In 2005, seventeen-year-old Regina Howard went to the Superior Court of the District of Columbia to file a petition for a civil protection order against her ex-boyfriend and the father of her child, Marcus James. Marcus and Regina constantly fought after their daughter was born, and those fights escalated into Marcus beating Regina on a weekly basis. Regina decided to seek a protection order after Marcus punched, kicked, and strangled Regina until she passed out in front of their daughter. When she attempted to file her petition, however, the clerk turned Regina away and told her that she was not permitted to file without a parent. At the time, D.C. law did not address whether or under what circumstances a minor could obtain a protection order. Regina's friend told her that she obtained a protection order in D.C. before she turned eighteen without parental involvement, so Regina decided to try again. It was only after her third attempt--and after a lawyer heard about her case and offered to assist her--that Regina was able to file her petition and obtain a protection order. If Regina had not possessed unshakable determination, she would have remained unprotected.

In 2009, fourteen-year-old Karen Carson sought a civil protection order with her mother's assistance against her seventeen year-old boyfriend, John Brown, after he beat and raped her. It was undisputed that the parties shared a dating relationship. The trial court concluded that John's conduct amounted to domestic violence and issued a civil protection order for Karen's safety, which, among other things, ordered John to transfer to a new high school. The Washington Court of Appeals vacated the order, holding that John's conduct could not qualify as domestic violence under Washington law until Karen was at least sixteen years old. Being only fourteen, Karen had no right to legal protection.

Since its emergence in the late 1970s, domestic-violence law has evolved considerably. Due to the tireless work of activists, courts' and communities' views of whether men have a right to beat women and whether the law has a role to play in addressing intimate partner violence have seismically shifted. Systems have been developed to make courts more accessible and legal protections more readily available to persons subjected to abuse.

The issue of teen dating violence emerged against this backdrop. Activists, researchers, and scholars demonstrated the prevalence of abuse in teens' intimate relationships and argued that the same legal protections and social services developed to assist adults should also be extended to teens. Several state legislatures and courts responded by enacting laws that enhance the protections available to abused teens. Despite these positive advances, teens still face substantial obstacles when they seek legal protection from abuse, especially when they approach the courts unaccompanied by a parent or guardian. States must do more to recognize the issue of teen dating violence and guarantee teens the same access to justice that states have accorded adults subjected to domestic violence.
This Article builds on the work of previous scholars to focus more intently on the ways in which states continue to deny abused minors access to justice. Part I of this Article explores the problem of teen dating violence in the United States. This Part particularly examines the prevalence, severity, and lasting impact of dating violence on teens and teens' common reticence to disclose abuse to adults. The combination of these traits makes teen dating violence a highly dangerous, yet largely invisible phenomenon. Part II considers the civil protection-order remedy in the United States—the legal remedy most commonly pursued to address abuse in adult relationships—and analyzes the benefits of civil protection orders for teens subjected to abuse. Part III explores the extent to which state statutes make protection orders more or less accessible based on age. Specifically, this Part focuses on three features of statutes that control teens' access to protection orders based on their status as minors: standing, legal capacity, and parent notification. Part IV analyzes how protection-order statutes exclude teens based on age by denying or failing to explicitly grant teens standing, denying or failing to explicitly grant teens legal capacity to pursue cases independently, and mandating parent notification or involvement in protection-order cases. Moreover, this Part argues that to best protect teens, protection-order statutes must unambiguously extend standing and legal capacity to teenagers without requiring parent notification. Part V argues that although ambiguous statutes often are interpreted to exclude teens from protection, several legal principles support extending standing and capacity rights to teens under ambiguous laws. Part V offers strategies to assist teens in securing legal protections in the many jurisdictions that do not extend protections to them explicitly. Finally, Part VI concludes by recommending how states can reform protection-order statutes to increase abused teens' access to justice.

***

VI. CONCLUSION

To offer teens meaningful legal protection from abuse, state legislatures must draft statutes in a manner that facilitates teens' access to civil protection orders. Protection-order statutes must clearly and unconditionally grant abused teens standing and legal capacity to seek protection orders, without requiring parent notification or involvement. At a minimum, protection-order statutes must specifically articulate the circumstances under which minors have standing and capacity to seek protection orders. To best protect teens, protection-order statutes should confer standing without regard to age, and legal capacity on persons ages twelve and older. Furthermore, states should extend protection-order statutes to encompass individuals in romantic, dating, or sexual relationships, as well as to individuals subjected to sexual assault or stalking. Moreover, courts should be authorized to appoint attorneys to represent minor petitioners who need assistance pursuing their claims. Adults should be accorded standing to seek protection orders on behalf of minors who they know are or fear to be experiencing abuse, and courts should be required to consider the wishes of minor petitioners when adults seek protections on their behalf. Protection orders should be available against minor perpetrators ages twelve and older, and safeguards should be put in place to ensure that courts treat minor respondents in an age-appropriate manner at hearings and in any subsequent enforcement proceedings. In short, by expanding the reach of civil protection-order statutes to
encompass the abuses experienced by teens and encouraging eligible teens to come forward and seek relief, these reforms will maximize abused teens' ability to access justice.