

Strengthening the legal framework protecting children from CSAE

Establishing a strong and comprehensive legal framework is a cornerstone in the effort to prevent and combat child sexual abuse and exploitation (CSAE). A robust legal framework is not merely a set of laws on the books, but a living and evolving system that requires regular review to remain effective and keep pace with emerging forms of abuse and exploitation, including those enabled by new technologies. Criminal laws should extend beyond the explicit criminalization of contact sexual acts with a child (eg, penetration, sexual touching) to encompass grooming and other forms of abuse facilitated

by unequal power dynamics—whether or not physical contact occurs, and whether the abuse takes place online or in-person. States should also take proactive steps to ensure that statutory definitions are precise and accurate, and that related legal provisions—such as the age of consent and the minimum age of marriage—are harmonized to avoid inconsistencies.

Why this matters

Laws that effectively criminalize CSAE act as both a deterrent to potential perpetrators and a mechanism for ensuring accountability and justice. Precise language and coherent legal standards promote consistent understanding and enforcement. Conversely, inconsistent or ambiguous legal provisions can hinder enforcement or create loopholes that offenders may exploit, while outdated and inaccurate terminology—such as “child prostitute” and “child pornography”—can perpetuate harmful stereotypes and victim-blaming.¹

“It makes sense to have clear, concise language that we all understand.”

Dr Elizabeth Jeglic, Professor of Psychology, John Jay College of Criminal Justice, City University of New York

Strengthen the legal framework against CSAE by:

- Ensuring that anti-grooming legislation explicitly criminalizes patterns of behavior intended to facilitate or lead to the sexual abuse of a child, including in-person and online activities
- Ensuring that key terminology—such as *penetration*, *sexual contact*, *consent* and *grooming*—are explicitly and clearly defined in law, while avoiding potentially stigmatizing terminology
- Raising the minimum legal age of marriage to 18 without exceptions, and eliminating marital exemptions from child sexual abuse statutes

Mapping the policy landscape

Stopping harmful patterns

Passing strong anti-grooming legislation is critical to preventing in-person and online CSAE before it occurs. Child sexual grooming—or manipulative behavior by offenders to build the trust of children and normalize inappropriate behavior—is often a precursor to CSAE. Encouragingly, all 50 states and the District of Columbia (D.C.) have enacted legislation specific to child sexual grooming or covering at least one recognized grooming behavior (eg, showing pornography to a child).² The widespread adoption of such laws signals a recognition of the significant risks grooming poses to children’s safety.

Language matters

Some states refer to sexual grooming as “luring,” “enticement” or “child solicitation” in their statutes. “From a legal perspective, ‘enticement’ and ‘luring’ can mean something very different than ‘grooming,’” says Dr Jeglic. Other terms do not fully capture the process of building trust with a child to facilitate physical sexual abuse, she explains. “‘Grooming’ is the term we’re using to educate people and the one that the public was most familiar with.”

Still, notable inconsistencies remain in the specificity, intent and definitions of anti-grooming laws that, in some cases, may create gaps that leave children unprotected. For example, laws in a few states require that contact child sexual abuse actually occurs for perpetrators to be held accountable for grooming behaviors leading up to the abuse. In other words, pre-offense behaviors are not explicitly criminalized. In contrast, the remaining states include language around “attempted” actions, allowing charges to be brought even when contact abuse did not take place.

Vague definitions and descriptions also pose a challenge. In 45 states and D.C., anti-grooming statutes define “grooming” primarily as acts such as “inviting” or “luring” a minor to engage in sexual activity, without addressing the broader trust-building behaviors that characterize sexual grooming. Whereas just five states refer to a “pattern of conduct or communication” intended to build trust with a child to facilitate sexual abuse, and in some cases provide a list of inappropriate acts—such as undressing in front of a child, unnecessary touching, or isolating a child from family or peers—that, taken together, may constitute grooming.

Figure 1: Child sexual grooming legislation

Online and in-person grooming legislation by state

● Yes ● No

	Legislation specific to child sexual grooming, or covering at least one recognized grooming behavior (eg, showing pornography to a child)	Anti-grooming legislation describes a pattern of behavior or conduct intended to build trust with a child for the purpose of facilitating sexual abuse	Anti-grooming legislation covers in-person grooming	Anti-grooming legislation covers online grooming (eg, using a computer or telephone to lure or entice a child to engage in a sexual act)
Alabama	●	●	●	●
Alaska	●	●	●	●
Arizona	●	●	●	●
Arkansas	●	●	●	●
California	●	●	●	●
Colorado	●	●	●	●
Connecticut	●	●	●	●
Delaware	●	●	●	●
District of Columbia	●	●	●	●
Florida	●	●	●	●
Georgia	●	●	●	●
Hawaii	●	●	●	●
Idaho	●	●	●	●
Illinois	●	●	●	●
Indiana	●	●	●	●
Iowa	●	●	●	●
Kansas	●	●	●	●
Kentucky	●	●	●	●
Louisiana	●	●	●	●
Maine	●	●	●	●
Maryland	●	●	●	●
Massachusetts	●	●	●	●
Michigan	●	●	●	●
Minnesota	●	●	●	●
Mississippi	●	●	●	●
Missouri	●	●	●	●
Montana	●	●	●	●
Nebraska	●	●	●	●
Nevada	●	●	●	●
New Hampshire	●	●	●	●
New Jersey	●	●	●	●
New Mexico	●	●	●	●
New York	●	●	●	●
North Carolina	●	●	●	●
North Dakota	●	●	●	●
Ohio	●	●	●	●
Oklahoma	●	●	●	●
Oregon	●	●	●	●
Pennsylvania	●	●	●	●
Rhode Island	●	●	●	●
South Carolina	●	●	●	●
South Dakota	●	●	●	●
Tennessee	●	●	●	●
Texas	●	●	●	●
Utah	●	●	●	●
Vermont	●	●	●	●
Virginia	●	●	●	●
Washington	●	●	●	●
West Virginia	●	●	●	●
Wisconsin	●	●	●	●
Wyoming	●	●	●	●

Source: Economist Impact

The setting in which the grooming behavior takes place can also matter. Anti-grooming laws in three-in-four states (38 states) and D.C. explicitly prohibit in-person grooming behaviors.^v Yet even more states (41) criminalize online grooming, either exclusively or in addition to in-person grooming (Figure 1).ⁱ These laws usually cover activities such as using a phone, social media or gaming platform to describe explicit sexual conduct to a minor or to persuade them to

meet in-person for the purpose of engaging in sexual activity. The heightened focus on online grooming is perhaps unsurprising, given the growing public and policy focus on stopping online crimes against children in recent years.³ However, as about 90% of in-person child sexual abuse is committed by someone the child knows and trusts,⁴ strengthening laws on in-person grooming remains an urgent legislative priority.

How states did it: good practice in anti-grooming legislation

Georgia’s anti-grooming legislation states “...(b) A person over the age of 18 and no less than 48 months older than the alleged victim commits the offense of grooming of a minor when such person knowingly and intentionally engages in a pattern of conduct or communication in person; through a third party; through the use of an electronic device, a computer, social media, or text messages; or by any other means to gain access to, to gain the compliance of, to prepare, to persuade, to induce or to coerce a minor to engage in a sexual offense or trafficking of persons for sexual servitude...(d) It shall not be a defense to prosecution under this Code section that no sexual offense or trafficking of persons for sexual servitude was accomplished or attempted.”⁵



ⁱ This reflects the number of states with legislation applicable to in-person or offline grooming. It excludes laws specific to trafficking (eg, soliciting a minor for third-party sexual activity, in-state transport), commercial sexual exploitation and child sexual abuse material production. It also excludes statutes targeting isolated acts (eg, showing pornography to a minor or exposing oneself to a minor).

^v This reflects the number of states that have enacted legislation prohibiting the online grooming of minors through computers, the internet or other electronic devices. Legislation limited to the online exposure of pornography to minors is not included.

Definitional clarity

Providing statutory definitions of key terms concerning sexual offenses, particularly those involving minors, promotes public awareness and accountability. However, definitions or descriptions of terms like “grooming,” “sexual touching,” “penetration” and “positions of authority or trust” may be absent or not well explained. States may assume that the ‘usual meaning’ of these terms is sufficient, but vague language may leave critical elements open to debate or lead to inconsistent application or interpretation by law enforcement, prosecutors and courts. As Dr Jeglic explains, “Having a clear definition provides the framework to effectively investigate and prosecute sexual crimes.”

States should also do more to ensure that laws avoid using harmful, stigmatizing or victim-blaming terminology. For example, advocates have highlighted that the term “pornography” generally refers to materials depicting consensual sex acts between adults intended for public consumption.⁶ Therefore, referring to sexually explicit content involving children as “child pornography” risks legitimizing or normalizing the sexual abuse and exploitation of minors. Currently, the laws in 14 states use the term “child pornography,” despite broad advocacy for replacing it with the more accurate and survivor-centered term “child sexual abuse material” (CSAM).⁷

How states can do it: models to follow

The U.S. Model Penal Code, developed by The American Law Institute, provides a framework for states to modernize and standardize their criminal laws. Revisions to The Model Penal Code section on Sexual Assault and Related Offenses were approved in 2021.

The [Second Edition of the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Abuse](#), developed by ECPAT International and an Interagency Working Group of over 40 organizations worldwide, offers guidance on avoiding harmful terminology and promotes the use of inclusive and survivor-centered language.



References

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