

SAMANTHA T. BENDER, PH.D., LLC
CLINICAL PSYCHOLOGIST

January 31, 2023

The Honorable Luke Clippinger & Members of the Judiciary Committee
Chairperson, Judiciary Committee
6 Bladen Street
Annapolis, MD 21401

Dear Chairperson Clippinger and Judiciary Committee Members:

I write in support of HB226 –Criminal Law –Fourth Degree Sexual Offense –Person in Position of Authority. I am a psychologist in Montgomery County, MD who works with children, adolescents, and their families. I am also the President of the Board of Directors of the Tree House Child Advocacy Center of Montgomery County, a nonprofit agency dedicated to reducing trauma and promoting healing for child and adolescent victims of sexual abuse, physical abuse, and neglect.

Current Maryland law precludes certain individuals who are in a position of authority of a minor from engaging in sexual conduct with that minor. However, the law defines “person in position of authority” too narrowly, requiring such a person to be employed by or under contract with a public or private preschool, elementary school, or secondary school. The children and adolescents of Maryland, and especially our teens who are 16 and 17, however, come in contact with many adults in positions of authority who are not employed by their schools. Examples of such adults might include those providing private academic tutoring, preparation for high-stakes testing (e.g., SATs, ACTs, AP exams), assistance with college applications, music lessons, art lessons, or athletic coaching, as well as youth group leaders and leaders of extracurricular activities of all kinds occurring outside the school setting. Peer-reviewed studies of teens’ relationships with nonparental adults have shown that those adults exert a strong influence on the teens’ adjustment and therefore, that all such adults are in fact in a position of power over the teens.

Additionally, research has identified that one of the defining factors of such relationships is the way in which they blend the qualities of more traditional adult-teen relationships, such as teaching, advising, or mentoring, with qualities more typically associated with teen peer relationships, such as being nonjudgmental, nonpunitive, and fun. That blend of qualities puts teens at risk for conceptualizing the relationships as peer relationships without recognizing the power differential between themselves and the adults. Older teens of 16 and 17 are at increased risk of that misconceptualization of the relationships because developmentally, those older teens see themselves as if they were adults and are looking to establish their credibility with those around them.

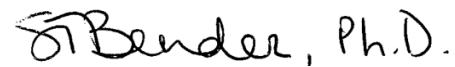
In that context, teens in general and 16- and 17-year-olds in particular, are exquisitely vulnerable to misinterpreting sexual or romantic overtures from the adults as validation of their credibility as young adults. At the same time, those sexual or romantic overtures are dangerous to teens, as the research indicates that teenagers who have been the victims of

those overtures are significantly more likely than their peers to develop mental health problems and to perform poorly in school. Moreover, the research shows that those negative outcomes not only occur immediately following the sexual behavior but also persist for years afterwards.

It is incumbent on all adults who are involved in teens' lives, then, to recognize their position of power and authority over those teens and to ensure that they never abuse that authority. While we, as a society, already recognize that certain adults are in positions of authority, such as family members and school employees, it is also important for us to recognize the position of power and authority that adults outside of teens' school settings hold over our teens and protect teens from those adults who abuse their power through sexual or romantic overtures.

I strongly urge this Committee to issue a favorable report on HB226.

Sincerely,

A handwritten signature in black ink that reads "ST Bender, Ph.D." The initials "ST" are written in a stylized, cursive font, followed by the name "Bender" and the degree "Ph.D." in a similar cursive style.

Samantha T. Bender, Ph.D.
Licensed Psychologist