



# HAVE A JUVENILE RECORD IN NEW HAMPSHIRE?

## PLAN FOR YOUR FUTURE!

### *Your Juvenile Record Does Not Disappear When You Turn 18!*

This summary provides information about what obstacles may lie ahead and how to prepare yourself as you move forward with your life after being involved in the juvenile court system. Your juvenile record can affect your life for years to come. But you can still pursue your goals and build a bright future by understanding the barriers caused by a juvenile record and knowing what to do and where to go to get help.

### DEFINITIONS

**Adjudication:** You may hear people say that the charges were “found true.” This includes when a juvenile court judge decides you broke the law or you admit to breaking the law. It is not the same as a conviction.<sup>1</sup>

**Collateral Consequences:** Collateral consequences are the ways your juvenile record can create challenges for you as you move forward with your life. For example, you may experience obstacles while applying for a job or college, looking for a place to live, or joining the military.

**Juvenile Record:** Your juvenile record includes the court and police records related to your juvenile case.

*A juvenile adjudication is not a criminal conviction.*

### Information about your juvenile record can only be shared with certain people.

Almost all juvenile record information in New Hampshire is confidential, which means that it is not available for everyone to look at.<sup>2</sup> However, police, prosecutors, probation officers, judges, and court employees may view these records.<sup>3</sup> Your lawyer can also look at your confidential juvenile record.<sup>4</sup> If you are charged with a violent offense,<sup>5</sup> the person who claims to be the victim must be informed of all court proceedings related to the offense.<sup>6</sup> A judge may also let others have information about your juvenile record on a case-by-case basis.<sup>7</sup>



In addition, your juvenile record may be shared with the public:

- (1) if you are adjudicated for a violent offense,<sup>8</sup> the court may release information about your case.<sup>9</sup>
- (2) if you escaped from custody and the prosecutor believes that you are a “serious danger” to the public, the police may release your name and photograph to newspapers or radio or television stations.<sup>10</sup>
- (3) if you are adjudicated of vandalism or have two adjudications for selling drugs and you are at least 12 years of age, there are no restrictions on the publishing or broadcasting of your name and address.<sup>11</sup>

## Your school can access information about your juvenile court involvement.

Information about your juvenile court involvement may be shared with your school. The probation department may allow the superintendent of your school access to your probation records.<sup>12</sup> Probation department records may include information about your charges, court hearings, progress on probation, family, assessment reports, case plans, etc.<sup>13</sup> Also, if the judge adds your school to your juvenile case, your school can look at all the court records.<sup>14</sup>

Your school may be able to use this information to suspend, expel, or reassign you to an alternative educational program even if the offense did not occur at school.<sup>15</sup> However, school officials must follow certain rules and procedures to suspend or expel you. A lawyer or other education advocate can help you challenge the suspension or expulsion decision and help you understand the process and your rights.

**Talk to a lawyer or other knowledgeable adult about what to say in a school suspension or expulsion meeting because what you say can be used against you in a juvenile or criminal court case.**

## Yes, you can get accepted into college, technical school, or a trade program with a juvenile record.

Pay close attention to how the college application asks about your record. If the application asks if you have a conviction, you can answer “No,” if you only have a juvenile record and no adult criminal record. *A juvenile adjudication is not the same as a criminal conviction in New Hampshire.*<sup>16</sup> If the application asks about adjudications, you will likely need to include information about your juvenile record.

The Common Application (Common App) is an application used by more than 900 colleges and universities around the country (including the University of New Hampshire, Dartmouth College, and others).<sup>17</sup> The Common App no longer asks all applicants to answer questions about juvenile and criminal records. However, it does allow colleges to ask about these records on their supplemental forms, which must be turned in with the Common App when applying to their school.<sup>18</sup>





## Yes, you can get a job with a juvenile record.

Most job applications ask about convictions. If you do not have any adult criminal convictions, you can answer “No” because *a juvenile adjudication is not the same as a criminal conviction*.<sup>19</sup>

Just like you need a driver’s license to legally drive a car, some jobs require you to have an occupational license in order to do certain work. Electricians, emergency medical technicians (EMTs), teachers, lawyers, and doctors must have occupational licenses. The application for an occupational license might ask about your juvenile court involvement. For example, the New Hampshire Board of Medicine physician application asks about drug-related charges, investigations, and warnings by law enforcement.<sup>20</sup> The application does not limit how far back the applicant must provide information. This does not mean you will be denied the license just because you provide information about your involvement with the juvenile legal system. But, your interaction with the legal system will be considered during the application process along with the rest of the information you provide.

***Please read application questions carefully so that you only answer what is asked.***

## Your juvenile record may make it harder for you to enlist in the military.

Generally, the U.S. military does not treat juvenile records any differently than adult criminal records. If your record involves selling drugs, domestic violence, or a felony, you may need to request special permission (a waiver) to enlist.<sup>21</sup> If your record includes a juvenile adjudication involving a sexual offense, you will not be able to join the military and no waivers are available.<sup>22</sup> Each branch of the military has different rules about waivers. For more information, visit [www.usa.gov/join-military](http://www.usa.gov/join-military) or contact a recruiter.

You may need to give the military a copy of your juvenile court paperwork, even if your record has been closed. Make sure to get a copy of your complete court record before you turn 21 because the court may not be able to give you copies once it closes your record and puts it in an inactive file.<sup>23</sup>

## Your juvenile record will not be deleted or expunged.

Once you reach 21 years old, your juvenile record is closed.<sup>24</sup> However, your juvenile record is not deleted or expunged. Information of prior juvenile adjudication(s) can be taken into consideration at sentencing for adult criminal matters or if you testify as a witness in a criminal case.<sup>25</sup>



## RESOURCES

### New Hampshire Public Defender

The public defender's office provides legal representation to young people who cannot afford an attorney and are accused of breaking the law in New Hampshire. They may also be able to help you understand more about the consequences of juvenile court involvement described above. To find the contact information for your local public defender's office, visit [www.nhpd.org/offices/](http://www.nhpd.org/offices/) or call 800-464-0652.

### New Hampshire Legal Assistance Youth Law Project

The Youth Law Project (YLP) works with children and teens who are facing long-term suspensions or expulsions from school, delinquency or CHINS petitions, and youth who are in need of legal assistance with education, health, mental health, housing, or other services to help them stay in their homes and communities. To get help, call the New Hampshire Legal Assistance office closest to you. You can find their contact information at [www.nhla.org/content/locations-26](http://www.nhla.org/content/locations-26) or call 800-639-5290. For more information about the Youth Law Project, visit [www.nhla.org/content/specialprojects-18](http://www.nhla.org/content/specialprojects-18).

YLP's Know Your Rights materials can be found at: [www.nhla.org/page/knowyourrights-89](http://www.nhla.org/page/knowyourrights-89).

## ENDNOTES

- 1 *In re Kevin E.*, 725 A.2d 669 (N.H. 1999).
- 2 N.H. REV. STAT. ANN. § 169-B:35(I) (2020); N.H. REV. STAT. ANN. § 170-G:8-a(II) (2020); N.H. REV. STAT. ANN. § 651-B:7(III)(c)(5) (2020) (stating that even if you are required to register as a sex offender or offender against children, your registration information is not accessible by the public).
- 3 N.H. REV. STAT. ANN. § 169-B:35(I)-(II) (2020).
- 4 N.H. REV. STAT. ANN. § 169-B:35(II) (2020).
- 5 N.H. REV. STAT. ANN. § 169-B:35-a(I)(c) (2020) (Violent offenses include "capital, first-degree or second-degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first-degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.").
- 6 N.H. REV. STAT. ANN. § 169-B:35-a(II) (2020).
- 7 N.H. REV. STAT. ANN. § 169-B:35(II) (2020).
- 8 N.H. REV. STAT. ANN. § 169-B:35-a(I)(c) (2020) (Violent offenses include "capital, first-degree or second-degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault, first-degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, as these crimes are defined by statute.").
- 9 N.H. REV. STAT. ANN. § 169-B:36(II) (2020) (the court clerk can disclose your name, offense charged, custody status, and final disposition order).
- 10 N.H. REV. STAT. ANN. § 169-B:37(II) (2020).
- 11 N.H. REV. STAT. ANN. § 169-B:46 (2020); *In re Ryan D.*, 777 A.2d 881, 883 (N.H. 2001) (holding that the court is not required to disclose this information).
- 12 N.H. REV. STAT. ANN. § 170-G:8-a(II)(b)(3) (2020).
- 13 *See* N.H. REV. STAT. ANN. § 170-G:8-a(I) (2020).
- 14 N.H. REV. STAT. ANN. § 169-B:22(II) (2020).
- 15 *See* N.H. REV. STAT. ANN. § 193:13 (2020).
- 16 *In re Kevin E.*, 725 A.2d 669 (N.H. 1999).
- 17 COMMON APP, <https://www.commonapp.org/explore/> (last visited Sept. 21, 2020).
- 18 Scott Jaschik, *Common App Drops Criminal History Question*, INSIDE HIGHER ED (Aug. 13, 2018), <https://www.insidehighered.com/admissions/article/2018/08/13/common-application-drops-criminal-history-question-although-colleges>.
- 19 *In re Kevin E.*, 725 A.2d 669 (N.H. 1999).
- 20 N.H. OFFICE OF PROF'L LICENSURE & CERTIFICATION, STATE ADDENDUM (2020), <https://www.oplc.nh.gov/medicine/documents/physician-application-addendum.pdf>.
- 21 *See generally* 32 C.F.R. § 66.6 (2020) (listing the military's basic enlistment rules).
- 22 32 C.F.R. § 66.6(b)(8)(iii) (2020).
- 23 N.H. REV. STAT. ANN. § 169-B:35(II) (2020).
- 24 N.H. REV. STAT. ANN. § 169-B:35(II) (2020).
- 25 *State v. Oxley*, 503 A.2d 756, 761-62 (N.H. 1985); N.H. R. EVID. 609(d).

### NATIONAL JUVENILE DEFENDER CENTER

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