



## **What to Expect When Attending Juvenile Court: Practical Guidance for Immigrant Youth and Families Interacting with the Juvenile Justice System**

A young person learning that they are being summoned to appear in juvenile court can be stressful. This is especially the case when a young person is from an immigrant background, as court involvement can carry any number of collateral consequences that can have a significant impact on that young person's present and future outcomes. This includes the possibility of detention, deportation or permanent barriers to gaining lawful status in the United States for youth from immigrant backgrounds, especially those who are undocumented. This document provides an overview of the juvenile court's delinquency process and factors that a youth and their parent or guardian should consider while navigating the juvenile court process in order to, as much as possible, mitigate the possibility of harmful consequences that could result from court contact.

### **I. JUVENILE COURT PROCEDURE**

In Massachusetts, a young person enters the juvenile court's delinquency process when a complaint is made to any court that a child between 12 and 18 years of age is a delinquent child.<sup>1</sup> A delinquent child is defined in Massachusetts General Laws as a juvenile between the ages of 12 and 18 years old who commits "any offense against a law of the commonwealth", not including a civil infraction, a violation of any municipal ordinance or town by-law, or a first offense of a misdemeanor for which the punishment is a fine, imprisonment for not more than 6 months or both such fine and imprisonment." A young person can also be brought into the system based upon allegation of a serious crime as a youthful offender, which is defined in Massachusetts General Laws as "a juvenile between the ages of 14 and 18 years of age who is subject to an adult or juvenile sentence for committing an offense that would be punishable by imprisonment in the state prison if they were an adult, and (a) has previously been committed to the department of youth services, or (b) has committed an offense involving the infliction or threat of serious bodily harm, or (c) has committed a certain firearms offense."

The delinquency process begins once there is an alleged delinquent offense and an arrest of the alleged juvenile offender. This can be a custodial arrest, or the arresting officer can serve a court summons upon the juvenile requesting their presence in court (in Massachusetts, a summons is the preferred method of bringing a child to court unless there is reason to believe the child will not appear). An application for a delinquent complaint is then filed with a Juvenile Court based on the alleged offense. A clerk-magistrate reviews the application and, if there is probable cause, issues a delinquency filing.<sup>2</sup> The delinquency filing is then scheduled for an arraignment, which is the formal start of the court process. Prior to arraignment, the youth can retain an attorney or be appointed an attorney if they cannot afford one. This attorney has options to address the case prior to arraignment, including challenging the clerk-magistrate's determination of probable cause with a motion to dismiss<sup>3</sup> A juvenile may also request to undergo an assessment prior to arraignment to determine their suitability for a diversion program

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<sup>1</sup> MGL c. 119 §54

<sup>2</sup> MGL c. 119 §54.

<sup>3</sup> Commonwealth v. DiBennadetto, 436 Mass. 310,( 2002)

or diversion may be ordered by a judge after argument from defense counsel and the prosecution.<sup>4</sup>

If the juvenile does not request diversion or is otherwise found ineligible, the case is arraigned, and the youth is formally charged with the alleged offense(s) and a plea of delinquent (guilty) or not delinquent (not guilty) is entered. At this point, the judge determines whether the youth will be released on their own recognizance to return home or held in detention while the case is pending trial or other resolution of the case.<sup>5</sup> A case can be resolved through dismissal, a plea to the charges or after a trial is conducted. If the youth elects to enter a plea, the court can find them delinquent or find sufficient facts to merit a delinquency finding but elect to continue the case without that finding and schedule it for dismissal based upon compliance with certain conditions and the passage of a certain period of time. At trial, the youth will be found responsible for the alleged act or not, with the court adjudicating them as delinquent or not delinquent. If delinquent, the judge will impose a disposition to resolve the case.<sup>6</sup>

## **II. ATTENDING COURT – IMPORTANT FACTS FOR IMMIGRANT FAMILIES**

If a young person's parents, guardians, or caretaker feels that they cannot safely attend court due risks associated with their own immigration status, these following options can be considered:

1. They can look for another family member or community member who can safely be present at court with the youth
2. They can request to the Court to allow the family to appear by phone or present a letter or written affidavit expressing their support of the juvenile defendant despite their not appearing in person at the hearing
3. The youth can inquire about the appointment of a [guardian ad litem](#) (GAL), who is an objective independent professional that can be appointed by the Court to protect a juvenile's legal rights or advise them when needed

**Virtual Appearances:** Another option for the youth to attend court while navigating their or their family's immigration status and safety concerns is to request a virtual court appearance. Before pursuing this approach, the following factors should be considered and discussed with their attorney:

1. **The complexity of the legal proceeding:** Consult with the attorney to find out if all parties will be virtual and if there are any risks of attending virtually versus the risks of attending in person and risking arrest and detainment by ICE?
2. **Confidentiality:** Discuss whether the youth and their family have access to a confidential space and confidential means of communication if the hearing is held virtually.
3. **Communication with their attorney:** It is critical that the youth establish a plan to talk and communicate with their attorney before, during, and after the legal proceeding with a continuous opportunity to ask questions, collaborate with the attorney and contribute to their defense.
4. **Technology:** Does the young person have a phone, computer or other form of technology with a video camera of sufficient quality and a stable internet connection to participate in a virtual court hearing?

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<sup>4</sup> MGL c. 119§54A.

<sup>5</sup>MGL c. 119 §58.

<sup>6</sup> MGL c. 119 §55B.

### **III. THE IMMIGRATION CONSEQUENCES OF JUVENEILE ADJUDICATIONS**

A *delinquency* finding occurs when a charge against a juvenile is proven beyond a reasonable doubt after trial, or the juvenile enters a plea admitting responsibly for the unlawful offense. The juvenile court may make a finding of delinquency based on the plea or order that the case be “*continued without a finding*” and eventually granted dismissal if the youth has admitted to sufficient facts and successfully abides by certain conditions.<sup>7</sup> An arraignment creates a court record called a Court Activity Record Information (CARI), and subsequent information on what transpires in the court process, including adjudications and dispositions is included. These records enjoy greater confidentiality than records in the adult criminal system but are still accessible by a number of actors including local, state and federal law enforcement. **Having an arraigned charge, a finding of sufficient facts or an adjudication all carry with them potential immigration consequences, which should be discussed with the attorney prior to, and throughout, the court case.**

Among these consequences are a young person being **subject to deportation** or being **inadmissible to gain legal status** in the United States based upon certain criminal activity or a conviction. If a young person is found inadmissible to gain legal status due to criminal activity, they are prevented from either entering or remaining in the United States, from obtaining a new lawful status, a waiver for a crime or several other government benefits. If a person is ordered deportable as the result of criminal activity, they will lose their lawful status and receive an order to be removed from the U.S. unless granted some form of relief in immigration court.

#### **A. Juvenile adjudications are not convictions under immigration law but can still result in deportation or inadmissibility in some cases**

A juvenile delinquency ruling *does not* constitute a criminal conviction<sup>8</sup> in Massachusetts nor does it for immigration purposes. However, some offenses may trigger inadmissibility or deportability without an adult criminal conviction.<sup>9</sup> While any juvenile charges or adjudications may initiate potential immigration consequences, these offenses may produce particularly dangerous ramifications:

<b><u>Charge/Offense</u></b>	<b><u>Possible Consequence</u></b>
Violation of any D.V. protective or “no-contact” order	Deportable; does not require a criminal conviction
Drug trafficking – sale, possession for sale, cultivation, manufacture, distribution	Inadmissible if the juvenile found delinquent of offense or if there is “reason to believe” they participated
Drug abuse or addiction	Inadmissible or deportable
Engaging in prostitution	Inadmissible
Crimes involving “moral turpitude”	Inadmissible

<sup>7</sup> MGL c. 119, §58, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

<sup>8</sup> *Id.* at §53.

<sup>9</sup> Juvenile Defender’s Guide to Immigration Issues in Juvenile Proceedings, The Gault Center, Aug. 17, 2017, <https://www.defendyouthrights.org/document/juvenile-defenders-guide-to-immigration-issues-in-juvenile-proceedings/>

## **B. Collateral consequences of juvenile court involvement on attaining citizenship or lawful status**

When applying for naturalization, an applicant must show they are a person of “good moral character” – a standard which may be negatively impacted by certain juvenile adjudications. Similarly, lawful statuses that are granted discretionarily such as Deferred Action for Childhood Arrivals (DACA) or Permanent Resident Cards (Green Cards) can be impacted by juvenile adjudications, especially if a delinquency offense triggers inadmissibility. Some forms of relief such as Special Immigrant Juvenile Status may not be granted if a juvenile is found delinquent of offenses that trigger inadmissibility.<sup>10</sup>

### **A. The Laken-Riley Act (LRA)**

This federal law, which was signed into law on January 29, 2025, amends the Immigration and Nationality Act (INA) by significantly expanding the pipeline to deportation for justice system involved immigrants, requiring the mandatory detention of any individual who is:

- 1) A noncitizen *inadmissible* for one of the following reasons:
  - a) Being present without being admitted or paroled
  - b) Fraud, misrepresentation, or falsely claiming U.S. citizenship
  - c) Lack of proper documentation at the time of admission<sup>11</sup> **AND**
- 2) Has been **charged with, arrested for, is convicted of, or admits to** the essential elements of
  - a) Burglary,
  - b) Theft,
  - c) Larceny,
  - d) Shoplifting,
  - e) Assault of a law enforcement officer offense, or
  - f) Any crime that results in death or serious bodily injury to another person<sup>12</sup>

While the Laken Riley Act does not specifically mention being applicable to juveniles, *it does not specifically exempt them either* and entering a plea and admission to the specific above-listed offenses should be avoided if possible. No provision of the INA previously penalized noncitizens based solely on an arrest or charge, so existing law does not address whether being arrested or charged with an act of delinquency could pose immigration consequences.

**Note:** If ICE tries to subject someone to mandatory detention under Section 236(c)(1)(E) of the LRA based on an arrest or charge that is handled in a juvenile delinquency system, be sure to investigate whether any state confidentiality laws (including M.G.L. c 119 §§ 38, 60A, 65 and M.G.L. c 71 § 37L) were violated in the process of ICE learning about the arrest or charge. This could be grounds to file a motion to suppress in immigration court. Any noncitizen charged or arrested for any offense, but especially those offenses included under the Laken Riley Act, should obtain an immigration attorney, as well as a juvenile defense attorney, as soon as possible to discuss their options including advice on how to approach defending themselves against these charges.

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<sup>10</sup> Juvenile Defender’s Guide to Immigration Issues in Juvenile Proceedings, The Gault Center, Aug. 17, 2017, <https://www.defendyouthrights.org/document/juvenile-defenders-guide-to-immigration-issues-in-juvenile-proceedings/>

<sup>11</sup> INA §§ 212(a)(6)(A), (6)(C), or (7)

<sup>12</sup> S.5 - 119th Congress (2025-2026): Laken Riley Act, S.5, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/5>.

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