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### Lawyer fights ruling that teen tell dates' parents of sex offense

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The Public Defender's office asked the New Jersey Supreme Court yesterday to overturn a ruling requiring a Sussex teenager to tell the parents of any girl he dates that he is a registered sex offender.

That unprecedented requirement was imposed on the teenager, now 17 and identified only as "D.A.," as a condition of probation when he admitted endangering the welfare of his 6-year-old half sister. He was 14 when he committed that offense.

In papers filed Friday with the state's highest court, Public Defender Yvonne Smith Segars argued that D.A. "is essentially precluded from dating" girls his own age, even though "there was no evidence that D.A. was a risk to like-aged females."

Her office also argued that such a requirement violates the confidentiality provisions of the code of juvenile justice and "eviscerates" the procedures for determining whether the community will be warned about a sex offender's presence under Megan's Law.

Under those procedures, D.A. is entitled to a hearing before his name is publicized, either through written notices or on the Internet. If he is determined to pose a low risk, as the family court judge assumed, no one other than local police would be notified.

Nonetheless, a three-judge appeals court unanimously ruled on May 16 that family court judges have power "separate and apart from Megan's Law" to impose conditions on juvenile sex offenders, including the requirement that D.A. warn his dates' parents.

Sen. Peter Inverso (R-Mercer), the sponsor of Megan's Law, said that requirement was "appropriate."

"As far as I'm concerned, it was in accord with the spirit of Megan's Law," Inverso said.

The state Office of the Public Defender provides legal representation for adults and juveniles charged with criminal offenses who are unable to afford private lawyers.

Assistant Deputy Public Defender Lon Taylor, who is representing D.A., said the boy faces far greater exposure under the court order than he would under Megan's Law. Taylor said the boy's father worries that "everybody in town is going to know about" D.A.'s sex offense.

Official Megan's Law notices to school administrators about moderate-risk sex offenders carry a warning that they must not be made public. But if D.A. tells a girl's parents about his sex-offender status, "who's going to say to the parents: don't tell anyone else?" Taylor asked.

Taylor said the order also poses difficulties of interpretation and enforcement.

"What's dating?" Taylor asked. "If he goes out after school and walks a girl home, is that a date?"

The public defender also argues that while D.A. suffers from a "confused sexuality," that is partly because he was abused by his uncle. Requiring him to disclose his sex-offender status to parents of girls he wants to date "will unquestionably interfere with D.A.'s rehabilitation," his lawyers contend.

It up to the high court whether to hear the case. If the justices do not make that determination by July 13, their last scheduled conference before their summer recess, it is unlikely they will decide until the fall.

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