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IPEC Recommended Practices for Intimacy Professionals Working with Minors

Disclaimers:

- This is not legal advice. Nor is this a complete resource for legal statutes or information that may impact your work. The legal team for your production is your best resource.
- These are recommended practices, upheld by IPEC. We know not all of these points are available in every situation. These are what an ideal world would look like, but we don't always work in ideal spaces.
- Please refer to the resources linked for more information or reach out to a team member if you have questions or concerns about how your process fits into these practices.

General Choreographic Considerations

- Whenever possible, do not stage sexual or violent scenarios with underage performers.
- Before moving forward with any production that involves sexually charged content and minors, research all applicable Federal, State, and Local statutes. Ignorance of the law is not a legal defense.
 - Some are provided below.
 - With the statutes – and the many others like them – in mind, anyone engaging in sexually charged material with underage performers



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should do so with the utmost care and sensitivity. While many theatrical and cinematic stories exist in the gray area of “sexually explicit conduct,” and while adult productions may even seek to shock or alienate their audiences with hyper-sexualized content, special attention should be paid when working with minors, to ensure that your production does not deviate from the law.

- Find ways to “suggest” or overtly “theatricalize” the intimacy whenever possible. Supportive choreography videos will be available soon in Module 4 and in the IE track!
- Communication pathways should include:
 - Performer(s)
 - Performer(s) Guardian(s)
 - Performer(s) Representation
 - Production Creative Team
 - Venue/Production Entity
- Reiterate frequently that young performer(s) can choose what does and does not happen to them in the course of the narrative.
- Please anticipate that choreography with young performers may take more time than with adult performers and advocate for rehearsal and work time accordingly. Supportive choreography videos will be available soon in Module 4 and in the IE track!
- Encourage and/or facilitate closure practices with young performers. See Closure Video in Module 1.



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Federal Laws

[Read the statute.](#)

- Specifically, Section 2251 makes it illegal to persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct. Any individual who attempts or conspires to commit a child pornography offense is also subject to prosecution under federal law.
- Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive. Additionally, the age of consent for sexual activity in a given state is irrelevant; any depiction of a minor under 18 years of age engaging in sexually explicit conduct is illegal.
- Child Labor laws
- [Read the statute](#)
 - Federal child labor law excludes entertainment, leaving this up to the states.
 - No regulations: Arizona, Kansas, Kentucky, Mississippi, Montana, Nevada, New Hampshire, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, and West Virginia
- Federal statutes specifically prohibit obscenity involving minors, and convicted offenders generally face harsher statutory penalties than if the offense involved only adults.
 - The standard of what is harmful to minors may differ from the standard applied to adults. Harmful materials for minors include any communication consisting of nudity, sex or excretion that (i) appeals to the prurient interest of minors, (ii) is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors, (iii) and lacks serious literary, artistic, political, or scientific value for minors.



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State Laws

California

- State statutes on Child Pornography
 - [PEN § 311.3](#)
 - [PEN § 311.4](#)
 - Of note: “anyone who knowingly promotes, employs, uses, persuades, induces, or coerces a minor under the age of 18 years, or any parent or guardian of a minor under the age of 18 years under his or her control who knowingly permits the minor, to engage in or assist others to engage in either posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film, filmstrip, or a live performance involving, sexual conduct by a minor under the age of 18 years alone or with other persons or animals, for commercial purposes, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.”
 - It is not necessary to prove commercial purposes in order to establish a violation of this subdivision.
 - “ ‘sexual conduct’ means any of the following, whether actual or simulated: sexual intercourse, oral copulation, anal intercourse, anal oral copulation, masturbation, bestiality, sexual sadism, sexual masochism, penetration of the vagina or rectum by any object in a lewd or lascivious manner, exhibition of the genitals or pubic or rectal area for the purpose of sexual stimulation of the viewer, any lewd or lascivious sexual act as defined in Section 288 , or excretory functions performed in a lewd or lascivious manner, whether or not



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any of the above conduct is performed alone or between members of the same or opposite sex or between humans and animals. An act is simulated when it gives the appearance of being sexual conduct.”

- Child Labor Laws
 - Permits required
 - Any minor under the age of sixteen must always have their parent or guardian present on set and within sight or sound
 - The studio teacher (must be certified) has the authority to refuse the engagement of minors on set or location if it presents a danger to the health, safety, or morals of the minor.
 - If the teacher’s mandatory reporting reflects any activities or scenes that may result in any danger to the minor, the Labor Commissioner may affirm or countermand such action.

Florida

- State Statutes on Child Pornography
 - s. [827.071](#)
 - s. [847.013](#)
 - s. [847.0137](#)
 - s. [847.0138](#)
 - “ ‘Sexual conduct’ means actual or simulated sexual intercourse...actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute ‘sexual conduct.’ ”
- Child Labor Laws
 - Purpose: “ensure that minors are not employed under the conditions that are injurious or detrimental to their health, safety, or education.



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- Requires permit
- Requires “Coordinator of Child Labor”- in charge of communication with the state.

New York

- Of Note: “Promoting a sexual performance by a child is a class B felony. A person is guilty of this offense when, knowing the character and content thereof, the person produces, directs, or promotes any performance that includes sexual conduct by a child under 17 years old. (This statute may also hold the parents responsible if they knowingly consent to the performance of sexual conduct by their child). A performance can include digital or live plays, movies, photographs, and other visual representations. If the content is deemed obscene, the offense charged is promoting an obscene sexual performance by a child, which is also a class B felony.”
 - “ ‘Performance’ means any play, motion picture, dance or other exhibition performed before an audience.”
- Child Labor Laws
 - Purpose: “protect the safety, morals, health, and well-being of the performers.”
 - Same exemption for entertainment exists as in Federal Law. [Read the exemption here.](#)
 - Permit required
 - No employer shall employ a minor in any activity that may be hazardous or detrimental to the physical or mental health, morals, education, or general welfare of the child performer.
 - Must also be given adequate instruction and rehearsal time for the specific activities the child performer is to perform to protect his or her health or safety

Ohio

- [2907.321](#)
- [2907.322](#)



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- [2907.323](#)

Texas

- [Penal Code 43.25](#)
- Texas law defines "sexual conduct" as sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.
 - (6) "Simulated" means the "explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the breasts, genitals, or buttocks."
- Of note: "It is against the law to promote, create, or disseminate materials depicting any such sexual conduct by any means of visual representation, including plays, motion picture, photographs, and dance."
- Of note: "Performance" means any play, motion picture, photograph, dance, or other visual representation that can be exhibited before an audience of one or more persons.
- Of note: "A person commits an offense if, knowing the character and content of the material, he produces, directs, or promotes a performance that includes sexual conduct by a child younger than 18 years of age."

Virginia

- Statute [18.2-370](#)



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Resources

- *Approaching Intimate Storytelling with Minors*, as created by Adam Noble, CID and creator of *Extreme Stage Physicality*
- CHILDREN IN THE ENTERTAINMENT INDUSTRY: THE RIGHT TO CHILDHOOD. AN ANALYSIS OF FEDERAL LAWS REGARDING MENTAL HEALTH & MINORS IN THE ENTERTAINMENT INDUSTRY. *Alyssa J. Rodriguez* Nov/Dec 2022 FSU Law Review. [Read the article here.](#)