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Alison Brooks

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Interview With:
Illinois' Juvenile Sex Offender Registry and the Process for Removal

By: Alison Brooks

I. INTRODUCTION

Illinois law requires juveniles who have been adjudicated for both misdemeanor and felony sexual offenses to register with the local police. This requirement is placed on all juveniles, regardless of their age at the time of the offense. Since Illinois does not have a minimum age of criminal responsibility, and there is not a minimum age to be placed on the juvenile sex offender registry, a minor of any age could be adjudicated for a sexual offense and, if adjudicated as delinquent for that offense, required to register as a juvenile sex offender with the state of Illinois. Karyn Glass, an attorney with Bluhm Legal Clinic at Northwestern Pritzker School of Law, represents individuals petitioning the court to be removed from the registry. She stated she has seen youth as young as 10 years old who are required to register.

In 2008, 11 years after the creation of the juvenile sex offender registry, Illinois allowed court petitions for registry removal. However, removal from this registry is a time consuming and expensive process, leaving the majority of those registered without a solution. Illinois' arduous registration and removal processes place a burden on youth that is disproportionate to the crime and goes against the traditional notion that the juvenile court should be a place of rehabilitation and restoration for juvenile offenders.

II. REQUIREMENTS OF ILLINOIS REGISTRATION LAWS

At registration with the State as a juvenile sex offender, youth are required to provide a signed written statement, current photo, address, employment information, phone number(s), email address(es), school, license plate number(s), a DNA sample, all internet communication identities they currently use or plan to use, and any internet content they have posted. If required to register, one must notify their law enforcement agency if they are traveling from their primary residence for three days or more. If someone is currently homeless or without a permanent place of residence, the individual must report every week, in person, the location where he or she has stayed each night at the local sheriff's office or to the chief of police. Registration must be done annually, in person, and costs a fee of one hundred dollars. While this fee can be waived for those deemed indigent, most juvenile sex offenders are not informed of this and have to pay the hundred-dollar annual fee.

Failure to comply with the extensive list of registration requirements is punishable as a felony offense. While the juvenile sex offender registry is not open to the public, youth in their late teens who fail to comply with registration will receive permanent adult felony convictions, which are public. If a juvenile is later removed from the registry, but he or she has an adult felony conviction for failure to comply with the registration, the felony is non-

expungable and sticks with him or her for life. Illinois law also requires schools, including colleges, and anyone whose personal safety could be compromised, to be notified by law enforcement of a juvenile's registration. While information about who is on the juvenile sex offender registry is technically private, more often than not, Karyn's clients have had this personal information exposed to the public. This can have a detrimental impact on their ability to find housing and employment, two things that are generally needed for a successful petition for removal from the registry.

III. WHY SHOULD INDIVIDUALS BE REMOVED FROM THE REGISTRY?

In 2008, for the first time since the juvenile sex offender registry was created, Illinois allowed courts to hear petitions for removal from the registry. Shortly thereafter, Bluhm Legal Clinic at Northwestern Pritzker School of Law began taking on these petitions. In an effort to learn more about the juvenile sex offender registry in Illinois and how one can petition to be removed, I spoke with Karyn Glass, an attorney at the clinic, whose work focuses on these petitions. After spending the last several years advocating for her client's removal from the registry, Karyn's main takeaway is that "the registry destroys lives." It does this by imposing crippling stigma and shame, and by imposing long-lasting, physical burdens which have devastating impacts on registrants' futures. Karyn stated that she has never spoken to an individual who was placed on the juvenile sex offender registry as a youth who she personally believed should be on the registry.

The reason for this can be explained by a variety of factors. First, research concludes that punishment such as registration does not enhance public safety and, instead, could harm it. In fact, requiring individuals who commit sexual offenses as youth to register could potentially increase the likelihood of recidivism among these individuals. Secondly, many minors who commit these offenses have been physically or sexually abused themselves. They are learning about their own sexuality in unhealthy environments and, often, the offenses tend to be experimental. Lastly, research does support the fact that treatment services are very effective among juvenile sexual offenders. The growing body of research on youth sexual offenders concludes that recidivism rates are extremely low, as the average five-year recidivism rate is less than 3% for juvenile sexual offenders. Even among juveniles who do commit horrible sexual offenses, treatment has still been proven to be highly effective, leaving recidivism rates low.

The encumbrance Illinois' registry imposes on youth lasts through their formative years, and sometimes for life. Karyn spoke of youth who have enrolled in college only to be expelled after having to disclose that they are on the juvenile sex offender registry. For individuals who do not have permanent housing, they must register once a week, on a week day, in downtown Chicago. Beyond the physical burdens the registry imposes, there are many emotional burdens as well. Every individual that Karyn has spoken with, who is currently registered as a juvenile sex offender, carries around an immense amount of shame every day. Karyn said that "every time I've gotten a kid off the registry, they break down in tears because they've been suffering under the weight of the registry; the shame of it is

just so monumental for these young men.” Karyn’s clients spend years of their lives weighed down under this shame from an offense they committed as a juvenile. And, for the many individuals who can’t afford to petition the court for removal, this shame she spoke of could last a lifetime.

Additionally, this burden and shame the registry imposes is disproportionately carried by young, black men. The majority of individuals who are adjudicated for juvenile sexual offenses are boys who come from low-income neighborhoods or are already living beneath the federal poverty level, with limited access to legal services. In Illinois, black youth are arrested disproportionately compared to the percentage of the population they comprise. In 2014, black youth accounted for 61% of the juvenile arrests, while they comprised only 18% of the population. Because of this, the number of juveniles adjudicated as sex offenders are primarily black males. However, the research does not show that black, male youth are more likely than white, male youth to sexually offend.

The many stories that Karyn has heard all have a common theme, that the registry is a significant burden on one’s ability to perform basic day-to-day functions, often having a devastating impact on the ability of these young adults to sustain basic needs, such as housing and employment. This is why she emphatically states that “the registry destroys lives,” and why she spends her time advocating for her clients to be removed from the registry.

IV. THE REMOVAL PROCESS

While removal from the registry is possible, and Northwestern’s attorneys have an extremely high success rate, the process is time consuming and expensive. After taking on a new client, the average length of time for a petition to be heard and granted is one year, sometimes longer. A client must successfully complete the terms of their sentence, complete juvenile sex offender (JSO) treatment, and receive an expensive JSO clinical evaluation before submitting a petition for removal from the registry. The JSO clinical evaluation concludes with a determination of the individual’s future risk to reoffend. Clinical evaluators consider a variety of factors, including: completion of JSO treatment; capacity for adult relationship stability, positive social influences, housing and financial stability; and commitment to education or employment. JSO clinical evaluators then either recommend that the client do more work before coming back for a reassessment or, based on the work the client has already done, they recommend that the client has either a low, moderate, or high risk to reoffend. Only after the completion of these steps, will Karyn or her colleagues file the petition for termination from the juvenile sex registry.

Indigent youth of color are more likely to be involved in Illinois’ juvenile justice system than non-indigent white youth. Therefore, this demographic of youth is also disproportionately adjudicated for sexual offenses and disproportionately face the burden this registry imposes. Indigent youth face much higher barriers when accessing legal advice and representation. There are not many pro bono attorneys who specialize in child sex

offenses, as it is a highly stigmatized area of law. Currently, the only place in Cook County that Karyn knows of offering free representation for these termination petitions is the clinic at Northwestern. Because of this, Karyn and her colleagues each have extremely long client wait lists. Further, due to significant misunderstandings surrounding this area of law, many individuals who could be eligible to petition the court to be removed from the sex registry do not know that this is even an option. This suggests that the wait list at Northwestern could be much longer if individuals knew about the resources available to them in the community.

V. CONCLUSION

Research supports the conclusion that youth sexual offender registries are largely unbeneficial. A report compiled by the Illinois Juvenile Justice Commission found that Illinois' requirement for youth adjudicated as sexual offenders to register does not enhance public safety. Additionally, the report found that the registry can have harmful long-term effects on communities by undermining rehabilitation efforts among youth sexual offenders.

Karyn said she has never spoken with an individual who she personally believes should be on the registry. The immense restriction that the registry places on one's ability to move residences, travel, enroll in higher education, and become gainfully employed along with the social stigma, guilt, and shame it places on youth destroys the lives of the youth and their families.

While Illinois took a step forward in 2008 by allowing courts to hear these petitions for registry termination, research doesn't support the conclusion that Illinois' juvenile registry should even exist in the first place. Research does support the conclusion, though, that treatment is the best option for juvenile sexual offenders and that it has extremely positive outcomes. Therefore, requiring youth to register before they have completed treatment and before they have been assessed to see how likely they are to reoffend is not the best response to juvenile sexual offenses. Illinois should reevaluate the registry in light of the research that has been done on youth sexual offenders in Illinois and across the country. However, for as long as Illinois law continues to require a juvenile sex offender registry, work should continue to ensure that barriers to removal from the registry are eliminated, giving everyone equal access to removal, regardless of their race or their personal wealth.

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