



Therapy Reporter

Downloading Child Pornography Now Reportable In California

On August 22, 2014 Assembly Bill (AB) 1775 was approved by the Governor-an act to amend Section 11165.1 of the Penal Code, relating to child abuse. The new law expands the definition of sexual exploitation to include any individual that “knowingly downloads, streams, or accesses through any electronic or digital media, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.” As part of this expansion, the State now requires all mandated reports to report any individual who admits to this offense.

WE CAN ALL AGREE ABOUT THE EVILS OF CHILD pornography and the tremendous harm and trauma to children. California’s attempt to protect the children of this State should be applauded. However, as a Marriage and Family Therapist, and a Certified Sexual Addiction Therapist, I find myself concerned about the implications of this law to persons seeking help from child pornography addiction. In fact, the law provides no exception for clinical counselors, like myself, who are assisting these individuals from having to report them to law enforcement.

In my practice, I see many individuals and couples who are ravaged by the effects of viewing pornography and other sexual behaviors. However, these behaviors are ways an individual “masks” or numbs what’s really driving the urge: early childhood trauma and toxic shame. By the time these individuals make it to my office, they have lost their jobs, their marriages, their children and their home. And if they have not, then they are on their way to self-destruction. The good news is that there is hope, and there is a way out of

the bondage of addiction to pornography or other sexual behaviors. These individuals can enter a journey of recovery by admitting that they have a problem. For some, that admission will result in an investigation and possible arrest.

Rob Weiss, a California based, internationally known, licensed social worker, author and educator in the area of internet related human sexual disorders, states that the California Association of Marriage and Family Therapist (CAMFT) – whose legal department (not clinical) proposed the bill, did do research. He writes, “They spoke to child advocates, the police and the courts. They spoke to everyone who protects kids and rightly so. They spoke to probation officers and prosecution attorneys, BUT...they DID NOT talk to anyone who treats our voluntary population, they did not talk to Michael Seto or Eli Wallach or Patrick Carnes [leading addictionologists and experts on sex addiction and sexual offending behavior], they admit that they missed the mark, didn't fully vet their own bill- but oh, well, [the bill] has passed now.”

The goal should be to educate therapists as to who to refer to police and who is simply seeking help and does not pose a threat (just like we already do with suicide, homicide threats, elder/child abuse) etc. BUT IN THIS CASE – the new law is black and white. Therapists have no discretion, we have to report all clients who state that they have downloaded a child image-period. They tossed away client/therapist privilege like it was an old paper bag. It's tragic. □

Editor's Note: *Invia Betjoseph is a licensed Marriage and Family Therapist (MFC 44618). He is the Founder and Director of San Jose Counseling, Inc., and the Co-Director of the LifeStar Program offered by the Addiction Recovery Center (ARC). He provides psychotherapy for individuals who are struggling with sexual addictions as well as couples who are experiencing emotional stress related to relationship conflict and extra-marital affairs. You may reach Invia at 408.920.1730, info@sanjosecounseling.com, or visit his website, www.sanjosecounseling.com*