

Dear Mandated Reporter Commission:

We are writing to provide public comment on The Mandated Reporter Commission, December 2020. We are writing regarding the definitions of abuse and neglect, sexual abuse definition, page 23.

As adolescent health care providers in the public school setting, we believe it is crucial to provide a definition of "child sexual abuse and clear guidelines when addressing consensual sexual relations involving under-age adolescents. Inherent in our role is advocacy for adolescent health care, promoting normal sexual development and relationships and facilitation of family communication.

The broad reach of a 51A for all under-age sexual activity removes the clinical lens and professional judgement for health care providers. A 51A filing in this context may deter young people from accessing care, seeking guidance, and engaging in dialogue related to safety in relationships at a time in their lives in which adult guidance is critical. Under the current 51A guidelines, adolescents who are under the age of 16, the legal age of consent, might have a 51A filed against them if they are engaging in consensual sexual activity. The filing of a 51A may prevent young people from seeking necessary reproductive health care, discourage discussion related to sensitive topics, (substance use, identity/orientation) and/or criminalizes normal sexual development. It is essential for young people to distinguish between a consensual sexual relationship and one in which there may be a power differential, subtle coercion, or significant age/developmental difference.

We recognize the developmental needs of young people for confidential and safe spaces to explore their relationships and sexuality. We share the Department of Child and Family Services' concerns for child protection. The 51A filing shifts the dynamic from a family systems, clinical and health care issue to a legal one. We recommend that mandated reporters have training in normal adolescent sexual development and be able to identify sexual abuse, signs of sexual coercion, power differential in relationships (ie. incest, gangs, domestic violence, and cognitive, emotional, psychological development), date rape, and human trafficking. There is no question, mandated reporters have an obligation to explore the circumstances surrounding sexual activity and file a 51A report when indicated.

In our view, a definition of child sexual abuse, guidelines for underage sexual activity, reporting considerations, and training for mandated reporters will provide clarity to those involved in decision-making about young people's lives in support of their health and wellness.

Respectfully,
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