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March 21, 2019

To: Chairman Lathrop and Members of the Judiciary Committee

From: Juliet Summers, Policy Coordinator

Re: LB 478— Prohibit use of consent by a minor as a defense or mitigation of damages or liability in certain civil actions arising from sexual assaults

All children deserve the protections of law to ensure they are able to grow into healthy, well-developed adults. Nebraska law recognizes that teenagers are not yet fully capable of adult decision-making, and we have a number of statutory accommodations to ensure youth aren't treated as miniature adults. Voices for Children in Nebraska supports LB 478 because it is an additional protection for child victims of sexual assault, ensuring individuals will be able to recoup civil damages when coerced in their youth by an adult in a position of authority.

Research shows that teenager's brains are still going through significant developmental changes and will not reach full maturity even until their early twenties. The last parts of a teenager's brain to develop are areas associated with decision making. As a result, children and adolescents are less likely than adults to consider the consequences of their actions and are more likely to participate in inappropriate behaviors.¹

An adult in a position of authority or trust such as a parent, health professional, teacher, or religious leader is uniquely positioned to take advantage of an child or adolescent's susceptibility to pressure, to coerce them into sexual encounters they are not ready for. This undue influence should be considered if and when a child victim later seeks damages, and "consent" created by such influence should not be a mitigating factor in receiving compensation for harm suffered.

Because it is carefully tailored to address situations in which an adult is in a position of authority that could lend substantial power or pressure to impose upon an child's susceptibility, LB 478 will protect child victims' ability to recoup damages in cases where they "consented" through undue influence.

We thank Senator Vargas for his continued commitment to Nebraska's children and this Committee for your time and consideration. We respectfully urge you to advance this bill.

¹ American Academy of Child and Adolescent Psychiatrists. *Teen Brain: Behavior, Problem Solving, and Decision Making*. September 2016. Available online: https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx