

2018

Collateral Consequences for Justice-Involved Youth: A Model Approach to Reducing the Number of Collateral Consequences

Jennica Janssen

Follow this and additional works at: <https://scholarship.law.marquette.edu/benefits>



Part of the [Civil Rights and Discrimination Commons](#), [Criminal Law Commons](#), [Criminal Procedure Commons](#), and the [Juvenile Law Commons](#)

Recommended Citation

Janssen, Jennica (2018) "Collateral Consequences for Justice-Involved Youth: A Model Approach to Reducing the Number of Collateral Consequences," *Marquette Benefits and Social Welfare Law Review*. Vol. 20: Iss. 1, Article 3.

Available at: <https://scholarship.law.marquette.edu/benefits/vol20/iss1/3>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Benefits and Social Welfare Law Review by an authorized editor of Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

COLLATERAL CONSEQUENCES FOR JUSTICE-INVOLVED YOUTH: A MODEL APPROACH TO REDUCING THE NUMBER OF COLLATERAL CONSEQUENCES

Jennica Janssen*

Collateral consequences—stigma and disadvantages individuals face after becoming entangled in the legal system—for justice-involved youth differ by jurisdiction and number in the thousands. Although the American Bar Association (ABA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) advocated for the reduction of juvenile collateral consequences over five years ago, after an initial surge in activism, the movement lost momentum. The Federal Advisory Committee on Juvenile Justice and several non-profit, public interest law firms, continue to advocate for the clarification of juvenile collateral consequences and the elimination of specific sanctions. This Note recognizes the importance of gathering juvenile collateral consequences for each state into one accessible resource for easy reference, and includes a juvenile collateral consequences table encompassing policies and statutes from across the country. It also proposes a Model Act, with the ultimate goal of establishing uniformity and abolishing certain collateral consequences to limit the impact on the future of justice-involved youths.

*Jennica Janssen, M.S., is a J.D./Ph.D. candidate in Drexel University's Law-Psychology program. Her clinical and research interests are in the collateral consequences for justice-involved youth, juvenile sex offender registration, online dating violence, and juvenile and adult forensic psychology, generally. She is adjunct faculty in the Department of Psychology at Drexel University. Jennica earned her M.S. in Clinical Psychology in 2013 and B.S. in Psychobiology in 2010. I would like to thank Dr. Kevin Woodson, Dr. Naomi Goldstein, Riya Shah, and Juvenile Law Center for their assistance throughout the drafting of this article.

TABLE OF CONTENTS

| | |
|---|----|
| I. INTRODUCTION | 27 |
| II. THE NEED FOR JUVENILE COLLATERAL CONSEQUENCES REFORM | 31 |
| A. <i>The Evolution of the Juvenile Justice System</i> | 32 |
| B. <i>Juvenile Collateral Consequences Defined and Why They Need to Change</i> | 35 |
| III. THE CHALLENGING ISSUES OF JUVENILE COLLATERAL CONSEQUENCES..... | 37 |
| A. <i>A First Attempt at Answering the Call to Action - Laying the Groundwork</i> | 40 |
| B. <i>Identifying and Compiling Collateral Consequences from Each State</i> | 43 |
| IV. A PROPOSED SOLUTION..... | 46 |
| A. <i>Simplify, Reduce, and Create More Uniformity</i> | 47 |
| V. CONCLUSION..... | 51 |
| APPENDIX A..... | 52 |

I. INTRODUCTION

Michael Johnson was raised in a loving single-parent home in a poor, urban neighborhood.¹ He enjoyed elementary school and did very well academically. Michael and his mother decided to place Michael in the district's lottery system to attempt to gain him entry to a high-achieving charter school in the city. Although he was lucky enough to get selected, the special admit middle school placed him in a different area of the city. After getting jumped twice on his way home, Michael decided that the best way to scare off his bullies was to carry a knife with him for protection. He reasoned with himself, "My mom will not even know it's gone because we have so many steak knives in the kitchen." The only time he would even need to take the knife out of his backpack would be to flash it to the eighth graders who kept bullying him.

Since he was new to the school, Michael forgot to consider the metal detectors through which he had to put his bag. Standing in line to walk on to campus, Michael knew that he could not walk away to dispose of the knife without raising suspicion. He wished he could just tell the school police officer what was happening to explain why he left the house with the kitchen knife, but there was no going back now. He placed his bag on the metal detector and hoped for the best.

The loud alarm scared him. He almost wanted to yell, "That bag is not mine!" but it was too late. The police officer pulled him aside and searched his bag. Michael was caught. Thinking that the knife would just be taken out of his possession, he apologized profusely. However, Michael did not know that he was in a Zero Tolerance² school district. He was arrested for having a weapon

¹ This fictional description is used to illustrate the possible background story of a justice-involved youth and how small mistakes can spiral into a lifetime of crime. This narrative is an illustration of what is often coined the "School-to-Prison-Pipeline," where "children are funneled out of [] schools and into the juvenile or adult criminal justice system." AMERICAN CIVIL LIBERTIES UNION, *School-to-Prison-Pipeline*, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline> (last visited Jan. 5, 2019). The facts and procedure are clarified by a discussion with an experienced legal system official who explained that stories like these are a commonplace in the current configuration of the juvenile justice system. In-person interview with Kevin Bethel, Former Deputy Police Commissioner of Philadelphia, in Philadelphia, Pa. (Nov. 2, 2016).

² Zero tolerance policies "mandate automatic punishment, such as suspension or expulsion, for infractions of a stated [school] rule." Stephanie Francis Ward, *Schools Start to Rethink Zero Tolerance Policies*, ABA JOURNAL (Aug. 2014), http://www.abajournal.com/magazine/article/schools_start_to_rethink_zero_tolerance_policies (citing examples of expelling a student because it "looked like they were

in a school zone and taken to the local precinct.

The type of knife did not matter. The reason Michael had the knife in his bag did not matter. His apologies did not matter. Weapons are mandatory reports that require the police to be called.³ Even if the police did not want to place Michael in the system at such a young age, the legislature requires it. Michael had his first contact with the police and his first mark on his juvenile record at 11 years old.

Since he was a minor and this was his first arrest, the district attorney cut Michael a break by requiring no formal probation. Michael was diverted⁴ to a program established by the prosecutor. He was able to complete the program successfully and his record was eligible to be expunged. All Michael had to do to wipe his record clean was pay one hundred dollars in court fines. Michael knew it would be difficult to earn 100 dollars, especially because his mother could not help him; she was already working two jobs and trying to support him and his three siblings. He would try and find a job to help him pay his fines within the one-year deadline.

There are not many jobs available to a middle school boy, let alone one with a record. He was unable to pay the fines within the deadline and was receiving pressure from the judge. Michael did not know what he should do, but once he reached high school, a solution was proposed to him. Michael's older brother had a neighborhood friend who said Michael could earn some easy money by working for him. Seeing no downside to this arrangement, Michael asked what he had to do. The 17-year-old said, "All you need to do is stand on the corner while I am down the block. Just signal to me if you see anyone coming towards our street."

Michael knew this might not be the best idea, but it seemed harmless and it was easy money. He started out earning ten dollars per hour for just hanging around outside with his brother and his friends. This arrangement was flawless for a few weeks

high" or "smelled like pot"). Although originally instituted to increase safety in schools, "These policies have no measurable impact on school safety but are associated with a number of negative effects." Nancy A. Heitzeg, *Education or Incarceration: Zero Tolerance Policies and the School to Prison Pipeline*, 2 F. ON PUB. POL'Y ONLINE 1 (2009).

³ Mickey Losinski et al., *Weapons in Schools and Zero-Tolerance Policies*, 98(2) NASSP Bulletin 126, 127-28 (2014).

⁴ Diversion programs are "alternatives to initial or continued formal processing of youth in the juvenile delinquency system" and can include community service, after-school programs, etc. YOUTH.GOV, *Diversion Programs*, <http://youth.gov/youth-topics/juvenile-justice/diversion-programs> (last visited Jan. 5, 2019).

until the local community police officer began patrolling the block. This led to Michael's second contact with the police. The city police department and the prosecutor were a lot less forgiving this time. Michael, at age 14, received a year of juvenile probation, a formal juvenile adjudication⁵ for furthering a drug operation (trafficking), and an additional 500 dollars in fines.

Michael thought he got the best deal possible. His day-to-day life had not been disrupted by this new charge, but his future was greatly affected. As a resident of Pennsylvania, these adjudications meant that Michael's ability to get a job in the future was in jeopardy, his family could be evicted from their public housing, he could be suspended or expelled because his school would be informed of his new charge, he would have to report his record on his college applications, and a court could use his history against him should he face any charges as an adult.⁶ In other words, before Michael even has the chance to vote—or to decide his own future—our justice system has him pigeonholed as a criminal.⁷ Michael's story reflects an important problem with grave consequences that affects far too many young people across the United States: after justice system involvement, youths never have the opportunity to enjoy a fresh start at a bright future. This Note seeks to identify the issues with juvenile collateral consequences and offers a solution to remedy the long-term effects of juvenile collateral consequences.

Research has demonstrated that justice-involved youth experience detrimental educational consequences. For example, arrested and incarcerated individuals are 11.26% less likely to graduate from high school than non-arrested individuals.⁸ Zero tolerance laws⁹ enforced in most states mandate that states establish firearm statutes requiring a one-year expulsion for cer-

⁵ A juvenile adjudication is the equivalent to an adult misdemeanor or felony. See generally PENNSYLVANIA JUVENILE INDIGENT DEFENSE ACTION NETWORK, *The Pennsylvania Juvenile Collateral Consequences Checklist* (Aug. 2015), <http://www.pacourts.us/assets/files/setting-1748/file-1538.pdf?cb=4467fc> [hereinafter PA-JIDAN]. In this case, it is a felony because drug trafficking would be considered a felony in adult court.

⁶ PA-JIDAN, *supra* note 5, at 5-7.

⁷ Michael's story is more common than we would like to think. See, e.g., Dylan Walsh, *The Crimes of Children*, THE ATLANTIC (Aug. 10, 2015), <https://www.theatlantic.com/politics/archive/2015/08/the-crimes-of-children/398543>. With the courts handling an estimated 1,058,500 delinquency cases in 2013, the number of "Michaels" in the United States is in the thousands. CHARLES HOCKENBERRY & SARAH PUZZANCHERA, NAT'L CTR. FOR JUV. JUST., *JUVENILE COURT STATISTICS* 1, 6 (July 2015), <https://calio.dspace.direct.org/handle/11212/1194>.

⁸ Randi Hjalmarsson, *Criminal Justice Involvement and High School Completion*, 63 J. OF URB. ECON. 613, 613, 621 (2008).

⁹ See Ward, *supra* note 2.

tain weapons offenses; whenever a child is charged with a delinquent act, the intake officer is required to inform the school district, which could also lead to suspension or expulsion.¹⁰ Not only do these consequences greatly restrict the youth's access to education, but they also make it more difficult for them to obtain an education in the future by limiting what schools he or she may be allowed to attend.¹¹ Furthermore, results of a longitudinal study conducted in Chicago, Illinois, demonstrated that a juvenile adjudication has a large impact on high school dropout rates and there was a significant gap in four-year college enrollment between youth with a juvenile record and youth without justice system involvement.¹² Youth will struggle with the considerable consequences of lowered educational attainment, which may impact recidivism. Education is a protective factor in preventing recidivism, so it is crucial to provide a mechanism for juvenile justice stakeholders to review collateral consequences on a state-by-state basis with the hope of reducing the severity of impact on the futures of justice-involved youth.¹³

Part I of this Note will give a general introduction to the juvenile justice system and to collateral consequences affecting justice-involved youth. Part II will address the current state of juvenile justice reform, discuss the lack of uniformity of juvenile collateral consequences across the United States, and provide a discussion of the collateral consequences in all fifty states. Part III will propose a model act and will argue that drafting a statute to serve as a prototype for state legislatures will promote continuity and reduce the impact of collateral consequences on justice-involved youth. This Note will conclude by arguing that decreased, consistent collateral consequences delineated in a model act will reduce the long-term effects of juvenile adjudications.

¹⁰ Julie McConnell, *Five Devastating Collateral Consequences of Juvenile Delinquency Adjudications You Should Know Before You Represent a Child*, 61 VA. LAW. 34, 34-35 (2012), <https://scholarship.richmond.edu/law-faculty-publications/45/>.

¹¹ See generally PA-JIDAN, *supra* note 5.

¹² David S. Kirk & Robert J. Sampson, *Juvenile Arrest and Collateral Education Damage in the Transition to Adulthood*, 86 SOC. OF EDUC. 36 (2013).

¹³ See Christopher Gowen et. al, *The ABA's Approach to Juvenile Justice Reform: Education, Eviction, and Employment: The Collateral Consequences of Juvenile Adjudication*, 3 DUKE F. FOR L. & SOC. CHANGE 187, 190 (2011).

II. THE NEED FOR JUVENILE COLLATERAL CONSEQUENCES REFORM

Over 100 years ago, juvenile courts established an alternative to the adult courts due to the prevailing belief that juveniles are inherently different from adults.¹⁴ The state was supposed to play the role of a parent, *parens patriae*,¹⁵ because “children were not of full legal capacity, the state had the inherent power and responsibility to provide protection for children whose natural parents were not providing appropriate care or supervision.”¹⁶ The focus of the juvenile system was the overall welfare of the youth, and the child was viewed to be in “need of the court’s benevolent intervention.”¹⁷ By 1925, all but two states had created juvenile courts and the mission was clearly stated in the laws: to help children in trouble.¹⁸ Juveniles were seen as less culpable and more receptive to rehabilitation, and therefore were able to be “saved from a life of crime and disadvantage.”¹⁹ Unfortunately, the United States has since departed from the care and treatment of justice-involved youth and focused more on punitive, retributive measures including severe collateral consequences post-adjudication.²⁰

Before analyzing what should be done to address the issues regarding juvenile collateral consequences, it is important to understand the current state of the juvenile justice system. Section A explains the present juvenile justice system and the need to revert to its original intent, treating youth differently by focusing on treatment, care, and rehabilitation. The utility of juvenile collateral consequences and state specific prevalence rates are discussed in Section B.

¹⁴ Daniel P. Mears et. al, *Public Opinion and the Foundation of the Juvenile Court*, 45 CRIMINOLOGY 223, 223 (2007), http://www.njjn.org/uploads/digital-library/resource_509.pdf.

¹⁵ *Parens Patriae* is a longstanding doctrine that extended to schools and other institutions and was then incorporated into the juvenile justice system. See Alexander W. Pisciotta, *Saving the Children: The Promise and Practice of Parens Patriae, 1838-1898*, 28 CRIME & DELINQ. 410, 410 (1982).

¹⁶ HOWARD N. SNYDER & MELISSA SICKMUND, JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT, 94 (2006), <http://files.eric.ed.gov/fulltext/ED495786.pdf>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Mears et al., *supra* note 14, at 223.

²⁰ See *infra* Part II; see also *infra* Appendix A.

A. *The Evolution of the Juvenile Justice System*

Today, although research indicates that the general public believes that juvenile offenders are capable of rehabilitation, states have continued to criminalize their juvenile justice systems by slowly decreasing the divide between the juvenile and adult justice systems.²¹ During the mid-twentieth century, the juvenile courts focused on “offenders and not offenses” and “on rehabilitation and not punishment,” which allowed the juvenile courts to have discretion on its cases and sometimes handle cases without taking formal judicial action.²² A range of sentencing options were available for judges who wanted to rehabilitate children, including training school confinement and discussing the cases with the department of probation.²³ All of these juvenile cases were individualized and decided based on the “best interests of the child and the public.”²⁴ In the 1950s and 1960s the treatment techniques used by juvenile justice professionals were not reaching desired effectiveness and the professionals were worried about the increasing number of youths indefinitely institutionalized in the name of treatment.²⁵

During the 1980s the public began to perceive that serious juvenile crime was increasing and the justice system was too lenient on youth offenders.²⁶ Even though there were misperceptions about the rise of juvenile crime, many states passed more punitive laws.²⁷ Some states lowered the upper age of juvenile court jurisdiction in order to include more youths in the adult system, and almost every state enacted laws aimed at facilitating the transfer of certain youthful offenders to the adult criminal justice system.²⁸ Although the rates of crimes committed by young people did not increase as predicted, the changes to the legal system that favored punishment rather than rehabilitation of youth have remained, including laws giving criminal and juvenile courts expanded sentencing options and laws removing juvenile court confidentiality provisions.²⁹ In addition to changes

²¹ Mears et al., *supra* note 14, at 223; See also Alex R. Piquero et al., *Never Too Late: Public Optimism About Juvenile Rehabilitation*, 12(2) PUNISHMENT & SOC'Y 187, 188 (2010).

²² Snyder & Sickmund, *supra* note 16, at 94.

²³ *Id.*

²⁴ *Id.* at 94.

²⁵ *Id.* at 96.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 96-97.

in the legal system that reflected more punitive treatment of justice-involved youth, public opinion at that time also suggested an acceptance of harsh responses to young defendants.³⁰ Regardless of actual trends, significant majorities believed youth crime to be increasing and most people held negative views of youth courts.³¹

Crime trends, recidivism rates, alternatives to imprisonment, and the impact of rehabilitation and restorative juvenile justice are usually topics with which the general public is unfamiliar.³² Surveys conducted over the past twenty years in several English-speaking countries revealed that most members of the public held a number of misperceptions about juvenile crime.³³ Research on public opinion previously identified that people believe the juvenile justice system to be too lenient because it “concentrate[es] too heavily on rehabilitation and the welfare of offenders.”³⁴ This opinion, however, was based on media coverage, which more often addressed the failings of the justice system than the successes.³⁵ Findings from more recent studies indicate that this swinging pendulum of opinion is swinging back towards rehabilitation suggesting people would like juveniles transferred to adult court sparingly and selectively.³⁶ There is also a broad consensus in support of juvenile rehabilitation and an abiding optimism that court-involved youth can

³⁰ For example, one-quarter of a random sample of 556 Southern California residents who were polled in 2003 on their views regarding youth who committed very serious crimes were willing to execute juvenile offenders who were 15 years and younger at the time the crime was committed. Brenda L. Vogel & Ronald E. Vogel, *The Age of Death: Appraising Public Opinion of Juvenile Capital Punishment*, 31 J. OF CRIM. JUST. 169, 169 (2003). The Supreme Court later banned the death penalty for juveniles. *Roper v. Simmons*, 543 U.S. 551 (2005). In this case, the juvenile defendant conspired with two friends to burglarize a home and murder the occupant. *Id.* Despite the egregiousness of the crime, the Court held that it is unconstitutional to sentence individuals to capital punishment for crimes committed under the age of 18. *Id.* at 578-79. This decision overturned statutes in 25 states and overruled the Court's prior holding in *Stanford v. Kentucky*, 492 U.S. 391 (1989) (upholding capital punishment for offenders above or at the age of 16).

³¹ Vogel & Vogel, *supra* note 30, at 169.

³² Francis T. Cullen et al., *Public Opinion about Punishment and Corrections*, 27 CRIME AND JUST. 1, 3 (2000).

³³ See generally Julian V. Roberts, *Public Opinion and Youth Justice*, 31 CRIME AND JUST. 495 (2004), <http://www.jstor.org/stable/3488353>.

³⁴ CAROLYN HAMILTON & RACHEL HARVEY, *THE ROLE OF STATISTICS AND PUBLIC OPINION IN THE IMPLEMENTATION OF INTERNATIONAL JUVENILE JUSTICE STANDARDS* 25 (2005), <http://www.heuni.fi/material/attachments/heuni/papers/6KtmH98RD/ToinenVersioPaino.pdf>.

³⁵ *Id.* at 24.

³⁶ Brandon K. Applegate et al., *Reconsider Child Saving: The Extent and Correlates of Public Support for Excluding Youths from the Juvenile Court*, 55 CRIME & DELINQ. 51, 70 (2009).

be reformed.³⁷ Taken together, findings from surveys of public opinion suggest that although people support harsh punishments for youth who commit violent crimes, they also support rehabilitative measures for juveniles.³⁸

Juvenile justice reform has refocused on rehabilitation and emphasized treating each juvenile as an individual,³⁹ but collateral consequences have not followed suit. It is more beneficial to reduce recidivism and to prevent crime than to work retroactively by punishing offenders after the fact.⁴⁰ The Supreme Court endorsed the individual-prevention theory for adults as a constitutional matter in the 1997 decision of *Kansas v. Hendricks*.⁴¹ The Court upheld a subjective standard when examining a substantive due process challenge “for sexual-predator statutes that permit post-sentence commitment, so long as they require proof that the offender is ‘dangerous beyond [his or her] control.’”⁴² The Court effectively held that “individuals whose lack of volitional control makes them relatively undeterrable may be preventively detained if necessary to avoid recidivism.”⁴³ In this case the Court created a subjective inquiry based on the individual offender by holding that adult prisoners convicted of sex offenses whom the state deems dangerous due to mental abnormality can be civilly committed indefinitely pending a finding of ‘dangerous beyond [his or her] control.’⁴⁴ Focusing on just the individual standard and not the holding, this preventative model is also applied when analyzing juvenile offenses. Adolescence is characterized by lack of volitional control but unlike the adults discussed in *Hendricks*, juveniles can be deterred because it can be argued that immaturity—characterized by risk taking behavior, impulsivity, and susceptibility to peer pressure—affects decision-making abilities in juveniles and reduces culpability.⁴⁵ Thus, a proactive, individually tailored, preventive intervention, ideally designed to increase deterrability, may be more successful for juveniles.⁴⁶

³⁷ Piquero et al., *supra* note 21, at 198.

³⁸ Mears et al., *supra* note 14, at 230.

³⁹ Christopher Slobogin & Mark R. Fondacaro, *Juvenile Justice: The Fourth Option*, 95 IOWA L. REV. 1, 4 (2009).

⁴⁰ *Id.* at 6.

⁴¹ *Id.*; see generally, 521 U.S. 346 (1997).

⁴² Slobogin & Fondacaro, *supra* note 39, at 6.

⁴³ *Id.*

⁴⁴ *Hendricks*, 521 U.S. at 346-48.

⁴⁵ Slobogin & Fondacaro, *supra* note 39, at 6.

⁴⁶ *Id.* at 6-7.

B. Juvenile Collateral Consequences Defined and Why They Need to Change

Collateral consequences are penalties not imposed by the justice system that can be contradictory to the proactive, individual-prevention theory.⁴⁷ The collateral consequences of justice system involvement include the stigma and disadvantages that are attached to individuals *after* becoming involved with the court system.⁴⁸ They are civil or non-civil penalties that continue to affect individuals even after they have successfully completed the requirements delineated by the court.⁴⁹ Although these penalties are not imposed by courts, they may limit opportunities for individuals and linger much longer than court-imposed dispositions.⁵⁰

Even though the collateral consequences for justice-involved youth differ depending on jurisdiction, the effects of a juvenile adjudication are longstanding for all adolescents. In all 50 states and the District of Columbia, a juvenile record can prevent youths from serving in the military, becoming United States citizens, and may lead to the youth's entire family being evicted from public housing.⁵¹ In 65% of states a juvenile adjudication can lead to suspension or expulsion from school, and in 57% of states, an adjudication can affect a youth's chances of getting accepted to college or graduate school.⁵² 86% of states make juvenile records available to government agencies, school officials, potential employers, or the general public.⁵³ In fact, 19 states do not allow juvenile records to be expunged at all.⁵⁴ 47% of states may require juveniles to register as sex offenders and 2 states even make it impossible for individuals with juvenile records to ever become a foster or adoptive parent.⁵⁵

If Michael lived in Pennsylvania, because of Michael's adjudication,⁵⁶ his future would be severely impacted. The infor-

⁴⁷ See DAVID P. FARRINGTON & BRANDON C. WELSH, *SAVING CHILDREN FROM A LIFE OF CRIME: EARLY RISK FACTORS AND EFFECTIVE INTERVENTIONS* 1, 105-120 (Oxford: Oxford University Press, 2007).

⁴⁸ Gowen et al., *supra* note 13, at 188.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ See *infra* Appendix A (displaying a chart of the potential juvenile collateral consequences in each of the fifty states).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See *supra* Introduction.

mation about his case will be sent to his school.⁵⁷ If Michael decides to transfer schools, all information about the delinquency adjudication will be transferred with him.⁵⁸ Michael, his mom, and all of his siblings could be evicted from their public housing even though his offense did not occur on public housing property.⁵⁹ Potential employers have the ability to access his juvenile record through the Administrative Office of Pennsylvania Courts.⁶⁰ If Michael decides to apply to college, and the institution's application asks for arrest history, then Michael must include information about his juvenile arrests.⁶¹ If Michael decides to join the military, "a delinquency adjudication is considered a conviction for a criminal offense under army regulations."⁶² Michael is required to pay all fines and court costs.⁶³ If Michael committed another crime after he turned 18, his delinquency adjudications trigger sentencing enhancements in both state and federal adult criminal systems.⁶⁴ Drug trafficking would be considered a felony in adult court, and therefore more severe juvenile collateral consequences would attach.⁶⁵ This would include his hearing transcripts⁶⁶ and records⁶⁷ being open to the public. Michael's record does not automatically disappear when he turns eighteen.⁶⁸ The Commonwealth attorney would have to consent to the expungement of Michael's record and would consider the type of offense(s), his age, his employment history, his juvenile criminal history, and the adverse consequences of a denial of expungement.⁶⁹

Collateral consequences do not fit the idea that the juvenile justice system is typically one of civil jurisdiction with the intention of promoting rehabilitation and avoiding the stigma that is attached to a criminal conviction.⁷⁰ Despite the constructive

⁵⁷ PA-JIDAN, *supra* note 5, at 6.

⁵⁸ *Id.*

⁵⁹ PA-JIDAN, *supra* note 5, at 6; *see also* Dep't of Hous. & Urban Dev. v. Rucker, 535 U.S. 125, 133-136 (2002).

⁶⁰ PA-JIDAN, *supra* note 5, at 5.

⁶¹ *Id.* at 7.

⁶² *Id.*

⁶³ *Id.* at 12.

⁶⁴ PA-JIDAN, *supra* note 5, at 13; Commonwealth v. Billett, 535 A.2d 1182, 1185 (Pa. Super 1988).

⁶⁵ *See generally* PA-JIDAN, *supra* note 5, at 13.

⁶⁶ *Id.* at 4.

⁶⁷ *Id.*

⁶⁸ *Id.* at 15.

⁶⁹ *Id.* at 15.

⁷⁰ Gowen et al., *supra* note 13, at 188. This "juveniles are different" mindset is exemplified in the recent Supreme Court decisions *Miller v. Alabama* and *Montgomery v. Louisiana*, where the federal government is required to examine the unique circum-

goals of the juvenile justice system, unintended adverse collateral consequences can result in many areas of life. It has become increasingly more important to inform people about the collateral consequences of juvenile justice involvement and significant efforts have been made to better disseminate the information about these sanctions.⁷¹ It is still unclear, however, whether the public fully grasps the detrimental effects of a juvenile adjudication. The collateral consequences for juvenile offenders may be difficult to comprehend because they are not homogenous throughout the United States and are not always implemented consistently throughout counties.⁷² If a change in policy is going to be executed, it is crucial that the public education efforts surrounding the collateral consequences for justice-involved youth are not falling upon deaf ears.

III. THE CHALLENGING ISSUES OF JUVENILE COLLATERAL CONSEQUENCES

Recognizing the more than 38,000 collateral consequences facing adult offenders nationwide,⁷³ juvenile justice stakeholders acknowledged the need to decipher the number and severity of collateral consequences affecting justice-involved youth.⁷⁴ The Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the 2013 Juvenile Defender Leadership Summit in Scottsdale, Arizona, raised concern over the detrimental effects of collateral consequences on justice involved youth.⁷⁵ Robert L. Listenbee, Administrator of the OJJDP, stated explicitly:

stances of each juvenile when determining sentencing and this applies retroactively to individuals currently incarcerated. *Miller v. Alabama*, 567 U.S. 460, 468-70 (2012) (holding that the mandatory sentencing of juveniles to life without parole is unconstitutional where the fourteen-year-old defendant killed someone with a baseball bat); *Montgomery v. Louisiana*, 136 S. Ct. 718, 725-26, 736 (2016) (holding that the decision in *Miller* is applied retroactively where a defendant appealed his case from 1963 when he was given a death penalty sentence after committing a murder when he was seventeen years old).

⁷¹ See generally PA-JIDAN, *supra* note 5.

⁷² Gowen et al., *supra* note 13, at 190. For example, in Pennsylvania, adjudicated juveniles have to report their offense history on college applications, and the adjudication can later be used against the juvenile in adult court to help determine the punishment if he or she commits a crime as an adult. *Id.* These are harsh penalties for what may have been a minor offense.

⁷³ *Id.* at 188.

⁷⁴ *Id.* at 190.

⁷⁵ Robert L. Listenbee, Administrator, Off. of Juv. Just. and Delinq. Prevention, Remarks at the Juvenile Defender Leadership Summit (Nov. 2, 2013), <https://www.ojjdp.gov/enews/speeches/11-2-13.pdf> (emphasis added).

We are working hard to raise national awareness about the life-long collateral consequences of a juvenile adjudication—consequences that include records that are open to the public, expulsion from school, the denial of public benefits, the inability to qualify for military service, and difficulties obtaining employment or professional licenses, among others. Our State Training and Technical Assistance Center recently hosted a live chat on this topic. Going forward, we plan to support the creation and dissemination across the country of checklists on juvenile collateral consequences—and trainings based on them. Because policy is a key driver of change and reform, we will also be encouraging the use of juvenile justice policy analysts in states and localities to help create comprehensive policies that meet the needs of kids, while ensuring that justice is served. All of these activities stem from our deep and abiding belief that the juvenile justice system is not the adult criminal justice system in miniature. The juvenile justice system is—and should continue to be—a fundamentally different system with vastly different goals and responsibilities.⁷⁶

This national call to action from the United States Office of Justice Programs echoed an important issue that the American Bar Association (ABA) researched and analyzed in 2011.⁷⁷ Although the amount of collateral consequences of the juvenile justice system were less than their adult counterpart, tracking the consequences and locating accurate data was increasingly more difficult.⁷⁸ This is because the consequences of being adjudicated delinquent or accepting a plea is often “buried in [the] state’s extensive administrative code.”⁷⁹ Therefore, even when judges, prosecutors, and attorneys want to notify youth about these collateral consequences, the information is not readily available and not implemented consistently.⁸⁰

Youth may be making uninformed decisions without realizing the collateral consequences that may exist the rest of his or

⁷⁶ *Id.*

⁷⁷ Gowen et al., *supra* note 13, at 190.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.* Despite the American Bar Association urging that “The judge should separately advise the youth in open court of the conduct with which they are charged, the rights they are relinquishing, the possible sentence and other consequences of such a plea, including *collateral consequences*” no states require judges, prosecutors, or defense attorneys to inform youth of the collateral consequences of accepting plea or being found an adjudicated delinquent. Michel Pinard, *The Logistical and Ethical Difficulties of Informing Juveniles about the Collateral Consequences of Adjudications*, 6 NEV. L.J. 1111, 1120 (citing AMERICAN BAR ASSOCIATION CRIMINAL JUSTICE SECTION, TASK FORCE ON YOUTH IN THE CRIMINAL JUSTICE SYSTEM, YOUTH IN THE CRIMINAL JUSTICE SYSTEM: GUIDELINES FOR POLICYMAKERS AND PRACTITIONERS 18 (2001) (emphasis added)).

her life. Similar to *Miranda* warnings,⁸¹ the “scope and extent of collateral consequences can be difficult to convey to juveniles in such a way that they could understand the long-term effects these consequences could have on their lives.”⁸² Juveniles usually think only about the immediate impact of their decisions, and neglect to think about the future repercussions.⁸³ This is why, during adolescent development, there is increased risk-taking behavior that tends to dissipate as the individual matures.⁸⁴ Several studies indicate that “the ability to make long-term decisions and understand the consequences of one’s [choices] increases as an individual [ages],” and it holds true across several, if not all, aspects of the person’s life.⁸⁵ Therefore the “general diminished capacity of juveniles” directly relates to their inability to understand the criminal process.⁸⁶

This research strongly suggests that the impaired long-term decision making ability of juveniles dramatically affects their ability to understand the collateral consequences during the adjudication process.⁸⁷ When the attorney and youth discuss collateral consequences during the plea bargain, “the juvenile must attempt to weigh the various [collateral] consequences that would automatically and/or potentially attach to the underlying adjudication.”⁸⁸ Given youths’ reduced ability to make long-term decisions and understand the criminal process generally, it is questionable whether juveniles can comprehend all of the collateral consequences they face.

⁸¹ See generally Thomas Grisso, *Juveniles’ Capacities to Waive Miranda Rights: An Empirical Analysis*, 68 CAL. L. REV. 1134, 1160, 1166 (1980) (concluding that juveniles waivers of *Miranda* rights “cannot be considered intelligently, knowingly and voluntarily made” and “compared with that of adults, the comprehension of these rights” is deficient). After *Miranda v. Arizona*, when the police place a suspect under arrest, the officer must say, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be appointed for you.” See generally MIRANDARIGHTS.ORG, *Become Aware of Your Rights*, <http://www.mirandarights.org/index.html> (last visited Feb. 19, 2019).

⁸² Michel Pinard, *The Logistical and Ethical Difficulties of Informing Juveniles about the Collateral Consequences of Adjudications*, 6 NEV. L.J. 1111, 1120.

⁸³ *Id.*; see also Patrick M. McMullen, *Questioning the Questions: The Impermissibility of Police Interrogation of Juveniles*, 99 NW. U. L. REV. 971, 993 (2005).

⁸⁴ See generally Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study*, 41 DEVELOPMENTAL PSYCHOL. 625, 625 (2005).

⁸⁵ Pinard, *supra* note 82, at 1120; see also Elizabeth Scott et al., *Evaluating Adolescent Decision Making in Legal Contexts*, 19(3) L. AND HUMAN BEHAVIOR 221, 234 (1995).

⁸⁶ Pinard, *supra* note 82, at 1120.

⁸⁷ *Id.* at 1121.

⁸⁸ *Id.*

A comprehensive and easily accessible resource that could inform people of the collateral consequences of juvenile justice involvement on a state-by-state basis needs to be compiled. Section A explains the initial effort that was made to inform people about juvenile collateral consequences, and Section B illuminates the differences in collateral consequences by jurisdiction and highlights the issues this causes.

***A. A First Attempt at Answering the Call to Action -
Laying the Groundwork***

The ABA created a team of more than one hundred individuals—researchers, attorneys, and experts—to draft an individual section for each state, the District of Columbia, and the federal guidelines that outlines and explains the collateral consequences juveniles face.⁸⁹ The research focused on clarifying at what point in time juvenile records are created, who has access to them, and if records are confidential.⁹⁰ The purpose of the study was to:

(1) help debunk the pervasive view that juvenile records are always personal and confidential; (2) enable youth and attorneys to be informed of the potential collateral consequences *before* a youth makes a decision that will forever affect his or her future; and (3) raise awareness in legislatures of these consequences and assist advocates lobbying for change in the current system.⁹¹

The outcome was supposed to be a comprehensive guide published in the *Criminal Justice Section* of the ABA's website.⁹² The information was also published online in "wiki" format that was supposed to be updated as states' changed their juvenile justice systems.⁹³ Essential information was also supposed to be printed on "Think-About-It" cards.⁹⁴ These cards would provide youth and their families with snapshots of important infor-

⁸⁹ Gowen et al., *supra* note 13, at 191.

⁹⁰ *Id.*

⁹¹ *Id.* at 190.

⁹² *Id.* at 191 (finding that this report is difficult, if not impossible to locate after searching through the site).

⁹³ ABA, *Think Before You Plea*, <http://www.beforeyouplea.com> (last visited Jan. 6, 2019). This website was an ABA project that was never completed and was last updated in 2012. Although no longer maintained and incomplete (as there are not juvenile collateral consequences posted for every state), the ABA does have a disclaimer indicating that if any information on the website is inaccurate to contact them immediately so it may be rectified. See also Gowen, *supra* note 13, at 191.

⁹⁴ STRATEGIES FOR YOUTH, *Think About it First Cards*, <http://strategiesforyouth.org/for-communities/think-about-it> (last visited Jan. 6, 2019).

mation regarding collateral consequences in an easy-to-understand format.⁹⁵ Finally, the Justice Policy Institute (JPI), a Washington D.C.-based organization, was going to “score” each state on a scale of 1-100.⁹⁶ This “score” should determine “how effective a state’s laws and policies are at protecting youth offenders.”⁹⁷

Unfortunately, even though these organizations had an exceptional plan of action and the wherewithal to recognize the need to raise awareness about juvenile collateral consequences, these efforts fell short. Many of these important resources are very difficult to locate online. If located, some require a login to access.⁹⁸ Strategies for Youth created “Think-About-It” cards, but they are only available in California, Indiana, Massachusetts, Maine, Minnesota, Montana, Nebraska, New York and Wisconsin.⁹⁹ The “wiki” format website, Think Before You Plea, created in 2012, has a map of all fifty states on which you can click to retrieve the juvenile collateral consequences, but the state updates have been discontinued as the website is no longer actively maintained.¹⁰⁰ The website has not been updated since 2012, and more than half of the states have nothing posted when their jurisdiction is selected.¹⁰¹ Conversely, the awareness about adult collateral consequences has continued to increase.¹⁰² The ABA created a national database and held a National Summit on collateral consequences.¹⁰³ The comprehensive database has a map of the United States, and each state selected has the collateral consequences for that jurisdiction.¹⁰⁴

Six years after the initial movement begun and four years after the national call to action by the OJJDP, youth offenders

⁹⁵ Gowen et al., *supra* note 13, at 192.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Search on American Bar Association’s website, <http://search.americanbar.org> (follow “Criminal Justice Section” hyperlink; then search for “Juvenile Collateral Consequences” finding no 52-chapter report).

⁹⁹ STRATEGIES FOR YOUTH, *Think About it First Cards*, <http://strategiesforyouth.org/for-communities/think-about-it> (last visited Jan. 6, 2019).

¹⁰⁰ ABA, *Think Before You Plea*, <http://www.beforeyouplea.com> (last visited Jan. 6, 2019).

¹⁰¹ *Id.*

¹⁰² See ABA, *Criminal Justice Section*, http://www.americanbar.org/groups/criminal_justice/niccc.html. (last visited Jan. 6, 2019).

¹⁰³ LAW OFFICES OF JONES DAY, NATIONAL SUMMIT ON COLLATERAL CONSEQUENCES 2 (ABA Crim. Just. Section 2015).

¹⁰⁴ JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/map/> (last visited Jan. 6, 2019).

continue to find themselves encountering severe, often disproportionate, collateral consequences that a young person and their family may not have known were possible. For example, one common misconception of the juvenile justice system often depicted in the media and perpetuated throughout the justice system is that once an individual turns eighteen, his or her juvenile record completely disappears.¹⁰⁵ However, recent reports and surveys are drawing national attention to the fact juvenile records are not automatically expunged when youth age out of the system and, many times, even when records are expunged, the data is still accessible to law enforcement officials.¹⁰⁶ Many national organizations have identified and targeted specific juvenile collateral consequences, and have attempted to eradicate or lessen their impact.¹⁰⁷ Yet many juvenile collateral consequences are impossible to identify and compare because there is such great variation. It is necessary to first distinguish all the collateral consequences before actions can be taken to reduce the long-term impact on youths.

¹⁰⁵ McConnell, *supra* note 10, at 35. These misconceptions are propagated throughout society. One young person with a juvenile record stated, "If you don't have an adult record, as soon as you turn 18 it's closed. My lawyer told me that." A Department of Corrections staff said, "A juvenile's record is sealed at a certain age. The charges get dropped. It's automatic." Susy Hawes et al., *Unsealed Fate: The Unintended Consequences of Inadequate Safeguarding of Juvenile Records in Maine* (Mar. 2017), <https://digitalcommons.usm.maine.edu/cgi/viewcontent.cgi?article=1014&context=justice>.

¹⁰⁶ UNC CENTER FOR CIVIL RIGHTS, *Juvenile Delinquency Adjudication, Collateral Consequences, and Expungement of Juvenile Records: A Survey of Law and Policy in Delaware, Virginia, North Carolina and Florida*, <http://www.law.unc.edu/documents/civilrights/centerforcivilrightsexpungementreport.pdf> (last visited Jan. 6, 2019).

¹⁰⁷ The Juvenile Law Center (JLC), the oldest non-profit, national public interest law firm for youth, currently has initiatives targeting juvenile Sex Offender Registration and Notification Act (SORNA) registration, the protection and expungement of juvenile records, and access to higher education and employment. *See generally* JUVENILE LAW CENTER, *Issues*, <https://jlc.org/issues> (last visited Feb. 8, 2019). The American Bar Association is advocating and urging federal, state, and local governments to adopt and enforce laws and policies which, "Prohibit employers and educational institutions from considering any records pertaining to an arrest, adjudication or conviction of an applicant that occurred while the applicant was a juvenile if such records have been sealed or expunged by the court." ABA, CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS: REPORT TO THE HOUSE OF DELEGATES, https://schooljusticepartnership.org/index.php?option=com_mtree&task=att_download&link_id=188&cf_id=31 (last visited Feb. 8, 2019).

B. Identifying and Compiling Collateral Consequences from Each State

There is no single resource that lists all the juvenile collateral consequences a youth can face if found adjudicated delinquent in one of the fifty states. In response to Robert L. Listenbee's summit speech, many states are identifying the collateral consequences in their own state by producing comprehensive brochures about the collateral consequences facing justice-involved youth in their jurisdiction.¹⁰⁸ The Juvenile Defenders Association of Pennsylvania (JDAP) and the National Juvenile Defender Center (NJDC) created a Pennsylvania Juvenile Collateral Consequences Checklist that summarizes and explains all eighteen collateral consequences facing justice-involved youth in the state.¹⁰⁹ This brochure is available online and hard copies are disseminated to youth advocates, stakeholders, and juveniles and their family members.¹¹⁰ The Children and Family Law Center at Northwestern's School of Law's Bluhm Legal Clinic followed a similar model and created the Illinois Juvenile Collateral Consequences Checklist.¹¹¹ Florida,¹¹² New Jersey,¹¹³ South Carolina,¹¹⁴ California,¹¹⁵ Colorado,¹¹⁶

¹⁰⁸ Listenbee, *supra* note 75 (stating that "Going forward, [the OJJDP] plan[s] to support the creation and dissemination [] of checklists on juvenile collateral consequences—and trainings based on them").

¹⁰⁹ See generally PA-JIDAN, *supra* note 5.

¹¹⁰ *Id.*

¹¹¹ Carolyn E. Frazier, *The Illinois Juvenile Collateral Consequences Checklist* (2015), <http://www.law.northwestern.edu/legalclinic/cfjc/documents/IllinoisCollateralConsequencesChecklist.pdf>.

¹¹² THE JUVENILE JUSTICE CENTER, *The Florida Juvenile Collateral Consequences Checklist: A Guide for Understanding the Consequences of Juvenile Court Involvement* (2015), <http://www.modelsforchange.net/publications/459>.

¹¹³ THE NORTHEAST JUVENILE DEFENDER CENTER (NJDC), *New Jersey Juvenile Collateral Consequences Checklist* (2015), <http://www.modelsforchange.net/publications/807>.

¹¹⁴ THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE (SCCID), *The South Carolina Juvenile Collateral Consequences Checklist* (2013), https://dc.statelibrary.sc.gov/bitstream/handle/10827/22374/CID_Collateral_Consequences_2013-08.pdf?sequence=1&isAllowed=y.

¹¹⁵ See generally Sue Burrell & Rourke F. Stacy, *Collateral Consequences* (2011); <http://www.courts.ca.gov/documents/coll.cons.btb.dec.2011.pdf>; PACIFIC JUVENILE DETENTION CENTER, *Collateral Consequences of Juvenile Delinquency Proceedings in California: A Handbook for Juvenile Law Professionals* (2011), <https://njdc.info/wp-content/uploads/2014/04/PJDC-CA-Collateral-Consequences-Handbook-2011.pdf>.

¹¹⁶ Mark D. Evans, *The Consequences of Adjudication: Sanctions Beyond the Sentence for Juveniles Under Colorado Law* (2014), <http://www.coloradodefenders.us/wp-content/uploads/2015/01/the-consequences-of-adjudication.pdf>.

North Carolina,¹¹⁷ and Kansas,¹¹⁸ have also created presentations and/or brochures clearly delineating the collateral consequences facing justice-involved youth in their perspective states. Other states, such as Maine¹¹⁹ and Massachusetts,¹²⁰ have created websites explaining how juvenile collateral consequences operate in the local jurisdiction. With the key belief that policy is a driver of reform, states and localities should create statutes and policies that meet the needs of the youth, while also guaranteeing that justice is served.¹²¹

Despite individual states creating websites and brochures, it is still very difficult to conveniently locate juvenile collateral consequences in each state. This is because they lack uniformity and are applied differently across America, as exemplified by the Juvenile Collateral Consequences by State in Appendix A.¹²² For example, in Pennsylvania, if a juvenile commits a sexual offense, it is not required that he or she be added to the sex offender registry for life.¹²³ However, if this same sex offense—any sex offense—was committed in South Carolina, the youth would have to register for life.¹²⁴ If the youth decides to move out of state to Georgia, for example, the juvenile must report in person to the Sheriff within 72 hours of relocating.¹²⁵ This is transfer of the “sexual offender” title is not relevant for all states. This type of discrepancy by jurisdiction can be found in almost all juvenile collateral consequences.¹²⁶

¹¹⁷ OFFICE OF THE JUVENILE DEFENDER, *Juvenile Adjudications, Selected Collateral Consequences, & Expungement* (Aug. 2010), <https://ncjuveniledefender.files.wordpress.com/2015/09/adjudicationcollateralconseq.pdf>.

¹¹⁸ KANSAS LEGAL SERVICES, INC., *Juvenile Crime and Consequences in Kansas* (2011), https://www.kansaslegalservices.org/sites/kansaslegalservices.org/files/Collateral%20Consequences%20Booklet%20-%20Final_0.pdf.

¹¹⁹ KIDS LEGAL, *Juvenile Adjudications and Collateral Consequences* (2013), <https://www.kidslegal.org/juvenile-adjudications-and-collateral-consequences>.

¹²⁰ YOUTH ADVOCACY DEPARTMENT COMMITTEE FOR PUBLIC COUNSEL SERVICES, *Selected Consequences of Juvenile Adjudications in Massachusetts* (2015), <https://www.publiccounsel.net/ya/wp-content/uploads/sites/6/2014/08/Collateral-9.25.2015.pdf>.

¹²¹ Listenbee, *supra* note 75.

¹²² See *infra* Appendix A (displaying a chart of the potential juvenile collateral consequences in each of the fifty states).

¹²³ Josh Eidelson, *Pennsylvania's Juvenile Sex Offender Registry is Unconstitutional, State Supreme Court Rules*, BLOOMBERG (Dec. 31, 2014), <https://www.bloomberg.com/news/articles/2014-12-31/pennsylvania-juvenile-sex-offender-registry-is-ruled-unconstitutional>; *In re J.B.*, 107 A.3d 1, 20 (2014).

¹²⁴ Eidelson, *supra* note 123.

¹²⁵ Ga. Code Ann. § 42-1-12 (9)(C) (2016); Ga. Code Ann. § 42-1-12 (f)(2) (2016).

¹²⁶ See *infra* Appendix A.

If youths are adjudicated in juvenile court and then transferred to adult court, the number of collateral consequences can reach upwards of 40,000.¹²⁷ Juvenile collateral consequences are staunchly counterintuitive to the founding belief that the juvenile justice system was created for rehabilitation because it is not “the adult criminal justice system in miniature” and should be “a fundamentally different system with vastly different goals and responsibilities.”¹²⁸ In 2011, juvenile justice stakeholders identified the “pressing need for an organized effort to advocate for consistency and fairness” regarding collateral consequences.¹²⁹ A key source of the lack of uniformity is that county-wide systems in each state show greater variety in their policies than state-wide systems.¹³⁰ This absence of standardization is “characterized by a lack of awareness and priority, as well as the absence of internal systems to routinely facilitate the disclosure of collateral consequences.”¹³¹ Youth and their families need to be made aware of the collateral consequences juveniles face when accepting a plea or being found an adjudicated delinquent. Before this information can be passed to the offender, judges, defense counsel, and prosecutors need to understand this information. This dissemination of facts can transpire quicker and more efficiently if consistent standards existed across the United States.

The recent *Miller*¹³² and *Montgomery*¹³³ Supreme Court decisions make juvenile collateral consequences of the utmost relevance considering the legal system’s latest propensity towards rehabilitation for justice-involved youth. This is exemplified by the reform efforts to eliminate juvenile solitary confinement,¹³⁴ and the increased number of juvenile diversion programs.¹³⁵ The

¹²⁷ See Dylan Walsh, *The Crimes of Children*, THE ATLANTIC (Aug. 10, 2015) (providing an interesting case study about a juvenile who experienced the harshness and complexities of the United States Justice System).

¹²⁸ Listenbee, *supra* note 75.

¹²⁹ Gowen et al., *supra* note 13, at 202.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Miller v. Alabama*, 567 U.S. 460 (2012).

¹³³ *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016).

¹³⁴ See OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *OJJDP Supports Eliminating Solitary Confinement for Youth* (Apr. 19, 2016), <https://www.justice.gov/archives/opa/blog/ojjdp-supports-eliminating-solitary-confinement-youth>; JUVENILE LAW CTR., *Kids in the “Box”: Solitary Confinement is Just Government-Sanctioned Child Abuse* (July 8, 2016), <https://jlc.org/news/kids-box-solitary-confinement-just-government-sanctioned-child-abuse>.

¹³⁵ NAT’L INST. OF JUSTICE, *Juvenile Diversion Programs*, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37> (last visited Feb. 22, 2019); Emily Haney-Caron, *Diversion Programs Can Help Keep Youth Out of “the*

creation of a model act regarding the impact of collateral consequences on the lives of justice-involved youth and their families would create a uniform guideline throughout the country. This would provide a standard for states to follow and also allow for people to become more informed about what collateral consequences justice-involved youth face. Reducing the severity by reducing the number of collateral consequences would diminish the impact that juvenile adjudications have on youths' future and provide them with a better opportunity to reintegrate into society.

This Note proposes model legislation that will reduce and create a standard for collateral consequences for justice-involved youth across the United States. Codifying collateral consequences will minimize the number of consequences, better inform the legal community and the general public, as well as reduce the long-term effects of a juvenile adjudication on youths' lives because they will be the same throughout the country.

IV. A PROPOSED SOLUTION

Despite numerous changes in constitutional law over the last thirty years, juvenile justice reform surrounding collateral consequences has come to a standstill, stuck in the information-sharing phase. The Supreme Court continues to acknowledge the overwhelming differences between youth and adult offenders.¹³⁶

system" by *Preventing Arrests* (Apr. 15, 2016), <https://jlc.org/news/diversion-programs-can-help-keep-youth-out-system-preventing-arrests>.

¹³⁶ Where a sixteen-year-old ran away from home with several friends and shot and killed the police officer who pulled them over, the Justices stated, "[Youth] is a time and condition of life when a person may be most susceptible to influence and to psychological damage." *Eddings v. Oklahoma*, 455 U.S. 104, 113, 115 (1982) (holding that the "sentencer" must weigh mitigating factors of an unhappy childhood and an emotional disturbance with regards to the young defendant). Where the defendant conspired with two friends to burglarize a home and murder the occupant, the Court noted that "From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (finding that the death penalty for offenders under eighteen years of age is unconstitutional). Only five years later in *Graham*, where a sixteen-year-old was convicted of armed burglary and armed robbery, the Court prohibited life without parole for juveniles who commit non-homicidal offenses reasoning, "Maturity can lead to that considered reflection which is the foundation for remorse, renewal, and rehabilitation." *Graham v. Florida*, 560 U.S. 48, 79 (2010). The *Miller* decision in 2012 extended *Graham*, finding that mandatory sentences to life without parole for juveniles convicted of any crime was unconstitutional, including the crime of murder. *Miller v. Alabama*, 567 U.S. 460 (2012). Justice Kagan argued that "Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features —

Essentially, SCOTUS recognized the crucial developmental difference between children and adults. Therefore, the sentencing and punishment of juvenile offenders should be treated as such. Yet, our policies and laws encompassing collateral consequences do not reflect this inherent difference. In the last decade, criminal justice reform has focused on reducing adult collateral consequences to promote rehabilitation and decrease barriers to reentry.¹³⁷ The same should be done for juvenile collateral consequences.

Assembling all the collateral consequences in each state is simply not enough. The comprehensive table¹³⁸ will inform judges and legal practitioners of the collateral consequences so that they can notify their juvenile clients, but there is no safeguard that assures the juvenile's understanding of the collateral consequences once he or she is notified.¹³⁹ Therefore, if juvenile collateral consequences cannot be avoided completely, they should be simplified and reduced to account for the immature decision making abilities of children and adolescents. Section A argues for federal and legal leadership to create a model act that reduces and standardizes juvenile collateral consequences throughout the United States.

A. Simplify, Reduce, and Create More Uniformity

In July 2016, the Federal Advisory Committee on Juvenile Justice (FACJJ) recommended to the OJJDP that federal juvenile collateral consequences laws be amended.¹⁴⁰ Specifically, that “[e]xisting federal law should be amended to explicitly exempt juveniles (all persons who were below the age of 18 at the time of their offense) from all sex offender registration, community notification, and residency restriction laws.”¹⁴¹ Research has continued to demonstrate that youth are different than adults and are at low risk of reoffending, and registration does not reduce recidivism, has life-long impacts, is inconsistent among ju-

among them, immaturity, impetuosity, and failure to appreciate risks and consequences.” *Id.* at 477.

¹³⁷ JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/map/> (last visited Jan. 6, 2019).

¹³⁸ See *infra* Appendix A.

¹³⁹ See generally the research regarding adolescent development, *supra* notes 81-88.

¹⁴⁰ See FED. ADVISORY COMM. ON JUVENILE JUSTICE, *Recommendations of the Federal Advisory Committee on Juvenile Justice* (July 15, 2016), https://facjj.ojp.gov/ojpasset/Documents/FACJJ_Recommendation_OJJDP_July_2016.pdf.

¹⁴¹ *Id.*

risdictions, and may further harm victims.¹⁴² A research-informed publication by the Juvenile Law Center advocates for the increase of juvenile record confidentiality and more opportunities for expungement.¹⁴³ Juveniles should be given the opportunity to obtain education and employment without the stain of their juvenile records, especially because “most children grow out of their youthful behavior.”¹⁴⁴

Bearing in mind the aforementioned considerations, as well as the inherent difference between youth and adults, this Note argues for model legislation that standardizes and reduces the number of juvenile collateral consequences. This Uniform Juvenile Collateral Consequences of Adjudication Act is modeled and developed directly after its adult counterpart that was created in 2010 at the National Conference of Commissioners on Uniform State Laws (NCCUSL).¹⁴⁵ The original 18-section act was titled the “Uniform Collateral Consequences of Conviction Act” and was geared toward standardizing and reducing the collateral consequences for adult offenders across the United States.¹⁴⁶ All sections of this juvenile-focused model act have been tailored to reflect the language of juvenile adjudications, but only sections reflecting significant changes are presented below.

UNIFORM JUVENILE COLLATERAL CONSEQUENCES OF ADJUDICATION ACT

SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Juvenile Collateral Consequences of Adjudication Act (UJCCAA).

* * *

¹⁴² *Id.*

¹⁴³ RIYA SHAH & JEAN STROUT, FUTURE INTERRUPTED: THE COLLATERAL DAMAGE CAUSED BY PROLIFERATION OF JUVENILE RECORDS 2 (2016), <http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>.

¹⁴⁴ *Id.* at 22.

¹⁴⁵ See UNIF. COLLATERAL CONSEQUENCES OF CONVICTION ACT (UNIF. LAW COMM’N 2009) (amended 2010) <https://www.uniformlaws.org/viewdocument/final-act-no-comments-2?CommunityKey=74d9914f-f15e-49aa-a5b0-f15f6e5f258a&tab=librarydocuments>. Format, arrangement, and legal language in the Uniform Juvenile Collateral Consequences of Adjudication Act reproduced from the Uniform Collateral Consequences of Conviction Act, with exception of Section 12 (where the Adult Collateral Consequences Act demanded no relief for certain collateral sanctions, but the juvenile counterpart should) [hereinafter Uniform Collateral Consequences of Conviction Act].

¹⁴⁶ See generally, *id.*

SECTION 12. JUVENILE COLLATERAL CONSEQUENCES SUBJECT TO ORDER OF ABOLITION.

An order of abolition to relieve justice-involved youth from the following collateral sanctions:

(1) requirements imposed by [insert citation to state's sex offender registration, community notification, and residency restriction laws];

(2) public access to juvenile adjudication records, increasing the confidentiality of records;

(3) binding ineligibility for juvenile record expungement; and

(4) revocation of public benefits (housing, food stamps, etc.) for the youth and his or her family.¹⁴⁷

...

SECTION 16. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

...

SECTION 18. EFFECTIVE DATE. This [act] takes effect

...

The legal advocates gathered at this conference recognized the need to create nationwide consistency regarding collateral consequences of convictions. In fact, The ABA recommended the creation of the NCCUSL in 1892 to promote "uniformity in state laws on all subjects where uniformity is deemed desirable and practicable."¹⁴⁸ The NCCUSL "strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states"

¹⁴⁷ Recommendations to eradicate and lessen certain juvenile collateral consequences based on legal and scientific research findings, approval from juvenile advocates and stakeholders, and support from Supreme Court decisions distinguishing the juvenile justice system from the adult criminal justice system. These include eliminating of registration requirements for juvenile's who have committed sex-related crimes, allowing the expungement of all juvenile records once eligible, preventing public access to juvenile records, and barring the revocation of public benefits for justice-involved youths and their families.

¹⁴⁸ LEGAL INFORMATION INSTITUTE, *What are Uniform Laws?*, <https://www.law.cornell.edu/uniform/uniform> ("[The NCCUSL] oversees the preparation of proposed laws, 'Uniform Laws' which the states are encouraged to adopt...the Commissioners have approved more than two hundred uniform laws, of which more than 100 have been adopted by at least one state. A few have been widely adopted and have, as a consequence, approached the hope for uniform national law on their subject.").

and “keeps state law up-to-date by addressing important and timely legal issues.”¹⁴⁹ The gathering in 2010 to create a Uniform Collateral Consequences of Conviction Act for adults acknowledges that there are many adverse outcomes of a conviction and the nationwide discrepancies are unacceptable.¹⁵⁰ The ABA, with nearly 40,000 members, continues to endorse the creation of model acts for consistency of justice, especially the Uniform Collateral Consequences of Conviction Act, “which is intended to tailor collateral sanctions to the conduct that resulted in a conviction and to limit situations in which a convicted person is disqualified from benefits and opportunities, consistent with public safety.”¹⁵¹ Analogous to its adult counterpart, the proposed Uniform Juvenile Collateral Consequences of Adjudication Act establishes national consistency, disallows the creation of additional collateral consequences, and amends essential collateral consequences that particularly limit the future of justice-involved youth. This includes reducing the number of collateral consequences by eliminating the lifetime juvenile sex offender registration, restricting public access to juvenile records, banning the revocation of public benefits, and increasing access to juvenile record expungement.¹⁵²

Although uniform laws do not always produce better or more lenient laws, nor are they always adopted by the states,¹⁵³ uniform laws are vehicles of revision and reform.¹⁵⁴ Uniform laws can catalyze and influence legislative reform even when they are not adopted by all states.¹⁵⁵ It is somewhat difficult, however, to achieve widespread adoption of a uniform law when there is already widespread variation among states.¹⁵⁶ Therefore, this Note proposes the Uniform Juvenile Collateral Consequences of Adjudication Act as a Model Act, where reform, not

¹⁴⁹ Uniform Collateral Consequences of Convictions Act, *supra* note 145, at 2.

¹⁵⁰ *Id.* at 2-4.

¹⁵¹ AMERICAN BAR ASSOCIATION, *ABA Launches Online Database of Collateral Consequences for Each U.S. Jurisdiction* (Dec. 16, 2014), https://www.americanbar.org/news/abanews/aba-news-archives/2014/12/aba_launches_online.html

¹⁵² *See generally* ABA, *supra* note 107.

¹⁵³ NCCUSL approval, the uniform law is a legislative proposal addressed to fifty state legislatures. The uniform law may not be adopted by any state, may be revised according to the local conditions of each state, or may be updated at a later date. *See* LEGAL INFORMATION INSTITUTE, *supra* note 148.

¹⁵⁴ Uniformity was the original intent of the NCCUSL, but “law revision or reform became a significant purpose as well.” LEGAL INFORMATION INSTITUTE, *supra* note 148.

¹⁵⁵ *Id.*

¹⁵⁶ *See id.*

uniformity, is the central aim.¹⁵⁷ This Model Act is developed to assist states in developing successful novel approaches to this problem-area of juvenile collateral consequences.¹⁵⁸ By drafting the Uniform Juvenile Collateral Consequences of Adjudication Act, a strong foundation is created to revitalize the nationwide transformation of juvenile collateral consequences.

V. CONCLUSION

“Second chances mean nothing if the chance is illusory.”¹⁵⁹ The juvenile justice system was created over 100 hundred years ago to be inherently different from the adult criminal justice system, focusing primarily on rehabilitation and treatment. However, a cultural shift towards punishment and fear-based reactions, have led us astray. After advocating for the clarification and more active dissemination of juvenile collateral consequences to legal advocates, youths, and their families, this Note created a comprehensive resource delineating the collateral consequences in all fifty states. The Supreme Court and numerous research findings distinguish youth from adults in terms of development, maturity, crimes, and, consequently, punishments. This outlook should apply to juvenile collateral consequences, and, thus, these consequences should be made uniform across the United States through a federal law that also reduces the number of collateral consequences for justice-involved youth. Children should not be defined by their delinquent behavior. It is time that we give the thousands of children like Michael an actual second chance at a successful future.

¹⁵⁷ Model Acts are different than Uniform Laws because they propose laws on topics and state legislatures may make alterations, i.e. the Model Penal Code. LEGAL INFORMATION INSTITUTE, *supra* note 148.

¹⁵⁸ AMERICAN LAW SOURCES ON-LINE, *United States – Uniform Laws*, <http://www.lawsources.com/also/usa.cgi?usm> (last visited Jan. 6, 2019).

¹⁵⁹ Shah & Strout, *supra* note 143, at 22.

Appendix A

This table is a collection of data gathered from several different resources, including state statutes and websites. Although comprehensive, it is not absolute and should be taken as potential consequences, not all consequences. The information in this chart should be used for educational and information purposes only.

Juvenile Collateral Consequences by State

| State Name | A Juvenile Record Can Prevent You From. . . | Your Consequences May Include. . . |
|--|---|---|
| Alabama ¹⁶⁰ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by various government agencies, school officials, potential employers | Suspended or expelled from school Evicted from public housing |
| Alaska ¹⁶¹ (limited information available) | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Records are publicly available and released to school personnel | Evicted from public housing Fortunately, in Alaska, certain delinquency records are automatically sealed following the passage of time |
| Arizona ¹⁶² | | Evicted from public housing |

¹⁶⁰ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); ALA. CODE §§ 12-15-133 (2010); ALA. CODE §§ 12-15-134 (2010); ALA. CODE § 12-15-136 (2010); ALA. CODE § 12-15-137 (2010); ALA. CODE § 12-15-203 (2010); ALA. CODE § 15-20-28 (2010); ALA. CODE § 16-1-24.1 (2010); ALA. CODE § 16-1-24.3 (2010); ALA. CODE §§ 38-13-2 (2010); ALA. CODE §§ 38-13-3 (2010); Dep't of Hous. and Urban Dev. v. Rucker, 535 U.S. 125 (2002); 24 C.F.R. § 966.4(l)(2)(iii) (2010); 24 C.F.R. § 966.4(l)(5)(i)(A) - (B)(2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); THINK BEFORE YOU PLEA, *supra* note 93.

¹⁶¹ JUVENILE JUSTICE: GEOGRAPHY, POLICY, PRACTICE, & STATISTICS, *Alaska: Juvenile Defense*, <http://www.jjgps.org/juvenile-defense/alaska>; *see generally* 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); ALASKA STAT. § 47.12.300 (2016); ALASKA STAT. § 47.12.300(d)-(f) (2016); ALASKA STAT. § 47.12.310(c) (2016); *Rucker*, 535 U.S. 125 (2002); Shah & Strout, *supra* note 143.

¹⁶² COLLATERAL CONSEQUENCES RESOURCE CENTER, *Arizona*, <http://ccresourcecenter.org/resources-2/state-specific-resources/arizona-2-2/> (last visited Jan. 18, 2019); *see generally* ARIZ. CONST. art. IV, §22; 8 U.S.C. § 1182(a) (2012);

| | | |
|--|--|---|
| (limited information available) | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Records are publicly available | |
| Arkansas ¹⁶³ (limited information available) | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Certain types of juvenile records are publicly available to school personnel | Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses at any time |
| California ¹⁶⁴ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Records are generally closed unless a youth is adjudicated on a "serious offense" and then it is public information | Suspended or expelled from school Evicted from public housing Sex offender and Gang registration Deportation Suspension of driving privileges Inability to become a foster or adoptive parent Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |
| | | |

10 U.S.C. § 504(a) (2012); ARIZ. REV. STAT. ANN. § 8-208(G) (2016); ARIZ. REV. STAT. ANN. § 8-348 (2016); ARIZ. REV. STAT. ANN. § 8-348 (A), (C) (2016); ARIZ. REV. STAT. ANN. § 8-349 (2016); *Rucker*, 535 U.S. 125 (2002); Shah & Strout, *supra* note 143.
¹⁶³ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); ARK. CODE ANN. § 9-27-309 (2016); ARK. CODE ANN. § 9-27-309(b)(2) (2016); ARK. CODE ANN. § 9-27-325(d) (2016); *Rucker*, 535 U.S. 125 (2002); Riya Shah et al., *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement*, JUVENILE LAW CENTER, <http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/national-review.pdf>; THE PAPILLON FOUNDATION: THE GREATEST CRIME IS A WASTED LIFE, *Arkansas Juvenile Criminal Record Forms – Not Adjudicated*, <http://www.papillonfoundation.org/criminal-recordresources/arkansas/juvenile-forms-not-adjudicated> (last visited Jan. 18, 2019).

¹⁶⁴ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 21 U.S.C. § 802(6) (2012); 21 U.S.C. § 862a(d)(1) (2012); CAL. HEALTH & SAFETY CODE § 1558(A) (2016); CAL. VEH. CODE § 13105 (2016); CAL. WELF. & INST. CODE § 203 (2016); CAL. WELF. & INST. CODE § 781(A) (2016); CAL. WELF. & INST. CODE § 827 (2016); California Rules of Court, rule 5.552; *Rucker*, 535 U.S. 125; CAL. CODE REGS. tit. 22, § 89219 (2016); Sue Burrell, *Collateral Consequences*, <http://www.courts.ca.gov/documents/coll.cons.btb.dec.2011.pdf>; Shah et al., *supra* note 163.

| | | |
|--|---|--|
| Colorado ¹⁶⁵ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Owning a firearm Records are accessible to certain government agencies, law enforcement, and school officials | Suspended or expelled from school Evicted from public housing Loss of public benefits Sex offender registration Loss of child custody Deportation Suspension of driving privileges Inability to become a foster or adoptive parent Some juvenile offenses mean that your record cannot be expunged |
| Connecticut ¹⁶⁶ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by various government agencies, school officials, potential employers | Suspended or expelled from school Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |
| District of Columbia ¹⁶⁷ (limited information available) | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen | Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |

¹⁶⁵ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437(f)(1) (2010); 42 U.S.C. § 13661-13663 (2010); COLO. REV. STAT. § 14-10-127 (2016); COLO. REV. STAT. § 16-22-102(9) (2016); COLO. REV. STAT. § 18-1.3-406 (2016); COLO. REV. STAT. § 19-1-103(48) (2016); COLO. REV. STAT. § 19-1-302 (2016); COLO. REV. STAT. § 19-1-303 (2016); COLO. REV. STAT. § 19-1-304 (2016); COLO. REV. STAT. § 19-1-306 (2016); COLO. REV. STAT. § 19-2-110 (2016); COLO. REV. STAT. § 19-2-113 (2016); COLO. REV. STAT. § 19-2-303 (2016); COLO. REV. STAT. § 19-2-517 (2016); COLO. REV. STAT. § 19-2-706(2)(c)(V) (2016); COLO. REV. STAT. § 19-2-919 (2016); COLO. REV. STAT. § 22-31-107(5) (2016); COLO. REV. STAT. § 22-31-129(1)(e) (2016); COLO. REV. STAT. § 22-32-109.3 (2016); COLO. REV. STAT. § 22-33-106 (2016); COLO. REV. STAT. § 22-60.5-107 (2016); COLO. REV. STAT. § 42-2-121(5) (2016); COLO. REV. STAT. § 42-4-1715(1)(b) (2016); *Rucker*, 535 U.S. 125; 24 C.F.R. § 982.553 (2010); 32 C.F.R. 96.3 (2010); Mark D. Evans, *The Consequences of Adjudication: Sanctions Beyond the Sentence for Juveniles Under Colorado Law* (July 2014), <http://www.coloradodefenders.us/wp-content/uploads/2015/01/the-consequences-of-adjudication.pdf>.

¹⁶⁶ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 21 U.S.C. § 862 (2011); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13663(a) (2010); CONN. GEN. STAT. §§ 4-166 TO 4-189G (2011); CONN. GEN. STAT. § 10-233 (2011); CONN. GEN. STAT. §§ 46B-121 (2011); CONN. GEN. STAT. § 46B-146 (2011); CONN. GEN. STAT. § 54-76 (2011); *Rucker*, 535 U.S. 125; 24 C.F.R. § 5.858 (2010); 24 C.F.R. § 5.859 (2010); 24 C.F.R. § 5.860 (2010); 24 C.F.R. § 966.4(l)(2)(iii) (2010); 24 C.F.R. § 966.4(l)(5)(i) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁶⁷ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); D.C. CODE § 16-2331(c) (2016); D.C. CODE § 16-2335 (2016); *Rucker*, 535 U.S. 125; D.C. LAWYERS FOR YOUTH, *Parent Handbook* (2010), http://d3n8a8pro7vnm.cloudfront.net/dcly/pages/17/attachments/original/1370223875/DCLY_handbook.pdf; Shah et al., *supra* note 163.

| | | |
|---|---|--|
| | Juvenile record information is available to school personnel, but not available to the public | |
| Delaware ¹⁶⁸ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Employment opportunities Records can be accessed by various government agencies, school officials, potential employers | Suspended or expelled from school Evicted from public housing There is a 3 year waiting process for record expungement and then law enforcement officers can still access the expunged records |
| Florida ¹⁶⁹ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Getting a job Records can be accessed by various government agencies, school officials, potential employers, the public Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Evicted from public housing Unable to become a foster or adoptive parent as an adult |
| Georgia ¹⁷⁰ (limited information available) | Juvenile record information is available to school personnel Joining the military Becoming a U.S. citizen Records for juvenile sex offender cases can never be sealed, | Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |

¹⁶⁸ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); *Rucker*, 535 U.S. 125; UNC CENTER FOR CIVIL RIGHTS, *Juvenile Delinquency Adjudication, Collateral Consequences, and Expungement of Juvenile Records* (2011), <http://www.law.unc.edu/documents/civilrights/centerforcivilrightsexpungementreport.pdf>.

¹⁶⁹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); FLA. STAT. § 39.0138(2) (2011); FLA. STAT. § 322.056 (2011); FLA. STAT. § 402.302(2) (2011); FLA. STAT. § 402.305(2)(a) (2011); FLA. STAT. § 409.175(6)(a) (2011); FLA. STAT. § 435.04(2) (2011); FLA. STAT. § 943.0542(3) (2011); FLA. STAT. § 943.059(4) (2011); FLA. STAT. §§ 985.04(1)-(4) (2011); FLA. STAT. § 985.045(2) (2011); FLA. STAT. § 1006.09(2) (2011); *Rucker*, 535 U.S. 125; 24 C.F.R. § 5.858 (2010); 24 C.F.R. § 5.859 (2010); 24 C.F.R. § 966.4(l) (2010); THE LEGAL AND LEGISLATIVE RESPONSE, [http://www.csom.org/train/juvenile/7/Juvenile%20Curriculum%20Content%20-%20Legal%20and%20Legislative%20Response%20\(Topic%207\).pdf](http://www.csom.org/train/juvenile/7/Juvenile%20Curriculum%20Content%20-%20Legal%20and%20Legislative%20Response%20(Topic%207).pdf) (last visited Jan. 18, 2019); THINK BEFORE YOU PLEA, *supra* note 93.

¹⁷⁰ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); Ga. Code Ann. § 15-11-79.2 (2016); Ga. Code Ann. § 15-11-82(e) (2016); *Rucker*, 535 U.S. 125; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

| | | |
|-------------------------|---|---|
| | expunged or destroyed | |
| Hawaii ¹⁷¹ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by various government agencies, school officials, potential employers | Suspended or expelled from school Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |
| Idaho ¹⁷² | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public school officials, potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Evicted from public housing Required to register as a sex offender |
| Illinois ¹⁷³ | Juvenile record information is available to school personnel and to the general public (if the crime fits certain specifications) Getting a job | Suspended or expelled from school – records are shared between schools and effect the youth's ability to transfer Evicted from public housing |

¹⁷¹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); HAW. REV. STAT. § 286-104 (2011); HAW. REV. STAT. § 378-2.5(D) (2011); HAW. REV. STAT. §§ 571-84(E)-(G) (2011); HAW. REV. STAT. § 571-88(a)(1) (2011); HAW. REV. STAT. §§ 846-2.7(B)-(C) (2011); HAW. REV. STAT. § 846D-4 (2011); *Rucker*, 535 U.S. 125; 24 C.F.R. § 5.858 (2010); 24 C.F.R. § 5.859 (2010); 24 C.F.R. § 966.4(l) (2010); HAW. CODE R. § 8-19-5 (LexisNexis 2011); HAW. CODE R. §§ 8-19-6(a)-(b) (LexisNexis 2011); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁷² 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); IDAHO CODE § 18-8404 (2010); IDAHO CODE § 33-205 (2010); IDAHO CT. ADMIN. CODE r. 32(g)(9)(E) (2009); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); IDAHO ADMIN. CODE r. 08.02.03.160 (2016); IDAHO ADMIN. CODE r. 16.05.06.000 (2016); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁷³ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 105 ILL. COMP. STAT. 5/10-22.6 (2016); 705 ILL. COMP. STAT. 405/1-7 (2016); 705 ILL. COMP. STAT. 405/1-8 (2016); 730 ILL. COMP. STAT. 5/5-4-3(A) (2016); 730 ILL. COMP. STAT. 150/2(A)(5) (2016); *Rucker*, 535 U.S. 125; Carolyn E. Frazier, *The Illinois Juvenile Collateral Consequences Checklist: A Guide for Understanding the Consequences of Juvenile Court Involvement* (2015), <http://www.law.northwestern.edu/legalclinic/cfjc/documents/IllinoisCollateralConsequencesChecklist.pdf>; Shah et al., *supra* note 163.

| | | |
|--|--|---|
| | Joining the military Becoming a U.S. citizen Carrying a firearm | Suspended driving privileges Register as a sex offender Submit a blood or saliva sample to be kept in the police database Records can be expunged upon petition Pay monetary restitutions |
| Indiana ¹⁷⁴ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public school officials, potential employers | Suspended or expelled from school Evicted from public housing Required to register as a sex offender Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |
| Iowa ¹⁷⁵ (limited information available) | Joining the military Becoming a U.S. citizen Records are accessible to the public Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Evicted from public housing If the youth qualifies, expungement is available for all juvenile offenses |
| Kansas ¹⁷⁶ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Possessing a firearm Juvenile record information is available to school personnel Records for juvenile sex offender cases can never be sealed, | Suspended or expelled from school Evicted from public housing Required to register as a sex offender Convictions for serious crimes means that juvenile records cannot be expunged |

¹⁷⁴ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f) (2010); 42 U.S.C. § 13661(a) – (b) (2010); 42 U.S.C. § 13663 (a) (2010); IND. CODE § 9-25-6-21 (2010); IND. CODE § 10-13-4-13 (2010); IND. CODE § 20-33-2-11 (2010); IND. CODE § 31-37-5-7 (2010); IND. CODE § 31-37-19-17 (2010); IND. CODE § 31-37-19-20 (2010); IND. CODE § 35-50-8-1 (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l)(iii)(A) (2010); 24 C.F.R. § 982.553 (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁷⁵ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); IOWA CODE § 232.147 (2016); IOWA CODE §§ 232.150 (2016); IOWA CODE § 692.17 (2016); *Rucker*, 535 U.S. 125; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

¹⁷⁶ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); KAN. STAT. ANN. § 38-2310 (2016); *Rucker*, 535 U.S. 125; KANSAS LEGAL SERVICES, INC., *Juvenile Crime and Consequences in Kansas: An Information Booklet for Juveniles* (2011), http://www.kansaslegalservices.org/sites/kansaslegalservices.org/files/Collateral%20Consequences%20Booklet%20-%20Final_0.pdf; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

| | | |
|---|--|---|
| | expunged or destroyed | |
| Kentucky ¹⁷⁷ (limited information available) | Joining the military Becoming a U.S. citizen Records for juvenile sex offender cases can never be sealed, expunged or destroyed Juvenile record information is available to school personnel | Evicted from public housing |
| Louisiana ¹⁷⁸ (limited information available) | Joining the military Becoming a U.S. citizen Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Evicted from public housing Louisiana has created a web- based electronic platform to help with expungement |
| Maine ¹⁷⁹ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public, victims, school officials, potential employers | Suspended or expelled from school Fingerprinted by law enforcement Evicted from public housing Required to register as a sex offender if sentenced in adult court Restrict access to driver's licenses If the youth qualifies, expungement is available for all juvenile offenses |
| Maryland ¹⁸⁰ | Joining the military | Suspended or expelled from |

¹⁷⁷ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); KY. REV. STAT. ANN. § 610.340 (West 2016); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

¹⁷⁸ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); *Rucker*, 535 U.S. 125; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169.

¹⁷⁹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); ME. STAT. tit. 15 § 3101(4) (2009); ME. STAT. tit. 15, § 3203-A(2) (2009); ME. STAT. tit. 15 § 3307(2)(B) (2009); ME. STAT. tit. 15, § 3307(3) (2009); ME. STAT. tit. 15, § 3308 (2009); ME. STAT. tit. 16, § 611(3) (2009); ME. STAT. tit. 16, § 612A(3) (2009); ME. STAT. tit. 16, § 615 (2009); ME. STAT., tit. 16, § 616 (2009); ME. STAT. tit. 16, § 619 (2009); ME. STAT. tit. 16 § 631 (2009); ME. STAT. tit. 20-A, § 1001(9) (2009); ME. STAT. tit. 20-A, § 1055(11) (2009); ME. STAT. tit. 20-A, § 254(12) (2009); ME. STAT. tit. 22, § 4005-E(3) (2009); ME. STAT. tit. 22, § 4035(2-A) (2009); ME. STAT. tit. 25 § 1541(4-A)(B) (2009); ME. STAT. tit. 29-A, § 1257(4) (2009); ME. STAT. tit. 29-A, § 2454(1) (2009); ME. STAT. tit. 32, § 9405(1-A)(E) (2009); ME. STAT. tit. 32, § 9410-A(1)(E); ME. STAT. tit. 34-A, §§188 11202(1), 11222 (2009); ME. R. CRIM. P. § 11(h) (2016); ME. R. CRIM. P. § 36C(b) (2016); *Rucker*, 535 U.S. 125; 24 C.F.R. § 5.861 (2010); 24 C.F.R. § 5.903(b) (2010); 24 C.F.R. § 960.204(a) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|---------------------------------|---|--|
| (limited information available) | Becoming a U.S. citizen Juvenile record information is available to school personnel | school Evicted from public housing If the youth qualifies, expungement is available for all juvenile offenses |
| Massachusetts ¹⁸¹ | Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by government officials | Suspended or expelled from school Suspension of driver's license Evicted from public housing Required to register as a sex offender Submit a DNA sample if offense would be considered a felony in adult court If the youth qualifies, expungement is available for all juvenile offenses |
| Michigan ¹⁸² | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public school officials, potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Evicted from public housing Required to register as a sex offender |
| Minnesota ¹⁸³ | Getting a job Getting accepted to college or | Suspended or expelled from school |

¹⁸⁰ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); MD. CODE ANN. § 3-8A-27(c) (West 2016); MD. CODE ANN. EDUC. § 7-303 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

¹⁸¹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 13663 (2010); MASS. GEN. LAWS ch. 6, § 167 (2016); MASS. GEN. LAWS ch. 6, § 168A (2016); MASS. GEN. LAWS ch. 6, § 178C (2016); MASS. GEN. LAWS ch. 22E, §§ 1-15 (2016); MASS. GEN. LAWS ch. 71, § 37H 1/2(2016); MASS. GEN. LAW ch. 90, § 8 (2016); MASS. GEN. LAWS ch. 90, § 22 (2016); MASS. GEN. LAWS ch. 151B, § 4(9) (2016); MASS. GEN. LAWS ch. 276, §§ 100B – C (2016); *Rucker*, 535 U.S. 125; 24 C.F.R. § 960.204 (2010); 24 C.F.R. § 982.553 (2010); YOUTH ADVOCACY DEPARTMENT COMMITTEE FOR PUBLIC COUNSEL SERVICES, *Selected Consequences of Juvenile Adjudications in Massachusetts* (2015), <https://www.publiccounsel.net/ya/wp-content/uploads/sites/6/2014/08/Collateral-9.25.2015.pdf>; Shah et al., *supra* note 163.

¹⁸² 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); MICH. COMP. LAWS ANN. §§ 15.231-15.246 (2010); MICH. COMP. LAWS ANN. § 28.723 (2010); MICH. COMP. LAWS ANN. § 257.319 (2010); MICH. COMP. LAWS ANN. § 380.1311(1) (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(f) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|--|--|--|
| | graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public, school officials, and potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Evicted from public housing Required to register as a sex offender |
| Mississippi ¹⁸⁴ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public, school officials, potential employers | Suspended or expelled from school Evicted from public housing Required to register as a sex offender If the youth qualifies, expungement is available for all juvenile offenses |
| Missouri ¹⁸⁵ (limited information available) | Joining the military Becoming a U.S. citizen | Suspended or expelled from school Evicted from public housing If the youth qualifies, expungement is available for all juvenile offenses |
| Montana ¹⁸⁶ (limited information available) | Joining the military Becoming a U.S. citizen Juvenile record information is available to school personnel Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Evicted from public housing |

¹⁸³ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); MINN. STAT. § 171 (2009); MINN. STAT. § 243.166 (2009); MINN. STAT. § 260B.125 (2009); MINN. STAT. § 260B.245 (2009); MINN. STAT. § 260B.163 (2009); MINN. STAT. § 260B.171 (2009); MINN. STAT. § 299C.095 (2009); MINN. STAT. § 609A.03 (2009); MINN. STAT. § 609B.050 (2009); MINN. STAT. § 624.713(3) (2009); *Rucker*, 535 U.S. 125; MINN. R. JUV. DEL. P. 30.02 (2010); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁸⁴ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); MISS. CODE ANN. § 43-21-255(3) (2009); MISS. CODE ANN. § 43-21-261(1), (1)(g) (2009); MISS. CODE ANN. § 43-21-263; MISS. CODE ANN. § 63-1-71(1) (2009); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁸⁵ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); MO. REV. STAT. §§ 211.321, 311.326 (2016); *Rucker*, 535 U.S. 125; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

¹⁸⁶ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); MONT. CODE ANN. § 41-5-215 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

| | | |
|--|--|---|
| Nebraska ¹⁸⁷ (limited information available) | Becoming a U.S. citizen Records are not available to the public Joining the military | Evicted from public housing If the youth qualifies, expungement is available for all juvenile offenses |
| Nevada ¹⁸⁸ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records are accessible to the public, school officials, and potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Evicted from public housing Required to register as a sex offender Suspended or expelled from school |
| New Hampshire ¹⁸⁹ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by school officials, potential employers | Suspended or expelled from school Required to register as a sex offender If the youth qualifies, expungement is available for all juvenile offenses |

¹⁸⁷ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); NEB. REV. STAT. § 43-2 (2016), 108; *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

¹⁸⁸ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); NEV. REV. STAT. ANN. § 62E.030 (2009); NEV. REV. STAT. ANN. § 62E.430 (2009); N.H. REV. STAT. ANN. § 62E.630 (2009); N.H. REV. STAT. ANN. § 62E.640 (2009); N.H. REV. STAT. ANN. § 62E.650 (2009); N.H. REV. STAT. ANN. § 62E.690 (2009); N.H. REV. STAT. ANN. § 62F.110 (2009); N.H. REV. STAT. ANN. § 62F.220 (2009); N.H. REV. STAT. ANN. § 62H.020 (2009); N.H. REV. STAT. ANN. § 315.031 (2009); N.H. REV. STAT. ANN. § 392.466 (2009); *Rucker*, 535 U.S. 125; The Legal and Legislative Response, *supra* note 169; Think Before You Plea, *supra* note 93.

¹⁸⁹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); N.H. REV. STAT. ANN. § 151:2-d (2010); N.H. REV. STAT. ANN. § 169-B:19 (2010); N.H. REV. STAT. ANN. § 169-B:24 (2010); N.H. REV. STAT. ANN. § 169-B:27 (2010); N.H. REV. STAT. ANN. § 169-B:32 (2010); N.H. REV. STAT. ANN. § 169-B:35 (2010); N.H. REV. STAT. ANN. § 169-B:35(II); N.H. REV. STAT. ANN. § 169-B:36 (2010); N.H. REV. STAT. ANN. § 169-B:37 (2010); N.H. REV. STAT. ANN. § 169-B:46 (2010); N.H. REV. STAT. ANN. § 193:13 (2010); N.H. REV. STAT. ANN. § 193-D:7 (2010); N.H. REV. STAT. ANN. § 263:56-b (2010); N.H. REV. STAT. ANN. § 540:2 (2010); N.H. REV. STAT. ANN. § 651-B:7 (2010); *Rucker*, 535 U.S. 125; N.H. CODE ADMIN. R. ANN. He-C 6339.03(ac) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|--|---|--|
| New Jersey ¹⁹⁰ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Carrying a firearm Records can be accessed by the general public, school officials, potential employers | Suspended or expelled from school Evicted from public housing Required to register as a sex offender Required to submit a DNA sample |
| New Mexico ¹⁹¹ (limited information available) | Joining the military Becoming a U.S. citizen Records are not available to the public but can be accessed by school officials | Suspended or expelled from school Evicted from public housing If the youth qualifies, expungement is available for all juvenile offenses |
| New York ¹⁹² | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records are not available to the public Records can be accessed by school officials, various government and licensing agencies | Suspended or expelled from school Evicted from public housing |

¹⁹⁰ 8 U.S.C. § 1182(a) (2012); 8 U.S.C. 1227 (2015); 10 U.S.C. § 504(a) (2012); 20 U.S.C. 1091(r) (2015); 42 U.S.C. 1437n(f)(1) (2010); 42 U.S.C. 13661(b)(2) (2015); 42 U.S.C. 13663(a) (2015); N.J. STAT. ANN. § 2A:4A-31(c); N.J. STAT. ANN. § 2A:4A-43 (2015); N.J. STAT. ANN. § 2A:4A-48 (2015); N.J. STAT. ANN. § 2A:4A-60 (2015); N.J. STAT. ANN. § 2C:7-2 (2015); N.J. STAT. ANN. § 2C:7-13 (2015); N.J. STAT. ANN. § 2C:33-3.1(a)(2015); N.J. STAT. ANN. § 18A:6-33.8 (2015); N.J. STAT. ANN. § 18A:38-1 (2015); N.J. STAT. ANN. § 34:6B-14(c) (2015); N.J. STAT. ANN. § 53:1-20.20(h) (2015); N.J. CT. R. 5:19-2.24 (2016); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2015); 24 C.F.R. § 982.553(a)(1)(i)(A) (2015); N.J. ADMIN. CODE § 6A:22-3.1 (2015); The Northeast Juvenile Defender Center (NJDC), *supra* note 113.

¹⁹¹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); N.M. STAT. ANN. § 32A-2-26 (A, H) (2016); N.M. STAT. ANN. § 32A-2-32 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

¹⁹² 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); N.Y. CRIM. PROC. LAW § 380.90 (McKinney 2011); N.Y. CRIM. PROC. LAW §§ 720.35(2)-(4) (McKinney 2011); N.Y. EDUC. LAW § 3214 (McKinney 2011); N.Y. VEH. & TRAF. LAW § 1192(4) (McKinney 2011); N.Y. FAM. CT. ACT § 166 (McKinney 2011); N.Y. FAM. CT. ACT § 375.1 (McKinney 2011); N.Y. FAM. CT. ACT §§ 380.1(3)-(4) (McKinney 2011); N.Y. FAM. CT. ACT § 381.3; *Rucker*, 535 U.S. 125; 24 C.F.R. § 5.858 (2010); 24 C.F.R. § 5.859 (2010); 24 C.F.R. § 966.4(l) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|--|---|---|
| North Carolina ¹⁹³ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records are not available to the public Records can be accessed by school officials, designated agencies Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Subject to suspension of a driver's license Evicted from public housing Required to register as a sex offender |
| North Dakota ¹⁹⁴ (limited information available) | Records are not available to the public Joining the military Becoming a U.S. citizen Juvenile record information is available to school personnel | Evicted from public housing |
| Ohio ¹⁹⁵ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records are not available to the public Records can be accessed by school officials, potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Subject to suspension of a driver's license Evicted from public housing |

¹⁹³ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13663(a) (2010); N.C. GEN. STAT. § 7B-2506(9) (2010); N.C. GEN. STAT. § 7B-2509 (2010); N.C. GEN. STAT. § 7B-3000 (2010); N.C. GEN. STAT. § 7B-3101 (2010); N.C. GEN. STAT. § 115C-391 (2010); N.C. GEN. STAT. § 115C-404 (2010); N.C. GEN. STAT. § 157-29(e) (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l)(5)(i)(A) (2010); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

¹⁹⁴ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); N.D. CENT. CODE. § 27-20-51 (2016); N.D. CENT. CODE § 27-20-52 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

¹⁹⁵ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. 1437n(f) (2010); 42 U.S.C. 13663(a) (2010); OHIO REV. CODE ANN. § 2151.18; OHIO REV. CODE ANN. § 2151.358(D)(4)(f) (2010); OHIO REV. CODE ANN. § 2152.19(A)(l) (2010); OHIO REV. CODE ANN. § 2152.19(B) (2010); OHIO REV. CODE ANN. § 2152.83(A) (2010); OHIO REV. CODE ANN. § 2213.663 (2010); OHIO REV. CODE ANN. § 3313.661(A) (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. 966.4(1)(iii)(A) (2010); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|--|---|---|
| Oklahoma ¹⁹⁶ | Getting a job Getting accepted to college or graduate school Juvenile record information is available to school personnel Joining the military Becoming a U.S Citizen | Suspended or expelled from school Evicted from public housing Fortunately, if the youth qualifies, expungement is available for all juvenile offenses |
| Oregon ¹⁹⁷ | Getting a job Records for juvenile sex offender cases can never be sealed, expunged or destroyed Joining the military Becoming a U.S Citizen Juvenile record information is available to school personnel | Evicted from public housing Required to give fingerprints and a DNA sample Suspended or limited driver's license Suspended or expelled from school Required to register as a sex offender |
| Pennsylvania ¹⁹⁸ | Getting a job Getting accepted to college or graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public, school officials, potential employers | Suspended or expelled from school Required to register as a sex offender if transferred to adult court Evicted from public housing (only some severe juvenile offenses qualify) Required to give fingerprints to law enforcement |
| Rhode Island ¹⁹⁹ (limited information available) | Records are not available to the public Joining the military Becoming a U.S Citizen | Evicted from public housing |

¹⁹⁶ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); OKLA. STAT. tit. 10A, § 2-6-102 (2016); OKLA. STAT. tit. 10A, §§ 2-6-108(B) (2016); OKLA. STAT. tit. 10A, §§ 2-6-109(A) (2016); *Rucker*, 535 U.S. 125; CONVENTION CRIMINAL DEFENSE, *Juvenile Record Expungement*, <http://www.ok-criminal-defense.com/juvenile-record-expungement> (last visited Apr. 9, 2017); Shah et al., *supra* note 163.

¹⁹⁷ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); OR. REV. STAT. § 181.595; OR. REV. STAT. § 419A.255; OR. REV. STAT. § 419A.262 (1)(b)(K); OR. REV. STAT. § 649A.006 (2016); OR. REV. STAT. § 809.409 (2016); OR. REV. STAT. § 809.412 (2016); *Rucker*, 535 U.S. 125; BEYOND JUVENILE COURT: LONG-TERM IMPACT OF A JUVENILE RECORD, <http://youthrightsjustice.org/Documents/BEYONDJUVENILECOURT.pdf> (last visited Apr. 9, 2017); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

¹⁹⁸ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); 18 PA. CONS. STAT. § 6307 (2010); 18 PA. CONS. STAT. § 6308 (2010); 18 PA. CONS. STAT. § 6310.3 (2010); 75 PA. CONS. STAT. § 1532 (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); Think Before You Plea, *supra* note 93.

¹⁹⁹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); XX R.I. GEN. LAWS § 14-1-30; XX R.I. GEN. LAWS § 14-1-64; *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

| | | |
|---|---|--|
| South Carolina ²⁰⁰ | Getting a job Joining the military Becoming a U.S. citizen Records can be accessed by certain government agencies and school officials Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Suspended or expelled from school Required to register as a sex offender if transferred to adult court Evicted from public housing Suspended driver's license Required to give fingerprints to law enforcement |
| South Dakota ²⁰¹ | Joining the military Becoming a U.S. Citizen Records can be accessed by the general public, school officials, and potential employers Getting a job | Suspended or expelled from school Required to register as a sex offender Fortunately, if the youth qualifies, expungement is available for all juvenile offenses Evicted from public housing |
| Tennessee ²⁰² (limited information available) | Joining the military Becoming a U.S. Citizen Juvenile record information is available to school personnel | Evicted from public housing |
| Texas ²⁰³ | Getting a job | Register as a sex offender |

²⁰⁰ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 18 U.S.C. § 924 (e)(2)(B); 42 U.S.C. § 5119; 42 U.S.C. § 13663; S.C. CODE ANN. § 14-7-810 (2016); S.C. CODE ANN. § 23-3-420(A) (2016); S.C. CODE ANN. § 23-3-460 (2016); S.C. CODE ANN. § 23-3-470(A) (2016); S.C. CODE ANN. § 23-3-490(D)(1) (2016); S.C. CODE ANN. § 23-3-540 (2016); S.C. CODE ANN. § 59-63-210 (2016); S.C. CODE ANN. § 63-3-590 (2016); S.C. CODE ANN. § 63-19-1410(C) (2016); S.C. CODE ANN. § 63-19-1420 (2016); S.C. CODE ANN. § 63-19-2010 (2016); S.C. CODE ANN. § 63-19-2020 (2016); S.C. CODE ANN. § 63-19-2030 (2016); S.C. CODE ANN. § 63-19-2050 (2016); *Rucker*, 535 U.S. 125; S.C. CODE ANN. REGS. R. 73-260; The South Carolina Commission on Indigent Defense (SCCID), *supra* note 114; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

²⁰¹ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437d(k) (2010); 42 U.S.C. § 1437f(d)(1)(B)(iii) (2010); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); S.D. CODIFIED LAWS § 26-7A- 114, 115, 116, 105; S.D. CODIFIED LAWS § 26-11-5.2 (2011); S.D. CODIFIED LAWS § 32-12-15 (2011); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); Shah et al., *supra* note 163; THINK BEFORE YOU PLEA, *supra* note 93.

²⁰² 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); TENN. CODE ANN. § 49-6-3051 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

²⁰³ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); TEX. FAM. CODE ANN. § 58.0051 (2016); *Rucker*, 535 U.S. 125; Center for Children, Law, & Policy, *I've Been Found Delinquent by the Court. How Will This Affect My Future?*, https://www.law.uh.edu/center4clp/downloads/collateralconsequences_youth_eng.pdf

| | | |
|---|---|---|
| | Juvenile record information is available to school personnel Joining the military Becoming a U.S Citizen Records for juvenile sex offender cases can never be sealed, expunged or destroyed Possessing a firearm | Suspended driver's license Suspended or expelled from school Evicted from public housing |
| Utah ²⁰⁴ | Joining the military Getting accepted to college or graduate school Becoming a U.S Citizen | Register as a sex offender Suspended or expelled from school Required to give a DNA sample Evicted from public housing |
| Vermont ²⁰⁵ (limited information available) | Joining the military Becoming a U.S Citizen Records are not available to the public | Evicted from public housing |
| Virginia ²⁰⁶ | Getting a job Juvenile record information is available to school personnel Joining the military Becoming a U.S Citizen Records for juvenile sex offender cases can never be sealed, expunged or destroyed Possessing a firearm | Register as a sex offender Evicted from public housing |
| Washington ²⁰⁷ | Getting a job Getting accepted to college or | Suspended or expelled from school |

(last visited Apr. 9, 2017); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

²⁰⁴ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); *Rucker*, 535 U.S. 125; TRUPIANO LAW, *Juvenile Defense*, <http://www.trupianolaw.com/practice-areas/criminal-defense-white-collar-crime/juvenile-defense> (last visited Apr. 9, 2017).

²⁰⁵ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); VT. STAT. ANN. tit. 33, § 5117 (2016); *Rucker*, 535 U.S. 125; Shah et al., *supra* note 163.

²⁰⁶ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); VA. CODE ANN. § 16.1-300 (2016), VA. CODE ANN. § 16.1-301 (2016); *Rucker*, 535 U.S. 125; Margaret A. Nelson, *Marked for Life: Long-Term Effects of Juvenile Adjudications*, 57 VA. LAW. (2008), http://www.vsb.org/docs/valawyeremagazine/vl1208_juv-adjudications.pdf; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

²⁰⁷ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13663(a) (2010); WASH. REV. CODE § 9.41.040(5) (2010); WASH. REV. CODE § 9A.44.130 (2010); WASH. REV. CODE § 13.04.155 (2010); WASH. REV. CODE § 13.40.265 (2010); WASH. REV. CODE § 13.50.050 (2010); WASH. REV. CODE § 46.20.265(2) (2010); WASH. REV. CODE § 66.44.365 (2010); WASH. REV. CODE § 69.41.065 (2010); WASH. REV. CODE § 69.52.070 (2010); *Rucker*, 535 U.S. 125; 24 C.F.R. § 966.4(l) (2010); Kim Ambrose and Allison Millikan, *Beyond Juvenile Court: Long-Term Impacts of a Juvenile Record* (2013),

| | | |
|------------------------------|--|--|
| | graduate school Joining the military Becoming a U.S. citizen Records can be accessed by the general public, school officials, potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | Required to register as a sex offender if transferred to adult court Evicted from public housing Required to give fingerprints to law enforcement for any felony or misdemeanor sex offense case |
| West Virginia ²⁰⁸ | Records for juvenile sex offender cases can never be sealed, expunged or destroyed Records are available to school officials Joining the military Becoming a U.S. Citizen | Fortunately, if the youth qualifies, expungement is available for all juvenile offenses Evicted from public housing |
| Wisconsin ²⁰⁹ | Juvenile record information is available to school personnel Joining the military Becoming a U.S. Citizen | Fortunately, if the youth qualifies, expungement is available for all juvenile offenses Evicted from public housing |
| Wyoming ²¹⁰ | Getting a job Joining the military | Suspended or expelled from |

<http://www.defensenet.org/resources/publications-1/beyond-juvenile-court/Beyond%20Juvenile%20Court.pdf>; THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; THINK BEFORE YOU PLEA, *supra* note 93.

²⁰⁸ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); W. VA. CODE § 49-5-17 (2016); W. VA. CODE § 49-5-18(a) (2016); *Rucker*, 535 U.S. 125; S.B. 601 (W. Va. 2013); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; Shah et al., *supra* note 163.

²⁰⁹ WIS. STAT. § 938.355(4m)(a) (2016); Shah et al., *supra* note 163; *see also* 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); WIS. STAT. § 938.396 (2016); WIS. STAT. § 938.396(1)(a)(2) (2016); *Rucker*, 535 U.S. 125; *State v. Eric A.*, 2011 WI App 58, ¶ 7-11; *In re Adam D.B.*, 2007 WI App 216 (Wis. App. 2007).

²¹⁰ 8 U.S.C. § 1182(a) (2012); 10 U.S.C. § 504(a) (2012); 42 U.S.C. § 1437d(k) (2010); 42 U.S.C. § 1437f(d)(1)(B)(iii) (2010); 42 U.S.C. § 1437n(f)(1) (2010); 42 U.S.C. § 13661(b)(2) (2010); 42 U.S.C. § 13663(a) (2010); WYO. STAT. ANN. § 14-6-247(a)(ix) (2010); WYO. STAT. ANN. § 14-6-429(d)(iii) (2010); *Rucker*, 535 U.S. 125; C.F.R. § 966.4(l) (2010); 24 C.F.R. § 982.553(a)(1)(i)(A) (2010); THE LEGAL AND LEGISLATIVE RESPONSE, *supra* note 169; THINK BEFORE YOU PLEA, *supra* note 93.

| | | |
|--|---|---|
| | Becoming a U.S. citizen Records can be accessed by the general public, school officials, potential employers Records for juvenile sex offender cases can never be sealed, expunged or destroyed | school Required to register as a sex offender if transferred to adult court Evicted from public housing |
|--|---|---|
