

**SEXUAL RELATIONSHIPS BETWEEN ADULT MALES
AND YOUNG TEEN GIRLS:
EXPLORING THE
LEGAL AND SOCIAL RESPONSES**

October 1997

Sharon G. Elstein
Noy Davis

American Bar Association
Center on Children and the Law

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| Project Description and Acknowledgments | i |
| Key Recommendations | iii |
| About the Research | v |
| Chapter 1: Setting the Context | 1 |
| Chapter 2: What Can We Learn From Youth Service Providers? | 8 |
| Findings | 9 |
| Discussion | 11 |
| Recommendations | 12 |
| Chapter 3: What Do The Laws Require? | 15 |
| Recommendations | 18 |
| Chapter 4: How Do Prosecutors Implement the Law? | 21 |
| Findings | 22 |
| Discussion | 24 |
| Recommendations | 26 |
| Chapter 5: Teenagers Talk: Focus Group Discussions | 27 |
| Synthesis of the Findings and Conclusions | 36 |

Project Description and Acknowledgments

The American Bar Association Center on Children and the Law conducted an 18-month project to study the responses of criminal justice and youth service agencies to sexual relationships between adult men and young teenage girls. The project was supported by grants from the Carnegie Corporation of New York, the Annie E. Casey Foundation, and the Smith Richardson Foundation. This project is a descriptive and exploratory study of the nature and scope of these sexual relationships and governmental and nongovernmental agency responses to those relationships. While sample sizes were small, extensive outreach was made to experts in service delivery to adolescents (including medical, health and mental health services, teen pregnancy prevention and intervention programs, and agencies addressing child sexual abuse) and criminal justice responses to sexual crimes.

This project began amid a climate of federal welfare reform deliberations, and we hoped our work could help stop the demonizing of teen mothers who receive public assistance by promoting awareness that **adult men**, not teenage boys, are often responsible for impregnating most young teen girls. No longer should these men be invisible parties in policy considerations. Governors, legislatures, and those who enforce the laws would be reminded that men who are older and more experienced are controlling and manipulating young teen girls for sex.

We gratefully acknowledge the support and assistance of the Progressive Policy Institute (PPI), a subcontractor for the project. PPI's 1994 report, *Preventable Calamity: Rolling Back Teen Pregnancy*, brought this important social problem to the public's attention.

We are indebted to a broad-based, dedicated, and active group of advisors. We would like to thank the following people, and numerous other unnamed experts and practitioners, for their input and expertise: Elijah Anderson, Dr. Trina Menden Anglin, Daniel Ash, Jennifer Baratz, Carol Beck, Lucy Berliner, Debra Boyer, Sheryl Brissett-Chapman, Donna Butts, Patrick Chaulk, Elizabeth Chorak, Gail Christopher, Pat Donovan, Judy Hayes Ellison, Brian Holmgren, Juanita Evans, Sgt. Byron A. Fassett, Dr. Martin Finkel, Dyanne Greer, Andrew Hagan, Donald Jackson, Lisa Kaeser, Brenda Lockley, Mike Males, Jennifer Manlove, Angel Martinez, Dr. Sherry May, Bronwyn Mayden, Michael McGee, Kristen Moore, Shawn Mooring, Dr. Judith Musick, Susan Notar, Ellen Pagliaro, Aracely Panameno, Garrett Randall, Dr. Beth Richie, Ellen Rubin, Elizabeth Schroeder, Jan Stanton, Rick Trunfio, Dr. Mary Vernon, Lori Villarosa, Robin Wilkinson, and Charles Wilson.

In the project's first phase, we developed a background paper and convened experts from the fields of adolescent health and sexuality, child sexual abuse, teen pregnancy, and the legal system to explore the issues and help us refine the project. During the social science and legal research phases, we surveyed social service professionals working with teenagers, including teen mothers; surveyed prosecutors on current policies and practices on statutory rape prosecution; conducted a focus group with young mothers about their relationships with older men; and analyzed relevant state laws.

This report is the culmination of our project. Its components include a review of the literature; an analysis of relevant state laws and current policies; and findings from our interviews with service providers, surveys of prosecutors, and discussions with teen mothers.

We are grateful for the advice and support of our project officers: Gloria Primm Brown, Debra Ysiano Delgado, and Mark Steinmeyer. Points of view expressed in the report are those of the authors, and do not represent the position or policies of the funders. In addition, the views should not be construed as representing the policy of the American Bar Association.

ABA staff members and consultants who participated in the project include: Howard Davidson, Director, Center on Children and the Law; Noy Davis, Project Attorney; Barbara E. Smith, Research Consultant; Emmett Gill, Consultant (Teen Focus Group); Sally Small Inada, Marketing and Publications Director; Carolyn Barnett, Administrative Assistant; Susan Shearouse, Consultant (Invitational Conclave Facilitator); Yolande Samerson, Legal Research Assistant; Jennifer Gilligan Twombly, Research Assistant; and Margaret Oliver and Jennifer Terrasa, Legal Interns.

Through a subcontract to the Progressive Policy Institute, PPI staff members who provided assistance include: William Marshall, Executive Director; Abbe Milstein, Policy Analyst; Navin Girishanker, Policy Analyst; Stephanie Solar, Policy Analyst; Melinda Douglass, Research Intern; Zenia Sanchez, Research Intern; and Dylan Roby, Research Intern.

We were also fortunate to have a small group of teenagers from the metropolitan Washington, DC area willing to discuss their personal histories of sexual involvement with adult men. Our appreciation goes to these young women, for their candor and willingness to share often painful experiences.

During the past year and a half, we have spoken to numerous people throughout the country -- prosecutors, providers of services to youth, legislators, journalists, teen pregnancy experts, and others -- who have given project staff extensive information about sexual relationships between young teen girls and older adult men. Space does not permit me to name all of you (and we specifically promised the prosecutors, service providers and teenagers anonymity). But I want all of you to know how we appreciate the time each of you took out of your busy schedules to carefully inform us about the issues we studied.

Sharon G. Elstein
Project Director

KEY RECOMMENDATIONS

Despite the fact that there is much more research to be accomplished, there are a number of recommendations which can be implemented now, as society, criminal justice agencies, and youth-serving programs work to protect young teen girls and hold adult males accountable. These recommendations, and those found in subsequent chapters, were developed by the project team.

Public Education and Awareness

Educate the Public About Wrongful and Unlawful Sexual Relations. As a result of a great deal of media attention, there is widespread public understanding about the dangers to young children from pedophiles. Communities must now take further steps to understand why sexual relationships between adult males age 20 and older and young adolescent girls are unacceptable, and to recognize that, according to the law, they are nearly always criminal acts. Public education should emphasize the vulnerability of young teen girls, and place the responsibility for avoiding these relationships on the older male partners.

Change Messages About Sexuality. Efforts should be made to raise public awareness about the messages of sexuality found in advertisements, soap operas, movies, and elsewhere. These media depict high levels of sexual activity among adolescent girls, including sex with older men, while often ignoring the consequences or unlawful nature of such expressions of sexuality. Public education efforts should address the seeming disparity between the sexual content of advertisements and entertainment and society's discomfort with responsible sex education for young people, particularly as it relates to teen-adult sex. The phrase "statutory rape" needs to be heard in soap operas, situation comedies, docudramas, and films.

Statutory Changes

Revise Minimum Ages and Age Gaps. All girls ages 10-15 should be legally protected from "consensual" sexual intercourse with men age 20 and above. All girls under age 10 now have such legal protection. Laws should be amended if they do not provide criminal penalties for men age 20 and older who have sexual intercourse, albeit consensual, with girls age 15 and under, including the few laws that set an absolute "age of consent" for girls at their 14th or 15th birthday, no matter how old their male "sexual partners" are. These laws can either specify absolute ages, such as requiring that defendants must be age 20 or older, or specify that defendants must be a certain number of years -- perhaps four or five -- older than the minors with whom they have had sex.

Remove the Mistake-of-Age Defense. Although a very few state constitutions may require otherwise, state unlawful sexual intercourse statutes that criminalize consensual sex between men over 20 years of age and young teen girls age 15 and under should not include a mistake of age defense.

Increase Penalties Under Certain Circumstances. Repeat offenders and men who are 10 or more years older than their young adolescent sexual partner should receive harsher penalties for consensual, but criminal, sexual intercourse. States should also consider enhancing penalties when drugs or alcohol are used to seduce young victims, or when victims contract HIV or other sexually transmitted diseases from these unlawful acts.

Prosecution

Focus on Repeated Sexual Relationships with Young Teen Girls. Men who are found to have repeatedly moved from one unlawful sexual relationship to another should be the special focus of prosecutorial attention.

Prosecute Without Regard to Class, Social Status, or Race. Prosecution for unlawful sexual intercourse based on the sexual involvement of an adult man with a young teen girl should be brought without regard to the man or girl's class, social status, or race.

Prosecute Regardless of Pregnancy. Prosecution of these offenses should not be based on a girl's impregnation or childbearing resulting from the relationship with an older man. Young girls exposed to sexual relationships with adult men need legal protection regardless of whether they are impregnated.

Build on Existing Multidisciplinary Approaches. Prosecutors participating in multidisciplinary team approaches to child sexual abuse cases should build on those inter-agency relationships to develop specific protocols for responding to reports of statutory rape. Prosecutors and law enforcement officials should work closely to educate youth-serving agencies, professionals and youth on the legal criteria for, and method of, reporting, as well as what the likely response will be from criminal justice personnel.

Prevention

Provide Early and Aggressive Education. Young children, both boys and girls, need exposure to relationship skills-building courses, sex education, and self-esteem building activities, and programs should feature segments on when consensual sex is unlawful.

Increase Counseling and Training Resources. Increased services (in the form of counseling and mentors) may reduce the vulnerability of young girls at-risk of entering into unlawful sexual relationships with adult men. Programs serving girls at-risk for involvement in relationships with older men should explore means to teach girls that these relationships are unlawful and inappropriate and why these relationships may have to be reported to Child Protective Services and/or law enforcement. The older males, who may be from similarly disadvantaged backgrounds of poverty and/or abuse, should be targeted for employment services, counseling, and education in caring for children. Older males need to understand that these relationships are unlawful, inappropriate and may need to be reported.

ABOUT THE RESEARCH

This exploratory research study was developed and conducted to understand systemic responses to disclosures of sexual relationships between adult males and young teen girls. The project examined the nature and scope of the responses by youth-serving and criminal justice agencies to reports of unlawful, but consensual, sexual relationships involving a girl aged 10-15 and a male aged 20 or older, regardless of the girl's pregnancy status. Project staff decided on this focus on advice from some 30 experts in the fields of child sexual abuse, teenage pregnancy, law enforcement, prosecution, adolescent health, and mental health. Over the course of a 1½ day conclave, service providers, researchers, health practitioners, detectives and prosecutors discussed societal norms and mores, and the impact of child sexual abuse, race and class, sexuality, gender, and media messages. As one outcome of this meeting, the project was expanded to explore all sexual relationships involving young teen girls and adult males, whether or not they resulted in a pregnancy. The rationale for this expansion was a consensus that all young teenagers involved in sexual relationships with adults deserve our attention, and the absence of pregnancy should not be a shield from accountability.

The research methodology reflected our interest in these relationships. Interviews were conducted with service providers, prosecutors, and teen mothers to learn about the teen girls, the men, the relationships, the familial/community reactions, reporting of the relationship to authorities, and responses to reporting. Sample sizes were small and representativeness cannot be inferred. The methodology was not designed either to represent either the entire range of teenage girls having sexual intercourse with adult men, or to depict the full gamut of responses of any particular child-serving or criminal justice agency or staff person.

Sample selection for the interviews with service providers was accomplished through nonrepresentative purposive sampling. Membership lists were culled for respondents with the background and experience in providing direct services to the focus population (10-15 year old girls in sexual relationships with adult men). Respondents then referred us to others who met the criteria; respondents were also recruited at professional conferences. The sample size was 48 providers. In spite of the intent to collect data about these relationships regardless of pregnancy, a majority of the programs dealt with pregnancy prevention or parenting services. In addition, the programs in the research sample served primarily low-income clients; socioeconomic status was the common denominator. Interviews were also conducted with the head of the specialized child sexual assault prosecution unit (or a comparable unit) in 48 of the largest counties nationwide which handle cases of statutory rape where the victim is age 15 or younger.

The six teen mothers recruited for the interviews and focus group discussion were located through public agencies working with teens on adolescent pregnancy and parenting issues. Recruitment was conducted with the assistance of program directors of Washington, D.C.-metropolitan area social service organizations who identified potential participants from among their clientele. Participants were screened for the following four eligibility requirements: young adolescents who (while between 12 and 15 years of age) engaged in sexual intercourse with men aged 20 and above; young adolescents of Hispanic-American, African-American and Caucasian-

American ethnicity; young adolescents who had experienced at least one pregnancy; and young adolescents who were parenting.

These research efforts were buttressed by a legal analysis of state criminal statutes that proscribe sexual intercourse with minors, based solely upon the minor's age. This legal analysis captures information such as "age of consent," age differentials that the statutes may require between the defendant and the minor, and other issues. It is primarily descriptive, giving a snapshot of the current laws in the 50 states and the District of Columbia. This research is compared to previous research on laws to highlight trends emerging from the states.

Not included in the legal analysis are statutes proscribing: sexual contact that does not amount to sexual intercourse; incest; and sexual intercourse by guardians, custodians or others in a position of authority. In addition, related legal issues which were not the focus of the legal research are highlighted, but not described in depth. These related legal issues include mandatory child abuse reporting and civil or criminal proceedings that might be brought against parents, guardians, or other caretakers who fail to protect their children from engaging in unlawful sexual relationships.

For a full and comprehensive discussion of sample selection, sample descriptions, survey methodology, and state-by-state legal analysis, please see the project's full Final Report.

This was not a study of the men involved in sexual relationships with teenagers. We did not interview adult men on these issues, nor did we contact fatherhood programs or fathers' advocacy groups as a part of this exploratory research. We did not seek to determine whether these men are different from or similar to pedophiles or rapists; what types of interventions are most effective; how men respond to treatment; whether the men come from disadvantaged circumstances, lacking a positive father-figure, as was reported true for the teens in this sample; whether a 20-year-old male involved with a 14-year-old teen will still be attracted to young teens as he gets older; or which men are likely to become nurturing, stable figures, and which are more likely to be opportunistic, predatory "players." Finally, we did not study which types of interventions (prosecution and/or services) are appropriate for adult males in sexual relationships with teenagers, and under what circumstances.

Due to the exploratory nature of this endeavor, many more questions were raised than questions answered. The following is an illustrative, although not exhaustive, listing of important areas for future study.

- *What factors in the lives of young women make them vulnerable to unhealthy relationships with older men?*
- *What factors in the lives of men encourage them to seek relationships with significantly younger partners?*
- *Who are the men involved in relationships with young adolescent girls?*

- *What is the nature of relationships between younger girls and older men?*
- *What is the impact of the media on defining these relationships as acceptable or unacceptable?*
- *How can caseworkers and service providers better respond to girls who disclose their unlawful involvement with an adult male?*
- *How can the criminal justice system better respond to reports of statutory rape and how can we better educate those who come in contact with young teen girls as to when and why cases are appropriate for justice system intervention?*

It is important to recognize that there are no easy answers to the larger questions raised by the involvement of young teenagers with adult males in sexual relationships. Much more work needs to be done. We encourage researchers, practitioners, policy makers and others to take the next steps so our nation's young teenagers will be adequately protected and those who should be are held accountable for their actions.

CHAPTER 1

SETTING THE CONTEXT

In this study, we begin to examine the nature and scope of a troubling social phenomenon: sexual relationships between girls ages 10-15 and adult men age 20 and older. There is growing evidence -- both anecdotal and statistical -- to validate the existence of the problem. Social workers, educators, and medical professionals increasingly report young girls' pairings with much older partners. In addition to emerging data about the paternity of young girls' babies, data about girls' rates of sexual activity, histories of sexual abuse, and infection from sexually transmitted diseases supports these reports.

Young girls age 15 and under are generally considered to be neither legally nor developmentally capable of consenting to sexual relationships with adults. Sexual involvement with adult men is defined as exploitative for these young girls because the relationships are inherently unequal. Yet society often fails to distinguish these younger girls from older teens: the social welfare and criminal justice systems rarely intervene with efforts at either prevention or prosecution, or do so at an insufficient rate.

Social service providers have witnessed this disturbing pattern for some time, but their reports have generally failed to galvanize community-wide responses. In our research we were told, for example, that this is a societal problem which for too long has been "swept under the rug." Prosecutors who handle the relatively small number of statutory rape cases echo that sentiment. Juries are reported as not taking statutory rape cases seriously. Three possible explanations are offered: Teenage girls are often hostile to prosecution and do not make sympathetic victims; teen girls often look and act older than they are, prompting juries to view them as seductive or manipulative; and society is generally accepting of younger woman/older man relationships. It is difficult to draw a bright line defining which relationships are appropriate and which are not.

The problem is complex. Communities are struggling to reach consensus on matters of private sexual conduct. In an effort to assist in the dialogue, research findings from a variety of disciplines were reviewed, and are reported below. While some studies focus on adolescents of age groups different from this project (e.g., 15 to 19 year olds versus 10 to 15 year olds), the research is drawing attention to various facets of the nature and scope of adolescent sexuality and girls' older sexual partners. Some of these areas of inquiry include: sexual activity of adolescent girls (voluntary and involuntary); consequences of adolescent sexual behavior; adult men involved in sexual relationships with teen girls; and what attracts young teen girls to adult men.

A REVIEW OF THE LITERATURE

Sexual Activity of Adolescent Girls

The Alan Guttmacher Institute recently reported on 1988 data that studied the sexual activity of girls ages 14 and under. Statistics for that year indicated that 19.1% of the population of young girls 14 and under experienced sexual intercourse; in actual numbers, this represents more than 300,000 girls.¹ New data from the National Center for Health Statistics (NCHS) reports that close to one-half of adolescents between 15 and 19 years old "reported that [in 1995] they had ever had intercourse."² In addition, NCHS data reveal that, among all women surveyed (ages 15-44) who were under age 16 at first voluntary intercourse, 7.1% had a partner age 20-22, 2.1% had a partner age 23-24, and 4.0% had a partner age 25 or over.³

Nonconsensual Sex

Two recent studies report that sexual molestation was a factor in the lives of the teen mothers studied.

A 1986 study by the Ounce of Prevention Fund examined the histories of 445 teen mothers in Illinois who experienced a first pregnancy by age 16. Of this group, 60% reported they had been forced into an unwanted sexual experience, with a mean age for the first incidence of abuse of 11½. The survey showed that the abuse continued through age 14. Almost half the mothers were abused by men more than 10 years older. Usually, the abusers were known to them: family members, boyfriends, dates or friends.⁴

A 1992 study of 535 teen mothers in Washington State indicated that two-thirds were victims of molestation, rape or attempted rape before their first pregnancy. The mean age of the girls at molestation was 9.7 and the mean age of their offenders was 27.4. The study, conducted by Boyer and Fine, indicated that family members were perpetrators of the molestation in 54% of the cases. Forty-four percent of the girls had been raped by age 13. Their offenders averaged 22 years old.⁵

In their study of nonconsensual sex, NCHS reported that 7.8% of women aged 15-44 disclosed that their first experience of sexual intercourse was not voluntary. If first intercourse occurred at age 15 or younger, 22.1% reported it was nonconsensual sex, compared with 6.5% of those women whose first experience was at age 16 or older.⁶

Consequences of Adolescent Sexuality

Among the ramifications of sexual relationships are sexually transmitted diseases (STDs) and pregnancy.

STDs. While sexually transmitted disease rates among teenage males in the United States have dropped since the early 1970s, the numbers for teenage girls have increased.⁷

Adolescent girls are highly vulnerable to sexually transmitted diseases because their immune systems are not yet fully developed. In a single act of unprotected intercourse with an infected partner, a girl has a 1% risk of acquiring HIV, a 30% risk of getting genital herpes, and a 50% chance of contracting gonorrhea.⁸ The Centers for Disease Control and Prevention reported that 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.⁹

In 1992, researcher Males estimated that seven out of 10 teenage girls become infected with sexually transmitted diseases as a result of sexual relations with men over 20. Males points out that 90% of all HIV cases acquired from heterosexual intercourse before age 18 are in females and only 10% in males. His data suggests that teenagers, particularly girls, acquire nearly all HIV infections from sex with older men.¹⁰ According to Males, "it appears that HIV and AIDS transmission to teens may be less due to teenage sexual practices, on which it is often blamed, than on the pattern of liaison between teenage girls and adult men."¹¹

Pregnancy. Of course, for girls, pregnancy is always a possible consequence of sexual activity. According to the Alan Guttmacher Institute's data from 1988, some 300,000 girls under the age of 14 experienced sexual intercourse, 28,000 of whom became pregnant. Of those, 11,000 gave birth.¹² In 1997, researcher Duberstein Lindberg and her colleagues examined data on teenage childbearing which found that "21% of births to unmarried minors are fathered by someone substantially older." The 15-year-old girls in the study were most likely to have partners five or more years older. In fact, Duberstein Lindberg found that 40% of 15-year-old mothers in her study "had a baby with a partner aged 20 or older."¹³ "Births to the youngest mothers were disproportionately fathered by much older men who had engaged in sex nine months earlier with 14- and 15-year-olds," she reported.¹⁴ Duberstein Lindberg concludes that, "Although these youngest women account for a very small proportion of all adolescent births (2%), they are an extremely vulnerable population and their age raises serious concerns about their ability to give meaningful consent to sexual relations with older men."¹⁵

One of three things may happen when a teen girl gets pregnant as a result of a sexual relationship with an adult male: (1) the male may abandon her, (2) the male may become a transient partner throughout the pregnancy, or (3) the male may remain with the young girl throughout the pregnancy. The teen may find herself the primary care giver with little or no financial support from the baby's father.¹⁶

However, the recent analysis by Duberstein Lindberg contradicts earlier research indicating that older men who impregnate younger girls typically abandon the mothers shortly after conception or birth. Duberstein Lindberg's research concludes that among mothers age 15 to 17 years old who had babies with older men, 49% continue living with their partner after the birth of the baby. According to the interviews performed in her study, girls who had babies with older men were found to be in close, on-going relationships with older male partners up to 30 months after the birth of the baby.¹⁷

Consequences of Nonconsensual Sex

Although our study focuses on consensual sexual relationships, the research reported on above suggests that young teen girls involved in relationships with adult men have histories of sexual assault. The long-term effects of sexual abuse depend on many factors. These include the relationship between the girl and her abuser, the maturity of the girl, and the duration and type of abuse. A study of incest survivors by Dr. C. Henry Kempe concluded that when incest occurs before adolescence and stops when the child matures, there is an opportunity for healing. However, if the child continues to be sexually abused by a family member during her adolescence, the sexual abuse has disastrous consequences. As a result of this abuse, the young adolescent girl understands that to give and receive sexual pleasure to the older man who is abusing her is the one way to receive approval from him. He reinforces her giving her sexual favors through various means of encouragement: clothes, gifts, rides in cars. Adolescence is the period of development in a young girl's life when she forms her identity. If she is repeatedly sexually victimized during this time, she is, in effect, learning that she is a sex object. From now on, the girl will see herself only as the sexualized object of a man's desires.¹⁸

As the long-term consequences of these relationships are studied more thoroughly, researchers have come to some conclusions about young women whose sexual experiences are early and involuntary. Young women who have been exploited sexually may exhibit low self-esteem; suffer from clinical depression; and may exhibit suicidal tendencies. In a 1997 study of pregnant adolescents at a health center in a Rhode Island community, Rubin reported that girls in sexual relationships with older men had been initially sexually abused by a family member or an older male acquaintance.¹⁹

A recent study by Widom of the University of Albany's School of Criminal Justice compared a group of 676 women and men who were sexually and physically abused and neglected as children with 520 who were not victims of childhood abuse or neglect. The study found that childhood sexual abuse and neglect was not correlated with teenage pregnancy or promiscuity, contradicting earlier studies that linked early abuse to teenage pregnancy. However, Widom found that early childhood sexual abuse and neglect significantly increased the risk of prostitution among females. The Widom study offers a limited perspective because the subjects studied were asked to report on victimization that occurred when they were younger than 11. Finally, the pregnancy measure in this study may underestimate the extent of teenage pregnancies because it included only women whose pregnancies ended in abortions or miscarriages.²⁰

What Is Known About Adult Men Involved in Sexual Relationships with Teen Girls?

There has been little research to date on the characteristics of adult men who become sexually involved with adolescent girls. However, several researchers have begun to examine the psychological traits of these men.

In their study of adolescent mothers and older fathers, Nakashima and Camp found that men who engage in relationships with adolescent women have personal characteristics that reflect those of an adolescent, rather than an adult. For example, the study shows that older men who had relationships with younger women had egos similar to those of young boys. The researchers inferred from these findings that older men who choose young adolescent female partners have feelings of inadequacy and that they were possibly developmentally arrested.²¹ These men often have criminal histories, according to researchers Lamb, Elster and Tavaré.²²

Duberstein Lindberg's 1997 analysis found that men who fathered babies with girls 15 to 17 years old were less likely to have a high school degree than men who fathered babies with adult women. She concluded that men who fathered babies with young girls are less desirable partners for older women because they have lower earning potential. But for teen girls, these older males appear to have more money and, at the beginning of relationships, seem more stable than teen boys.²³

What Makes Young Girls Vulnerable to the Attentions of Older Men?

Two theories are suggested by the literature to explain why young teen girls are drawn to older sexual partners: (1) lack of a positive father or father-figure in their lives; and (2) the men can supply goods or services not otherwise available.

Lack of a Positive Father/Father-Figure

Young girls need fathers to love, nurture and protect them. Unfortunately, many young girls are raised in homes without fathers; others may receive only sexual attention from their fathers. Musick notes that paternal absence, abuse, or dysfunction leaves young girls in a position easily exploited by older males.²⁴ Abused girls may be tricked or forced into having sex with older men.²⁵

The theory suggests that because a caring male role model is absent from her life, a young teen girl will turn to another older male in an attempt to fill that void. Researchers at Raymond Associates, Inc., who studied teen mothers 15 to 17 years old in Rochester, N.Y., documented a number of traits among young adolescent girls involved with older partners, including low self-esteem and depression. The young women in this study often saw older men as "white knights" who could rescue them.²⁶

Supplier of Goods and Services

A young girl may be seduced by the attentions of an older man who is able to offer her money, gifts, dinner, drugs, and even a car. The girl may be desperate to get out of her life situation, especially if she is abused or neglected. She may believe that an older, more mature male can give her advice about her life. He may represent an opportunity to escape from her current circumstances. Family members may not discourage the relationship, especially since these relationships appear consensual. The relationship may quickly intensify into a sexual encounter. There may be no opportunity for discussions about sex, contraception or consequences. Despite these problems, a girl may feel secure in the relationship.²⁷

Broader Issues Beyond the Scope of this Project

There are many topics related to the issues that were not included in this project due to the scope of the research funded but which merit examination and research. These larger, contextual issues include: a lack of societal comfort about adolescent sexuality; ambivalence about sexual relationships between adults and teenagers; the sensitive issues of culture and class; the special vulnerability of girls in the custody of state or local agencies; and how welfare reform measures may or may not impact on decisions affecting teenage mothers.

Societal Discomfort Around Adolescent Sexuality. The Center for Disease Control and Prevention's National Center for Health Statistics reported that about 50% of teenagers 15-19 years old engaged in intercourse in 1995. Ideally, harmful sexual relationships between young teens and adults would be explored openly within the broader context of young people's sexual attitudes, practices, and histories. However, American society lacks a comfort level about adolescent sexuality, and there is little consensus on whether, and under what circumstances, teenagers should or should not engage in sexual activity.

Society's Ambivalent Attitudes About Sexual Relationships Between Adults and Teens. What messages do parents, schools, religious institutions, and the media give teen girls about the propriety of sexual relationships with older adult men (if they broach this topic at all)? What messages are boys and young men being given about seeking out relationships with significantly younger girls? For example, the media has focused interest on cases where a public figure has allegedly been in a sexual relationship with a teenage babysitter, or where a married man became sexually involved with what the press portrayed as a teenage "temptress." But these "relationships" are sometimes glamorized, and older man/younger woman relationships are acceptable in our culture.

The Sensitive Issues of Class and Culture. Clearly, it is easier within some areas of society to hide minor-adult relationships from view (much like the existence of child abuse or domestic violence), particularly from the eyes of police, child protection agencies, and health care providers. Pregnant girls who must rely on public social services are far more likely to face the prospect of having their unlawful relationships reported than girls whose parents can arrange for support from private therapists and family physicians. Anecdotal information has been

received about how some immigrant cultures might, in the girls' countries of origin, have permitted (and parents encouraged) young teen girl-older man relationships without legal sanction. Common law marriages of these individuals within the U.S. (recognized by a number of states) have indeed led to the dropping of some statutory rape charges.

The Special Vulnerability of Girls in the Custody of State/County Agencies. Girls who are removed from their homes due to sexual abuse, or have otherwise experienced it, remain particularly vulnerable to continued abuse and exploitation when placed in foster homes or other forms of residential care. What are the supervisory obligations and liability risks related to the sexual behavior of young teen and pre-teen girls in public care? How can those providing care to girls in such government custody be better educated on prevention, identification, and reporting obligations related to their wards' sexual involvement with older adult men? There has been inadequate attention generally to: (1) services needed by adolescent girls in foster and residential care; (2) legal issues related to consent to health care for these girls; (3) the role juvenile court judges with jurisdiction over these girls' cases should play in protecting them from abuse and exploitation and in sanctioning the men who engage in sexual relationships with them; and (4) the provision of adequate residential care for parenting teens with their children, as well as independent or semi-independent living transitions to responsible adulthood.

The Impact of Welfare Reform. One impetus for conducting research into sexual relationships between adult men and young teen girls has been the new welfare reform law (P.L. 104-193). A number of provisions in the welfare reform bill -- specifically under the Temporary Assistance for Needy Families Block Grant program (TANF) -- impact teenagers who are pregnant and parenting. For example, one of the purposes of TANF is to "prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families."²⁸ Eligibility for receiving assistance under TANF may be denied to teenage mothers not living at home with a supervisory adult, and to those not in school. In addition, if the teen mother is receiving assistance, that assistance may be denied to other children born or conceived. States have been given an incentive to reducing births to unwed mothers: for the four-year period from 1999-2002, as many as five states annually can receive additional "bonus" funding (of \$20-25 million) if they can prove they have reduced out-of-wedlock births proportionately more than other states. In addition, the law calls for aggressive enforcement of state statutory rape laws.

What impact will implementing provisions of this law have on young teen girls impregnated by adult men? Does it encourage or promote marriage between pregnant teens and their older boyfriends? What impact will implementation have on the children of these teen mothers? These questions and others have not yet been researched, but bear monitoring.

We have touched on but a few of the contextual issues. A comprehensive and in-depth review of these issues would clearly add to the debate on enforcement of statutory rape laws.

CHAPTER 2

WHAT CAN WE LEARN FROM YOUTH SERVICE PROVIDERS?

Introduction

This phase of the research was designed to increase our understanding of two issues: who the girls involved in sexual relationships with adult men are, and what the current response of service providers is to disclosures of these relationships. Because concerns were expressed by the project's expert advisory panel that (1) programs may not have statistical data available on the type of information desired, and (2) providers were likely to be uncomfortable discussing these controversial issues, a qualitative approach was utilized.

Discussions With 48 Service Providers

Interviews were conducted with 48 individuals across the country who work directly with young teen girls involved in sexual relationships with adult men (including social workers, foster care workers, and a variety of health practitioners). The discussions were based on an unstructured interview guide, which outlined topic areas, listed below. The open-ended, qualitative discourse was guided by comments volunteered by the respondents. Thus, certain issues were covered by many respondents, but not all service providers talked about the exact same issues. Analysis of the interviews was based on summarizing responses. Whenever possible, categories were created; however, given the open-ended nature of the surveys, it was not always possible to create categories. When categorizing responses was inappropriate, we provide summary statements.

Many of the responses were complex, and often contradictory. For example, a provider might note that most of the adult men involved with her teen clients were opportunists; however, in her next statement the same provider would point to several examples of males who truly cared for their partners, who encouraged the girls to stay in school, and who provided more stability than had their families of origin. In our analysis, every statement was counted equally

The topics of our inquiry included the following:

- **Background:** program descriptions; clients served; clients' age and socioeconomic status; the information service providers obtain or try to obtain from their clients with respect to sexual histories (including childhood molestation), family histories;
- **Relationships:** dynamics of the relationship; what the providers know about the men; whether domestic violence, or physical or emotional abuse, are features of these relationships; whether some of these relationships are "healthy" and what makes them so; what the teens' families think about these relationships;

- **Reporting:** whether providers report the relationships of young teen girls and their adult boyfriends to law enforcement, child protective services or child support enforcement agencies; whether girls are encouraged to report their adult boyfriend; what the barriers are to, and attitudes concerning, reporting; and
- **Prevention and Intervention:** suggestions providers have about preventing or intervening in relationships between young teen girls and adult males; and whether providers should be preventing or intervening in these relationships.

Findings

Background

- The majority of the respondents provide services primarily to low-income teen girls. Clients served were Black, White, Latino, Asian, and Native American. While girls from all socioeconomic strata are involved in relationships with adult men, the majority of our respondents worked with mostly low- to lower-middle income clients.
- One-quarter of the service providers said that they routinely gather information on the client's physical, emotional and mental health; about one-quarter ask about the client's sexual history, including age of first sexual experience, and whether molestation is a part of that history; one in five providers volunteered that they ask about the current sexual partner, including his age; if the girl is pregnant, they will ask about the male's involvement or planned involvement in the child's life. One-fifth of our sample revealed they do not discuss either sexual history/molestation history or the age/involvement of the male partner at the first meeting. A few said they wait until the therapeutic relationship develops before they discuss the client's background and sexual relationships.
- More than one-half of our sample report their clients have a history of sexual abuse, neglect, or domestic violence. A number of the providers in our sample work with teens in residential treatment centers and foster care; 100% of these girls have abuse or neglect in their backgrounds.
- Close to half our sample asserted that their clients come from single-parent, father-absent homes. About that many suggested that the families and homes of their clients are in disarray: dysfunctional, unstable situations with parents who may be unaware of their daughters' relationships or indifferent to them. According to some of the service providers, the teen girl lives with extended family members, with a variety of relatives and half- or step-relatives, in a foster care situation (either a home or a residential center), with her boyfriend, or with her boyfriend and his family. A minority stated that their clients are from two-parent homes.

Relationships

- While about one-third reported that their clients are mostly in relationships with males between 3 and 5 years older, the rest stated that many of the relationships are between girls around 14 years old and males in their 20s; and the respondents believe the numbers are increasing. Others suggested that the youngest girls tend to be in relationships with the oldest males.
- Close to one-third of our sample suggested that young teen girls are attracted to older males because they can provide security and stability; relationships with adult males confer status, "prestige, attention, respect"; and adult males can provide material things that contemporaries cannot (a car, a place to stay, money, drugs, alcohol). One-third viewed these relationships as unhealthy and emotionally controlling. Still others characterized the relationships as transient encounters or one-night stands. Some of the respondents promoted the idea that, however transient or short-term these relationships may be, they often provide the girl with much-needed love, attention, and stability she does not get from her family.
- According to our respondents, the males can be categorized into three major "types": exploiters/opportunists, needy/troubled, and nurturing/responsible. (A small percentage made statements which did not fit those categories).
- Most of our sample asserted the belief that the teen's parent(s), peers and/or community support her relationship with an adult male, although some of the respondents did relate information about families who are unhappy that their child is dating (and may be pregnant by) an adult.

Reporting

- Many of the respondents revealed that they do not report sexual relationships between adult males and young teen girls to law enforcement or child protection agencies. Reasons for not reporting include the "chilling effect" on the client (who may not return for services if her boyfriend is reported), fear of retaliation by the boyfriend against the client or the provider, and the criminal justice system being either hostile or indifferent to the reports and "doing nothing." Some of the respondents do report or may encourage the girl, or her family, to report.

Prevention and Intervention

- Prevention: Of the providers who offered suggestions on preventing sexual relationships between adult males and young teen girls, about half advocated early and aggressive interventions in the lives of young children by providing relationship skills-building courses, sexuality education, and self-esteem building for both girls and boys. Others suggested that consciousness raising needs to be accomplished in society as a whole, by

educating children, parents, citizens, and criminal justice professionals as to the unacceptableness of these relationships. The remaining providers champion sweeping changes in the messages of sexuality being passed to our children and our citizens, found in advertisements, soap operas, movies, and elsewhere.

- **Intervention:** The majority of providers' suggestions for appropriate interventions in these relationships called for increased services for girls (counseling, help in overcoming childhood sexual abuse, mentors, residential homes for girls and their babies), and also for the males (employment services, counseling, education in caring for children). Only one in five think holding males accountable through prosecution and child support enforcement is an appropriate response. Others called for a variety of interventions.

Discussion

The findings from the service provider interviews present a compelling picture of their young female clients who are in sexual relationships with men; their life circumstances; and the providers' perceptions of what interventions are appropriate.

Social Problems Any desire to prevent teens from engaging in sexual relationships with inappropriately aged mates needs to consider the larger social context. Many of the providers' comments reflect the notion that sexual relationships between young teen girls and adult men are symbolic of broader social problems. The providers argue that poverty, dysfunctional families, and early childhood molestation may leave young girls vulnerable to the attentions and affections, however short-term, of older males. While providers noted that young teen girls from all economic classes engage in these relationships, their clientele remain predominantly low-income, and come with a variety of problems associated with poverty. Familial breakdown, lack of a stable father-figure, economic disadvantage, abuse, neglect, and an intergenerational history of teen pregnancy are some of the issues present in the lives of their clients.

Within the context of these disadvantages, adult men may be better off financially than their clients' peers, and may promise the security a relationship brings. It does not defy logic that an adolescent, longing for affection and material goods not provided by her own family, would turn to someone who could give those things to her: someone with a job and a car, who promised her love in exchange for her sexual favors. As victims of early molestation, their clients may not have the emotional skills to fend off pressure for sexual activity by a charming or controlling adult male. The males, according to our sample, may be opportunistic predators, but they also can be products of dysfunctional families and face some of the same issues as do their young partners.

Messages of Sexuality Beyond the individual circumstances and control of their clients, however, a number of the providers in our sample assert that the message to young teen girls (and young boys and adult men) is that girls are to be valued for their sexuality. Advertisements, soap operas, movies, and television all eroticize young girls.

Reporting Service providers are wrestling with the issue of reporting the sexual relationships of their clients to the criminal justice system. They believe that reporting violates the confidential nature of their relationship with their clients. The breaking of confidentiality has negative consequences from the perspective of the providers. For example, the girl may believe that the trust has been irrevocably harmed, and she may refuse to come back for services. This has significant risks for her own health and mental health, and potentially that of her unborn child, if she refuses to return for prenatal care or treatment for a sexually transmitted infection.

Prevention and Intervention Service providers voiced concerns over prevention and intervention in sexual relationships involving an adult male and a young teen girl. Prevention strategies included individual help and broad-based social change, ranging from sexuality education and relationship skills-building courses to sweeping changes in the messages society is sending our youth about sex and relationships.

But it is the intervention area which raises more concerns. While most recommended a range of services to help young women (and men) get the support they need to both overcome the disadvantages of their backgrounds and prepare them for responsible citizenry and parenthood, much fewer think the criminal and civil justice processes are appropriate responses to these relationships. A minority of the responses indicated that providers routinely ask their clients at intake about their sexual molestation history and the age, and involvement, of the teen's sexual partner/father of their child. And if they do learn of a sexual relationship between an adult and a young teen, almost two-thirds do not report to child protective services or law enforcement.

It is clear from the interviews that the service providers interviewed do not believe that the child protection or criminal justice systems take these relationships seriously, and, in fact, may be actively against their agencies' involvement. (This is not a new phenomenon; for example, domestic violence cases were long viewed as being outside the purview of the criminal and civil justice systems. It is only in recent years that law enforcement and prosecutors have been educated on looking for and accepting these cases.)

Recommendations

Recommendations coming from the interviews with this sample of service providers are limited to the kinds of questions youth-serving agencies and staff should be asking and the kinds of issues they should be exploring. It would be premature to address the recommendations on effective strategies for responding to teens in sexual relationships, or on improvements in procedures, as we do not yet know enough about the girls, the men, and what prevention and intervention strategies are the most effective and responsive to the relationship.

While research continues in identifying effective responses, professionals and agencies should carefully examine their current practices and openly identify areas needing protocol-development. There are other actions agencies can be taking while further research is conducted. To that end, we offer the following recommendations.

1. Programs providing services to pregnant and parenting teens and pre-teens, and those serving girls at risk for involvement in relationships with older men, should develop appropriate means for learning of these inappropriate relationships and when and how to report them to child protective services and/or law enforcement.

Questions that should be addressed include:

- Is it appropriate for providers to be asking about sexual abuse and the age of the sexual partner? Is it required by state law?
- If so, are providers prepared to refer girls to services if the girl discloses early childhood molestation?
- Are they prepared to report to child protective services or law enforcement if the girl discloses her sexual partner is over the age of 18?
- What guidelines should agencies be following with respect to reporting?
- What is in the best interest of the client and/or her offspring with respect to the relationship? What are the objective criteria for determining "best interest" in these situations? How can this be balanced with legal requirements?
- How can program providers and therapists work with their clients to address the post-reporting consequences, such as abandonment and retaliation? Some providers voiced the opinion that clients should be told up front that the agency is a mandated reporter. One caseworker said that at first the girls are angry, but then they "get over it." Are there appropriate ways to prepare clients for reporting and set up support systems?

2. Service providers need training on a variety of issues, including: working with teens and their families; why, when, and how these relationships should be reported, and to whom; and working with the teens, their offspring and the fathers of their children. Elements of this training should be included in specialized seminars and in continuing education courses.

3. Communications between service agencies/programs and the criminal justice system must be enhanced, in an effort to respond appropriately to girls and men involved in unhealthy, unlawful sexual relationships.

4. Community leaders and parents need to send the message to their citizens that sexual relationships between adults and young teens are unacceptable.

5. More research needs to be conducted to learn about the girls, the males, the relationships, and appropriate interventions.

This exploratory study has identified many areas of inquiry appropriate for continued research, including:

- What factors in the lives of young women make them vulnerable to unhealthy relationships with older men? Is poverty and/or family structure a factor? Are race or culture factors? Is childhood sexual abuse a factor? What factors in the lives of girls from similar backgrounds make them resilient enough to avoid harmful relationships? What kinds of interventions are appropriate to protect sexually abused girls from inappropriate relationships later in their adolescence?
- Who are the men involved in sexual relationships with young adolescent girls? What is their family of origin? Do they have histories of being sexually abused? Who were their male and female role models? What life events shaped their attitudes toward women? Do education levels and socio-economic status influence decisions to choose younger partners? What sets apart the ultimately responsible from the opportunist? What services can be provided to the needy and/or troubled before they involve themselves with underage girls?
- Are relationships between disparate age-mates fundamentally unhealthy? How are service providers to determine which relationship is positive or advantageous and which is exploitative or dangerous? What is the nature of relationships between younger girls and older men? What percentage are short-term? What percentage result in stable relationships or marriage? How frequently do they involve acts of forcible rape and domestic violence? What are the factors that govern decisions by girls and men about whether or not to stay together? Who controls those decisions?
- What prevention strategies are most effective? Can fear, guilt, or shame about an unequal relationship prevent these sexual relationships? Can the promotion of honest, equal and responsible sexual relationships have an impact? Who are the most effective messengers to bring prevention messages to young people -- religious institutions, schools, health providers, law enforcement, the media?

CHAPTER 3

WHAT DO THE LAWS REQUIRE?

This chapter reviews and describes “statutory rape” laws -- those criminal laws that proscribe sexual intercourse with a minor, based on the minor’s age. The chapter begins with a brief history of the laws. The current laws are then described and summarized. Trends in the laws (based on a comparison with past reviews of the laws) are identified, and although it is too early to say whether they reflect trends, some recently passed innovative amendments to the laws are highlighted. Related legal issues -- such as the child abuse reporting laws and the effect that emancipation has on statutory rape prosecutions -- are also noted. Since the project’s focus was on males 20 and older having sexual intercourse with minors 10 to 15 years of age, the impact of the laws on these groups is discussed. Finally, legal recommendations developed by the project team are set forth.

Statutory rape laws have been around for a long time. Historically, they protected “chaste” young women from sexual intercourse, and set a clear line, based on the minor’s age, as to when the minor was able to consent to sex. Most laws today are gender-neutral, and they no longer require the minor to be chaste. Moreover, most laws today provide a complex, tiered set of crimes, with varying penalties depending upon the age of the minor and the age of the defendant. In addition, statutory rape laws may well be intertwined with other types of sexual offenses.

Since the project focused on girls aged 10 to 15 who voluntarily have sexual intercourse with males 20 years and older, the legal research focused on those criminal statutes proscribing sexual intercourse with minors, based solely on the age of the minor. Consequently, certain criminal laws were not reviewed: laws proscribing sexual activity not amounting to intercourse, laws requiring proof of some additional element (e.g., force, defendant’s status as a parent, guardian or other person in a position of authority over the minor).

Our analysis of state statutory rape laws reached the following conclusions:

- The term “statutory rape” is rarely used in the statutes -- more than a dozen terms are used by different states, with “rape” and “sexual assault” being the two most common.
- States often have multiple crimes that proscribe sexual intercourse with a minor, with offenses and sentences varying depending upon the age of the minor, the age of the defendant and/or an age difference between the defendant and the minor.
- States are increasingly raising the age of a minor below which statutory rape statutes provide protection. There is no legal consensus nationally on the

precise age at which intercourse is permissible. Almost all states set the highest age protected under the laws at 15, 16, or 17 years of age.

- At the same time, states are increasingly establishing parameters for sexual activity between “peers” that is not subject to prosecution or that constitutes a misdemeanor rather than a felony. There is considerable variation in these “parameters.” Age differences of three and four years are most common, but some states do not specify an age difference, while others set the limit at 5 years.
- States also have increasingly established a lower age of the minor that increases the seriousness of the charge or establishes a longer possible sentence upon conviction.
- Mistake of age is a permitted defense in a number of states, although it may be limited to minors over a certain age. When this defense is available, a defendant can show that he reasonably believed the minor to be a certain age or older (and thus able to consent).
- The minor’s marriage to the defendant or emancipation may also preclude prosecution. Marriage is often a defense set forth in the statute.
- Potential sentences vary considerably by state.

The following table sets forth the “age of consent” for each state based on state “statutory rape” sexual penetration offenses. While these statutes rarely use the term “age of consent,” it is a useful term for analysis. In the table, it reflects the lowest age at which no criminal prosecution can result (based on statutory rape or whatever the crime is called in the state), regardless of the age of the defendant or an age difference between the defendant and the minor.

The table also shows any minimum age for the defendant set forth in the statutes. (Not all of the statutes expressed these minimums; presumably if the perpetrator was a minor, the general rules in the state would apply as to whether the perpetrator should be treated as an adult.) Notably, in a few states, although the defendant must be a certain number of years older than the minor victim, the defendant can be 17 years of age.) Age differentials specified in the statutes between the minor victim and the defendant are set forth in the table as well. These age differentials show exactly how close-in-age a minor’s sexual partner must be to avoid the statutory rape laws. (Note: the table generally reflects felony statutory rape provisions.) In addition, there may be other defendant age provisions that increase the penalty.

The table does not show the lower age levels for the minor that the statutes often include that increase the seriousness of the charge or the penalty imposed. The full Final Report includes a lengthy table which includes this information as well as specific citations.

“Age of Consent” Based on State (“Consensual”) Sexual Penetration Offenses

| State | Age of Consent | Defendant Age/Age Differentials | State | Age of Consent | Defendant Age/Age Differentials |
|-------|----------------|--|-------|----------------|---|
| AL | 16 | $D \geq 16$, $V = 13-15 \rightarrow D = V + 2$ | MT | 16 | $V < 16 \rightarrow D \geq V + 3$ |
| AK | 16 | $V = 13-15 \rightarrow D \geq 16$ and $D \geq V + 3$ | NE | 16 | $V < 16 \rightarrow D \geq 19$ |
| AZ | 18 | $V = 15-17 \rightarrow D > V + 2^*$ | NV | 16 | $V < 16 \rightarrow D \geq 21$ |
| AR | 16 | $V < 14 \rightarrow D \geq V + 2$ or $V < 16 \rightarrow D \geq 20$ | NH | 16 | |
| CA | 18 | $V < 16 \rightarrow D > 21$ | NJ | 16 | $V = 13-15 \rightarrow D \geq V + 4$ |
| CO | 15 | $D \geq V + 4$ | NM | 17 | $V = 13-16 \rightarrow D \geq 18$ and $D \geq V + 4$ |
| CN | 16 | $D \geq V + 2$ | NY | 17 | $V < 17 \rightarrow D \geq 21$ |
| DE | 16 | $V < 14 \rightarrow D \geq 19$ | NC | 16 | $V = 13-15 \rightarrow D \geq V + 6$ |
| DC | 16 | $D \geq V + 4$ | ND | 18 | |
| FL | 18 | $V = 16, 17 \rightarrow D \geq 24$ | OH | 16 | $V = 13-16 \rightarrow D \geq 18$ |
| GA | 16 | $V < 16 \rightarrow D \geq 21$ | OK | 16 | $V < 14 \rightarrow D > 18$ |
| HI | 14 | | OR | 18 | |
| ID | 18 | $V < 16 \rightarrow D \geq 18$ | PA | 16 | $V < 16 \rightarrow D \geq V + 4$ |
| IL | 18 | $V < 13 \rightarrow D \geq 17$ | RI | 16 | $V = 15 \rightarrow D \geq 18$ |
| IN | 16 | $V < 14 \rightarrow D \geq 21$ | SC | 16 | |
| IA | 16 | $V = 14-15 \rightarrow D \geq V + 5$ | SD | 16 | $V = 10-16 \rightarrow D \geq V + 3$ |
| KS | 16 | | TN | 18 | $V = 13-17 \rightarrow D \geq V + 4$ |
| KY | 16 | $V < 14 \rightarrow D \geq 18$; $V < 16 \rightarrow D \geq 21$ | TX | 17 | $V < 16 \rightarrow D > V + 3$ |
| LA | 17 | $V = 12-16 \rightarrow D > 17$ and $D \geq V + 2$ | UT | 18 | $V = 14-17 \rightarrow D > V + 3$ |
| ME | 18 | $V = 14-16 \rightarrow D \geq 19$ | VT | 16 | |
| MD | 16 | $V < 14$ and $D \geq V + 4$ | VA | 15 | |
| MA | 18 | | WA | 18 | $V = 12$ and $13 \rightarrow D > V + 3$ |
| MI | 16 | | WV | 16 | $V \geq D - 4 \rightarrow D \geq 16$ |
| MN | 16 | $V = 13-15 \rightarrow D > V + 2$ | WI | 18 | |
| MS | 18 | $V = 15-17 \rightarrow D > V$ | WY | 16 | $V < 16 \rightarrow D \geq V + 4$ |

| | | | | | |
|----|----|-------------|--|--|--|
| MO | 17 | V<17 → D≥21 | | | |
|----|----|-------------|--|--|--|

“D” refers to the defendant; “V” refers to the victim/minor; “→” means “then.” * Other restrictions also apply. Note: Table only includes minimum age for defendants set forth in the criminal statutes. States often have several crimes reflecting these provisions, with varying penalties.

In comparing the results of the current review of the laws to past studies, certain overall trends in the laws appear to be continuing:

- States generally are continuing to raise the age of the minor protected under the laws, along with instituting age differentials between the minor and the defendant.
- Increasingly, states are delineating a lower age of the minor that increases the seriousness of the charge or the penalty for the conduct. (Almost all states currently do so.)
- States continue to be split on whether the mistake of age defense is available. The availability of the defense is sometimes limited to minors above a certain age.

In addition to these trends, a concurrent ABA study (funded by the Office for Victims of Crime, U.S. Department of Justice) identified issues in recently passed and proposed statutory rape legislation. As noted in that study, recently passed amendments to the laws have included provisions to target defendants who are much older (three states); raise the age of the minor subject to protection and impose age differentials between the minor and the defendant (two states); authorize civil penalties (one state); make impregnation of a minor a separate offense (one state); and encourage reporting of statutory rape involving minors aged 13 and over (one state).

In general, the laws criminally proscribe sexual intercourse between 10- to 15-year-old girls and men age 20 and older. There are some exceptions, a few states do not protect minors under the criminal laws beyond 14 or 15.

Laws requiring certain professionals to report child abuse are often unclear as to whether statutory rape is included and must be reported. A brief review of summaries of these laws reveals that states are fairly evenly split on mandating the reporting of statutory rape. Further study on this issue is called for.

Recommendations

1. **Minimum Ages and Age Gaps.** All girls ages 10 to 15 should be protected from "consensual" sexual intercourse with older men (e.g., those over 20 years). Laws that do not provide criminal penalties for men age 20 and over who have sexual intercourse, albeit consensual, with girls under the age of 16 should be amended to provide legal protection for these girls. The few laws that set an absolute "age of consent" for girls at their 14th or 15th birthday, no matter how old their male "sexual partner" is, should also be amended accordingly..

These laws can utilize absolute ages (e.g., specify defendant over age 20), or specify that the defendant must be a certain number of years -- 4 or 5 -- older than the minor.

2. **Increased Penalties Under Certain Circumstances.** Repeat offenders and men who are 10 or more years older than girls aged 10-15 should receive harsher penalties.

3. **Focus on Repeated Sexual Relationships.** Men who are found to have repeatedly moved from one unlawful sexual relationship to another should be the special focus of prosecutorial attention.

4. **Prosecution Without Regard to Class, Social Status, or Race.** Prosecution for unlawful sexual intercourse based on the sexual involvement of an adult man with a young teen girl -- when such a prosecution is appropriate -- should be brought without regard to the man or girl's class, social status, or race.

5. **Prosecution Regardless of Pregnancy.** Prosecution of these offenses should not be based on a girl's impregnation or childbearing resulting from the relationship with an older man. Young girls in sexual relationships with adult men are in need of legal protection regardless of whether they were impregnated.

6. **Remove Mistake of Age Defense.** Although a very few state constitutions may require otherwise, state unlawful sexual intercourse statutes that make consensual sex between men over 20 years of age and girls age 15 and under criminal should not include a mistake of age defense.

7. **Actions Against Parents.** Child protective service agencies should consider juvenile court child neglect actions against the parents of young teen girls who encourage, facilitate, or fail to intervene in these relationships. Criminal prosecutions for aiding and abetting the crime of unlawful sexual intercourse should be considered in egregious cases.

8. **Further Research on Age Differential.** As noted, many states have provisions that essentially do not criminalize sex between "peers." The variety in the state statutes (from no age differential to 5, 6 or 7 years) illustrates the tremendous difference of opinion on this issue. On what basis are legislators making decisions about appropriate age differentials: on media reports? anecdotal evidence? research on developmental psychology? Further research that would assist states in setting this age differential is sorely needed.

9. **Further Research on Mandated Reporting.** The issue of mandated reporting of a young teen girl's relationship with an older man to child protective services or the police raises serious, previously unaddressed, public policy problems and needs further, careful study. Awareness by girls that their relationships may be "reported" to authorities may deter girls from seeking medical or social services attention related to contraception, sexually transmitted diseases, prenatal care, or domestic violence. Child protective services agencies need clear

protocols for responding to this type of report, and health care providers need guidance as to their legal obligations related to reporting when these sexual relationships are disclosed.

10. **Specialized Training.** Police, prosecutors, crime victim assistance programs, crime victim advocates, children's advocacy centers, rape crisis centers, and others working with victims of sexual assault should receive special training and technical assistance in how to more sensitively respond to adolescent girls who have been reported to authorities based on their sexual relationship with an older man.

11. **Child Support Protocols.** In those cases where the unlawful sexual relationship has produced a child, prosecutors and child support enforcement personnel need clear protocols to help assure that, where appropriate, the goals of establishing and enforcing support obligations, and helping the father be a more responsible parent, are realized.

12. **Interdisciplinary Task Force.** Police and prosecutors should join with child sexual abuse, adolescent health, teen pregnancy, and other youth experts in their communities to form a special interdisciplinary task force, committee, or working group that explores how to best respond to disclosures of young teen girls' sexual relationships with older adult men.

13. **Publicity About the Laws.** The fact that consensual sexual relations between a young teen girl and an adult man is against the law, and that a man can be criminally prosecuted for the crime based on such a relationship, labeled as a felon, face incarceration, and stigmatized as a sex offender, should be publicized both within the media and in educational settings. Programs focusing on males or educating men and young girls about these laws could be vehicles for informing these populations about these laws. In addition, it is important to communicate this information to people who have come to the U.S. from other countries where such sexual relations are not legally prohibited.

CHAPTER 4

HOW DO PROSECUTORS IMPLEMENT THE LAWS?

Introduction

One of the most challenging aspects of this study was to better understand how the criminal justice system is addressing the emerging viewpoint in some communities that consensual, but unlawful, sexual intercourse between adult males and young teen girls is a crime that warrants specialized attention by police and prosecutors. We wanted to learn why prosecutors might reject prosecuting a case against a man, as well as what factors were likely to deem a case worthy of pursuit in criminal court. We wanted to hear how those prosecutors who specialize in cases of child sexual victimization view the advantages and disadvantages of the criminalization of sexual relationships between 10- to 15-year-old girls and adult men.

Discussions With 48 Prosecutors

We gathered our information through telephone surveys conducted with prosecutors in specialized child sexual assault units in 48 of the largest cities in the country representing 19 states, and including nine counties in California. This bears mention due to the creation in the past year in California of specialized prosecutors whose job it is to prosecute statutory rape cases (in a statewide effort to reduce teen pregnancy).

The telephone survey was designed to learn about: police responses to cases of statutory rape; prosecutorial goals, policies and practices; defendant characteristics; problems with prosecuting cases; and outcomes and sentencing conditions associated with these prosecutions.

Several themes emerged from the surveys with prosecutors:

- As one prosecutor said, these cases "take a lot of experience **and** a therapeutic standpoint to make the right call." She noted that they must "engage in a lot of social work and hand holding" in order to gain a girl's trust and cooperation. This theme was expressed by a number of prosecutors who described building rapport and talking to the girl about what is in **her** best interest as a fundamental part of their work.
- There is not a lot of societal support for prosecuting the men involved in sexual relationships with young teen girls. Many juries remain unconvinced that this behavior is criminal, and prosecutors believe citizens need education on the law. Parents often give permission (or think they can consent) for their daughters to engage in these relationships; prosecutors cite a "lack of moral responsibility" on the part of some families to set limits concerning these relationships.
- These relationships should not be viewed generically, but rather need to be taken on a case-by-case basis. There are variables to consider, such as the maturity levels of the girl

and the man (i.e., their emotional rather than chronological ages); whether prosecution is in the best interests of the girl and/or her offspring; and whether the male has engaged in these relationships serially.

Findings

Police Practices

- As parents and professionals working with young teen girls become more aware that these relationships are unlawful, reports to police about sexual relationships between young teen girls and older males are on the rise.
- While two-thirds of the prosecutors report that police are actively pursuing these illegal relationships, one-third believe there is selective enforcement (i.e., in communities with multiple law enforcement agencies--city police, county sheriff's departments, etc.--some handle these cases more aggressively than others; within a police department, some officers may be more interested in pursuing these cases than others).
- Close to two-thirds of the reports to police are coming from the teen's parents.

Prosecutorial Goals, Policies and Practices

- The majority of prosecutors' offices do not have a specific, written policy on accepting these cases for prosecution.
- Close to one-half of the prosecutors say they "always" or "almost always" file charges when a case is referred from law enforcement.
- The teen victim's lack of cooperation is the linch-pin on which the decision to go forward with a case most frequently rests.
- Most of the prosecutors list the primary goals of prosecuting adult males in sexual relationships with young teen girls as sending a message to the community, enforcing the law, punishment, and prevention. Only 4% cited reducing teen pregnancy as a goal of prosecution.
- Close to one-quarter of the prosecutors say they will pursue charges against the male, even when he is willing to acknowledge paternity or seek treatment. One-third of the prosecutors report that if he has a criminal record or history with young teen girls, this will increase the likelihood of his prosecution.
- More than one-half of the prosecutors report that they are just as likely to take a case if the girl's pregnancy is not an issue; but close to one-half say that her pregnancy produces

evidence of the illegal sex and thus makes proof of their case stronger (particularly if she is an uncooperative teen victim).

- In order to gain the cooperation of a teen victim who is reluctant to prosecute the male sexual partner, one-third of the prosecutors rely on a vertical prosecution process (where the same prosecutor handles the case from the time it comes to the office through the plea and/or trial) and building rapport with the girl; one-quarter say they use a victim-witness advocate to assist in obtaining cooperation. However, only 31% say they are always or almost always successful in overcoming the girl's reluctance.

Who Are the Men?

- Prosecutors suggested that the younger the adult male (early 20's), the more likely it is that he is an immature male in a "love relationship." However, as the men get older, they are more likely to exhibit a pattern of predatory behavior with young teen girls.

Problems With Prosecuting Statutory Rape Cases

- Two-fifths of the prosecutors report that the victim's reluctance to cooperate with prosecution is a central problem in handling these cases.
- Another two-fifths of the prosecutors say that juries do not like these cases and are not convinced that these sexual relationships should be treated as a crime or that this male is "at fault"; there is also a sense by prosecutors that some subcultures accept these relationships as normal.

Outcomes and Sentencing Conditions

- Even with the problems associated with uncooperative girls and unconvinced juries, prosecutors report that 77% of these cases result in a conviction.
- With respect to sentencing conditions recommended to judges by prosecutors, 100% recommend orders for the male to stay away from the girl, 83% recommend the defendant stay away from **all** minors, and 88% recommend the male receive some form of sexual offender treatment.

Sentencing Trends

- One-third say that post-conviction sexual offender registration with local law enforcement and/or community notification that the male is a convicted sex offender are also recommended in statutory rape cases.
- A new trend, according to one-third of the prosecutors, is the court ordering that the male participate in parental responsibility classes.

Other Issues

- A majority of the prosecutors have requested fetal tissue testing to obtain evidence of paternity (and thus prove a crime has been committed); and a majority have presented DNA and other medical evidence at trial.
- Half of the prosecutors have a child support enforcement unit in their office and half do not; most report **no** sharing of information in these cases between prosecution and child support offices.
- A majority of prosecutors participate in a multidisciplinary team approach in which actions in cases of child sexual abuse are guided by a community of professionals from different disciplines (including law enforcement, social services/child protective services, medicine, mental health, and related professionals as appropriate to the case).

Discussion

From the findings we can gain an insight into what the criminal justice system views as "helps and hindrances" to responding to sexual relationships between adults and young teenagers.

Statutory Rape Prosecutions and Teen Pregnancy. Probably the most interesting finding is that, in spite of new legislation and the call for stepped-up enforcement efforts, deterrence of teen pregnancy is not generally the goal of prosecuting adult males in sexual relationships with young teen girls. This may be because law enforcement and prosecutors do not agree with legislative and executive pronouncements that the criminal justice system should be used to reduce teen pregnancy. It may be because that goal has yet to reach the rank and file; alternatively, prosecutors may not believe teen pregnancy reduction to be a reasonable outcome of prosecution. This point is emphasized again from our findings that pregnancy may increase a prosecutor's willingness to file charges primarily because there is then physical proof of the relationship, not for the fact of pregnancy alone.

Prosecutorial Discretion. Prosecutors exercise discretion in deciding whether or not to accept a statutory rape case for prosecution. It must be pointed out that prosecutors exercise discretion in deciding whether to accept **any** crime for prosecution. During their deliberations, a prosecutor will look at a variety of factors, including: the victim's cooperation and credibility; whether there is a supportive family; the nature of the disclosure; physical or corroborating evidence; witnesses to the crime; who is the defendant; is there a confession, and so on. For sexual assault cases, they will also consider the victim's consent, sexual history, and age (and how the girl's age relates to the defendant's age).

Other discretionary decisions include what charges will be filed (felony vs. misdemeanor, degree of felony or misdemeanor), whether incarceration or probation (or a combination) will be

the outcome, and what conditions will be placed on the defendant (including treatment, fines). These decisions will be based on the defendant's criminal record, suitability for treatment, and willingness to cooperate with the case (confession, admission of paternity). Again, the decisions made in these cases under the prosecutors' discretion are no different than the considerations made in cases involving nonsexual crimes.

Uncooperative Victims. The girl's lack of cooperation in prosecuting a man whom she believes to be her boyfriend is not unusual in the annals of criminal prosecution. Recantation of sexual abuse disclosures is frequent enough in child sexual abuse cases that prosecutors have learned to respond with rapport-building and referral to services. Domestic violence cases are analogous as well, where an adult victim of battering often refuses to press charges against her batterer. Reluctant victims and reluctant witnesses present challenges in drive-by shootings, car-jackings and other nonsexual crimes.

Prosecutors have tools available to assist them in working with a teen girl who is reluctant to agree to prosecution. One of the most frequently used tools is "vertical prosecution," a process by which the same attorney handles the case from the time it comes into the office through the disposition. Vertical prosecution is used frequently in sexual abuse cases where trust between a victim and prosecutor must be built slowly and over time. Vertical prosecution allows the girl and the attorney to get to know each other, and gives the prosecutor an opportunity to build rapport with her. Another tool is bringing in a victim/witness advocate, who may be an employee of the district attorney's office, or who may be a separate community-based agency employee. The role of these advocates is to guide the girl through the process, refer her to whatever services are deemed appropriate, and help decide what is in the best interest of the girl. Our respondents told us, however, that they are only moderately successful in convincing a young teen girl that prosecution is something they should pursue.

Lack of Societal Support for Prosecuting Statutory Rape. Finally, one universal theme is that citizens do not take statutory rape cases seriously. This may be because teenage girls make poor impressions on the stand; because young teenage girls try so hard to look and act older that jurors sympathize with the male; because the younger woman/older male relationship is seen as not abnormal; or for other reasons. Irrespective of the reason(s), prosecutors point out that a lot of their efforts in prosecuting statutory rape cases are going into juror education that: the law says these relationships are illegal; the girl cannot give her consent; and mistaking the girl for someone older is not a defense.

Recommendations

Several recommendations flow from our interviews with prosecutors.

- 1. Police and prosecutors need training and guidance on handling statutory rape cases, effectively and sensitively.**
- 2. Prosecutors, police agencies, service providers, child support enforcement units, and community/citizen groups should come together in a jurisdiction-wide Task Force to improve communications and understanding of what role the criminal justice system can play in protecting vulnerable young girls from unlawful sexual relationships.**
- 3. We need more research in several areas: on reporting these relationships to authorities, on the males, and on appropriate sanctions and interventions.**

CHAPTER 5

TEENAGERS TALK: INTERVIEWS AND FOCUS GROUP DISCUSSION

Conversations With Adolescent Girls

Under the auspices of the project, interviews were conducted and a focus group convened with a small sample of six adolescents who, as young teens, had engaged in sexual relationships with adult men. The data were collected during a semi-structured one-on-one interview and a two-hour focus group meeting.

The teens touched on such issues as how they met their older male partners, how their families reacted to their relationships or pregnancies, how beneficial or disadvantageous they perceived their relationships to be, and whether or not they thought relationships of this type should be reported to law enforcement or social service agencies. We cannot confirm whether these responses are applicable to the larger population of young adolescents who engage in sexual relations with adult men; they only represent the range of themes elicited during individual and focus group interviews. We offer the following selected responses, edited for continuity, below.

I. Background Information

The sample of adolescent females resided in Northern Virginia, Southern Maryland and Washington, DC. We asked them to describe their ages, their children, their sexual partners, how they met, and what they were like when they were younger. Here are some responses:

I was a shy little girl. I didn't like having a boyfriend, you know, like a relationship. I was playing with Barbie Dolls.

Actually I didn't know about condoms or nothing. Never had a boyfriend. I was only 12 when I came [to the U.S.]. Because I was always in my house in my country, never really went outside. My latest partner is 20 and I got pregnant -- 13 years old -- have a three year old son....How we met, we lived in the same building and his friend introduced him to me as his -- he told his friend that he liked me and everything, so that's the way we met....We were boyfriend and girlfriend And that was it. I ran away at 13 from my mother's house and I lived here and I got pregnant.

I'm 19 years old. My boyfriend -- my latest -- he is 29 years old. He's going to be 29 years old and I have a son. I got pregnant when I was 16....I go to school....I'm about to graduate from high school....[I met him] through my step-dad. They're cousins....And we're just boyfriend and girlfriend. Of course, we live together, but we don't have kids.... He's not the father of my baby....[the father of the baby is]...only three years older than me, 21 -- 22.

[I'm] Sixteen... I'm pregnant....My husband is eleven years older than me. He's 27. He's a little bit too old for me, but still he's nice.... [I've been married for] three weeks.

My baby was seven months old when I met my older boyfriend.... We were friends for about six months. We actually have been together for a year and a half. I told him about my life, because I told him, you don't really know me. I wanted to share everything that I've done, so, he could make his own opinion. He told me everything about his life. He had sex when he was 11, he said it was a beautiful experience. The woman was 40.

...He was much much older than me, but I never thought he was going to do that to me. But I was young. I was just trying to find out my sexuality I guess.....It was a bad thing because [it was the] first time...for me, it was supposed to be special and it wasn't. Because I didn't know this guy. My brother knew him because they were friends....But in the same way I felt it was kind of my fault too. Because after what happened, I thought, I could have said, no, but I didn't, I let it happen. I closed my eyes and the next thing I knew everything was over. That's how everything started.

II. What Were the Girls' Family Situations?

The focus group participants were asked to describe their families.

...My mom met my dad, she was only 16, my dad was 45....My dad married my mom because it was like illegal...[to] not get married because he was older, much older. So, you have to get married. Then my dad disappear[ed]. I don't know where he is....

....And then I started living with my uncle. From then on, I started doing my own life. I didn't really care about my dad. I don't think he was the way he was supposed to be. He was supposed to take care of me and he didn't the way he was supposed to. I blame it on him and mother. They got separated because both of them was cheating when I was born. When I was born, my father had another woman with a baby and my mother had another man with a baby.

My mother is not in this country and I haven't seen her since I was about 3 years old....And my father, I'm not too close to my father....[E]ven though [when] I came to this country...and I started to live with him --...I just didn't want to live with him because I didn't like my step-mother. And then I left the house and lived with my uncle. So, I don't really care what my father says, whether he likes it or not. It's none of his business. He doesn't say anything, because he knows that whatever he says, I'm not going to care. He hasn't really given me much support when I need [it], so why should I listen to him.

I don't talk to my father that much. He's a wuss. He and my mom were divorced when I was three. I saw him off and on for a while. I don't like him. My brothers like him, but I don't like him.

III. Why Were These Young Girls Attracted to Adult Men?

The girls talked about being attracted to men who were mature and who could provide security.

See, when you don't have a father figure in your life and then you have brothers who are 15 [or] 14 and you have a cousin who is 20 and he looks like a child even though he's in college -- he acts like a child -- you don't think that they're responsible enough to take you seriously. They're not going to pay your rent, they're not going to buy you things for the baby. So, when a man who likes younger women comes to you, the only thing they want is sex. And you don't know that, because they treat you different, they know how to get to you, you know what I mean? It's not like younger boys. They just mess with you. I've seen young friends, you know, how they are, they smoke a cigarette just to be around a girl, you know. They're children...They don't know how to talk. They say, oh, your hair is so pretty.

...I had a boyfriend who was 45 and he was the most precious person with me. He never did nothing wrong to me. He never disrespect[ed] me. He never put his hand over something that I didn't want him to touch. He asked for permission. He brought me a lot of things, like books to go to school. He helped me with my homework.

...Every boy I've come across that's under the age of 18 or around the age of 18, they don't treat me the way I want to be treated. Because they're still in high school, they're young-minded.

Why [don't I date anyone under 18]? Because boys have a tendency to think that they can run around with a whole bunch of different girls, to see who can do it to the most girls. And I don't go for that. And the older they are, the more mature they are. This other boy is 23, he got a car, he got his own house. He don't mess with nobody else.

Ever since I was 14 - 15, I just always wanted to talk to older boys, because I knew they wouldn't cheat on me. Like, they have a car, they could come and drive me around. Or they had money. They can buy me stuff.

...I know I'm a kid, but I didn't want a kid. I wanted somebody more mature, have more experience. Someone who might take me more seriously. In school, what most people want is maybe to sleep with you. I don't want that. ...Someone that has more experience can tell you -- it's up to you if you want to listen to them or not, but you can get a good point of view from a person who is older than you.

IV. The Impact of the Girls' Pregnancies and Relationships with Older Males

Pregnancy has many consequences, including the reactions of the teen, partner and the teen's family. Sometimes, the pregnancy brought the relationship to the attention of the family for the first time. Their pregnancies also impacted on their relationships with their partners, both negatively and positively.

Reaction to Relationship and Pregnancy by Family Members

The reason my mother doesn't like me to date older men is because my dad was 20 years older than her. And he already had three kids, my three older brothers. She says an older man wants you to cook for them, clean, do a lot of things, but they don't treat you right sometimes. And she's afraid that might happen to me. And it did happen...

My dad, he's not too happy with the idea because I'm his oldest daughter. And I'm the only girl. And he was expecting for me to grow and go to school. He just has to accept the idea that it doesn't have to be like that. He thought I was too young...[My boyfriend] was asking to move in with him. My relatives were getting on my nerves and they were telling me they would send me back to my dad and I don't want to go because of my step-mother, so, he says I could go live with him, so I did.

The main reason [my mother made me move] was because all her friends and relatives are from there. And she didn't want people coming by and saying, oh, your daughter's pregnant, she's only 15.

....The baby's father, when I call him two months later to tell him that I was pregnant, he said, that baby is not mine. He treat me like a bitch. He said I was drunk and I did everything he wanted me to do, I didn't say, no. That hurt my feelings.

My mother wanted me to have an abortion. She didn't want me to have a baby. And she tried to kick me out of the house. She packed all of my things out....I wrote her a big letter saying that Ineeded her....I don't want you to kick me out because I know I've done something wrong...I have nowhere to go and I need you....I need some support from you and I can't go out of your life just like that. And she said, I want you to have an abortion. And I was already six months pregnant and I didn't know it. And, so, we went to the doctor and she found out and she said she wanted me to have an abortion and I said no, I can't. I'm not going to have an abortion.

My mother was -- she was mad. But she didn't tell me to get an abortion. She just told me, whatever you want, have the baby or whatever. I wanted to have an abortion, but it was too late. And then I was going to give [my son] up for adoption, but I didn't...

My mother wanted me to give up my son for adoption. But when my son came out of me and she saw him, she started crying, because he looked just like me, he have my feet, my toes. And he looks kind of like my mom. And she said -- and I was mad with her -- please don't give up your

son for adoption....And I started crying and I said to my mom -- because she used to humiliate me when I was pregnant --Like to say that I was ugly. She said, you're getting too fat, I don't like you, stay out of my sight, things like that. And then I have my son and everything changed.

Impact of Pregnancy on Relationship with Partner

I'm not with my baby's father....I did not finish school because of him. He wanted me to be in the house, cook for him....I did not go back to school until this year. I dropped out for two years. And my baby hasn't seen his father over four years, because [he] will be four in September. He don't know his father, his father don't know [him].

I ain't with my baby's father, because I don't like him very much. He's a wuss....He was in college then and he called me because he had heard I was pregnant. And he asked if I was pregnant and I said, no. He said, I'm glad I'm not having any kids. Then he found out that I was for real and he called me back and said why didn't you tell me. I said, it isn't any of your business. He said, well, I'm glad I'm not having a baby and that ain't mine and I said, all right, fine. I don't care. So, I just don't talk to him. He came to see him once.

Participant 1 If your son asks where is his father, what are you going to tell him?

Participant 2 That his father didn't want anything to do with him. I'm not going to lie to him.

Participant 3 Do you think it would have made a difference if you went to him and said, guess what, I'm pregnant?

Participant 2 No. He's not that type of person....he would have done the same, regardless of how I went about [it]. He'd say, well, that ain't mine, let's go get a blood test, and I wasn't going through all that. If he wasn't going to claim his baby, I wasn't going to force him to. Because it's like I'm pushing something on him that he don't want and it's going to make me feel like he only around his son out of pity and that will look bad to my son. So, I was like forget it, he doesn't want nothing to do with it. He's got all my family to love him, he don't need his father. So, I don't care....I don't want his money. I got two jobs. I don't need his money.

Participant 1 What are you going to tell your baby?

Participant 2 I told him already. Because he knows. He's three years old, he asks about his father and I say he's [in another state], working, whatever. I'm not going to lie. I know later on, I'm going to tell him what happened. Because right now he won't understand what happened when I was 13.

Participant 1 If your son wants to see his father, are you going to let him see him or not?

Participant 2 It's up to him whether or not he want[s] to see him. I don't want him to. And I'll tell him that, I don't want you to see your father, but you can, that's your choice. I'm not going to say to him, no you cannot see your father.

Participant 1 What happens if he asks you did my father try to help you?

Participant 2 He didn't try. He denied his baby.

When I first met [my son's father] it was good. He said he was going to buy me this, buy me that. And he was going to be married with me and he was going to do this, do that....He was 20. I thought he was going to be true. But it's just different when you live [with a man] that's older than you. Because you don't love him. I didn't know that I was going to be pregnant, I didn't know I was going to get probably AIDS....

[The baby's father] works from Monday to Sunday. He's a chef. I don't see him, only at night. Sometimes he takes a day off from work. I told him I would work, but he said, no, you have the baby. He says, I'm the man, I'm supposed to take care of you. I let him. I tried to get a job, but he's like, no, no! I feel nice because I feel like I have someone that really takes care of me.

Negative Consequences of Relationships with Adult Men

He was very strict, didn't want me to go out, didn't let me dress the way I used to dress, he wanted me to wear baggy clothes.

Well, he abused me...when I didn't do what he asked me to do. Like I said, he didn't let me finish school and he didn't want me to hang around with my friends....I went back with my mother when he started hitting me....[He hit me because] I didn't like [to] cook, when I wanted to go out he didn't want me to go out with my friends.

...[H]e don't want me to go out, have friends. He don't want my mom telling me what to do. He just wanted me to be at home cooking, cleaning. He didn't care if I didn't shave my legs. He didn't want me to wear make-up, not even outside. So that means he was abusive. If I was going to stay with him for the rest of my life, somewhere in that point, he was going to hit me and I knew it. So, I'm glad he left. Also, he wanted to hit my son once and we had an argument.

I didn't ask him [about AIDS]. We used protection. But then when I got pregnant, we had to get the test. I'm like, if I have it, it's your fault. And if I have it, I'm going to have to have an abortion, because I don't want my kid to come out like that, I prefer not to have them being born with that. So, we went and took the test and none of us had it.

I think that every man that has been around me, the only thing they want is sex....I can't trust nobody after what I've been through.

Positive Consequences of Relationships with Adult Men/Pregnancy

You can talk about responsibilities. I'm under age since the day I moved in to live with him, he has always taken care of me. There hasn't been a day where there's no food in the house, you know. Since I got pregnant, he's paying for all the stuff with the clinic. He has been taking really good care of me. He has never tried to do nothing bad to me. Especially, as I told you before, the way I used to be and the way I am right now --[I was] A gangster. If it was something bad, then I would still be the same, even worse. On the contrary, he's doing something good, because he's trying -- he tried to get me away from other stuff, he has helped me a lot, to do good things.

I used to hang around, out late with my friends, go out, mess around with somebody....And now I've changed because I'm a mother. I don't do that stuff no more. I go out, but not messing around....I used to cut school every day. And now I don't. When you have a child, it's just different, your whole life change[s] and you can't do some stuff that you used to do.....

...Before I got pregnant, I didn't do anything but like run the streets and smoke weed and drink all day long. That's how we -- every day go to the clubs, go to parties, stay out til 5 - 6 o'clock in the morning. We'd have bets on who could book the most boys. We'd just go out, we always had fun, we'd go driving around all night and just see who could book more boys. That's how we do it and smoke and drink all day long....[booking is to] Get boys' phone numbers.... I would still be in the streets at 4 o'clock in the morning. We'd sell drugs, I'd still be doing all that stuff. We used to skip school. I didn't go to school for like weeks at a time. We'd go riding around, smoking weed, getting drunk, that was our schedule all day long every day. Now, I've got two jobs. I go to school every day. I missed three days this whole year. I go out every once in a while, but it's not like that any more because I don't have time to, because I have so much other stuff in my life to handle. I know if I went out like I used to, I'd just get in too much trouble, I'd end up in jail or dead or something. Because I've seen people get killed like right there. I saw a boy get shot right there. And I know if I was still doing what I used to do, I could be the one shot or in a hospital or in jail or something. My son has changed my life so much, it's crazy.

I think I'm very mature....because of the fact that I had a child and grown up, you know, to be more responsible. I do less things than what I used to do when I was younger and in high school. We used to go out, have fun, drink. I have to work for what I want.

I'm glad I don't have HIV. I'm trying to take care of myself for him [baby]. I'm trying to research my insides, so I could kind of know what I like and what I don't like. And to learn about my body and the things that I feel and how to get them out, not drinking, not using drugs, not sleeping with a lot of people, not upsetting my mother.

....I don't want to have another baby. I just have one hope, after I graduate, I'm going back to my country. I think everything is going to be different. I want to go away by myself.

V. Reporting of the Girls' Sexual Relationships

Prosecutors interviewed for this project identified reluctant victims as the most pressing barrier to holding adult men accountable for their sexual involvement with young teen girls. And service providers voiced strong concern about the "chilling effect" reporting would have on girls' willingness to remain in service delivery programs if they knew their adult boyfriend would be reported to authorities. The focus group discussions addressed these issues, and provided two possible explanations for the girls' reluctance: (1) the void in their lives produced if their male partners were incarcerated; and (2) the conflict caused when controlling and abusive men re-enter their lives as visiting fathers. Adolescents who opposed prosecution of adult men indicated they did not want the father of their children incarcerated, and they were also concerned prosecution would give men from whom they had escaped "a reason" to return. Likewise, adolescents did not see the practical nature of sending the men to jail: "You know, because of the police, my baby would end up not having his father around."

Even though the boyfriends I had got on my nerves, I wouldn't rat them out.

I would not tell them anything....Because I don't like police. They arrest people for the wrong reasons....[If it wasn't reported by the girl] [t]hen obviously that person didn't want to tell them....I know if the police came to me...I'd say, well, that's none of you all's business....[I wouldn't report even to get child support]...because I don't want anything from him. I'm doing fine on my own. I don't need anything from him. Because my mom, she's been pushing that since day one....Yeah, go get child support from him. For what? I don't need his money. He is nothing to me. As far as I'm concerned, he's nothing to me or my son. I don't want him to see him, I don't want him around him. I don't want anything from him. I don't want him to have anything to do with me. I want him to have no reason to call my house, come in my house, anything like that. I don't care about him.

It causes more problems than what's necessary. That means that he's going to be dragged to court, then I'm probably going to have to come in or say something to somebody and then it's going to go on for months and months and months. And that's going to cause more complications in my life.

I don't know. See that was the thing that I was kind of afraid of, because we live in a house with my husband's cousins and like his cousins, okay, they do crazy stuff and the police sometimes comes and looks for them and be asking stuff about them. Every time the police come to the house -- ...what am I going to say. I'm not in school, not with my parents, I'm with someone who's a lot older than me. It will be hard for me, because it's not like I'm with him because he's forcing me to be with him....I'm with him because I'm happy with him and I like the way it is being with him. If the police were to do that, practically they would be doing something bad. Because even if it was three weeks ago, you know, I was pregnant three weeks. And, you know, because of the police, ...my baby would end up not having his father around. And I wouldn't like that too much.

They don't care. It'll make it worse....It makes things worse.

Especially if you talk to a social worker.

Yeah, if they start getting involved, getting other people to tell how your life is. They try to find other people who's with you to tell you the stories....And that doesn't even help. The only way I would get somebody involved is only if it's an abuse case and that it's happening right now. But with something that happened a long time ago -- I'm fine with the person I'm with and why should I get somebody involved.

Some Last Words

Participant 1 But what I've seen -- you all that don't live with the guy -- it's like even though -
- they done bad stuff to you and everything. But also I've seen that you have
one thing to thank them for. Because if it wasn't for the kids, you would still be
the same as you were before....They did something bad to you, but you got you
something good out of it.

Participant 2 I wish not that soon.

Participant 3 Maybe that's the only thing that would have made you change.

SYNTHESIS OF FINDINGS AND CONCLUSION

Several themes were explored with all participants in the research: the life circumstances of the young teen girls with whom they interacted; descriptions of the adult men involved with young teen girls; the societal context for the sexual relationships; reporting sexual relationships to authorities; and teenagers' cooperation with authorities.

Life Circumstances

There were several areas of agreement across the findings, primarily with respect to the life circumstances of the girls. Both the service providers and teenagers described single-parent families, lack of a consistent or positive father-figure, early childhood sexual molestation, dysfunction in the families, and intergenerational teen motherhood. The prosecutors, service providers and teenagers all discussed the impact of the culture of origin on parental or community tolerance for teen/adult relationships. There was one area of disagreement--while service providers reported that there is much familial support for these relationships, the teenagers reported their mothers were unhappy with the relationship or pregnancy.

The Men and the Relationships

Prosecutors and service providers described the most common relationships as primarily between girls approximately 14 years old and males in their 20's. Service providers and teens agreed that security (money, a place to stay) attracts young teens to adult men, because older men may offer the teens a more positive situation than the home they come from. Most of the men were described across the findings by prosecutors and providers as controlling and emotionally abusive, but also as coming from similar circumstances as the teen girls. Relationships were described as more or less short term, often ending during or immediately following a birth. However, some providers, prosecutors and teens did report men who were employed, supportive, and who had functional, continuing relationships with their young teen partners and any offspring; these were described as exceptions to the rule.

Social Response

Both prosecutors and service providers discussed the larger social context in which these relationships take place, but they had alternative approaches to addressing the issue. Prosecutors said that prosecution sends a message to communities and may reduce the number of unlawful relationships, while service providers believe more education (sex and relationships) plus counseling and employment support for girls and boys are better tools for prevention. In addition, while prosecutors report that juries often hold these cases in disregard, many reports to law enforcement and child protective services are from parents and school/medical personnel.

Response by Authorities

About half our prosecutors reported they take almost all or most of the cases that are brought to their attention, but service providers say their reports are often ignored or laughed off. In addition, service providers are concerned about the "chilling effect" of reporting the relationship to governmental agencies, and the teens confirm that agency interference in their relationship would jeopardize participation in the programs designed to help them.

Cooperation with Authorities

Prosecutors and service providers report these girls do not see themselves as "victims" and are therefore uncooperative in reporting to child protection or criminal justice agencies. The teens disclosed very specific reasons for not wanting to cooperate, including the void left in their lives if the male is incarcerated and the conflict caused when controlling/abusive men re-enter their lives by paying child support and getting to visit with their kids.

CONCLUSION

To deal effectively with the issue of adult men in sexual relationships with young teen girls, public policies must focus on older men who seek out these relationships; parents must become more aware of ways they can protect girls from sexual exploitation; and the media must do more to promote societal disdain of May-December romances involving children who, developmentally and chronologically, are too young to be having sex.

There must be **accountability** for men sexually involved with young teens, rather than the impunity they have historically been afforded.

We hope this report helps raise public and professional awareness of this complex social problem.

ENDNOTES

-
1. Discussion with David Landry, The Alan Guttmacher Institute, New York, NY. April 8, 1997. This figure was calculated by multiplying .191 (the percentage of 14-year-old girls in the U.S. who had sex in 1988 [19.1 divided by 100]) by 1,573,000 (the population of 14-year-old girls living in the U.S. in 1988) which resulted in a figure of 300,443.
 2. National Center for Health Statistics, Centers for Disease Control and Prevention. (May 1997). Fertility, Family Planning, and Women's Health: New Data From the 1995 National Survey of Family Growth.
 3. Id.
 4. Gershenson, H. P., Musick, J. S., et al. (1986). The Prevalence of Coercive Sexual Experience Among Teenage Mothers. The Ounce of Prevention Fund: Chicago, IL.
 5. Boyer, D., & Fine, D. (1992, January/February). Sexual abuse as a factor in adolescent pregnancy and child maltreatment. Family Planning Perspectives. 24.
 6. Id.
 7. Males, M. A. (November 1992). Adult liaison in the 'Epidemic' of 'Teenage' birth, pregnancy, and venereal disease. Journal of Sex Research. 29.
 8. The Alan Guttmacher Institute. (1994) Sex and America's Teenagers. New York and Washington.
 9. Males, M. A. (July 1995). Adult involvement in teenage childbearing and STD. The Lancet. 346.
 10. Id. And telephone conversation with the author on April 9, 1997.
 11. Males. 1992.
 12. The Alan Guttmacher Institute. Sex and America's Teenagers.
 13. Lindberg, L. D., Sonenstein, F. L., Ku, L. & Martinez, G. (March/April 1997). Age differences between minors who give birth and their adult partners. Family Planning Perspectives. 20.
 14. Id.
 15. Id.

-
16. Id.
 17. Id.
 18. Kempe, C.H. (September 1978). Sexual abuse, another hidden pediatric problem: The 1977 C. Aldrich lecture. Pediatrics 62.
 19. Rubin, E. J., Waller, M. A., & Seagrave-Whittle, B. (in press). Consenting Victims: Young Teens Impregnated by Adult Men.
 20. Widom, C. S., & Kuhns, J. B. (1996). Childhood victimization and subsequent risk for promiscuity, prostitution, and teenage pregnancy. American Journal of Public Health. 86.
 21. Nakashima, I. I., & Camp, B. W. in Teenage Fathers, Robinson, B.E. (1988). Massachusetts/Toronto in D.C. Heath Co., In Rubin, Waller & Seagrave-Whittle, Consenting Victims: Young Teens Impregnated by Adult Men.
 22. Lamb, M. E., Elster, A. B., & Tavaré, J. (1986). Behavioral Profiles of Adolescent Mothers and Partners with Varying Intracouple Age Differences. Journal of Adolescent Research Vol. 1, No. 4.
 23. Lindberg, Sonenstein, Ku & Martinez. (1997).
 24. Musick, J. S. (1993). Young, Poor and Pregnant: The Psychology of Teenage Motherhood. New Haven and London: Yale University Press.
 25. Id.
 26. Raymond Associates, Inc. (Sept. 1996). Teen Partners Study: Summary of Findings. Rochester, NY.
 27. Id.
 28. P.L. 104-193, Sec. 103 (a), as reported in Welfare Reform and Teen Parents: An Issue Brief, Child Welfare League of America, 1996.