

When Love Hurts

Rights, Responsibilities, Realities



A Program of the New Hampshire Bar Association on Teen Dating Violence



New Hampshire
BAR ASSOCIATION
Equal Justice Under Law

OBJECTIVES OF PROGRAM:

The purpose of this program is to educate students about dating violence and to help them identify dating violence in their relationships. We recognize that attorneys and judges are not counselors, therefore the focus of the program is to educate the students about their legal rights in obtaining civil restraining orders if they are the subject of dating violence. The program is also designed to discourage dating violence by educating the students about the potential ramifications of committing dating violence through a review of the potential criminal consequences and the consequences of being the subject of a civil protective order.

These materials will help you to define abuse for the students. All forms of abuse will not necessarily rise to the level of behavior that will result in a civil restraining order or criminal conviction. After identifying abuse, we review the laws governing civil restraining orders and some relevant criminal laws. We have included, in the PowerPoint presentation, videos which demonstrate for the students, behavior of dating violence which may result in either criminal charges or support a civil protective order.

Thank you for volunteering to participate in the program.

What is Teen Dating Violence?

Teen dating violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Teen dating violence is a pattern of coercive behavior that one person exerts over the other for the purpose of establishing and maintaining power and control over their boyfriend or girlfriend.

Teen dating violence can also include harassment. Harassment is conduct that threatens to cause harm or bodily injury to another person, is sexually intimidating, causes physical damage to the property of another person, subjects another person to physical confinement or restraint or maliciously harms another persons' physical or emotional health or safety.

Teen dating violence can sometimes result in death.

Teen dating violence **IS NOT** an argument every once in a while or a reaction from your boyfriend or girlfriend who is in a bad mood after a bad day. Keep in mind that intense love and devotion can really be a sign of jealousy, possessiveness and control which are early red flags that you should recognize as relationship abuse.

Types of Abuse that are Dating Violence

Physical Abuse

Physical abuse includes any physical act intended to control, harm, injure or inflict physical pain on another person. Physical abuse may consist of just one incident or it may happen repeatedly. Behaviors can range from spitting on or shoving someone to committing murder. Some other examples of physical abuse include: punching, pushing, restraining, grabbing, twisting fingers or arms, slapping, pulling hair, kicking, burning or scalding, biting,

scratching, beating with an object, poking or cutting with a sharp instrument, choking or attacking someone with a weapon.

Emotional and Verbal Abuse

Emotional and verbal abuse is any kind of abuse that affects the mind rather than the body. It is the kind of abuse that wears away at the victim's self-confidence, sense of self-worth, and trust in their own preconceptions and self-concept. It can include anything from verbal insults and constant criticism, to more subtle tactics such as intimidation, manipulation, and refusal to ever be pleased. That abuse can be carried out overtly through berating and belittling or intimidation, or under the guise of "guidance," "teaching," or "advice." Regardless of the specific form that this abuse takes, the negative effect on the victim's sense of self are undeniable. Examples include: embarrassing the person in public or in front of family or friends, criticizing them, telling the person they are not good enough, calling a person degrading names (stupid, loser, slut, cow, pig), constantly correcting the person, refusing to be intimate with them as punishment, talking a person down because of things they can't change (race, skin color, family history), criminally harassing or stalking them, harming their personal possessions or pets, and/or terrorizing a person.

Sexual Abuse

Sexual abuse and exploitation include all forms of sexual assault, sexual harassment or sexual exploitation. Sexual abuse incorporates elements of physical abuse and emotional abuse. Sexual abuse includes forced sex or other sexual acts even though you say no. Some examples include: all forms of sexual assault, sexual harassment or sexual exploitation, forcing a person to participate in any unwanted, unsafe or degrading sexual activity, using ridicule or other tactics to try to defame, control or limit a person's sexuality or reproductive choices, threatening to tell others negative things about a person when they don't engage in requested sexual activity, committing rape, committing sodomy and/or forcing a person to engage in lewd exhibition.

Threats, Isolation, and Harassment

Threats include threatening harm on you or others, threatening retaliation, or threatening to leave the relationship. Isolation can include not allowing you to be with friends, family, peers or engage in normal teenage activities. Harassment includes repeated phone calls, text messages, posts on Facebook, Twitter, or other social networking sites, or excessive calling to your cell phone, job, or your home. Threats and harassment are against the law and one may face criminal charges for engaging in these behaviors.

PROCEDURE AND LAW REGARDING SEEKING A CIVIL PROTECTIVE ORDER:

In New Hampshire, a minor may obtain a civil order of protection without being accompanied by an adult. Therefore, if a student is the victim of teen dating violence they can go to the Court and seek such an order without the need to tell their parents, if they are unable to do so.

Note -

Volunteer attorneys and advocates may be available to help students and go to Court with them. They should call 1-866-644-3574 for help. This number is provided to the students on the “When Love Hurts” insert to the brochure you will be providing them. The brochure itself has many valuable resources including the contact information for local domestic violence advocates and shelters. They should be used as a resource by the students if they are needed.

You are not in the classroom to provide counseling. If a student has questions about when to seek help for themselves or a friend, they should be referred to the hotline number or a local domestic violence program.

Under what circumstances might a Court grant a civil order of protection?

NH RSA 173-B governs the process for seeking a civil order of protection.

What type of “relationships” qualify?

You may seek an order of protection from an abusive partner (current or former sexual or intimate partner).

“Abuse” is defined (by this statute) as:

One or more of the following acts:

- assault (RSA 631:1 through 631:3)
- criminal threatening (RSA 631:4)
- sexual assault (RSA 632-A:5)
- interference with freedom (RSA 633:1 through 633::3-a)
- destruction of property (RSA 634:1 and 634:2)
- unauthorized entry (RSA 635:1 and 635:2)
- harassment (RSA 644:4)

The conduct must be determined by the Court to **constitute a credible present threat** to the petitioner’s safety. The Court may consider evidence of the above acts regardless of proximity in time to the filing of the petition, “which, in combination with recent conduct, reflects an ongoing pattern of behavior which reasonably causes or has **caused the petitioner to fear for his or her safety**”. N.H. RSA 173-B:1.

Process:

- Go to local courthouse (or contact hotline number for further advice and guidance) and possible legal assistance
- Fill out petition for order of protection (clerk’s office has the forms)
- The petition must state facts which give rise to request (i.e., describe instances of abuse)
- There is no filing fee for the petition
- Court may or may not request to see and question Petitioner and may grant or deny the petition on a temporary basis
- If granted, the other party will be served by law enforcement with the Order

-The Court will then schedule a hearing (“final hearing”), where the other party has the opportunity to appear and be heard by the court.

What does the civil order of protection do?

Generally, the Court will order that the defendant/respondent/other party:

- not contact the petitioner
 - this includes through all types of communication method; telephone, e-mail, mail, social media
 - this also includes contact through third parties such as mutual friends
- Prohibit the other party from coming within a designated number of feet of petitioner
- Order them to pay damages (for example, if they break property of the petitioner)
- Prohibit them from possession of a firearm (this includes a firearm used for hunting)

There are many other restrictions that may be placed, but most would not pertain to a teen dating situation and, therefore, are not articulated in these materials.

A final civil order of protection is in effect for one year. There is a mechanism for extending the civil order of protection for up to five years.

NH CRIMINAL STATUTES COMMONLY IMPLICATED IN MATTERS OF DATING VIOLENCE:

Note:

While we think it is important to review the potential criminal conduct and possible sanctions (Realities) with the students, it should be made clear that they can seek a Civil Order of Protection without filing a criminal complaint. The Court will not notify law enforcement of the contents of the Civil Petition.

In order for criminal charges to follow, a complaint must be made to law enforcement. Once a complaint is made to law enforcement, law enforcement investigates and makes the decision whether to charge a criminal offense. The person contacting law enforcement may become a witness in any later criminal prosecution, but they are not the “moving party” or the person bringing the charges. The State of New Hampshire is the moving party in any criminal proceeding.

Simple Assault –

NH RSA 631:2-a states:

- I. A person is guilty of simple assault if he:
 - (a) Purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or
 - (b) Recklessly causes bodily injury to another, or
 - (c) Negligently causes bodily injury to another by means of a deadly weapon.
- II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation.

Criminal Threatening-

NH RSA 631:4 states (in pertinent part):

- I. A person is guilty of criminal threatening when:
 - (a) By physical conduct, the person purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or
 - (b) The person places any object or graffiti on the property of another with a purpose to coerce or terrorize any person; or
 - (c) The person threatens to commit any crime against the property of another with a purpose to coerce or terrorize any person; or
 - (d) The person threatens to commit any crime against the person of another with a purpose to terrorize any person; or
 - (e) The person threatens to commit any crime of violence, or threatens the delivery or use of a biological or chemical substance, with a purpose to cause evacuation of building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of causing such fear, terror or inconvenience; or
 - (f) The person delivers, threatens to deliver, or causes the delivery of any substance the actor knows could be perceived as a biological or chemical substance, to another person with the purpose of causing fear or terror, or in reckless disregard of causing such fear or terror.

Criminal threatening is usually a misdemeanor unless it is a violation of paragraph I(e) or if a deadly weapon is used.

“Terrorize” means to cause alarm, fright, or dread; the state of mind induced by the apprehension of hurt from some hostile or threatening event or manifestation.

Criminal Mischief-

NH RSA 634:2 states (in pertinent part):

- I. A person is guilty of criminal mischief who, having no right to do so nor any reasonable basis for belief of having such a right, purposely or recklessly damages property of another.

Criminal Mischief is generally a misdemeanor unless the pecuniary loss is over \$1,500 and in some other limited circumstances.

False Imprisonment:

NH RSA 633:3 states:

A person is guilty of a misdemeanor if he knowingly confines another unlawfully, as defined in RSA 633:2, so as to interfere substantially with his physical movement.

“Confines another unlawfully” includes, but is not limited to, confinement accomplished by force, threat or deception or, in the case of a person who is under the age of 16 or incompetent, if it is accomplished without the consent of his parent or guardian.

Stalking –

NH RSA 633:3-a states (in pertinent part):

- I. A person commits the offense of stalking if such person:
 - (a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person’s immediate family, and the person is actually placed in such fear;
 - (b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual’s immediate family; or
 - (c) After being served with, or otherwise provided notice of a protective order (civil restraining order under N.H. RSA 173-B)...that prohibits contact with a specific individual, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).
- II. As used in this section:
 - (a) “Course of conduct” means 2 or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof:
 - (1) Threatening the safety of the targeted person or an immediate family member.
 - (2) Following, approaching, or confronting that person, or a member of that person’s immediate family.
 - (3) Appearing in close proximity to, or entering the person’s residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person’s immediate family.
 - (4) Causing damage to the person’s residence or property or that of a member of the person’s immediate family.
 - (5) Placing an object on the person’s property, either directly or through a third person, or that of an immediate family member.
 - (6) Causing injury to that person’s pet, or to a pet belonging to a member of that person’s immediate family.
 - (7) Any act of communication, as defined in RSA 644:4, II (Harassment statute).

Stalking is generally a misdemeanor offense, unless the person has prior stalking convictions.

Harassment –

NH RSA 644:4 states (in pertinent part):

- I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the communication originated or was received, if such person:
 - (a) Makes a telephone call, whether or not a conversation ensues, with no legitimate communicative purpose or without disclosing his or her identity and with a purpose to annoy, abuse, threaten, or alarm another; or
 - (b) Makes repeated communications at extremely inconvenient hours or in offensively coarse language with a purpose to annoy or alarm another, or
 - (c) Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response; or
 - (d) Knowingly communicates any matter of a character tending to incite murder, assault, or arson; or
 - (e) With the purpose to annoy or alarm another, communicates any matter containing any threat to kidnap any person or to commit a violation of RSA 633:4 (interference with custody); or a threat to the life or safety of another; or
 - (f) With the purpose to annoy or alarm another, having been previously notified that the recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected.

Criminal Consequences (Realities):

Note:

The possible consequences if an individual is convicted of a crime vary widely depending upon the facts of the case and individual characteristics of the individual convicted of the offense. We have outlined some of the most common punishments below. We have arranged them in order of severity with the least severe possible sanctions first.

Also note, the current age for an individual to be convicted as an adult is seventeen (17). Recent legislation may change that to eighteen (18). We have proceeded with the state of the law at the time of the drafting of the materials.

Potential consequences for a minor (under the age of 17):

-If the juvenile is found guilty of a crime (adjudicated as it's referred to in juvenile court) or they enter a plea of guilty, they are adjudicated (found to be) a juvenile delinquent.

-If adjudicated as delinquent the Court may order them to go to counseling such as anger management or substance abuse (at their own expense).

-The Court may place them on juvenile probation. This means that they are assigned a juvenile probation officer that will meet with them, check up on them at school, talk to their parents about issues at home, and speak with counselors and other individuals. The juvenile probation officer may order them to participate in counseling and other services in addition to what the Court may order.

-In extreme cases or for repeat offenders, the juvenile may be placed outside their home in a juvenile home or YDC (Youth Detention Center).

Potential consequences for an adult (over the age of 17):

-If a person is either found guilty after trial or enters a plea of guilty to a crime they are found to be guilty of a crime. That conviction will appear on their criminal record for the rest of their life unless they take steps to annul the conviction after some period of time.

-The Court may order that person to pay fines, go to counseling, pay restitution, be placed on probation, and in extreme cases, go to jail.

-Adult probation is much the same as juvenile probation. A probation officer is assigned and may set a curfew, check up on school and/or work attendance and performance, and may order counseling or additional services.

-If an individual over the age of 17 is sentenced to jail time, they serve that time in a county correctional facility with offenders of all ages and accused of all types of crimes.

Long Term consequences:

-A criminal conviction will be on an individual's permanent record unless steps are taken to annul that conviction.

-Most employers ask in job applications if the applicant has ever been convicted of a crime and run background checks on criminal records.

-Many college applications ask if the person has ever been convicted of a crime.

-Some jobs prohibit anyone who has been convicted of a crime from working in that profession.

-Some criminal convictions will prohibit the future possession of a firearm (this includes firearms used solely for hunting).

Safety Tips and Planning: Teen Dating Safety Plan for Teens in an Abusive Dating Relationship

General Safety

- Stay in touch with your friends and family and make it a point to spend time with people other than your boyfriend/or girlfriend.

- Stay involved in activities that you enjoy. Don't stop doing things that you enjoy or that make you feel good about yourself.
- Make new friends. Increase your support network.
- Look into resources at your school or in the community. Consider joining a support group or calling a crisis line.
- Stay in public places, familiar neighborhoods and surroundings.

Safety at School

- Try not to be alone. Let your friends know what is happening and have them walk you to classes and spend time with you during lunch.
- Tell teachers, counselors, coaches, or security guards about what is happening to help keep you safe.
- Change your routine. Don't always take the same route to school or arrive at the same time. Always ride to school with someone. If you take the bus, try to have someone with you.
- Consider rearranging your class schedule if you are allowed to by your school counselor or other school official.
- Always keep your phone, extra change, or a phone card with you so you can make phone calls.
- Consider applying for a protective order from a court.

Safety at Home

- Try not to be alone. If you are alone at home, make sure the doors are locked and the windows are secure.
- Consider telling your parents or other family members about what is happening. They can help protect you by screening your telephone calls or visitors.
- Make a list of important phone numbers. This list should include 911 and phone numbers of supportive friends who you can call when you are upset. Put the numbers of crisis lines on the list.

Safety with Your Boyfriend or Girlfriend

- Try not to be alone with your boyfriend or girlfriend, or to be alone in an isolated or deserted location. Go out to public places.
- Try to double date or to go out with a group of people.
- Let other people know what your plans are and where you will be.
- Try not to be dependent on your boyfriend or girlfriend for a ride.
- Always keep emergency money with you in case you need to make a phone call or for bus or cab fare.
- Trust your instincts! If you feel you are uncomfortable or you feel you are in danger, call the police. Get help immediately. Do not minimize your fears.

Safety When Breaking Up with Your Boyfriend or Girlfriend

- Break up with your boyfriend or girlfriend in a public place.
- Tell other people that you plan to break up with your boyfriend or girlfriend. Let them know where you will be.
- Arrange to call a friend or a counselor after you talk with your boyfriend or girlfriend so that you can discuss what happened.

Who to Turn to for Help

- Talk with your friends or family members about what you are going through so that they can support you.
- If you are able to, talk to your parents or another adult that you trust.
- If you believe you are being harassed, bullied or otherwise victimized by another student, report the incident to the campus principal, counselor, teacher or other campus professional. Your report will be kept confidential.

- Call your local or national domestic violence agencies for help.

VIDEO CLIPS – DISCUSSION AND ANALYSIS:

The PowerPoint presentation follows the progression of these materials. It is imbedded with four video clips, the first three are meant to spark discussion with the students about whether what they are viewing is abusive conduct. If it is abusive conduct, would it rise to the level of a criminal offense or support the issuance of a civil protective order. The idea is to spark classroom discussion and get the students talking about what they see and hear in the videos.

The following are some notations from the Committee's review of these video clips. They are not meant to limit the discussion. We provide our guidance in case the discussion lags.

Video #1 - Ryan and Jade video –

The behavior exhibited is emotional/verbal abuse. There are also threats and in the end the individual takes her phone, which is theft.

Possible criminal conduct:

- criminal threatening (possibly, the threat is not immediate or imminent, so it may not rise to the level of criminal threatening)
- theft (he does take her phone without her permission, which is a theft)
- criminal mischief (if the phone is destroyed, it may be criminal conduct)

Most likely this conduct would give rise to a restraining order, particularly in light of the threat.

**Video #2 -
Huguely murder trial clip –**

Questions:

Would e-mail saying “I should have killed you!”
-form the basis of a civil restraining order?
-be criminal in nature?

**Video #3 –
Siobham Russell video clip –**

Would the following events either serve as the basis for a civil restraining order or possible criminal charges?
-Threats to kill her parents?
-Threats to beat up her brother?
-Threats to harm her younger sister?

Video #4 –

Is meant to be the wrap up of the PowerPoint Presentation

Important Resources:

**Bridges NH Hotline
(603) 883-3044
www.bridgesnh.org**

**New Hampshire Coalition Against Domestic and Sexual Violence
Domestic Violence 24 Hour Hotline
1-866-644-3574
<http://www.nhcadv.org/index.cfm>**

**A Safe Place NH
24 Hour Crisis Phone Line
800-854-3552
http://www.asafeplacenh.org/teen_dating.html**

**YWCA New Hampshire
Teen Dating Violence
www.ywcanh.org**

National Domestic Violence Hotline
1-800-799-7233 or 1-800-787-3224 (TTY)

Love is Respect Helpline
1-866-331-9474 or 1-866-331-8453

Love is Respect Peer-to-Peer Chat at

www.loveisrespect.org

www.loveisnotabuse.com

www.chooserespect.org

www.thesafespace.org

www.breakthecycle.org

www.abanet.org/publiced/teendating.shtml