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Teen Sexting: What Every Parent Must Know

The disclosure of widespread “sexting” at high schools in Colorado, New York and Ohio this week raises a critically important question about how the issue should be addressed. Should law enforcement supervise teenager’s sexual behavior or should parents manage their children’s behavior in the privacy of their own homes? Today, teens communicate almost exclusively through technology, and they use this technology as a tool to explore their *normal* adolescent curiosity about sex. Do we want our teenagers arrested, humiliated, and potentially labeled as “sex offenders” for life simply because they are using an electronic form of communication instead of communicating in person?

Sharing photos beyond the intended recipient can unquestionably lead to unintended and potentially harmful consequences. But most teen sexting involves consensual sharing between individuals, and this is a key distinction. Teens voluntarily viewing or sharing graphic or explicit photos of themselves (whether in person or by electronic communication) is not the same as exposing or disseminating those same images of teens involuntarily. When someone violates another’s privacy without permission, it may be an appropriate matter for law enforcement. But law enforcement should NOT be involved with private, intimate communications between individuals, whether those individuals are teens *or* adults. This is a matter for parents to deal with at home – not law enforcement or the courts.

Obviously, sexting should not be encouraged. But it’s going to happen, and parents should address appropriate sexual behaviors with their teens and the potential consequences of sharing electronic images to protect their children from prosecution, a criminal record, suspension or expulsion from school, and hefty court fees.

Unfortunately, a heavy-handed response by school administrators, legislators, and law enforcement is all too common. Many state laws fail to draw any distinction between consensual sharing among teens and behavior by predatory adults who sexually abuse children. Many youth are charged with possession of child pornography because they themselves are minors and the images depicted involve minors. Simply put, they could be charged for possession of child pornography for having *a picture of themselves* on their phone or computer. These criminal charges can result in sex offender registration for these youth – in some cases for the rest of their lives.

“Sex offender registration laws were intended to *protect* children, not harm them, and were certainly never meant to apply to these kinds of scenarios,” says Nicole Pittman, Director of the Center on

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Youth Registration Reform at Impact Justice and author of “Raised on the Registry.” “We are essentially condemning our children for life for mistakes made during childhood.”

“Parents and school officials need to understand that in most of these situations, the consequences of criminalizing sexting are far more traumatic and damaging to children than sharing the photo,” says Marsha Levick, Deputy Director and Chief Counsel at Juvenile Law Center. “Teens who thought they were sharing a private moment with their boyfriend or girlfriend are now having their lives destroyed by the very systems meant to protect them.”

Of course, had these same youth chosen to act out their sexual curiosity in the real, rather than “virtual” world, their normal sexual exploration would generally have fallen outside the criminal or delinquent sphere.

Key observations about teen sexting:

- Adolescent curiosity about sex is normal, universal and timeless. The method of exploration should not dictate whether something is a crime. Twenty years ago, sharing a Polaroid image of yourself did not initiate a ‘call the cops’ moment. But sexting can now lead to charges of possession of child pornography, and possibly lead to sex offender registration, sometimes for life.
- Sharing photos *without* permission is different from consensual sharing but must still be met with measured, appropriate responses, depending upon the circumstances.
- Thirty-nine states require children adjudicated in juvenile court of certain sex offenses to register on sex offense registries.
- In some states, *children as young as 8, 10, or 12-years old* are subject to sex offender registration and community notification, often into adulthood.
- Imposing lifelong consequences for teen behavior is contrary to adolescent development research, which confirms what parents already know—teenagers are impulsive and often make bad decisions, but they are also malleable and capable of change. The mistakes they make as teenagers are not predictive of who they will be as adults.

For more information, about the impact of sex offender registration on children, see the Human Rights Watch report, [“Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US.”](#) This report represents the first examination of the collateral consequences of registration and notification for children.

The Center on Youth Registration Reform (CYRR) aims to reverse damaging registration policies, improve public safety, and spare children from the harm of registration. The CYRR is housed at [Impact Justice](#). For more information, contact Nicole Pittman at npittman@impactjustice.org.

[Juvenile Law Center](#) is the world’s oldest non-profit, public interest law firm for children, working to advance the rights and well-being of youth in the justice and foster care systems. [Marsha Levick](#) is Deputy Director and Chief Counsel at Juvenile Law Center, and has been involved with several landmark cases around the country involving sexting.

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