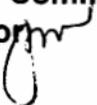


The Philadelphia Department of Human Services
Children and Youth Division
Policy and Procedure Guide

TO: All DHS Staff and Service Providers

FROM: Arthur C. Evans, Jr. Ph.D. Acting Commissioner 
Pamela Mayo, Operations Director 

RE: Megan's Law

Effective: November 1, 2006

The purpose of this guide is to inform DHS and provider staff of the process for receiving and disseminating information in accordance with Megan's Law.

Background:

Megan's Law, Act 24 of 1995, was first signed into Pennsylvania law in 1995 and was subsequently challenged and amended. The purpose of Megan's Law is to enhance protection of the public, especially children, from victimization by sexual offenders. Megan's Law provides a mechanism for the courts and law enforcement to:

- identify sexually violent offenders who are truly predators and allow the sentencing court to impose a life sentence on those offenders.
- register both sex offenders and sexually violent predators with the Pennsylvania State Police (PSP), including individuals convicted of sexual offenses in other states who move to Pennsylvania, and
- notify communities when persons, identified as sexually violent predators, move into their neighborhood.

Discussion:

Not all sexual offenders are determined to be sexually violent predators. A sexually violent predator is a sexual offender who has been evaluated by the State's Sexual Offender Assessment Board and determined by the Court to be a sexually violent predator based on a number of factors, including, but not limited to:

- the nature of the sexual contact with the victim,
- the age and mental capacity of the victim,
- the individual's prior criminal record,
- use of illegal drugs by the individual, and
- any mental illness, mental disability, or mental abnormality of the individual.

A person who is classified as a sexually violent predator is subject to both the registration and community notification requirements of Megan's Law.

Information regarding the name and address of a sexually violent predator and offenses for which he/she was convicted is considered public information. The law provides immunity from liability of good faith conduct to directors, staff, foster

parents, and any agency under contract with county children and youth agencies that provide information regarding a sexually violent predator.

Policy

In compliance with Megan's Law, DHS shall:

- notify its staff and contracted provider agencies upon receipt of notification from a law enforcement agency that a sexually violent predator is residing, employed, or a student in Philadelphia,
- provide case record information, upon request, to the State Sexual Offender Assessment Board.

Placement Provider Responsibility:

Placement providers shall establish policy and procedure for sharing the notification information with their own staff and foster parents. Upon receipt of the notification providers must:

- determine whether there are children residing in foster homes or other placement settings within 1000 feet of the sexually violent predator's address.
- at a minimum, notify all current and prospective foster parents and other placement settings located within a 1000-foot radius of the sexually violent predator's address.
- have foster parents who live within the 1000-ft radius sign a Receipt of Notification to verify that they have received the information. Providers must retain a copy in their case file and submit the original to the DHS Ombudsman.
- Providers must conduct a safety/risk assessment and formulate a safety plan for the child(ren) affected by the residence of the sexually violent predators.

Private providers need to be sensitive to the fears and concerns that distributing this information may cause to the foster parents. For this reason, it is expected that the providers will provide counseling and support when they distribute the information.

DHS Responsibility:

The DHS Ombudsman will maintain a central file of all the original Receipts of Notification from the providers and will notify the assigned DHS social worker that the Receipt of Notification has been received. The DHS Ombudsman will send a copy of the signed receipt to the DHS social worker who will include the notice in the case record.

Procedure

Notification

➤ ***DHS Responsibility:***

- The notice from a law enforcement agency that a sexually violent predator has been released from prison and is residing, employed, or a student in Philadelphia will go to the DHS Ombudsman.

- Within 48 hours, the DHS Ombudsman will log the notice, clear the information in FACTS, and coordinate distribution of the information to DHS staff and to all private providers.
 - DHS staff will be notified through DHS Central where a link with the Megan's Law website has been established. DHS social workers may access the website directly through DHS Central. The notice will also be posted on bulletin boards throughout DHS.
 - Private providers will be sent a letter with the notice received from the law enforcement agency. The notice will include the following information:
 - Name of the sexually violent predator
 - Address where the sexually violent predator resides
 - Offense for which the sexually violent predator was convicted
 - Statement from the court that the sexually violent predator has been designated as such and is required to register with the PSP.
 - A photograph or informational flyer regarding the sexually violent predator, if one is provided by the law enforcement agency.

- The DHS Ombudsman will clear the predator's name in FACTS to determine if he or she is known and associated with an open DHS case. If the clearance identifies the sexually violent predator as a perpetrator to a child on an open case, the provider agency providing services to that child will be given this information, in addition to the above-stated notification. The DHS social worker assigned to the case in question will also be alerted.

- If the DHS social worker is notified by the DHS Ombudsman that a child in DHS custody has been a victim of the sexually violent predator, the DHS social worker will notify the foster parent, foster care agency, and/or other institution where the child is placed, that the child is a victim of a sexually violent predator who has been released from prison or is residing, employed, or a student in Philadelphia. The DHS social worker will also provide the foster parents and placement agency with the name and address of the sexually violent predator and a statement from the court that the sexually violent predator has been designated as such and required to register with the Pennsylvania State Police.

- The DHS Ombudsman will send notification of Megan's Law notices to Children and Youth agency administrators in Delaware, Bucks, Chester, and Montgomery counties.

➤ ***DHS, Provider, and Foster Parent Responsibility:***

If a DHS or provider social worker or a foster parent observes a sexually violent

predator near an activity involving children or near the child who was a victim of the sexually violent predator:

- The social worker or foster parent shall immediately notify the police and inform the DHS Ombudsman.
- The DHS or provider social worker or the person responsible for the child will assess the risk posed to the child.
- The DHS Ombudsman will inform the local police who will promptly evaluate the situation, take whatever additional steps are necessary, and inform DHS of the action taken and what action DHS may need to take.

Request for Assessment Information

- All requests for information from the Sexual Offender Assessment Board must be made in person or in writing and should be directed to the Law Department. The request must include a copy of the court order directing the Board to conduct an assessment and a letter on the Board's letterhead requesting agency cooperation. If the request is made in person, the member conducting the assessment must provide photo identification and a badge identifying him/herself as a member of the board. The Law Department will disseminate information according to the current protocol (Cf. CYD Policy Manual Section 1100, "Confidentiality").
- Information regarding the identity of the person(s) who made the report or cooperated in the investigation or information about other persons involved with the child must be excluded from the information submitted to the board.

Additional Information

- All sex offenders convicted of sex crimes in Pennsylvania, including those determined to be sexually violent predators, are listed, according to community, with photos, on the Pennsylvania State Police website, www.pameganslaw.state.pa.us.

Questions regarding this policy and procedure transmittal may be addressed to:

Patricia Ripoll, Program Administrator	x4112
Susan Weinberg, Program Supervisor	x4116
Linnita Beckett, Program Analyst	x4107