**Policy Paper: Virginia Law 18.2-63**

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The Virginia Code 18.2-63 code consist of the statutory rape laws. These laws prohibit sexual intercourse with an unmarried person that is under the age of consent. The age of consent varies from each state and if the person that is under the age of consent for that state, then they are unable to make the decision or the consent to do anything with the person that is age of consent. The Virginia code 18.2-63 deals with the carnal knowledge of someone who is 13-14 years old (Virginia Law 18.2-63). The second part of the statue refers to someone that is 18 years old and having sex with someone that is 15, 16, or 17 years old and that is considered a class one misdemeanor and it is punishable up to a year in jail and a fine of $2,500. There are a lot of people who have the misconception it is okay and not an issue to be 18 or older dating someone 17 or below; however, it can get someone in trouble. There have been many cases where someone who is 17 is dating a 17 or 16 year old, but then they turn 18, and then the law turns against them. In these cases, the younger person will have sent naked pictures or there is proof somewhere that they have had sex and if an adult like a parent or guardian finds out, they can get in trouble with the law. They could either be fined, go to jail, or possibly both.

This Virginia code and overall law that applies to each state supports social values because not only is it against the law, but it is also ethically wrong for an adult to date a child. In many opinions, people also question when someone who is much older is dating someone that is much younger than them, regardless of if they are both adults. For example, if a 50-year-old is dating a 25 year old, that is seen as extremely wrong. There are certain loopholes around this law. For one, if there is no proof that an 18 year old or older is sexually involved with someone who is even just a year younger than them or under the age of consent, they will not get in trouble regardless of if it ethically wrong or not. Dating someone under the age of consent and waiting for them to turn 18 to have sexual intercourse with them can be seen as grooming, usually depending on the age differences. Another loophole is for the couple to get married, which can prevent them from getting trouble with the law because both federal and state regulations govern family law.

The main goal of this law is to prevent statutory rape, to fulfil the objective of preventing the ethical issues of an adult dating someone who is a child/under the age of consent. While it is overall a good law to have, there are some issues that reside within it. The loopholes that were mentioned previously could be seen as some of the issues. It is important to note that there are some cultures that view this differently; however, that does not necessarily make it right. Another objective of this public policy is to prevent a child from being sexually assaulted by an adult. In these instances, it can count as a charge of just rape and statutory rape. Another thing to add, is that if it is two minors involved in sexual acts, it can still be considered as statutory rape; however, the majority of the time states will turn a blind eye towards this. Unfortunately, when rape in itself happens between two minors, states will turn a blind eye because of the face it is between two minors, creating another loophole around this law. Minors have been convicted for this, but not as often as adults would. Regardless of the victim’s gender, the majority of victims were aged 14 or 15 – in fact, almost 3 of every 5 victims (OJP, nd). Something else to consider is that 99% of offenders of female statutory rape victims were male and all offenders of male statutory rape victims, 94% were female (OJP, nd).

The reason that this public policy is important to social work and in foster care agencies like UMFS is because there are a lot of cases where the youth that social workers with are going through cases like these. Children who are in vulnerable states, like foster kids, are more likely be put into positions where they might become sexually involved with someone older than them. There are youth currently in the program in UMFS and probably other places as well, but for a specific example, there is a 14 year old client, who is about to turn 15, that is currently dating an 18 year old. The workers nor the foster parents do not really want to say that she is not allowed to/prohibit it, but in order to make sure things are safe they have to keep caution and keep tabs on the relationship to make sure nothing bad happens. There are some people who may be impacted by this law or this public policy. For example, the youth that are considered the victims would be impacted by this law in a good way, or possibly a bad way because of the loopholes. It could impact the adults who are involved with the minors. It could impact even an 18 year old simply dating a 17 year old in some cases. It also affects the parents or in the case for this agency, more so the foster parents. What can turn out bad for the foster parents is if the relationship goes wrong, like a statutory rape case, the foster parent could be subjected to abuse or neglect. There is another document that UMFS has called the TFC abuse allegation form, which goes more into detail about this.

There is a form at UMFS called a Serious Incident Report (SIR), which has definitions for the workers to refer to whenever they need it for reporting process. In this case, it would be defined under the sexualized behavior, and it refers to a 3 year age gap in dating for the youth placed under our care. The SIR states under the sexualized behavior that “sexual relations that are non-consensual including oral sex, anal sex, and vaginal intercourse. This also includes intentionally touching another person in a sexual manner (i.e., fondling, slapping, or kissing private body parts). Three years age difference is aggression even if consensual or notable differences in IQ or mental capacity between victim and perpetrator. This can also include gestures, purposefully exposing body parts usually covered by clothing, graphic provocative

dancing, peeping into cottage windows, statements regarding sexual acts that are not made in a therapeutic context or sexting.” (SRI form, 2022).

Overall, this law is very impactful towards a specific group of people and the victims are very much affected because of the loopholes. If it could be fixed or “edited” maybe they could try to make it where it is more heavily enforced and also still applies to a married couple, or perhaps an adult should just not be able to marry a child. When implementing this specific Virginia code at UMFS, there is more emphasis and monitoring with the youth in the residential program versus the TFC program because in the residential program, the kids vary in ages, and they are actively living and interacting with each other. It is still applicable for the TFC program at UMFS; however, it does not happen much, or at least it is not known if it happens.