

Megan's Law and the Juvenile Justice System: Implications for Social Work Practice

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Objectives

- To provide a basic history of Megan's Law and how it is executed within the State of New Jersey.
- To highlight ways in which Megan's Law conflicts with the goals of the juvenile justice system.
- To discuss implications for social work practice.

Introduction

- Approximately one in three girls and one in seven boys will be sexually abused before they reach age 18 (Earl-Hubbard, 1996).
- In response to several highly publicized sexual assaults against children that occurred in the 1980s and 1990s, a series of laws to protect children from sex offenses were enacted.
- Megan's Law is one of the most commonly discussed.

Megan Kanka



Photo from Trentonian.com

- In 1994, seven-year-old Megan Kanka entered the home of neighbor, Jesse Timmendequas, to play with his puppy.
- Timmendequas, a twice-convicted sex offender, raped and murdered her.
- Kanka's parents maintained that if they had known a convicted sex offender lived in their neighborhood, they would have restricted their daughter's outside play (U.S. Department of Justice, n.d.).

Megan's Law

- In response to this horrific crime, a bill calling for the registration and community notification of sex offenders was introduced to the New Jersey General Assembly (Hughes, 2008).
- The bill was declared an emergency and was passed within two weeks (Hughes, 2008).
- The law established guidelines for sex offender registration and community notification within the State of New Jersey (N.J.S.A 2C:7-1 -11).
- In 1996, President Clinton enacted a federal version of Megan's Law, which mandates community notification regarding the residency of convicted sex offenders when there is a concern for public safety (Megan's Law, 1996).
- In 2001, the law was amended to establish procedures for a sex offender Internet registry in the State of New Jersey (N.J.S.A. 2C:7-12 -19).

Megan's Law Procedures in New Jersey

- Any person who is found guilty, adjudicated delinquent, or found not guilty by reason of insanity for the commission of a sex offense is required to register with law enforcement officials (N.J.S.A 2C:7-2).
- Upon registration, a risk assessment scale is utilized by the county prosecutor to evaluate the offenders likelihood of recidivism (N.J.S.A. 2C:7-8).
- New Jersey utilizes a three-tier system for sex offender assessment and community notification (State of New Jersey Office of the Attorney General, 2007).
- A juvenile that is convicted of a sex offence at age 14 or under may terminate his or her registration requirements upon turning 18, if he or she can prove that re-offense will not occur (*In re registrant J.G.*, 2001).
- All others may make an application to terminate registration 15 years following their conviction or release from a correctional facility, whichever is later, given he or she has not committed additional offenses (N.J.S.A. 2C:7-2).

Tier Assessment

- Tier one: Low risk for re-offense.
 - Only local law enforcement agencies likely to encounter the offender are notified.
- Tier two: Moderate risk for re-offense.
 - Local law enforcement agencies, schools, and community organizations likely to encounter the offender are notified.
 - Information regarding certain tier two offenders is available on the Internet registry.
- Tier three: High risk for re-offense.
 - Local law enforcement agencies, schools, community organizations, and members of the public likely to encounter the offender are notified.
 - All tier three offenders are listed on New Jersey's Internet registry (State of New Jersey Office of the Attorney General, 2007).

The Juvenile Justice System

- The juvenile justice system was established in 1899 in Illinois.
- It was developed in response to changes in philosophical underpinnings and a desire for a more rehabilitating system.
- This system was designed to maximize court discretion for the purpose of providing assessment and treatment over punishment (Markman, 2008).

Megan's Law Conflicts with Juvenile Justice

- Juveniles have lapses in judgment (Feld, 1997).
- Children and adolescents participate in sexual exploration (Frierson, Dwyer, Bell, & Williamson, 2004).
- Behaviors that may seem sexual in nature may not be sexual in purpose. Children can engage in sexual exploration or exhibit sexualized behaviors to self-soothe, seek attention, explore or mimic learned behaviors (Silovsky & Bonner, as cited in Chaffin et al., 2008).
- Juveniles are receptive to rehabilitation, responsive to treatment, and have low recidivism rates (Hughes, 2008; Trivits & Reppucci, 2002).

Megan's Law Conflicts with Intended Objectives

- The basis of Megan's Law is emotional, not factual.
- Megan's Law gives community members a false sense of security.
- Notifying the community about the presence of a sex offender does not guarantee that the sex offender will not go somewhere else to re-offend (Steinbock, 1995).
- Community notification relies on the cooperation of the sex offender. As a result, a number of sex offenders will go unregistered and unrecognized (Steinbock, 1995).

Implications for Social Work Practice

- Ensure that both victims and juvenile perpetrators receive **specialized** services to meet their needs.
- Advocate for laws that encourage the rehabilitation of juveniles, rather than immediate punishment.
- In cases of interfamilial child sexual abuse, be understanding of the conflicting emotions that the parent/guardian may have.
- Remember that a juvenile perpetrator may also be a victim.
- Educate community members about child sexual abuse. Help them to recognize myths.

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