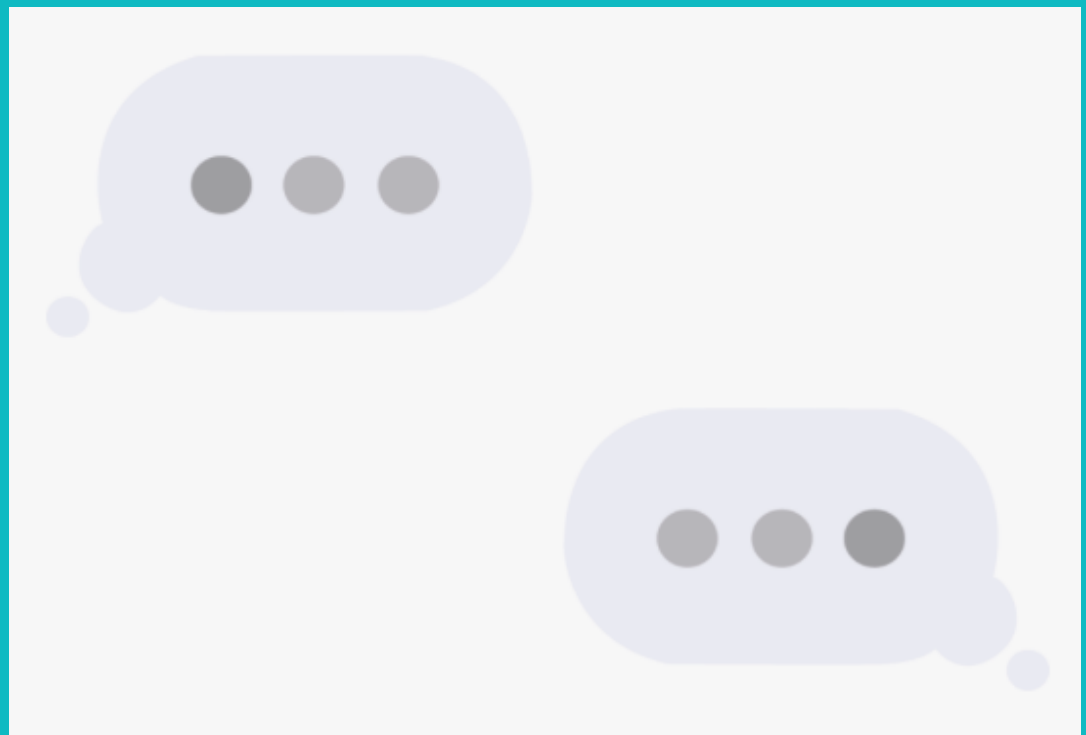




LET'S TALK ABOUT TEXTING



THE POWER OF TEXTING

Texts are easy, convenient and often helpful. Never before could we reach so many people so quickly, directly, and personally. Through texting we can encourage a friend, find out what your homework assignment is, ask a group of friends a question, get help with a school project and find others quickly when meeting up.



THE DARK SIDE OF TEXTING

Texting is a powerful tool with great capability—and with it come huge opportunities for miscommunication, misuse, obstacles, and abuse.



OBSTACLE 1: MISCOMMUNICATION

When you talk to someone in person, you are listening to their words as well as paying attention to their body language, tone of voice and facial expressions. With texting, however, all of these social cues are absent, making it very easy to misunderstand what a text means. Feelings can get hurt easily.

OBSTACLE 2: EXCESSIVE TEXTING

Some kids and grownups get carried away with texting. People feel pressure to respond to texts immediately and can lose sight of what is going on around them, putting face-to-face interactions in jeopardy. Chronic texting is a time zapper and could have a negative impact on homework, after-school activities and personal responsibilities.

OBSTACLE 3: THE RUMOR MILL

Rapid texting can set fire to a rumor and gossip, leading to damaged reputations and broken friendships. Caution is important when it comes to sharing news you've heard with others on text. Is what your text says true? Will it embarrass or hurt someone else?

OBSTACLE 4: BULLYING

Did you know the most common medium used for cyber-bullying is the phone? In fact, one out of every four kids has experienced cyber bullying. You have to be ready for what to do if cyber-bullying crosses your "texting" path. A group text can quickly go south with several people harassing one person in the text. What will you do if this happens to you or a friend in the group? See our "ask the expert" section for guidance!

OBSTACLE 5: PRESSURE TO ASK FOR AND SHARE NUDES

Hold the phone for this one. There is a good chance someone is going to ask you to text them a naked picture of yourself (AKA – a nude). And to make matters worse, you're likely to receive some unsolicited nudes via text (AKA- a sext). According to research, the pressure and likelihood of sexting will increase as you get older. Sexting can result in a false sense of closeness, a damaged reputation, a broken heart, bullying, blackmail, and even legaltrouble.

GAME PLAN FOR SAFE AND HEALTHY TEXTING

➤ DO NOT RESPOND TO UNKNOWN TEXTERS.

Be especially alert to random numbers asking for passwords, your location or address.

➤ KEEP TEXTING OUT OF THE SCHOOL DAY.

What's the big deal if you send a quick text to dad saying you forgot your lunch or text a friend who is not at school to see where she is? The big deal is this: Research shows it interferes with your learning. One study shows the mere presence of your smartphone at school reduces cognitive capacity and test-taking brainpower. Another study demonstrated that using smartphones in classrooms can even lower a student's grade.

Parents have an important role here too: Don't text your kids at school! We've heard from countless teachers who say parents text their kids numerous times throughout the school day. Knock off the texting and let kids be fully present at school. Sort out any logistical questions before or after the official school day.

➤ ESTABLISH OTHER "NO TEXTING" ZONES.

There's a time and place for texting. Suspend texting during meals, when you're at church or synagogue, and when you're talking to people face to face.

➤ ABSOLUTELY NO TEXTING WHILE DRIVING.

When you are driving, don't text. The National Safety Council reports that cell phone use while driving leads to 1.6 million crashes each year. A driver on the phone can miss up to 50% of the driving environment. Texting and talking on your phone puts everyone on the road at risk for accident, injury or death.

To avoid distractions while driving, select the "do not disturb" option in your phone settings.

➤ FOLLOW THE GRANDMA RULE BEFORE YOU SEND A TEXT.

Before you fire off a text, follow this simple rule: Would the message you're sending be appropriate for your grandma to read? If not, do not text it. You have no idea who will be reading your texts. It could be a friend's mom, dad or sibling. Your former BFF could blast out an embarrassing text you sent her to 20 of her new besties just to spite you. If you are not comfortable sharing whatever you are texting with your grandma or having it read over the loudspeaker at school, do not text it.

➤ BE CAUTIOUS OF SARCASM AND TEASING.

What sounds funny in person can come across as just plain mean over text. Watch your words and always err on the side of kindness. You don't want a sarcastic comment to come back to bite you.

➤ ASK PERMISSION BEFORE YOU TEXT A PHOTO.

As the old saying goes, a picture is worth 1,000 words. Given the power of a photo, as parents, we're going to start with this rule: Before you text any photo, we want you to ask us first for permission before sending it. Once we're comfortable with how you are sharing photos, we will revisit this rule.

Here are some good questions to ask yourself before you send a photo:

- Is everyone in this photo dressed modestly? (In other words, do you really want to broadcast your friend in her skimpy bikini?)
- Does this photo capture anything illegal such as underage drinking, smoking or using drugs?
- Will this photo embarrass anyone?
- Will anyone feel left out?
- Will this photo hurt anyone's feelings?
- Would everyone in this photo feel comfortable with the photo being shared?

DON'T OVERANALYZE YOUR TEXTS.

Man, oh man: It's sad how many feelings get hurt by over-analysis or misinterpretation of text messages! First, know that your friends all have different ways of communicating. While one friend can practically write a novel when texting and color it with a hundred perfect emojis, another friend may prefer just to send a simple "yes" or "sounds good." So many kids mistakenly interpret a friend as not caring or being mean when the friend sends short responses. Remember to take a deep breath and not overthink texts.

REINFORCE YOUR TONE WITH A HAPPY EMOJI.

Remember what we said earlier about a picture being worth 1,000 words? An emoji might just be worth as many words as well. If you are worried about the tone you are communicating in your texts, an emoji can sometimes help. If a friend invites you go to a football game with him, instead of simply saying "yes. I can go" try adding a smiley emoji or thumbs up to clearly communicate you are happy to go with him.

KNOW HOW TO END A TEXTING CONVERSATION.

We all have friends and family who can go on and on in person about something...and it can often be tricky to know how to nicely end the conversation! The same goes for texting. Inevitably, you are going to have friends who are constant texters, and you need to know how to politely wrap things up. Here are some good phrases to keep in mind:

- I have to run but would love to talk more about this at school tomorrow.
- I wish I had more time to hear more but soccer practice is about to start.
- Got to go. My mom is making me turn in my phone for the night. Can't wait to catch up tomorrow.

BRING IN REINFORCEMENTS WHEN YOU NEED THEM.

There are going to be times when you don't know what to do when texting. Some very hard topics could come up with your friends over text, ranging from self-harm to bullying to sexting.

As a parent, I am here to coach you through it and help you navigate any challenges. Nothing you share with me will shock me. I am ready to help you troubleshoot and be your support.

WHEN DO I NEED TO TALK INSTEAD OF TEXT?

Remember, texting is not best for all conversations. Serious topics require more than emojis and short text phrases. Body language and tone are essential for emotional and serious subjects. Always choose talking with someone in person instead of texting when you are in disagreement, you need to apologize, you could be misunderstood, or it is time to break up with someone.

FAMILY DISCUSSION QUESTIONS

Kids to ask parents:

What do you think is a reasonable amount of time for me to text each day? Can you think of a time when you should have talked to someone instead of texting? What will you do if I tell you a friend sent me a nude? Are you going to tell his or her parents?

Parents ask to kids:

Have you heard of any kids at your school being bullied on text? What would be a good way for you to stick up for a friend being mistreated on a text? How do you think you will handle it if someone asks you to send a nude?



Family Challenges

Challenge 1: Send each other three encouraging texts this week.

Challenge 2: Research your state's laws about cyber-bullying and sexting.

ASK THE EXPERT

EXPERT: CORRINE SUMPTER, JUVENILE DEFENSE ATTORNEY AND WAIT UNTIL 8TH ADVISORY BOARD MEMBER

Q: WHAT IF MY FRIENDS ARE BULLYING ANOTHER FRIEND IN A GROUP TEXT I AM IN? CAN I GET INTO LEGAL TROUBLE FOR THAT EVEN IF I DON'T SAY ANYTHING?

A: All of the speakers in the group text thread could find themselves in trouble for cyberbullying or harassment, which can have criminal consequences as well as school consequences. If the bullying rises to a level that causes the person to feel suicidal or engage in self-harm, the consequences may be even more severe.

Q: BUT WHAT IF YOU AREN'T ONE OF THE SPEAKERS? WHAT IF YOU SAID NOTHING AT ALL?

A: It may not matter. If your name or profile is part of that thread, you may find yourself in the same or similar hot water as those who are actually the ones saying mean and horrible things. You may be investigated (by police or school officials) to determine your level of involvement, or you may even be considered just as guilty. In most states, if you are a party to a criminal offense, even if you are not the main actor, you could be found guilty of and eligible to receive the same consequences as the main instigators of the situation.

This can also be true when it comes to school discipline.

“Guilt by association” really means just that.

Q: SO, WHAT SHOULD YOU DO?

A: First, don't add to the situation. Do not chime in with further commentary that could be perceived as bullying. Don't agree with anyone, comment, or even "like" or "laugh" at the comment, etc.

Second, leave the thread.

Third, as hard as it may be, speak up. Staying silent may signal that you are okay with the bullying. As you exit the thread, say something like "I don't like where this is going," or "What you are saying is not okay," and then leave. In this way, a third party who is analyzing the thread after-the-fact can accurately assess your role and see that you weren't intending to be part of it.

Finally, tell your parents or another trusted adult right away. You are protecting yourself by letting them know that you didn't intend to be part of bullying behavior. Even more importantly, you can make a huge difference for the young person being bullied. Unfortunately, there have been far too many instances where there is a connection between bullying and self-harm or even suicide.

Report cyberbullying immediately. As they say: if you see something, say something.



Q: WHAT KIND OF TROUBLE CAN I GET IN WITH NUDES ON MY PHONE?

A: It can be a little trouble or a lot of trouble. It depends.

States vary in the way they criminalize “sexting” - the act of sending or receiving or sharing sexually explicit digital images or texts. Many states at first prosecuted sexting under their criminal statutes governing child pornography—including teen-to-teen sexting, since the images being shared back and forth were of people under the age of 18. Some states have recently relaxed the law when it comes to teen-to-teen sexting so that kids won’t be charged with the high-level felonies of possession of child pornography, but they still may be charged with a crime.

There is a lot about sexting and having nudes on your phone that can get you into trouble. For example:

Asking for a nude from someone whom you are not dating can be illegal.

Sending a nude to someone whom you are not dating can be illegal.

Possessing nudes of people under 18 can be illegal if you are over 18 (high school seniors BEWARE!).

Possessing nudes of people who are several years younger than you (e.g., 17 year-old and 14 year-old) can be illegal.

Videotaping sexual activities without the other person’s consent is always illegal.



Kids may possess tons of nudes on their phones and never get into trouble. Maybe they sexted with their boyfriend/girlfriend hundreds of times, and it seemed like no big deal. However, what we have seen with teens we've represented in sexting charges (and there have been more and more in the last few years) is that the trouble pops up not during a relationship, but afterward. Maybe it's "revenge porn" (where private sexually explicit images that were originally consensual are forwarded to third parties, shared with others, or posted publicly in order to "get back at" someone). Or maybe one parent finds the nudes on their child's phone and reports it to other parents or to the authorities. Or maybe the sexting had been consensual, but when a parent sees an image and confronts their child, that teen doesn't want to get into trouble and says s/he didn't ask for the nudes, or that s/he did not consent to have the photos taken or sent.

Suddenly, someone is being arrested.

Nudes on teen phones may be increasingly common, but they still risk big consequences. We've seen sexually explicit videos that were taken between a girlfriend and boyfriend airdropped on school buses or in the middle of school hallways. We've seen group texts commenting on sexual acts and sharing pictures of conquests. We have had clients (victims of revenge porn) change schools or move away or face significant mental health crises after having sexual images of them posted widely. We've had clients locked up over nudes and explicit sexting with ex-dating partners.

"Everybody does it" is never a legal defense.

Q: WHAT SHOULD I DO IF SOMEONE SENDS ME A NUDE?

A: If you didn't ask for a sexually explicit image to be sent to you, you may have a legal defense to a sexting charge if you delete it and don't share it.

We once had a client get into trouble when a guy she knew had asked her to send him a nude. Shocked, she texted something back like, "No way! You send me one!" not really intending for him to actually send one. But he did. She couldn't believe he took her seriously, so she forwarded it to a friend with the comment, "can you believe what this guy just sent me?" Without the context of the original request from the boy, she got into trouble for two things: 1) soliciting a sexually explicit image ("You send me one!"); and 2) promoting a sexually explicit image (sharing that image with a third party).

Moral of the story: If you receive a nude, delete it immediately.

DO NOT SHARE IT. Do not forward it, do not screenshot it, and do not save it in a secret folder or file or app on your device. Don't even show it in person to a friend.

Finally, tell a parent or adult - especially if the account is a family account or if the device is in their name.

Remember, this defense from criminal prosecution only applies to images you did not request. So most importantly: **DON'T ASK FOR NUDES.**

"Send me a pic" may take two seconds, but the fallout could last much longer.
