

Registration and community notification of children and adolescents adjudicated of a sexual crime: Recommendations for evidence-based reform



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Introduction

Almost all adults, teens, and children convicted or adjudicated of a sexual crime must register with the police for the sexual offender registry in the United States (U.S.), as well as several other countries in the world. Sometimes they have to register for the rest of their lives, and information about them is often posted on the internet for everyone to see.

These registration laws began in the U.S. in the 1930s. They were first used by the police to track adults who had committed sex crimes, and only the police knew the names of people on the registries. Gradually, registration laws were expanded to include community notification and the registration information became available to the public. The federal government in the U.S. sets registry standards that most states, territories, and tribes follow. Other nations also have expanded their sexual offender registration laws, but very few have any form of community notification.

Registration laws initially were applied only to adults in the U.S., but this was expanded to include children and teens. In some states, children as young as 9 must register. The U.S. is one of the only countries in the world that requires children and teens to register as a sexual offender.

The Association for the Treatment of Sexual Abusers (ATSA) published a paper on the reform of sexual offender registration and community notification as applied to children and adolescents in July 2020. The full paper is at <https://www.atsa.com/Public/Adolescent/RegistrationCommunityNotificationofChildrenandAdolescents.pdf>. The following is a summary of the findings and recommendations. For a more comprehensive overview and references, readers are encouraged to review the full publication.

Facts about children and teens who commit sexual crimes

Most sex offenses are committed by acquaintances and family members, not by strangers.

More than 9 of 10 children, and approximately 3 of 4 victims ages 12 and older, were sexually assaulted by someone the victim knew before the sexual offense such as a family member, neighbor, or teacher (Bureau of Justice Statistics, 2000). Children and teens who commit sexual abuse usually abuse younger children they already know (Finkelhor et al., 2009).

Most children and adolescents convicted of a sexual offense are not rearrested for the same behavior.

9 out of 10 youth convicted of a sexual crime do not do it again (Caldwell, 2016). Children and teens who commit sexual abuse almost never do it again with the right treatment interventions.

Specialized treatment is effective for reducing the future risk of a sexual re-offense.

Children and teens are very responsive to treatment interventions. Participation in research-supported treatment has been shown to further reduce the already low risk of re-offense for children and teens convicted of a sexual crime (Worling et al, 2010).

Children and teens are not mini-adults.

Children and teens do not commit sexual abuse for the same reasons as adults. They are still developing, both physically and mentally. Most importantly, their brains are not fully developed. This can cause difficulties controlling impulses or recognizing how their actions affect others over the long-term. These are things they can learn as they grow up and mature, as well as with the right type of treatment interventions.

Because children and teens are not mini-adults, they should not be treated like adults by the court and prison system. Many children and teens who commit sex abuse have mental health problems, are developmentally delayed, or have low IQs. Many are victims of abuse themselves. To prevent further sexual abuse, interventions are more effective than punishment.

The impacts of registration, community notification, and residence restrictions

Research has shown that sex offender registries do little to deter first-time offending or reoffending on the part of those who are required to register. There also are long-term negative effects for children and teens who are required to register that affect their ability to develop into productive and prosocial adults. These include not being allowed to participate in positive developmental milestones during their teen years, followed by ongoing difficulties with education, housing, and employment opportunities as adults.

Being on the registry does not reduce the already low rates of sexual recidivism for children and youth convicted of a sexual crime. It does, however, lead to instances of harassment and threats. Youth on registries are at an increased risk for suicide. Being on the registry also has a negative impact on family members, particularly caregivers, due to concerns for their child's safety and the essential "registration" of a child's family, friends, neighborhood, and school, at least in the U.S.

There also have been numerous legal challenges regarding the registry and related laws. The courts have made findings regarding the fairness and legality of the sex offender registry, particularly when connected with policies that limit where registrants can live, such as residence restrictions, or when new requirements are applied retroactively to those who already have certain registry responsibilities. While the result of these legal

challenges varies, many of the legal challenges have been upheld by the courts, particularly for issues specific to children and adolescents.

Summary

Laws that require children and teens to register as a sexual offender do not make society safer. It is the position of ATSA that sex offender registration and notification laws are not appropriate for children and adolescents convicted of a sexual crime and this practice should be eliminated. Efforts should focus on research-based interventions that will prevent re-offense, facilitate healthier lives for these youth, and result in healthier and safer communities.

As such, ATSA recommends:

- **End policies that subject children or adolescents to sex offender registration and notification laws;**
- **Prevent sexual abuse through early and consistent education** in schools that teach children and teens about consent, healthy sexuality, and boundaries;
- **Identify and help children and teens** who are struggling before anyone is sexually harmed;
- **Provide specialized treatment** in ways that match the child's age and developmental levels; and
- **Work with families and communities** to provide positive support.