

Collateral Consequences of Juvenile Adjudications

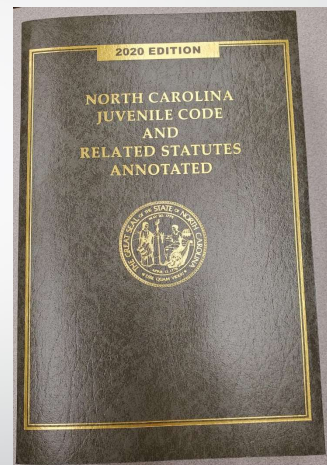
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Roadmap

- Is juvenile court really a secret?
- Categories of collateral consequences
- Long term impacts of adjudications
- Alternatives to adjudication



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Is Juvenile Delinquency Court Really a Secret?

- Confidentiality, NCGS 7B-3000 and -3001:
 - The limiting of access to juvenile records, including NCJOIN, JWisE, and police records
 - Can be available to certain parties, and under certain circumstances
 - Can be obtained by order of the court
 - Court hearings are open unless closed
- Sealed records, NCGS 7B-3000(c):
 - Must be directed by the court
 - Sealed and marked in an envelope
 - Examination or copying only by specific order of the court



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Categories of Collateral Consequences

- Direct juvenile and criminal
- Educational
- "Real World"
 - Employment
 - Subsequent Education
 - Housing
 - Military

§ 7B-2412. Legal effect of adjudication of delinquency.

An adjudication that a juvenile is delinquent or commitment of a juvenile to the Division for placement in a youth development center shall neither be considered conviction of any criminal offense nor cause the juvenile to forfeit any citizenship rights. (1979, c. 815, s. 1; 1998-202, s. 6; 2000-137, s. 3; 2001-95, s. 5; 2011-145, s. 19.1(l).)



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Direct Juvenile Court Consequences

- Creates delinquency history points
- Prosecutors may share information in a juvenile's record with law enforcement, magistrates, and the courts
- Court counselors may share juvenile records to officers at the time of investigation (RTA)
- Sex offender registry – in state and **out of state***

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Direct Criminal Court Consequences

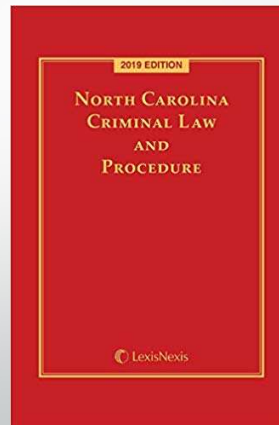
- NCGS 7B-3000(e): for an individual less than 21 at the time of the offense committed, the court system may consider A1 misdemeanors and any felony since age 13 in determining pretrial release, plea negotiation decisions and plea acceptance decisions
 - NCGS 7B-3000(e1): an adult probation officer may review the record of a juvenile adjudication of a felony for a person under 25 under adult supervision "for the purpose of assessing risk related to supervision"

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Direct Criminal Court Consequences

- Adjudication of an A-E felony offense is admissible:
 - against the offender in adult court as character evidence under Rule 404(b)
 - as an aggravator for felony or capital cases



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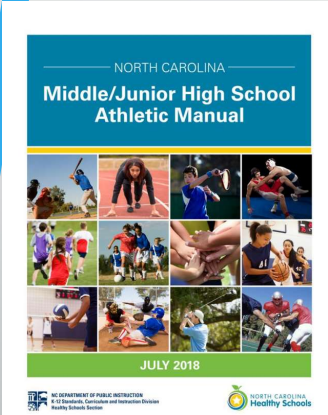
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Educational Consequences

- 7B-3101(a): court counselor shall make verbal and written notification to the school that:
 - (1) a petition is filed that alleges a felony
 - (4) court requires school attendance as part of probation for a felony offense
- May have an impact on student assignment to classes or activities, or whether disciplinary actions should be taken in situations that arise
- Note: since "other appropriate law enforcement officer" is listed under 7B-3200, this should include SROs and likewise impact their decisions


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Educational Consequences


- School Athletic Associations
 - Middle and High Schools
 - Absolutely prohibit participation from juvenile felony adjudication until graduation



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Employment Consequences

- Most applications ask specifically for “convictions”
- What about questions regarding “arrest” or “probation”?
- However, although a delinquency adjudication is not a conviction, it is sometimes in the interest of an applicant to address the adjudication to a potential employer, if revealed later



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Military Consequences



- Applicants to any branch of the United States Armed Services are required to disclose all sealed, expunged, or juvenile records
- Applicants can request a moral waiver to accept application for enlistment

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Impact of Adjudication on Future Offending

NC Sentencing and Policy Advisory Commission

Juvenile Recidivism Study: FY 2018 Sample

- Relationship between level of involvement with the juvenile justice system and the likelihood of recidivating during the study period
- Recidivism rates:
 - Diverted = 32%
 - Probation = 49%
 - Commitment = 66%

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Impact of Adjudication on Future Offending



“The deeper the involvement of the youth in the juvenile justice system, the more likely s/he was to have recidivism”

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Alternatives to Adjudication


- Continue under conditions
- Dismissal with leave
- Admission no adjudication

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Other Resources




- National Juvenile Defender Center:
<https://njdc.info/collateral-consequences/>
- National Juvenile Justice Network:
<https://juvenilerecords.jlc.org/juvenilerecords/#!/map>




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OJD Team

			
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Where to Find OJD?

- 1 Ncjuveniledefender.com
- 2 Twitter: @NCOJD
- 3 Facebook: NC Office of the Juvenile Defender

