

Child
Protection
Professionals
Are
Neglecting
Young Teen
Victims of
Statutory
Rape

By Howard
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PERSPECTIVES

Having been involved in the late 1970's and early 80's "legal discovery" of child sexual abuse, I have in the last two years been impressed by the slow emergence of still another "hidden" form of child victimization. The ABA Center on Children and the Law recently concluded an 18-month collaborative research project with the Progressive Policy Institute that examined legal system and service provider responses to "consensual" sexual relationships between adult males (age 20 and over) and young adolescent girls (age 10-15).¹ Since we began the project, we have spoken to dozens of prosecutors, front line youth service providers, legislators, teen pregnancy and child sexual abuse experts, and teenagers themselves about this "statutory rape" issue. We have also analyzed the criminal laws related to such unlawful relationships. Although our exploratory research frankly raised more questions than it provided answers, we have learned a great deal about the exploitative nature of many of these older man-young teen sexual liaisons. In these situations, romance too often leads to abuse.

Prosecutors, service providers, and teens alike suggested to us that there is (1) community (and often, family) tolerance for these relationships; (2) a lack of awareness among young girls, older men, and professionals alike as to the illegality of this behavior (acts for which men could be imprisoned and/or be labeled for life as "sex offenders"); and (3) a general perception that government agencies (police, prosecutors, child protective services) are disinterested in or not to be trusted with disclosures/reporting of such "relationships."

Our project report recommends a range of state law reforms related to these offenses, crimes which often constitute a very real, and damaging, form of child sexual exploitation. The report suggests that prosecutors should focus particularly on repeat offenders— adult males who move from one relationship with a young teen girl to another — and that prosecution should proceed without regard to the race, class, or social status of the girl or man. The report calls for (1) community as well as school-based education on this issue; (2) existing multidisciplinary structures (e.g., children's advocacy centers) to develop and implement protocols for handling statutory rape cases; and (3) increased counseling and training resources to address both victims and offenders in statutory rape situations.

The Profoundly Negative Consequences of These Unlawful Relationships

Social workers, educators, and medical professionals are becoming increasingly aware of young girls' voluntary sexual pairings with much older partners. Many have witnessed this disturbing pattern for some time, but their concerns have not led to the development of community-wide responses. In the course of our research, we were told by youth service providers and prosecutors alike that statutory rape is a societal problem that for too long has been "swept under the rug."

While sexually transmitted disease rates among teenage males in United States have dropped since the early 1970's, the rate for teenage girls has increased (American Bar Association, 1997). Sexually transmitted disease and AIDS levels among females under age 20 are two to four times higher than the corresponding rates among males the same age. It has been estimated that seven out of ten infected teenage girls become infected with sexually transmitted diseases as a result of sexual relationships with men over 20 years of age. Data suggest that teenagers, particularly girls, acquire nearly all HIV infections from sex with older men.

Pregnancies and births to young girls are also strongly correlated to sexual relationships with older adult men. One study found 40% of 15 year-old mothers have partners five or more years older. In fact, "births to the youngest mothers in the study were disproportionately fathered by much older men who had engaged in sex nine months earlier with 14 and 15 year-olds." (American Bar Association, 1997, p. 3)

It will not surprise APSAC members to learn there is a connection between these exploitative "relationships" and a prior history of sexual abuse. Studies of pregnant adolescents report that they were often initially sexually abused by a family member or an older male acquaintance.

The Failure of Child Abuse Professionals to Address This Problem

Since the ABA sponsored project began, I have had the opportunity to present workshops on statutory rape and appropriate professional responses at a Child Welfare League of America national conference and the national sexual abuse conference in Huntsville, Alabama. In both instances, my talks appear to have been the first presentations on this topic at these annual programs. I am unaware of this subject receiving thorough attention at annual conferences for either prosecutors or juvenile court judges, or at APSAC or NCCAN-sponsored conferences.

In my opinion, these failings are part of a larger shortcoming among the professional child protection community to adequately address teenage crime victims in general, especially teens who don't perceive themselves to be sex offense victims, or who make "difficult" witnesses. The Office for Victims of Crime of the U.S. Department of Justice is to be commended for holding an invitational conclave on teenage sexual victimization at the conclusion of the last Huntsville conference.

All of us have done too little thinking about how the criminal justice, juvenile court, and CPS systems can better identify and respond to cases of statutory rape and other forms of teenage sexual victimization. Individuals who come in contact with young teen girls need help understanding when and why cases are appropriate for justice

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system and child protection intervention. Youth service providers (including those working with pregnant and parenting teens) wrestle with the issue of reporting their clients' sexual relationships to CPS or the police. In about half the states, the laws appear to mandate reporting of suspicions that a minor girl is the victim of statutory rape. However, our research disclosed that most professionals working with such girls will not willingly report. They believe reporting violates the confidential nature of their relationship with their clients. They fear the girl will break her ties to the service provider, thus presenting serious risks for her physical and mental health as well as the health of her unborn child if she is pregnant.

These are the same concerns one hears from physicians and mental health professionals about child abuse reporting laws. But at least professional education on why and how to report intrafamilial child physical and sexual abuse has been widespread. Our statutory rape research reached a new set of players: youth service providers who know little or nothing about mandatory child abuse reporting laws and their application to professionals working with pregnant and parenting teens.

We also learned through our study that there are parents of young teen girls who promote, condone, or financially benefit from their daughters' unlawful sexual relationships with older adult men. These parents may be appropriate subjects for both civil child protection judicial intervention and criminal prosecution. However, I am unaware of any professional education that has been offered to train those who interact with such parents on appropriate legal responses.

In this article I have suggested that the child protection professional community has not appropriately assisted child victims of statutory rape, and that it has shortchanged adolescent victims of abuse in general. In our zeal to protect children we cannot overlook youth. According to 1994 NCCAN data, about 21% — over 1 in 5 — of all child maltreatment victims were teenagers. It is time for all of us to give this group of victims more attention.

Howard Davidson, JD is director of The American Bar Association's Center on Children and the Law.

References

- American Bar Association Center on Children and the Law (1997). *Sexual relationships between adult males and young teen girls: An exploratory look at legal and social responses*. Washington, DC: Author.
- U.S. Department of Health and Human Services (1994). *Child Maltreatment 1994: Reports from the States to the National Center on Child Abuse and Neglect*. Pages 2-6. Washington DC: Author.

'The study, directed by Sharon Goretzky Elstein, was supported by grants from the Carnegie Corporation of New York, the Annie E. Casey Foundation, and the Smith Richardson Foundation.

Letter to the Editor

LETTERS

Dear Editor,

I'd like to respond to the "Perspectives" article in Volume 10, Number 2 of the *APSAC Advisor*. The article was written by Jeffrey Edleson, Ph.D. and focused on the issue of charging battered women with failure to protect. I have had the opportunity to work on both sides of this issue, having been a Program Supervisor of a Domestic Violence program in Hawaii and a Child Protective Investigator in Florida.

Although I do agree with much of the article in relation to what a "battered woman" endures, we must not forget that children endure the same. Somewhere along the line, we as a society have decreased the worth and importance of our children. Anyone familiar with the dynamics of violence in the home understands the notion of violence being "a learned behavior", and often an intergenerational cycle.

As a child protective investigator, I was grateful to have had the expertise in domestic violence, as many of the child abuse cases I investigated were a tornado of violent cycles. I could always provide information and encourage services, but I couldn't force a person to break their walls of blame, minimization and denial. When we look at "battered women" or "battered men" we CANNOT lose focus of the children. At the same time, investigators should not blame the victim for the violence that befalls them.

I have never wavered from my position as a professional. I know that women in abusive relationships endure extensive physical and emotional damage and that the children endure the same. In a violent relationship, learned helplessness is a quickly sharpened skill. We need to empower victims of domestic violence and utilize the resources (and they ARE out there) in order for society's children to grow up in a healthy, non-violent setting. The needs of the children are of utmost importance, and their psychological survival relies on our ability to meet them.

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