THE FAMILY COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

J----- D------,	)	File CN26-02710
	)	Pet. #26-11151
Petitioner,	)	
	)	
v.	)	
	)	
STATE OF DELAWARE,	)	
	)	
Respondent.	)	

ORDER

Before the Court is a Motion for Relief from Registration and Community Notification Requirements filed by J----- D------ ("Petitioner") on May 5, 2026, after he was relieved of registration obligations in New Jersey, the state where his juvenile offense took place. The State did not oppose Petitioner's motion, but it took the position that removal from another state's registry does not automatically result in removal here. After reviewing the applicable law, the Court determines that it has jurisdiction to hear Petitioner's case, agrees that it must make an independent decision under Delaware's governing statutes, finds that the decision of another state is nevertheless entitled to some respect, and concludes that Petitioner's motion should be **GRANTED** based on the particular facts of his case.

FACTS

Based on the unopposed motion and accompanying exhibits, the Court makes the following findings of fact: Petitioner was born in New Jersey in 1990. His parents separated when he was five, after which he lived primarily with his mother (and, later, his stepfather) while also spending time with his father (and, later, his stepmother). In both homes, he was exposed to severe drug abuse, including opioids, crack/cocaine, and domestic violence. His stepmother physically abused him, and violence between his stepmother and father required police intervention on multiple occasions. Petitioner began using marijuana at age 12, experimented with cocaine and LSD in his late teens, and struggled with opioid addiction throughout his 20s.

On two occasions in 2006, when Petitioner was between 15 and 16 years old, he digitally penetrated his younger half-sisters, who were five and nine years old at the time for which he was subsequently charged and pled delinquent of two counts of Aggravated Sexual Assault and one count of Sexual Assault in a New Jersey court in January 2007.[1] As part of his sentence, Petitioner was required to register as a Tier II sex offender in New Jersey and to engage in extended inpatient treatment, which ultimately lasted for approximately sixteen months. Upon his successful discharge, he was assessed as presenting a moderate to low risk of sexual re-offense in the future.[2]

Since his adjudication, he has never been adjudicated or convicted of any additional sexual offense, and a new assessment in 2023 found him low risk for sexual reoffense.[3] On June 27, 2023, the New Jersey Superior Court accordingly granted a petition to modify Petitioner's sentence to a Tier 1 reporting obligation, recognizing his "low level of risk of re-offense."[4] Two years later, another psychosexual assessment concluded that Petitioner's risk of sexual recidivism remained low,[5] which led the New Jersey Superior Court to grant a motion to relieve Petitioner's duty to register as a sex

---

[1] Motion for Relief, Ex. A, at 2; *see also generally* Motion for Relief, Ex. B.
[2] Motion for Relief, Ex. C, at 4.
[3] Motion for Relief, Ex. F, at 9.
[4] Motion for Relief, Ex. E, at 1.
[5] Motion for Relief, Ex. A, at 11.

offender altogether on the grounds that he had demonstrated he was "not likely to pose a threat to the safety of others."[6]

The New Jersey court granted that relief despite Petitioner's several additional criminal convictions—none of them sexual—since the adjudication at issue here. In 2012, he pled guilty in New Jersey to third-degree Receiving Stolen Property and third-degree Aggravated Assault, for which he was incarcerated for three years. In 2015, he pled guilty to fourth degree Resisting Arrest, which led to a two-year term of probation. He has also been fined on several occasions between 2010 and 2021 for petty, non-criminal "disorderly persons offenses."[7]

Despite his turbulent background, Petitioner has now been married for nearly six years, and he lives in New Jersey with his wife and their two young children. He has been in recovery from addiction since 2020. Since 2024, he has worked full-time as a truck driver in Delaware, and his income supports his family. His employment and housing opportunities, however, have been significantly limited by his sex-offender status.[8]

The Court held a hearing on the motion on May 19, 2026, and suggested that, under the Full Faith and Credit Clause of the U.S. Constitution,[9] New Jersey's decision to remove a person adjudicated in New Jersey from the registry in New Jersey might of its own force be dispositive in Delaware. The State, however, took the position that

---

[6] Motion for Relief, Ex. G, at 1; N.J. Stat. Ann. § 2C:7-2(f); *In re R.H.*, 316 A.3d 593, 602 (N.J. 2024) (holding that the statutory waiting period of 15 years after *conviction* or release from confinement does not apply to those *adjudicated* delinquent of sex offenses).
[7] Motion for Relief, Ex. D; *see* N.J. Stat. Ann. § 2C:1-4.
[8] Motion for Relief, Ex. A, at 4–6.
[9] U.S. Const. art. IV, § 1.

registry-removal decisions must be made on a case-by-case basis after reviewing the circumstances of each individual petitioner. Having taken the matter under advisement, the Court now issues the following order.

ANALYSIS

1. Does the Family Court have jurisdiction to hear a registry-removal petition from a person adjudicated delinquent in another state?

Before addressing the merits of Petitioner's case, the Court must assure itself of its own jurisdiction.[10]

Under 11 *Del. C.* § 4123, this Court has jurisdiction to hear and decide petitions for relief from registration requirements filed by those adjudicated delinquent of sex offenses as children. Depending on the seriousness of the offense, such a petition may be filed after a waiting period of two or five years.[11] If the petitioner shows that it is more likely than not "that modification will not pose a threat to public safety," the Court may assign them to a lower risk tier (with concomitantly reduced reporting requirements) or relieve them of all registration and notification obligations.[12]

The statute is unfortunately ambiguous, however, with respect to the technical availability of this process to a person who, like Petitioner, was adjudicated delinquent in another state. Section 4123 applies to "*any sex offender* who was a juvenile on the date of the offense and adjudicated delinquent *by the Family Court*."[13] A person can of course only be adjudicated by the Family Court in Delaware—an impression reinforced

[10] *Adoption House, Inc. v. A.R.*, 820 A.2d 402, 405 (Del. Fam. Ct. 2003); *see also Gunn v. McKenna*, 116 A.3d 419, 420–21 (Del. 2015).
[11] 11 *Del. C.* § 4123(d).
[12] *Id.*
[13] 11 *Del. C.* § 4123(a) (emphasis added).

by the requirement that registry-relief petitions be filed "in the Family Court in the county in which such case was adjudicated."[14] But "sex offender" is curiously defined to include anyone "adjudicated delinquent of any offense specified *in the laws of another state, . . .* requiring registration in that jurisdiction."[15] The conflict in the two forgoing statutory clauses would lead to a perplexing result and would surely not have meant to limit relief only to those adjudicated delinquent within the bounds of Delaware.

Although the plain meaning of statutory text is ordinarily the best guide to legislative intent,[16] a result so "unreasonable" and "absurd" compels the conclusion that Section 4123 is in fact ambiguous.[17] Consequently, the Court must read it "'in a way that will promote its apparent purpose and harmonize [it] with other statutes' within the statutory scheme."[18] And because "enactments of the Delaware General Assembly are presumed to be constitutional,"[19] the Court must construe the statute in a manner that makes it so, to the extent it can be done without running afoul of the legislature's purpose.[20] Both principles suggest that the Court has jurisdiction to hear this case.

Understanding the statutory context requires looking beyond the subchapter governing registration of sex offenders. No doubt, the registration and notification provisions of the law serve important interests that may extend the normal order of Family Court proceedings.[21] How to balance the community's interest in safety against

---

[14] 11 *Del. C.* § 4123(d).
[15] 11 *Del. C.* § 4121(a)(4)(c) (emphasis added); *see also* 11 *Del. C.* § 4121(a)(4)(f).
[16] *Hazout v. Tsang Mun Ting*, 134 A.3d 274, 286 (Del. 2016).
[17] *Manti Holdings, LLC v. Authentix Acquisition Co., Inc.*, 261 A.3d 1199, 1214 (Del. 2021).
[18] *Id.* (quoting *Ins. Comm'r of Del. v. Sun Life Assur. Co. of Can. (U.S.)*, 21 A.3d 15, 20 (Del. 2011)) (quotation marks and alteration in original).
[19] *Jewell v. State*, 340 A.3d 562, 588 (Del. 2025).
[20] *Hazout*, 134 A.3d at 286.
[21] *Helman v. State*, 784 A.2d 1058, 1079 (Del. 2001) ("The General Assembly enacted the Sex Offender Registration Statute in an effort to protect society from both the adult and the youthful sex offender.").

the confidentiality and best interests of child offenders "is essentially a policy determination best left to the legislature."[22] But it remains significant that the legislature has repeatedly recognized that children and adults are different. Delinquent children are not criminals, and delinquency proceedings are brought "in the interest of rather than against the child."[23] Although adjudications of delinquency are serious matters, the General Assembly has elected to broadly facilitate their expungement "to protect children and citizens from unwarranted damage which may occur as a result of a juvenile criminal history."[24] And even after committing a sex offense, a child, unlike an adult, is entitled to an individualized risk evaluation and, possibly, immediate reduction of or complete relief from registration and notification requirements.[25]

The literal terms of the statute, however, would deny such relief to any child unfortunate enough to move to Delaware after an adjudication in another state. Deprived of the opportunity for relief or removal available to Delaware children, a child adjudicated delinquent in another state but later relieved of registration requirements in that state might nevertheless be required to comply with Delaware's registration and community notification requirements *for life*.[26] Such a distinction is not only fundamentally unfair—it is unconstitutional.

Courts analyzing similar issues have applied a variety of constitutional provisions and rubrics, but all of them proceed from roughly the same premises and point to the

---

[22] *Id.*
[23] 10 *Del. C.* § 1002(a).
[24] 10 *Del. C.* § 1014.
[25] 11 *Del. C.* §§ 4123(b), (c). Various other provisions similarly carve out the possibility that child offenders may be exempted from registration and notification requirements that apply to similarly situated adults. *See* 11 *Del. C.* §§ 4120(b)(1), 4120(b)(2), 4120(b)(3), 4120(c), 4121(b), 4121(c), 4121(d).
[26] *See* 11 *Del. C.* § 4121(e).

same result here under three constitutional rationales. First, under the Privileges and Immunities Clause of Article IV, a state may not "discriminat[e] against citizens of other States where there is no substantial reason for the discrimination beyond the mere fact that they are citizens of other States."[27] Second, under the Privileges or Immunities Clause of the Fourteenth Amendment, "[a] citizen of the United States has a perfect constitutional right to go to and reside in any State he chooses" and "claim citizenship . . . and an equality of rights with every other citizen."[28] Finally, under the Fourteenth Amendment's Equal Protection and Due Process Clauses, a state may neither irrationally discriminate against citizens of other states[29] nor arbitrarily and oppressively interfere with their exercise of basic liberties.[30]

Taken together, these provisions collectively guarantee that "all citizens [must] be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement."[31] No state may deny "the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State."[32]

---

[27] *Saenz v. Roe*, 526 U.S. 489, 502 (1999) (quoting *Toomer v. Witsell*, 334 U.S. 385, 396 (1948)).
[28] *Id.* at 503–04 (quoting *Slaughter-House Cases*, 16 Wall. 36, 112–13 (1872) (Bradley, J., dissenting)).
[29] *Hope v. Comm'r of Ind. Dep't of Corr.*, 9 F.4th 513, 529 (7th Cir. 2021); *accord In re Ware*, 474 A.2d 131, 133 (Del. 1984).
[30] *People v. Schultz*, 241 N.Y.S.3d 572, 582 (N.Y. Co. Ct. 2025); *accord Heaney v. New Castle Cty.*, 672 A.2d 11, 16 (Del. 1995); *Burroughs v. State*, 304 A.3d 530, 546 (Del. 2023).
[31] *Shapiro v. Thompson*, 394 U.S. 618, 629, 630 n.8 (1969) (noting historical development through cases variously relying on the Commerce Clause of Article I, the Privileges and Immunities Clause of Article IV, and the Privileges or Immunities Clause of the Fourteenth Amendment), *overruled in part on other grounds by Edelman v. Jordan*, 415 U.S. 651, 671 (1974).
[32] *Saenz*, 526 U.S. at 500. Infringements on the right to travel are subject to strict scrutiny. *Id.* at 499, 504 (citing *Shapiro*, 394 U.S. at 634).

Although the burden of registration in a new state is not alone an unconstitutional burden on the right to travel,[33] federal and state courts have struck down statutes that in effect impose enhanced registration requirements on those arriving from other states. In New York, for example, residents of the state who commit sex offenses may or may not be deemed "sexually violent offenders," depending on the nature of their conviction, while those who are convicted in other states who then move to New York are deemed sexually violent by a New York statute from the mere fact of their registration as a sex offender in the other state.[34] Several courts in the state have concluded that designating only out-of-state offenders as sexually violent regardless of the substance of their convictions "bears no rational relationship" to any "conceivable legitimate governmental interest" and therefore limited the provision's application as a matter of due process.[35] Likewise, a federal court in Michigan found that subjecting those with out-of-state convictions to longer periods of registration denies those offenders equal protection of the law.[36] And the Iowa Supreme Court, while remanding for additional factfinding on the state's justifications, found that barring modification of registry status only for those who

---

[33] *E.g.*, *State v. Cameron*, 916 P.2d 1183, 1186 (Ariz. Ct. App. 1996).
[34] N.Y. Correct. Law §§ 168-a(3)(a), (b).
[35] *People v. Malloy*, 213 N.Y.S.3d 648, 654–55 (N.Y. App. Div. 2024); *see also*, *e.g.*, *Schultz*, 241 N.Y.S.3d at 581–83.
[36] *Doe v. Whitmer*, 751 F. Supp. 3d 761, 820–21 (E.D. Mich. 2024); *see also Doe ex rel. A.W. v. Nebraska*, 865 F.3d 1014, 1020 n.3 (8th Cir. 2017) (interpreting state law to avoid constitutional infirmity because "the application of SORA and its public notification requirement to juveniles adjudicated delinquent in other jurisdictions but not in Nebraska raises serious constitutional concerns under the rights to travel and to equal protection of the laws"); *Hope*, 9 F.4th at 529 (remanding equal-protection claim for rational-basis evaluation while noting that, under the state's law, "two similarly situated Indiana offenders may have vastly different legal obligations simply because one of them has an out-of-state registration obligation").

do not live, work, or attend school in the state was a discriminatory denial of "a fundamental privilege or immunity granted to residents."[37]

Here, too, denying in-state relief to out-of-state individuals found delinquent of sex offenses as children based solely on their residence at the time of their offense cannot be justified under even the most lenient rational-basis standard.[38] As explained above, it is incompatible with the legislature's stated purposes and the balance it has sought to strike between the goals of juvenile rehabilitation and public safety. Further, whether a child offender may be rehabilitated is independent from the state where the child's offense occurred. No conceivable legislative purpose would be served by permitting earlier modification or relief for those adjudicated in Delaware than for those who were adjudicated in another state and only later chose to travel to Delaware to work or to find a new home. Consequently, because any other interpretation would be both patently absurd and unconstitutional, the Court finds that 11 *Del. C.* § 4123 must "reasonabl[y] and suitabl[y]" be read to grant jurisdiction over Petitioner's case.[39]

2. What weight should be given to a registry-removal decision made in another state?

Having decided that it is empowered to grant relief in this matter, the Court now considers the relevance of New Jersey's decision to relieve Petitioner of his registration obligation in that state. Although the Court suggested at the hearing that it might be

[37] *Olsen v. State*, 9 N.W.3d 21, 27 (Iowa 2024).
[38] *See Ware*, 474 A.2d at 133 ("[A] statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it."); *but see Doe v. Peterson*, 528 F. Supp. 3d 1068, 1078 (D. Nev. 2021) (holding that benefits of consistent nationwide registration were a sufficient rational basis to require registration of out-of-state offenders even where similarly situated in-state offenders would not be obligated to register).
[39] *See Jewell*, 340 A.3d at 587.

compelled to relieve Petitioner of his duty to register in Delaware as a matter of the full faith and credit owed to that decision, it now holds the contrary.

The United States Constitution provides that "Full Faith and Credit shall be given in each State to the . . . judicial Proceedings of every other State."[40] Under that provision, "[a] final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land."[41] Under parallel state law, "a Delaware court must give a foreign judgment the same force and effect that it would be given by the rendering court."[42]

The goal of these provisions is to "avoid[] relitigation in other states of adjudicated issues" while simultaneously permitting other states to apply the "predetermined facts" to new problems.[43] Unless the issuing court lacked jurisdiction, the judgment of a court in one state must be given nationwide effect for purposes of claim and issue preclusion.[44] Importantly, however, "[e]nforcement measures do not travel with the sister state judgment as preclusive effects do."[45] And a state need not "substitute the statutes of other states for its own statutes dealing with a subject matter

---

[40] U.S. Const. art. IV, § 1; *see also* 28 U.S.C. § 1738 (properly authenticated records of judicial proceedings "shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken."); 10 *Del. C.* § 4782 (a properly filed and authenticated judgment from another state "has the same effect and is subject to the same procedures, defenses[,] and proceedings for reopening, vacating[,] or staying, as a judgment of the Superior Court of this State[,] and may be enforced or satisfied in like manner.").
[41] *V.L. v. E.L.*, 577 U.S. 404, 407 (2016) (per curiam) (quoting *Baker ex rel. Thomas v. Gen. Motors Corp.*, 522 U.S. 222, 233 (1998)).
[42] *In re Estate of Farren*, 131 A.3d 817, 828 (Del. Ch. 2016) (citing 10 *Del. C.* § 4782; *Pyott v. La. Mun. Police Emps.' Ret. Sys.*, 74 A.3d 612, 615–16 (Del. 2013)).
[43] *Sutton v. Leib*, 342 U.S. 402, 407 (1952).
[44] *Baker*, 522 U.S. at 232; *V.L.*, 577 U.S. at 407.
[45] *Baker*, 522 U.S. at 235.

concerning which it is competent to legislate."[46] In other words, "[t]he [Full Faith and Credit] Clause does not prevent states from specifying domestic civil consequences of foreign judgments."[47]

Applying these principles, numerous courts in other jurisdictions have concluded that the mere fact of removal from one state's registry does not compel removal from another's. In one case, *In re Harder*, a petitioner's Iowa conviction of "lascivious acts with a child" led to his placement on the sex-offender registry in both Iowa and Michigan.[48] Just under nine years later, an Iowa court granted his petition for removal from the Iowa registry.[49] Approximately six years after that order, the petitioner sought removal in Michigan based on his removal in Iowa, arguing among other things that full faith and credit required that result.[50] The Michigan Court of Appeals denied his request, noting that "the two registration requirements are independent of one another."[51] Although it was possible under state law for a person to be required to register simply by virtue of being registered in another state, the petitioner's registration instead derived directly from his conviction of an enumerated sex offense, which remained on his record.[52] Rather than compelling his removal from the registry in Michigan, full faith and credit principles meant that Iowa courts lacked authority to determine the applicability of

[46] *Id.* at 232 (quoting *Pac. Emps. Ins. Co. v. Indus. Accident Comm'n*, 306 U.S. 493, 501 (1939)).
[47] *Karwacki v. Kaul*, 171 F.4th 1006, 1008 (7th Cir. 2026).
[48] No. 368645, ___ N.W.3d ___, 2025 WL 825907, at *1 (Mich. Ct. App. March 14, 2025).
[49] *Id.*
[50] *Id.* at *1, *6.
[51] *Id.* at *7.
[52] *Id.* ("[P]etitioner's sex offender registration in Michigan stems from his *Iowa conviction* and not his *Iowa registration requirement*.").

Michigan's statutory requirements, just as Michigan courts could not modify decisions made in Iowa about Iowa's registry.[53]

In *Rosin v. Monken*, the Seventh Circuit reached the same result in a case where the petitioner was *never* required to register in the state of conviction.[54] The petitioner pled guilty to a misdemeanor sex offense in New York based on the prosecutor's promise that he would never have to register as a sex offender in New York or anywhere else. When Illinois sought to place him on the registry anyway, the petitioner sued.[55] In an influential opinion, the Seventh Circuit rejected his claim, reasoning that the full faith and credit clause "was never intended to allow one state to dictate the manner in which another state protects its populace."[56] Illinois was bound to honor the New York judgment of conviction, but not the decision on how to enforce that conviction. The New York court could not "command obedience [] on a matter [it] lack[ed] authority to resolve": "the manner in which [Illinois] [could] best protect its citizenry from those convicted of sex offense."[57] *Harder* and *Rosin* are not outliers as there are several cases that stand for the same general proposition.[58]

Although no Delaware court has resolved this precise issue, this Court, too, finds that New Jersey's decision to relieve Petitioner of his New Jersey statutory reporting

[53] *Id.*
[54] 599 F.3d 574 (7th Cir. 2010).
[55] *Id.* at 575–76.
[56] *Id.* at 577.
[57] *Id.* (quoting *Baker*, 522 U.S. at 240).
[58] *Donlan v. State*, 249 P.3d 1231, 1234 (Nev. 2011); *Lozier v. State,* 284 So. 3d 745, 751 (Miss. 2019); *In re C.B.*, 906 N.W.2d 93, 97–98 (N.D. 2018); *Crofoot v. Harris*, 192 Cal. Rptr. 3d 49, 52–53 (Cal. Ct. App. 2015) (cleaned up); *McGuire v. City of Montgomery*, No. 2:11–CV–1027, 2013 WL 1336882, at *11–12 (M.D. Ala. March 29, 2013); *Grundy v. Thomas*, No. 5:13–cv–01221, 2014 WL 7192327, at *15 (N.D. Ala. Dec. 17, 2014); *Lindsey v. Swearingen*, 582 F. Supp. 3d 1127, 1130 (N.D. Fla. 2022); *see also Spiteri v. Russo*, No. 12–CV–2780, 2013 WL 4806960, at *39 (collecting cases).

requirements does not compel relief from Delaware's. As in *Harder*, Petitioner's need to register in Delaware arises not from the fact that he was formerly registered in New Jersey, but from his New Jersey adjudication itself, which remains on his record.[59] His case is thus distinguishable from that presented in *M.R. v. State*, where the Family Court ended the registration requirements of a petitioner after his underlying Pennsylvania adjudication was expunged.[60]

Nevertheless, it is significant that the 2025 New Jersey decision necessarily entailed a finding that Petitioner was "not likely to pose a threat to the safety of others."[61] In Delaware, too, the question is whether "modification will [] pose a threat to public safety."[62] Despite the similarity of the findings and the general rule that full faith and credit encompasses issue preclusion,[63] the New Jersey finding cannot be given preclusive effect here because controlling New Jersey law[64] limits that doctrine to situations where "the party against whom [it] is asserted was a party to or in privity with a party to the earlier proceeding."[65] Delaware was not a party to Petitioner's New Jersey registry-removal petition.[66] But the New Jersey Superior Court's considered finding on a

---

[59] *See* Motion for Relief, Ex. H.
[60] 2016 WL 7208805, at *1 (Del. Fam. Ct. Sept. 20, 2016). The *M.R.* court relied on a Supreme Court case explaining that, because expungement "eras[es] the legal event of conviction" and restores the offender's "status quo ante," "an expunged adjudication cannot coexist with a requirement of continued maintenance of sex offender registration, because the adjudication itself becomes a nullity." *Id.* at *2 (citing *State v. Fletcher*, 974 A.2d 188, 196 (Del. 2009)). That principle does not control here because Petitioner's New Jersey adjudication remains on his record and has not become a nullity.
[61] N.J. Stat. Ann. § 2C:7-2(f); *In re R.H.*, 316 A.3d 593, 602 (N.J. 2024) (holding that the statutory waiting period of 15 years after *conviction* or release from confinement does not apply to those *adjudicated* delinquent of sex offenses); *see also* Motion for Relief, Ex. G.
[62] 11 *Del. C.* § 4123(d).
[63] *Baker*, 522 U.S. at 232.
[64] *See Pyott*, 74 A.3d at 615–16.
[65] *Olivieri v. Y.M.F. Carpet, Inc.*, 897 A.2d 1003, 1009 (N.J. 2006).
[66] The fact the states "may have similar interests in the outcome of the litigation . . does not of itself establish privity." *Stegmeier v. St. Elizabeth Hosp.*, 571 A.2d 1006, 1013 (N.J. Super. Ct. App. Div. 1990). Under New Jersey law, privity typically justifies extending preclusion to a non-party "only when the party is

substantially identical question of fact still deserves respect, even if it is not dispositive. That is especially true where, as here, a petitioner has been relieved of registration requirements by a court in the state where the predicate offense occurred.

3. Is Petitioner entitled to relief?

Because full faith and credit does not resolve this case, the Court must consider the merits of Petitioner's request. Children adjudicated delinquent of sexual offenses are entitled to seek early review—after two or five years, depending on the offense—of any obligation to register as a sex offender.[67] After a hearing, the Court "may relieve the person of all registration and notification requirements or assign the person to a lower tier" if it finds by a preponderance of the evidence "that modification will not pose a threat to public safety."[68] In making that determination, the Family Court must consider "all relevant factors," including six specified by statute: (1) "[t]he risk the juvenile poses to the victim, the community[,] and [] other potential victims," (2) "[t]he nature and circumstances of the offense," (3) "[t]he impact on the victim, including the effects of registration and community notification," (4) "[t]he comprehensive evaluation, risk assessment and treatment recommendations or outcomes for the juvenile required by [statute]," (5) "[t]he likelihood of successful rehabilitation, if known," and (6) "[t]he adverse impact of public registration on the juvenile and the rehabilitative process."[69]

On the undisputed facts of this case and lack of opposition by the State, the Court finds that relief is clearly warranted. The offense itself was serious and harmful,

---

a virtual representative of the non-party or when the non-party actually controls the litigation." *Zirger v. Gen. Acc. Ins. Co.*, 144 N.J. 327, 338 (N.J. 1996).
[67] 11 *Del. C.* § 4123(d).
[68] *Id.*
[69] 11 *Del. C.* § 4123(c)(2).

but more than 20 years has elapsed, and Petitioner has never faced another sexual offense charge. Petitioner has overcome a turbulent and traumatic childhood, drug addiction, and other challenges to build stability for himself and his family. Multiple experts have evaluated Petitioner over decades of his life and concluded that he presents little risk of re-offense. Relying on those evaluations, the New Jersey Superior Court understandably determined that he does not present a meaningful safety risk to the community. Nothing in the record contradicts that finding. Petitioner has demonstrated remarkable resilience in becoming a better version of himself, even as the need to register as a sex offender has limited his employment and housing options. Accordingly, having heard no evidence that continued registration benefits the victims or the community at large or that continued registration is justified despite New Jersey's decision to the contrary, the Court finds by a preponderance of the evidence that modification will not pose a threat to public safety.

CONCLUSION

The Court has authority to grant relief in this case, and Petitioner has shown that he is entitled to it. Petitioner's Motion for Relief from Registration and Community Notification Requirements is, therefore, **GRANTED**.

IT IS SO ORDERED.

June 4, 2026 | */ Eliza M. Hirst*
Date Written Order Issued | **ELIZA M. HIRST, JUDGE**

Date Emailed to Counsel: 6/4/2026
EMH/NS