



Center for Impact Research

Helping with Domestic Violence: Legal Barriers to Serving Teens in Illinois

Executive Summary

(entire report available at www.impactresearch.org)

The Center for Impact Research, in collaboration with the Mayor's Office on Domestic Violence, conducted focus groups and interviews with a total of 110 service providers and teen groups in 1999-2000 to determine why so few services were available for teen victims of domestic violence. This research isolated a variety of Illinois laws and regulations that served as barriers. Subsequent review of laws in other states found that on some issues Illinois laws were more helpful to minors, but that in several key instances Illinois laws are in need of change.

Availability of Shelter for Teens

Providers report that the lack of funding for shelter beds for minors, time limits for shelters, and need for parental consent limit their ability to provide transitional shelter for teens who cannot safely live at home and/or are domestic violence victims.

- Domestic violence shelters are not licensed to take in minors, and cannot house them unless they are emancipated. Licensing requirements have been prohibitive.
- Compared to the estimated need—4,000 homeless minors in Chicago as of 1985—there is very little shelter. There are only 61 beds available for minors who are not wards of DCFS in Chicago. Of these, 37 are available for only 21 days.
- Shelters licensed for minors may only keep youth for 120 days, and parental consent is also required.
- Several other states specify that parents need not be notified where there are compelling reasons against it, allowing the shelters to consider the best interests of the minor and better possibilities of finding safe housing off the streets.

Orders of Protection

Providers report that for teens, civil and criminal orders of protection, that order the abuser away from the victim, are difficult to obtain.

- Although Illinois law explicitly gives minors the same right to obtain an order of protection as any adult, in practice they must seek adult help. Cook County judges require a minor to have an adult seek an order of protection on the minor's behalf. This practice adds to the complexity of the procedure and very few minors obtain orders of protection.
- Other states, like California, allow a minor 12 years of age or older to appear in court without an adult if the offender is or has been a dating partner.

Parental Consent for Health Services

Providers state that Illinois law severely limits their ability to provide teens with needed mental health counseling.

- Compared to other states, Illinois gives minors similar powers of consent for general health services, but considerably less power to consent for mental health counseling. Illinois law stipulates that a minor can seek mental health counseling for up to five 45-minute sessions, at which point parental consent is required. Providers report that this law severely limits their ability to provide meaningful services to teens, many of whom are not yet ready to let their parent know of their predicament.
- Twenty-one states allow minors to consent for outpatient mental health services, and 29 states have no law on the issue. Only three states in addition to Illinois limit the amount of time the minor can receive services.

Recommendations

In order to better serve teen victims of domestic violence, we must

- Expand transitional living services to include minors and create partial emancipation so that minors can seek shelter without parental consent in cases of family or domestic violence;
- Ensure the fulfillment of the Illinois Domestic Violence Act, which allows for minors to seek orders of protection on their own behalf, and clarify jurisdiction so that courts are friendlier to minors;
- Give counselors more autonomy to determine whether parental notification of mental health counseling is in the best of the minor (when otherwise not provided for by law as in cases of rape and sexual assault), or extend the number of counseling sessions that do not require parental consent; and
- Educate service providers, officials, and teens about their rights and responsibilities concerning the issue of teens and domestic violence.

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