



Juvenile Sex Offender Treatment Programs Preparing for Ohio Certification Trainings 4-5/08

Frequently Asked Questions

PROGRAM CERTIFICATION

FINAL RULES

Q Are these standards/rules final?

A The JCARR process allows for a public hearing that will be held at the ODYS Jack Reil room at 51 N. High St., Columbus 43215 on May 7th at 10 a.m. The rules are scheduled for a JCARR hearing on June 2nd at 1:30 p.m. in the Statehouse. The anticipated effective date of the rules is July 1, 2008.

CERTIFICATION REQUIREMENTS

Q How many of the standards apply to programs that serve youth but do not do treatment?

A There are applicable standards for programs that provide services to JSOs. Those services are defined in OAC 5139-69-03. If a program provides the services identified in this section of the code, the standard is applicable to that program seeking certification.

DYS TREATMENT CERTIFICATION

Q Will the DYS facilities be licensed?

A Government entities are exempt from certification requirements, but if they provide treatment, like DYS facilities, the treatment programs will become certified.

FEDERAL FUNDING

Q Are the federal sex offender-related funds for treatment?

A No. The federal grant is to help build the national registry across jurisdictions.

JSO PROGRAM NUMBERS

Q How many programs does Ohio have that are working with juvenile sex offenders?

A At current count, ODYS knows of 85 programs and/or individual professionals serving the treatment needs of JSOs.

JSO TREATMENT TRAINING

Q Will some organizations take on the responsibility of providing and advertising training required for certified providers of JSO treatment?

A It is anticipated that the Ohio Association of County Behavioral Health Authorities (OACBHA), the Ohio Association of Child Caring Agencies (OACCA), Ohio Department of Youth Services and other organizations will offer JSO treatment-related education. The trainings will be advertised via emails, newsletters, and websites.

FUNDING for TREATMENT

Q Will more funding become available for this treatment in the future?

A There are no plans at this time for increased state funding for JSO treatment.

INDIVIDUAL or PROGRAM CERTIFICATION

Q If my program employs 25 therapists, do they each need to be certified?

A No. The program should become certified and include a list of its treatment professionals in its application documentation.

GROUP HOMES

Q Will group homes that take in JSOs have to become certified?

A If residency at that group home is part of the treatment plan, then that home should consider becoming certified.

GROUP HOMES and RECLAIM FUNDS

Q What about a group home funded by RECLAIM funds?

A If the home is used for JSOs, and RECLAIM funds support it, it would have to become certified.

WHY BECOME CERTIFIED?

Q Why should programs take the step of becoming certified?

A For PRQJOR youth who wish to petition the court to reduce their duties to register, they will have had to complete a certified sex offender treatment program. When considering placement, reclassification or declassification, it is anticipated that judges, courts, and child welfare agencies will give strong preference to certified treatment programs.

GOOD of the CHILD

Q How does getting programs certified help a child?

A For youth who at some point in time wish to see reclassification or declassification, participation in certified SO treatment programs will matter.

CERTIFICATION and FUNDING

Q Will programs need to be certified at some point to receive funding for treating this population?

A Yes. The system is moving in that direction.

MEDICAID FUNDING

Q Have the planners of this certification process been working with state Medicaid to ensure that the changes being made will still allow providers to bill Medicaid?

A Yes. The workgroup has worked with the Medicaid office to ensure continued Medicaid funding for those eligible.

PAROLE/PROBATION TREATMENT PROGRAMS

Q Do probation or parole officers need to become certified as JSO treatment programs?

A In counties where the courts provide treatment programming, that court should seek certification.

WHO WILL CERTIFY PROGRAMS?

Q Is the certifier going to be ODYS? Will this tie into ODMH certification or other licensing?

A The certifying body will be ODYS. Other state agency certifications/licenses will be considered as part of the JSO Treatment Program Certification process.

CERTIFICATION TIMEFRAME

Q What's the timeframe for certification?

A DYS will start accepting applications after July 1, 2008.

IS PROGRAM CERTIFICATION REQUIRED?

Q If you are doing SO treatment do you have to get certified?

A It is not required, but for PRQJOR youth who wish to petition the court to reduce their duties to register, they will have had to complete a certified sex offender treatment program. When considering placement, reclassification or declassification, it is anticipated that judges, courts, and child welfare agencies will give strong preference to certified treatment programs.

STANDARDS COMPLIANCE

Q Does a program have to show compliance with standards for a certain number of months before you can become certified?

A No. A program can self-assess and then apply for certification when ready.

MR/DD COUNTY BOARDS

Q Does certification apply to County Boards of MR/DD?

A Yes, if they provide services as part of the treatment plan for individuals they serve.

PRIVATE PRACTICES

Q Will a psychological practice that treats JSOs need to be certified?

A Yes. Individual practices that work with courts, public programs, and public-placing agencies should become certified.

ASSESSMENTS ONLY and CERTIFICATION

Q We do assessments of JSOs as part of the services we do; do we need to get certification?

A If you do JSO assessments you should become certified

CERTIFICATION LENGTH

Q Once a program is certified, how long will the certification be in effect?

A Two years.

CERTIFICATION COST

Q Will there be a cost for certification?

A No charge is planned at this time.

119 REVIEW APPLICABLE

Q Will the denial or revocation of a certificate be subject to 119 review?

A Yes. Programs will have the opportunity for a 119 hearing.

CONTRACTUAL RELATIONSHIPS

Q What if you are employed by the court to do assessments or treatment- do you have to become certified?

A Yes. Certification is applicable to programs, which for the purposes of these standards is defined as, "an entity that provides treatment services to juvenile sex offenders and/or child-victim offenders in accordance with this rule." This includes individual contractual relationships for SO treatment services.

CONFIDENTIALITY

- Q There's a huge risk management issue with this for the program and the youth. A child who goes to a program that is on the SO treatment list could be identified as a SO whether he or she is or is not a SO.
- A The public list isn't that different than the public knowing that a program treats alcoholics, drug addicts, or the mentally ill. Members of the public who pay attention to these things will know that if someone goes to one of those programs, he/she must be there for counseling for some reason.
- Q All treatment programs have laws and rules about confidentiality of information. I'm surprised that there hasn't been more work done around the confidentiality issues with all the collaboration that is supposed to occur. What's being done in this regard?
- A Much discussion has occurred on this topic. Within a community, these issues can be worked out, but the larger the community, the less likely it is to be able to overcome the confidentiality barriers. The state Advisory Board will be looking at these issues.
- Q We work with MR/DD clients and have a confidentiality issue. Aren't we violating a youth's confidentiality rights since he or she is going to a certified sex offender treatment program?
- A We're still working with legal counsel to develop policies that ensure that no breach of confidentiality occurs.

PROFESSIONAL QUALIFICATIONS

- Q Regarding staff qualifications, the certification (e.g., Ohio University, University of Kentucky) programs that exist for staff – will they qualify for JSO professional training?
- A That has not been decided.

ADULT SO CERTIFICATION

- Q Will there be a similar certification process for adult SO treatment?
- A Yes. The Ohio Department of Rehabilitation and Correction also has a rule filed and a guidance manual is in draft form at this time.

CERTIFICATION DEADLINE

- Q Is there an outside date on which programs need to be certified to receive state funds?
- A There is not a date at this time, but eventually, certification will be needed to receive state funds and court and other placing agency referrals.

DYS and CERTIFICATION DEADLINE

- Q Will the certification deadlines apply to ODYS?
- A Yes. DYS treatment programs will also be certified by July 1, 2010.

AGENCY RESISTANCE

- Q Have you gotten any resistance from agencies regarding this certification process?
- A DYS has gotten very little resistance about this process, mainly because of the large numbers of agency representatives who took part in the development process.

TREATMENT PROGRAM AVAILABILITY

- Q Will the dearth of certified programs in an area cause judges to commit more youth to either the juvenile or adult corrections system?
- A Felony adjudication rates for sex offenses have remained nearly the same since FY00, as have commitments to ODYS for sex offenses. A significant number of youth are currently being served locally. It is anticipated that the numbers will remain the same.

PRIVATE PAY INSURANCE and STANDARDS

- Q What happens if the treatment panel for paid insurance and the standards are not the same?
- A The standards address general policies and procedures but do not get specific so that they should not conflict with private pay treatment “panels.”

ACCEPTABLE PROGRAMS

- Q What if no certified programs are available or insurance won't cover a particular program?
- A The judge/magistrate will need to interpret whether or not a particular program is required or acceptable.

HIGHER EDUCATION

- Q In reading through the partners in the process, shouldn't institutions of higher education have been at the table since there are suggested professional qualifications?
- A They were represented through professional associations who helped develop the standards and guidelines.

OUTPATIENT TREATMENT PROGRAMS

- Q What is the expectation for outpatient treatment programs where some of these standards don't really apply?
- A All of the standards are applicable to programs working with JSOs. It is the responsibility of the program seeking certification to document applicability. The completed Ohio Comprehensive Assessment Protocol (OCAP) will show that the program has looked at and addressed each of the standards.

LIST of ACCEPTABLE LICENSES/CERTIFICATIONS

- Q Regarding “licensed and/or certified” by other organizations as a starting point for JSO treatment certification, is there a list of accepted prior licenses/certifications somewhere?
- A There will be a list in the certification application.

ASSESSMENT

COURT-ORDERED ASSESSMENTS

- Q When doing a court-ordered assessment do you interview the youth?
- A When a person is trained to do assessments only, the youth is not interviewed. When a clinician who does treatment does an assessment, he/she may include a youth interview in the assessment.

SOQIC USE

- Q Can SOQIC be used for assessment updates?
- A Although SOQIC does not satisfy the needs for the full comprehensive assessment, it would contain enough information for the assessment updates if it is already being used by the program to document progress.

90-DAY ASSESSMENTS

Q What are the assessment requirements for a 90-day program?

A Assessments should be done at intake, change of level, discharge, or transfer to other program.

90-DAY REVIEWS

Q Do programs need to review the treatment plan or re-do the actual assessment?

A Treatment plans should be reviewed every 90 days, and at each assessment. Assessments should be updated every six months, prior to any changes in level of care, within 30 days of discharge, or when clinically indicated, whichever is more frequent.

ASSESSMENT FREQUENCY

Q Should there be separate assessments for treatment, for classification, and for reclassification?

A The Ohio Revised Code (ORC) requires what courts shall consider in determining classification and re-classification. It is possible that courts will use a provider's assessment in making those determinations.

RE-ASSESSMENT

Q Are you saying that we have to re-assess every six months?

A The level of risk should be updated every six months. As you update your treatment plan, you might want to look at the assessments to see what, if anything, needs updated at that point.

Q Are you talking about the sexual behaviors only?

A Yes. But you would include other significant changes as well.

DYS ASSESSMENTS

Q Will DYS be doing the 30-day prior to discharge assessment?

A Yes. The standards say assessment shall be updated every six months, prior to any changes in level of care, within 30 days of discharge, or when clinically indicated, whichever is more frequent.

PLEAS and ASSESSMENT

Q Some youth are pleading to offenses that are less than the offense for which they are charged to possibly avoid classification and duties to register. How is this documented in an assessment?

A The assessment should say what the alleged complaint was and the source of that information. The assessor should put as much information as the assessor knows, from whatever source, into the assessment.

ASSESSOR CONFLICT of INTEREST

Q Was there any discussion about potential conflicts of interest between the assessor and the treatment agency when the assessor works for that agency? This is especially relevant in smaller communities when there's only one agency available.

A The assessment recommendation should say that a certain level of service is recommended, not treatment at a particular agency.

OTHER DIAGNOSTIC ASSESSMENTS

Q If the youth has other diagnostic assessments, do we need to incorporate all the other assessments in our SO assessment?

A The assessor should attach the other assessments or include all the information.

RELEASES of INFORMATION

- Q If the court did some other assessments, can the sex offender assessment provider legally re-release that information?
- A For the purposes of the exchanges of information, as long as the information is related to treatment only (including assessment) there is no need for a new or additional release of information. Information can be exchanged among treatment team members.

ASSESSMENT DOCUMENTATION

- Q Although we receive some of the risk assessment information from Probation, we do not send it on with our assessment.
- A You should document all the information you have taken into account with your assessments, but it is not necessary to include everything in hard copy.

MENTAL ILLNESS DEFINITION

- Q What does mental illness or mental disability mean?
- A Any diagnosis that's been present in the past six months and that interferes with youth's day-to-day activities should be included in an assessment.

REQUIRED ASSESSMENT TOOLS

- Q Do the standards give a required tool for assessments?
- A No. There are a lot of good tools, and you could use your own but the required information is the same across many of the suggested tools. However, the J-SOAP and ERASOR are the best practices tools designed for use with JSOs.

PUBLIC DOMAIN ASSESSMENT TOOLS

- Q Which assessment tools are in the public domain?
- A Requests have been made for which assessments tools, provided in the Guidelines as an attachment, are available for public domain. The committee will work on identifying those tools and will post them to the OACCA and OACBHA websites.

LOWER IQ ASSESSMENT TOOLS

- Q Which assessment tools are recommended for offenders with IQs of 50-75?
- A The ERASOR is primarily used in such cases, but most of the research and clinical opinion behind that tool is based on adolescents with low-average to average IQ. Risk factors may operate differentially for individuals with IQs below 70. It is likely, however, that many of the risk factors are equally applicable, and there is emerging research with adults that risk assessment tools like the STATIC 99 are applicable across various cognitive levels. There is no risk assessment tool developed specifically for lower IQ individuals.

OLDER YOUTH ASSESSMENT TOOLS

- Q What do you use for youth who are 18 or older since the JSOAP II is only for 12-18 year-old males? ERASOR is for males or females in that age group. The LA-SOAT* works for younger youth.
- A You must use the appropriate tool for an adult SO offender. The STATIC 99 works well for adults and young adults. If you've started a juvenile SO assessment with the JSOAP II, you could update that assessment with that tool for an 18-19 year-old. For an initial assessment, the JSOAPII can be used on an 18-year-old, but no older. Neither the ERASOR nor the JSOAP can be used on female adolescents. One agency that uses the STATIC 99 uses the SOTNPS to help assess and monitor progress related to dynamic factors. Be sure to document the tools used and why they are appropriate for the individual youth.

* LA-SOAT- for Latency Age-Sexual Adjustment and Assessment Tool from Stetson School, Inc.

INCEST and RISK FACTORS

Q Is incest a reason to consider that recidivism is a higher risk factor for the offender?

A While there is no formal research on the adolescent incest offender, current opinion holds that sibling incest offenders select their victims for the sake of convenience as opposed to any more significant underlying psycho-sexual need. Most “risk” instruments look at things like “ever assaulted the same victim 2 or more times (ERASOR #6); ever sexually assaulted a child (ERASOR #16); parents not supporting JSO assessment/treatment (ERASOR #22); environment supporting opportunities to re-offend sexually (ERASOR #23); prior legally charged sex offenses (JSOAP II #1); duration of sex offense history (JSOAP #4); number of adjudications for sex offenses (JSORRAT II #1); length of sex offending history based on charged sex offenses (JSORRAT II #3).”

The adolescent incest offender’s family is likely more “damaged” than that of the adolescent non-incest offender. Most “risk” scales, a healthy number of research studies, and general opinion do converge on the notion that abusive, exploitive, damaged families are associated with greater risk of recidivism. Most youth will eventually re-build relationships with their families, and that, in a great number of instances the family and victim(s) want an expeditious return home. Given this, it could be argued that the responsible course of action would involve a graduated return of the incest offender in a household where the offender, victim, and family continue to be involved in treatment. ORC 2929.12, seriousness of the crime and recidivism factors identifies the factors courts shall consider in determining a sentence.

JSOAP TRAINING

Q Is there any training coming out on the JSOAP?

A OACCA is looking at conducting training on these tools, but there are none scheduled at this time.

QUALIFICATIONS for ASSESSMENTS

Q Which level of certified professionals should be doing assessments?

A There are no requirements at this time regarding professional qualifications, but there are suggestions for qualifications in the Guidelines.

TREATMENT

POLICIES and PROCEDURES

Q We already do most of what is in the standards. Do we still need to create separate policies and procedures just for SO clients?

A If what you have in place is SO-specific you won’t need additional policies and/or procedures, but if they’re for the general client population, you will need to create SO-specific policies/procedures.

TREATMENT PLAN

Q What is required in a 90-day review of a treatment plan?

A It’s not necessarily rewriting the full plan, but it should update the plan if there are significant changes.

SAFETY PLAN

Q What is a safety plan?

A A safety plan means a plan that addresses specific risk factors of an individual youth as well as interagency collaboration and information sharing.

SAFETY PLAN, cont.

Q Can the safety plan be a separate document or should it be a part of a treatment plan?

A It is usually a separate document. Please see the definitions section of ORC 5139.69.03 (E) (2) and the specific statute.

Q Does a safety plan have to be updated every 90 days?

A No.

HEALTHY RELATIONSHIPS

Q Do you tell JSOs that they cannot date?

A It depends on the individual's progress in treatment. Some youth are not ready to have a healthy sexual relationship.

PREVENTION of SEXUAL CONTACT

Q Doesn't a policy about prevention of sexual contact that states that the youth has the right to be free from sexual contact make a policy about sexual contact between youth or youth and adults redundant?

A There needs to be a policy about prevention of sexual contact for the youth client.

ETHICS/MORALITY TRAINING

Q How appropriate/effective is ethics and morality lessons as components of treatment?

A In attempting to use the research-based treatment modalities, the evidence does not show that morality-based treatment reduces recidivism, but most programs include ethics and right-thinking along with science-based treatment.

CITIZEN CIRCLES for AFTERCARE

Q Are there Citizen Circles available for juvenile sex offenders?

A Not on a formal basis.

PUBLIC ASSISTANCE

Q Can sex offenders receive public assistance of any kind?

A Eligibility is dependent upon the type of assistance being sought. Any Ohio citizen can access the Ohio Benefit Bank for eligibility determinations at <http://governor.ohio.gov/obb/GetHelp/tabid/415/Default.aspx> or call 1-800-648-1176.

THERAPEUTIC FOSTER HOMES

Q Are there therapeutic foster homes for juvenile sex offenders?

A There are a few; they fill up fast, and the information on them is available through local Children Services Boards, Job and Family Services Offices and Foster Care Networks.

COMMITMENT TO CHANGE

Q How can you measure a youth's commitment to behavior change in treatment?

A The counselor should watch the youth's behavior regarding treatment requirements and the youth's stated commitment to change and how he/she follows through with treatment activities.

RE-ENTRY PROGRAMS

Q DYS funds four agencies across the state to do re-entry services for youth with a particular focus on employment and independent living, and they're now sending JSOs for re-entry services. Will these programs now need to become certified?

A Yes. The part of the program that works with JSOs should become certified so that the youth can later submit his/her treatment history, from certified programs, to the court for possible reclassification.

CONFIDENTIALITY

Q What are your views about confidentiality?

A In general, individuals who are involved in the treatment of JSOs are mandated reporters and have an obligation to report additional offenses or victims. Other confidentiality requirements or restrictions are governed by other licensing, certifying, or accrediting bodies.

DUTY to REPORT

Q Should a treatment counselor explain the program's duty to report any offenses?

A Yes. It's important that the child and parent/guardian understand the duty to report.

Q How can we remind JSOs about their duty to register after they age out or complete treatment?

A Programs need to take the responsibility seriously to educate the JSO and his parents/custodians regarding the requirements of registration.

SECURE FACILITY

Q What is defined as a "secure facility"?

A "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are locked and under the exclusive control of its staff and to ensure that, because of that exclusive control, no person who is institutionalized or confined in the facility may leave the facility without permission or supervision, ORC 2950.01 (O).

LOCKED FACILITY

Q What does a "locked facility" mean?

A A location where the youth cannot leave without permission.

AGING OUT YOUTH

Q What happens when a youth ages out of a juvenile program?

A It would be noted as an incomplete treatment and notation would be made regarding progress to date and the disposition of the youth.

MEANING of TREATMENT SUCCESS

Q How do you define "success" in these circumstances? What does "success" mean? How do we determine what is best practice? How does a judge know if that child "succeeded" in treatment?

A How the program defines "success" should be defined in the treatment plan. The standards and guidelines are geared to help define what successful treatment is. Programs have a responsibility to establish what success is for a specific child. The discharge plan should clearly state the child's outcome and future risk factors and needs.

SUCCESSFUL DISCHARGE

Q We're talking about a successful discharge not a maximally successful discharge, am I correct?

A ORC 2950.15 (D) (3) says that an individual who petitions the court for reduction in duty to register must provide evidence that the eligible offender has completed a SO or child-victim offender treatment program certified by ODRC or ODYS pursuant to 2950.16 of the ORC. Treatment "success" is defined by the youth's treatment plan.

COURT EXPECTATIONS

Q What happens when there is a conflict between changing levels of care and the courts' expectations?

A Hopefully a program will keep all members of a treatment team, including the courts, up-to-date regarding progress so that conflicts could be avoided.

COMPLETION of EDUCATION

Q How can a JSO complete his/her education?

A Treatment plans must include transition planning that coordinates with the child's school district of residence to provide for the youth's free and appropriate public education. The standard (OAC 5139-69-03 7e) says, "programs providing transition services shall have policies and procedures that require documentation of an individual education plan being established, transfer of records has been completed, testing is up-to-date, and resource assistance has been identified."

STAFF RATIOS

Q Our agency has a 1 to 7 ratio and cameras in every room, which is slightly different than the Guidelines. What do we do?

A You have to have a policy about a staff ratio and explain your staffing level and why that works for your program.

Q Regarding the staff ratios in the guidelines, is 1 to 5 applied to sleep hours as well?

A This is what best practice would suggest for staffing during awake hours, but with this population, sometimes sleep hours need just as much supervision. Remember that the rules or standards are the actual requirements; the Guidelines are suggested best practices.

Q Does a program have to address staff ratios if it's not a residential program?

A Staff ratios should be based on the written description as required in ORC 5139.69.03 (C) (1). Programs seeking certification should consult the Guidelines for best practice regarding staff ratios.

BEST PRACTICES

Q Regarding the continuum of care, the guidelines are much broader than the standards- why is that?

A The Guidelines encompass the broad array of services and needs of individual youthful offenders. They are suggested best practices.

SERVICE COORDINATION

Q This looks like "cluster" or service coordination work- is it?

A Yes. That's exactly how it is set-up to work.

HOME-BASED THERAPY

Q How does intensive home-based therapy fit into the safety plan requirements?

A The policy on safety planning includes home-based treatment.

Q Does this include the reunification process?

A Yes.

COGNITIVE DEFICITS

Q Will there be any flexibility with these guidelines, especially for individuals with cognitive deficits?

A There will be an opportunity to apply for a variance or waiver for some requirements with regard to special populations.

OCD CORRELATION

Q Is there a correlation between OCD and deviant sexual arousal?

A Very few of the JSOs have any of the deviant tendencies. The primary reason for juvenile sex-related offenses is their impulsivity, but when there is some deviant tendencies there are some links being drawn to OCD tendencies in youth.

DISCHARGE DOCUMENTATION

Q If a youth is going from a locked program and going into an aftercare or outpatient treatment, when is the determination of completion of treatment- when does the termination of treatment document get completed?

A Discharge documentation should occur when the youth is transitioning into the community or when the youth is leaving the treatment agency with recommendations for next steps in aftercare.

COMMUNITY RE-ENTRY PLANNING

Q Should discharge treatment plans include future community activities?

A Yes. This should be based on the youth's individual treatment plan and goals. Section 7 of 5139-69-03 identifies the required policies and procedures for transition services.

DYS TRANSITIONING

Q Is ODYS going to change the way transitioning re-entry happens for JSOs coming out of ODYS facilities?

A As a result of becoming certified, greater attention will be given to transition services for JSOs.

MR/DD ELIGIBLES

Q Do we know what the percentage is of JSOs who are MR/DD eligibles?

A Although we believe it is a small percentage, we do not have an exact number.

RESOURCES

Q Where can I learn more about JSO treatment and community education?

A Visit <http://www.csom.org> for many resources or <http://www.oacbha.org/programs/juveniles.html> for a Community Education PowerPoint presentation.

LEGAL TOPICS

AGE OF CONSENT

Q What are the ages regarding age of consent and who can be prosecuted?

A In Ohio the age of consent is 16. Offenses related to sexual misconduct and age differences are defined in 2950.01.

VICTIM CARE

Q Will the younger partner who consents be treated in some way?

A Mental health counseling may be called for.

ADAM WALSH ACT (AWA) COMPLIANCE

Q Is any state in compliance with the Adam Walsh Act?

A No.

EEO PROTECTION

Q Doesn't EEO (Equal Employment Opportunity) protect a person from being fired for a juvenile sex offense?

A No.

PLEA AGREEMENTS

Q What about the cases where youth are pleading to a lesser charge?

A Determination of adjudication is made at the local level.

AWA COMPLIANCE

Q Is Ohio in actual compliance with AWA?

A At this point, the federal guidelines have not been released yet, and the Ohio Attorney General has not submitted its Compliance Plan to the SMART office within the U.S. Attorney General's Office.

RECIDIVISM RATE FOR JSOs

Q What is the recidivism rate for JSOs other than for sex offenses?

A Thirty percent of juvenile offenders will commit another offense within one year after release from a DYS facility. Research suggests that the recidivism rate for another juvenile sex offense is between 4 and 13 percent.

CLASSIFICATION/RECLASSIFICATION FACTORS

Q Does incest mean a less likely chance of reclassification to a lower level?

A Factors for the Court to consider in making a classification or reclassification determination are found in 2950.11 (K), 2929.12 (B, C), and 2152.831.

JSO CERTIFICATION BOARD

JSO BOARD SERVICE

Q How will people who serve on the Juvenile Sex Offender Certification Board be recruited or invited?

A Notices will be sent out through all the regular channels that the Department of Youth Services uses, along with its partner organizations including The Supreme Court.

JSO BOARD TIMEFRAME

Q How soon will the JSO Advisory Board become established?

A DYS will begin the process for Board member creation after the rules have been final filed with JCARR.

BOARD SET-UP DATE

Q Will the Board be set-up by July 1, 2008?

A The rules will become effective July 1, 2008. The Board will be convened as quickly as possibly thereafter.

SEX OFFENDER REQUIREMENTS/RULES

SEX OFFENDER DESIGNATIONS

Q Can you differentiate between the juvenile sex offender (JSO) and the child victim offender?

A The difference between the two designations is based on the type of offense as defined in ORC 2950.01. Those offenses determine at which tier a juvenile offender is classified and their duties to register.

PARENT/GUARDIAN RESPONSIBILITY

Q In SB 10 there is an ability to charge parents if their child fails to register as a sex offender; therefore, can foster parents also be charged?

A Parents, guardian or custodian may be prosecuted for the offense of contributing to the delinquency of a minor if the juvenile fails to comply with SORN [Section 2919.24 Contributing to unruliness or delinquency of a child, a misdemeanor of the first degree; each day of violation of this section is a separate offense]. In general, foster parents are not held liable, but the custodial agency would be.

Q Is it still the parent's responsibility if the child reaches age 18 and fails to report?

A Parental responsibility is determined by the custodial status of the juvenile.

CUSTODIAL AGENCY

Q Who is the custodian when the child is in children's services care?

A The custodian is the County Children's Services agency if the youth is in placement.

RUNAWAYS and REGISTRATION

Q How does the prosecution of parents for a youth's failure to register apply when the youth is a runaway?

A That would be up to the local judge/magistrate.

FAILURE to REGISTER and ADULTHOOD

Q What happens to young people who age out of the juvenile system and fail to register?

A They would be punished as adults.

eSORN ACCESS

Q Who has access to the current eSORN registry?

A All law enforcement agencies have the ability view records via eSORN through the Ohio Law Enforcement Gateway (OHLEG). Only staff of ODRC, ODYS and local Sheriff Offices have the ability to modify eSORN records. From a public standpoint, anyone can view adult records from the Attorney General's (AG) public website. The public can also view juvenile record information by going to the Sheriff's Office and making a request. Any juvenile that has been deemed 'Public Notify' is also viewable on the AG public website.

RESIDENCY VERIFICATION

Q A youth moves from one foster home to the next? Will the previous address be deleted from the record?

A The reason for in-person verification is for a registrant to provide the most current documentation of residency.

FEMALE JSOs

Q Are there any female JSOs?

A As of 4-15-08, there are two females committed to ODYS on sex offenses.

SEX OFFENDER REGISTRY

Q What is the effective date for the national sex offender registry?

A July 1, 2009.

VEHICLE REGISTRATION

Q What is meant by registering the car of a Tier III offender?

A Registration of vehicles is defined in ORC 2950.04.

JOB-RELATED VEHICLES

Q Would a store delivery vehicle need to be listed on the SO Registry if a SO drives it regularly?

A SB 10 expands the required content of registration to include the license plate number issued by Ohio or any other state of each vehicle the offender or child owns, has registered, operates as part of employment, or regularly has available to operate; a description of where each vehicle is habitually parked, stored, docked, or otherwise kept, and if required by BCI&I, a photograph of each of these vehicles.

SCHOOL NOTIFICATION

Q Are schools informed of registered sex offenders? Are churches?

A Yes. Schools are given access to information, and churches, as volunteer organizations, also can receive sex offender registry information. ORC 2950.11 [Notice of identity and location of offender in specified geographical notification area] defines the youth to whom community notification is applicable and the entities to which the local sheriff must provide notices.

BUYING A HOME

Q When buying a house, how do you know if there are sex offenders in the neighborhood?

A Home purchasers should ask the realtor or local sheriff's department for this information.

RE-OFFENDING

Q If a Tier I youth finishes his responsibility to register (10 or more years later), then later re-offends as an adult, will the juvenile sex offense be considered in conviction of an adult offense?

A Yes. 2950.01 identifies how an individual is classified into one of the three tiers and for repeat offenders, considers if the individual had been adjudicated a delinquent child.

RECLASSIFICATION

Q So far, how has the court been looking at the petition for reclassification after probation and treatment?

A All courts are looking at it differently, but generally, the judge has sometimes reduced registration time but has not dropped it entirely.

TIER 1 and CLASSIFICATION

Q Can you be a Tier 1 and petition to be stepped down to no classification?

A Yes.

RECORDS RETENTION

Q Is there a requirement for how long we have to keep the records because of the changes in classification appeals? How long will we need to keep them and where will we store them?

A The response to this is unclear at this point. The youth may be responsible for keeping his/her records.

SEX OFFENSE CHARGES

Q What charges are included as Serious Youthful Offender (SYO)?

A See ORC 2152.13 Serious youthful offender dispositional sentence.

OFFENSE-DRIVEN REQUIREMENTS

Q Why is classification offense-driven and not risk-driven?

A This is because of the requirements of the Adam Walsh Act.

OFFENDER AGE and PRQJORS (Public Registry-Qualified Juvenile Offender Registrants)

Q How were ages established for PRQJORS?

A Ages were spelled out in the Adam Walsh Act.

AGE LIMITS for PRQJORS

Q Is age 14 the youngest age for any sexual offense whether it is a first offense or subsequent offense?

A A PRQJOR means a person who is adjudicated a delinquent child who was 14, 15, 16, or 17 years of age at the time of committing the act and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after Jan. 1, 2008.

CAMPUS RESTRICTIONS

Q Does the residency restriction include colleges/universities? Are sex offenders allowed to live in college dormitories?

A Residency restrictions do not include college/university campuses, and dorm living depends on the school's policy.

MILITARY SERVICE

Q Can a convicted or adjudicated sex offender get into the military?

A The person would need a special waiver, but in general, felonies disqualify someone from military enlistment.

SENTENCING DISCRETION

Q Couldn't judges take all these consequences into account when determining whether or not a child is classified?

A A judge has discretion if the juvenile was 14 or 15 years of age at the time of the offense, and the juvenile has never been adjudicated delinquent for a sexually oriented or child-victim oriented offense. The judge does not have discretion if the youth was 16 or 17 years of age at the time of the offense, and the offense was committed on or after January 1, 2002, or 14, 15, 16, or 17 years of age at the time of the offense, and the offense was committed on or after January 1, 2002, and the juvenile was previously adjudicated delinquent for committing any sexually oriented offense or child victim oriented offense, regardless of when the prior offense was committed and regardless of the child's age at the time of committing the offense.

JUDICIAL DISCRETION

Q Are judges willing to reduce classification and notification requirements?

A Judges seem to be taking all the relevant information into account, including treatment history and future risk assessment.

CLASSIFICATION TIMEFRAMES

Q When are youth classified and declassified?

A Youth are classified pursuant to ORC 2950.01 and reclassified/declassified pursuant to ORC 2152.83; 2152.84; and 2152.85.

REDUCING TIME to REGISTER

Q If the youth wants to reduce his/her time to register, when is the time window open?

A The following defines the timeframes in which a youth/adult can petition for a reduction in registration time:

-3 years after the mandatory hearing after disposition

-3 years after the judge has entered an order ruling on the first petition

-5 years after the judge has entered an order ruling on the second petition

-For PRQJORS: Eligible after 25 years of clean record

WHAT IS A PRQJOR?

Q What qualifies a youth as a PRQJOR?

A A PRQJOR (Public Registry-Qualified Juvenile Offender Registrants) means a person who is adjudicated a delinquent child who was 14, 15, 16, or 17 years of age at the time of committing the act and on whom a juvenile court has imposed a serious youthful offender dispositional sentence under section 2152.13 of the Revised Code before, on, or after Jan. 1, 2008.

COMMUNITY NOTIFICATION

Q When is the community notified about a JSO?

A Community notification applies to Tier 2 youth who have been reclassified and to whom community notification applied prior to reclassification. The judge may impose a requirement subjecting the child to the victim and community notification provisions of sections 2950.10 and 2950.11 of the ORC. If the judge imposes that requirement, it shall be included in the disposition order. Community notification is applicable to all PRQJORS. This Section of the code also identifies the timeframe within which the sheriff of the county of residence or law enforcement official of the geographical territory must provide notification.

CONFIDENTIALITY and the CONSTITUTION

Q Are there constitutional issues regarding confidentiality as it relates to publicly registered youth?

A There are a lot of legal challenges to that right now, but the law as it stands, does not take confidentiality into account for this population of youth and adults.

CLASSIFICATION of CURRENTLY ENROLLED YOUTH

Q Is there anything being done about kids who are currently in treatment when certification doesn't go into effect until July 1?

A It is unclear at this time. However, when a youth is reclassified or declassified, courts are required to consider the results of any treatment provided to the child and of any follow-up professional assessment of the child.

CLASSIFICATION of FORMERLY TREATED YOUTH

Q What about the youth who have already completed treatment and have to register?

A Since SO treatment program certification was not in effect at the time of treatment, it is anticipated that this requirement would not be applicable.

DATE of OFFENSE

Q Does the reference "on or after January 1, 2002" in ORC, refer to adjudication?

A No. That date refers to when the sex offense was committed.

LEGISLATURE and SB 10

Q Why did the Ohio Legislature move so quickly to enact SB 10?

A The Legislature moved on SB 10 for two reasons: 1) to strengthen the laws that hold adult and juvenile offenders accountable, and 2) the Act, as passed, allocated bonus funding to support compliance by July 1, 2007. These additional funds would be 10 percent of the Byrne Grant Memorial funds that a jurisdiction receives. The Act also provides for a 10 percent penalty of those same funds for jurisdictions that do not meet compliance by July 1, 2009.

ABBREVIATION KEY:

JCARR	Joint Commission on Agency Rule Review
JSO	Juvenile Sex Offender
OACCA	Ohio Association of Child Caring Agencies
OACBHA	Ohio Association of County Behavioral Health Authorities
ODMH	Ohio Department of Mental Health
ODMR/DD	Ohio Department of Mental Retardation and Developmental Disabilities

ODRC	Ohio Department of Rehabilitation and Correction
ODYS	Ohio Department of Youth Services
ORC	Ohio Revised Code
PRQJOR	Public Registry-Qualified Juvenile Offender Registrants
SMART	Sex-offender Sentencing Monitoring Apprehension Registration and Tracking
SO	Sex Offender
SORN	Sex Offender Registry Notification