

What Every Parent Needs to Know About their Children & Sexting

One would be hard pressed in today's society to not notice that cell phones have become mere extensions of a teenager's hand (and pre-teens more and more)- there has even been an entirely new language invented to go along with this age of electronic communication. However, Carpal Tunnel Syndrome is not the only worry parents today should have when it comes to their children and cell phones. No, parents today need to worry about something far more life-changing than CTS- "Sexting" is defined as sending sexually explicit photographs to someone else electronically, often from one cell phone to another. It's basically a text message that includes a nude or semi-nude photograph. It's a fairly recent phenomenon and one that more and more teenagers are engaging in- and some are facing prison time for it.

Yes, I said face prison time. They might also face a lifetime of being labeled as a sex offender. Sexting is illegal. It is not specifically mentioned in any law, but it does fall under "Child Pornography". Under the current child pornography law, sexting can be a felony. Imagine your 15-year-old daughter who has a momentary lapse of reason like most teenagers at some point, takes a semi-nude picture of herself and sends it to her boyfriend. That one act can lead to her being prosecuted for dissemination of child pornography- she is passing along nude or semi-nude photos of a minor, even if the minor is herself. The same is true if her boyfriend forwards the photo to one of his friends. And if his friend has the photo on his phone, he too may be violating child pornography laws.

It's estimated that 20% of teenagers have participated in sexting at some point. It's probably a lot higher than that, meaning many have not admitted to it. In many instances, the pictures are seen by more than just the recipient – they are passed along to friends and classmates. Not surprisingly, sexting has drawn a lot of attention, as well as concern, from parents, schools and law enforcement.

Lawmakers in more than a dozen states believe that punishing sexting as child pornography is too harsh and are working to create laws specifically for the phenomenon of texting. Under the proposed laws, sexting among teens would be a misdemeanor. Punishment would include court-ordered community service and counseling. Forwarding or disseminating nude photos of someone else may carry a harsher penalty.

Lawmakers are probably right – teens who make a one-time stupid mistake shouldn't face such severe consequences that can destroy the rest of their lives. But most teens don't know sexting is illegal and many don't think about or understand the consequences of their actions. Often, parents are unaware of the activity altogether. What is difficult is to construct laws in a way that protect our children from true child predators, yet shield them from the mistakes youth tend to make.

As the new school year begins parents need to let teens know that it's not only illegal to send such photos, but it's illegal to request them from someone else. Most importantly, if they receive a sexually explicit photo, they should delete it from their phone right away. Simply having the photo on your phone could get you in trouble. And passing it along to others is not only illegal, but it could lead to civil liability for invasion of privacy or defamation. As with drug use, unprotected sex, etc., these conversations are never comfortable, and you hope your child is not participating in the activity- but it is better to have open communication than face harsh consequences down the road from ignoring the problem.

By: Michael Helfand, Attorney

Michael Helfand has been a Chicago attorney since 1997 with a focus on workers' compensation matters. In 2001 he launched a state wide network of like-minded attorneys who talk in plain English, only pursue legitimate cases and fight for their clients. Mike recognized that the facts of the case should determine who the right lawyer is for a case. His network makes that goal a reality and the 20+ lawyers he partners with state wide have achieved unmatched success for their clients.



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