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## POLICY

Residential juvenile justice facility staff must inform any youth who is subject to the Sex Offenders Registration Act of the obligation to register, periodically verify registration when required, and make situational reports to the registering authority. Staff must also inform each youth required to register or whom may be eligible for removal from the registry of the right to petition for removal from the sex offender registry.

Any youth in a secure public or private residential facility is considered to be incarcerated. Registration verification requirements and payment of annual registration fees are held in abeyance until the youth is released to a non-secure facility or the community.

Any youth in a non-secure facility is subject to periodic verification requirements based on the tier of the sex offense as well as payment of the annual verification fee.

## PURPOSE

To ensure that residential juvenile justice facility staff assist youth in fulfilling registration obligations.

## DEFINITIONS

See [JRG, JJ Residential Glossary](#).

## RESPONSIBLE STAFF

Facility director and direct care staff.

## PROCEDURE

Each facility must develop and implement a written procedure for sex offender registration. At a minimum, the procedure must contain the following requirements:

### Admission Review

The court is required under law to register a youth as a sex offender for **conviction** of a listed offense. As part of facility admission, staff must review the case record and verify registration directed by the court order is properly documented. The electronic case record must include a signed copy of the MSP RI-004, Michigan Sex Offender Registration/Verification/Update form.

Michigan State Police forms related to sex offenders can be found on the department web site at

[http://www.michigan.gov/msp/0,1607,7-123-1645\\_3500---,00.html](http://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html)

In cases where staff cannot verify registration has occurred as ordered by the court; staff must seek clarification from the juvenile justice specialist (JJS).

Offenses requiring registration and their tier designation are found in [JJM 300, Offense Class I-V & Sex Offender Registration Codes](#) Exhibits VI-VIII, and the Sex Offenders Registration Act.

## Registration Requirements

Any youth **convicted** as an adult for a tier I-III offense must be registered in accordance with the Sex Offenders Registration Act, 1994 PA 295, MCL 28.723.

Any youth **convicted** in a designated proceeding in juvenile court must register in accordance with the adult registration rules in the Sex Offenders Registration Act, 1994 PA 295, MCL 28.723.

**Note:** Youth adjudicated in a juvenile court, post December 31, 2020, are **not** required to register as sex offenders, in alignment with non-public record status of juveniles under MCL 712A.28(3).

## Petition for Removal from the Sex Offender Registry

A youth who is on the registry under any of the following circumstances may petition immediately for removal from the registry:

- Youth is seeking or is granted a Romeo and Juliet exemption; see *Romeo and Juliet Exemption Determination* subsection below.
- Youth was under 14 at the time of the offense and was adjudicated as a juvenile.
- Youth who were 14 years of age or older at the time of the offense and who were petitioned and adjudicated for a tier III offense, post December 31, 2020.

- Youth is on the registry for an offense that no longer requires registration (for example, indecent exposure and offenses that are not tier III offenses); see [JJM 300, Offense Class I-V & Sex Offender Registration Codes](#).

The petition must be filed in the county of adjudication/conviction. If the offender was convicted in another state or territory, the petition must be filed in the youth's county of residence.

The prosecuting attorney must be served with the petition.

A false statement in a petition is perjury.

If the victim is known, the prosecuting attorney must notify the victim.

The victim has the right to attend any hearing and make a statement. Victims cannot be required to attend a hearing against their own will.

Further information regarding the eligibility of a youth filing a petition for removal from the registry may be obtained by the youth from the local court and the Sex Offenders Registration Act, 1994 PA 295, MCL 28.728c.

### **Romeo and Juliet Exemption Determination**

The granting of a Romeo and Juliet exemption must be decided by a court. The court may hold a post-conviction, pre-sentencing hearing, or a post-adjudication, pre-disposition hearing to make a determination regarding the exemption.

The defendant must prove by a preponderance of the evidence that:

- The victim was between the ages of 13 and 16.
- The defendant or juvenile was not more than four years older than the victim.
- The sexual conduct was consensual.

The defendant may also assert status by proving by a preponderance of the evidence that:

- The victim was 16 or 17 years of age and was not under the custodial authority of the defendant at the time of the violation.
- The victim consented to the conduct.

The rules of evidence, except those relating to privileges and the rape shield law (MCL 750.520j), do not apply at this proceeding.

The victim has the right to attend and be heard, to attend and be silent, or refuse to attend.

The court's decision is a final order, appealable by right to the Court of Appeals.

### Identification Cards

Any youth required to register must have a digitized driver's license or state identification card obtained from a Secretary of State office for use in identification. The address must match the current address listed on the registry.

The youth's JJS must provide the youth's certified birth record to the facility as needed to assist the youth in securing the state identification card. After the card has been obtained, the JJS must ensure the birth record is returned to the youth's case file.

### Payment Method for State Identification Card

#### ***State Facilities - Bay Pines and Shawono Center***

If a youth or family is unable to pay for a driver's license or state identification card, a [Secretary of State](#) *memo for department of state* form must be provided to the Secretary of State and completed by the facility to bill the cost to MDHHS. The following code and template must be used:

- Program Unit Code.
- Accounting Template 491XX2053.

The facility staff must submit this *memo* by fax to Revenue Management at (517) 335-3120. The facility staff must also file a copy in the electronic case record.

***Private and Contracted Child Caring Institutions (CCI)***

Residential staff must obtain the *memo for department of state* form from the youth's assigned JJS. The JJS must use guidance outlined in JJM 231, Sex Offender Registration to complete the form.

Residential staff must submit the completed the form to the Secretary of State in person.

Facility staff must return the form to the JJS once the youth has obtained a state identification card to bill the cost to MDHHS in accordance with guidance outlined in [JJM 263, Sex Offender Registration](#).

The facility staff must also file a copy in the electronic case record.

**LEGAL BASIS**

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721 et seq.