

The Mid-Atlantic Juvenile Defender Center

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*ensuring excellence in juvenile defense
and promoting justice for all children*

**Testimony of Melissa Coretz Goemann
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**Before the United States House Judiciary Subcommittee on Crime, Terrorism and
Homeland Security**

on

**The Sex Offender Registration and Notification Act (SORNA)
Title I of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248)**

March 10, 2009

Dear Chairman Scott and Members of the Subcommittee,

Thank you for the opportunity to submit written comments regarding the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006. I am providing this testimony in my capacity as the Director of the Juvenile Law and Policy Clinic at the University of Richmond School of Law and Co-Director of the Mid-Atlantic Juvenile Defender Center. I appreciate the opportunity to comment on this critically important juvenile justice issue.

The Mid-Atlantic Juvenile Defender Center (MAJDC) is a multi-faceted juvenile defense resource center serving Virginia as well as the District of Columbia, Maryland, West Virginia and Puerto Rico. We are committed to working within communities to ensure excellence in juvenile defense and justice for all children. We are a regional affiliate of the National Juvenile Defender Center in Washington, D.C. and are based at the University of Richmond School of Law.

We urge you to reconsider the SORNA directive mandating the registration of all youthful sex offenders. Recent reports have affirmed the different nature of juvenile sex offenders from adult sex offenders, specifically finding that adolescent sex offenders are more responsive to treatment than adult offenders and have low rates of sexual re-offenses.¹ Virginia, in particular, has a small number of juvenile sex offenders and our juvenile sex offenders have very low rates of recidivism. Only 1.1% of the total juvenile intake complaints in 2008 were for juvenile sex

¹ National Center on Sexual Behavior of Youth Fact Sheet, <http://www.ncsby.org/pages/publications/What%20Research%20Shows%20About%20Adolescent%20Sex%20Offenders%20060404.pdf>; Justice Policy Institute: Youth Who Commit Sex Offenses, Fact and Fiction, Sept. 2, 2008, http://www.justicepolicy.org/images/upload/08-08_FAC_SORNAFactFiction_JJ.pdf.

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offenses.² Data collected in 2006 by the Virginia Department of Juvenile Justice found that **none** of the juvenile sex offenders released in 2005 had been rearrested for a sex offense and of those released since 2001 re-arrest rates for sex offenses ranged from 3.5% to 7.1%. Compare this to the much higher re-arrest rates for general juvenile delinquents in Virginia of 48.9% for those released in 2005 after 12 months.³

Allowing juvenile court judges the discretion to determine whether to order a child to register as a sex offender, as Virginia and many other states currently do, is essential to preserving a rehabilitative model of juvenile court.⁴ Requiring that children as young as fourteen register as sex offenders for the next twenty-five years and possibly the rest of their life, makes their ability to successfully re-enter school and the workplace virtually impossible. Many children that are forced to register are so severely harassed by their schoolmates that they are forced to drop-out of school and some commit suicide. Even if they complete school, many jobs are now closed to sex offenders.

Additionally, many juveniles that commit sex offenses do so within the confines of their family. Publicizing their offense not only humiliates the child but the family, as well. As a result, the threat of requiring registration may have the disastrous effect of keeping families from coming forward to report a child's sexual misdeeds, thereby exposing the family to further harm and preventing the child-offender and the victim from getting the treatment they need. Finally, not only does inappropriately requiring children to register harm the child and the family but it harms public safety, as well, by making it much for difficult, as noted above, for these young people to get the education and job skills that they need to become productive members of society.

As Virginia and other states continue to grapple with how best to handle juvenile sex offenders, we urge you to respect the decisions of the many states that have found it to be in their citizens' best interests not to mandate the registration of juvenile sex offenders. We respectfully ask that you reconsider the mandatory juvenile registration requirements of SORNA soon and allow the registration decision to be a discretionary determination that a juvenile court judge makes based on his or her knowledge of the child, the particular circumstances of each offense, and the needs of their families and the community.

² Virginia Department of Juvenile Justice, FY2008 Statistical Information, http://www.djj.state.va.us/About_Us/Administrative_Units/Research_and_Evaluation_Unit/pdf/DJJ%20Statistical%20Summary_2008.pdf.

³ Virginia Department of Juvenile Justice, Judicial Liaison: Sex Offender Treatment Program, May 4, 2007, http://www.djj.state.va.us/Resources/DJJ_Presentations/pdf/sex_offender_treatment_program.pdf.

⁴ Note that juveniles who commit offenses serious enough to justify transfer to adult court are treated as adults and are subject to the same mandatory registration requirements as those imposed on adults. The SORNA registration requirements discussed in this testimony are those requirements for children being tried as juvenile delinquents for sex offenses.