

How to Determine Age of Consent for Sexual Contact

How old is the individual?

Under 12

CANNOT legally consent to sexual contact. All cases must be reported to DFS and law enforcement.

Ages 12-15

Is their partner more than 4 years older?

Yes

STOP.
Consent cannot be given.

No

Is their partner in a position of authority (family member, babysitter, coach, teacher, doctor, clergy, etc.)?

Yes

STOP.
Consent cannot be given.

No

Consent for sexual contact can be given between an individual ages 12-15 and a partner who is no more than 4 years older, and who is not in a position of authority.

Ages 16-17

Is their partner in a position of authority (family member, babysitter, coach, teacher, doctor, clergy, etc.)?

Yes

STOP.
Consent cannot be given.

No

Is their partner under 30 years of age?

Yes

Consent for sexual contact can be given between an individual ages 16-17 with a partner under age 30 who is not in a position of authority.

No

STOP.
Consent cannot be given.

18+

Does their partner have a cognitive disability, mental illness, or defect rendering them incapable of legal consent?

Yes

STOP.
Consent cannot be given.

No

Consent for sexual contact can be given between adults.

Notes:

- If one partner is under the influence of drugs or alcohol, regardless of age, consent **CANNOT** be given.
- Cases of child sexual abuse or any non-consensual sexual contact should be reported to both DFS Child Abuse and Neglect Report Line (800-292-9582) and law enforcement.

Developed by Delaware Coalition Against Domestic Violence from State of Delaware Child Protection Accountability Commission Guidelines for Responding to Teen Dating and Sexual Violence in Delaware Schools