

# Using—and Misusing—Data on Age Differences Between Minors And Their Sexual Partners

By Rebekah Saul

According to a 1995 study, almost two-thirds of mothers aged 15–19 have partners who are 20 or older. For many people, this much-quoted finding raised serious concerns about the extent to which teenage women, especially minors, are sexually involved with older men, and what should and can be done to discourage such relationships. For their part, conservative lawmakers have used this statistic, often out of context, to garner support for more widespread prosecution of statutory rape and for mandatory parental involvement when minors seek reproductive health services. Most recently, the notion that large numbers of young adolescents are involved with much older men has been used by proponents of the Child Custody Protection Act—federal legislation that would prohibit transporting a minor across state lines so she can have an abortion if the parental involvement requirements in her home state have not been met.

In debates over parental involvement and statutory rape prosecution, the extent to which *minor*

teenagers—as opposed to all teenagers, which includes 18–19-year-olds—are sexually involved with adult men has often been misunderstood. This, combined with some lawmakers’ repeatedly invoking high-profile cases in which young adolescents were involved with much older men, has painted an inaccurate picture of adolescents’ sexual lives. Understanding the research on age differences between young women and their sexual partners—including a new study that focuses on sexually active and pregnant teens, not just teen mothers—is critical to finding solutions and formulating responsible public policy in this highly sensitive and controversial arena.

## Setting the Record Straight

### Teen Mothers

Two highly publicized studies—one by The Alan Guttmacher Institute (AGI), and one by researchers at the Urban Institute, published in 1996 and 1997, respectively—drew new attention to an old fact: Mothers tend to be younger than fathers. This is generally true for mothers in all age-groups, including teen mothers; the AGI study found that almost two-thirds of mothers aged 15–19 have partners who are 20 or older. However, the vast majority of these teen mothers are, at least legally, adults themselves; in 1997, more than six in 10 teens who gave birth were 18 or 19 years old. Moreover, while 15–19-year-old mothers usually have older partners, in many cases, the age difference is small; the AGI study showed that for four in 10 15–17-year-old mothers, the father is no more than two years older.

Indeed, the Urban Institute researchers found, only 8% of all births to 15–19-year-old women are to *unmarried minors* with a partner five or more years older.

### Minors’ Sexual Partners.

Policymakers have often used these data specific to teen *mothers* to generalize about all sexually experienced teens or all pregnant teens—including teens seeking abortions—even though these groups are distinct. In contrast to teen mothers, about whom there is considerable information, little has been known about the age differences between young women who avoid pregnancy and their sexual partners or about the ages of the partners of teens who choose abortion. However, a recently released study by AGI brings new information to bear on these issues.

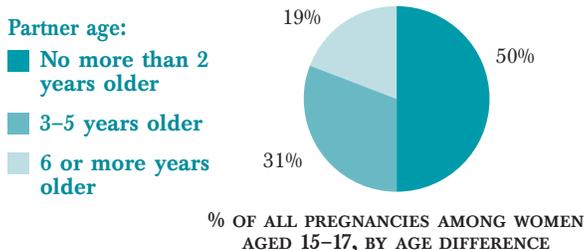
The new study shows that, as is the case with women who give birth, sexually active women in general have older sexual partners. However, minor teen women are more likely than older women to have sexual partners very close to their age; in 1995, 64% of sexually active 15–17-year-old women had partners who were within two years of their age, compared with 49% of women aged 30–34. Similarly, minor teens are much less likely than women in their 20s and 30s to have a sexual partner who is six or more years older; in 1995, 7% of sexually active minors had a partner that much older, compared with 17–22% of women aged 20–39.

### Minors, Pregnancy and Abortion

While a very small percentage of sexually active minor women have partners six or more years older, the new AGI study reveals that young women in such relationships are at unusually high risk for pregnancy. These young women are significantly less likely to have practiced contraception at last intercourse than are minor women whose partners are within two years of their age, and not surprisingly, they are much more likely to get

## PARTNERS AND PREGNANCIES

*Half of all pregnancies among 15–17-year-old women occur in relationships in which the woman’s partner is no more than two years older.*

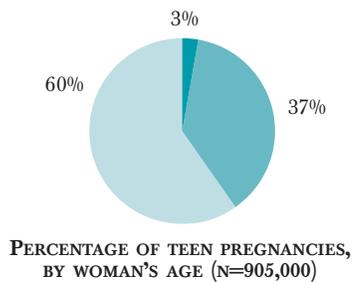


## PREGNANCIES AND AGE

*Most teen pregnancies are among 18- and 19-year-old women.*

Woman's age:

- 14 or younger
- 15-17
- 18-19



pregnant. In fact, the pregnancy rate among minor women aged 15-17 whose partners are six or more years older is 2.7 times that of minor women whose partners are 3-5 years older, and 3.7 times that of minor women whose partners are within two years of their age. Still, because few minor women have much older partners, pregnancies among these women account for only 19% of all pregnancies among women in their age-group (see chart, page 10).

In policy discussions about the Child Custody Protection Act, conservative lawmakers have attempted to frame the issue of minors' seeking abortions as one driven largely by relationships between minors and much older men. But minors in such relationships are much *less* likely than their peers who have partners close to their age to choose an abortion when confronted with an unintended pregnancy. (And they are substantially less likely to say that a pregnancy is unintended.) Only one in five unintended pregnancies among 15-17-year-old women who have partners six or more years older end in abortion, compared with half of unintended pregnancies occurring among 15-17-year-old women whose sexual partner is not more than two years older (see table, right).

### Legal Issues

During his testimony on the Child Custody Protection Act, Rep. Charles Canady (R-FL) stated that

young women's traveling in order to obtain an abortion "is particularly disturbing given the fact that the majority of teenage pregnancies are caused by adult men who obviously have a great incentive to avoid criminal liability for their conduct." Canady is presumably referring to statutory rape laws, which criminalize certain sexual relationships in which a minor is deemed too young to consent to intercourse. All 50 states have long had statutory rape laws, but for a variety of reasons, most have not vigorously enforced them—the laws may be archaic, successful prosecution can be difficult and the public is often ambivalent about rigorous enforcement. In recent years, however—fueled in part by federal welfare reform legislation—interest in enforcing statutory rape laws has increased.

While it is true that most teen pregnancies involve adult men, most also involve 18-19-year-old women (see chart, left); in such cases, the legality of the sexual relationship is not at issue. Moreover, even in many cases in which *minors* are involved with older partners, the legality of the relationship also may not be at issue. In part this is true because of how states have defined the age at which individuals are deemed legally capable of consenting to sexual activity. The age of consent in state laws ranges from 14 to 18; in more than half of the states, the age is 16. In addition, most state laws criminalize sexual activity only when there is a specified age difference—commonly

three or four years—between the minor and his or her partner.

Apparently recognizing the complexity of issues surrounding minors and older partners, some state legislatures have recently reworked their statutory rape laws in an attempt to make them more "reasonable" and, therefore, more enforceable. State approaches have been diverse, but one strategy has been to include tough criminal penalties for adults involved with minors who are much younger—for example, 12 or more years—but eliminate or reduce punishment for less disparate relationships (*TGR*, Vol. 2, No. 1, February 1999).

### Complex Problems

During last year's debate over parental consent for minors seeking contraceptive services at Title X-funded clinics, Rep. David Weldon (R-FL) highlighted a case in which a 37-year-old teacher was sexually involved with a 13-year-old student. Few would disagree that this teacher-student relationship was a clear case of statutory rape in which an intervention is needed and legal recourse wholly appropriate. Yet, Weldon asserted that this extreme situation, combined with the information that exists on the number of relationships between minors and adults, demonstrated the need for mandatory parental consent or notification for *all* minors seeking reproductive health services.

*(Continued on page 14)*

**MINOR WOMEN WHOSE PARTNERS ARE SIX OR MORE YEARS OLDER ARE MORE LIKELY THAN OTHER SEXUALLY ACTIVE MINORS TO BECOME PREGNANT, AND THEY ARE LESS LIKELY TO RESOLVE UNINTENDED PREGNANCY IN ABORTION.**

15-17-YEAR-OLD WOMEN WHOSE PARTNER IS...	PREGNANCIES PER 1,000 WOMEN	% PREGNANCIES UNINTENDED	% UNINTENDED PREGNANCIES ENDING IN ABORTION
6 OR MORE YEARS OLDER	653.8	70	21
3-5 YEARS OLDER	244.0	81	34
NO MORE THAN 2 YEARS OLDER	176.6	82	49

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*Age Differences...*

*Continued from page 11*

As noted previously, such clearly criminal situations are in fact unusual. Moreover, there is no evidence that parental involvement requirements will prevent, uncover or remedy them. On the other hand, there is significant evidence that such requirements serve to discourage teens from seeking health care services altogether (*TGR*, Vol. 2, No. 3, June 1999). Indeed, a careful examination of the data raises serious questions about enacting legislation that restricts—and may significantly reduce—*all* minors' access to health services in the name of targeting specific, egregious cases. Complex social issues such as teens' being involved with adult men require complex responses—and responses that stand a reasonable chance of doing more good than harm. ⊕