

# Collateral Consequences of Juvenile Adjudications

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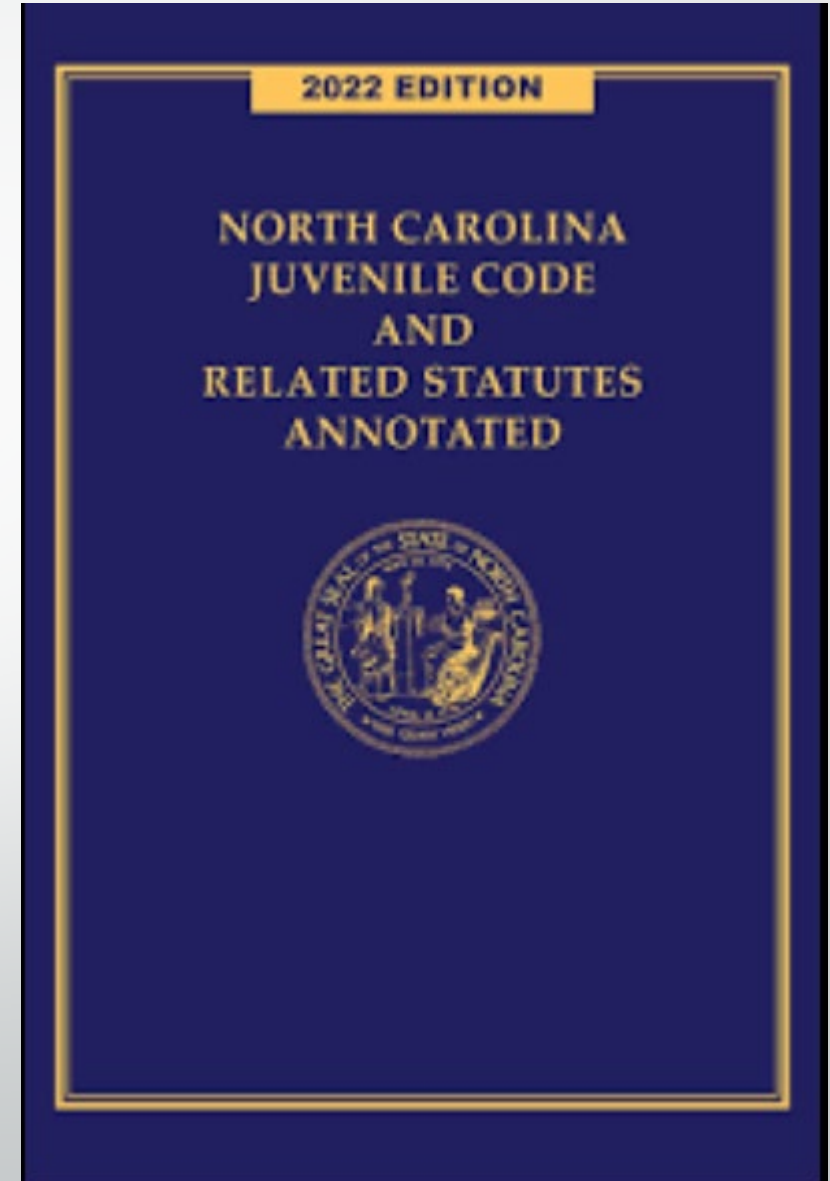
Office of the Juvenile Defender

2023 School of Government Judges Training



# Roadmap

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



# Is Juvenile Delinquency Court Really a Secret?

- Confidentiality, NCGS 7B-3000 and -3001:
  - The limiting of access to juvenile records, including NCJOIN, JWisE, eCourts 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
  - H186/SL 2023-114
- 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

# 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).)

# Direct Juvenile Court Consequences

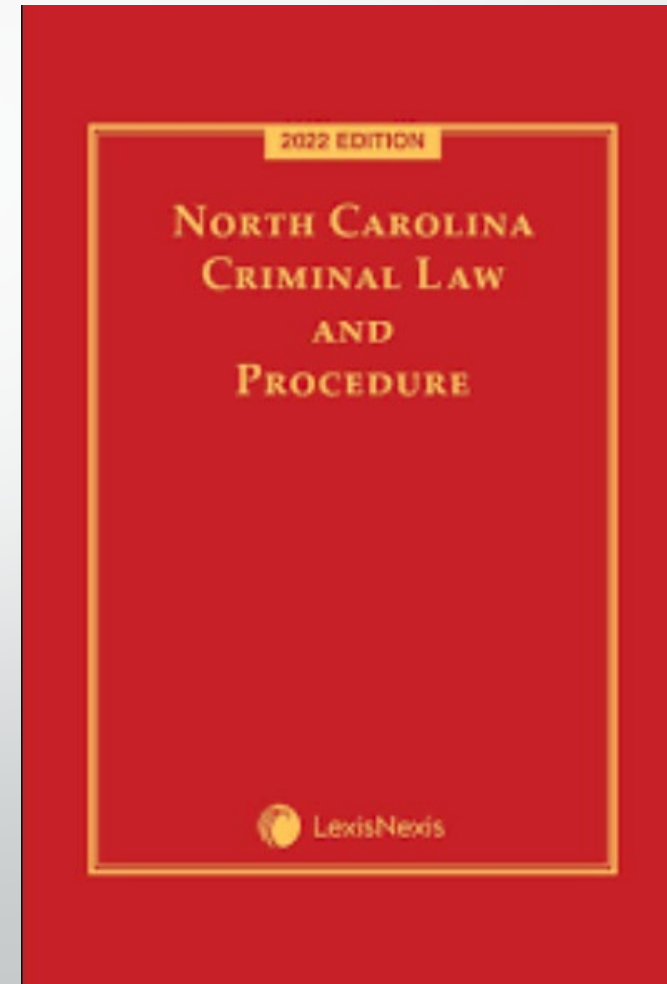
- Creates delinquency history points
- Prosecutors may share information in a juvenile's record with law enforcement, magistrates, and the courts
- Court counselors may share juvenile records to officers at the time of investigation (RTA)
- Sex offender registry – in state and **out of state\***

# 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”

# 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



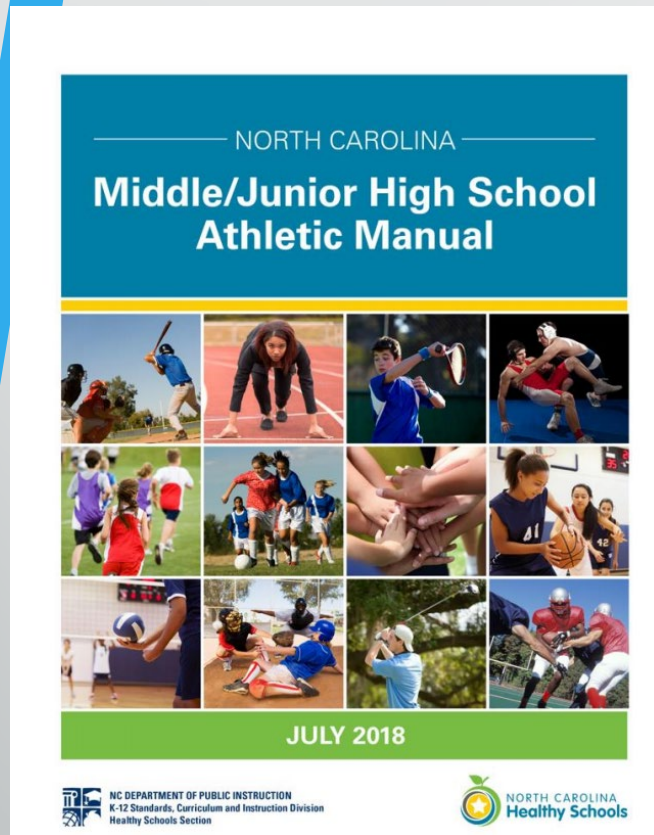
# Educational Consequences

- 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



# Educational Consequences

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



# 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

# Student Loan Consequences

- Federal Student Loans—You're not eligible to receive federal student loans while confined in an adult correctional facility or a juvenile justice facility.
- Federal Pell Grants—If you're incarcerated in a local, municipal, or county correctional facility or committed to a juvenile justice facility, and you otherwise meet the Federal Pell Grant eligibility requirements, you can receive Federal Pell Grants.
- Federal Work-Study (FWS) and Federal Supplemental Educational Opportunity Grants (FSEOG)—Although federal law doesn't prohibit students confined in adult correctional and juvenile justice facilities from receiving FWS and FSEOG, you probably won't be able to receive either type of aid.

# Housing Consequences – “One Strike”

- The housing authority has broad discretion to evict (or deny the application of) an entire household based on the action of any one tenant, or any guest of any one tenant
- Grounds to evict include: engaging in criminal activity that threatens the health/safety of others, threatening others' peaceful enjoyment of the premises, and activity involving illegal drugs, § 157-29(e)
  - Arrests that do not result in conviction are valid considerations in the admission and eviction processes, therefore juvenile records may be considered
  - Frequently occurs *before* adjudication

**Claim for Rental Assistance or Down Payment Assistance (49 CFR 24.402 and 24.401(f))**

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

OMB Approval No. 2506-0018 (exp. 04/30/2018)

See page 3 for Public Reporting Burden and Privacy Act Statements before completing this form

Use Only: For Agency Name of Agency, Project Name or Number, Case Number

**Instructions:** This claim form is for the use of families and individuals applying for rental or down payment assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and may also be used by a 90-day homeowner-occupant who chooses to rent rather than buy a replacement home. The Agency will help you complete the form. HUD also provides information on these requirements and other guidance materials on its website at [www.hud.gov/relocation](http://www.hud.gov/relocation). If the full amount of your claim is not approved, the Agency will provide you with a written explanation of the reason. If you are not satisfied with the Agency's determination, you may appeal that determination. The Agency will explain how to make an appeal.

**Displaced persons must rent/purchase and occupy a decent, safe and sanitary replacement dwelling within one year from the date of displacement for replacement housing payment eligibility (see 24.402(e)(2)). All claims for payments must be filed no later than 18 months from the date of displacement (see 24.297(c)).**

1a. Your Name(s) (You are the Claimant(s) and Present Mailing Address: \_\_\_\_\_  
1b. Telephone Number(s) \_\_\_\_\_

2a. Have all members of the household moved to the same dwelling?  Yes  No (If "No," list the names of all members and the addresses to which they moved in the Remarks Section.)  
2b. Do you (or will you) receive a Federal, State, or local housing program subsidy at the dwelling you moved to?  Yes  No

Dwelling	Address	When Did You Rent/Buy This Unit?	When Did You Move To This Unit?	When Did You Move Out of This Unit?
3. Unit That You Moved From				
4. Unit That You Moved To				

5. **Certification of Legal Residency in the United States** (Please read instructions below before completing this section.)  
**Instructions:** To qualify for relocation advisory services or relocation payments authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, a "displaced person" must be a United States citizen or national, or an alien lawfully present in the United States. **The certification below must be completed in order to receive any relocation benefits.** (This certification may not have any standing with regard to applicable State laws providing relocation benefits.) **Your signature on this claim form constitutes certification.** See 49 CFR 24.208(g) & (h) for hardship exceptions.

Please address only the category (individual or family) that describes your occupancy status. For item (2), please fill in the correct number of persons.

**RESIDENTIAL HOUSEHOLDS**

(1) Individual: I certify that I am: (check one)  
 a citizen or national of the United States  
 an alien lawfully present in the United States.

(2) Family: I certify that there are \_\_\_\_\_ persons in my household and that \_\_\_\_\_ are citizens or nationals of the United States and \_\_\_\_\_ are aliens lawfully present in the United States.

6. Determination of Person's Financial Means (Not applicable to 90-day homeowner-occupants who choose to rent. Enter NA in item 6(5).)	Household Income	
	Claimant (a)	For Agency Use Only (b)
(1) Total number of persons in the household (See item 2(1) or (2))		
(2) Annual Gross Household Income: (49 CFR 24.2(a)(14)). Enter name of each household member with income (include the income of persons not lawfully present in the U.S.)	\$ _____	\$ _____
(3) Total Gross Annual Income (Sum of entries in item 6(2))	\$ _____	\$ _____
(4) URA low income limit for number of persons in item 6(1). If item 6(3) is greater than item 6(4) - Family is not low-income. See 49 CFR 24.402 (b)(2)(6).	\$ _____	\$ _____
(5) Gross Monthly Income (Divide item 6(3) by 12)	\$ _____	\$ _____
(6) 30% of item 6(5) or "NA". (If gross annual income item 6(3) is greater than URA low income limit in item 6(4), enter "NA".)	\$ _____	\$ _____

Previous editions are obsolete

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Form HUD-40058 (06/2016)

# Military Consequences



- Applicants to any branch of the United States Armed Services are required to disclose all sealed, expunged, or juvenile records
  - If not truthful, could be prosecuted
    - Branches vary as to impact
- Applicants can request a moral waiver to accept application for enlistment

# Immigration Consequences

- A juvenile delinquency adjudication does not automatically constitute a conviction for immigration purposes (unless under 18 and charged as adult), and therefore may not result in deportation or serve as a bar to obtaining U.S. citizenship
- However, adjudications may affect the naturalization process in other ways (ex: preventing requisite finding of “good moral character”)
- May also be considered for applications for DACA as well as for applications for legal status

# Impact of Adjudication on Future Offending

NC Sentencing and Policy Advisory Commission

Juvenile Recidivism Study: FY 2020 Sample

- Relationship between level of involvement with the juvenile justice system and the likelihood of recidivating during the study period
- Recidivism rates:
  - Diverted = 25%
  - Probation = 42%
  - Commitment = 66%

# Impact of Adjudication on Future Offending



*"The lowest levels of recidivism corresponded to the least invasive systemic responses of the juvenile justice system, particularly by intervening with youth short of adjudication. These findings suggest that the most efficient investment of sufficient resources is in the community."*



# Alternatives to Adjudication

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

# Other Resources

- The Gault Center:  
<https://www.defendyouthrights.org/wp-content/uploads/2016/03/Future-Interrupted.pdf>
- National Juvenile Justice Network:  
<https://juvenilerecords.jlc.org/juvenilerecords/#!/map>



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