

# “Statutory Rape:” Sex Between Young Teens and Older Individuals

INDICATORS ON CHILDREN AND YOUTH



Among young people ages 18 to 24 in 2011-13, nine percent of females and five percent of males reported that their first sexual experience occurred at age 15 or younger, with an individual who was three or more years older than they were (defined here as “statutory rape”).

## Importance

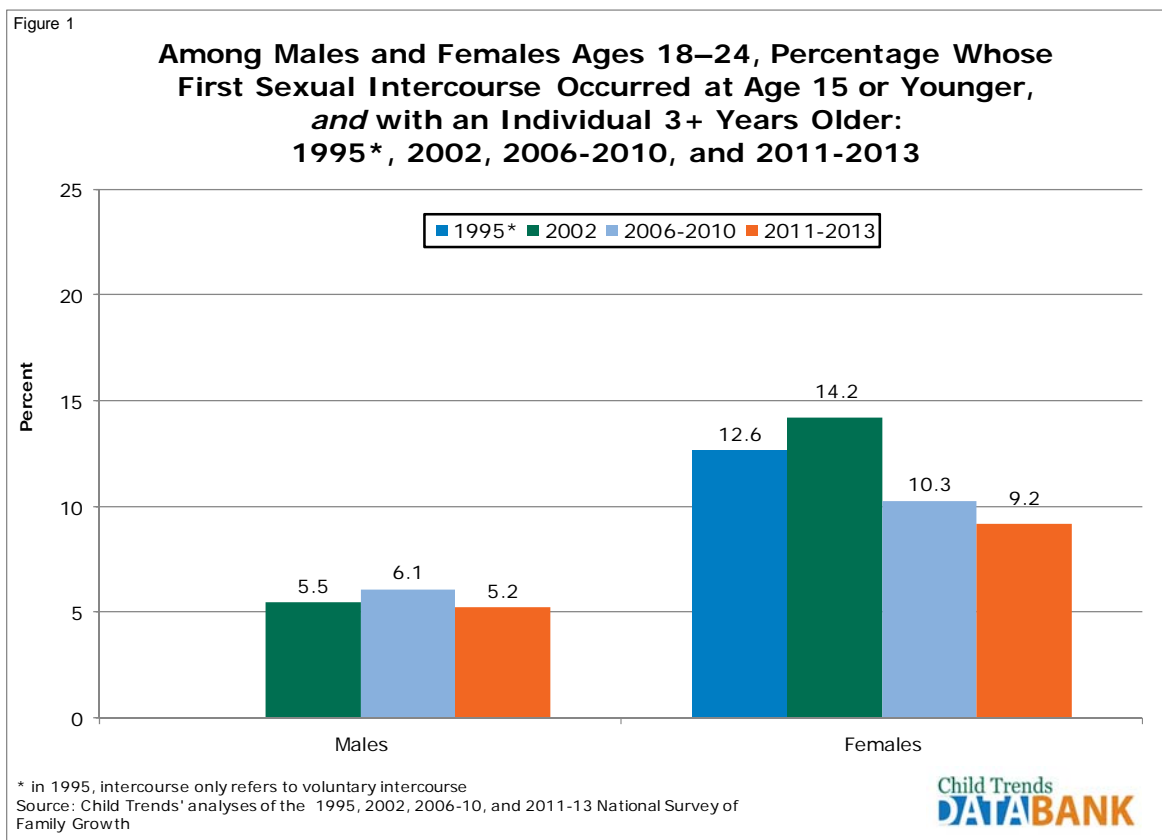
Romantic relationships play an important developmental role in adolescents’ lives. However, sexual relationships between young teens—particularly young teen women—and older individuals are associated with increased likelihood of engagement in risky sexual behaviors, and with poorer emotional health among adolescents.<sup>1,2</sup> Among sexually experienced teens, having sex with someone who is older has been associated with less and/or inconsistent use of contraception,<sup>3</sup> including condoms,<sup>4</sup> and a greater risk of teen pregnancy<sup>5</sup> and diagnosed STDs (sexually transmitted diseases).<sup>6</sup> These risks may persist past adolescence. For example, one study found that having an older sexual partner during adolescence is linked to lower contraceptive use in adulthood.<sup>7</sup> Research also finds that adolescent women with older sexual partners are more likely than women with same-age partners to report mental health problems and substance use.<sup>8</sup>

Adolescent women who become sexually active at a young age are more likely to have an older sexual partner than are adolescent women who delay sex.<sup>9</sup> Additionally, adolescent women who have older sexual partners disproportionately come from disadvantaged backgrounds, experience higher levels of family dysfunction, and have poorer parent-child relationships.<sup>10</sup> Adolescent men who are in sexual relationships with older women also tend to come from disadvantaged backgrounds, although young men are more likely than adolescent women to identify these relationships as casual.<sup>11</sup> Men in relationships with younger women are more likely to have criminal histories and lower levels of education, while women in relationships with younger men tend to have more emotional problems and a history of early sexual experience themselves.<sup>12</sup>



## Trends

The percentage of female teens, ages 18 to 24 who had had sex at age 15 or younger with an older sexual partner, declined between 2002 and 2006-10, from 14 to 10 percent, and was at nine percent in 2011-13. Among male teens there was no significant change; the corresponding percentage was six percent for both time periods, and five percent in 2011-13. (Figure 1)

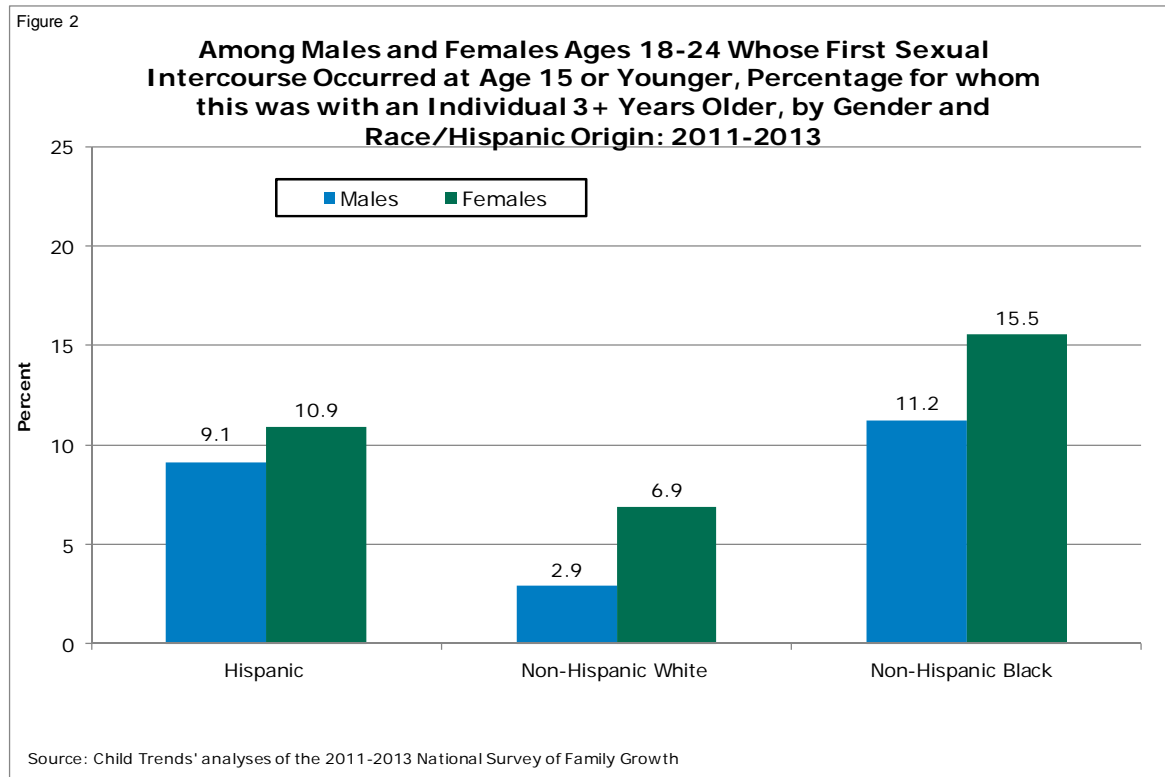


Among males whose first sexual experience was before the age of 16, the proportion for whom this was with someone who was at least three years older remained constant between 2002 and 2006-2010, at between 20 and 22 percent, then fell in 2011-13 to 17 percent. Among females, the corresponding proportion increased between 1995 and 2002, from 46 to 53 percent, though some of the change may be because only “voluntary” sexual partners were included in the survey wording for 1995. The proportion then decreased between 2002 and 2011-13, to levels below the proportion in 1995 (33 percent). (Appendix 2)



## Differences by Race and Hispanic Origin<sup>13</sup>

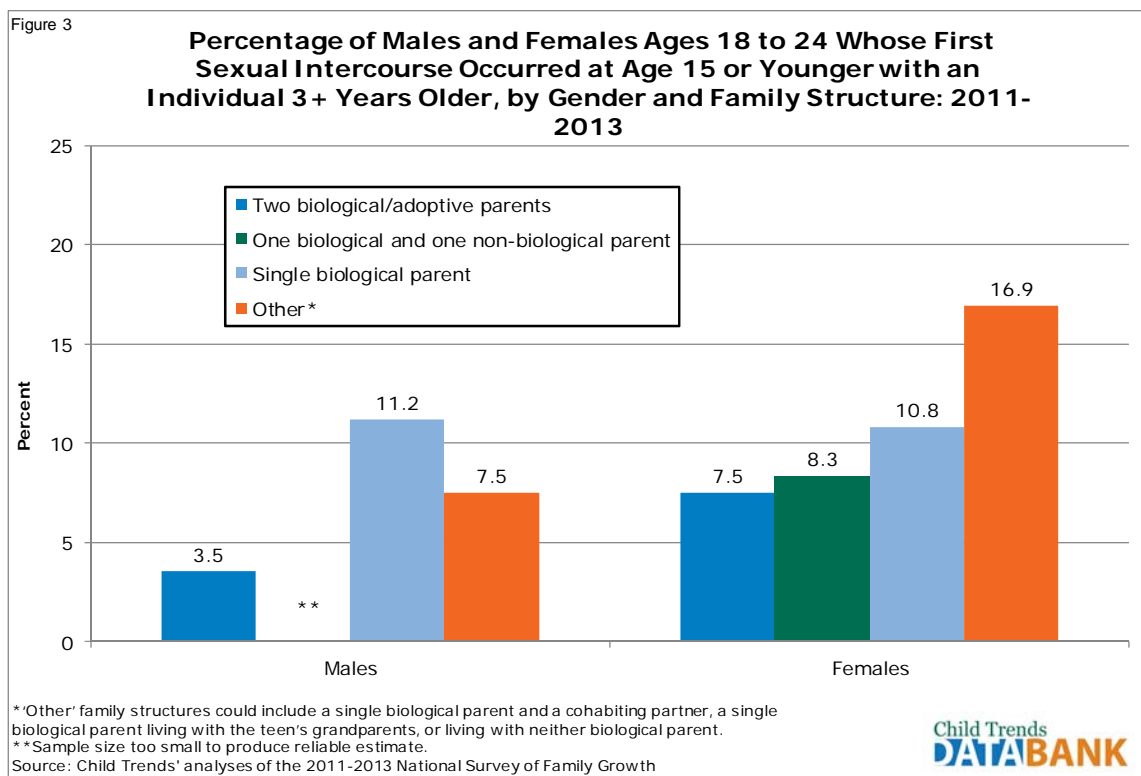
Among both females and males in 2011-13, white youth were less likely than their black peers to report their first sexual encounter met the criteria for “statutory rape.” Among white females, seven percent reported their first encounter as such, compared to 16 percent of black females. Among white males, three percent reported their first sexual encounter was “statutory rape,” compared with eleven percent of black males. Hispanics fall in-between whites and blacks, and are not significantly different on this measure from either of the other two groups. (Figure 2)





## Differences by Family Structure

Male and female youth who were in a family with two biological or adoptive parents at age 14 were less likely than their peers in other family types to report their first sexual encounter was a “statutory rape.” Among young males in 2011-13, 4 percent of those who lived with two biological or adoptive parents at age 14 reported a “statutory rape” as their first sexual experience, compared with 11 percent of males who lived with a single parent. Among females, 8 percent of those who were living with two biological or adoptive parents at age 14 had an experience a “statutory rape” as their first sexual experience, compared with 17 percent of females in “other” family structures. No other differences by family structure were significant in 2011-13. (Figure 3)

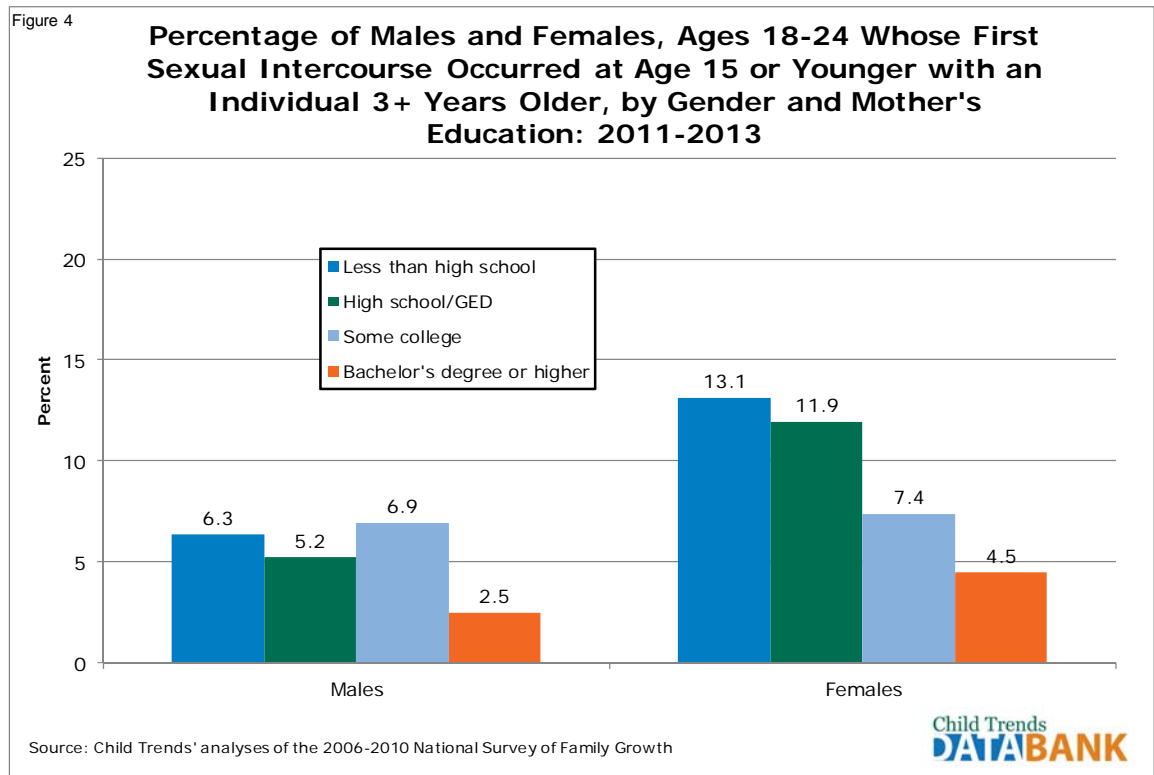


Although in previous years youth whose mothers had their first child before age 20 were twice as likely to have “statutory rape” as their first sexual experience, this difference was not apparent in 2011-13. (Appendix 1)



## Differences by Maternal Education

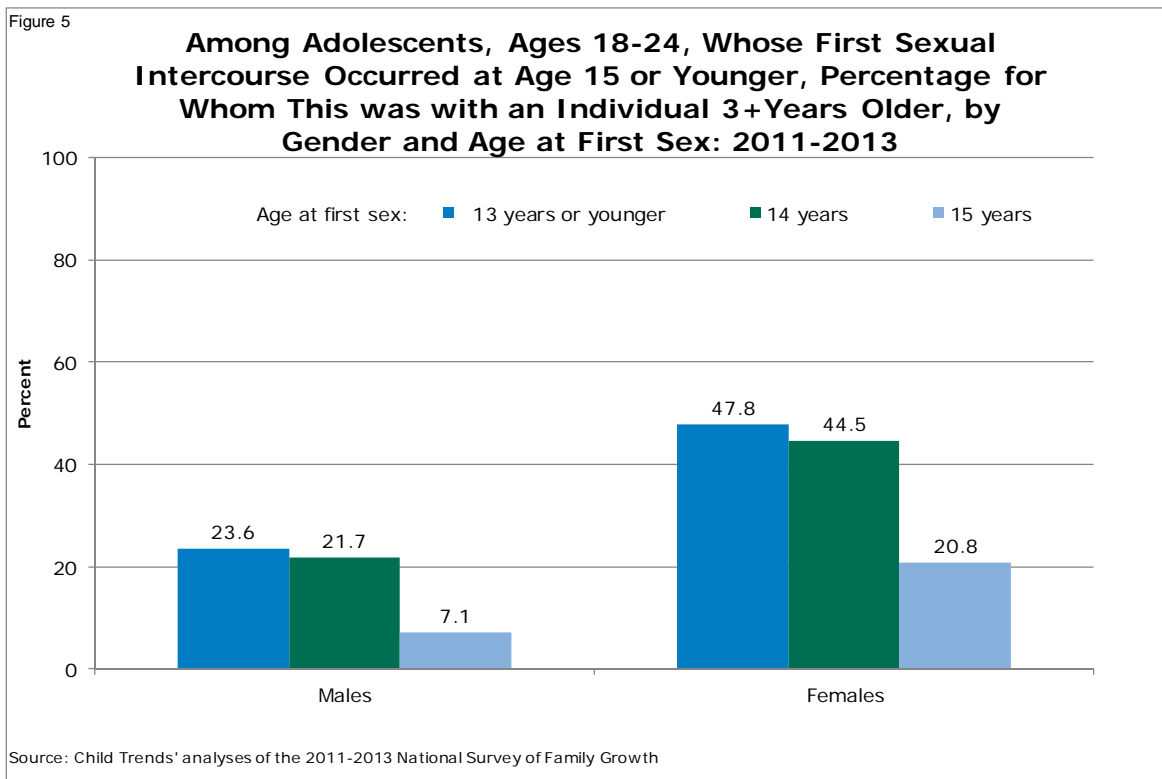
Among females, those whose mothers have higher education are less likely than those whose mothers have less education to report “statutory rape” as their first sexual experience. In 2011-13, 5 percent of females whose mothers had at least a college degree reported their first sexual experience was “statutory rape,” compared with 13 percent of those whose mother did not have a high school diploma, and 12 percent of those whose mother had only a high school diploma or GED. Those whose mother received some college education, were in between, at 7 percent (not significantly different from either of these). In 2011-13, there were no significant differences among males in rates of “statutory rape” by maternal education. (Figure 4)





## Differences by Age at First Sex

Among those whose first sexual experience was before age 16, the youngest sexually experienced teens were most likely to report their sexual experience as “statutory rape.” Overall, in 2011-13, 17 percent of males and 33 percent of females who had sexual intercourse before age 16 reported that their first time was with someone who was at least three years older than them. (Appendix 2) Males who were 15 at first sex were less likely than males ages 14 or 13 or younger at first sex to have reported this experience as “statutory rape” (7 percent, compared with 22, and 24 percent, respectively). Females who were 15 at first sex were also less likely to have experienced “statutory rape” than females ages 14 or 13 or younger at first sex (21 percent, compared with 45, and 48 percent, respectively). (Figure 5)



## State and Local Estimates

None available.



## International Estimates

None available.

## National Goals

Although *Healthy People 2010* did not specifically address sex between young teens and older individuals, two objectives indirectly address the percentage of teens who experience a “statutory rape” as their first sexual experience. These objectives include reducing the percentage of teenagers who are sexually experienced before age 15, as well as the percentage of teenagers ages 15 to 17 who have ever had sexual intercourse.<sup>14</sup> These objectives remain in the *Healthy People 2020* goals. Additionally, two new goals are linked to “statutory rape.” These include increasing the proportion of adolescents who receive formal instruction on reproductive health topics, and increasing the proportion of adolescents who have spoken with a parent or guardian about reproductive health topics before the age of 18 (both goals include topics such as abstinence, birth control methods, HIV/AIDS prevention, and sexually transmitted diseases).

More information on the *Healthy People 2010* goals is available at:

<http://www.health.gov/healthypeople/document/html/objectives/09-08.htm>

(See objectives 9-8 and 9-9)

More information on the *Healthy People 2020* family planning goals is available at:

<http://healthypeople.gov/2020/topicsobjectives2020/overview.aspx?topicid=13>

## Related Indicators

- Sexually Experienced Teens: [www.childtrends.org/?indicators=sexually-experienced-teens](http://www.childtrends.org/?indicators=sexually-experienced-teens)
- Adolescents Who have Ever Been Raped: [www.childtrends.org/?indicators=adolescents-who-have-ever-been-raped](http://www.childtrends.org/?indicators=adolescents-who-have-ever-been-raped)
- Sexually Active Teens: [www.childtrends.org/?indicators=sexually-active-teens](http://www.childtrends.org/?indicators=sexually-active-teens)
- Teen Births: [www.childtrends.org/?indicators=teen-births](http://www.childtrends.org/?indicators=teen-births)





- Teen Pregnancy: [www.childtrends.org/?indicators=teen-pregnancy](http://www.childtrends.org/?indicators=teen-pregnancy)
- Teen Abortions: [www.childtrends.org/?indicators=teen-abortions](http://www.childtrends.org/?indicators=teen-abortions)

## Definition

For this indicator, “statutory rape” is defined as a first sexual intercourse among young teens (ages 15 or younger) that occurred with someone who was at least three years older. All references to sexual intercourse refer to heterosexual intercourse only. Analyses were conducted on data collected from 18- to 24-year-old males and females participating in the National Survey of Family Growth (NSFG) who provided retrospective information on their age of first sexual intercourse and the age of their first sexual partner.

Each state has its own definition for illegal sexual relations with a minor; however, as of 2004 only five states specifically used the term, “statutory rape.”<sup>15</sup> Individual states set a minimum age when individuals can consent legally to sexual intercourse, regardless of the age of the individual with whom they are having sex. In 2004 the minimum age of consent, for 34 states, was 16.<sup>16</sup> In 2004, thirty-eight states and the District of Columbia also included language about age differences, the minimum age of the minor, and/or the minimum age of the defendant (in cases of prosecution). Those states that include age differential requirements most often set these at a two- to five-year age difference.<sup>17</sup> Check with each state government for the most up-to-date information on state-specific laws.

## Data Source

Child Trends’ original analyses of data from the National Survey of Family Growth.

## Raw Data Source

National Survey of Family Growth: 1995, 2002, 2006-10, and 2011-13.

<http://www.cdc.gov/nchs/nsfg.htm>



**Appendix 1 - Among Youth Ages 18 to 24, Percentage Whose First Sexual Intercourse Occurred at Age 15 or Younger, and with an Individual at Least Three Years Older, by Gender: 1995<sup>1</sup>, 2002, 2006-2010, and 2011-2013**

	1995 <sup>1</sup>	2002	2006-2010	2011-2013
<b>Males</b>	-	5.5	6.1	5.2
<b>Race/Hispanic origin</b>				
Hispanic	-	11.6	9.3	9.1
Non-Hispanic white	-	3.3	4.7	2.9
Non-Hispanic black	-	8.3	8.5	11.2
<b>Foreign-born</b>				
Yes	-	9.3	9.8	13.6
No	-	4.8	5.6	4.1
<b>Family structure (at age 14)</b>				
Two biological/adoptive parents	-	4.1	3.7	3.5
One biological and one non-biological parent	-	-	9.4	-
Single biological parent	-	8.0	10.9	11.2
Other	-	16.6	12.6	7.5
<b>Maternal educational attainment</b>				
Less than high school	-	9.8	8.8	6.3
High school/GED	-	6.2	8.8	5.2
Some college	-	4.0	5.0	6.9
Bachelor's degree or higher	-	-	2.2	2.5
<b>Mother's age at first birth</b>				
Teen mother	-	9.6	9.6	6.4
Not a teen mother	-	3.6	4.9	5.1



	1995 <sup>1</sup>	2002	2006-2010	2011-2013
<b>Females</b>	<b>12.6</b>	<b>14.2</b>	<b>10.3</b>	<b>9.2</b>
<b>Race/Hispanic origin</b>				
Hispanic	13.2	19.4	14.1	10.9
Non-Hispanic white	12.0	12.4	8.4	6.9
Non-Hispanic black	16.8	17.9	16.2	15.5
<b>Foreign-born</b>				
Yes	10.0	11.4	10.0	14.6
No	12.9	14.6	10.3	8.7
<b>Family structure (at age 14)</b>				
Two biological/adoptive parents	9.1	10.6	5.8	7.5
One biological and one non-biological parent	14.9	23.5	16.2	8.3
Single biological parent	18.6	15.3	18.9	10.8
Other	20.4	31.0	18.3	16.9
<b>Maternal educational attainment <sup>2</sup></b>				
Less than high school	18.6	17.8	18.2	13.1
High school/GED	13.0	18.6	12.0	11.9
Some college	10.2	14.0	9.9	7.4
Bachelor's degree or higher	6.8	6.6	3.5	4.5
<b>Mother's age at first birth</b>				
Teen mother	17.7	20.0	16.7	10.8
Not a teen mother	10.0	10.8	7.3	8.1

<sup>1</sup> In 1995, questions on the age of first sexual partner were only asked about voluntary partners. Because of this, data for 1995 refer to “voluntary” intercourse only.

<sup>2</sup> In 1995, maternal educational attainment was measured in years of schooling rather than degrees awarded, so categories may not be directly comparable to later years.

Source: Child Trends' analyses of the National Survey of Family Growth.



**Appendix 2 - Among Youth Ages 18 to 24 Whose First Sexual Intercourse Occurred at Age 15 or Younger, Percentage for Whom This was with an Individual at Least 3 Years Older: 1995<sup>1</sup>, 2002, 2006-2010, and 2011-2013**

	1995 <sup>1</sup>	2002	2006-2010	2011-2013
<b>Males</b>	-	20.0	21.6	17.1
<b>13 or younger</b>	-	29.8	32.0	23.6
<b>14</b>	-	20.8	21.3	21.7
<b>15</b>	-	13.0	13.5	7.1
<b>Females</b>	46.2	52.5	41.5	32.8
<b>13 or younger</b>	66.6	69.3	66.1	47.8
<b>14</b>	45.5	56.9	42.4	44.5
<b>15</b>	37.3	41.6	31.8	20.8

<sup>1</sup> In 1995, questions on the age of first sexual partner were only asked about voluntary partners. Because of this, data for 1995 refer to “voluntary” intercourse only.

Source: Child Trends’ analyses of the National Survey of Family Growth.



## Endnotes

<sup>1</sup> Haydon, A. A. & Halpern, C. T. (2010). Older romantic partners and depressive symptoms during adolescence. *Journal of Youth and Adolescence*, 39(10), 1240-1251.

<sup>2</sup> Hines, D. A. & Finkelhor, D. (2007). Statutory sex crime relationships between juveniles and adults: A review of social scientific research. *Aggression and Violent Behavior*, 12(3), 300-314.

<sup>3</sup> Manlove, J., Ryan, S., & Franzetta, K. (2007). Contraceptive use patterns across teens' sexual relationships: The role of relationships, partners, and sexual histories. *Demography*, 44(3), 603-621.

<sup>4</sup> DiClemente, R., Wingood, G., Crosby, R., Sionean, C., Cobb, B., Harrington, K, et al. Sexual risk behaviors associated with having older sex partners: A study of black adolescent females. *Sexually Transmitted Diseases*, 29(1), 20-24.

<sup>5</sup> Darroch, J.E., Landry, D.J., & Oslak, S. (1999). Age differences between sexual partners in the United States. *Family Planning Perspectives*, 31(4), 160-167. Available at: <http://www.guttmacher.org/pubs/journals/3116099.pdf>

<sup>6</sup> Ford, K., & Lepkowski, J. (2004). Characteristics of sexual partners and STD infection among American adolescents. *International Journal of STD and AIDS*, 15(4), 260-265.

<sup>7</sup> Senn, T. E., & Carey, M. P. (2011). Age of partner at first adolescent intercourse and adult sexual risk behavior among women. *Journal of Women's Health*, 20(1), 61-66.

<sup>8</sup> Hines, D. A., & Finkelhor, D. (2007). Op cit.

<sup>9</sup> Manlove, J., K. Moore, J. Liechty, E. Ikramullah, & S. Cottingham. (2005). *Sex between young teens and older individuals: A demographic portrait* (Research Brief). Washington D.C.: Child Trends. Available at: [www.childtrends.org/?publications=sex-between-young-teens-and-older-individuals-a-demographic-portrait](http://www.childtrends.org/?publications=sex-between-young-teens-and-older-individuals-a-demographic-portrait)

<sup>10</sup> Hines, D. A., & Finkelhor, D. (2007). Op cit.

<sup>11</sup> Manlove, J., K. Moore, J. Liechty, E. Ikramullah, and S. Cottingham. (2005). Op cit.

<sup>12</sup> Hines, D. A., & Finkelhor, D. (2007). Op cit.

<sup>13</sup> Hispanics may be any race. For this report, estimates for whites and blacks do not include Hispanics.

<sup>14</sup> U.S. Department of Health and Human Services. (November 2000). *Healthy people 2010. 2nd ed. With understanding and improving health and objectives for improving health*. U.S. Government Printing Office.



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Retrieved, October 2005, from the World Wide Web:

<http://www.health.gov/healthypeople/document/html/objectives/O9-08.htm> (Goals 9-8 & 9-9)

<sup>15</sup> Glosser, A., Gardiner, K., and Fishman, M. (2004). *Statutory rape: A guide to state laws and reporting requirements.* (The Lewin Group. Available at: <http://www.hhs.gov/opa/pubs/statutory-rape-state-laws.pdf>)

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.