

THE LINK

CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

Strong JJDPA Now In Senate

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Senators Patrick Leahy (D-VT), Arlen Specter (D-PA), Herbert Kohl (D-WI), and Richard Durbin (D-IL) introduced legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) earlier this year. The legislation (S. 678) is similar to the bill that passed out of the Senate Judiciary committee in 2008. That legislation did not progress beyond the committee consideration before the Congress adjourned, requiring the bill to be reintroduced.

Established in 1974 and most recently authorized in 2002, the JJDPA is based on a consensus that children, youth, and families involved with the juvenile and criminal courts should be guarded by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization. The JJDPA provides for a nationwide juvenile justice planning and advisory system spanning all states, territories, and the District of Columbia; federal funding for delinquency prevention and improvements in state and local juvenile justice programs and practices; and operation of a federal agency, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts.

S. 678 updates critical components of the JJDPA. The legislation builds on progress in the last reauthorization in 2002 regarding child welfare and juvenile justice integration. Provisions in the new bill bring child welfare and juvenile justice systems together to improve outcomes for children and youth through improved coordination, procedures, and protocols.

The bill strengthens the Disproportionate Minority Contact (DMC) core protection by giving guidance to states on listing specific steps toward reducing DMC, including identifying and analyzing key decision points to determine where disparities exist, collecting data, developing a work plan, and publicly reporting such efforts. It strengthens the Jail Removal and Sight and Sound core protections by extending them to keep youth awaiting trial in criminal court out of adult lockups and to ensure sight and sound separation in the limited circumstances where they are held in adult facilities.

S. 678 strengthens the deinstitutionalization of status offenders core protection. Under current law, nondelinquent status offenders, such as children who are truant,

run away, or violate curfew, alcohol, and tobacco laws may be held in juvenile lockups under the Valid Court Order (VCO) exception, which allows judges to issue detention orders. The practice persists despite evidence that securely detaining status offenders is harmful to prosocial development and is costly, especially when compared to more effective responses including shelter care, crisis counseling, family support, or community- and school-based interventions. S. 678 requires states that still permit the use of the exception to phase-out use of the VCO within three years, and allows states in need to apply for one-year hardship extensions through the OJJDP.

Other improvements in the bill include addressing conditions of confinement in juvenile facilities. S. 678 calls for the OJJDP administrator to report annually on state data regarding the uses of isolation and restraints in juvenile detention and corrections facilities, and encourages training of facility staff to eliminate dangerous practices. S. 678 also calls for states to develop policies and procedures to eliminate the use of dangerous practices and unreasonable use of restraints and isolation, through the use of alternative behavior management techniques.

The bill provides comprehensive services and supports for youth. S. 678 promotes alternatives to detention, improves screening, diversion, assessment, and treatment for mental health and substance abuse needs, enhances child welfare and juvenile justice systems integration, supports effective assistance of juvenile counsel, and improves case management and transitional services for youth upon reentry.

Prospects for passage this year appear to be good. The Judiciary Committee is expected to pass the bill with strong bipartisan support as it did last year. At that point it will go to the full Senate, where the bipartisan support will be a critical factor. A companion bill has not been introduced in the House; however, strong support is indicated there as well.

INSIDE THIS ISSUE

<i>Director's Message</i>	2
<i>Mental Health and Substance Abuse</i>	3
<i>Registering Harm</i>	6
<i>Recommended Reading</i>	10

DIRECTOR'S MESSAGE

In May of this year, I was speaking at the ABA Conference on Children and the Law about the coordination and integration of child welfare and juvenile justice systems when a member of the audience observed that "juvenile justice *is* child welfare." I was struck by the statement at the time and have thought many times since about whether and how this might be true.

The term child welfare is "used to refer to a broad range of social programs that contribute to the well-being of children" (Encarta Encyclopedia). But whether one is concerned about the well-being of children when considering those who commit delinquent acts depends on whether one's perspective is focused on their punishment or helping them. That perspective, it seems, may be influenced by how frightening is their behavior. We don't necessarily refer to them as children, rather using the terms "juveniles" or "youths." Yet, when you listen to advocates for reform and improved practice in juvenile justice, most are focused on the needs of these juveniles or youths and how those needs can be addressed through programs that help them to succeed in school, at home, and in their communities. And those needs have to do with mental and chemical health, education, healthy relationships, and supportive living environments—many of the same needs that are a focus of what we call child welfare.

Fear plays a big part in how concerned people are with the well-being of children. I recall my early years working on the research and development of programming for very young offenders, most of whom had histories with the public child welfare system. The public's and some professionals' reactions to these offenders (9 years of age and younger) was that they were "cute" or "appealing" and there was a large appetite for helping them. Once they reached the age of 12 or 13 that was no longer the case as they began to be seen as frightening—people were less concerned about their needs and more concerned about keeping them away from society.

In addition to their needs, we hear repeatedly about the developmental differences and capacities of juvenile offenders. The question is to what age and under what circumstances can we encourage people to think about juvenile offenders as children about whose well-being we are concerned? In this issue of *The Link*, we are reminded in the ACT 4 JJ report, "Mental Health and Substance Abuse Issues in the Juvenile Justice and Delinquency Prevention Act," that so many of these children have mental health needs. And, in Nastassia Walsh's article, "Registering Harm: How Sex Offense Registries Fail Youth and Communities," we hear about the exacerbation of their problems when people forget about the developmental differences and the fact that it is in meeting the needs of these children that we are most likely able to prevent offending behavior and ultimately promote greater public safety.

I believe the quest of this work that we do in juvenile justice and child welfare systems integration is to see how we can all be concerned about the well-being of children to promote better outcomes for them. Maybe juvenile justice *is* child welfare!

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Mental Health and Substance Abuse Issues in the Juvenile Justice and Delinquency Prevention Act

When Congress considers legislation later this year to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA), mental health and substance abuse issues will be a top priority. Available data from single site and multisite studies indicate that 70% or more of youth who are securely detained in a juvenile justice facility may suffer with mental health and related disorders; rates of mental health and substance abuse disorders appear to be somewhat higher for girls than boys; and more than 20% of such youth suffer disorders so severe that their ability to function is significantly impaired (Abram, Teplin, McClelland, & Dulcan, 2003; Skowrya & Coccozza, 2007; Teplin, Abram, McClelland, Dulcan, & Mericle, 2002). Among youth under nonresidential court supervision (e.g., on probation), the rate of diagnosable mental health and substance abuse disorders is approximately 50%. By comparison, in the general youth population, approximately 20% of youth suffer with mental health and substance abuse disorders. In addition, justice system-involved youth may experience behavioral/emotional disorders for the first time because of contact with the juvenile justice system.

Juvenile justice agencies and facilities are generally ill-equipped to effectively manage the mental health and substance abuse needs of youth. Agencies identify the following as barriers: insufficient resources, inadequate administrative capacity, lack of appropriate staffing, and lack of training for staff (Federal Advisory Committee on Juvenile Justice, 2006).

Recognition of the unmet mental health and substance abuse needs of youth in the juvenile justice population has grown over the last 15 years, with calls for increased action, better data on the prevalence and manifestation of disorders, and greater availability of screening, assessment, and treatment approaches. Major reports from Presidents Bill Clinton and George W. Bush recommended that juvenile justice agencies partner with other child-serving agencies to transform mental health care for children and adolescents, particularly focusing on early identification and referral to home and community-connected services (President's New Freedom Commission on Mental Health, 2003; U.S. Public Health Service, 2000).

Issues of Key Importance

In 2003, the Government Accountability Office (GAO) reported that parents relinquish custody rights of their children to the delinquency court to access mental health services, which could be more appropriately provided by the children's mental health and child welfare systems. In 2001, more than 12,700 children with mental illnesses

were placed in state custody because their parents could not otherwise obtain appropriate treatment for them. About 70% of these children entered state custody via the juvenile justice system; others entered via the child welfare system (GAO, 2003).

Two-thirds of juvenile detention facilities report having held children as young as age 7 awaiting a mental health placement. A 2004 report to Congress documented that about 7% of youth in detention were locked up simply awaiting an appropriate treatment placement (U.S. Congress Committee on Governmental Reform, 2004).

Many youth enter the juvenile justice system with mental health, substance use, and other mental/emotional disabilities that were overlooked, misdiagnosed, or inadequately addressed by other social service agencies, including child welfare, schools, and mental health systems (Spangenberg Group, 2001).

Youth in the juvenile justice system suffer from various mental health disorders and co-occurring disorders. Approaches must be tailored to individual needs because practices that may ameliorate symptoms of certain disorders may exacerbate symptoms of other disorders. For example, exploration of past trauma in talk therapy may worsen symptoms of posttraumatic stress disorder. Similarly, for a young person experiencing multiple mental health or substance abuse disorders, certain interventions used to address the symptoms of one disorder can worsen symptoms of the co-occurring disorder (Abram, Washburn, Teplin, Emanuel, Romero, & McClelland, 2007).

Youth with unmet mental health and substance abuse needs are at greater risk of contact with the juvenile justice system than those without such needs. Behaviors that cause youth to be arrested or referred to the juvenile court may be manifestations of disorders in need of treatment (Grisso, 2008).

Youth with significant mental and emotional disorders can be vulnerable to abuse and exploitation by others while incarcerated and are more prone to experience adverse consequences of confinement (Coalition for Juvenile Justice, 2001).

A wealth of evidence supports the effectiveness and cost savings associated with prevention and appropriate diversion of youth with mental health and substance abuse needs to home- and community-based interventions, including positive behavioral supports, cognitive behavioral therapy, drug education, individual and group therapy, functional family therapy, multisystemic therapy, and multi-dimensional treatment foster care (Center for the Study and Prevention of Violence, n.d.; Gagnon & Richards, 2008; Greenwood, 2008; U.S. Department of Justice, n.d.).

Recommendations for Strengthening JJDPA Mental Health and Substance Abuse Provisions

- Call for and provide federal funding for collaboration between state and local agencies, programs, and organizations that serve children, including schools, mental health and substance abuse agencies, law

enforcement and probation personnel, juvenile courts, departments of corrections, child welfare, and other public health agencies. Juvenile justice agencies should involve families whenever appropriate.

- Identify vulnerable youth with mental health and substance abuse disorders, both pre- and postadjudication, through consistent use of evidence-based screening and assessment as needed to ensure comprehensive treatment, supports, and services.
- Divert youth from detention and incarceration into home- and community-based treatment as often as possible, while utilizing evidence-based and promising practices demonstrated to be less costly and more successful than treatment provided in confinement settings.
- Make training and technical assistance available for law enforcement officers, juvenile and family court judges, probation officers, and other decisionmakers, about the signs and symptoms associated with mental health and substance abuse needs among juveniles; the benefits and availability of screening, assessment, and treatment for mental health and substance abuse needs; and effective home- and community-based treatment and other mental health supports and services.
- Develop an individualized discharge plan for each youth upon admission to a juvenile detention or corrections facility designed to link them to appropriate aftercare services, including mental health and substance abuse services and supports for the youth and his or her family.
- Implement programs and services that have been proven through research to prevent entry into the juvenile justice system, reduce recidivism, and improve outcomes for juvenile offenders, such as positive behavioral supports, cognitive behavioral therapy, functional family therapy, multidimensional treatment foster care, and multisystemic therapy.
- Ensure equity and competence in provision of mental health and substance abuse services for youth and families in the juvenile justice system, including competence in gender-specific approaches and approaches appropriate for diverse racial, ethnic, linguistic, and religious groups.
- Compel the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to increase training and technical assistance related to mental health and substance abuse, including best practices for law enforcement and probation officers, detention/corrections and community corrections personnel, court services personnel, and others.
- Require the administrator of the OJJDP to report annually on the prevalence of mental health and substance abuse disorders among juvenile justice populations served by all U.S. states and territories, including the prevalence of various types of dis-

orders and whether mental health disorders develop or are exacerbated by confinement, as well as descriptions of the manner in which psychotropic drugs are prescribed and used in treatment plans for youth involved in the juvenile justice system.

- Compel the OJJDP to study the prevalence, duration, and types of mental health and substance abuse disorders found among youth in the juvenile justice system, providing evidence of practices, policies, and approaches shown to be rehabilitative. Compel the OJJDP to study the prevalence and types of disabilities found among youth in the juvenile justice system.
- Include mental health and substance abuse experts in the Federal Coordinating Council and in the composition of the State Advisory Groups.

This report was prepared for ACT 4 JJ by the American Psychological Association, Bazelon Center for Mental Health Law, Center for Children's Law and Policy, Coalition for Juvenile Justice, Mental Health America, National Center for Mental Health and Juvenile Justice, and National Disability Rights Network. ACT 4 JJ, or Act for Juvenile Justice, is a campaign of the National Juvenile Justice and Delinquency Prevention Coalition.

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Registering Harm: How Sex Offense Registries Fail Youth and Communities

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After a few tragic, highly publicized instances of child sexual abuse at the hands of strangers, Congress passed the Adam Walsh Child Protection and Safety Act in 2006. The law was passed with the aim of protecting children and communities from strangers who prey on them. But the act's reach far surpasses the intended pedophiles and rapists, and it can have a myriad of serious negative consequences on children and families. Of particular concern is the first provision of the act, the Sex Offender Registration and Notification Act (SORNA), which, among other requirements, mandates placing youth as young as age 14 on the national sexual offender registry.

While federal legislation concerning registration and community notification of people convicted of sex offenses had already existed, SORNA represents the first time the federal government has stipulated that children be placed on these online registries. Youth ages 14 and older must be put on the registry if prosecuted and convicted as an adult *or* (1) if he or she is 14 or older at time of offense *and* (2) he or she is adjudicated delinquent for an offense comparable or more serious than "aggravated sexual abuse" *or* for a sex act with any victim under the age of 12.¹ The only exception to this is a "Romeo and Juliet" clause, which excludes from registration youth who engage in "consensual" intercourse when they are no more than 4 years older than the other party and the other party is at least 13 years old.

In addition, SORNA makes a number of changes to the current sex offender registry guidelines. In brief, SORNA

- expands federal guidelines regarding what is classified as a "sex offense";
- increases penalties for sex offenses adjudicated in federal courts;
- provides a comprehensive set of minimum standards for sex offender registration and notification in the United States;
- standardizes (to three days) the time allowed for people on the registry to report changes in address or other status;
- mandates participation in a national registry for people convicted of sex offenses in their state registries; and
- requires that the registry be available on the Internet. (See sidebar for details on registration requirements.)

¹"Aggravated sexual abuse" covers (1) engaging in sex act with another by force or threat of serious violence, (2) sexual act by rendering unconscious or involuntary drugging, or (3) engaging in sexual act with child under 12 (18 U.S.C. § 2241(c)).

Although the federal government cannot mandate that states implement the provisions of SORNA, states will be penalized 10% of their federal Byrne Justice Assistance Grant (JAG) funds if they do not implement SORNA by July 2009.

The Case for Excluding Children from the SORNA Registry

Youth should be held accountable for their behaviors in an age-appropriate manner, but a registry system designed for adults does not fit these standards and should not apply to youth. The following are some of the key rationales behind why including children on the registry is bad for youth, families, communities, and public safety.

Youth Who Commit a Sex Offense Are Unlikely to Commit Sex Offenses as Adults

Sex offender registries are intended to deter repeat sex offending, but youth sex offense recidivism rates are already low. A 2007 study, funded by the MacArthur Foundation, reviewed a longitudinal data set of three cohorts of youth in Wisconsin and found that of men who had contact with police for a sex offense as youth, 8.5%

What information must be made available on the public sex offender registry website?

To comply with SORNA, the following registry information about each person convicted of a sex offense who is registry-eligible and who lives, works, or goes to school in a particular jurisdiction must be included on that jurisdiction's sex offender website:

- the name of the individual, including all aliases, e-mail addresses, or names used on the Internet;
- the address of each residence at which the person resides or will reside and, if the person does not have any (present or expected) residence address, other information about where the person has his or her home or habitually lives;
- the address of any place where the person is or will be an employee and, if he or she is employed but does not have a definite employment address, other information about where the person works;
- the address of any place where the individual is a student or will be a student;
- the license plate number and a description of any vehicle owned or operated by the person on the registry;
- a physical description of the person on the registry;
- the text of the sex offense for which the person is registered and any other sex offense for which the person has been convicted; and
- a current photograph and date of birth

—Source: U.S. Department of Justice. n.d.

had contact with police for a sex offense as adults (Zimring, Piquero, & Jennings, 2007, Fig. 7). In other words, *more than 9 times out of 10, the arrest of a youth for a sex offense is a one-time event*. One of the authors of the study, Franklin Zimring, a juvenile justice expert at the University of California at Berkeley, found that youth who have committed a sex offense are no different from youth who commit other nonsexual offenses and would likely benefit from similar interventions (Miner, 2007). Zimring notes that putting youth on sex offender registries “would have little effect on the prevention of sex crimes and, thus, do little to protect the public” (Miner, 2007).

Other studies of youth recidivism for sex offenses corroborate Zimring’s findings. A review of 25 studies concerning youth sex offenses found that youth who commit sex offenses have a 1.8 to 12.8% chance of rearrest for another sex offense (Caldwell, 2002). Youth are unlikely to engage in repeat sex offenses and the negative effects that a registry can have on youth are unnecessary and far outweigh any unlikely benefits to registering youth.

Placing Youth on Sex Offense Registries Is Contrary to the Purpose of the Juvenile Justice System

Research shows that young people are still developing and, thus, are highly amenable to change if given the chance. Registering children, however, can hinder their chances of completing the typical stages of social development, such as getting an education and gaining employment. The ability of youth to change is one of the reasons why it is important to keep youth in the juvenile justice system.

The juvenile justice system was founded on the premise that youth are different from adults and need to be held accountable in appropriate ways. Emerging research shows that youth’s brains have not fully developed, and youth should not be held accountable to the same standards as adults. Research on adolescent brain development indicates that youth are particularly vulnerable to the stigma and isolation that registration and notification create. Juvenile court judges are experts in assessing the culpability and rehabilitative potential of young people. Youth involved in the juvenile justice system typically receive more treatment and rehabilitative services than they would if they were treated as adults (MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, 2008). The registry undermines rehabilitation by labeling a young person a “sex offender,” thereby stigmatizing the youth and possibly closing available doors for treatment and other opportunities.

The juvenile justice system recognizes the reasons why youth are different and should be treated with care. The registry takes control away from this system and ignores the positive strides that youth can take when given the right opportunities.

The stress of being placed on a registry or being on a notification list is particularly damaging to young, developing brains and may increase stress on young people (Zimring et al., 2007). Youth who are on public registries have their home addresses, school addresses, and other personal information displayed for everyone to see, including those

who may wish to prey on youth. Such stresses may increase the risk of suicide and further impede development by making it difficult to progress through school and to participate in appropriate adolescent activities (Tofté, 2007). The juvenile justice system is generally focused on supporting a youth’s development to reduce the chances that they participate in illegal behavior in the future. However, labeling youth “sex offenders” increases the chances they will experience rejection from peer groups and adults. As a result, youth labeled “sex offenders” are more likely to associate with delinquent or troubled peers and are less likely to be attached to social institutions such as schools and churches (Zimring et al., 2007). Youth who are detached from normative social institutions may be more likely to engage in illegal behaviors.

The Nature and Intent of Youth Sex Offending Is Different from Adult Sex Offending

Although some rare cases of aggressive sexual behavior by youth exist, most youth sex offenses are not aggressive and can be categorized as experimentation or youthful indiscretions. According to the National Center on Sexual Behavior of Youth, Center for Sex Offender Management, and the Office of Juvenile Justice and Delinquency Prevention (2001), the vast majority of youth sex offenses are manifestations of nonsexual feelings. Youth engage in fewer abusive behaviors over shorter periods of time and engage in less aggressive sexual behavior. Youth rarely eroticize aggression and are rarely aroused by child sex stimuli. Most youth behavior categorized as sex crimes are activities that mental health professionals do not deem predatory (American Psychiatric Association, 1994; Becker, Hunter, Stein, & Kaplan, 1989; Hunter, Goodwin, & Becker, 1994). As the nature and intent of youthful sexual experimentation is not considered predatory or aggressive, public safety is not enhanced by placing youth on registries—and may even make it worse.

Expanding Registries and Requiring Youth to Register Does Not Improve Public Safety and May Make It Worse Rather than protect public safety and prevent sexual violence, research shows that placing people on registries may, in fact, make communities less safe, as individual life outcomes can be greatly affected by placement on a registry. Research has shown that community notification and registry laws exacerbate the stress felt by a person released from a correctional facility, and such stress can trigger new offenses (Edwards & Hensley, 2001, p. 89). Stressors can be furthered by the ostracism people on the registry feel and by the difficulties in finding adequate housing and employment after being put on the registry (Prescott & Rockoff, 2008, p. 34). Research has shown that the stress people who are released from correctional facilities feel can lead to an increased likelihood of reoffending, thereby reducing public safety.

Furthermore, the link between barriers to education, employment, housing, and treatment and involvement in the criminal justice system has been well documented for both youth and adults. Registries often alienate individuals from the very opportunities that are likely to reduce the likelihood of future participation in illegal activities. The

Annie E. Casey Foundation's (2008) annual Kids Count data book keeps a tally of "disconnected" youth (youth who are not working or in school) as a factor in child well-being; the youth who are connected to school or work are generally expected to have better life outcomes than youth who are not. Including youth on registries may increase the number of "disconnected" youth, potentially aggravating public safety while certainly hindering positive chances at rehabilitation for youth.

Youth Registration Can Have Damaging Collateral Effects on Families

Having a family member on the registry often puts an extra burden on families that may wish to aid or support loved ones as they struggle to get their lives together after convictions or release from a correctional or treatment facility. For many families, "such relationships are severely strained under the thumb of such laws because the community's ostracism of the offender now often extends to anyone willing to support or assist him or her" (Edwards & Hensley, 2001, p. 90). Having support and a place to stay while trying to regain a life can be critical when trying to keep a person from repeating past behaviors. A study of 183 people participating in sex offense treatment in Florida found that about 19% reported that other members of their households had been "threatened, harassed, assaulted, injured, or suffered property damage" because of living with people on the registry (Levenson & Cotter, 2005; McPherson, 2007).

When one family member appears on the registry, it can have the unintended consequence of registering the whole family and potentially identifying victims. As is frequently the case, a child may be victimized by a family member who may still be living with him or her (Snyder, 2000), and a registry may unintentionally identify the child as a victim, thus subjecting the child to additional trauma and possible stigma. Stigmatizing a whole family for one family member's behavior is unfair and is an unfortunate consequence of the sex offense registry.

Challenges to the Act

As of the writing of this article, no state has complied with the act, and, for several reasons, including the possible significant costs of complying, only a small number of states have submitted their compliance plans for approval. Of those that have, none have been accepted. States such as Colorado, California, Vermont, Virginia, and Ohio have also publicly assessed the financial impact of complying with SORNA and have found it to be too costly.

Increasingly, associations, advocates, and other organizations have prepared statements and research papers questioning the viability and effectiveness of the Adam Walsh Act, the SORNA provision in particular, and sex offender registries, in general:

- The Council of State Governments (2009) came out with a resolution against SORNA's provision requiring the placement of youth on the sex offense registry.
- A coalition of national organizations, including the National Criminal Justice Association, the National

Juvenile Defender Association, the Association for Treatment of Sexual Abusers, the National Association of Criminal Defense Lawyers, and the Justice Policy Institute, has collaborated to support legislative review of the Adam Walsh Act.

- Organizations including Human Rights Watch, the Vera Institute of Justice, the Department of Justice Office of the Inspector General, and the New Jersey Department of Corrections have carefully researched the impact of registries in terms of public safety and cost effectiveness.

Conclusion

The prevention of sexual violence should be a priority for policymakers and the criminal and juvenile justice systems. And youth should be held appropriately accountable for their actions. However, the registration and community notification of youth convicted of sex offenses is unlikely to improve public safety, can have a lifetime of negative effects on a young person, and often penalizes an entire family. Placing a young person, or any person, on a public sex offense registry lowers his or her ability to lead a productive life in the community and to maintain employment or education, and it often restricts housing options. Additionally, youth who are on public registries have personal information displayed for everyone to see, which may put them or their families at risk.

Advocates in states considering whether to comply with the Adam Walsh Act can help policymakers and court officials understand the potential impact of compliance in the following ways:

- Determine what the laws are in your state. It is likely that complying with SORNA will overstep laws already in place and new policies will need to be enacted and budgeted for. Compliance will also likely be extremely expensive for your state—far more than the penalty the federal government will impose for not complying.
- Evaluate whether including children as young as 14 on public registries comports with your state's juvenile justice system. Will publicly identifying these children and their families undermine your state system? Will such a registry foreclose therapeutic and rehabilitative options for these children?
- Assess the effectiveness of sex offender registries and community notification. As laws to implement state and federal registries have been passed, now is the time to evaluate the efficacy of such policies on the welfare of all youth, including those on registries, and the impact on public safety.
- Determine whether money spent maintaining sex offender registries might be better used elsewhere. States stand to spend millions of dollars annually to implement SORNA. Prevention and treatment programs may be considerably less expensive and more effective at reducing sexual violence than the registry and should be considered as an alternative.

Advocates in states that have decided to comply with the Adam Walsh Act should ensure that practice follows policy, particularly in the courtroom by ensuring that

- placing children on a public registry does not violate the state constitution, especially with regard to children's rights to treatment, privacy, rehabilitation, and due process;
- no child 13 or younger is placed on a public registry for any reason;
- no child under the age of 18 is placed on the registry, unless the child's victim is younger than 12 years old or the child has been adjudicated of an offense similar or more serious than the federal offense of aggravated sexual assault;
- no individual is placed on the registry for consensual sexual contact, as long as the victim is at least 13 years old and the offender is no more than 4 years older than the victim;
- the state has developed procedures for children placed on the registry to petition for removal 25 years after the date of their adjudication; and
- your state is prepared to meet its legal obligations to provide for the educational, mental health, and rehabilitative needs of children who are publicly labeled sex offenders.

Everywhere, advocates can promote strategies that prevent sexual violence in the following ways:

- Push for a comprehensive continuum of interventions for at-risk or in-crisis children and families including mental health services, youth development programming, and vocational and educational programs.
- Support training for teachers, social workers, coaches, and the faith-based community so they can better recognize the signs of sexual abuse in children, and support programs for children that explain what to do if they are being sexually abused or are at risk of being abused. Research shows that 93% of children who experience sexual violence are abused by family members or other people known to them and their parents.
- Educate the public about personal safety and the realities of sexual offenses. Having a sex offense registry can lead to a false sense of security for people who rely on the registry for their information. Since the majority of sex offenses are never reported, the registry is underinclusive and does not provide a clear picture of possible threats in the community. At the same time, most registries are overinclusive in that they often list people who are not a threat to public safety. Public courses, training, school, and work-based initiatives can help individuals understand how to better protect themselves and to understand how to identify suspicious behavior, both within the home and among strangers.

For too long, public policies concerning sex offenses have been driven by politics and by the false perception, often perpetuated by the media, that tragic but rare instances of

child sexual abuse by strangers is a frequent occurrence. The Adam Walsh Act is one example—one that will have particularly toxic results, especially for youth. Through accurate data and more research on what works to improve public safety, we can begin to move past emotion and rhetoric, and start to put in place more rational, effective policies that help keep our communities safe.

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RECOMMENDED READING

Transition Toolkit 2.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System

By the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk

Available at www.neglected-delinquent.org/nd/resources/toolkits/transition_200808.asp.

Transition Toolkit 2.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System was developed by the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk (NDTAC) through a contract from the U.S. Department of Education. The American Institutes for Research—a nonprofit research organization that performs basic and applied research, provides technical support, and conducts analyses based on methods of the behavioral and social sciences—is the contractor responsible for this effort. The mission of NDTAC is to improve educational programming for neglected and delinquent youth.

Building on Strength: Positive Youth Development in Juvenile Justice Programs

By William H. Barton and Jeffrey A. Butts
Published by Chapin Hall Center for Children at the University of Chicago (2008).

Available at www.chapinhall.org/research/report/building-strength.

This report describes the results of an exploratory study of juvenile justice programs where managers and practitioners are attempting to build youth interventions with strength-based, positive youth development principles. Previous researchers have not adequately documented how such reforms take place, let alone whether they produce effective results for youth, families, and communities.

When juvenile justice programs attempt to incorporate strength-based, positive youth development approaches in their work with young offenders, they will likely face resistance from their staff and key stakeholders. This study suggests that it is possible to implement these approaches in juvenile justice settings, but more research is needed to substantiate their effects.

Child Welfare and Juvenile Justice: Two Sides of the Same Coin

By Shay Bilchik and Judge Michael Nash
Published in *Juvenile and Family Justice Today*, 17(4), 16–20 (Fall 2008).

Available at <http://cjjr.georgetown.edu/pdfs/Fall%2008%20NCJFCJ%20Today%20feature.pdf>.

Child Welfare and Juvenile Justice: Two Sides of the Same Coin is the first part of a two-part series on the topic of crossover youths—young people involved in both the child welfare and juvenile justice systems. This article describes this population, the pathways they follow, and the challenges they experience. This article begins to address the role that courts can play in addressing the needs of these young people.

Child Welfare and Juvenile Justice: Two Sides of the Same Coin, Part II

By Judge Michael Nash and Shay Bilchik
Published in *Juvenile and Family Justice Today*, 18(1), 22–25 (Winter 2009).

Available at http://cjjr.georgetown.edu/pdfs/Winter09_CrossoverPartII.pdf.

Child Welfare and Juvenile Justice: Two Sides of the Same Coin, Part II is the second part of a two-part series on the topic of crossover youths—young people involved in both the child welfare and juvenile justice systems. This article provides detailed examples of court and multi-system responses.