

## Legal Perspectives of “Sexual Addiction”

**F**ound guilty of transferring obscene material to a minor, disgraced former congressman Anthony Weiner’s sentencing memorandum begins, “This crime arose from the sad confluence of untreated addiction and profit-seeking curiosity ... whose judgment was clouded by disease.”<sup>1</sup> The court did not affirmatively address the existence of his “addiction” he labeled a disease.

We are likely to hear the term “addiction” on a daily basis. In its technical sense it refers to someone who, to their detriment, compulsively uses alcohol, nicotine, certain drugs, has an impulse control disorder such as gambling,

kleptomania (compulsive stealing), pyromania (compulsive setting of fires), or exhibits other compulsive behaviors. There is considerable dispute in the professional health and mental communities as to whether “sexual addiction” is a bona fide addiction. An Internet search of the terms “sexual addiction” or “sex addiction” yields approximately a half million listings. However, sexual addiction is not listed in the latest edition of the American Psychiatric Association’s *Diagnostic and Statistical Manual of*

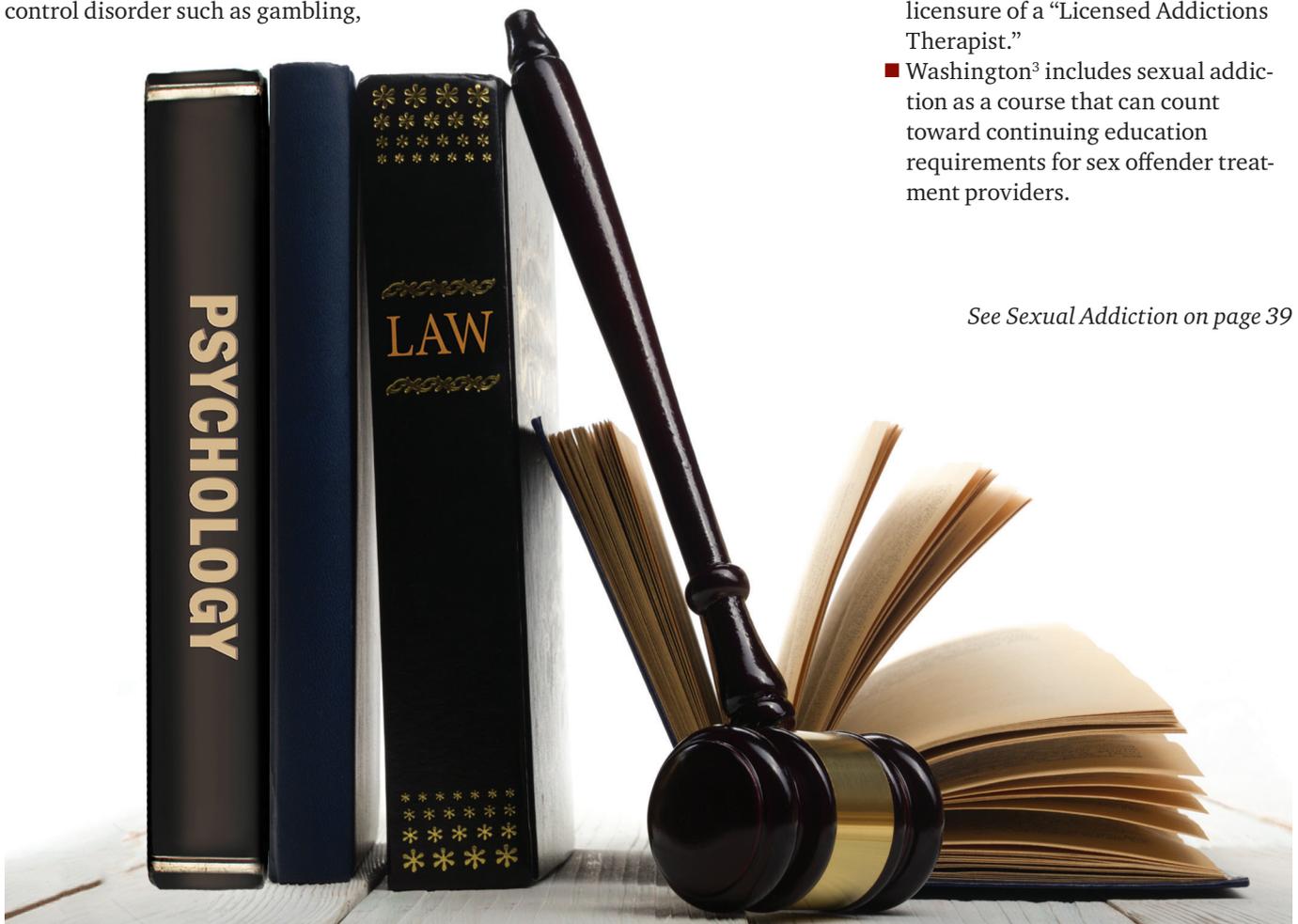
*Mental Disorders* as a clinical diagnosis. Nor is it referred to as an addiction in the World Health Organization’s *International Classification of Diseases*.

Whether or not sexual addiction is an addiction from a clinical perspective is not the focus of this article. Rather, this article briefly looks at some legal perspectives regarding this issue.

There are relatively few state codified acknowledgments of sexual addiction:

- Wyoming<sup>2</sup> includes sexual addiction in its education requirement for licensure of a “Licensed Addictions Therapist.”
- Washington<sup>3</sup> includes sexual addiction as a course that can count toward continuing education requirements for sex offender treatment providers.

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way to catalyze opportunities in neighborhoods for all children to succeed in school and in life.

Health and human services leaders can also spark authentic community engagement by providing safe spaces for families to learn alongside the workforce. Jean Vanier, philosopher, social innovator, and humanitarian, describes in his book, *Becoming Human*, the opportunity as one of “doing vs. being.” In an interview with Canada’s *On Being* radio host and journalist, Krista Tippett, Vanier concludes that “The balance of our world is seen as a question of power. That if I have more knowledge, more capacity, that I can do more ... we educate people to become capable, to take a place in society. But that is not quite the same as to educate people to relate, to listen.”<sup>12</sup>

When we take our “ten seconds of silence” to reflect on the mindset and skillset needed to “help people to become themselves,” we restore

what Vanier calls the “equilibrium of the heart.” This intentional sharing of power can ignite the potential that we all have to adapt and thrive. **P**

#### Reference Notes

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- Utah<sup>4</sup> lists sexual addiction as a specialty area of training for sex offender treatment providers.
- Indiana<sup>5</sup> recognizes the National Council of Sexual Addiction and Compulsivity as a legitimate continuing education sponsor.
- Missouri<sup>6</sup> acknowledges sexual addiction as a primary presenting problem as diagnosed by a psychiatrist or psychologist.
- Texas<sup>7</sup> provides that a prostitution prevention program must ... “(3) provide each participant with information, counseling, and services relating to sex addiction...”

Should states legally acknowledge the existence of sexual addiction?

Virginia attorney Thomas Soldan advises: “In the same way that states recognize the growing substance abuse crisis, states should recognize the evolving nature of sexual addiction. States address substance abuse by requiring evaluations, counseling, and treatment if certain criminal offenses are committed, and as a term of diversion or probationary

programs. Likewise, states commonly require sex offender treatment when someone has committed a criminal offense directly tied to sexual deviancy. Common examples would include sexual violence offenses and possession of child pornography. If states were permitted to recognize sexual addiction and address it with an approach crafted from both the substance abuse treatment and education, and the sex offender recidivism prevention models, individuals in need of services and support would not be left in the dark.”

Alternatively, Diane Redleaf, legal director of the National Center on Housing and Child Welfare says: “Given the American Psychiatric Association doesn’t currently recognize this disorder (and may never do so), mandating any form of training that assumes the disorder’s validity may contribute to a proliferation of misplaced training programs, agendas of so-called experts promoting junk science, and inappropriate spending on treatment programs that have no measurable benefit. Moreover, there

can be unintended consequences for the alleged sufferers of this disorder that have not yet been fully considered, such as having sentences for sexual offenders increased if they do not participate in counseling for this addiction and having child protective services start to label more parents at fault if they have forms of sexual conduct whose only ‘victim’ is the parent herself.”

So, is sexual addiction an addiction? It seems the jury is still out. **P**

#### Reference Notes

1. See <http://www.almcms.com/contrib/content/uploads/sites/292/2017/09/Weiner-sentencing-report.pdf>
2. WCWR 078-0001-8 (2017).
3. WAC § 246-930-410 (2017).
4. U.A.C. R251-109-3 (2017).
5. 839 IAC 1-6-2 (2017).
6. 13 CSR 35-60.070 (2017).
7. Tex. Gov’t Code § 126.004 (2017).

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