LeadingAge Midwest
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Admitting Sex Offenders

LeadingAge Iowa receives several questions about admitting sex offenders as residents and what the requirements are related to admission, which led to research on the Iowa Sex Offender Laws as well as federal requirements of participation that may be applicable. In addition to this article, LeadingAge Iowa has a Sex Offender Resource document that includes a pathway for determining if you're able to admit a sex offender or not and what indications should be considered.

Not all sex offenders are on the registry for life. When a sex offender is convicted of a crime and required to register as a sex offender, they are either required to register for 10 years or for life. Situations in which a sex offender would only be required to register for 10 years depends on the statute the offender is convicted of and if the offender has any prior convictions for qualifying offenses. So, it is possible for someone to have previously been on the sex offender registry but is not currently.

Not all sex offenders have restrictions on residency. Only offenders who are required to register in the State of Iowa and have been convicted of an "aggravated offense against a minor" are limited on their residency. If the person is limited on their residence, they must maintain at least 2,000 feet from any school or child care center. You can locate whether a sex offender has residency restrictions on the Iowa Sex Offender Registry by searching for the person and reviewing their profile. Under the tier/restrictions section it includes a residency restriction which will state either "no restrictions" or "restricted, view FAQ".

In addition to residency restrictions, sex offenders with victims who were minors are not able to:

- Be present upon the real property of a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee.
- Loiter within 300 feet of the real property boundary of a public or nonpublic elementary or secondary school.
- Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activity.
- Be present upon the real property of a childcare facility without the written permission of the childcare facility administrator.
- Loiter within 300 feet of the real property boundary of a childcare facility.

- Be present upon the real property of a public library without the written permission of the library administrator.
- Loiter within 300 feet of the real property boundary of a public library.
- Loiter on or within 300 feet of the premises of any place intended primarily for the use of minors including but not limited to a playground available to the public, a children's play area available to the public, recreational, or sport-related activity area when in use by a minor, a swimming or wading pool available to the public when in use by a minor, or a beach available to the public when in use by a minor.

If the organization is within 2,000 feet of a school or childcare center and the person has residency restrictions, it likely limits the ability to admit. Based on the definition of a "Residence", nursing homes and assisted living (even on a short-term basis) would likely be included. The definition of residence according to the Sex Offender FAQ document states "each dwelling or other place where the sex offender resides, sleeps, or habitually lives, or will reside, sleep, or habitually live, including a shelter or a group home. If a sex offender does not reside, sleep, or habitually live in a fixed place, residence means a description of the locations where the offender is stationed regularly, including any mobile or transitory living quarters. Residence shall be construed to refer to the places where a sex offender resides, sleeps, habitually lives, or is stationed with regularity, regardless of whether the offender declares or characterizes such place as the residence of the offender."

Other clinical considerations when contemplating accepting a sex offender include regulations related to abuse policies and procedures, care planning, behavioral health, and accidents/hazards/supervision in Appendix PP. These considerations are also relevant to AL providers based on rules and service planning requirements.

- Conduct research on the crime committed to determine the age of the victim and the offender at the time the crime was committed. Consider the potential that the offender may have cognitive impairments, which may make them at risk for abuse towards different age groups or genders.
- Identify preventative actions that you can take to make all residents/tenants safe from the potential to reoffend based on the history.
- Incorporate information on the history and preventative actions in the resident's care plan/tenant's service plan.
- Regularly review preventative actions in the care/service plan to identify if additional interventions need implemented.
- Identify any potential mental illness/behavioral concerns related to the criminal sexual history. If any is identified, providers should ensure that the

residents/tenants mental illness/behavioral concerns are addressed, including the need for outside counseling or supportive services.

- If a resident/tenant has residency restrictions, they also have limitations related to being around minors such as schools, childcare centers, public libraries, sports venues, beaches, and public pools. This will need to be incorporated into the residents/tenant's activity care/service plans as they will not be able to attend these activities.
- Ensure that all staff are competent on the resident/tenant's history and interventions that have been implemented to protect other residents/tenants. Include how staff should respond if an incident of sexual acts is witnessed/reported directed at others.
- Assist the resident/tenant with updating their address as necessary. This may include assistance with arranging transportation. Offenders with residency restrictions are provided for 5 business days to report changes in residence which must be done in person at the County Sheriff's Office of both the county the resident/tenant is currently residing in as well as the one they are moving to.

Resources for Iowa Sex Offender Registry:

- Iowa Sex Offender Registry website
- Iowa Sex Offender Registry FAQs
- Sex Offender Registry Restrictions