

Guidelines for Child Abuse Reporting of Consensual Sexual Activity

A report of sexual abuse may be required when minors engage in consensual sexual activity. Under Ohio Law, the need to report is based upon the ages of the participants, any history of force, misuse of authority, as well as other issues. Due to a high risk for abuse, a sensitive assessment for sexual abuse is indicated when evaluating young sexually active adolescents.

When evaluating children for possible sexual abuse, obtain a history of the sexual activity, the age of the child's partner(s), any history of force or coercion and identify the relationship between the patient and partner(s) (i.e., authority figure, relative, etc.).

The section below is a guideline for reporting sexual abuse when patients describe consensual sexual activity.



Patient Age 12 or younger

Children under 13 years old cannot legally consent to sexual activity in Ohio. All children under 13 who report consensual sexual activity must be screened for sexual abuse. Note: Any patient age 15 and younger should be treated according to the Pediatric Sexual Abuse Protocol and in a pediatric facility.

File a report of sexual abuse if:

- ✘ The sexual partner is 13 years old or older.
- ✘ The sexual partner used force or coercion.
- ✘ The sexual partner misused their authority (i.e., baby sitter, etc).
- ✘ There is a significant difference in maturity levels between the patient and the sexual partner (i.e., victim is mentally retarded or there is a large difference in ages).
- ✘ There are protective issues (i.e., the child lives on the street or there is a significant lack of supervision which puts the child at risk for abuse, injury, etc.).



Age 13, 14, 15 years

Note: Any patient age 15 and younger should be treated according to the Pediatric Sexual Abuse Protocol and in a pediatric facility.

File a report of sexual abuse if:

- ✘ The sexual partner is four or more years older than the patient.
- ✘ The sexual partner used force or coercion.

- ✘ The sexual partner misused their authority (i.e., parent or authority figure) .
- ✘ There was a significant difference in maturity levels between the patient and sexual partner (i.e., victim is mentally retarded).
- ✘ There was mental or cognitive impairment (i.e., developmental delay, intoxication) rendering the person unable to consent.
- ✘ There are protective issues (i.e., the child lives on the street or there is a significant lack of supervision which puts the child at risk for abuse, injury, etc.)

Consider reporting if:

- ✘ The sexual partner is over the age of 18 but less than 4 years older than the patient. In this situation, the police might charge the partner with the corruption of a minor.
- ✘ The decision NOT to report consensual sexual activity may be considered when:
- ✘ There is less than four years age difference, a thorough history eliminates the above criteria, and the parent and child agree not to file a report.

The guidelines above may not prove applicable in all situations. Professional judgment must be used. In 13, 14 and 15 year olds, abuse may be present even when the age difference between partners is only 2-3 years. The professional must carefully assess the situation before deciding against reporting and may want to seek consultation with the child abuse team or with the police jurisdiction.



Age 16 or Older

Sixteen is the age of consent in Ohio (O.R.C. 2907.04). However, if the girl is 16 and her partner is 18 or older, a parent can file charges with Juvenile Court prosecutors. The misdemeanor charge would be contributing to the unruliness or delinquency of a minor. In this situation, we would not file an abuse report.

When interviewing an adolescent, be alert for issues of force, coercion, deception, identify the relationship of the sexual partner (relative, authority figure, etc.) and history of physical or mental impairment (such as intoxication or drugs). When these factors are present, a report of sexual abuse should be made.



National Child Alliance: <http://www.nationalchildrensalliance.org>
National Association to Prevent Child Sexual Abuse: <http://www.napsac.us>
US Department of Health and Human Services, Administration for Children and Families,
http://www.childwelfare.gov/systemwide/laws_policies/state/can/