

HAVE A JUVENILE RECORD IN KANSAS?

PLAN FOR YOUR FUTURE!

Your Juvenile Record Does Not Disappear When You Turn 18!

As you move forward with your life after being involved in the juvenile court system, this summary provides information about what obstacles may lie ahead and how to prepare yourself.

The court and police paperwork about your juvenile court involvement is called your "juvenile record." This record can affect your life for years to come. But you can still pursue your goals and build a bright future by understanding the barriers caused by a juvenile record and knowing what to do and where to go to get help.

DEFINITIONS

Adjudication: An adjudication is when a juvenile court judge decides you broke the law and finds you guilty.

Collateral Consequences: Collateral consequences are the ways your juvenile record can create challenges for you as you move forward with your life, like getting a job, applying for college, finding a place to live, joining the military, or simply obtaining a driver's license.

Juvenile Record: Your juvenile record includes the court and police records related to your juvenile case.

Expungement: If your juvenile record is expunged, the court and police paperwork related to your juvenile case will no longer be available to the public and you can act as if the offense never happened.

"Most juvenile records in Kansas are available to the public unless they are expunged."





Most Kansas juvenile records are available to the public.

Anyone can find out about your juvenile court involvement in Kansas, since almost all juvenile records are open to the public.[1] Even if your case was dismissed – in other words, you were arrested but you were not found guilty – the record of your arrest and charges is open to the public.[2] If you are under 14 years old and the judge decides that it is most beneficial to you, the judge can close your court records and prevent people from being able to look at them.[3] Also, you can try to get your record "expunged," which will remove it from being available to the public.[4] Whenever possible, it's important to have your juvenile record expunged because it will no longer show up on most background checks once it's expunged. (The next section explains expungement.)

Your school can be notified if you are arrested or adjudicated, even if the alleged offense did not take place at school.[5] If you are adjudicated for a felony, your school can suspend, expel, or reassign you to an alternative educational program even if the offense did not happen at school.[6] School officials must follow certain rules and procedures to suspend or expel you.[7] A lawyer or other education advocate can help you challenge the suspension or expulsion and help you understand the process and your rights.

How to Talk About Your Juvenile Record

Most Kansas juvenile records are open to the public. Information about your juvenile court involvement may appear on background checks run by employers, landlords, and colleges. It's important that you are prepared to answer questions about your juvenile record during an interview or on an application.

Tips on how to talk about your juvenile record:

- Talk with a lawyer to learn how you should answer questions about your juvenile record. A lawyer can provide you with specific advice.
- If asked about your juvenile record, be brief and don't give too many details.
- For example, you can simply say: "I have a juvenile adjudication from 2018. I have worked hard to move past that incident and hope we can focus on what I can offer as an employee/student."
- Talk about how you have learned from your past. "I have learned a lot since then. It is important to work hard and move my life in a positive direction."
- Focus on the positive things you are doing in your life.
  - "I have good grades."
  - "I graduated from high school/completed my GED."
  - "I'm attending college."
  - "I volunteer with _____ (organization)."
  - "I have a job at _____."
  - "I help take care of my younger siblings and household responsibilities like chores and running errands for my parents."
  - "I participate in after-school activities." (sports, clubs, religious activities)
- Avoid blaming others. It is important to focus on the positive things you have done since your juvenile court involvement. Blaming others will not take the focus off of you. Instead, it may make your interviewer think that you are not ready to take on new responsibilities.
- Practice! Sometimes it is hard to talk about your juvenile court involvement. Practice with a lawyer, friend, or mentor to make sure you feel comfortable.
- Ask for a letter from a mentor, teacher, or other trusted leader that talks about your skills and strengths. The letter can help show the employer or school that you work hard, show up on time, follow the rules, have a positive attitude, and are able to do the job or complete the educational program.

Getting your record expunged may prevent it from showing up on background checks.

Getting your juvenile record expunged should prevent it from showing up on most background checks.

You may be able to get your juvenile record expunged. Once your record is expunged, you can act as if the offense never happened.[8] Expunged juvenile records should no longer appear on background checks done by most employers, landlords, or colleges.[9]

However, it can still be used against you for calculating a sentence for any future criminal convictions.[10] Expunged juvenile records may also be released to the FBI to "determine a person's qualification to possess a firearm."[11] Certain entities may access expunged juvenile record information for employment-related purposes, including the Kansas lottery and racing commissions, private detective agencies or private patrol operators, and the Department for Aging and Disability services for employment in nursing homes or other facilities serving people with disabilities or older adults.[12]

To be eligible for expungement, you must either be 23 years old or at least two years must have passed since (1) you completed probation or were released from placement or incarceration OR (2) the last hearing or court order in your case if you were not put on probation or sent to a placement or facility.[13] Additionally, you cannot have any pending criminal or juvenile cases.[14]



"Unless they are expunged, juvenile records can show up on background checks done by colleges, employers, and landlords."

Certain serious crimes are not eligible for expungement. For example, murder, manslaughter, abuse of a child, rape, and most other sexual offenses cannot be expunged.[15] Further, you cannot get your record expunged while you are required to register as a sex offender.[16]

To get your juvenile record expunged, you need to file a request with the court where the case originally took place.[17] The court will charge a filing fee of $195 per case you are asking to be expunged.[18] At the expungement hearing, the judge will review your "circumstances and behavior."[19] You could tell the judge the information included in How to Talk About Your Juvenile Record. You could also mention that having your record expunged may keep you from having to report it on applications or keep your record from showing up on background checks. Getting your juvenile record expunged would make it easier for you to go to college, get a job, or locate housing. If you have examples of how your record has caused problems for you in the past, it may be helpful to share that as well. You may also explain that you completed everything you were supposed to do for your juvenile case, and you would like to keep your record from blocking new opportunities in the future.

Keep in mind, the court could require you to pay all outstanding court "costs, fees, and restitution" before granting your request to expunge your juvenile record.[20]

For help with expunging your juvenile record, contact Kansas Legal Services or the attorney who represented you in juvenile court.

RESOURCES

Kansas Legal Services

Kansas Legal Services may be able to provide information or represent you for the expungement. Call Kansas Legal Services at 316-265-9681, and let them know you are looking for assistance to expunge your juvenile record.

ENDNOTES

1 Kan. Stat. Ann. §38-2309(b) (2020) (stating that when you are under 14 years old at the time of an arrest, the record of the arrest will not be open to the public); Kan. Stat. Ann. §38-2310(a) (2020) (these records may still be disclosed to your school).

2 *See* Kan. Stat. Ann. §38-2309(a) (2020); Kan. Stat. Ann. §38-2309(b) (2020).

3 Kan. Stat. Ann. §38-2309(b) (2020).

4 Kan. Stat. Ann. §38-2312 (2020).

5 Kan. Stat. Ann. §38-2356 (2020).

6 Kan. Stat. Ann. §72-6114 (2020).

7 Kan. Stat. Ann. §72-6115 (2020); Kan. Stat. Ann. §72-6116 (2020).

8 Kan. Stat. Ann. §38-2312(f) (2020).

9 *See generally id.*

10 Kan. Stat. Ann. §38-2312(f) (2020).

11 Kan. Stat. Ann. §38-2312(k)(9)(B) (2020).

12 Kan. Stat. Ann. §38-2312(k) (2020) (those who can access expunged records also includes the person whose record was expunged, the Kansas sentencing commission, and the Kansas Bureau of Investigation).

13 Kan. Stat. Ann. §38-2312(e)(1)(A)(i) (2020); Kan. Stat. Ann. §38-2312(e)(1)(A)(ii) (if you were adjudicated for prostitution, you only have to wait one year); Kan. Stat. Ann. §38-2312(e)(1)(A)(iii) (2020) (if you are a victim of human trafficking and were adjudicated for an offense related to that, you can file your expungement request immediately after your case, probation, or confinement is over).

14 Kan. Stat. Ann. §38-2312(e)(1)(B) (2020) (subsequent criminal convictions or juvenile adjudications may also preclude eligibility).

15 Kan. Stat. Ann. §38-2312(b) (2020).

16 Kan. Stat. Ann. §38-2312(c) (2020).

17 Kan. Stat. Ann. §38-2312(a) (2020).

18 Kan. Stat. Ann. §38-2312(d) (2020) (the court will charge a docket fee of $176 and can charge up to $19 to "fund the costs of non-judicial personnel").

19 Kan. Stat. Ann. §38-2312(e)(1)(C) (2020).

20 Kan. Stat. Ann. §38-2312(e)(2) (2020).

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