



ADOLESCENT RELATIONSHIP VIOLENCE: LEGAL RESOURCES AND CONSIDERATIONS FOR HEALTH PROVIDERS

QUESTIONS?

THE COLUMBIA CENTER FOR YOUTH VIOLENCE PREVENTION CAN HELP YOU:

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Relationship Violence vs. Child Abuse and Neglect:

Providers report being concerned regarding their mandated reporting responsibilities regarding child abuse and neglect and screening regarding relationship violence. This concern is based on difficulty distinguishing relationship violence and child abuse and neglect. They are two separate issues. The following information may help providers distinguish between relationship violence and child abuse/neglect:

- Mandated reporting of child abuse and neglect is specific to abuse or neglect perpetrated by **a parent or guardian of a minor**. Relationship violence occurs between two individuals in an intimate relationship.
- Adolescents may engage in an intimate romantic relationship with an adult - if that adult is not their guardian then abuse within the context of that relationship is not mandated child abuse and neglect.
- Parents or guardians of adolescents have limited power to know or control the intimate relationship of the adolescents. In most circumstances relationship violence is not a result of some form of neglect by a parent or guardian.
- In some rare circumstances a parent or guardian may be considered neglectful if the parent aided or abetted in the perpetration of the relationship violence against their teenager by the teen's partner.



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A GUIDE FOR HEALTH PROVIDERS ON SCREENING ADOLESCENTS FOR RELATIONSHIP VIOLENCE

INFORMATION ON:

- CONFIDENTIALITY
- LEGAL ADVOCATES
- ORDERS OF PROTECTION
- STATUTORY RAPE
- CHILD ABUSE AND NEGLECT MANDATED REPORTING



Legal Issues for Providers Screening Adolescents for Relationship Violence

The Legal Issues: Providers have reported in research conducted by the Center for Youth Violence Prevention that a major hurdle in screening for relationship violence is a lack of understanding of the legal resources and ramifications of an adolescent disclosing abuse to them. The main purpose of this pamphlet is to provide health care providers who see adolescent patients with a resource that outlines the legal resources, obligations and limitations they will encounter in discussing relationship violence with minors.

Confidentiality:

Health care providers that regularly see teens are comfortable with the concept of confidentiality in regards to sexual and reproductive health. A broad view of confidentiality in adolescent care is endorsed by both the AAP and the SAM.* Providers can best serve their patients by:

- Prefacing discussions with adolescents with a statement about confidentiality between physician and patient, both its extent and limitations.
- Specifying the limits of physician confidentiality regarding suicidality, homicidality, or abuse by a parent or guardian.
- Being available for the adolescent for a difficult disclosure they may want to make. For instance, offering to see the parent and teen together so that the teen may make the disclosure.

* AAP and SAM are the American Academy of Pediatrics and the Society for Adolescent Medicine



Legal Advocates:

NYC teens can access free, confidential attorney services through violence prevention advocates. Unlike health professionals, lawyers are not subject to any limitations on their confidentiality. When you are seeing a teen that needs a confidential environment you can refer them to:

Day One: This program is specifically for adolescents
dayoneny.org
800.214.4150



The Anti-violence Project: This program is directed towards the LGBT community
www.avp.org
212.714.1141

The Domestic Violence Project: A project of the Northern Manhattan Improvement Corporation this is a local resource but not specific to teens
www.nmic.org/domesticViolence.html
212.822.8311 or 8300

Project Faith: A part of Alianza Dominicana it is targeted toward domestic violence and is a local resource 212.740.7063



Orders of Protection:

One of the ways that legal advocates can help teens is assisting in obtaining an order of protection when appropriate. Orders of protection are also known as restraining orders. In NYC two different types of orders of protection are available to teens. As providers it is useful to know the options that are available to teens when referring them to legal advocates.

1). Criminal Court Order of Protection

Involves the police and criminal charges. A crime must be involved: stalking, menacing, assault, or use of a weapon to scare or hurt someone are all possible crimes that could result in a criminal order of protection

2). Family Court Order of Protection

A new option for non-married partners is a family court order of protection. A petition must be filed with family court. The order can limit contact, handle child visitation and child support if applicable.

Statutory Rape:

Statutory rape is not mandated for health care providers to report unless the abuser is a parent or guardian. The rules are complex as to what constitutes statutory rape and vary according to:

- Age disparity between partners
- Ability of the victim to consent - either due to age or cognitive disability

Practitioners need to know that statutory rape can be used by legal counsel to help victims of abuse press charges but that the details and specifics of statutory rape are best handled by legal counsel.