5 (4)
	Controlled Substance Possession: Marijuana	6.5 (17)
	Controlled Substance Possession: Other	3.8 (10)
	Driving under the Influence – Alcohol	0.8 (2)
	<b>Any Drug/Alcohol</b>	<b>13.0 (34)</b>
<b>Public Order Offenses</b>	Criminal Mischief	11.1 (29)
	Fraud	2.7 (7)
	Offenses Against Public Order	0.4 (1)
	Other Finger printable Offenses	20.7 (54)
	Dangerous Weapon	1.5 (4)
	<b>Any Public Order</b>	<b>35.2 (92)</b>

**Appendix 7. Petitioner and respondent pairs (gender, age, relationship)\***

			<b>Percent</b>	
<b>Gender pairs</b>	<b>Different</b>	Petitioner female; respondent male	90.5	
		Petitioner male; respondent female	7.7	
	<b>Same</b>	Petitioner female; respondent female	1.6	
		Petitioner male; respondent male	0.2	
<b>Age differences</b>	Petitioner older		3.6	
	Petitioner and respondent same age (within year)		26.6	
	Respondent older (total)		65.9	
	<b>Subcategories of Respondent Older</b>	1 to 5 years older		55.4
		6 to 10 years older		6.6
		11 to 20 years older		2.7
21 years older or more		1.2		
<b>Relationships**</b>	Child in common (any)		60.3	
	Current intimate (any)		7.2	
	Former intimate (any)		35.6	

\* Gender is missing for 1 respondent and age is missing for 4% (48) respondents.

\*\*Petition applications ask petitioners to designate five categories of relationship: 1) child in common, 2) intimate – boyfriend/girlfriend/dating, 3) former intimate – boyfriend/girlfriend/dating, 4) intimate – living together, and 5) intimate – other. Although petitioners could endorse more than one category and many did, some may have thought they could only endorse one category.

**Appendix 8. Counties for Cases Transferred to Supreme Court (n=40)**

<b>County</b>	<b>% of county cases (n/county n)</b>
New York City Total	4% (18/510)
Bronx	2% (3/175)
Kings	4% (5/140)
Queens	3% (3/96)
Monroe	14% (12/83)
Suffolk	1% (1/80)
New York	5% (3/57)
Westchester	2% (1/45)
Richmond	10% (4/42)
Erie	5% (2/43)
Onondaga	7% (2/30)
Broome	7% (1/15)
Chautauqua	33% (1/3)
Putnam	33% (1/3)
Genesee	10% (1/10)

### Appendix 9. Stipulations by Order of Protection Type

Condition Ordered by Judge	Temporary OPS	Final OPS	ANY OP
Refrain from Assault	93.7 (960)	91.6 (207)	94.2 (967)
Stay Away from Person	82.4 (845)	69.5 (157)	82.9 (851)
Stay Away from Home	78.2 (802)	63.3 (143)	78.8 (809)
Refrain from Communication	69.1 (708)	59.3 (134)	69.7 (715)
Other	40.8 (418)	40.3 (91)	44.1 (452)
Stay Away from Place of Employment	37.4 (383)	33.6 (76)	38.2 (392)
<b>Stay Away from School</b>	<b>36.2 (371)</b>	<b>34.1 (77)</b>	<b>36.8 (378)</b>
Refrain from Acts	9.9 (101)	9.3 (21)	10.1 (104)
Surrender Firearms	8.1 (83)	4.0 (9)	8.2 (84)
Stay Away (Other)	6.7 (69)	8.0 (18)	7.1 (73)
Stay Away from Business	5.0 (51)	5.3 (12)	5.3 (54)
Permit Visitation	3.1 (32)	4.4 (10)	3.6 (37)
Ineligible to Receive Firearm License	2.0 (20)	2.2 (5)	1.9 (20)
Firearm License Suspended	1.7 (17)	0.9 (2)	1.7 (17)
Permit Removal of Belongings	1.5 (15)	0.4 (1)	1.5 (15)
Custody Awarded	0	4.9 (11)	1.1 (11)
Refrain from Injuring/Killing Animals	0.9 (9)	0.9 (2)	0.9 (9)
Firearm License Revoked	0	0.4 (1)	0.1 (1)

### Appendix 10. Demographics for Groups With and Without Orders

Petitioner Demographics		Group with no orders (n=179)	Group with orders (n=1026)	X <sup>2</sup> or T Test
		Percent (n)	Percent (n)	
<b>Gender</b>	Female	81.6 (146)	94.0 (964)	X <sup>2</sup> (1)=32.2, p < .001
	Male	18.4 (33)	6.0 (62)	
<b>Race/Ethnicity</b>	White	35.8 (64)	25.2 (259)	X <sup>2</sup> (4)=18.5, p < .001
	Hispanic	20.7 (37)	27.2 (279)	
	Black	10.1 (18)	17.0 (174)	
	Other	-	2.2 (22)	
	Race/ethnicity Unknown	33.5 (60)	28.5 (292)	
<b>Age Groups</b>	17 and under	33.0 (59)	44.2 (453)	X <sup>2</sup> (1)=7.8, p < .01
	18	67.0 (120)	55.8 (573)	
<b>Age</b>	<b>Mean</b>	18.05	17.92	ns
	<b>Range</b>	14.57 – 18.98	12.41 – 18.98	
<b>Respondent Demographics/Criminal History</b>				
<b>Gender</b>	Female	20.7 (37)	7.3 (75)	X <sup>2</sup> (1)=30.7, p < .001
	Male	78.8 (141)	92.7 (951)	
<b>Race/Ethnicity</b>	White	30.2 (54)	20.7 (212)	X <sup>2</sup> (4)=17.3, p < .01
	Hispanic	22.9 (41)	25.6 (263)	
	Black	13.4 (24)	23.1 (237)	
	Other	-	1.7 (17)	
	Race/ethnicity Unknown	33.5 (60)	28.9 (297)	
<b>Age Groups*</b>	17 and younger	16.8 (30)	14.7 (151)	ns
	18 to 19	28.5 (51)	34.0 (349)	
	20 to 29	42.5 (76)	44.8 (460)	
	30 and older	5.0 (9)	3.0 (31)	
<b>Age*</b>	<b>Mean</b>	21.27	20.8	ns
	<b>Range</b>	15.04 – 50.14	14.17 – 52.65	
<b>Prior Arrests</b>	Any prior arrests	29.6 (53)	54.8 (562)	X <sup>2</sup> (1)=38.6, p < .001

	Number prior arrests <b>mean (range)</b>	4.0 (1 - 16)	3.9 (1 - 29)	ns
--	--	-----------------	-----------------	----

\*Missing date of birth for 7.3% (13) in no orders group and 3.4% (35) in orders group.

<b>Gender Pairing</b>		<b>Group with no orders (n=179)</b>	<b>Group with orders (n=1026)</b>	<b>X<sup>2</sup> Test</b>
<b>Different</b>	Petitioner female; respondent male	78.2 (140)	92.6 (950)	X <sup>2</sup> (3)=35.7
	Petitioner male; respondent female	17.9 (32)	5.9 (61)	p < .001
<b>Same</b>	Petitioner female; respondent female	2.8 (5)	1.4 (14)	
	Petitioner male; respondent male	0.6 (1)	0.1 (1)	

<b>Allegation</b>	<b>Group with no orders (n=179)</b>	<b>Group with orders (n=1026)</b>	<b>X<sup>2</sup> or T Test</b>
	<b>Percent (n)</b>	<b>Percent (n)</b>	
<b>Harassment</b>	76.5 (137)	84.9 (871)	X <sup>2</sup> (1)=7.8, p < .01
<b>Disorderly conduct</b>	41.9 (75)	55.3 (567)	X <sup>2</sup> (1)=10.9, p < .001
<b>Assault</b>	44.1 (79)	53.7 (551)	X <sup>2</sup> (1)=5.6, p < .05
<b>Aggravated Harassment</b>	44.7 (80)	51.9 (533)	ns
<b>Menacing</b>	38.5 (69)	49.2 (505)	X <sup>2</sup> (1)=7.0, p < .01
<b>Stalking</b>	41.9 (75)	48.0 (492)	ns
<b>Attempted Assault</b>	38.5 (69)	45.6 (468)	ns
<b>Reckless Endangerment</b>	36.3 (65)	44.4 (456)	X <sup>2</sup> (1)=4.1, p < .05
<b>Other</b>	37.4 (67)	42.4 (435)	ns
<b>Criminal Mischief</b>	35.2 (63)	42.2 (433)	ns
<b>Forcible Touching</b>	20.1 (36)	19.8 (203)	ns
<b>Sexual Misconduct</b>	19.6 (35)	19.0 (195)	ns
<b>Sexual Abuse</b>	19.5 (35)	18.8 (193)	ns
<b>Number of Allegations Mean (range)</b>	4.94 (0 - 13)	5.75 (0 - 13)	t(1203)=2.1, p < .05

### Appendix 11. Difference in Petitioner and Respondent Demographics or Groups With and Without Child in Common

Petitioner Demographics		Have child in common (n=727)	No child in common (n=478)	X <sup>2</sup> or T Test
		Percent (n)	Percent (n)	
<b>Gender</b>	Female	93.1 (677)	90.6 (433)	ns
	Male	6.9 (50)	9.4 (45)	
<b>Race/Ethnicity</b>	White	21.2 (154)	35.4 (169)	X <sup>2</sup> (4)=40.0, p < .001
	Hispanic	30.1 (219)	20.3 (97)	
	Black	18.4 (134)	12.1 (58)	
	Other	1.9 (14)	1.2 (8)	
	Race/ethnicity Unknown	28.3 (206)	30.5 (146)	
<b>Age Groups</b>	17 and under	39.8 (289)	46.7 (223)	X <sup>2</sup> (1)=5.6, p < .05
	18	60.2 (438)	53.3 (255)	
<b>Age</b>	<b>Mean</b>	18.0	17.85	t(905)=2.8, p < .01
	<b>Range</b>	12.54 – 18.98	12.41 – 18.98	
<b>Respondent Demographics</b>				
<b>Gender</b>	Female	7.4 (54)	12.1 (58)	X <sup>2</sup> (1)=7.5, p < .01
	Male	92.4 (672)	87.9 (420)	
<b>Race/Ethnicity</b>	White	16.4 (119)	30.8 (147)	X <sup>2</sup> (4)=48.6, p < .001
	Hispanic	29.8 (214)	18.8 (90)	
	Black	24.6 (179)	17.2 (82)	
	Other	1.4 (10)	1.4 (7)	
	Race/ethnicity Unknown	28.2 (205)	31.8 (152)	

<b>Age Groups*</b>	17 and younger	10.0 (73)	22.6 (108)	$X^2(3)=48.2,$ $p < .001$
	18 to 19	34.3 (249)	31.6 (151)	
	20 to 29	51.0 (371)	34.5 (165)	
	30 and older	3.2 (23)	3.6 (17)	
<b>Age*</b>	<b>Mean</b>	21.02	20.63	ns
	<b>Range</b>	14.99 – 47.38	14.17 – 52.65	
	Number prior arrests <b>mean</b> <b>(range)</b>	3.97 (1 – 29)	3.71 (1 – 29)	ns

\*Missing respondent date of birth for 1.5% (11) in child in common group and 7.7% (37) in no child in common group.

<b>Different</b>	Petitioner female; respondent male	92.2 (670)	87.9 (420)	$X^2(3)=11.4,$ $p < .05$
	Petitioner male; respondent female	6.6 (48)	9.4 (45)	
<b>Same</b>	Petitioner female; respondent female	0.8 (6)	2.7 (13)	
	Petitioner male; respondent male	0.3 (2)	-	
<b>Age Differences*</b>				
Petitioner older		2.8 (20)	4.8 (23)	$X^2(2)=22.3,$ $p < .001$
Petitioner and respondent same age (within year)		23.2 (169)	31.6 (151)	
Respondent older (total)		72.5 (527)	55.9 (267)	
<b>Subcategories of Respondent Older</b>	1 to 5 years older	60.5 (440)	47.5 (227)	
	6 to 10 years older	8.1 (59)	4.2 (20)	
	11 to 20 years older	3.2 (23)	2.1 (10)	
	21 years older or more	0.7 (5)	2.1 (10)	

\*Missing respondent date of birth for 1.5% (11) in child in common group and 7.7% (37) in no child in common group.

## Appendix 12. Respondent with Sex Offense Histories

This section examines respondents who had at least one prior arrest for a sex offense and compares them with those who did not. Exhibit A presents the types of most serious charges for the 54 respondents (8.8% of those with prior arrests and 4.5% of all respondents) who had at least one prior arrest for a sexual offense. There were a total of 59 prior arrests for sexual offenses (1 respondent had 3 prior arrests for a sexual offense, 3 respondents had 2 prior arrests for a sexual offense, and the remaining 50 had 1 arrest for a sexual offense). Over 40% of the arrests explicitly involved rape or sexual abuse where the victim was under 18 or younger and the perpetrator was over 18 or older. Approximately a third of the arrests were for sexual misconduct.

### Exhibit A. Prior respondent arrests for sex offense

Percent (n) of 1205 Respondents with Any Sex Offense		4.5 (54)
Total arrests for sex offense		59
Most Serious Charge	Explanation	Percent (n) of sex offense arrests
Rape, Forcible	Rape 1 <sup>st</sup> - Forcible Compulsion	3.4 (2)
	Rape 3 <sup>rd</sup> - Lack of Consent	5.1 (3)
	Total Rape, Forcible	8.5 (5)
Sex Offense (Except Forcible Rape or Prostitution)	Rape 2 <sup>nd</sup> - Perp >= 18 Victim < 15	20.3 (12)
	Rape 3 <sup>rd</sup> - Perp > 21 Victim < 17	16.9 (10)
	Crim Sex Act 2 <sup>nd</sup> - Perp >= 18 Victim 15	1.7 (1)
	Crim Sex Act 2 <sup>nd</sup> - Ment Disabled Victim	5.1 (3)
	Crim Sex Act 2 <sup>nd</sup>	3.4 (2)
	Sex Abuse 1 <sup>st</sup>	1.7 (1)
	Agg Sex Abuse 2 <sup>nd</sup>	1.7 (1)
	Sex Abuse 2 <sup>nd</sup> - Victim < 14	3.4 (2)
	Sex Abuse 2 <sup>nd</sup>	1.7 (1)
	Forcible Touching	1.7 (1)
	Sexual Misconduct	32.2 (19)
Total Sex Offense	89.8 (53)	
Other Fingerprintable Offense	Promoting Sexual performance of a child	1.7 (1)

Respondent with 3 arrests had 1 for rape 1<sup>st</sup> –forcible, 1 for Crim Sex Act 2<sup>nd</sup>, and 1 for Rape 2<sup>nd</sup> – Perp  $\geq$  18, Victim  $<$  15. Respondents with 2 arrests: a. 1 Rape 2<sup>nd</sup> – Perp  $\geq$  18, Victim  $<$  15, 1 sexual misconduct; b. 2 sexual misconduct; c. 1 Rape 3<sup>rd</sup> – Lack of Consent, 1 sexual misconduct.

**Concurrent arrests for a sex offense:** Two of the respondents with a prior arrest for a sexual offense also had sex offense arrests within a month of the petition filing. One, who had a prior arrest for sexual misconduct, also had an arrest two days before petition filing for sexual misconduct. One, who had a prior arrest for Rape 3<sup>rd</sup>, had an arrest six days post-petition filing for a Sex Offender Registry violation.

**Petitioner demographics:** There were no statistically significant differences between groups of petitioners whose respondent had a prior arrest for a sexual offense and those who did not.

**Respondent demographics and criminal history:** The average age of the sex offenders was 22.4 years, more than 1.5 years older than the non-sex offending group ( $t(1155)=2.7, p < .01$ ). The majority of sex offenders (75.5%) were in their 20s, and only 20.7% were 19 years or younger, whereas 44.9% of those who were not sex offenders were in their 20s, and 51.6% were 19 years or younger. Those respondents with prior sex offenses had more extensive prior criminal histories than those without prior sex offenses, averaging 5.3 offenses compared to 1.8 offenses ( $t(55)=4.97, p < .001$ ). When compared to only the group with prior arrests but no sex offenses there was a smaller but still statistically significant difference. This group had a mean of 3.7 prior arrests compared to the 5.3 for the sex offenders ( $t(613)=2.9, p=.004$ ).

**Petitioner-Respondent pairs:** There were no statistically significant differences between the sex offenders and non-sex offenders with regards to gender pairings of

petitioners and respondents or relationships between petitioners and respondents. There was a statistically significant difference between the two groups in the age pairings of petitioner and respondent. A much lower percentage of respondents with prior arrests for sex offenses (7.5%) were approximately the same age as their petitioners compared to respondents without prior arrests for sex offenses (28.6%). A higher percentage of sex offending respondents were older than their petitioners compared to non-sex offending respondents. Three times the proportion of sex offending respondents were 6 to 10 years older than their petitioners compared to non-sex offending respondents as revealed in Exhibit B.

**Exhibit B. Age Differences between Petitioner and Respondents for Groups With and Without Prior Arrest(s) for Sex Offenses 22**

Age Differences*		Prior arrest for sex offense (n=54)	No prior arrest for sex offense (n=1151)	X <sup>2</sup> Test
Petitioner older		3.8 (2)	3.7 (41)	X <sup>2</sup> (2)=11.4, p = .003
Petitioner and respondent same age (within year)		7.5 (4)	28.6 (316)	
Respondent older (total)		88.7 (47)	67.7 (747)	
<b>Subcategories of Respondent Older</b>	1 to 5 years older	64.2 (34)	57.3 (633)	
	6 to 10 years older	18.9 (10)	6.3 (69)	
	11 to 20 years older	5.7 (3)	2.7 (30)	
	21 years older or more	0	1.4 (15)	

\*Missing respondent date of birth for 1.9% (1) of sex offenders group and 4.1% (47) of non- sex offender group.

**Allegations:** There was no statistically significant difference in the average number of allegations made by petitioners in the group where respondents had a prior arrest for a

sex offense compared to the group where they did not. However, there were some differences in the types of allegations made by petitioners against sex offending respondents. As shown in Exhibit 21, petitioners were more likely ( $p < .05$ ) to allege sexual misconduct and/or sexual abuse against respondents who had prior arrests for sexual offenses, and were marginally more likely ( $p < .1$ ) to allege forcible touching. There were no other statistically significant differences between the two groups in other types of petitioner allegations.

**Exhibit C. Differences in Allegations Between Groups With and Without Respondent Prior Arrests for Sex Offenses**

Allegation	Prior arrest for sex offense (n=54)	No prior arrest for sex offense (n=1151)	X <sup>2</sup> or T Test
	Percent (n)	Percent (n)	
<b>Forcible Touching</b>	29.6 (16)	19.4 (223)	X <sup>2</sup> (1)=3.4, p = .07
<b>Sexual Misconduct</b>	31.5 (17)	18.5 (213)	X <sup>2</sup> (1)=5.6, p = .02
<b>Sexual Abuse</b>	29.6 (16)	18.4 (212)	X <sup>2</sup> (1)=4.2, p = .04
<b>Number of Allegations Mean (range)</b>	6.1 1 – 13	5.6 0 – 13	ns

Compared with the group where respondents had no history of sex offenses, respondents with prior arrests for sex offenses were on average older, and more likely to be older than their petitioners. Three times the proportion of sex offending respondents were 6 to 10 years older than their petitioners compared to non-sex offending respondents. They also, on average, had a higher number of prior arrests. Finally, their petitioners were more likely to allege sexual offenses against respondents who had a prior arrest for a sexual offense suggesting that this subgroup of respondents may more accurately be characterized as “sexual predators” than dating violence perpetrators,

particularly the quarter of such respondents who were more than six years older than their teen petitioners.

**Appendix 13. Percent of respondents who had one or more arrest after original petition was filed by category (respondent n=550)**

	#		% (n)
<b>Crimes Against Persons</b>	1	Murder	0.7 (4)
		Non-negligent Manslaughter	0.2 (1)
	4	Rape, Forcible	0.5 (3)
	5	Robbery	9.5 (52)
	6	Aggravated Assault	10.0 (55)
	11	Kidnapping	2.2 (12)
	22	Sex Offense (Except Forcible Rape or Prostitution)	2.0 (11)
	29	Coercion	0.4 (2)
	37	Simple Assault	53.5 (294)
		Any Crimes Against Persons	63.8 (351)
<b>Crimes Against Property</b>	7	Burglary	6.9 (38)
	8	Larceny	13.8 (76)
	9	Motor Vehicle Theft	1.1 (6)
	10	Arson	0.4 (2)
	24	Forgery & Counterfeiting	1.8 (10)
	28	Stolen Property	3.5 (19)
	41	Unauthorized Use of Vehicle	0.2 (1)
	42	Possession of Burglar's Tools	0.4 (2)
		Any Crimes Against Property	24.0 (132)
<b>Drug/Alcohol</b>	12	Controlled Substance Sale: Opium, Cocaine, or Derivatives	0.5 (3)
	13	Controlled Substance Sale: Marijuana	1.6 (9)

	15	Controlled Substance Sale: Other	4.2 (23)
	16	Controlled Substance Possession: Opium, Cocaine, or Derivatives	0.5 (3)
	17	Controlled Substance Possession: Marijuana	14.5 (80)
	19	Controlled Substance Possession: Other	10.4 (57)
	39	Driving under the Influence – Alcohol	2.9 (16)
	40	Driving under the Influence – Drugs	0.7 (4)
		Any Drug/Alcohol	29.1 (160)
<b>Public Order Offenses</b>	30	Criminal Mischief	16.9 (93)
	31	Fraud	10.2 (56)
	33	Gambling – Numbers and Lottery	0.2 (1)
	35	Offenses Against Public Order	0.4 (2)
	43	Other Finger printable Offenses	34.5 (190)
	47	Loitering (Vagrancy)	0.4 (2)
	20	Dangerous Weapon	8.9 (49)
		Any Public Order	57.6 (317)

**Narrative:** A total of 45.8% (550) of the respondents were arrested after the original petition through the period ending in April 2012. For those arrested, the mean number of arrests was 2.86 but ranged from 1 to 16. Categories of the top charge for the arrest are described in Appendix 13. The most prevalent category of arrest were crimes against persons (63.8%) followed by public order crimes (57.6%). Note that the specific categories add up to more than the general categories because the percentages and numbers are respondents, many of whom had more than one arrest. For example, a respondent may have been arrested (and thus counted) in the categories for Rape, Aggravated Assault, and Simple Assault but would only be counted once in the category Any Crimes Against Persons.

### Appendix 14. Advisory Council Members

MEMBER	TITLE	ORGANIZATION	CITY
Amy Barasch, Esq. (Chair)	Executive Director <sup>11</sup>	NYS Office for the Prevention of Domestic Violence	Albany, NY
Hon. Judy Kluger	Chief of Policy and Planning	NYS Office of Court Administration	New York, NY
Hon. Sharon Townsend	Vice Dean, New York State Judicial Institute; Supreme Court Justice, Erie County	NYS Office of Court Administration	Buffalo, NY
Jeremy Christopher Kohomban, Ph.D.	President and CEO	Children's Village	Dobbs Ferry, NY
Sharon King	Youth Services Coordinator/Violence Prevention Educator	Domestic Violence Project of Warren & Washington Counties	Glens Falls, NY
Katie Gentile	Associate Professor of Counseling; Director of Gender Studies	John Jay College of Criminal Justice	New York, NY
Michele McKeon	Executive Director <sup>12</sup>	NYSCADV	Albany, NY
Bonnie Powell	Police Officer	Rochester Police Department	Rochester, NY
Renise Holohan	Police Sergeant	NYSP	Albany, NY
Tamara Steckler	Attorney-in-Charge, Juvenile Rights Practice	Legal Aid Society	New York, NY
Jane Randel	SVP, Corporate Communications & Brand Services	Fifth & Pacific Companies, Inc. (formerly Liz Claiborne)	New York, NY
Ron Smith	Guidance counselor	NYC	
Anne Glauber	Executive Vice President	Ruder Finn	New York, NY

<sup>11</sup> Position held through 9/12; currently independent consultant, and Senior Research Associate with the Center for Women in Government and Civil Society, SUNY Albany

<sup>12</sup> Position held through summer, 2012. Currently Director of Social Services, Catholic Charities Services, Hudson Valley Region

Curran Street	Executive Director <sup>13</sup>	Capital Pride Center	Albany, NY
Mary Grenz Jalloh	Executive Director	NYS Center for School Safety	New Paltz, NY
Lisa Colarossi, Ph.D., LCSW	Associate Vice President for Research and Evaluation	Planned Parenthood	New York, NY
Rosemarie Thompson	Guidance Counselor	UFT Chapter Leader for Guidance Counselors	New York, NY

---

<sup>13</sup> Appointed in December 2012; previously served as program director

## **Appendix 15. Advisory Council Comments and Recommendations**

The Advisory Council to this research project was made up of senior level members of a broad range of professions, all of whom have a vested interest in policies and practices that affect the safety of juveniles. A list of members can be found in Appendix 14.

The Advisory Council met twice formally, and was available to answer questions and provide input throughout the research project. In addition, individual follow-up calls were made by the Advisory Council chair in order to solicit more specific reactions to and recommendations based on the research findings. Much of the Council's input and recommendations are integrated into the final research report: some specific points are highlighted below.

### **Principle Advisory Council Responses and Recommendations**

The Advisory Council uniformly thought the research questions were very important for ensuring that our system provides effective safety options for juveniles. As seasoned professionals, they were not surprised by most of the findings, although a few details did stand out for them.

- The low number of counter-filings. Some council members expressed surprise that they were so few “counter filings,” in other words respondents who filed against petitioners. That practice was felt to be very common among adult petitioners (although explained above by the fact that only counter-petitions by juveniles were analyzed). Council-members wondered if perhaps adult

- perpetrators were more likely to counter-petition, because they might be savvier about how to take advantage of the court system to further abuse their partners.
- The strong anti-“snitch” culture came a surprise (that reporting intimate partner abuse to the courts would be akin to “snitching” and therefore not an option; that juveniles would be more likely to try to handle a situation themselves). Council-members were very familiar about that challenge in the broader criminal justice arena, just did not expect it here.
  - The low number of juveniles accessing the courts did not come as a great surprise. In addition to barriers discussed in the report, Council-members highlighted how court appearances would be even more difficult for juveniles than adults, especially outside of large cities, due to lack of independent access to transportation, challenges with childcare, concerns about missing school, etc.
  - Surprise about the high rate of criminal conviction among respondents. Given the young age of most offenders, there was some surprise that they still had such a high rate of criminal convictions. An important qualifier was suggested: a disproportionate number of young men in low income communities become involved in the criminal justice system; curious to know how this group of respondents would compare to a control group generally that did not have OPs against them. Also a desire to control for economic status.

Generally, many members saw strong parallels in the challenges juveniles identified in going to civil court with challenges juveniles face in the fields represented on the council (reproductive health, child welfare, juvenile justice, etc.). Commonalities being that juveniles usually have limited and at least partially inaccurate information;

their trusted information sources are informal and community-based; structural challenges in poor communities of color make interaction with the courts overwhelming; even if the systems are good and safe, they cannot be assured of safety once they leave the system; and a lack of support available once the juveniles leave the system. Those who worked within the courts and schools thought about how they might make the systems more effective; and those who work outside of the systems were more likely to think about how the systems might be complemented and strengthened by community work. Some specific observations are listed below by area.

### ***Knowledge of the Order of Protection System by Juveniles***

Juveniles seem to have a general notion about the existence of OP and how they work, but little specific information.

- Rumors and basic information combine to form an incomplete or inaccurate picture of the system, which may not be vastly different from misunderstandings adults have.
- Information about civil OP options have not “trickled down” to schools and other systems youth use, so it’s not yet part of their language.
- Council-members had heard juveniles complain about the duration of the process – although court waits are long for everyone, future research might want to examine why these cases last so long, when most civil OP cases in NY last 2 or 3 court appearances.

- Community perception of the courts generally is negative in low-income communities of color, and most information is learned informally through community sources.
- Courts are a place of stress for families.
- Filing for new Orders of Protection during pendency of existing Orders of Protection probably speaks to poor information on the part of litigants (they could be calling police with a violation and/or filing a violation petition in family court).
- Orders of Protection are also requested by corporation counsel as part of abuse/neglect cases or Persons in Need of Supervision.

### ***Important to understand the developmental stage of juveniles***

Although research may show high level of aggression among girls, it may not account either for the power/control dynamic, nor the fact that young women have not yet learned that aggression is not a successful tactic for them. In other words, juveniles are aggressive, but that does not mean they will all develop into aggressive adults – female juveniles may learn fairly quickly that aggression is not a strategy that is successful for them as adults.

### ***Reactions to the numbers of statutory rape cases***

Familiarity with data regarding unintended pregnancy, and experience with these types of cases, made these numbers un-surprising to most Council-members. Reactions to them varied.

- People less familiar with the court process were surprised to hear that there was not already a protocol for the referrals of these cases to the criminal system.

- A much older man having who has sex with a young juvenile is a much more dangerous person, especially if he is known to have a sexual predator history. These are very high-risk cases that are treated in the same way as all other cases.
- Interesting to compare to our “mandatory reporting” obligation regarding child abuse – a family court judge would be obligated to contact child welfare if they felt a parent or guardian were abusing or neglecting a minor.
- Different thoughts about obligations in these cases:
  - If judges were reporting, would the report go to the prosecutor’s office, and if so, do prosecutors have the resources to prosecute? Will they prosecute if the age disparity is minimal in particular?
  - Referral to child protective services would likely cause confusion – teens are not their priority or strength.
  - Family court is not sure identifying and reporting these cases is their obligation; the transfer provision in the Family Court Act was probably put there when litigants could choose their forum, and allowed judges to make a determination that the wrong forum had been chosen. It is rarely used now.
  - It may be that an order of protection in these cases might be more effective than a criminal prosecution.
  - Enhanced intake might be the best solution – identifying at-risk litigants, and making sure they talk to appropriate professionals, rather than asking judges to make these determinations.

### ***Gender issues***

- As a corollary to the “snitch” culture there is a machismo culture: no boy wants to say he’s a victim; he should have been watching his back. In addition, the harm caused through any abuse by a girl would probably be relatively low, so not harm that a boy is going to acknowledge. Male socialization discourages boys from telling the police about any victimization, even serious violence.

### ***Few Referrals to Supreme Court***

Cases go to Integrated Domestic Violence Court, a Supreme Court, when there are simultaneous pending proceedings in family and criminal involving the same litigants and domestic violence; however, it may take one or two court appearances before that match is made, and an OP case may be almost concluded by then. In addition, if one proceeding is near completion, the judge may not transfer because to do so would not make the proceeding simpler or speedier for the litigant. Integrated Domestic Violence Courts are most commonly used if there is a custody matter in family court with a couple that also has a pending criminal matter.

### ***Recommendations***

Create information about the legal system that is succinct and digestible for juveniles.

- Juveniles need more and better information about the court system overall and how it could affect them (statutory rape, OP violations, child porn, etc.).
- Information should have a few key, relevant points – be simple and straightforward

- Once you've created those messages put them everywhere juveniles might go (school, courthouses, social services organizations, after school programs, etc.)
- What use is being made of social media to communicate with juveniles? School districts are using it more, twitter accounts, Facebook pages, engaging youth leadership. This is a tool that should be fully investigated.
- Need to have teens education other teens. Enhance information for professionals.
- All professionals should know more about the developmental stages of adolescents.
- Police could use in-service training specifically on teen relationships to complement their basic training courses on domestic violence.
- Could use the Dignity for All Students Act (DASA) as a way to integrate awareness of this issue to professionals who work with juveniles.

#### Educate adults in the community

- Isolated juveniles are the ones most At-Risk – not entering the system. Need to inform the caring adults with whom they might come into contact.
- Consider communicating through existing community groups
- Provide summary information for professionals

#### Possible improvements in social services:

- Increase legal and support services available for juveniles – need assistance navigating system
- Improve ability to identify youth who would benefit from enhanced access to services – like the juveniles who are petitioning against much older partners

- Those who interact with juveniles should not try to become experts but identify the juveniles who need their help, and make a referrals (*Planned Parenthood coming out in February with a toolkit that uses an approach that might be instructive by analogy*). Well-intended adults can give poor information.
- One council-member advises educating community members to have reliable information – that’s where people get information they trust, so replace rumor and reputation with accurate information rather than trying to get folks into systems in which they’ll receive information.
- Attorneys and advocates should have information about how adolescents are different developmentally so that they can provide appropriate resources.

### ***System changes***

#### **Courts**

- Consider ways to make the courts more welcoming for teens:
  - Some courts are trying “teen rooms” so juveniles have a place to wait that is more familiar for them, so they can do their homework their (was one in Queens; another model is being piloted somewhere in NYS).
  - Have law school/social work school student advocates – good experience for them, closer in age to the litigants
  - Family Justice Centers have arranged for proceedings to take place through remote video monitor – could other locations implement as well?
- Look to other state’s protocols for final OP
- Educate judges on the emotional and developmental states of juveniles

- Ensure the juvenile litigants are given an attorney at the first court appearance, preferably one who is knowledgeable about working with juveniles
- Provide assessment for these petitioners at the courts, perhaps by probation or a social services organization
- Need to look at respondents too with an eye toward rehabilitation

### **Schools**

- Schools have complicated cultures: need some simple FAQ's for them regarding implementation.
- Schools don't have resources – ended programs for pregnant and parenting teens – but could be provided with information to link with community resources to talk to girls who may be victims of statutory rape, for example.
- There is an official designated education official (“DEO”) that is part of the SAVE Act (Safe Schools Against Violence in Education) who receives information when a student is involved with the criminal courts. They are legally able to share with others only if it impacts the educational experience for student. Could build on that system for family court proceedings too (although it was mentioned that this may not practically be available in all schools, but the infrastructure is technically there).
- Giving a picture of perpetrator to school would be really helpful, would result in a more informed alert.

### **Relationship between the Courts and the School**

- Schools need guidance if an Order of Protection says one person should stay away from another and they are in the same school.

- Provide cross training on professional cultures – about the courts for educators, and about schools for the courts (i.e. schools have a duty to educate vs. courts have a duty to protect). Consider a judicial broadcast (form of short educational components for judges) to discuss asking about school; informing about how local schools are structures i.e. do they have a school safety officer, etc. Could do the same for teachers/school administrators.
- Judges could begin by inquiring whether the litigants go to the same school – stay away from the school provision is then logical and enforceable. If go to the same school, another remedy may have to be crafted.
- There is also currently no information regarding the educational status of the petitioner, or either litigant – important for the overall well-being of the juvenile.
- General agreement that schools should get a copy of an OP protecting a student, certainly if includes a stay away from the school provision, but cannot jeopardize the respondent's right to an education.
- This conflict comes up in other contexts as well – like when teachers have OP's against students.

Advisory Council members felt this report gave them much food for thought, and they will continue to consider practical system changes in response. There was also an acknowledgement that while an OP is a safety option that should be available, it will not be appropriate for all. Until the systems with which juveniles interact are more responsive, Ops may not be as effective for them as they are for adults. Therefore, a greater emphasis on providing informed support to juveniles, and investigating other avenues to safety, are a necessary corollary to improving the OP system.