



STATE OF MICHIGAN  
THE CIRCUIT COURT  
17TH JUDICIAL CIRCUIT  
FAMILY DIVISION

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September 25, 2012

As representatives of the 17<sup>th</sup> Circuit Court-Family Division, Adolescent Sex Offender Treatment Program, we are writing in support of the changes outlined in House Bill No. 5600. The philosophy of the juvenile justice system is grounded in the concepts of rehabilitation and change. While consequences for delinquent behavior are important, the belief that children and adolescents more readily change than their adult counterparts forms the basis of the juvenile justice system. Further, medical research into the developing human brain and basic developmental psychology inform us children and adolescents struggle with issues of planning, impulse control, delayed gratification, and risk-taking behaviors. As a result, children and adolescents present an inherent risk to run afoul of the law; sometimes on multiple occasions. While past behavior is often the best predictor for future behavior, expanding the juvenile set-aside laws better serves the State through greater adherence to the overall philosophy of the juvenile justice system. Allowing a person with up to 3 adjudications and no subsequent adult felony convictions to petition the court to set-aside those adjudications provides the youth the opportunity to correct behavior and not be held accountable through his adult life for poor decision-making while a youth.

We believe expanding the set-aside law to allow for youth adjudicated of felony offenses to petition also serves this philosophy of the family division of the circuit court. Specifically addressing sexual offenses, the youngest offenders are charged with the most serious level of sexual offenses due to the age of the victim. The criminal sexual conduct laws were written to address rape and child molestation committed by adults. As such, the age of the victim is factor in the determination of the seriousness and therefore the penalty of the crime. Crimes wherein the victim is 12 years of age or younger are punishable from 20 years to life in prison for adult offenders. Juvenile perpetrators of sexual crimes often have victims under the age of twelve. Further, the youngest offenders (ages 8-13) almost exclusively have the youngest victims and therefore are subject to the most serious penalties and currently denied the opportunity to set-aside their adjudication, even if they have no subsequent delinquent and criminal history. The current system does not adhere to the philosophy of the juvenile justice system in allowing for change and rehabilitation.

To better serve the People of the State of Michigan and adhere to the philosophy of the juvenile justice system we support HB NO. 5600 on the following grounds:

- HB No. 5600 allows for multiple offenses and adjudications to eventually be set-aside. The concept of rehabilitation looks at the behavior of an individual *over* time, rather than the behavior of the individual during a *specified period* of time. The amount of time passed since the last offense is a better predictor of criminal offense recidivism than solely looking at the number of past offenses.

- HB No. 5600 removes the previous set-aside exclusion for offenses that would be punishable for life in prison for an adult offender. As noted above, the status quo precludes some of the most vulnerable of our target population (i.e. the youngest children) from utilizing the set-aside despite remaining offense free for over a decade. The current law stands in contrast to the concept of rehabilitation.
- HB No. 5600 pays greater attention to behavior *over time* rather than behavior during a *specified period of time*. Rehabilitation is evidenced over time and cannot be adequately assessed by statute violation or even perceived seriousness of the offense. Precluding children or adolescents from petitioning the court for set-aside based on offense dynamics or statute alone contradicts the philosophy of the juvenile justice system.

The above support is made by representatives of the Adolescent Sexual Offender Treatment Program (ASOTP) of Kent County. The ASOTP is the oldest community-based outpatient treatment program for juvenile sexual offenders in Michigan. Programmatically, the ASOTP therapists have assessed and provided treatment for over 1,500 juveniles since the program inception in 1986. To date our client recidivism rate has hovered at 5% (0% for female adolescent offenders).

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