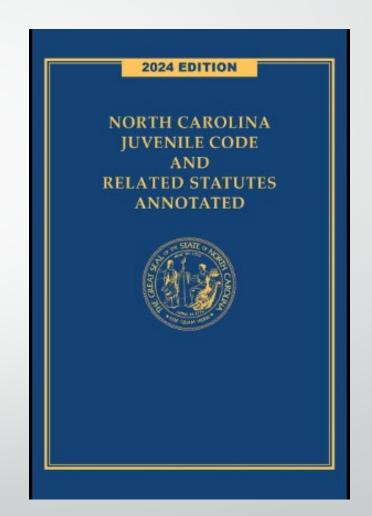
Collateral Consequences of Juvenile Adjudications

North Carolina Juvenile Defender
Office of the Juvenile Defender
2025 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(1).)

Direct Juvenile Court Consequences

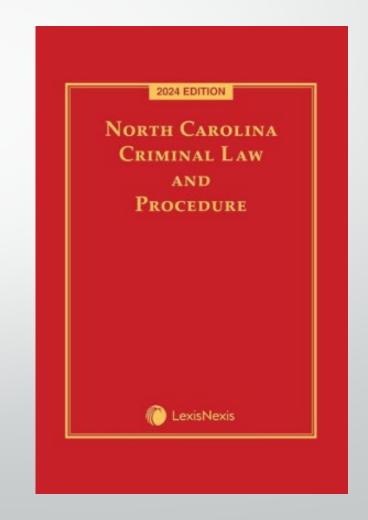
- Creates delinquency history points
- Prosecutors may share information in a juvenile's record with law enforcement, magistrates, and the courts
- Court counselors may share juvenile records to officers at the time of investigation (RTA)
- Sex offender registry in state and out of state*

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"

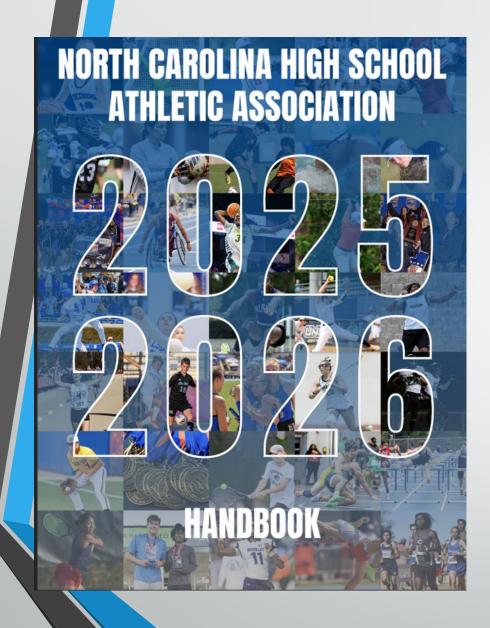
Direct Criminal Court Consequences

- 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 Class A, B1, B2, C, D or E felony
 - (2) the court transfers jurisdiction for the same offenses
 - (3) the court dismisses the petition for the same offenses
 - (4) court requires school attendance as part of probation for a felony offense
 - (5) the court modifies/vacates an order under 7B-2600 for the same offenses
- 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
 - NO LONGER A BARRIER FOR ADJUDICATIONS!

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

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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
 - 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 2022 Sample

- Relationship between level of involvement with the juvenile justice system and the likelihood of recidivating during the study period
- Recidivism rates:
 - Diverted = 33%
 - Probation = 47%
 - Commitment = 57%

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/wpcontent/uploads/2016/03/Future-Interrupted.pdf
- National Juvenile Justice Network: https://juvenilerecords.jlc.org/juvenilerecords/ #!/map

OJD Team

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