



March 31, 2016

TO: Sen. Richard Sears, Chair
Sen. Joe Benning, Vice-Chair
Senate Judiciary Committee

FROM: Auburn Watersong, Associate Director of Public Policy
RE: H.95 – minors and justice

Thank you for the invitation to speak to you again about H. 95.

The Network appreciates the efforts of this committee to create effective juvenile justice reforms. As you consider the well-being of Vermont's youth within our justice system and seek to improve the outcomes in their lives, the Network respectfully requests that the committee consider including improvements to the justice system response to minors seeking relief from abuse orders.

According to the Center for Disease Control, : "Among adult victims of rape, physical violence, and/ or stalking by an intimate partner, 22% of women and 15% of men first experienced some form of partner violence between 11 and 17 years of age." This is an alarming figure, and it indicates the importance of providing minors with access to protection orders, the first time they need one.

During calendar year 2015, 4,030 relief from abuse (excluding elderly/disabled exploitation), sexual assault and stalking cases were filed in Vermont. A date of birth was available for 3,394 plaintiffs (93%). There were 30 plaintiffs under the age of 18 at the time the case was filed: 20 relief from abuse; 2 sexual assault; 8 stalking.ⁱ There were 339 relief from abuse cases in which a filing party was a Plaintiff on Behalf of a Minor (Child). Network advocates believe that minors will be more likely to seek protection orders if they are able to file on their own at the age of 16.

Unfortunately, many minors never attempt to access the protection offered by our court system because they understand that, as the law currently reads, they will need to engage a parent in this process. Many minors are unable to do that, for many different reasons. For example, advocates report that LGBTQ teens are often less likely to seek protections for fear of being forced to "come out" to their parents, and for fear of suffering estrangement from disapproving family members. In a 2004 study of gay, lesbian, and bisexual adolescents, the data showed that youths involved in same-sex dating are just as likely to experience dating violence as youths involved in opposite sex dating.ⁱⁱ

Domestic and sexual violence advocates throughout Vermont report the need for older minors to be able to file on their own. One advocate in Caledonia County reports that a protection order filed on behalf of a minor by the minor's grandmother was denied. The grandmother reported to our advocacy agency that she was denied because she was the grandmother and not the parent or legal guardian.

It is the hope of all advocates working at our member programs that we Vermonters never again hear a story of a minor unable to access the protection they seek. To that end, the Network requests that the following amendment be included in H. 95:

Sec. -?-

15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF (a) Any family or household member may seek relief from abuse by another family or household member on behalf of ~~him~~ him or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

Sec. - ?-

15 V.S.A. § 1104 is amended to read: § 1104. EMERGENCY RELIEF (a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the Court that the defendant has abused the plaintiff or his or her children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older may seek relief on his or her own behalf. Relief under this section shall be limited as follows:...

To take effect on July 1, 2016.

Thank you,
Auburn

ⁱ Information provided by Research and Information Division of the Vermont Judiciary, courtesy of Patricia Gabel, Court Administrator, 2/1/16.

ⁱⁱ "Prevalence of Partner Violence in Same-Sex Romantic and Sexual Relationships in a National Sample of Adolescents," Halpern CT, Young ML, Waller MW, Martin SL, Kupper LL. *Journal of Adolescent Health*, Vol. 35, Issue 2, Pages 124-131, (August 2004).