

WorkforceGPS

Podcast

Our Journey Together TA Series: Helping Youth with Juvenile Records

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ADRIENNE BAILEY: Welcome to the Division of Youth Services, our Journey Together TA Series: Helping Youth with Juvenile Records. My name is Adrienne Bailey, and I am the presenter for this event. I work in the Division of Youth Services within the Department of Labor. Our guest speaker is Serena Holthe, special counsel with the National Juvenile Defender Center.

Today we want to provide information and resources on juvenile and criminal record clearance policies to workforce professionals who work with youth formerly involved in the juvenile court system, as well as legal service providers and state policymakers.

Serena, you work specifically with formerly incarcerated youth, and you will share with us information about how juvenile records can affect youth even after the case is over. For individuals who have juvenile records, what are some of the common misunderstandings they may have about their records?

SERENA HOLTHE: Most people don't know that juvenile records can create lifelong hurdles to youth success. I've traveled throughout the country and I hear from everyone, youth, family, probation officers, even attorneys that juvenile records just disappear when the youth turns 18 or, I won't have to tell anyone about my juvenile record, and even, no one will ever find out about my juvenile record. But all of these are truly myths.

MS. BAILEY: You identify several types of juvenile records. Can you explain how states handle these records of former court-involved youth?

MS. HOLTHE: Hurdles are generally created by records and who can access or see these records. Some states have public records and others have confidential records but most states actually have a mixture of both. Forty-two states have juvenile records that are available to the public. There's also police records, which include arrest records. Many states allow these to be shared, and these can even show up on a background check.

There's also fingerprint records and DNA records. When a young person is arrested, they may have their fingerprints and their DNA taken, and then those records may be shared with other law enforcement or even with the Federal Bureau of Investigation. The young person may have never been adjudicated or even charged with anything in court, but just because those were taken at arrest, they can be shared and, along with records, now have that show up on a background check.

There's also records that are shared with the Department of Motor Vehicles or DMV or whatever the agency is called in your state. If a young person has their driver's license suspended in their juvenile case, those records can be shared with that agency, and sometimes that agency doesn't have the same confidentiality requirements that the court records may have.

MS. BAILEY: How can a juvenile record be an obstacle to employment?

MS. HOLTHE: As I mentioned earlier, juvenile records may show up on background checks, and employers may deny a young person employment just based on that. Applications may also

ask about adjudications, arrests, or even probation, which would require self-disclosure of otherwise confidential records.

Young people are often seeking employment related to driving, and if they had their driver's license suspended as part of their juvenile court case, they would be unable to accept that employment. And also, for professional or occupational licenses, those agencies often can access or see the juvenile record and deny a young person that license based solely upon their juvenile record. A license may be needed for an emergency medical technician, a nurse, or even a barber.

MS. BAILEY: Serena, can you talk through some of the educational barriers that can affect juvenile court-involved youth?

MS. HOLTHE: We all know that school is a huge part of a young person's life. It could be seven or eight hours out of that young person's day, and if they're not allowed to go back to school, that can cause many hurdles to that young person's success. When a young person has been in a facility and they're trying to reenter to their local home school, many schools are causing delay in that process or even denying the young person access to their local school. What is the young person supposed to do when they're not able to go back to school?

Many youth are also being denied full credit transfer from the classes they took in their juvenile facility to their local school. For example, a young person may have been at a facility for three months and took all the classes that they were supposed to, completed all the work while they were in their out-of-home placement, but when they went back to their local school, the local school did not give them full credit for those classes and for that work. Now, that young person may have to go back a semester or even go to class with students who are a year younger. That may cause many hurdles for that young person continuing in their classes.

Young people who've been involved in the juvenile court system are often labeled for school discipline. They are the ones that are now considered to be the bad kids. Also, young people who have been in the juvenile court system have a higher likelihood of needing special education services but not receiving those services from their local school. And finally, many young people are missing days at school because of their juvenile court involvement, whether it's because they have to meet with their probation officer, their attorney, or their many court dates.

MS. BAILEY: What questions might a college application ask about juvenile court involvement?

MS. HOLTHE: College applications vary throughout the country, but one application that's used by over 600 colleges and universities is the Common Application for College, otherwise just called the Common App. Here you see a question that the common asks. "Have you ever been adjudicated guilty or convicted of a misdemeanor or felony? Note that you're not required to answer yes to this question or provide an explanation if the criminal adjudication or conviction has been expunged, sealed, annulled, pardoned, destroyed, erased, impounded, or otherwise required by law or ordered by a court to be kept confidential."

This is a very confusing question, and most lawyers would probably advise their clients to answer no to this. However, there's explanatory material with the application that indicates the adjudicated guilty also includes juvenile adjudications. So therefore, this question is asking for a young person to disclose any juvenile adjudications they've had. However, it does give them an out if their record's been expunged, sealed, annulled, pardoned, destroyed, erased, impounded, or otherwise required by law or ordered by a court to be kept confidential. But that, again, is a very unique circumstance that many young people don't understand. They might not understand that their record has not officially been sealed. They just assume it has. So this is a complicated question but it is one that young people are going to see and we need to know how to help them understand how to properly answer this question.

MS. BAILEY: What types of housing issues may youth with juvenile court involvement experience?

MS. HOLTHE: Similar to hurdles with employment, juvenile records can show up on a background check being done by a landlord or a housing authority, and a young person and their family can be denied housing or evicted from their housing. There's federal and local laws related to this, but understand that a young person and their family could be evicted or denied housing simply because of the juvenile record. Also, it's becoming more common for young people to become homeless following juvenile court involvement.

MS. BAILEY: Can you explain other consequences a young person may face upon exiting the juvenile court system?

MS. HOLTHE: There's many hurdles that young people can face, including sentencing enhancement, which means when a young person is arrested or convicted as an adult, their juvenile record could be brought up and used against them to increase their sentence.

Also, with public benefits. A young person who is sent to a facility, their family receiving TANF or SSI benefits for that young person, well, those benefits get cut off when that young person goes to the facility. However, when the youth is released and comes back home, those benefits are not automatically reinstated. The family usually has to reapply and start that process all over again.

Sex offender registration. Some young people who have been adjudicated of a sex offense will have to register, whether it's for a short period of time or for their entire lives. And sex offender registration can be required to include reregistering every month, every year. It varies by state, even though research shows that those under the age of 18 with a sex offense on their record do not reoffend.

Young people oftentimes have fees, fines, and restitution related to their juvenile court cases, and when those go unpaid -- and oftentimes they do -- those can show up on a credit report even years later. There's also immigration consequences that are fairly complicated, and a young person could be denied entry into the military simply due to their juvenile record.

MS. BAILEY: Would you like to know how youth overcome these barriers? Serena's going to share some more information with us now.

Serena, what can practitioners do to assist youth with record clearance?

MS. HOLTHE: Record clearance can play a major part in the young person's success. It could include sealing, expungement, destruction, deletion, vacating, or erasing. These are all words used for record clearance, but any time a young person's record can be sealed, removed from the public, otherwise where the young person's allowed to deny the offense ever occurred, it's as if the mistake is no longer there and has been erased. This is very helpful for young people and for your workforce community to get involved.

MS. BAILEY: You identified the Clean Slate Clearinghouse website. Can you describe how one could utilize the website to find juvenile record clearance policies and a few key features of the website?

MS. HOLTHE: Yes. The Clean Slate Clearinghouse website is a valuable tool. It is created to provide information for youth and families, practitioners, and lawmakers. Anyone should be able to access information about the record clearance process in your state. It includes adult criminal record clearance and juvenile record clearance information for every state and six territories. As you see on your screen, this is an example of the Missouri webpage about juvenile record clearance policies. As you can see, it's pretty simple and only has one bullet point. Some states are much longer because they have many more complicated aspects to their record clearance.

The Clean Slate Clearinghouse website is at the top of the page. The website includes eligibility information for all 50 states, such as, who can get their juvenile record cleared? Are there exceptions to eligibility? What is the waiting period? And is a fee required?

The Clean Slate Clearinghouse website also includes information about effective record clearance. What does record clearance actually mean? What records are cleared? Are they sealed? Are they erased? Are they destroyed? Does the young person get to deny that the offense ever happened? The website also includes information about legal service providers that can help youth get their records cleared. The process is complicated, and it's helpful to have others provide assistance through this process. The comparison tool allows you to compare a state's laws, see how they differ, and see what's the same.

MS. BAILEY: What other suggestions do you recommend practitioners use to ensure youth can overcome collateral consequences or repercussions?

MS. HOLTHE: We need to make sure that youth are connected to legal and social services, such as for employment, getting job training, and education, making sure kids are able to get back to school, public benefits, making sure that young people and their families are able to get back on public benefits, housing related assistance, help with addressing the problems of unpaid fees, fines, or restitution, and mentoring can make a major difference in a young person's life.

MS. BAILEY: Lastly, please describe the various legal services to assist a former court-involved youth to address problems because of their records.

MS. HOLTHE: Legal services can definitely help young people who are facing hurdles because of their juvenile court involvement. They may need help from their local public defender office, their local legal aid or legal services agency, state protection and advocacy organizations, law school clinics, or disability rights organizations. All of these may be able to assist young people with the collateral consequences of their juvenile court involvement.

MS. BAILEY: We have provided Serena Holthe's contact information, if there are questions or additional information needed.

Thank you, Serena, for sharing information about this important and pertinent topic with us. And thank you for listening to the Division of Youth Services, Our Journey Together Technical Assistance Series.

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