

CAUTION: Collateral Consequences

Obstructing the Pathway to Young People's Success

For young people involved in the court system, the path to their future success is paved with access to school, employment, and housing. But the collateral consequences of juvenile court involvement create barriers to each of those factors.

EDUCATION

- Juvenile court involvement can result in young people being suspended or expelled from school.
- Young people can be denied reenrollment in their local school because of their juvenile record.
- Many colleges, technical schools, and trade programs may deny entry because of juvenile record information on background checks.

HOUSING

- A young person's involvement in juvenile court can impact their and their family's ability to maintain or obtain housing.
- Public housing authorities can bar families from public housing based upon a young person's juvenile record.
- Landlords may deny housing to young people and their families because of juvenile record information on background checks.

EMPLOYMENT

- Employers may deny employment to young people because of juvenile record information on background checks.
- Young people may not be granted an occupational license because of their juvenile record.
- Otherwise confidential juvenile record information may appear on FBI background checks.

More than 50 years ago, the United States Supreme Court recognized that the reality of the juvenile court system was not meeting its promises. "Juvenile Courts are sometimes defended by a statement that it is the law's policy 'to hide youthful errors from the full gaze of the public and bury them in the graveyard of the forgotten past.' This claim of secrecy, however, is more rhetoric than reality."¹

Many children involved in juvenile court experience the same long-term obstacles to opportunities as adults in criminal court. Most states allow public access to at least some records and share confidential information with the FBI.² This information can then show up on background checks run by employers, landlords, or colleges.³

Decades of research has confirmed that young people grow up and out of the behavior that led to their involvement in the juvenile court system, as long as they have access to education, employment, housing, and services.⁴

The collateral consequences of juvenile court involvement obstruct these vital opportunities.

Additionally, many juvenile courts impose fines, fees, court costs, and restitution, and nonpayment can trigger serious consequences for young people's probation, record clearance, and credit. Juvenile court involvement (arrests, charges, and adjudications) must be disclosed on military applications and may trigger immigration consequences. Juvenile adjudications are often available for judges to consider in detention, disposition, and sentencing hearings if youth face future juvenile or criminal matters. And many states require young people with adjudications for sex offenses to register as a sex offender, which limits the young person's housing, work, education, and ability to travel.

The collateral consequences of juvenile court involvement and the longevity and availability of juvenile court records directly interfere with the very things that help young people succeed.

¹ *In re Gault*, 387 U.S. 1, 25 (1967).

² See generally Joy Radice, *The Juvenile Record Myth*, 106 GEO. L.J. 365 (2018).

³ NAT'L CONSUMER LAW CTR., *BROKEN RECORDS REDUX: HOW ERRORS BY CRIMINAL BACKGROUND CHECK COMPANIES CONTINUE TO HARM CONSUMERS SEEKING JOBS AND HOUSING* 8 (2019), <https://www.nclc.org/images/pdf/criminal-justice/report-broken-records-redux.pdf> ("About 94% of employers conduct some form of criminal history check, and about 90% of landlords run background checks on prospective tenants.").

⁴ See generally, *PATHWAYS TO DESISTANCE*, <https://www.pathwaysstudy.pitt.edu/> (last visited Jan. 3, 2020).

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