

**ADVOCACY FOR TERMINATION  
OF JUVENILE SEX OFFENDER REGISTRATION**

**ATTORNEY MANUAL**

CHILDREN AND FAMILY JUSTICE CENTER  
BLUHM LEGAL CLINIC  
NORTHWESTERN UNIVERSITY SCHOOL OF LAW

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## INTRODUCTION

**Youth on the Illinois Sex Offender Registry.**<sup>1</sup> At this moment, there are thousands of people on the Illinois Sex Offender Registry as the result of juvenile adjudications for sex offenses.<sup>2</sup> About one-third are required to register for ten years. The rest are required to register for life. There is no minimum age of registration.

**Consequences of Registration.** Because of registration requirements, young people face limited prospects for higher education, decreased employment options, restrictions on movement and residency, social stigma, interpersonal conflict, and harassment.<sup>3</sup> Without advocacy by an attorney, these consequences remain even after the young people have been rehabilitated.<sup>4</sup>

**History, Challenges, and Legislative Response.** Illinois began registering juveniles as sex offenders in 1999.<sup>5</sup> Court challenges ensued.<sup>6</sup> In 2003, the Illinois Supreme Court held that lifetime juvenile sex offender registration was not cruel and unusual punishment.<sup>7</sup> In a special concurrence, however, Supreme Court Chief Justice McMorrow acknowledged the tension between the rehabilitative goals of the juvenile court and the practice of imposing lifetime registry restrictions on juveniles. Justice McMorrow invited the legislature to “reconsider the wisdom of imposing such a burden on juveniles, particularly juveniles under the age of 13.”<sup>8</sup> In response, the legislature considered empirical research related to juvenile sex offenders,<sup>9</sup> and ultimately designed a process whereby young people on the registry for juvenile sex offenses may petition the court for registry termination after a period of time.<sup>10</sup> This process remains in place today.<sup>11</sup>

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<sup>1</sup> See generally Sex Offender Registration Act (“SORA”), 730 ILL. COMP. STAT. 150/1-12 (2011). Other statutes that may have registry implications for juveniles include: Sexually Dangerous Persons Act, 725 ILL. COMP. STAT. 205/1.01-1.12 (2011); 720 ILL. COMP. STAT. 5/10-5 (2011) (setting forth the crime of child abduction); 720 ILL. COMP. STAT. 5/10-11 (2011) (listing crimes against minors); Child Murderer and Violent Offender Against Youth Registration Act, 730 ILL. COMP. STAT. 154/1 (2011). Certain offenses that were once register-able offenses under SORA were moved to the Child Murderer and Violent Offender Against Youth Registration Act; pursuant to S.B. 1040, 97th Gen. Assemb., Reg. Sess. (Ill. 2011), these offenses may be moved back to SORA.

<sup>2</sup> Confirmed with Tracie Newton, Illinois State Police, July 28, 2011.

<sup>3</sup> See *infra* Section XIV (resources relating to collateral consequences of being on the sex offender registry).

<sup>4</sup> See 730 ILL. COMP. STAT. 150/5-3 (2011) (requiring counsel in Illinois juvenile sex offender registry termination matters).

<sup>5</sup> Corrections—Sex Offender Registration, 1999 Ill. Legis. Serv. P.A. 91-48 (H.B. 2721) (West) (amendment to SORA that includes first reference to “juvenile sex offenders”).

<sup>6</sup> See, e.g., *In re Nicholas K.*, 326 Ill. App. 3d 497 (Ill. App. Ct. 2001), *abrogated by* *In re J.W.*, 204 Ill. 2d 50 (Ill. 2003).

<sup>7</sup> See *In re J.W.*, 204 Ill. 2d 50, 74-75 (Ill. 2003), *cert. denied*, 124 S. Ct. 222 (2003).

<sup>8</sup> *Id.* at 82 (“The public safety concerns which animate the registration and notification laws should be harmonized with our traditional understanding of the need to protect and rehabilitate the young citizens of this state.”).

<sup>9</sup> When considering HB 2067, 94th Gen. Assemb., Reg. Sess. (Ill. 2006), the bill that preceded Illinois’ current juvenile registry provision, the Illinois legislature considered research from American Prosecutors Research Institute on differences between adult and juvenile sex offenders. See *infra* Section XIV (resources related to the low incidence of recidivism among juvenile sex offenders).

<sup>10</sup> See SB 121, 95th Gen. Assemb., Reg. Sess. (Ill. 2007).

<sup>11</sup> This is true despite the fact that Illinois juvenile sex offender registration was constitutionally challenged again in 2009. See *People ex rel Birkett v. Konetsky*, 233 Ill.2d 185 (2009) (juvenile sex offender registration is not cruel and unusual punishment, even in light of the United States Supreme Court’s decision in *Roper v. Simmons*, 543 U.S. 551 (2005)).

**Early Termination of Sex Offender Registration Requirements.**<sup>12</sup> Currently, the Illinois Sex Offender Registration Act allows young people to petition the court for registry termination two years after an adjudication for a misdemeanor offense and five years after an adjudication for a felony offense. The court considers several factors,<sup>13</sup> including, but not limited to: the results of a sex offender risk assessment; the youth’s sex offender history; evidence of rehabilitation; information related to the youth’s mental, physical, educational, and social history; and the effect on the victim. The young person must prove by a preponderance of the evidence that he or she poses no risk to the community. If he or she is successful, the court may terminate sex offender registration requirements.

**Role of Lawyers.** Illinois statute requires that young people be represented by counsel in registry termination matters.

**Purpose of This Handbook.** The attorneys and students at the Children and Family Justice Center have represented young people in registry termination matters in several Illinois counties. Additionally, we have supported attorneys across Illinois in sex offender registry termination matters. Based on our experiences, we developed a working procedure for helping youth petition for registry termination. This handbook outlines that procedure and is intended for use by all practicing attorneys, whether or not they have had prior experience in this area.

**Scope of This Handbook.** The information and procedures outlined in this handbook only apply to juveniles adjudicated delinquent in juvenile court, not juveniles found guilty in criminal court.<sup>14</sup>

Thank you for doing this important work!

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<sup>12</sup> See 730 ILL. COMP. STAT. 150/3-5 (2011) (juvenile registry termination provision). This provision includes, *inter alia*, timelines, factors that courts consider, and the requirement that counsel represent juveniles. For readability, we will not cite the provision at every point herein, unless necessary to avoid confusion.

<sup>13</sup> SORA states that the court “shall consider” the enumerated factors. The Second District Appellate Court, however, recently held that the statute’s command is directory rather than mandatory. *See In re Rufus T.*, 409 Ill. App. 3d 969 (Ill. App. Ct. 2011) (“[W]e conclude that the trial court’s duty to consider the factors set forth in section 3-5(e) is directory.”).

<sup>14</sup> In unusual circumstances, a young person may be adjudicated delinquent in criminal court for a sex offense. For the most part, the procedure described herein can be used in criminal court as well. However, a criminal judge is not likely to have seen a registry termination case. In Cook County, it has been suggested that registry termination petitions be brought in juvenile court even if the original case proceeded in criminal court.

## **PART I: JUVENILE SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION<sup>15</sup>**

Juveniles adjudicated delinquent for sex offenses are required to register and are subject to the following restrictions and rules (among other things):

- They must register for ten years or life, depending on the offense.
- They must report and register in-person at the agency having jurisdiction over them within 3 days of adjudication, release, relocation, or change of residence (even temporary).
- If enrolled in higher education or working in another state, they must comply with the registry requirements of that state.
- They must register annually or every ninety days, depending on the offense, and pay \$100 each year to the police department having jurisdiction over the youth.
- They must provide information quarterly to licensed day care providers, schools, and institutions of higher education at which they are a student or an employee.
- Information regarding adjudicated delinquent juvenile sex offenders may not be published on the internet.<sup>16</sup> The one exception is that law enforcement agencies have discretion to provide information to the public when “public safety is threatened.”
- If a juvenile sex offender is in school, the registering agency must provide a copy of the sex offender registration form to the school’s principal/chief administrative officer and guidance counselor.
- Juveniles are not considered *child* sex offenders.<sup>17</sup> The movement restrictions imposed on adults convicted of child sex offenses, such as not being able to be in or near parks, are not currently applied to juvenile sex offenders.<sup>18</sup>

Failure to comply with the restrictions and rules can result in: a ten-year extension of registration, revocation of probation or parole, a \$500 fine, and/or Class 3 felony charges. If convicted, the law requires a minimum period of seven days jail confinement.<sup>19</sup>

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<sup>15</sup> See generally SORA, 730 ILL. COMP. STAT. 150/1-12 (2011) (Attached as Appendix A).

<sup>16</sup> *But cf.* Child Murderer and Violent Offender Against Youth Registration Act, 730 ILL. COMP. STAT. 154/1 (2011) (youth move from private to public registry when they turn 17).

<sup>17</sup> Juvenile offenders do not fit within the definition of child sex offenders and, therefore, the restrictions placed on child sex offenders are not imposed. See 720 ILL. COMP. STAT. 5/11-9.3 (2011).

<sup>18</sup> S.B. 2151, 97th Gen. Assemb., Reg. Sess. (Ill. 2011) sought to impose restrictions on juvenile sex offender registrants’ movements, limiting their abilities to be in school grounds, near bus stops, etc. The Juvenile Justice Commission is currently examining the feasibility and advisability of imposing such restrictions on juveniles. See 2011 Ill. Legis. Serv. P.A. 097-0163 (West) (“The [Juvenile Justice] Commission shall study and make recommendations to the Governor and General Assembly to ensure the effective treatment and supervision of the specialized population of juvenile offenders . . . and consider the appropriateness and feasibility of restricting juveniles adjudicated as sex offenders from certain places including schools and parks.”).

<sup>19</sup> 730 ILL. COMP. STAT. 150/10 (2011).

## PART II: INTAKE AND SCREENING

Family members, probation officers, case workers, attorneys, and community advocates often call seeking assistance with registry termination matters for young people. **However, the potential client is always the youth registrant, not these other interested parties.**

If the potential client is not on the initial call, collect basic contact information from the caller about the potential client and his or her case, and then contact the youth directly to conduct a screening call. When calling the potential client, the attorney/law student should identify him- or herself and explain his or her connection with the case.

Sex offender registry status is a sensitive topic and juvenile registry status is, for the most part, not public information in Illinois. Many youths choose not to divulge their registry status to their co-workers, peers, and other acquaintances for fear of facing dire consequences. It is critically important not to place the potential client at unnecessary risk of exposure. It is also important that the potential client be able to engage fully in the intake process without distraction or disruption. Ask the young person to find a quiet, private place where the two of you can discuss his or her case. If this is not immediately possible, set a time for him or her to call you. These precautions help to ensure confidentiality and attorney-client privilege.

When the screening begins, confirm that the client wants legal assistance to terminate his or her registry requirements. The attorney/student may then proceed in the following manner:

*I need to ask a few questions now regarding your case. I know that some of them relate to things that are not easy to discuss. Please know that I am asking these questions to try to determine if you are eligible to file a petition under the law. Everything we discuss is confidential and I will keep it just between you, me, and my colleagues in my office.*

After the client has been given this information and confirms that he or she wants assistance, the attorney should ask questions and gather information from the potential client, including inquiring as to the date and nature of the offense, age at the time of the offense and adjudication, what happened in juvenile court, length of incarceration or probation, sex offender treatment history, and how the young person now spends his or her time.

Young people are frequently unsure as to whether their case was juvenile or adult. If you work in a county where the juvenile and adult courts are in different facilities, you might simply ask where he or she went to court for the underlying matter. Another means of obtaining this information might be to ask for the name of the judge.

Young people are also frequently unsure as to whether their adjudication was for a misdemeanor or a felony offense and often get the charge completely wrong. Ask the youth what he or she believes the charge to have been, but do not be surprised if he or she is not sure or is mistaken.

At the end of the call, inform the young person that conducting this interview does not mean you have agreed to represent him or her. Set a time to call the client to discuss whether or not you will take the case.

See Appendix B for a Sample Intake/Screening Form.

### PART III: CONFIRMING ELIGIBILITY

In order to be eligible for registry termination, the young person must satisfy two conditions:

1. The young person must have been adjudicated delinquent in juvenile court for a sex offense, not convicted in criminal court. (However, as noted above, a minor who was transferred to adult criminal court but then still *adjudicated* and *sentenced* as a juvenile may petition for removal.)
2. The young person cannot petition the court until two years after a misdemeanor adjudication and five years after a felony adjudication.

There are several mechanisms to confirm a potential client's eligibility.

- The Illinois State Police Sex Offender Registry website: <http://www.isp.state.il.us/sor/sor.cfm>. Results from a sex offender search on this site should not include juveniles who were adjudicated delinquent. If you are able to access the potential client's identifying information and photograph, he or she was likely convicted as an adult and is not eligible for registry termination.<sup>20</sup>
- The Illinois State Police Sex Offender Registry Unit: Tracie Newton, Sex Offender Registry Program Administrator, will confirm a juvenile's registry status and adjudication date. She can be reached at (217) 557-1945. Due to confidentiality restrictions, the Illinois State Police will only confirm registry status with the juvenile's written consent.<sup>21</sup>
- Ask the potential client to provide you with a copy of the juvenile court file in the original case. Be aware, though, that this is often burdensome and expensive for the client. If the case is old, it may also take some time for the file to be ordered from the warehouse.

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<sup>20</sup> It should be noted that we have encountered a few cases where young people were inadvertently placed on the public, adult registry. Placement on the internet-searchable registry is not a guarantee that a client was convicted as an adult. It is advisable to confirm the information listed on the adult registry with the records from the juvenile court file.

<sup>21</sup> It should be noted that we have encountered a few cases where young people's offenses were inadvertently entered into the Illinois State Police's computer system incorrectly. It is advisable to confirm information provided by the police with records from the juvenile court file.

## **PART IV: THE FIRST CLIENT MEETING**

If you have confirmed eligibility and are prepared to investigate the possibility of filing a petition for registry termination, contact the potential client and set an in-person meeting.

The meeting should be designed as an exchange of information between you and your client; there will be important information that you need to gather from and share with your client. The meeting is necessary to ensure that the client is knowledgeable about the nature of the representation and comfortable with the strategies you are taking on his or her behalf. Your client's age and level of understanding should guide the length and intensity of the first meeting.

**Call to set the meeting.** Speak with the potential client directly. Make communication as personable as possible to ensure understanding and establish trust.

**Choose a comfortable, private meeting place.** The meeting place should promote physical and emotional safety. If the client is comfortable, he or she will likely be more willing to share information about this sensitive topic.

**Confirm the meeting in writing.** Confirm who, if anyone, will be accompanying the client to the meeting. If necessary, send directions and transportation options. As with many young clients, limited funds may prevent him or her from attending the meeting. The attorney should take proactive measures to prevent this obstacle. If relevant and possible, let the client know that you are able to provide bus passes, parking vouchers, or other transportation assistance.

**Don't be frustrated if the client does not arrive at the first meeting.** It probably took a lot of emotional energy for the client to call the first time, and there may be some resistance. Be patient and schedule another meeting if necessary, but be clear that you may not be so accommodating if the problem persists.

**Allow relatives and supportive friends to accompany the client to the meeting and participate in preliminaries, but be clear that you must also meet with the client privately.** The potential client may be uncomfortable coming to your office for the first time. He or she may need assistance from friends and family members for logistical purposes like getting to your office as well as for emotional support. This is certainly acceptable, as long as the supporting parties are not present when you discuss confidential matters.

**Discuss Confidentiality and Attorney-Client Privilege.** Be sure to explain the nature of the attorney-client relationship to the client and his or her family members. This is often confusing to the family members, especially when they initiated the contact. You should explain that confidentiality is an essential component of a good attorney-client relationship and must be respected. This is a good lead-in to asking the supporting parties to exit the room so that you and the client may discuss private matters.

**Explain the Statute and the Case Status.** A client who has come to you likely has a lot of questions about the registry termination process. Explain that the statute allows for registry termination for adjudicated juveniles after a certain period of time. Tell the client when you think he or she might be eligible, but explain that you will have to confirm the adjudication date and offense to be sure. Explain the factors the court considers. Also explain that the process is not an

expungement and that, at best, you will only be able to help him or her get off the registry. Be sure to consider your client's age and cognitive limitations when explaining these matters.

**Set Expectations.** As with any representation, it is important to establish the client's goals and explain the limits of your representation. In registry termination matters, you might explain that you are agreeing to investigate the possibility of filing a petition for registry termination, and any further matters will require a separate client agreement.

**Try to build rapport.** You may come from a different financial, ethnic, or cultural background than your client. In addition, your client might have had some negative interactions with attorneys. Consequently, your client may have difficulty trusting you. You should acknowledge these challenges. When you begin interviewing the client, start with neutral topics (e.g. favorite music, favorite sports, what the client does for fun) and ask questions that get the client talking about him or herself.

**Prepare an outline of discussion topics in advance of the meeting, but not a checklist.** The initial meeting is, in part, a fact-gathering meeting, but is also about getting to know your client. You will want to gather information about the client's history, current living situation, court involvement, treatment history, family relationships, school history, etc. The underlying matter is, however, a well-documented closed case. Many of the facts you are seeking can be obtained or confirmed from other sources. It is best for the initial meeting to be conversational and guided by your outline, but not formal. It is especially important to be conversational when discussing with the client the sex offense for which she or he is on the registry. This is your chance to let your client know that you are able to discuss the topic—which may be embarrassing and/or painful for him or her to talk about—without judgment. Putting down your outline or notepad shows respect and will go a long way toward establishing trust.

**Don't be surprised if you can't get to the details of the sex offense.** Because the client's sex offense is likely a very sensitive topic, it may take more than one meeting before the client is able and willing to articulate the details.

**Bring tissues.** The interview might be very emotional. The client may be discussing an event that led to the removal of his or her family, incarceration, or other penalties. Through therapy and the passage of time, many clients have reflected on the impact they have had on their victims and are distraught about the offense. Also, this meeting may be the first time in many years that the client has spoken about the incident. That said, the interview might be very dry. Some clients seem matter-of-fact or even robotic. Keep in mind that this meeting is an intense experience with a stranger. Be watchful for cues and do not hesitate to take breaks throughout the interview.

**Ascertain your client's amenability to ongoing treatment or services.** In some cases, it will be apparent that the potential client is facing challenges that might negatively affect their sex offender evaluation and/or chances of a successful a petition. You might advise him or her to seek assistance in one or more areas before meeting with an evaluator or filing a petition.

**Sign the client agreement.** Explain the terms of and have the client sign an attorney-client agreement. You might agree to explore the possibility of filing a petition for registry termination

and, if deemed appropriate after a review of all relevant information, to prepare and file the petition. If the client has brought a family member with him or her, allow your client time to review and discuss the agreement with that person in private and to ask any questions before signing.

**Obtain signed releases.** Obtain signed releases to gather confidential information on behalf of your client from institutions that may have relevant information. See Appendix E for sample releases.

**Obtain a 711 Consent if appropriate.** If you are a legal clinic employing students, the client must sign a consent to be represented by senior law students.

**Emphasize the importance of attending meetings and the hearing.** Your client is young and may not have a regular work or school schedule. He or she may not be accustomed to standard protocol like attending meetings on time, explaining cancellations in advance, returning phone calls, or keeping in regular touch with his or her attorney. Communicating clear expectations will help avoid future confusion and frustration.

**Set a contact schedule with your client.** Frequent phone contact is a good way to develop the attorney-client relationship. One method is to schedule weekly calls with the client to keep apprised of what is going on in his or her life. It is important that the client develop the habit of calling you with updates, especially because he or she may have frequent changes in his or her phone number, address, employment, and other circumstances.

## PART V: CASE DEVELOPMENT

**Open a case file.** Depending on the nature of the case and the records you intend to request, you will want to create a file with some or all of the following file folders:

- Intake/Screening Form
- Contacts
- Case Notes/Memos
- Correspondence
- Court Orders
- Records Releases
- Records Requests and Checklist
- Research
- Client Agreement and 711 Consent
- New Risk Assessment
- Juvenile Court File
- Police Records and Arrest Reports
- Probation Records
- Treatment Records
- Old Risk Assessments
- Criminal Records
- JTDC/DJJ/IDOC Records
- Parole Records
- DCFS Records
- School Records
- Records from Client
- Letters in Support of Petition

**Create a timeline based on the information provided in the initial client meeting and update it as you receive new information.** Due to frequent client confusion over the details of the incident, creating a timeline of your client's life is an effective means to develop a full understanding of the incident and its aftermath. A timeline may also help you determine which entities to contact when requesting documents and organizing witnesses. After meeting with the client, create a detailed timeline that specifies people, locations and important events in the client's life. Add to the timeline as you gather more information throughout the process.

**Create a contact list and update as you receive new information.** Keep your client's contact information as well as information for alternate contacts up-to-date.

**Create a master list of information sources and update as you receive new information.** The source list might include entities from which to collect records, witnesses to interview, and sources for letters of support.

## PART VI: RECORDS COLLECTION

Records collection can be the most time-consuming and frustrating part of representing a client in matters of registry termination. The following information relates to the protocol and process for cases in Cook County.

**File a Notice of Appearance in the original sex offense case.** You must file an appearance in the closed original sex offense case in order to obtain access to the client’s juvenile court file and juvenile probation records. You should also send a notice to the state’s attorney on the original calendar and the client’s former attorney. In order to reduce confusion, you might include a letter with the appearance informing the attorneys that the client has engaged you to investigate the possibility of filing a petition for registry termination.

**Collect primary records and information.** The following documents, if they exist, should be collected prior to referring the client for a risk assessment (for further discussion, see Section VIII below). In our experience, evaluators prefer that you send these documents in advance of their clinical interview with the client.

- Juvenile court file
- Probation or DJJ file
- Criminal records and arrest reports
- Treatment records
- High school diploma or GED
- Proof of employment or employment attempts
- Proof of current school or program enrollment
- Proof of current sex offender registration

These records also form the basis for the petition, so records collection is important even if you determine that your client does not need a new evaluation.

**Collect secondary records and information, if necessary.** As you collect and review records, you may find that additional information is needed in order to provide the evaluator and the court with a complete picture of your client’s case. For example:

- Former attorney’s file
- DCFS records
- Letters of support
  - These letters are optional and should be obtained only if they support your petition or increase the chance that the evaluator will find that your client has a “low risk” of sexually reoffending.
  - Good candidates for writing letters include family members, clergy, employers, and anyone who might have a positive impact on the evaluator..
  - If possible, you should obtain a letter from the victim stating that he or she supports the early termination of the client’s registration requirements.

See Appendix D for a Sample “To Do” Checklist Including Records Collection Process Description and Contacts.

## **PART VII: RECORDS REVIEW**

Once you send the document requests, review and assess the records as they arrive. Keep a list of positive information to include in the petition, potential problem areas, and areas for follow-up.

Frequently, information contained in the file will conflict with information provided by the client. Do not assume the client has lied to you or is withholding information. Sometimes, details are forgotten or omitted due to denial, embarrassment, or inability to discuss the incident. Follow up with your client to clarify, manage, etc.

If your records requests produce a recent evaluation from an evaluator approved by the Sex Offender Management Board and you decide that your client does not need an updated evaluation, you may choose to streamline or stop the records collection process.

## **PART VIII: SEX OFFENDER RISK ASSESSMENT**

When determining whether a young person may be removed from the registry, the statute states that the court “shall consider” a risk assessment performed by an Illinois Sex Offender Management Board (SOMB) approved evaluator.<sup>22</sup>

Some clients will come to you having had a recent sex offender evaluation. If that evaluation was completed relatively recently by an SOMB-approved evaluator, you might choose to use that evaluation rather than obtaining a new one.

The Illinois Sex Offender Management Board website contains lists of approved evaluators sorted by agency, county, and name. The lists can be accessed at:

<https://www2.illinois.gov/idoc/Pages/SexOffenderManagementBoard.aspx>

*The process described below assumes that you have decided that your client needs a new risk assessment.*

**Hire an evaluator qualified to assess juveniles.** Some evaluators are approved to assess juveniles, some are approved to assess adults, and others are approved to assess both. It is in your client’s interest to identify an evaluator who has been approved to assess juveniles, even though the client may now be an adult.

To avoid potential bias, a prior treatment provider should not conduct the new evaluation. However, there is no prohibition against an SOMB-qualified evaluator from the same office completing the evaluation. This can be convenient because that evaluator has easy access to treatment records and can interview the former therapist if necessary.

**Interview evaluators.** The evaluator will be providing you with an expert report that the court will use to make a determination of your client’s risk. If the evaluation is good and you decide to proceed with filing a petition, the evaluator may be required to testify in court. Be sure that the evaluator is qualified and knowledgeable about juvenile sex offenders, and that you would be comfortable calling him or her to testify as an expert witness.

**Make sure the evaluator knows the kind of assessment you are requesting.** Many evaluators have never provided an assessment for purposes of registry termination. Evaluators may not be aware of the registry termination provision or the information that the court is seeking. Make sure to provide the evaluator with the statute and any other information necessary to assess your client’s risk, and be clear about the kind of assessment you are requesting.

**Beware of evaluators using adult assessment tools to assess young people adjudicated delinquent for sex offenses.** Currently, there are no empirically-validated, actuarial instruments that can reliably predict the risk of a youth sexually re-offending as an adult. However, researchers and expert clinicians have identified a number of risk factors and

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<sup>22</sup> SORA states that the court “shall consider” the enumerated factors. The Second District Appellate Court, however, recently held that the statute’s command is directory rather than mandatory. *See In re Rufus T.*, 409 Ill. App. 3d 969 (Ill. App. Ct. 2011).

protective factors.<sup>23</sup> When performing a clinical evaluation of a person who sexually offended as a youth but is now an adult, the evaluator's assessment should be a clinical judgment based on a balance of risk and protective factors.

Some risk factors for sexual reoffending include:

- failure to complete sex offender treatment;
- deviant sexual preference;
- history of arrests for sexual assault;
- sex abuse of two or more victims or a stranger;
- social isolation or lack of social competence;
- lack of concern for others;
- poor impulse control;
- poor problem-solving skills;
- unstable employment history; and
- history of interpersonal aggression.

Some protective factors against sexual reoffending include:

- a strong support network;
- stable and long-term intimate relationships;
- stable employment;
- commitment to education;
- healthy coping mechanisms;
- pro-social activities and peers; and
- repaired relationship with the victim.

**A “No Risk” assessment is not possible.** It is clinically impossible to determine that a person poses no risk of reoffending. Suggested guidelines for interpreting risk include low, moderate, and high. In order to be removed from the registry, however, the statute requires that a young

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<sup>23</sup> Most of the information in this section derives from conversations with evaluators. Abundant research confirms and supports the evaluator's statements. *See, e.g.*, ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS, A REASONED APPROACH: RESHAPING SEX OFFENDER POLICY TO PREVENT CHILD SEXUAL ABUSE 16-18 (2011) (citing Janis Bremer, *Protective Factors Scale: Determining the level of intervention for youth with harming sexual behavior*, in RISK ASSESSMENT OF YOUTH WHO HAVE SEXUALLY ABUSED: THEORY, CONTROVERSY, EMERGING STRATEGIES 195-221 (D. S. Prescott ed. 2005)); Jane F. Gilgun, *Children and adolescents with problematic sexual behaviors*, in CURRENT PERSPECTIVES: WORKING WITH SEXUALLY AGGRESSIVE YOUTH AND YOUTH WITH SEXUAL BEHAVIOR PROBLEMS 383-394 (R. R. Longo & D.S. Prescott eds., 2005) (“Individual risk factors include poor coping skills, low self-esteem, and sexual attraction or sexual preoccupation. Family-level risk factors include difficulty establishing and/or maintaining appropriate intimate relationships and/or maintaining appropriate intimate relationships and a chaotic, unstable or chaotic home environment. Community-level risk factors include difficulty developing meaningful peer networks or a community presence. At a society level, factors include attitudes and beliefs about sexuality and children that may be reinforced by the popular media. . . . [V]ital protective factors include having a confidante, a strong desire not to harm others, a favorable sense of self, the ability to do something positive, the ability to self-soothe when faced with difficult situations and emotions, a sense that gender and/or ethnicity is important, and a sense of hope.”). Bremer (2006) also notes the importance of overall behavior, regular school attendance, social adjustment, emotional adjustment, an ability to maintain healthy boundaries, education about sex and sexuality, sexual interests in age-appropriate sexual activities, caregiver stability and support, and the ability to cooperate with concerned adults.

person prove by a preponderance of the evidence that he or she poses no risk to the community. A risk assessment should address the legal standard, and note that such a finding is not clinically possible. Low risk is, thus, the lowest clinically possible risk of reoffending.

**What will the evaluator do?** In order to complete the risk assessment, the evaluator will want to review court, treatment and mental health records, among other things. The evaluator will also want to complete a clinical interview with your client, which will mean meeting with the client at least once. Some evaluators will want to interview an outside party (a “collateral contact”) to provide information about your client’s current functioning. This is generally a family member, a significant other, or another supportive person who is aware that the client is petitioning the court to be removed from the sex offender registry.

**Evaluations can be costly.** The cost can vary widely, depending on the nature of the offense and the number of records the evaluator needs to review. Currently, the State will not pay for assessments from private evaluators, but it might be possible to obtain payment for indigent clients.<sup>24</sup> However, some evaluators may be willing to complete evaluations on a sliding scale or *pro bono*, so it does not hurt to ask about flexible fees. Moreover, indigent clients who were adjudicated delinquent or who completed probation in Cook County may be able to obtain free risk assessments through the Cook County Juvenile Probation Department. If your client is indigent, you may contact the following person to determine whether Cook County Juvenile Probation will complete a free risk assessment:

Teretha Lewis  
Supervisor/JSO Unit  
Cook County Juvenile Court – Probation 2<sup>nd</sup> Floor  
1100 S. Hamilton  
Chicago, IL 60612  
Phone: (312) 433-4450

If Juvenile Probation agrees to complete the assessment, organize the records you have collected and send a photocopy of them to Juvenile Probation with a referral form (see Appendix J) and an authorization for re-release of records signed by the client.

**Prepare your client for the risk assessment.** Your client will likely be nervous about the evaluation. The client is more likely to give complete and thought-out answers if he or she understands the purpose and expectations of the interview. It is best to meet with your client in person or on the telephone prior to the evaluation in order to manage expectations, ease nerves, and even go over some sample topics (see Appendix K for a Sample Risk Assessment Preparation Outline).

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<sup>24</sup> See *In re Rufus T.*, 409 Ill. App. 3d 969 (Ill. App. Ct. 2011) (“The State argues that . . . the State should provide payment for a risk assessment only if an indigent respondent proves that it is necessary . . . the State’s argument may have merit. Nonetheless, we need not resolve this issue because it is not properly before us on appeal. In the trial court, the respondent did not file a motion requesting that the State provide payment for a risk assessment.”).

### **After the evaluation**

1. Request that the evaluator's findings be shared with you verbally before a report is written.
2. Request that the written report not be shared unless and until you request it.
3. Share the results of the evaluation with your client and decide how to proceed.

If the evaluation is positive and you choose to proceed, you will move forward with drafting the petition. If the evaluator identifies problems or concerns, you might advise your client to take steps to address them before preparing and filing a petition.

## **PART IX: THE PETITION**

An effective Petition for Termination from the Sex Offender Registry should be brief, address the factors in the statute, and include the basic facts concerning your client that the court will want to consider.

You might choose to attach a Memorandum of Support. Sections might include:

- A persuasive summary of the risk assessment, highlighting protective factors and addressing risk factors;
- Sections addressing the factors the court is required to consider, including:
  - sex offender history
  - evidence of rehabilitation
  - client’s age at the time of the offense
  - information related to mental, physical, educational, and social history
  - victim impact statements, and
  - other relevant information;
- Research-based arguments related to juvenile sex offenders and their prospects for rehabilitation;<sup>25</sup>
- Research-based arguments related to juvenile offenders and their ability to mature physically, mentally, and emotionally;<sup>26</sup>
- Research-based arguments related to the long-term, deleterious effects of sex offender registration; and
- Fact-based arguments related to the client’s rehabilitation and level of risk.

Attachments to the Memorandum in Support may include, but are not limited to:

- Risk assessment;
- Proof of employment;
- Proof of housing;
- Proof of education;
- Proof of pro-social activities (e.g., sports, support groups, church); and
- Letters of support.

If you have a good risk assessment and know that you will file a petition, you might choose to send a copy of the risk assessment to the state’s attorney in the original courtroom. This will provide the State with notice that a petition is coming and is likely to expedite the hearing process.

See Appendix L for a Sample Petition and Memorandum in Support.

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<sup>25</sup> See Section XIV.

<sup>26</sup> See Section XIV.

## **PART X: FILING THE PETITION**

Once you have drafted the petition and your client has reviewed and approved it, file it under the original case number. Notice it up on the original calendar and courtroom, which you will find in the juvenile court file.

It is a good idea to call the state's attorney in advance to agree on the nature of and date for your first appearance. If the state's attorney has already had a chance to review the risk assessment, ask if he or she plans to object to the petition. If the State takes no position, the petition might be granted with or without argument on the first date.

If the State plans to object or has not reviewed the risk assessment, you might choose to set the case for a status hearing one or two weeks after filing. At that time, you will likely get a better idea of whether the State is going to object to the petition and what type of hearing the judge expects.

## **PART XI: PREPARING FOR THE HEARING**

If you have a friendly relationship, ask the state's attorney or another attorney in the courtroom what the hearings have looked like on other juvenile sex offender registry termination matters. Contested cases will likely require a full hearing while uncontested cases may proceed by stipulation.

Please be aware that this may be the first hearing in the courtroom for a sex offender registry termination.

If the case is going to a full hearing, the evaluator, your client, the probation officer, and/or other witnesses may be required to testify. Preparation is critical. Thoroughly prepare any witness who will testify.

The evaluator who conducted the risk assessment must be able to provide expert testimony about your client's likelihood of sexually reoffending. Thus, the evaluator must be qualified as an expert. Juvenile court practice is often informal and the state's attorney might agree to stipulate to the evaluator's qualifications. In contested cases, think critically about agreeing to this stipulation. The evaluator will be a very important witness and you might not want to lose an opportunity to bolster his or her credibility through the accreditation process.

After being qualified, the evaluator may cover topics including:

- Opinion regarding likelihood to reoffend;
- Basis of opinion, such as:
  - Records review, and
  - Clinical interviews;
- Clinical assessment of risk and protective factors; and
- Explanation that a low risk assessment is the lowest clinically possible assessment.

Other witnesses may provide information that addresses the factors the court is required to consider. Consider fronting any negative facts, like extensive criminal history, etc.

See Appendix M for a Sample Expert Examination Outline.

## **PART XII: GETTING YOUR CLIENT REMOVED FROM THE ILLINOIS REGISTRY AND MOVING FORWARD**

If the petition is granted, ensure that the court enters an order that includes the necessary language to ensure registry removal. At a minimum, the order should include the following:

- Petition for Termination from Sex Offender Registry is granted pursuant to 730 ILCS 150/3-5;
- The Illinois State Police, Sheriff of \_\_\_\_\_ County, and the \_\_\_\_\_ Police Department are hereby directed to take any and all steps necessary to remove [CLIENT] from the Sex Offender Registry;
- This court has determined that [CLIENT] poses no risk to the community based on the factors set forth in the Illinois Sex Offender Registration Act”;
- This file is sealed. No one other than the State’s Attorney, Petitioner’s attorney, Petitioner and the Court shall have access to the file.

See Appendix N for a Sample Registry Termination Order.

**Give a copy of the order to your client immediately.** The order is your client’s insurance in case he or she gets picked up for a registry violation soon after the petition is granted.

Fax a copy of the order to the Illinois State Police Sex Offender Registration Unit with a request that your client be removed from the registry immediately. In addition, ask that you receive a copy of the client’s registry removal letter for your records. The fax should be addressed to: Tracie Newton, SOR Program Administrator, Illinois State Police, fax number (217) 782-4996. If you want to follow up, Ms. Newton’s telephone number is (217) 557-1945.

It takes about seventy-two hours for your client’s name to be removed from the registry. Once he or she has been removed, the Illinois State Police will send him or her a confirmation letter. Be sure to obtain a copy of the letter for your file, as well.

**It must be noted that registry termination is not expungement.** Most juvenile sex offenses cannot be expunged in Illinois.<sup>27</sup> While your client is no longer on the registry, the arrest may still appear on an FBI background check, so it is important that your client have a copy of the court’s order finding that he or she poses no risk.

Also, remind your client that he or she has been removed from the Illinois registry only. If he or she is also on the registry in another state, that state may or may not honor Illinois’s order, depending on restrictions placed on sex offenders there. To determine the next steps, contact the sex offender registry administrator from the other state. A fifty-state list of state sex offender registry agencies can be accessed at:

<http://publicintelligence.net/u-s-stateterritory-sex-offender-registry-agencies/>

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<sup>27</sup> Juvenile adjudications for sex crimes that would be felonies if committed by an adult cannot be expunged.

If your client moves to another state, there is a chance he or she might have to register in the new state even if he or she has been removed from the registry in Illinois.<sup>28</sup> Encourage your client to seek counsel before moving out of state.

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<sup>28</sup> *See, e.g.*, MO. REV. STAT. § 211.425 (2011).

### **PART XIII: THE ADAM WALSH ACT AND IMPLICATIONS FOR REGISTRY TERMINATION MATTERS IN ILLINOIS**

The federal Adam Walsh Act attempts to set a national baseline for registration requirements of sex offenders. Enacted in 2006, it requires that juveniles on sex offender registries wait twenty-five years to petition a court for registry termination.

Since then, several jurisdictions have come into substantial compliance with Adam Walsh while maintaining “early” registry termination provisions.<sup>29</sup>

Illinois is currently in the process of becoming substantially compliant with the Adam Walsh Act. The federal Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART”) Office of the Department of Justice reviewed the Illinois provision. It appears that Illinois can be in compliance with Adam Walsh while still retaining its registry termination provision.<sup>30</sup>

Nonetheless, sex offender registration requirements are in constant flux in Illinois, so it is important for an advocate to stay apprised of legislative changes when representing young people on the sex offender registry.

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<sup>29</sup> Emanuella Grinberg, *5 years later, states struggle to comply with federal sex offender law*, CNN (July 28, 2011), <http://edition.cnn.com/2011/CRIME/07/28/sex.offender.adam.walsh.act/> (“As of Wednesday, the 30th anniversary of Adam Walsh's disappearance from a Florida department store, 14 states, nine tribes and the territory of Guam had “substantially implemented” what's known as the Sex Offender Registration and Notification Act, or SORNA, provisions of the Adam Walsh Act.”).

<sup>30</sup> See S.B. 1040, 97th Gen. Assemb., Reg. Sess. (Ill. 2011) (no change to juvenile provision).

## **XIV: RESEARCH AND RESOURCES<sup>31</sup>**

### **Relevant Cases**

*In re Rufus T.*, 409 Ill. App. 3d 969 (Ill. App. Ct. 2011).

Holding: The Appellate Court held that the provision of SORA stating that a trial court “shall consider” a risk assessment is directory, rather than mandatory.

*In re Nicholas K.*, 344 Ill. App. 3d 333 (Ill. App. Ct. 2003).

Holding: On remand, the Appellate Court held that juveniles are included within the larger category of sex offenders required to register under SORA.

*In re J.R.*, 341 Ill. App. 3d 784 (Ill. App. Ct. 2003).

Holding: The Appellate Court held: (1) application of the Sex Offender and Child Murderer Community Notification Act to a juvenile sex offender did not violate substantive or procedural due process, and (2) application of SORA to a juvenile sex offender did not violate substantive or procedural due process.

*In re J.W.*, 204 Ill. 2d 50 (Ill. 2003).

Holding: The Supreme Court held: (1) requiring a juvenile to register for the rest of his life did not violate substantive due process; (2) the registration requirement was not “punishment” and, thus, did not violate the Eighth Amendment or the Double Jeopardy Clause; (3) probation condition that prohibited the juvenile from residing in his home town where his family lived was reasonable and constitutional; (4) probation condition that banished juvenile from entering home town for any purpose was unconstitutionally overbroad; and (5) juvenile sex offenders are included within the larger category of sex offenders required to register, abrogating *In re Nicholas K., Jr.*

*Birkett v. Konetski*, 909 N.E. 2d 783 (Ill. 2009).

Holding: The Supreme Court held that the plain language of SORA requires the juvenile to register and imposes a clear nondiscretionary duty upon the State to advise the minor of his obligation to register.

*In re S.B.*, 408 Ill. App. 3d 516 (Ill. App. Ct. 2011).

Holding: The Appellate Court held that only juveniles that are adjudicated delinquent can be ordered to register as sex offenders.

### **Research on Juvenile Sex Offenders**

ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS, A REASONED APPROACH: RESHAPING SEX OFFENDER POLICY TO PREVENT CHILD SEXUAL ABUSE (2011) (Children and adolescents are more likely than adults to stop sexually abusive behaviors and live safely in their communities.).

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<sup>31</sup> There is abundant research in the following areas. This list is not comprehensive, but is instead a list of resources that attorneys working on these types of cases have found useful. We will update the list as we do more work in this area.

ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS, *THE EFFECTIVE LEGAL MANAGEMENT OF JUVENILE SEX OFFENDERS* (2000), <http://atsa.com/effective-legal-management-juvenile-sexual-offenders> (Because juvenile's brains are developing, they are more amenable to appropriate and effective treatment than adults.).

Michael F. Caldwell, *Sexual Offense Adjudication and Sexual Recidivism among Juvenile Offenders*, in 19 *SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT* 107 (2007).

Garfinkle, *Coming of Age in America: The Misapplication of Sex-Offender Registration and Community Notification Laws to Juveniles*, 91 *CAL. L. REV.* 163 (2003).

Phoebe Greer, *Justice Served? The High Cost of Juvenile Sex Offender Registration*, 27 *DEV. MENTAL HEALTH L.* 34 (2008) (Juvenile sex offenses are usually not abusive or aggressive in nature.).

J.A. Hunter et al., *The Relationship Between Phalometrically Measured Deviant Sexual Arousal and Clinical Characteristics in Juvenile Sexual Offenders*, 32 *BEHAV. RES. & THERAPY* 533-538 (1994) (Youth sex offenders are not pedophiles.).

Elizabeth J. Letourneau et al., *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20 *CRIM. JUST. POL'Y REV.* 136-153 (2009) (Juvenile sexual re-offense reconviction rate is less than 3% over nine years.).

Michelle Meloy, *The Sex Offender Next Door: An Analysis of Recidivism, Risk Factors, and Deterrence of Sex Offenders on Probation*, 16 *CRIM. JUST. POL'Y REV.* 211 (2005).

Terance D. Miethe et al., *Specialization and Persistence in the Arrest Histories of Sex Offenders: A Comparative Analysis of Alternative Measures and Offense Types*, 43 *J. OF RES. IN CRIME & DELINQ.* 204 (2006).

Donna M. Vandiver, *A Prospective Analysis of Juvenile Male Sex Offenders: Characteristics and Recidivism Rates As Adults*, 21 *J. OF INTERPERSONAL VIOLENCE* 673 (2006).

Dennis Waite et al., *Juvenile Sex Offender Re-Arrest Rates for Sexual, Violent Non-Sexual, and Property Crimes: A Ten-Year Follow-Up*, 17 *SEXUAL ABUSE: J. OF RES. & TREATMENT* 313 (2005).

Timothy Wind, *The Quandry of Megan's Law: When the Child Sex Offender is a Child*, 37 *JOHN MARAHALL L. REV.* 73 (2003) (When treated in programs designed for juvenile sex offenders, youth who receive treatment recidivate at lower rates than treated adults and untreated juveniles.).

Franklin E. Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood*, 6 CRIMINOLOGY & PUB. POL'Y 507 (2007).

Franklin E Zimring et al., *The Predictive Power of Juvenile Sex Offending: Evidence from the Second Philadelphia Birth Cohort Study* (2007), <http://ssrn.com/abstract=995918> (“[J]uveniles with sexually-based police contacts have a high volume of non-sex [police] contacts, a low volume of sexual recidivism during their juvenile careers, and an even lower propensity for sexual offenses during young adulthood.”).

### **Research on Adolescent Development**

Mario Beauregard et al., *Neural Correlates of Conscious Self-Regulation of Emotion*, 21 J. NEUROSCIENCE 165RC (2001).

*Graham v. Florida*, 130 S. Ct. 2011 (2010).

Ahmad Hariri et al., *Modulating Emotional Responses: Effects of a Neocortical Network on the Limbic System*, 11 NEUROREPORT 43 (2000).

Laurence Steinberg & Elizabeth S. Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*, 58 AM. PSYCHOLOGIST 1009, 1012 (2003).

Robert McGivern et al., *Cognitive Efficiency on a Match to Sample Task Decreases at the Onset of Puberty in Children*, 50 BRAIN & COGNITION 73 (2002).

*Adolescent Brains Show Lower Activity in Areas that Control Risky Behavior*, NATIONAL INSTITUTE OF MENTAL HEALTH (March 15, 2007), <http://www.nimh.nih.gov/science-news/2007/adolescent-brains-show-lower-activity-in-areas-that-control-risky-choices.shtml>.

*Roper v. Simmons*, 543 U.S. 551 (2005).

Elizabeth R. Sowell et al., *In Vivo Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions*, 2 NATURE NEUROSCIENCE 861 (1999) (discussing the maturation process and its effects on cognitive, emotional and social function).

Elizabeth R. Sowell et al., *Mapping Cortical Change Across the Human Life Span*, 6 NATURE NEUROSCIENCE 309 (2003).

Linda P. Spear, *The Adolescent Brain and Age-Related Behavioral Manifestations*, 24 NEUROSCIENCE & BIOBEHAVIORAL REVS. 741, 742 (2000).

Franklin E. Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?*, 6 *Criminology & Pub. Pol'y* 507-534 (2007) (Sex offender registration is damaging to developing adolescent brains.).

### **Research on Collateral Consequences of Sex Offender Registration**

William Edwards & Christopher Hensley, *Contextualizing Sex Offender Management Legislation Policy: Evaluating the Problem of Latent Consequences in Community Notification Laws*, 45 *INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY* 83, 89 (2001) (Sex offender registration affects not only the registrant, but places stress and strain on the whole family.).

Phoebe Greer, *Justice Served? The High Cost of Juvenile Sex Offender Registration*, 27 *DEV. MENTAL HEALTH L.* 34 (2008) (Registration post-adjudication hampers access to rehabilitative services and employment options.).

Maggie Jones, *How Can You Distinguish a Budding Pedophile From a Kid With Real Boundary Problems?*, *N.Y. TIMES MAG.*, July 22, 2007.

J.S. Levenson et al., *Public Perceptions about Sex Offenders and Community Protection Policies*, 7 *ANALYSES OF SOC. ISSUES & PUB. POL'Y* 137 (2007) (When communities are aware someone is on the sex offender registry, the offender may be subject to harassment, vigilantism, stress, depression, employment instability and housing instability, all of which increase risk of criminal behavior.).

Joanna Markman, *Community Notification and the Perils of Mandatory Juvenile Sex Offender Registration: The Dangers Faced by Children and their Families*, 32 *SETON HALL LEGIS. J.* 261 (2008) (Sex offender registrants murdered by a man who learned of their offenses on the sex offender registry.).

JUSTICE POLICY INSTITUTE, *REGISTERING HARM: HOW SEX OFFENSE REGISTRIES FAIL YOUTH COMMUNITIES* (2008), available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/walsh\\_act.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/walsh_act.pdf) (Myths about recidivism rates and increased media attention perpetuate policies that do not protect the public but create a false sense of security.).

Elizabeth E. Mustaine et al, *Residential Location and Mobility of Registered Sex Offenders*, 30 *AM. J. CRIM. JUST.* 177 (2006).

Richard Tewksbury & Matthew Lees, *Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences*, 26 *SOCIOLOGICAL SPECTRUM* 309 (2006).

Richard Tewksbury, *Collateral Consequences of Sex Offender Registration*, 21 J. CONTEMP. CRIM. JUST. 67 (2005) (detailing incidences of harassment, threats and assaults against people on sex offender registries).

Sarah Tofte, *No Easy Answers*, 19 HUMAN RIGHTS WATCH, no. 4(G), Sept. 2007, available at <http://hrw.org/reports/2007/us0907> (Juvenile registration increases the risk of suicide, alienation from school and community and increases barriers to successful community participation.).

Lisa C. Trivits & N. Dickon Reppucci, *Application of Megan's Law to Juveniles*, 57 AM. PSYCHOLOGIST 690 (2002) (School notification policies may hinder school enrollment or compromise school experience for juveniles.).

Robert G. Zevitz & M.A. Farkas, *Sex Offender Community Notification: Managing High-Risk Criminals or Safety*, 18 BEHAV. SCI. LAW 375 (2000) (exploring link between sex offender registration and barriers to education, employment, housing and treatment.).

Franklin Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?*, 6 CRIMINOLOGY & PUB. POL'Y 507 (2007) (Youth labeled as sex offenders are more likely to associate with delinquent peers and less likely to be attached to positive social institutions.).

### **Additional Sources of Information**

Illinois State Police Sex Offender Information page: <http://www.isp.state.il.us/sor/sor.cfm>

The Association for the Treatment of Sexual Abusers (ATSA): <http://www.atsa.com>

The Justice Police Institute: <http://www.justicepolicy.org>

The National Conference of State Legislatures: <http://www.ncsl.org/research/civil-and-criminal-justice/juvenile-justice.aspx>

The U.S. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office): <http://www.ojp.usdoj.gov/smart>

## **XV: FREQUENTLY ASKED QUESTIONS**

### **How long does the registry termination process take?**

It depends on the number of records you need to gather and whether your client needs a sex offender evaluation. In our experience, relatively straight-forward cases that need a new evaluation take 3-6 months, depending on how long it takes for the evaluation to be completed and whether the State objects to the petition. More complicated cases can take significantly longer.

### **What if my client is on the Illinois registry for a sex offense committed in another state?**

Sometimes young people who are on registries in other states move to Illinois and are required to register. The Sex Offender Registration Act does not address registry termination for these young people.

### **My client came to me with an already-complete sex offender evaluation. How do I decide whether it should be used?**

This is a judgment call. If you have a low risk evaluation by an SOMB-approved evaluator and your client's situation has not changed since the evaluation was completed, you might decide to file a petition and attach that evaluation. If your client's situation has changed since the evaluation, you could contact the evaluator who completed the evaluation and ask him or her to do an update.

### **Will the court grant a petition if my client has a moderate-risk or high-risk evaluation?**

We do not know. By statute, the court must find by a preponderance of the evidence that the registrant poses no risk. Any evaluation presented will be part of the court's analysis.

### **If a petition is denied, can my client file another one?**

The statute does not expressly allow or prohibit a registrant from filing successive petitions.

### **Can a registrant file a petition for registry termination *pro se*?**

The statute requires registrants to be represented by counsel. In the *Rufus T.* case, however, the registrant filed a petition *pro se* and the court appointed counsel.

# **APPENDIX A**

Illinois Sex Offender Registration Act  
Juvenile Provision

(730 ILCS 150/3-5)

Sec. 3-5. Application of Act to adjudicated juvenile delinquents.

(a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court shall order the minor to register as a sex offender.

(b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration.

(c) For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, no less than 5 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for the termination of the term of registration. For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a misdemeanor, no less than 2 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for termination of the term of registration.

(d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e).

(e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors:

- (1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board;
- (2) the sex offender history of the adjudicated juvenile delinquent;
- (3) evidence of the adjudicated juvenile delinquent's rehabilitation;
- (4) the age of the adjudicated juvenile delinquent at the time of the offense;
- (5) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history;
- (6) victim impact statements; and
- (7) any other factors deemed relevant by the court.

(f) At the hearing set forth in subsections (c) and (d), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment.

(g) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information

shall be removed from all State and local registries.

(h) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General Assembly, a person adjudicated delinquent before the effective date of this amendatory Act of the 95th General Assembly may request a hearing regarding status of registration by filing a Petition Requesting Registration Status with the clerk of the court. Upon receipt of the Petition Requesting Registration Status, the clerk of the court shall provide notice to the parties and set the Petition for hearing pursuant to subsections (c) through (e) of this Section.

(i) This Section does not apply to minors prosecuted under the criminal laws as adults.

(Source: P.A. 95-658, eff. 10-11-07.)

# **APPENDIX B**

**Northwestern University School of Law Bluhm Legal Clinic  
Children and Family Justice Center  
Project off the Record  
Initial Call Form**

Date of Initial Call _____
Name of Screener _____

**Intro**

- Identify yourself and your connection with Project off the Record.
- Ask if they are interested in getting legal assistance with terminating their registration requirement.
- State the following: I need to ask a few questions now regarding your case and I realize that some of them relate to things that are not always easy to discuss. Please know that we ask these questions only because we need to know the information to determine if you are eligible to file a petition and if we will be able to help you. Please know that we respect your privacy and will only use the information in our evaluation of your case.

**General Information**

1. *Juvenile's Information*

First Name \_\_\_\_\_

Middle Name \_\_\_\_\_

Last Name \_\_\_\_\_

Other names used \_\_\_\_\_

Date of birth \_\_\_\_\_

Gender \_\_\_\_\_

Current Address \_\_\_\_\_

\_\_\_\_\_

Phone number/s \_\_\_\_\_

2. *Caller's Information (if not the juvenile)*

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Relationship to juvenile \_\_\_\_\_

3. *If we can't reach you can we contact your parents/guardians/significant other?*

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Phone number/s \_\_\_\_\_

Is this person aware of your registry status and the reason you are calling us? Yes No

**How did you hear about Project off the Record?** (e.g., letter from Public Defender's Office; former public defender; the Illinois State Police) \_\_\_\_\_

**Juvenile Sex Offense Information**

1. What was the sex offense you had to register for? \_\_\_\_\_

2. When did the offense occur? (Month/Year) \_\_\_\_\_

3. How was the case resolved (e.g. guilty plea or trial)? \_\_\_\_\_ Month/Year: \_\_\_\_\_

4. Did your plea or trial occur in juvenile or adult court? Juvenile court Adult court

5. Was the case in Cook County? Yes No If not, which county? \_\_\_\_\_

6. If convicted in juvenile court, were you sentenced to probation? Yes No

What county did you serve your probation in? \_\_\_\_\_

**Closing**

- We are not agreeing to represent you at this time.
- I will pass this information along to a representative with Project Off the Record who will follow up with you within 1 week.

Date of Initial Call _____
Date of Screening Interview _____
Name of Screener _____

<b>Juvenile's Info:</b> <i>(fill out in advance of phone call from Initial Call Form)</i>			
▪ Full Name:	_____		
▪ DOB:	_____	Gender:	M      F
▪ Primary Phone Number:	_____		
▪ Alternative Phone Number/s:	_____		
▪ Current Address:	_____		
▪ Connection to Cook County:	Adjudication	Probation	None

**Intro**

- Identify yourself and your connection with Project Off the Record.
- Ask if they remain interested in getting legal assistance with terminating their registration requirement.
- State the following: I need to ask a few questions now regarding your case and your life and I realize that some of them relate to things that are not always easy to discuss. Please know that we ask these questions only because we need to know the information to determine if you are eligible to file a petition and if we will be able to help you. Please know that we respect your privacy and will only use the info in our evaluation of your case.

**Background Information**

1. School
  - High school diploma?      Yes      No
  - *If yes:* School? \_\_\_\_\_ Month/Year \_\_\_\_\_
  - *If no:* Last school attended? \_\_\_\_\_
  - Last grade completed? \_\_\_\_\_ GED completed?      Yes      No      Month/Year \_\_\_\_\_
2. Employment
  - Currently employed?      Yes      No
  - *If yes:* Name of employer? \_\_\_\_\_  
Length of employment? \_\_\_\_\_ Hours/week? \_\_\_\_\_
  - *If no:* Source of financial support? \_\_\_\_\_
3. Family
  - Close family members? \_\_\_\_\_  
\_\_\_\_\_
  - Children? (Names/ages) \_\_\_\_\_  
*If yes:* How involved in their support/care? \_\_\_\_\_  
\_\_\_\_\_

**Juvenile Sex Offense Information**

1. Sex offense? \_\_\_\_\_ Felony Misdemeanor
2. Date of Offense (month/year)? \_\_\_\_\_ Age at offense? \_\_\_\_\_
3. Name/s of victim/s? \_\_\_\_\_  
Relationship to victim/s: \_\_\_\_\_ Age/s of victim/s? \_\_\_\_\_
4. County of Offense? Cook Other: \_\_\_\_\_
5. Sentence
  - a. Probation: Yes No  
*If yes:* Name of probation officer? \_\_\_\_\_  
Length of probation term ordered? \_\_\_\_\_  
Completed? Yes No When? \_\_\_\_\_  
*If yes:* Month/year completed? \_\_\_\_\_  
Completed successfully? Yes No  
Terminated early? Yes No  
*If no:* Month/year of expected termination? \_\_\_\_\_  
Any problems? \_\_\_\_\_
  - b. Ordered to spend time in DJJ/prison? Yes No  
*If yes:* IYC name/s? \_\_\_\_\_ Length of time \_\_\_\_\_  
Ever on parole? Yes No Month/Year paroled? \_\_\_\_\_  
Parole ever revoked? Yes No How many times? \_\_\_\_\_ When? \_\_\_\_\_  
Parole agent: \_\_\_\_\_  
Primary reason for revocation? \_\_\_\_\_  
Parole completed? Yes No When? \_\_\_\_\_
  - c. Ordered to register at the time of sentencing? Yes No  
*If no:* When were you first ordered to register (month/year)? \_\_\_\_\_  
By whom? \_\_\_\_\_

**Treatment History**

1. Sex offender risk evaluation performed by anyone at the juvenile court? Yes No  
*If yes:* By whom? \_\_\_\_\_ Month/Year? \_\_\_\_\_
2. Ever received any sex offender treatment? Yes No  
With whom/Where? \_\_\_\_\_  
For how long? \_\_\_\_\_ When? \_\_\_\_\_

**Registration History**

- 1. Frequency of required registration? \_\_\_\_\_ What month/s? \_\_\_\_\_
- 2. Always fully compliant?      Yes      No  
*If no:* How many times late/missed? \_\_\_\_\_  
Consequences? \_\_\_\_\_

**Juvenile History**

- 1. Any juvenile arrests other than the underlying sex offense?      Yes      No
  - *If yes:*
    - [1]** Charge/s: \_\_\_\_\_ When? \_\_\_\_\_  
What county? \_\_\_\_\_  
Result?      No case      Dismissal      Diversion      Guilty-Plea      Guilty-Trial      Acquittal  
*If convicted:* Sentence? \_\_\_\_\_  
IYC facility, if any: \_\_\_\_\_
    - [2]** Charge/s: \_\_\_\_\_ When? \_\_\_\_\_  
What county? \_\_\_\_\_  
Result?      No case      Dismissal      Diversion      Guilty-Plea      Guilty-Trial      Acquittal  
*If convicted:* Sentence? \_\_\_\_\_  
IYC facility, if any: \_\_\_\_\_
    - [3]** Charge/s: \_\_\_\_\_ When? \_\_\_\_\_  
What county? \_\_\_\_\_  
Result?      No case      Dismissal      Diversion      Guilty-Plea      Guilty-Trial      Acquittal  
*If convicted:* Sentence? \_\_\_\_\_  
IYC facility, if any: \_\_\_\_\_
  - *If ever in an IYC facility:* Ever on parole?      Yes      No      Month/Year paroled? \_\_\_\_\_  
Parole ever revoked?      Yes      No      How many times? \_\_\_\_\_ When? \_\_\_\_\_  
Parole agent: \_\_\_\_\_  
Primary reason for revocation? \_\_\_\_\_  
Parole completed?      Yes      No      When? \_\_\_\_\_

**Criminal History**

1. Any adult criminal arrests?      Yes      No

▪ *If yes:*

[1] Charge/s: \_\_\_\_\_ When? \_\_\_\_\_

What county? \_\_\_\_\_

Result?      No case      Dismissal      Supervision      Guilty-Plea      Guilty-Trial      Acquittal

*If convicted:* Sentence? \_\_\_\_\_

Prison, if any: \_\_\_\_\_

[2] Charge/s: \_\_\_\_\_ When? \_\_\_\_\_

What county? \_\_\_\_\_

Result?      No case      Dismissal      Supervision      Guilty-Plea      Guilty-Trial      Acquittal

*If convicted:* Sentence? \_\_\_\_\_

Prison, if any: \_\_\_\_\_

▪ *If ever in an adult prison:* Ever on MSR/parole?      Yes      No

Parole ever revoked?      Yes      No      How many times? \_\_\_\_\_      When? \_\_\_\_\_

Parole agent: \_\_\_\_\_

Primary reason for revocation? \_\_\_\_\_

Parole completed?      Yes      No      When? \_\_\_\_\_

**Closing:**

- We are not agreeing to represent you at this time. There has been a large response to Project off the Record and there is a waitlist.
- I will pass on this information to the attorneys who will evaluate your case. If the attorneys think they may be able to help you they will call you within 1 week to let you know that you have been placed on the waitlist. Please understand that you may remain on the waitlist for several months or even longer. Also, understand that being on the waitlist does NOT make you a client of the clinic – you are not a client until we sign an agreement to create that relationship.
- Two final questions:
  1. Sometimes we hear from private attorneys who do not work for the clinic but are willing to take on a small number of cases for free. If that happens before we are able to take your case ourselves, would you like us to refer your case to them?      Yes      No
  2. If you don't want to wait for our waitlist to shorten, you can try to petition the court on your own or to convince the court to appoint you another lawyer for free. Would you like us to send you information about that?      Yes      No  
*If yes:* How would you prefer to receive that information?

Email: \_\_\_\_\_

Mail:      Same address as above

Other address: \_\_\_\_\_

# **APPENDIX C**

## **PROJECT OFF THE RECORD**

### **STREAMLINED RECORDS COLLECTION**

<b>Received</b>	<b>N/A</b>	<b>RECORD TYPE</b>
<input type="checkbox"/>	<input type="checkbox"/>	Juvenile Court File
<input type="checkbox"/>	<input type="checkbox"/>	Probation File
<input type="checkbox"/>	<input type="checkbox"/>	Criminal Records and Arrest Reports
<input type="checkbox"/>	<input type="checkbox"/>	Treatment Discharge and Related Records
<input type="checkbox"/>	<input type="checkbox"/>	Certificate of High School Graduation or GED
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Current Employment or Attempts
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Current School Enrollment
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Current Therapy
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Registration

# **APPENDIX D**

**PROJECT OFF THE RECORD<sup>1</sup>**  
**“TO DO” LIST AND KEY CONTACTS**

TASK	STATUS	NOTES ABOUT TASK/KEY CONTACTS
<b>Initial Interview</b>		<b>IMPORTANT:</b> <i>The following is a working model for advocating for a client in Cook County; however, we hope it is helpful for attorneys in other counties as well.</i>
Conduct initial screening		See sample b, Intake/Screening Form.
Confirm eligibility		<a href="http://www.isp.state.il.is/sor/sor.cfm">http://www.isp.state.il.is/sor/sor.cfm</a> Tracie Newton, ISP Sex Offender Registry Program Administrator, 217-557-1945
Conduct first client meeting		Important information will include treatment history and sentence so you will know which releases to have the client sign
Sign client agreement		Agreement might be to investigate the possibility of filing a petition for registry termination
Have client sign Authorization of Release of Information Forms for records collection purposes		See samples e(i-v), records releases If and when you decide to send the case to an evaluator, you will also need a re-release form
Create a contact list for the client (obtain as many phone numbers and addresses as possible)		
<b>Getting Started</b>		
Create case file		<i>See Part V for a list of possible folders</i>
Based on the timeline you obtained during the initial interview, create a master list of organizations to collect records from / people to interview / request letters of support from, etc.		<i>See Part IV, Records Collection</i>

<sup>1</sup> Project Off the Record is a project of the Northwestern University School of Law Bluhm Legal Clinic. Juvenile registry termination matters are governed by 730 ILCS 150/3-5.

Create a timeline of the client's life, at least from incident to present		Creating this timeline allows you to know which people and organizations must be contacted.
File an appearance in the Clerk's Office (use the case number associated with the client's sex offense) <sup>2</sup>		In Cook County, this step is necessary for obtaining the client's juvenile court file and probation records.
<b>Primary Records Collection</b>		<p>The following are the primary documents/records to be collected prior to referring the client for a Risk Assessment (the evaluation which deems the client as being either "high risk" or "low risk"). All other records can be submitted to the evaluator later (<i>See</i> Section VI). Some may not apply to individual clients.</p> <p><b>NOTE: There may be some cases where an evaluation is not necessary. See <i>In re Rufus T.</i>, 409 Ill. App. 3d 969. In those cases, you may choose to obtain only some of these records.</b></p> <ol style="list-style-type: none"> <li>I. Juvenile Court File</li> <li>II. Probation File</li> <li>III. Criminal records and arrest reports</li> <li>IV. Treatment discharge and related records (typically in Probation file or DJJ master file)</li> <li>V. Certificate of high school graduation or GED</li> <li>VI. Proof of current employment or attempts</li> <li>VII. Proof of current school enrollment</li> <li>VIII. Proof of current therapy</li> <li>IX. Proof of current registration</li> </ol>
Keep a log of records requests and follow-ups		Update this log continuously to keep track of all calls made; to whom/when they were placed; and the result of the call.
Obtain juvenile court files <sup>3</sup> (via filing an appearance)		<p>File an appearance in the Clerk's Office in Juvenile Court under the case number associated with the client's sex offense. Have client's DOB and a signed and notarized consent form to present at that time. The clerk can provide the case number to you at that time if you do not already have it. Then personally request the records from the Clerk's Office Records Department (in the basement).</p> <p>If the case is old, it may be in off-site storage. In that case, the Clerk's Office will need to order it and it may take a week or more to obtain it.</p> <p>Once the records are ready for pick up, put in a records pick up request with the docket clerk. Send with him another signed and notarized consent form</p>

<sup>2</sup> The Cook County Juvenile Court is located at 1100 S. Hamilton, Chicago, IL. The Clerk's Office for delinquency matters is on the ground floor.

<sup>3</sup> This process assumes that the youth was adjudicated delinquent in juvenile court. Occasionally, the client will have been adjudicated delinquent in criminal court. In that case, the file will have a CR number. In that case, you will need to obtain the adult criminal file, adult probation records, etc.

		<p>and a letter from the attorney giving him permission to pick up the records.</p> <p>Copies in Cook County are \$2 for the first page, \$.50 for the next nineteen pages and \$.25 for the remaining pages. Payment may not be made by credit card.</p>
Obtain probation file (via court order)		<p>After filing an appearance in the juvenile court Clerk’s Office, file a motion to obtain access to confidential records. File a <i>Notice of Motion</i> and <i>Motion to Review and Copy Juvenile Probation Records</i> in Courtroom Nine, Calendar 59 (<i>see</i> samples f and g). An sample court order has also been provided (<i>see</i> sample h).</p>
Obtain criminal records (via file request)		<p>A. Check the Daley Center computers for adult criminal arrest history; or</p> <p>B. Call the Criminal Division “Inactive File Room” at (773) 869-3152; provide the client’s case numbers (or client’s name and DOB to pull up the case information); an order will be placed for those particular files. You can review and make copies of the file for a cost at the Clerk’s Administrative Office, Criminal Division located at 2650 S. California on the 5<sup>th</sup> Floor.</p> <p>If a case is still pending (“active”), the file is stored in the Criminal Courthouse. This will require a courthouse staff member to retrieve the file from the courthouse. Order the file by calling (773) 869-3147 or (773) 869-3140 and review/make copies of the file for a cost at the Criminal Division Office; or</p> <p>C. A client can “access and review” his criminal records (“rap sheet”) at the police headquarters at 3510 S. Michigan Ave.</p>
Obtain police records/arrest reports (via FOIA request)		<p>To obtain police and arrest reports, fill out the “City of Chicago Freedom of Information Request” (<i>see</i> sample i). As requested by CPD, please be sure to specify the date(s) (month/year) and offense(s) you need reports for in order to narrow the search for the Officers.</p> <p><u>Mail it to:</u>  Chicago Police Department  Attn: Freedom of Information Officer  Records Inquiry Section, Unit 163  3510 S. Michigan Ave.  Chicago, IL 60653</p> <p>Chicago Police Department FOIA Request Dept.: (312) 745-5308  <u>The request should include the following information:</u>  (1) Signed release form by the client;  (2) Dates of arrest and Booking Numbers (If you do not have the Booking Numbers, include: client’s name and DOB with the dates of arrest);  (3) Contact person and address of where the records should be sent.</p> <p>Note: this process is for adult arrest reports. Frequently, the fastest way to obtain juvenile arrest records is to have your client obtain them directly from the CPD Juvenile Division, 3510 S. Michigan Ave. Juvenile records are not maintained in the CPD file room on South Kedzie.</p>
Obtain public		<p>Fax the release form and records request letter to the chief public defender in</p>

defender's file (via release)		<p>the county. In Cook County:</p> <p>(1) Fax release to Attn: Linda Uttal at f - (312) 433-4268</p> <p>(2) Send email to alert her of the fax: luttal@cookcountygov.com</p> <p>Note: Over time, we have found that the non-privileged records retained in the Public Defender's file are the same as those in the juvenile court file. We do not always request the public defender's file.</p>
Obtain school records (via release)		<p>Use the provided document entitled "CPS Application for Student Records Services" (<i>see</i> sample e(v)).</p> <p><b>NOTE:</b> This application is specific to Chicago Public Schools but other districts will have their own forms and procedures for requesting school records.</p> <p>If the client is currently enrolled in school, request a recent transcript from that particular institution. If he or she has graduated from high school or a GED program, he or she may already have a diploma. If so, you do not need to request additional school records unless the school file will contain honors, certificates or other positive information about your client.</p>
Obtain records from any treatment programs (via release)		<p>The focus is on obtaining the treatment discharge summary for the sex offender treatment your client was court-ordered to complete. At times, the discharge summary is in the client's probation records (which you get by motion, <i>see</i> above); other times, you will obtain the name(s) of the treatment provider(s) and then request those records via a release form (<i>see</i> sample (e)(i)).</p> <p>If the client is currently undergoing therapy, also obtain the name of the treatment provider and contact information.</p> <p><u>Important to know:</u> Treatment centers destroy the files after 7 years, unless the person receiving treatment is a juvenile, in which case they are required to keep the files until they are 25 years old.</p>
Obtain any documents that reflect rehabilitative accomplishments		Includes certificates of achievement, any awards, etc. (often obtained through the client's parents)
Obtain proof of employment		<p>Obtain a copy of the client's most recent pay check stub, if applicable.</p> <p><u>Important to know:</u> Clients with a juvenile sex offense adjudication often have difficulty obtaining employment. If this is the case, assist your client with documenting any and all attempts to obtain employment (<i>ie.</i>, list the name of the company, address and date left resume/filled out an employment application).</p>
Document the client's "collateral contacts"		Document the name and contact information for the best person who can speak to how the client is currently "functioning" ( <i>ie.</i> , closest family member (parent, sibling); partner/significant other/spouse). A second person will always be interviewed as part of the Risk Assessment evaluation process.
Housing situation		Document the client's current address and last place of residence. Make note of the amount of time spent at each residence.

<p><b>Secondary Records Collection</b></p>		<p><b>The following are secondary records which, if they apply to your client's situation, should be collected; however, these records can be sent submitted to the evaluator after the client has already been referred for the Risk Assessment.</b></p>
<p>Obtain DCFS records</p>		<p>Draft a letter of request and fax it along with a consent form (<i>see</i> sample e(i)).</p> <p><u>Contact:</u>  Adam Tennenbaum, Keeper of Records  Phone: (217) 782-6683  Fax: (217) 782-6256</p> <p>Note: the DCFS file is likely large and will contain a lot of information that is not relevant to the registry termination matter. We recommend obtaining the juvenile court file and probation records before deciding whether to obtain the DCFS file.</p>
<p>Obtain DJJ file (via release)</p>		<p>Use the DJJ designated release forms (<i>see</i> samples e(ii-iv)). Do not use our clinic general consent forms.</p> <p>When requesting records in the client's master file, use the following language on the "Authorization for Release of Information" records request form (this does not apply to the two releases for mental health/medical history): "any and all records and documents relating to the following: disciplinary records, social history, education records, PRB orders, parole paperwork, and any and all documents relating to any court proceedings or court evaluations."</p> <p><b>NOTE:</b> You can adjust this language in any way that fits your particular client's situation; however, they want us to be more specific in our requests given that the master file is often so voluminous.</p> <p>A complete listing of IYC facilities can be found at:  <a href="http://www.idoc.state.il.us/subsections/facilities/instaddress.asp#39">http://www.idoc.state.il.us/subsections/facilities/instaddress.asp#39</a></p> <p><u>Main contact at IYC Kewanee Records Department:</u>  Marcia Christopherson T - (309) 852-4601 x 3201  Fax: (309) 852-3589</p> <p><u>Important to know:</u> The client's records collected while in the DJJ system, known as the "master file," follow him from facility to facility, so generally his records can be found at the last IYC facility in which he was incarcerated.</p>
<p>Obtain DOC file (via release or subpoena)</p>		<p>Depending on the facility, you may be able to simply fax a consent form to that particular DOC facility; however, some facilities require the filing of a subpoena.</p> <p>A complete listing of all Illinois correctional facilities can be found at:  <a href="http://www.idoc.state.il.us/subsections/facilities/instaddress.asp">http://www.idoc.state.il.us/subsections/facilities/instaddress.asp</a></p>
<p>Obtain jail records</p>		<p><u>In Cook County, send a FOIA request to:</u> (<i>see</i> sample i)  Cook County Department of Corrections  Attn: Legal Department  2700 S. California  Chicago, IL 60608</p>

		<p><u>The request should include the following:</u></p> <ol style="list-style-type: none"> <li>(1) Client’s name</li> <li>(2) Date of Birth</li> <li>(3) Case Number and/or I.R. Number (<i>if known</i>)</li> <li>(4) Time period (month/year) in Cook County Jail</li> <li>(5) The return address where the records should be sent to.</li> </ol>
Obtain letters of support ( <i>optional</i> )		<p>Obtain these letters only if relevant and if it will add something to your Petition and/or increase chance of obtaining a Risk Assessment finding of “low risk.”</p> <p><u>Includes:</u> Letters from family members, clergy, an employer, etc. At times this can even include a letter of support from the victim, stating, e.g., that he/she supports the early termination of the client’s registration requirement; he/she has moved on with his/her life.</p>
<b>Records Review</b>		
Read records as they arrive and take notes on any relevant information.		<p><u>Important information to take note of includes:</u></p> <ul style="list-style-type: none"> <li>• Positive information to include in the petition</li> <li>• Potential problem areas/ issues for the petition</li> <li>• Any follow-up areas</li> </ul>
If necessary, re-interview the client to answer any follow-up questions that have emerged during the record-collection phase.		
<b>Sex Offender Risk Assessment</b>		
Determine who is going to conduct the evaluation		<p>In Cook County, you may be able to refer the client to the Cook County Juvenile Probation Department, Juvenile Sex Offender Unit for the Risk Assessment (<b>NOTE:</b> Whether or not they will be able to conduct the evaluation depends on their workload).</p> <p><u>Mail/Drop off referrals to:</u> Amanda Halawa-Mahdi Supervisor/JSO Unit Cook County Juvenile Court – Probation 2<sup>nd</sup> Fl. 1100 S. Hamilton Chicago, IL 60612 (312) 433-4460</p> <p>A list of Sex Offender Management Board-approved evaluators can be found</p>

		<p>at  <a href="http://www.illinoisattorneygeneral.gov.communities/somb/somb.providers.html">http://www.illinoisattorneygeneral.gov.communities/somb/somb.providers.html</a></p> <p>Note: in certain cases, a risk assessment may not be necessary. <i>See In re Rufus T.</i>, 409 Ill. App. 3d 969</p>
Organize records and prepare packet for evaluator		<p>Use the Referral Form provided (<i>see</i> sample j).</p> <p>Keep in mind that, in an effort to streamline the process, only the “primary records” listed need be collected prior to referring the client for a Risk Assessment. The “secondary records” may not be necessary and can be sent in later.</p>
Prepare client for the Risk Assessment Interview with the evaluator		<p>A sample “Outline for Risk Assessment Prep Meeting” has been provided (<i>see</i> sample k).</p>
Contact the evaluator and request that the findings be shared verbally (i.e., no written report unless/until we request one)		
If the evaluation is good and you intend to file a petition, send the evaluation to the State’s Attorney in the original courtroom as a heads-up that the petition is coming		<p>Giving a heads-up typically expedites the hearing process.</p>
<b>Petition</b>		
Write petition		<p><i>See</i> “Petition for Termination from Sexual Offender Registry” has been provided (<i>see</i> sample l).</p>
File petition and get hearing date		
<b>Hearing</b>		
Determine witnesses		

Draft exams, opening, closing		See sample k, expert exam outline.
Prepare witnesses		
Moot exams/argument		
If you win, make sure the Court Order includes the necessary language		An example of a court order has been provided ( <i>see</i> sample k).
<b>Post-Hearing</b>		
Confirm that client's name was removed from registry		<p>Call Tracey Newton at the Illinois State Police Sex Offender Registration Unit to ensure the client's name has been removed at (217) 557-1945. Fax the Order to her office at (217) 782-4996.</p> <p>Ask that you receive a copy of the registry termination letter that the ISP sends to the registrant.</p>
Help expunge/seal record, if possible		<p>Contact the Children and Family Justice Center at (312) 503-8576 with any questions regarding expunging or sealing a juvenile record. You can also visit: <a href="http://www.iljuveniledefenders.org/expungement/">http://www.iljuveniledefenders.org/expungement/</a></p> <p>Note: registry termination is <u>not expungement</u> and records of sex offenses typically cannot be expunged.</p>

# **APPENDIX E**

**AUTHORIZATION FOR RELEASE OF INFORMATION  
TO THE NORTHWESTERN UNIVERSITY BLUHM LEGAL CLINIC**

I authorize \_\_\_\_\_ to release any and all records and documents including, but not limited to, medical, psychological and psychiatric reports and test results, social work and counseling service reports, alcohol and chemical abuse reports, and \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

maintained on \_\_\_\_\_

for the following dates: \_\_\_\_\_.

The purpose of this authorization is to assist in legal representation of

\_\_\_\_\_.

This consent is valid until \_\_\_\_\_.

I understand that the Children and Family Justice Center has the right to inspect and copy the information to be disclosed.

I understand that I may revoke this consent at any time (revocation must be in writing). I understand that no revocation of this consent shall be effective to prevent disclosure of records and communications until it is received by the person otherwise authorized to disclose records and communications.

I have read this authorization and release prior to the execution, and am fully familiar with its contents.

\_\_\_\_\_  
Parent / Client Signature (age 12 and older)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

ILLINOIS DEPARTMENT OF JUVENILE JUSTICE

Authorization for Release of Youth Mental Health or Substance Abuse Treatment Information

This Authorization may not be used for medical health information (use form DJJ 0241)

The Department of Juvenile Justice will not condition treatment on this authorization. Mental health information disclosed pursuant to this authorization may not be further disclosed except pursuant to authorization from the youth or youth's representative. If this authorization is for psychotherapy notes, it must not be used as an authorization for any other type of protected health information.

I hereby authorize \_\_\_\_\_ Facility \_\_\_\_\_ to release

Section A: Mental Health Information (State specific Mental Health Information to be disclosed including date(s) or date range) :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section B: Substance Abuse Treatment Information (as indicated below) :

If Substance Abuse Treatment records are being authorized, initial all relevant areas below (including date(s) or date range):

- Diagnosis \_\_\_\_\_
- Evaluation/Assessment \_\_\_\_\_
- Treatment Plan \_\_\_\_\_
- Summary of Treatment Services \_\_\_\_\_
- Continuing Care Plan \_\_\_\_\_
- Other (specify): \_\_\_\_\_
- Toxicological Reports/Drug Screens \_\_\_\_\_
- Medication Management Information \_\_\_\_\_
- Attendance in Treatment \_\_\_\_\_
- Treatment Progress Report \_\_\_\_\_
- Educational Information \_\_\_\_\_

At Request of Youth and/or: \_\_\_\_\_ Purpose of disclosure \_\_\_\_\_

Limit the records of \_\_\_\_\_ ID# \_\_\_\_\_ Print Youth's Name \_\_\_\_\_

to:  Self  Authorized Attorney  Health Care Facility  Other: \_\_\_\_\_

Name: \_\_\_\_\_ Print Name \_\_\_\_\_

Address: \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

I hereby release and hold harmless, the State of Illinois, the Department of Juvenile Justice, the Department of Corrections, and their employees from any liability which may occur as a result of the disclosure or dissemination of the records or information contained therein resulting from the access permitted to the authorized attorney, health care facility, other as specified, or self. I understand that I have the right to revoke this authorization at any time prior to disclosure by giving written notice (witnessed by someone who knows my identity) to the Facility Privacy Officer.

**Expiration:** This authorization will expire (complete one):

- 45 days from date of signature
- Upon the occurrence of the following event (must relate to the individual or purpose of the authorization): \_\_\_\_\_

**Signature:**

\_\_\_\_\_  
Signature of Youth or Person Authorized to Consent Relationship Date

**Witness:**

\_\_\_\_\_  
Print Name Title  
\_\_\_\_\_  
Signature Date

Give Youth a copy if DJJ made the request for release.

ILLINOIS DEPARTMENT OF JUVENILE JUSTICE

Authorization for Release of Youth Medical Health Information

This Authorization may not be used for mental health or substance abuse treatment information (use form DJJ 0240)

The Department of Juvenile Justice will not condition treatment on this authorization. If authorizing disclosure to persons or organizations that are not health plans, covered health care providers or health care clearinghouses subject to federal health information privacy laws, they may further disclose the protected health information. However, genetic testing or HIV/AIDS information disclosed pursuant to this authorization may not be further disclosed except pursuant to authorization.

I hereby authorize \_\_\_\_\_ to release the following information: (State specific medical health information to be disclosed including date(s) or date range)

Facility \_\_\_\_\_  
\_\_\_\_\_

At Request of Youth and/or: \_\_\_\_\_ Purpose of disclosure

from the records of \_\_\_\_\_ ID# \_\_\_\_\_ Print Youth's Name \_\_\_\_\_

to:  Self  Authorized Attorney  Health Care Facility  Other: \_\_\_\_\_

Name: \_\_\_\_\_ Print Name

Address: \_\_\_\_\_ Street Address  
\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code

I hereby release and hold harmless, the State of Illinois, Department of Juvenile Justice, the Department of Corrections, and their employees from any liability which may occur as a result of the disclosure or dissemination of the records or information contained therein resulting from the access permitted to the authorized attorney, health care facility, other as specified, or self. Records disclosed may contain confidential medical information including HIV disease information. I understand that I have the right to revoke this authorization at any time prior to disclosure by giving written notice (witnessed by someone who knows my identity) to the Facility Privacy Officer.

**Expiration:** This authorization will expire (complete one):

- 45 days from date of signature
- Upon the occurrence of the following event (must relate to the individual or purpose of the authorization):  
\_\_\_\_\_

**Signature:**

Signature of Youth or Person Authorized to Consent \_\_\_\_\_ Relationship \_\_\_\_\_ Date \_\_\_\_\_

Give Youth a copy if DJJ made the request for release.

Authorization for Release of Master File Information

Note: This Authorization may not be used for medical, mental health or substance abuse information. Use DJJ 0240 for mental health or substance abuse information. Use DJJ 0241 for medical health information.

I hereby request and authorize \_\_\_\_\_ to release copies of, or allow review (Name of Facility)

of (state specific information to be disclosed):

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

from the youth master file records of \_\_\_\_\_ (YIN #) \_\_\_\_\_ (Print Youth's Name)

To: [ ] Self [ ] Authorized Attorney [ ] Parent/Legal Guardian
[ ] Other: \_\_\_\_\_

Name: \_\_\_\_\_ (Print Name)

Address: \_\_\_\_\_ (Street Address)

\_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code)

I hereby release and hold harmless, the State of Illinois, the Department of Juvenile Justice, the Department of Corrections, and their employees from any liability which may occur as a result of the disclosure or dissemination of the records or information contained therein resulting from the access permitted to the authorized attorney, parent or legal guardian, self, or other as specified.

Expiration: This authorization will expire (complete one):

- [ ] 45 days from date of signature
[ ] Upon the occurrence of the following event (must relate to the individual or purpose of the authorization):
\_\_\_\_\_

Signature:

\_\_\_\_\_ (Signature of Youth) \_\_\_\_\_ (Date)

Witness:

\_\_\_\_\_ (Print Name and Title)

\_\_\_\_\_ (Signature of Witness) \_\_\_\_\_ (Date)



## APPLICATION FOR STUDENT RECORDS SERVICES

- Print or type your answers to the questions on this form.
- Complete as much of the information as you possibly can.
- First item of service is free.
- Each additional item requires a NON-REFUNDABLE MONEY ORDER for \$4.00 (no cash or personal checks), payable to the Chicago Public Schools, along with a self addressed envelope to one of the addresses listed below depending on the year requested:

**FOR ALL REQUESTS OTHER THAN NOTED BELOW FAX TO: (773) 535-5894  
OR MAIL TO: CHICAGO PUBLIC SCHOOLS  
STUDENT RECORDS SERVICES  
3532 W. 47<sup>TH</sup> PLACE, 1<sup>ST</sup> FLOOR  
CHICAGO, IL 60632**

**REQUEST FOR VERIFICATION OF GRADUATION OR A HIGH SCHOOL TRANSCRIPT  
FOR GRADUATION DATES 1989 OR LATER FAX TO: (773) 553-2341  
OR MAIL TO: CHICAGO PUBLIC SCHOOLS  
OFFICE OF COMPLIANCE – 11<sup>TH</sup> FLOOR  
125 S. CLARK ST.  
CHICAGO, IL 60603**

1. What is your present name and address?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(Number)

(Street)

(City)

(State)

(Zip Code)

(Telephone)

2. Is this request for information for yourself? \_\_\_ Yes \_\_\_ No

If no, provide the name of the person (applicant) for whom the information is being sought and designate your relationship with the person.

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

3. What is the purpose of this request? (Check One)

\_\_\_ Verification of Birth (for I.D.)

\_\_\_ Verification of Graduation / \_\_\_ Day \_\_\_ Summer  
\_\_\_ Evening

\_\_\_ Request for elementary records

\_\_\_ Request for high school transcripts

\_\_\_ Other, Please Specify: \_\_\_\_\_

4. Background Information:

A. What name did the applicant use while attending school? (If more than one were used, list all of the names below)

\_\_\_\_\_

B. (Check One) \_\_\_ Male \_\_\_ Female

C. Where was the applicant born? \_\_\_\_\_  
(City) (State) (County)

D. What is the date of birth? \_\_\_\_\_  
(MM/DD/YYYY)

E. What are the names of the applicant's parents or custodian? \_\_\_\_\_

F. What is the mother's maiden name? \_\_\_\_\_

Complete the following information pertinent to the Chicago Public Schools attended by the applicant.

Name(s) of Elementary School(s)	Year left or graduated
_____	_____
_____	_____
_____	_____

Names(s) of High School(s)	Year left or graduated
_____	_____
_____	_____
_____	_____

Conditions:

A. Records information will not be released to anyone other than the former student who request records information unless (a) the former student signs a release authorizing the transmittal of information (see below) or (b) a subpoena or court order is received in due form.

B. A college or university does not usually recognize transcripts unless they are mailed directly to the college or university by the local education agency (this office). Should you desire that a transcript be sent directly to you, our office will comply with your request, but the college or university for whom it is intended may not accept it.

5. Release Form:

I authorize the records custodian of the Chicago Public Schools to provide the information requested above and mail it to:

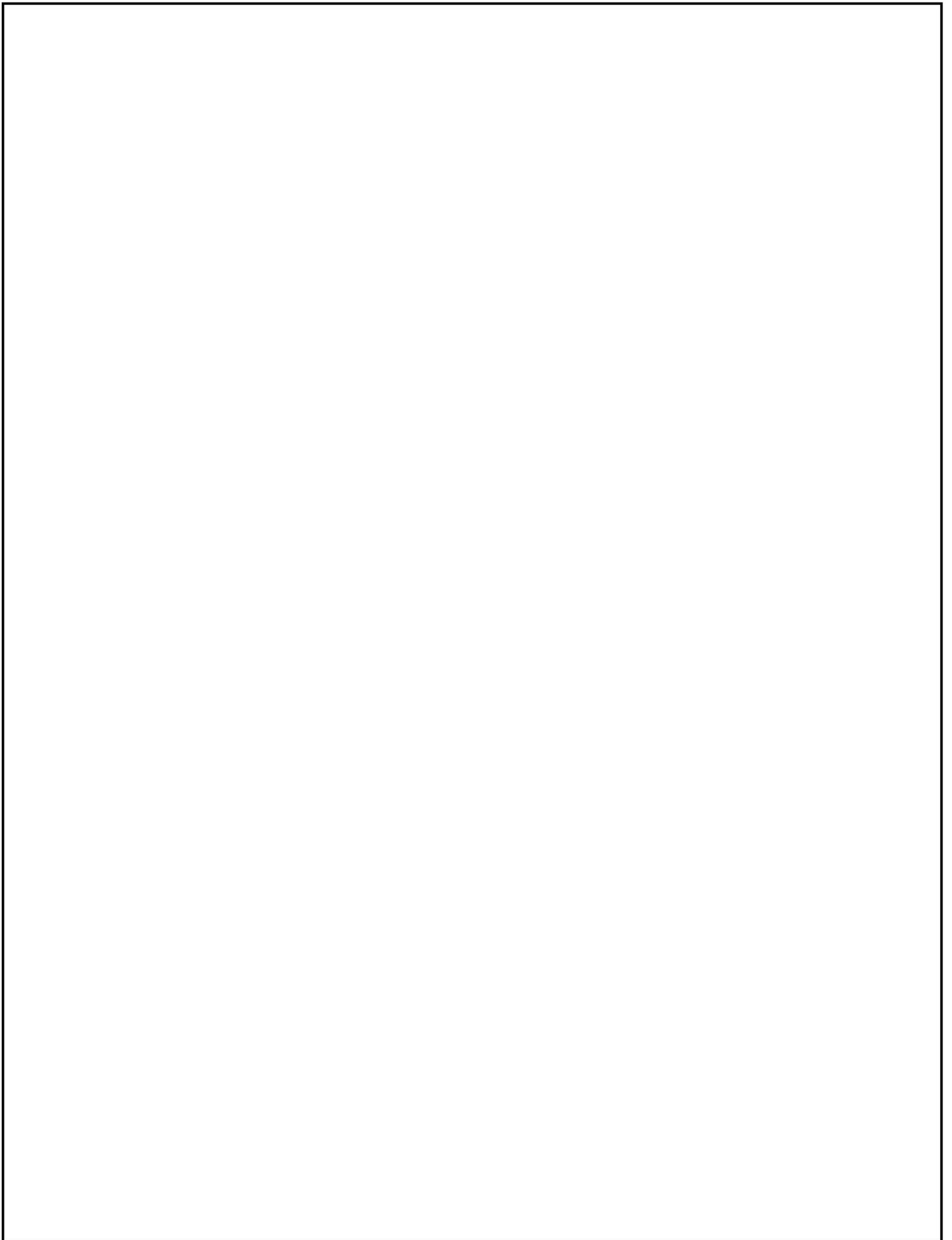
\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_ (City) (State) (Zip Code)

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)



# **APPENDIX F**

## Courtroom Nine

### Calendar 50/54/59 Procedures

1. The courtroom nine starting time is 9:30 a.m. All pleadings must include an e-mail address. The Calendar 50 cases are only scheduled for Thursdays and Fridays. Calendar 54 and 59 cases may be scheduled for any day of the week with a preference for Mondays, Tuesdays and Wednesdays.
2. A probationer may be excused from attending court by the assigned advocacy division probation officer for either a progress report or termination. Probation officers may use *Progress Report* forms to make a report. Probation officers are encouraged to excuse probationers, their parents and other family members, case workers and others from unnecessarily appearing in court for progress reports. Probationers who are required to attend court must bring the most recent school progress report or report card. Probationers in placement who may have custody transferred must be accompanied by a medical record log or its equivalent and any personal property or a reasonable plan for transferring the personal property. Advocacy probation officers must notify the medical director of the Cook County Juvenile Temporary Detention Center of the medical record log and of any impending placement.
3. Social investigations and supplemental social investigations for sentencing must be delivered at least three court days prior to sentencing. If the parties have agreed upon a recommended sentence, one of the parties must ensure that the recommendation is included in the social investigation. A social investigation that either refers to a prior social investigation, or recommends a referral to intensive probation, commitment to the Department of Juvenile Justice, guardianship with the Department of Children and Family Services or probation with either residential placement or multi-systemic therapy (MST) must include any prior social investigations.
4. All supplemental petitions that do not allege a violation of any criminal law must have attached to the attorney's copies any documentation in support of the allegation.
5. Notice and service to the parties of at least three court days is required by statute and court rule for placing a case on the call or requesting additional relief. It is suggested that at least five court days notice will allow the case to be on the printed court call and the court file to be in court. Because it is desired that all parties receive as much notice as possible, it is requested that the attorneys and assigned probation officer discuss in advance: possible court dates, the focus of the issues, or if the parties can agree upon any action that may be requested. Notice to an assigned probation officer is required if the issue will affect the probation or supervision status. Notice to an assigned caseworker or therapist is required if the issue will affect guardianship, placement or therapy. No pay order will be granted without a written motion of explanation.
6. At trial or hearing, all exhibits must be marked and identified. Upon either the prosecution or defense resting, the case may not be reopened. Case law, treatises or other authority that is cited or will be relied upon at trial, hearing or in any motion, memorandum or brief must either be tendered or attached to the attorney's copies and to a courtesy copy so as to allow adequate time for research of the cited authority.
7. Motions for transfer to criminal court or designation for extended juvenile jurisdiction prosecution must be served upon all the parties or their attorneys and a courtesy copy for the court. Cases may be scheduled for transfer or extended jurisdiction juvenile prosecution hearing only by a judge assigned to Calendar 54. Because hearings on motions to designate a case for extended jurisdiction juvenile must commence within thirty days of the filing of the motion, requests to extend the time for good cause must be scheduled, as soon as possible, on a court date prior to the expiration of the thirty day time limit. Informal discussions about scheduling can occur if all attorneys participate.
8. Attorneys appearing on transfer or extended jurisdiction juvenile cases may present evidence by proffer of testimony. Attorneys are encouraged to fairly and fully exchange discovery informally and to tender any proffers to opposing counsel prior to the hearing. Proffers of testimony must include foundation information; if the proffer of testimony concerns identification testimony then the manner of identification should be specified. A copy of the proffer should be tendered to the court and court reporter at the hearing. Copies of any documents that will be used at the hearing must be tendered to opposing counsel prior to the hearing. The hearing will be bifurcated; the court will first determine whether or not there is probable cause to believe that the allegations in the petition and motion are true. If a finding of no probable cause is entered then the case will be returned to the appropriate calendar. If a finding of probable cause is entered then the court will proceed to evidence and argument on whether the motion(s) for transfer or designation as an extended jurisdiction juvenile case shall be granted or denied. Upon completion of the evidence and argument the case will be scheduled for decision.
9. Petitions for extradition must have included, attached or submitted as soon as possible, the following information: requesting jurisdiction, identifying information, charge(s) pending, requesting jurisdiction case number(s) and contact agency and person(s) information.

# **APPENDIX G**

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, JUVENILE DIVISION**

IN THE INTEREST OF

██████████

A MINOR

)  
)  
)  
)  
)  
)  
)

Case No. ██████████

**MOTION TO REVIEW AND COPY JUVENILE PROBATION RECORDS**

██████████, by his attorneys the Northwestern University School of Law Bluhm Legal Clinic and Amy E. Halbrook, moves for an order of the Court allowing counsel access to Petitioner's files and permission to copy the files without cost. In support thereof, Petitioner states as follows:

1. On ██████████, in Case No. ██████████, Petitioner was adjudicated delinquent of criminal sexual assault in violation of 720 ILCS 5/12-13(a)(1) in the Cook County Juvenile Court. As a result of this offense, Petitioner is required to register as a sex offender pursuant to the Sex Offender Registration Act, 730 ILCS 150/1 *et seq.*
2. On ██████████, the Northwestern University School of Law Bluhm Legal Clinic entered an appearance for Petitioner in case number ██████████. Petitioner has retained counsel to investigate whether counsel could assist him in filing a petition under 730 ILCS 150/3-5, which allows certain juveniles to petition the court to terminate the registration requirement. Counsel is assisting Petitioner *pro bono*, and Petitioner cannot afford to pay for an attorney.
3. 730 ILCS 150/3-5 requires the court to consider information related to the adjudicated juvenile's "mental, physical, educational, and social history," evidence of rehabilitation, and "any other factors deemed relevant by the court."
4. In order to fully represent Petitioner on this matter, counsel needs access to confidential juvenile records, including any records maintained by the Cook County Juvenile Probation Department, where Petitioner completed probation. Access to these records is necessary in order to allow counsel to fully evaluate Petitioner's case and to obtain essential information regarding the treatment Petitioner received as a result of the adjudication.
5. 705 ILCS 405/1-8(A)(1) (West 2010) indicates that "the minor who is the subject of record" and "counsel" may inspect and copy the juvenile court records for the minor. Further, subsection (C)(0.3) of this statute states that "[t]he State's Attorney, the minor,

and the minor's parents, guardian, and counsel shall at all times have the right to examine court files and records.”

6. Additionally, 730 ILCS 110/12 of the Probation and Probation Officers Act states that the duties of probation officers shall be: “To preserve complete and accurate records of cases investigated, including a description of the person investigated, the action of the court with respect to his case and his probation, the subsequent history of such person, if he becomes a probationer, during the continuance of his probation, which records shall be open to inspection by any judge or by any probation officer pursuant to order of court, but shall not be a public record, and its contents shall not be divulged otherwise than as above provided, except upon order of court.”
7. Therefore, under 730 ILCS 110/12 of the Probation Act, this Court has clear authority and complete discretion to enter an order allowing counsel access to Petitioner's probation records when seen appropriate.

Wherefore, Petitioner respectfully requests this Court to enter an order allowing counsel access to Petitioner's Probation file for Case No. [REDACTED] and allow counsel to copy the records without charge.

Respectfully Submitted,

---

An Attorney for Petitioner

Northwestern University School of Law  
Bluhm Legal Clinic (ARDC No. 15245)  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee Graham, 711 Senior Law Student  
375 E. Chicago Ave.  
Chicago, IL 60611  
Tel. (312) 503-8576  
Fax (312) 503-8977

Date: [REDACTED], 2011

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, JUVENILE DIVISION**

IN THE INTEREST OF

██████████

A MINOR

)  
)  
)  
)  
)  
)

Case No. ██████████

**NOTICE OF MOTION**

To: Cook County State's Attorney  
Juvenile Division  
Courtroom Nine, Calendar 59  
2245 West Ogden Avenue, 6<sup>th</sup> Floor  
Chicago, IL 60612  
(Via Hand Delivery)

██████████ [Former Attorney]  
██████████  
(Via FAX and U.S. Mail)

Hon. Judge Curtis Heaston  
Cook County Juvenile Court  
Courtroom Nine/Calendar 59  
1100 S. Hamilton  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

PLEASE TAKE NOTICE that on ██████████, 2011 at 9:30 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable ██████████ or any judge sitting in his stead, in Courtroom Nine of the Circuit Court of Cook County, Juvenile Division, 2245 West Ogden Avenue, and present the attached Motion to Review and Copy Juvenile Probation Records, a copy of which is attached hereto and served on you.

\_\_\_\_\_  
An Attorney for Minor-Respondent

Northwestern University School of Law  
Bluhm Legal Clinic (ARDC No. 15245)  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee Graham, 711 Senior Law Student  
375 E. Chicago Ave.  
Chicago, IL 60611  
Tel. (312) 503-8576  
Fax (312) 503-8977

Date: ██████████, 2011

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, JUVENILE DIVISION**

IN THE INTEREST OF

██████████

A MINOR

)  
)  
)  
)  
)  
)  
)

Case No. ██████████

**NOTICE OF FILING**

To: Cook County State's Attorney  
Juvenile Division  
Courtroom Nine, Calendar 59  
2245 West Ogden Avenue, 6<sup>th</sup> Floor  
Chicago, IL 60612  
(Via Hand Delivery)

██████████ [Former Attorney]  
██████████  
(Via FAX and U.S. Mail)

Hon. Judge Curtis Heaston  
Cook County Juvenile Court  
Courtroom Nine/Calendar 59  
1100 S. Hamilton  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

PLEASE TAKE NOTICE that on ██████████, 2011, I filed with the Clerk of the Juvenile Court, 2245 W. Ogden Ave., Chicago, IL 60612, the foregoing Motion to Review and Copy Juvenile Probation Records, a copy of which is hereby served upon you.

\_\_\_\_\_  
An Attorney for Minor-Respondent

Northwestern University School of Law  
Bluhm Legal Clinic (ARDC No. 15245)  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee Graham, 711 Senior Law Student  
375 E. Chicago Ave.  
Chicago, IL 60611  
Tel. (312) 503-8576  
Fax (312) 503-8977

Date: ██████████, 2011

**CERTIFICATE OF SERVICE**

Amy E. Halbrook, an attorney, states that the foregoing **MOTION TO REVIEW AND COPY JUVENILE PROBATION RECORDS, NOTICE OF MOTION and NOTICE OF FILING** were served upon the parties listed above, in the manner indicated for each, before the hour of 5:00 p.m., this [REDACTED] day of [REDACTED], 2011.

---

Amy E. Halbrook

# **APPENDIX H**

**CIRCUIT COURT OF COOK COUNTY ILLINOIS  
JUVENILE DIVISION**

State of Illinois,	)	
Plaintiff	)	
	)	
v.	)	
	)	Case No. XX JD XXXXX
	)	
A Minor.	)	Hon. Judge
	)	

**ORDER**

This cause coming to be heard the court finds the following:

- a. The petitioner is the minor respondent and is xx years of age,
- b. The petitioner is now represented by xxxxxx and has executed a release of information naming his/her attorney.
- c. The petitioner found guilty of xxxxx on date.
- d. On date the petitioner was adjudicated a ward of the court and a sentence of \_\_\_\_\_ years/months probation and a condition of sex offender registration was imposed.
- e. The probation was terminated satisfactory/unsatisfactory/undesigned and the case closed on date.
- f. The sex offender registration requirement continues.
- g. The petitioner seeks to review the Cook County Juvenile Probation Department file to determine if a petition to terminate sex offender registration should be filed pursuant to 730 ILCS 150/3-5(c).

**The court hereby orders the following:**

- 1. The Cook County Juvenile Probation Department shall allow an inspection by the petitioner's attorney of the portions of the Juvenile Probation Department file relevant to termination of sex offender registration.
- 2. The Juvenile Probation Department shall photocopy for the petitioner's attorney the sections of the Juvenile Probation Department file that will assist the petitioner in preparing a petition to terminate sex offender registration.
- 3. The Juvenile Probation Department may charge a fee for photocopying that is the same fee charged by the Clerk of the Circuit Court of Cook County for photocopying. The fee is currently \$2 for the first page, the next nineteen pages are \$.50 each and the remaining pages are \$.25 each.
- 4. The case is closed.

Date

Entered: \_\_\_\_\_  
Judge Judge's Number

# **APPENDIX I**

City Agency \_\_\_\_\_

Request No. \_\_\_\_\_  
*(for agency use)*

**City of Chicago  
Freedom of Information Request**

*Please type or print*

Requester's Name \_\_\_\_\_

Organization *(if any)* \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_

Telephone No. \_\_\_\_\_

Records sought *(be specific)*: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Requester \_\_\_\_\_

*The agency will respond to a request for public records within seven working days after its receipt. If your request is denied, you may file an appeal. Appeals should be addressed to the head of the agency.*

*(For agency use only)*

Name and title of person receiving request: \_\_\_\_\_ Date Request Received \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

*Response (attach correspondence):*

Records made available  Request denied

Copies made Yes  No

How many? \_\_\_\_\_ Fee \_\_\_\_\_ Other

Signature \_\_\_\_\_ Date \_\_\_\_\_

Agency comments *(time, copy cost, etc.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**POLICE RECORDS/NON-DEPARTMENT INQUIRY**

**INSTRUCTIONS: LIMIT INQUIRY TO EITHER "TRAFFIC ACCIDENT REPORT" OR "OTHER POLICE RECORDS". DO NOT INCLUDE BOTH TYPES OF INQUIRIES ON ONE FORM.**

DATE OF REQUEST  
MONTH DAY YEAR

INFORMATION ONLY

R.D. NO. (IF UNKNOWN, LEAVE BLANK)

NAME OF PERSON REQUESTING

IDENTIFICATION NO.

IDENTIFICATION VERIFIED

NAME OF AGENCY

TELEPHONE NO.

COPIES TO BE MAILED

HOLD-WILL CALL

THIS SECTION TO BE COMPLETED ONLY FOR INQUIRIES REGARDING TRAFFIC ACCIDENT REPORTS	<input type="checkbox"/> ACCIDENT REPORT	LOCATION OF ACCIDENT		DO NOT WRITE IN THIS SECTION LOCATION CODE NO. OF SIDES
		NAME(S) OF DRIVER(S) INVOLVED	DATE OF ACCIDENT MONTH DAY YEAR	
			TIME OF ACCIDENT	

THIS SECTION TO BE COMPLETED ONLY FOR INQUIRIES REGARDING OTHER POLICE RECORDS	<input type="checkbox"/> ARREST RECORD  <input type="checkbox"/> CASE REPORT  <input type="checkbox"/> OTHER	NAME OF PERSON INVOLVED	SEX M F	RACE	DATE OF BIRTH MONTH DAY YEAR	NO. OF SIDES
		ADDRESS	SOCIAL SECURITY NO.			
		DATE OF INCIDENT MONTH DAY YEAR	LOCATION (ADDRESS) OF INCIDENT			

ADDITIONAL DATA OR REMARKS

RESULTS OF SEARCH	ALPHA				NUMERICAL			REMARKS
	LETTER	NEGATIVE	POSSIBLE	CLERK	POSITIVE	NEGATIVE	CLERK	

# **APPENDIX J**

**Circuit Court of Cook County/Juvenile Probation Department  
Juvenile Sex Offender Unit  
Project off the Record  
Referral Form**

**Referral Date:** \_\_\_\_\_

**Referring Attorney :** \_\_\_\_\_ **Phone # & email:** \_\_\_\_\_

**Client's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Collateral Contact Info (i.e. parent, guardian, significant other, current mental health treatment provider):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Current Medications:** \_\_\_\_\_

**Additional Comments:** \_\_\_\_\_  
\_\_\_\_\_

**Documents to include in referral:**

- Re-Release of Information Form:** \_\_\_\_\_
- Social Investigation:** \_\_\_\_\_
- Initial JSO Evaluation:** \_\_\_\_\_
- Court/Arrest Records:** \_\_\_\_\_
- Probation Case Closing Report Form:** \_\_\_\_\_
- Copies of Yearly Registration forms:** \_\_\_\_\_
- DCFS Records:** \_\_\_\_\_
- JSO Treatment Records:** \_\_\_\_\_
- JSO Treatment Discharge Summary:** \_\_\_\_\_
- Psychiatric/Psychological Reports:** \_\_\_\_\_
- Relevant Medical Records:** \_\_\_\_\_
- School Records:** \_\_\_\_\_
- Legal History:** \_\_\_\_\_
- Documentation Verifying Employment/College:** \_\_\_\_\_

**Mail/Drop Off Referrals to:**

Amanda Halawa-Mahdi  
Supervisor/JSO Unit  
Cook County Juvenile Court-Probation 2<sup>nd</sup> Fl.  
1100 S. Hamilton  
Chicago, IL 60612

email: [anhalaw@cookcountygov.com](mailto:anhalaw@cookcountygov.com)  
Ph. (312) 433-4460 Fax: (312) 433-7935

**Circuit Court of Cook County/Juvenile Probation Department  
Juvenile Sex Offender Unit  
Project off the Record  
Referral Form**

Referral Date: \_\_\_\_\_

Referring Attorney : \_\_\_\_\_ Phone # & email: \_\_\_\_\_

Client's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Collateral Contact Info (i.e. parent, guardian, significant other, current mental health treatment provider): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Current Medications: \_\_\_\_\_

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_

**Documents to include in referral:**

- Re-Release of Information Form: \_\_\_\_\_
- Social Investigation: \_\_\_\_\_
- Initial JSO Evaluation: \_\_\_\_\_
- Court/Arrest Records: \_\_\_\_\_
- Probation Case Closing Report Form: \_\_\_\_\_
- Copies of Yearly Registration forms: \_\_\_\_\_
- DCFS Records: \_\_\_\_\_
- JSO Treatment Records: \_\_\_\_\_
- JSO Treatment Discharge Summary: \_\_\_\_\_
- Psychiatric/Psychological Reports: \_\_\_\_\_
- Relevant Medical Records: \_\_\_\_\_
- School Records: \_\_\_\_\_
- Legal History: \_\_\_\_\_
- Documentation Verifying Employment/College: \_\_\_\_\_

Mail/Drop Off Referrals to:

Amanda Halawa-Mahdi  
Supervisor/JSO Unit  
Cook County Juvenile Court-Probation 2<sup>nd</sup> Fl.  
1100 S. Hamilton  
Chicago, IL 60612

email: anhalaw@cookcountygov.com  
Ph. (312) 433-4460 Fax: (312) 433-7935

# **APPENDIX K**

## Sample Outline for Risk Assessment Prep Meeting

- (1) Current living situation
  - a. Stress stability and the strength of the relationship with people currently living with
- (2) Current relationships/contact with immediate family
- (3) Current employment situation
  - a. If not currently employed, prepare him to discuss various leads and job interviews
  - b. Help him document all of his efforts
- (4) Discuss any issues that came up in the Probation Officer's report
- (5) Prepare him for discussing HS diploma /GED courses/obtained GED
- (6) Characterizing the event as "no big deal"/blaming it on "being young" vs. serious matter that moved past/remorse/taking responsibility
- (7) Treatment:
  - a. What was it like?
  - b. What did you learn from it?
  - c. Do you think it was helpful? Why?
- (8) Coping Mechanisms
  - a. How do you manage your anger?
  - b. Sadness?
  - c. Rejection?
- (9) Discuss any recreational activities/social life
- (10) Main areas to be touched upon in Risk Assessment Interview:
  - a. School
  - b. Family/family life/support network
  - c. Relationships
    - i. Intimate
    - ii. Friends
    - iii. Sexual history
  - d. Employment – efforts of securing a job
  - e. Interview a family member/significant other
  - f. Recreational activities/social life

# **APPENDIX L**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
JUVENILE DEPARTMENT, JUVENILE JUSTICE DIVISION**

IN THE INTEREST OF

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No. ■

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Hon. ■

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**PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY**

NOW COMES ■, by his attorneys the Northwestern University Bluhm Legal Clinic, and petitions this Court to enter an Order terminating the requirement that he register as a sex offender, pursuant to the Illinois Sex Offender Registration Act (SORA), 730 ILCS 150/3-5. In support of his petition, Mr. ■ states the following:

1. ■ currently resides in ■, Illinois. Mr. ■ is registered as a sex offender, as required by the SORA.
2. On ■, Mr. ■ was found guilty of Aggravated Criminal Sexual Assault. This charge arose from an incident in ■ involving a young woman from his neighborhood. Both the victim and Mr. ■ were sixteen years old at the time.
3. On ■, Mr. ■ was sentenced to five years probation. Mr. ■ was also ordered to comply with sex offender counseling and to comply with the Illinois Sex Offender Registration Act. 730 ILCS 150/1 *et seq.*
4. In the wake of his adjudication, Mr. ■ successfully completed treatment through the Cook County Juvenile Probation Department's clinical juvenile sex offender (JSO) unit. *See*

Cook County Juvenile Court Services Sexual Offense Risk Assessment (hereinafter Risk Assessment) attached hereto as Exhibit 1 at 4.

5. In May [REDACTED], Mr. [REDACTED] was discharged from treatment. At the time of discharge, he was considered low risk to re-offend. Risk Assessment 1 at 9.
6. In October [REDACTED] this Honorable Court terminated Mr. [REDACTED]'s probation satisfactorily. Risk Assessment 1 at 4.
7. Mr. [REDACTED] is now, three and a half years later, a high school graduate, a [REDACTED] College student, the recipient of several engineering-related certificates, and a fulltime building engineer. Risk Assessment, at 9.
8. Mr. [REDACTED] has fully complied with the terms of the SORA since his adjudication. Risk Assessment at 6, 9.
9. Mr. [REDACTED] has never been arrested for a subsequent sexual offense. Risk Assessment at 4.
10. On [REDACTED], the Cook County Juvenile Court Services Sex Offender Unit evaluated Mr. [REDACTED] in order to "estimate [his] risk of sexual offense recidivism . . . in order to assist the Court in determining whether or not to terminate . . . [Mr. [REDACTED]]'s term of sex offender registration." Risk Assessment at 1.
11. This Risk Assessment concludes that Mr. [REDACTED] presents the lowest possible risk of reoffending. Risk Assessment at 8. Significantly, the Risk Assessment notes that a "no risk" diagnosis is not clinically possible. *Id.* at 7. In other words, Mr. [REDACTED] has been assessed as presenting the lowest possible clinically diagnosable risk. *Id.* at 8.
12. Specifically, the Risk Assessment concludes that Mr. [REDACTED]'s case presents an "absence of risk factors and presence of protective factors" against recidivism. Risk Assessment at 8. Mr. [REDACTED]'s protective factors include "commitment to education, full-time employment, and

involvement in pro-social activities with prosocial peers.” *Id.* Furthermore, the Risk Assessment concludes that Mr.       ’s “developmental maturity” and “therapeutic interventions” contribute to his low risk for reoffending. *Id.* at 9.

13. In accordance with the SORA, “[t]he court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence . . . ” 730 ILCS 150/3-5. Mr.       ’s educational accomplishments and aspirations, support network, treatment, and rehabilitation all support such a determination.

WHEREFORE,       , based upon the foregoing and such other grounds as this Honorable Court may deem just and proper, respectfully requests that this Court enter an order terminating his term on the sex offender registry.

Respectfully Submitted,

By: \_\_\_\_\_  
Attorney for

Northwestern University School of Law  
Bluhm Legal Clinic (ARDC No. 15245)  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee E. Graham, 711 Senior Law Student  
375 E. Chicago Avenue  
Chicago, IL 60611  
Tel. 312-503-6606  
Fax. 312-503-8977

Date:

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
JUVENILE DEPARTMENT, JUVENILE JUSTICE DIVISION**

IN THE INTEREST OF

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No. ■■■■■

Hon. ■■■■■

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**MEMORANDUM IN SUPPORT OF  
PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY**

- I. A RISK ASSESSMENT PERFORMED BY THE JUVENILE SEX OFFENDER UNIT OF THE COOK COUNTY JUVENILE PROBATION DEPARTMENT HAS CONCLUDED THAT MR. ■ POSES THE LOWEST CLINICALLY DIAGNOSABLE RISK FOR RE-OFFENSE, SUPPORTING A DETERMINATION THAT HE POSES NO RISK TO THE COMMUNITY.

On ■■■■■, 2011, pursuant to an administrative order, Probation Officer ■■■■■, M.A., of the Juvenile Sex Offender Unit of the Cook County Juvenile Probation Department completed a sexual offense risk assessment of Mr. ■. The purpose of this assessment was to estimate Mr. ■ risk for recidivism and, in so doing, assist the Court in its evaluation of the instant Petition. *See* Cook County Juvenile Court Services Sexual Offense Risk Assessment (hereinafter Risk Assessment), attached hereto as Exhibit 1, at 1. In performing this assessment, Ms. ■ considered a wealth of relevant evidence, including, but not limited to the following: court and police records, treatment records, educational history, employment history, registration history, arrest history, current living situation, and family relationships.

Indeed, the assessment reflects information collected from the analysis of seventeen separate documents and reports including court records, treatment records, school records,

employment records, registration records, and arrest records. Risk Assessment at 2. The assessment was also based on direct interviews with Mr. [REDACTED] and [REDACTED] his mother. *Id.* at 1.

Based upon this extensive investigation and review, the assessment concludes unequivocally that Mr. [REDACTED] presents the lowest possible risk of recidivism. Notably, the assessment indicates that a determination of “no risk” of re-offense is not clinically possible. Risk Assessment at 7. Mr. [REDACTED] diagnosis as presenting a “low risk” of re-offense is therefore the best possible outcome of such an assessment. The following factors were prominent in Ms. [REDACTED] diagnosis:

1. Mr. [REDACTED]’s “Protective Factors” and the Absence of Risk Factors Regarding Re-offense

The assessment notes that determination of risk of sexual re-offense is “based on the absence of a number of high-risk indicators including both static factors (historical and not changeable) and stable factors (personality characteristics, skill deficits, and learned behaviors that relate to risk for sexual recidivism that may be changed through therapeutic intervention).” Risk Assessment at 8. The Assessment notes an absence of static risk factors for Mr. [REDACTED], including: history of juvenile antisocial behavior and sexual abuse of two or more victims. *Id.* With respect to stable factors, the assessment notes the absence of the following: deviant sexual preference; emotional identification with children; general social rejection; relationship instability; lack of concern for others; poor impulse control; poor problem solving skills; negative emotionality; sex as coping; hypersexuality; and poor cooperation with supervision/probation. *Id.*

Most significantly, the assessment notes Mr. 's presentation of numerous protective factors against recidivism, including:

- commitment to education;
- maintenance of fulltime employment; and
- involvement in pro-social activities.

Risk Assessment at 8.

2. Mr. 's Extensive and Successful Treatment History

Following the offense, on [REDACTED], Mr. was sentenced to five years probation and ordered to comply with sex offender counseling. Risk Assessment at 4.

Throughout his time on probation, Mr. was compliant with all probation requirements. *Id.* He maintained full-time employment—often working more than one job. *Id.* In addition to his employment schedule, in January of [REDACTED], Mr. began attending [REDACTED] College. *Id.*

Mr. also participated in regular sex offense treatment beginning in [REDACTED] of [REDACTED]. He began treatment in group settings where he was found “cooperative and mature.” *Id.* Later, Mr. transferred to individual sessions because of his demanding work schedule and his comparatively advanced age of eighteen years. *Id.* Mr. 's efforts in treatment, eventually lead to his acceptance of “responsibility for his offending behavior.” *Id.* By [REDACTED], Mr. was successfully discharged from the treatment program. *Id.* His discharge summary stated he “met all treatment objectives and was considered low risk to re-offend. . .” *Id.* (emphasis added).

3. Mr. 's Educational Accomplishments

Mr. graduated high school from [REDACTED] on November [REDACTED], [REDACTED]. Risk Assessment at 2. Soon thereafter, he began working multiple jobs in order to save money for college. *Id.* at 5. By [REDACTED], Mr. enrolled in [REDACTED] College where he received multiple

engineering certifications. *Id.* Mr. also has further plans to obtain a Stationary Engineering certification from [REDACTED]. *Id.* Moreover, Mr. frequently attends seminars and classes with his union at his union hall. *Id.* Through this union, Mr. has received even more certifications, further bolstering his engineering education and experience.

#### 4. Mr. 's Support Network

The assessment documents Mr. 's current living arrangements and support network. Mr. currently resides in [REDACTED], Illinois with his 23-year-old brother in a two-bedroom apartment. Risk Assessment at 5. Mr. has been independent from his parents since the age of 20, but he maintains supportive and positive relationships with all members of his immediate family. *Id.* His mother, [REDACTED] was interviewed as part of the Risk Assessment and she too describes their relationship as positive. *Id.* at 7. They carpool together during the week, and Mr. is "always willing to help her out around the home" and help her take care of her 7-year-old son. *Id.*

#### 5. Employment History and Aspirations

The assessment also notes Mr. 's employment history. Risk Assessment at 5. Despite his placement on the sex offender registry and a rigorous school schedule, Mr. has maintained gainful employment. He has been employed as an engineer for two and a half years at [REDACTED] [REDACTED]. *Id.* More specifically, he works as a heating, ventilation, and air conditioning technician. *Id.* Furthermore, Mr. is currently seeking additional employment to supplement his income. *Id.*

#### 6. The Effectiveness of Mr. 's Sex Offender Treatment to Prevent any Re-offending

Given the assessment's conclusions that Mr. has "altered his inappropriate sexual behavior in response to both developmental maturity and therapeutic interventions," Risk

Assessment at 9, granting Mr. 's petition for termination from the sex offender registry would grant a very capable, independent, and ambitious young man an unfettered path to achievement. Having reflected upon his treatment experiences, Mr. recognizes his behavior was inappropriate and expresses appropriate remorse when discussing his offending behavior. *Id.* at 6.

Given the effectiveness of this treatment, his significant growth and his appreciation of the harmful consequence of his earlier behavior, Mr. is ready to take the next step towards life as a productive citizen.

II. RESEARCH REGARDING JUVENILE SEX OFFENDERS AND THEIR EXCELLENT PROSPECTS FOR REHABILITATION SUPPORT THE ASSESSMENT'S CONCLUSIONS AS WELL AS A DETERMINATION THAT MR. POSES NO RISK TO THE COMMUNITY

A growing body of research dedicated specifically to the recidivism risks presented by juvenile sex offenders conclusively demonstrates that juvenile offenders are, as a group, unlikely to reoffend as either juveniles or adults.<sup>1</sup> Two recent and wide ranging studies, encompassing data on over 33,000 juvenile sex offenders and tracking offenders for many decades, epitomize – and powerfully reinforce – the clinical consensus that such offenders present low recidivism risks. *See* Affidavit of Franklin E. Zimring, attached hereto as Exhibit 3, at 3-4. Both studies

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<sup>1</sup> *See* Waite, D., Keller, A., McGarvey, E.L., Wieckowski, E., Pinkerton, R., & Brown, G.L., “Juvenile sex offender re-arrest rates for sexual, violent non-sexual, and property crimes: A ten-year follow-up,” *Sexual Abuse: A Journal of Research and Treatment*, 17, 313-331 (2005); Vandiver, D.M., “A prospective analysis of juvenile male sex offenders: Characteristics and recidivism rates as adults,” *Journal of Interpersonal Violence*, 21, 673-688 (2006); Meloy, M.L., “The sex offender next door: An analysis of recidivism, risk factors, and deterrence of sex offenders on probation,” *Criminal Justice Policy Review*, 16, 211-236 (2005); Miethe, T.D., Olson, J., & Mitchell, O., “Specialization and persistence in the arrest histories of sex offenders: A comparative analysis of alternative measures and offense types,” *Journal of Research in Crime and Delinquency*, 43, 204-229 (2006); Zimring, F.E., Piquero, A.R., & Jennings, W.G., “Sexual delinquency in Racine: Does early sex offending predict later sex offending in youth and young adulthood,” *Criminology and Public Policy*, 6, 507-534 (2007).

document “a lack of association between juvenile sex offending and adult sex offending” and accordingly support the increasingly well-established rehabilitative success of juvenile sex offenders as a whole. *Id.* Additionally, other recent prospective and clinical outcome studies suggest that many juveniles who sexually abuse will cease this behavior by the time they reach adulthood, especially if they are provided with specialized treatment and supervision.<sup>2</sup>

The literature posits a number of potential reasons underlying the lack of recidivism amongst juvenile sex offenders. The literature presents support that juveniles provided with specialized treatment and supervision, as was the case with Mr. , will not continue sexually offending into adulthood. Mr. ’s own history reflects this finding, providing a detailed record of his maturation from a troubled youth into a driven and aspiring young man. The crime in this case occurred more than seven years ago. At that point in time, Mr. was a teenager. While the consequences of his actions linger, Mr. is now a very different person from the young boy who committed that offense.

III. CONTINUING TO REQUIRE MR. TO REGISTER AS A SEX OFFENDER DETRIMENTALLY AFFECTS THE WELFARE OF BOTH THE STATE OF ILLINOIS AND OF MR. AND FAILS TO ACHIEVE THE GOAL OF PROVIDING ADDITIONAL SECURITY TO ITS CITIZENS

For individuals who do not pose a danger the community, the stigma and restrictions associated with the SORA requirements can undermine rehabilitative progress by preventing those individuals from successfully reintegrating in the community. *See* Zimring Affidavit, attached hereto as Exhibit 3, at 3 (“applying potentially damaging registration is, at best, a highly

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<sup>2</sup> Association for the Treatment of Sexual Abusers (ATSA). *The effective legal management of juvenile sex offenders* (March 11, 2000). Available at <http://www.atsa.com/ppjuvenile.html> .

suspect approach to the goal of reducing recidivism among individuals who have committed sex offenses as juveniles” given the effect of stigmatization, job loss, residential insecurity, interpersonal conflict and harassment on rehabilitation). Indeed, despite his rehabilitative success, Mr. ’s life as a productive citizen has been significantly impaired by his sex offender registration requirements. His registration requirements have influenced Mr. ’s decisions about post-secondary education, impeded his ability to obtain employment, and it has clouded in ambiguity many of his future plans.

The SORA imposes a number of registration requirements on offenders. 730 ILCS 150/1 *et seq.* The Act’s registration requirements reach all aspects of a productive citizen’s life, including places of residency, prospects for higher education, and options for employment. *Id.* For offenders who continue to pose a threat to the community, such restrictions, while extreme, may be considered justifiable. But for an offender like Mr. , whose sexual offense has never been repeated; whose removal from the registry is supported his licensed caseworker; whose rehabilitation has been extensively documented by a [REDACTED] court-ordered risk assessment which concluded he presented the lowest possible risk of reoffending; and who has so much potential for making positive contributions to society, such restrictions are not only unwarranted, they are counterproductive. Accordingly, monitoring Mr. ’s compliance with sex offender registration requirements obligates the State of Illinois to expend resources, yet fails to achieve the goal of providing additional security to its citizens.

WHEREFORE, , the Petitioner, by his attorney, requests that this Court enter an order terminating his term on the sex offender registry.

Respectfully submitted,

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Attorney for

Northwestern University School of Law  
Bluhm Legal Clinic (ARDC No. 15245)  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee E. Graham, 711 Senior Law Student  
375 E. Chicago Avenue  
Chicago, IL 60611  
Tel. 312-503-6606  
Fax. 312-503-8977

Date: [REDACTED]

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
JUVENILE DEPARTMENT, JUVENILE JUSTICE DIVISION**

IN THE INTEREST OF

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██████████

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No. ██████████

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Hon. ██████████

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**NOTICE OF PETITION**

Hon. ██████████  
Courtroom ████████, Calendar ██████  
Cook County Juvenile Court  
2245 W. Ogden Ave.  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

Cook County State's Attorney's Office  
Courtroom ████████, Calendar ██████  
Cook County Juvenile Court  
2245 W. Ogden Ave.  
Chicago, IL 60612  
(Via Hand Delivery)

Cook County Juvenile Court Services  
Juvenile Sex Offender Unit  
1100 S. Hamilton Ave., Second Floor  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

PLEASE TAKE NOTICE that on June █, ██████ at 9:30 a.m. or as soon thereafter as the case may be heard, I shall appear before the Honorable ██████████, or any judge sitting in her stead, in Calendar ██████/Courtroom █ of the Cook County Juvenile Court, 2245 W. Ogden Ave., Chicago, Illinois 60612, and present the **PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY** related to this matter, copies of which are hereby served upon you.

\_\_\_\_\_  
An Attorney for Minor Respondent

Northwestern Bluhm Legal Clinic #15245  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee E. Graham, 711 Senior Law Student  
375 East Chicago Avenue  
Chicago, IL 60611  
Tel. (312) 503-6606  
Fax: (312) 503-0953

Date: ██████████

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
JUVENILE DEPARTMENT, JUVENILE JUSTICE DIVISION

IN THE INTEREST OF

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██████████

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No.

██████████

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Hon.

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NOTICE OF FILING

Hon. ██████████  
Calendar ██████ Courtroom █  
Cook County Juvenile Court  
2245 W. Ogden Ave.  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

Cook County State's Attorney's Office  
Calendar ██████/Courtroom █  
Cook County Juvenile Court  
2245 W. Ogden Ave.  
Chicago, IL 60612  
(Via Hand Delivery)

Cook County Juvenile Court Services  
Juvenile Sex Offender Unit  
1100 S. Hamilton Ave., Second Floor  
Chicago, IL 60612  
(Courtesy Copy Via Hand Delivery)

PLEASE TAKE NOTICE that on May █, █████, I filed with the Clerk of the Juvenile Court, 2245 W. Ogden Ave., Chicago, IL 60612, the foregoing **PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY, MEMORANDUM IN SUPPORT OF PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY**, and **NOTICE OF PETITION**, copies of which are hereby served upon you.

\_\_\_\_\_  
An Attorney for Minor Respondent

Northwestern Bluhm Legal Clinic #15245  
Amy E. Halbrook, a-halbrook@law.northwestern.edu  
Aimee E. Graham, 711 Senior Law Student  
375 East Chicago Avenue  
Chicago, IL 60611  
Tel. (312) 503-6606  
Fax: (312) 503-0953

Date: ██████████

**CERTIFICATE OF SERVICE**

Amy E. Halbrook, an attorney, states that the foregoing **PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY, MEMORANDUM IN SUPPORT OF PETITION FOR TERMINATION FROM SEXUAL OFFENDER REGISTRY, NOTICE OF PETITION** and **NOTICE OF FILING** were served upon the parties listed above, in the manner indicated for each, before the hour of 5:00 p.m., this [REDACTED] day of [REDACTED], 2011.

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Amy E. Halbrook

# **APPENDIX M**

**DIRECT**

- 1) Please state and spell your full name for the record.
- 2) Where do you work?
- 3) What do you do there?
- 4) Have you performed juvenile sex offender assessments?
- 5) How long have you worked there?
- 6) You've been asked to provide an opinion as to whether [REDACTED] is likely to sexually reoffend, is that correct?
- 7) Did you meet with Mr. [REDACTED]?  
[REDACTED] Do you recall when that was? [REDACTED]
- 8) Did you perform a sex offender assessment of [REDACTED]?
- 9) Did you write a report about your assessment?  
[REDACTED] When was that? [REDACTED]
- 11) Without saying what it is, did you come to an opinion about his likelihood of sexually reoffending?
- 12) Before you provide the Court with your opinion, I want to ask you about your qualifications to perform JSO assessment.
  - a) What is your educational background?
    - i) School, year, degree
  - b) Have you received any special training related to assessing juvenile sex offenders?
    - i) (*ongoing training*)
- 13) How long have you been doing risk assessments?
  - a) How many sex offender risk assessments have you done in your career?
  - b) When you conduct risk assessments, are you supervised?
  - c) Who is your supervisor?
  - d) Did she review your evaluation before she signed it?
  - e) Do you know whether she approved by the Sex Offender Management Board?
  - f) [NOTE FOR THE JUDGE THAT MS. [REDACTED] IS IN COURT.]
- 14) When you perform a juvenile sex offender risk assessment for a person who is now an adult, what methodology do you use?
  - a) What steps do you follow?
  - b) What information do you consider?
  - c) You mentioned that you do a clinical interview. What does that involve?
  - d) When you conduct a juvenile sex offender risk assessment, do you review any records?
    - i) [police reports, juvenile court file, hospitalization records, school records, probation records, treatment notes, internal assessments]
  - e) Are there certain factors that you consider when determining a minor's likelihood to reoffend?

i) *List of risk factors: stranger victims, multiple offenses, juvenile antisocial behavior, deviant sexual preferences, lack of social influences, emotional identification with children, poor impulse control, poor problem solving skills, lack of concern for others, hypersexuality, etc.*

f) Do you also consider protective factors against recidivism?

i) Could you give us some examples? [*use of alternative coping to manage emotions, commitment to education and employment, proactively seeking therapeutic services, pro-social activities*]

15) Your Honor, before I go forward, I would like to tender Ms. [REDACTED] as an expert witness in juvenile sex offender risk assessment.

16) Ms. [REDACTED], you mentioned that you performed a risk assessment of Mr. [REDACTED].

a) Did you write a report for the Court?

b) [*If the State isn't objecting to its admissibility*] It's our understanding that the State is not objecting to its admissibility. We ask that it be admitted as Petitioner's Exhibit A.

c) Your Honor, the Risk Assessment, dated [REDACTED], was attached to the Memorandum in Support of the Petition as Exhibit 1.

d) Your Honor, would you like another copy?

e) Do you need time to review it?

17) Ms. [REDACTED], what is your opinion about Mr. [REDACTED] likelihood of reoffending?

18) I want to ask you what you did to come to this opinion and what was important in coming this opinion.

a) You mentioned earlier that when you prepare risk assessments you conduct a clinical interview, review records, and weigh risk and protective factors. Did you do those things in this case?

19) Let's start by discussing your clinical interviews.

a) Would you tell us whom you interviewed in this case?

b) What did you cover in the clinical interview with Mr. [REDACTED]?

i) [*Family history, education, treatment, and the present*]

[REDACTED] What were your impressions of Mr. [REDACTED] during the interview?

d) Did you talk about the offense?

e) Did you learn anything else important to your assessment from the interview with Mr. [REDACTED]?

20) Ms. [REDACTED], you mentioned that you also interviewed Ms. [REDACTED].

The formal way:

1) "I AM MARKING THIS ITEM AS PETITIONER'S EXHIBIT A."

2) Show document to ASA. Your honor, permission to approach the witness.

a) Do you recognize this item?

b) What is it?

[REDACTED] Is this the Risk Assessment you wrote of [REDACTED]

d) I move to admit Petitioner's Exhibit A into evidence.

e) Your honor, I acknowledge that this Risk Assessment was attached to the Petition as Exhibit 1. I have a copy of it available to you now, if you would like to review it.

- a) Who is Ms. Henry? (Where does she work? She is his case worker?)
  - b) Your Honor, I would like to note that Ms. [REDACTED] is in the courtroom today.
  - c) What program is Mr. [REDACTED] currently participating in?
  - d) What responsibilities does Mr. [REDACTED] have under the Youth in College Program?
  - e) What supports does Mr. [REDACTED] receive under this program?
  - f) What is Ms. [REDACTED]'s relationship to Mr. [REDACTED]?
  - g) Is it your understanding that Ms. [REDACTED] supports the petition to terminate Mr. [REDACTED]'s registry requirements?
- 21) Now I'd like to discuss the records review with you. In the course of conducting your evaluation, did you review records in this case?
- a) What records did you review?
    - i) *court file, probation records, Arrest records, DCFS records, Including the records from his current placement, school records, treatment records*
- 22) Having done a records review, are you familiar with the terms of Mr. [REDACTED]'s probation?
- a) What were the conditions of his probation?
  - b) Did he successfully complete probation?
  - c) Did he successfully complete the treatment that he was required to complete as part of the terms of his probation?
  - d) Did you speak with Mr. [REDACTED]'s probation officer about his petition?
    - i) *[given his successful completion of treatment and high level of emotional support, Gleason believes that [REDACTED] is a good candidate for removal from the registry]*
- 23) Please tell the Court about the treatment that Mr. [REDACTED] received as a result of this incident.
- a) Where did Mr. [REDACTED]'s first receive treatment from?
    - i) For how long?
  - b) Did Mr. [REDACTED] receive treatment through any other programs?
    - i) How long was Mr. [REDACTED] in treatment at [REDACTED]?
    - ii) What kind of treatment did Mr. [REDACTED] receive while he was at [REDACTED]?
    - iii) Did Mr. [REDACTED] successfully complete this treatment?
    - iv) Did you review the [REDACTED] discharge summary?
    - v) Did the discharge summary indicate anything about Mr. [REDACTED]'s performance at [REDACTED]? Please describe.
  - c) Did Mr. [REDACTED] receive any treatment after leaving [REDACTED]?
    - i) What kind of treatment did he receive?
    - ii) When was that?
    - iii) Did he successfully complete this treatment?
- 24) Did you learn from the records whether Mr. [REDACTED] has been diagnosed with any mental health conditions?

- a) Has Mr. Williams ever been prescribed medication to help him to manage his condition?
  - b) Do you know what medication specifically he was prescribed?
  - c) Do you know whether Mr. [REDACTED] was taking this medication at the time of the interview?
  - d) Did you consider Mr. [REDACTED]'s decision not to take his medicine in coming to your conclusion that he is at a low risk of sexually reoffending?
- 25) Ms. [REDACTED], I'd like to talk with you now about Mr. [REDACTED]'s arrest history.
- a) Based on your review of the police records, has Mr. [REDACTED] been arrested for any offenses since his sexual offense?
  - b) Were any of these sexual offenses?
  - c) Were any of these violent offenses?
  - d) Did Mr. [REDACTED] receive any sentence of imprisonment for these offenses?
  - e) Did you consider these arrests in coming to your conclusion that he is at a low risk of sexually reoffending?
- 26) Shifting to Mr. [REDACTED]'s educational experiences, based on your interview with Mr. [REDACTED] and your review of the records, did you learn anything about Mr. [REDACTED]'s high school experience?
- a) Did you learn anything about his college experience?
  - b) Has Mr. [REDACTED] participated in extra-curricular activities at college?
  - c) Did Mr. [REDACTED] discuss with you any of his career aspirations?
  - d) What role did Mr. [REDACTED]'s educational experiences and career goals play in your opinion that he is at a low risk of sexually reoffending?
- 27) Based on your investigation, has Mr. [REDACTED] committed a sexual offense since the incident for which he's here today?
- 28) Has he ever violated his registry requirements?
- 29) Ms. [REDACTED], you mentioned earlier that when you assess what kind of risk an individual poses for reoffending, you consider risk factors and protective factors?
- a) Could you please tell us what you found with regard to risk factors in this case?
    - i) *[history of juvenile antisocial behavior, stranger victims, deviant sexual preference, emotional identification with children, general social rejection, lack of concern for others, poor impulse control, poor problem solving skills, negative emotionality, sex as coping, hypersexuality, poor cooperation with supervision/probation]*
  - b) Could you please tell us what you found with regard to protective factors for Mr. [REDACTED]?
    - i) *[commitment to education, maintaining relationships with service providers, involvement in pro-social activities]*
- 30) You've stated that Mr. [REDACTED] is at low risk of sexually reoffending. Clinically speaking, is low risk the lowest score that a person can get on a risk assessment?
- 31) May I have a moment to confer with my supervisor?

32) No further questions, Your Honor.

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Topics for Cross

- 1) Didn't ever personally treat [REDACTED]
- 2) Medication non-compliance
- 3) Didn't talk to the victim in the case
- 4) Statute says "no risk"
- 5) Additional victims?
- 6) Failed attempts at employment; not willing to work at "meager jobs"
- 7) Educational setbacks

Re-direct

- 1) If you had known that Mr. [REDACTED] was not planning on going back on his medication, would that have changed your conclusion about his level of risk?
- 2) It's your testimony today that [REDACTED] poses the lowest clinically possible risk of reoffending, is that right?
  - a) Could you say that anyone poses no risk?

# **APPENDIX N**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

In the Interest of \_\_\_\_\_

v.

No. \_\_\_\_\_

**ENTERED**  
 JUDGE ANDREW BERMAN - 1714  
 MAY 19 2011  
 DOROTHY BROWN  
 CLERK OF THE CIRCUIT COURT  
 OF COOK COUNTY, IL  
 DEPUTY CLERK

ORDER

This cause coming to be heard on the order of the court and said court having jurisdiction of the parties on the subject matter and the court, being fully advised on the premise, it is hereby ordered, adjudged, and decreed as follows:

- 1) Petition for termination from sex offender registry is granted pursuant to 730 ILCS 150/3-5;
- 2) The Illinois State Police, Sheriff of Cook County, Chicago Police Department are hereby ordered to take any and all steps necessary to remove \_\_\_\_\_ from the sexual offender registry;
- 3) This court has determined that \_\_\_\_\_ poses no risk to the community by a preponderance of the evidence based on the facts set forth in the Illinois sex offender registration act.

Atty. No.: 15245

Name: Northwestern Blum  
Legal clinic / Hallbrook

Atty. for: \_\_\_\_\_

Address: 375 E. Chicago Ave.

City/State/Zip: Chicago, IL 60611

Telephone: 312-503-8576

4) This file is sealed. No one other than the state's attorney, petitioner's attorney, and the court shall have access to the file.

ENTERED:

*[Signature]*  
Judge

#1714

Judge's No.