

Case #15

John and Sue were divorced two years after their son, Frank, was born. Frank's custody was awarded to his mother, who remarried and raised Frank. Frank spent two weekends a month with his father. Frank's father also remarried and had a daughter with his new wife. Frank is eight years older than his half-sister, Judith. Frank had a seemingly normal childhood.

When Frank was 14, he visited his father's house for a week while his mother was away on business. Frank's father and step-mother hired a babysitter for one of the nights during the week. After an uneventful night, the sitter had put the two children to bed and went downstairs to read. An hour later, Judith came downstairs crying. Judith told the sitter that, after going to bed, Frank had touched her in inappropriate places with his hands and mouth. The sitter immediately called Frank's father and step-mother.

Upon returning home and finding out what had occurred, Frank's step-mother lividly insisted that Frank leave the house and never come back again. Frank's father contacted Frank's mother, who cut short her business trip and immediately came home to get Frank. After strained negotiations in which Frank's mother promised Frank would go to counseling, Frank's step-mother called the police and had charges of sexual molestation filed against Frank.

Frank was arrested and pled guilty to committing a sex act against his half-sister. Frank admitted that it had happened twice and that his motivation came from seeing pictures of women on the internet that his friends had shown him at school. In Family Court, no evidence was put forward that he was dangerous to girls his own age. In general, Frank was determined to be "low risk". His sentence was probation, but the judge attached an additional component to the probation. Megan's Law mandates that communities be informed of resident sex-offenders. It was named after a young girl named Megan who was raped and killed by a previously convicted sex-offender. In the case of a minor, like Frank, Megan's Law is unclear. Minors' identities are generally protected so that they may start with a clean slate upon becoming an adult, but Megan's Law mandates that the community be informed.

In Frank's case, the judge decided that as a condition of his probation, Frank should have to warn the parents of all dates he might have about his conviction until he turns 18. A state senator approved of the sentence, calling it "in accord with the spirit of Megan's Law." Many parents have also said that they would like to know that their daughter was dating a convicted sex offender, even if those offenders are "low risk".

The public defender assigned to Frank's case, however, argues that the sentence violates confidentiality provisions in the juvenile code. If Frank must notify a date's parents about his conviction, what is to stop the parents from notifying other parents? Furthermore, the public defender asks what should count as a "date". There may be clear cases of dates, as when a couple goes out to a dance or a movie together, but what about hanging out with a group of friends, hanging out at someone's house, or walking together home from school? Frank's mother is worried that everyone in town will know about her son's conviction, unlike many other crimes that juveniles commit and outgrow. She also worries that Frank's sentence essentially bars him from dating girls his own age. It would be a rare parent, upon being notified of Frank's

conviction, who would consent to the date. According to Frank's mother, this could lead to him being more of a danger, rather than healing as a normal boy.

Finally, Megan's Law normally mandates a hearing for convicted sex-offenders. If one is judged to be low-risk, as the Family Court assumed Frank was, only local police are notified rather than notifying the community through postings or the internet. It is unclear whether this right is respected by the condition on the sentence.