



FUTURES IN THE BALANCE

Examples of How Juvenile Court Hurts Youth and Communities

Involvement with the delinquency system—including arrests, charges that get dismissed, and adjudications¹—can create obstacles to a young person's success. Many youth experience overwhelming hurdles because their juvenile records are available to the public,² appear on background checks, or create long-term debt from fines and fees, which can result in denial of employment, housing, loans, and educational opportunities.

Below are examples of how young people's juvenile court involvement created barriers to college enrollment, meaningful employment, financial independence, stable housing, and military enlistment. State laws vary as to whether juvenile records are publicly available, accessible by certain employers or occupational licensing agencies, and eligible for sealing or expungement,³ which accounts for the varied outcomes demonstrated by these examples of real youth experiences.



COLLEGE ADMISSIONS

The majority of colleges run background checks as part of their admissions processes.⁴ The Common Application, used by nearly 900 colleges and more than one million students each year, permits educational institutions to ask applicants about their juvenile court involvement on their supplemental application forms.⁵ And, as in Sean's case described below, "[a]sking applicants about past [court involvement] has a chilling effect, discouraging people from completing the application process."⁶

I had a goal of attending college since middle school. I dreamed of running my own business one day and knew a college degree would help me make that dream come true. I was also driven to go to college because no one in my family had ever been.

Back in middle school, I was sent to juvenile court because I fought back after another student repeatedly tripped, pushed, and kicked me over a two-month period. The teacher only saw my response, and never saw the other boy pinning me against the wall with his hands around my throat. The teacher immediately walked me to the principal's office to be suspended for punching another student. The other student's parents were outraged and pushed the principal to expel me. The principal decided

against expulsion but referred me to the juvenile court system with the help of the School Resource Officer. I ultimately pled to misdemeanor assault.

During my junior year, I started reviewing college applications and discovered that many asked whether I had ever been adjudicated or convicted of a crime. The instructions stated that applicants had to include information about adjudications from juvenile court. I was heartbroken. I was sure that colleges would deny my application once they found out about my juvenile court case from four years earlier, so I decided not to even apply.

— Sean



EMPLOYMENT

Although what we want most for young people involved in the court system is for them to succeed, a juvenile adjudication can often prevent young people from obtaining jobs that allow them to fully support themselves and their families.

When I was 27 years old, I had a decent job in the IT field, but wanted more so that I could take care of my two young girls, one of whom has special healthcare needs. To better provide for my family, I sought a promotion at work. As a requirement for the promotion, I needed to pass an FBI background check.

When I was 15, I was charged with starting a fire in an abandoned building. The judge placed me on probation, which I successfully completed without any violations of probation—and had no other juvenile or adult criminal court involvement. I went on to graduate from high school, get my associate degree, and then my Bachelor's in Information Technology.

While the background check was processing, I continued to climb through the rounds of interviews, impressing everyone. I was top notch in my field and great with

people. About a week after my last interview, I was brought into my supervisor's office. Expecting good news, I was extremely excited. However, my boss told me that the background check came back and revealed the adjudication from 12 years before. My employer believed I had lied on my employment application and terminated me.

I never thought my juvenile record would cause problems for me later in life. However, because the FBI background check included information about my juvenile record, I was fired instead of promoted. It did not matter that the adjudication was from juvenile court and not adult criminal court.

— Alex



MILITARY SERVICE

The military can provide a stable job and training in a wide range of skills. However, juvenile court involvement can create substantial hurdles to enlistment in all branches of the military.

My father, one of his uncles, and his grandfather all served in the army. I was set to do the same. A few weeks after my high school graduation, I went to the army recruiter's office to enlist. While completing the application, I saw that the army wanted to know about my juvenile record for robbery and that I would have to go through an extensive process to get a waiver to enlist. I left the recruiter's office devastated. I had no idea that my juvenile record would be an issue related to anything in my future, let alone trying to enlist in the army.

A few weeks later, I decided to accept this challenge and do what I needed to do to enlist. First, I had to get the paperwork from my juvenile case—the police report, charging document, and court orders. Then I had to write an explanation of what happened and why I should get a waiver and be allowed to join the army.

After several months communicating back and forth, the recruiter explained that my application would be on hold until I could provide more supporting documentation of

my good character. I contacted the local food bank, where I had volunteered for 20 hours a week the previous summer, to get a letter of recommendation. I also contacted my favorite teacher in high school, my history teacher, Mr. Brooks. Mr. Brooks was eager to help me and offered to write a letter of recommendation right away. Even with these two letters, the recruiter told me that I was going to need even more evidence of my good character to convince the army I was fit to serve.

I spent the next fall volunteering at a local Congressman's office, and before I left, the Congressman wrote a letter of recommendation that sealed my ability to enlist in the army.

All because of a mistake from when I was 14 years old, I had to jump through numerous hoops—that others may not be able to—all for the opportunity to serve my country.

— Shannon



HOUSING

Stable housing and connection with family and friends are essential for stabilizing young people involved in the juvenile court system. An arrest, being charged with an offense, or being adjudicated in juvenile court can jeopardize housing for youth and keep them away from their families.

I was 16 when I was sent to Meadow Mountain [a secure/locked facility] for three months for violating my probation. One of my probation requirements was to follow all the rules provided by my parents. After staying out late at a friend's house without telling my mom, she called my probation officer the next day.

My probation officer decided this was the last straw since I had skipped three classes and failed to show up for one of our scheduled meetings in the last couple of months. Even though I had missed the classes because I had doctor appointments and missed the scheduled meeting when I was sick and forgot, my probation officer recommended that I be brought before the judge on a probation violation. The judge thought I needed to "learn a lesson" and sent me to Meadow Mountain.

Two weeks before my release, our family's landlord learned about my juvenile court involvement. The landlord told my mom that if I returned to the apartment, our entire family would be evicted, pursuant to a clause in our lease. My mom was distraught. She felt terrible that she had called my probation officer and felt guilty that I ended up at Meadow Mountain. My parents didn't know what to do because they did not have the money to move.

I spent two weeks locked up beyond my original release date while my family worked to find alternative housing. Ultimately, I went to stay with my grandmother, but this required me to change school districts and lose connections with all of the community activities in which I had been involved.

—Trevor



CREDIT REPORT

Financial independence is essential for success, but involvement in the juvenile court system can derail a young person's financial credit standing.

I had five juvenile cases spanning three years and owed more than \$5,500 in fees, fines, and restitution before my 18th birthday. When I turned 18, the court started charging me 15 percent interest every year on the unpaid amount. Within four years, my court debt grew to almost \$10,000, and the court reported it to credit reporting agencies.

When I finished my associate degree, I was eager to get a job in the medical field to help me figure out whether I wanted to continue my education in a nursing program. I had no idea that my unpaid juvenile court debt would affect me years later until the unpaid amount showed up on a credit report run by a potential employer. I was unable to obtain a job in my desired field until a lawyer helped me manage the debt and seal my juvenile record.

— Jessie

Endnotes

¹ "Adjudication," analogous to an adult conviction, is a formal finding by the juvenile court, after an adjudicatory hearing or the entering of a guilty plea/admission, that the youth has committed the act with which they are charged.

² Judith G. McMullen, *Invisible Stripes: The Problem of Youth Criminal Records*, 27 S. CAL. REV. L. & SOC. JUST. 1, 21-22 (2018); *see, e.g.*, CAL. WELF. & INST. CODE § 676(a), (c), (d) (2020); CAL. WELF. & INST. CODE § 827.2(c) (2020) (information from adjudications for 707(b) offenses are available to the public); FLA. STAT. § 985.04 (2020) (felony records are available to the public); KAN. STAT. ANN. § 38-2309(b) (2020) (juvenile records for those 14 or older at the time of an arrest are open to the public); NEB. REV. STAT. § 43-2,108(3) (2020) (all records are open to the public unless sealed); VA. CODE ANN. § 16.1-305(B1) (2020), VA. CODE ANN. § 16.1-309.1(A) (2020) (felony adjudications of those who were 14 years old or older at the time of offense are public records); WASH. REV. CODE § 13.50.050 (2020) (all records are open to the public unless sealed); *see also* MINN. STAT. ANN. § 260B.171(4)(b) (2) (2020), MINN. STAT. ANN. § 245C.03(1) (2020) (The Minnesota Department of Human Services and the teacher licensing board will review an applicant's entire juvenile record—both what is privately available and publicly available—and can deny the application for an occupational license based on that record.); OFF. OF PRO. LICENSURE & CERTIFICATION, STATE OF N.H., STATE ADDENDUM (2020), <https://www.oplc.nh.gov/sites/g/files/ehbemt441/files/inline-documents/sonh/physician-application-addendum.pdf> (the New Hampshire Board of Medicine physician application asks about drug-related charges, investigations, and warnings by law enforcement. The application does not limit how far back the applicant must provide information.); MASS. GEN. LAWS ch. 6, § 172G (2020), MASS. GEN. LAWS ch. 6, § 172H (2020) (children's camps and other organizations that provide activities for children are allowed to look at applicants' juvenile records.).

³ *Id. See also* CLEAN SLATE CLEARINGHOUSE, <https://cleanslateclearinghouse.org/> (last visited Dec. 21, 2020) (provides information about the expungement/sealing eligibility requirements in each US state and territory). Sealing often means the closure and removal of records from regular access; and expungement often means the destruction or deletion of records. For information on the differences in laws and impact on young people in several states, *see Collateral Consequences*, NAT'L JUV. DEF. CTR., www.njdc.info/collateral-consequences (last visited Dec. 21, 2020); *Failed Policies, Forfeited Futures: National Scorecard*, JUV. L. CTR., <https://juvenilerecords.jlc.org/juvenilerecords/#/map> (last visited Dec. 21, 2020).

⁴ CTR. FOR CMTY. ALTS., THE USE OF CRIMINAL HISTORY RECORDS IN COLLEGE ADMISSIONS RECONSIDERED 8 (2010), <http://www.communityalternatives.org/pdf/Reconsidered-criminal-history-records-in-college-admissions.pdf>; *see also* ROBERT STEWART & CHRISTOPHER UGGEN, CRIMINAL RECORDS AND COLLEGE ADMISSIONS: A MODIFIED EXPERIMENTAL AUDIT 9 (2018) ("Nearly 80 percent of private colleges and 58 percent of public colleges required applicants to answer [criminal history questions] on their applications...").

⁵ About, COMMON APPLICATION, <https://www.commonapp.org/about> (last visited Dec. 21, 2020) (each year, more than one million students, one-third of whom are first-generation, utilize the Common App, which represents nearly 900 colleges and universities worldwide); Lindsey McKenzie, Common App Ditches High School Discipline Question, INSIDE HIGHER EDUC. (Oct. 5, 2020), <https://www.insidehighered.com/admissions/article/2020/10/05/common-app-stop-asking-students-about-their-high-school-disciplinary> (though the question about juvenile and criminal court involvement is no longer on the general application, "approximately 50 percent of colleges have added the question back into their supplements to the core Common App process").

⁶ CTR. FOR CMTY. ALTS., BOXED OUT: CRIMINAL HISTORY SCREENING AND COLLEGE APPLICATION ATTRITION v (2015), <http://www.communityalternatives.org/wp-content/uploads/2019/11/boxed-out.pdf>.



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