

Interview with Judge Eugene Hyman: Why A Juvenile Domestic Violence Court?

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October is National Domestic Violence Awareness Month. The following is an interview with Judge Eugene Hyman highlighting juvenile domestic violence, an often misunderstood area of the law. The interview has been shortened and edited for clarity.

Judge Hyman, a lecturer for domestic violence courses at Santa Clara Law School and a retired judge of Santa Clara County, is one of the judges who helped create the Santa Clara County Juvenile Domestic and Family Violence Court in 1999, the first juvenile domestic violence court in the country. Judge Hyman's court received a United Nations Public Service Award in 2008. The court is still in existence today.

Q: Are there ways in which juvenile partner violence is misunderstood?

A: Absolutely. You have to constantly remind schools, parents, and police that it is serious because too many people want to say that a little pushing, or hair pulling, is no big deal. But it is a big deal. These things have a tendency to escalate in terms of violence if you do not address them as soon as possible. We have been fortunate in Santa Clara County that no one has been murdered as a juvenile, but throughout the United States there have been several juveniles murdered in domestic violence relationships.

The problem is an unidentified one. We had to educate



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police and schoolteachers about it, so they knew to make referrals, and to do something about it. In the past, if someone called them, the police would come out and counsel the person to stop, and that was it. So in terms of arresting and filing, there wasn't a lot getting done. Recognition of the problem, however, was the impetus for taking things more seriously.

After the court got the United Nations award, which is very prestigious, and word circulated throughout the United States, you would have thought more jurisdictions would have started juvenile domestic violence courts, but regrettably that has not been the case.

Q: What should parents be on the lookout for?

A: You are looking for signs of physical injury and psychological changes. For example, a child goes from happy-go-lucky to sad, or from crying to distant.

Juvenile domestic violence is similar to adult domestic violence in the sense of isolation: a child who is not engaged with the family. The child is less involved, spending more time with the partner than with the family.

The child may react every time he or she gets a call or text from the partner. The child feels the need to respond to it immediately. Grades go down. The child starts skipping school, perhaps starts using drugs. All these changes have to be investigated because it might be domestic violence, or it might be something else.

Q: What are the legal consequences for the juvenile abuser?

A: It starts off with a police officer responding. If the officer is able to establish probable cause that an incident of domestic violence has happened and that this person was the perpetrator, then the batterer is arrested and is brought to juvenile hall. The person is held for a detention hearing the next day, and then a pre-trial. If that does not work, then there is a hearing to determine whether the petition is found to be true or not.

If it is found to be true, then the case goes to a dispositional hearing. A dispositional hearing will always involve the program and additional probation conditions, such as attending school or vocational training and curfew. Sometimes, depending upon the severity of the violence, there will be additional juvenile hall time, but not always because usually by this time the child has been in juvenile hall at least a week or two. In a couple of cases with severe violence, children have gone to the Youth Authority or a Youth Authority Alternative Program, which is out of the house and out of state.

Most of youth domestic violence is a misdemeanor, just like adult domestic violence. The children are going to be closely monitored, more closely as juveniles than they are as adults because juvenile probation officers have a lower caseload.

You are dealing with the juvenile, you are dealing with the school, you are dealing with the parents, you are dealing with the program, and so the probation officer every time there is a monthly review, is writing a report to the court about how the juvenile is doing. That does not happen with the adults. With the adults, you are seeing them every three months until they complete the 52-week batterers' intervention program. Once they complete the program, it changes from formal to informal probation. It is a lot more hands-on with juveniles. There is a lot more programming, a lot more services, a lot more supervision. The law with respect to juveniles is rehabilitation. It is not called punishment, it is called consequences.

Q: Why might adolescents in particular be afraid to report domestic violence they have suffered?

A: For similar reasons to adults, but the additional problem is the social aspect regarding school, and of course juveniles worry more about friends and social

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contacts than adults do. They are also embarrassed about being abused. They do not want to talk about it.

Sometimes the batterer's friends will pressure their girlfriends to pressure the juvenile victim to recant. You don't see that in adults where the adult batterer has his friends' partners putting pressure on the victim. Usually there it's exclusively the batterer who's putting pressure on the victim to recant and not participate. But in juvenile, the pressure is often placed by third parties, usually by the boyfriend's friends' girlfriends. Not only do you have the battering partner causing problems for the juvenile victim, but you have the girlfriends causing incredible difficulty where sometimes they even get physical. They say, "Look, you're not gonna get Johnny in trouble." It's just amazing how they turn on her: "If he's hitting you, you deserve it for some reason. You've been looking at other guys or whatever." You would be surprised at the amount of pressure by other children, some of whom are the victim's friends and many of whom are not. It is also true regarding sexual assault, where some of these high school girls will call the victim a slut, saying, "You asked for it. You wanted it." It is just ugly stuff in terms of pressure, in terms of not testifying. So it is problematic.

Q: How should the survivor handle the possibility of having the same classes and extracurricular student groups as the abuser?

A: If the abuser is on probation, probation will take care of that because the court's going to issue a protection order. We also encourage victims to get restraining orders and we collaborate with other agencies. The agency goes to court and gets the victim a restraining order, but the probation officer will work with the school in terms of making sure that the children are not in the same classes, and they are not in the same activities. The agencies and schools do a good job of trying to protect the victim regarding protection orders and

possibly restraining orders.

Q: How can schools help prevent adolescent partner violence from happening in the first place?

A: They need to have age-appropriate classes. The average middle school classes should be segregated by gender and teachers should explain what a healthy relationship is because most kids do not know. Most of us figure out relationships based upon our parents' relationship unless our parents had a bad relationship. In terms of marriage and dating, we learn from our friends, our parents. And I think all of us would benefit by having a healthy relationship class that teaches "Don't do something you don't want to do," and what is acceptable behavior. Having your hair pulled is not. Getting slapped is not. Getting bruised is not. You should not be coerced into having sex if you do not want to. If you are having sex, are you having protected sex? It requires intervention by the schools in terms of teaching about relationships.

Q: What role does technology and social media play in adolescent partner violence?

A: Quite a bit unfortunately. You have to worry about what is posted about you plus the ability to text and to instant message and all these alternative means, which are often ways to bully, to control, and to psychologically terrorize, traumatize, and inflict a real reign of terror.

Social media makes the possibility of abuse a lot worse. Bullying has increased astronomically, and one of the probation conditions is to limit how juveniles on probation may use social media. Also, the probation officer should have password access so the officer may check on how the child is using social media and also, by probation condition, look at the phone to see texts. For instance, if the court has made an order that the batterer cannot telephone the victim, then the probation officer will be able to see if he did. The other good thing about having

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juvenile probation officers is that if there is a violation that is promptly addressed, it will promptly be brought back to court.

If you or anyone you know may be a victim of domestic violence, call The National *Domestic Violence* Hotline at 1-800-799-7233.