

JUVENILE COLLATERAL CONSEQUENCES: ADVOCATING FOR YOUR CLIENT'S FUTURE

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WHAT ARE COLLATERAL CONSEQUENCES?

When a young person is adjudicated, the judge will sentence them to specific terms and conditions. Beyond this sentence, they may encounter other consequences created by their adjudication—those are collateral consequences.

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QUESTIONS TO ASK

➤ Do you attend school, or do you work?

➤ Do you own, or do you plan to own or work with firearms?

➤ Do you or your family receive any public benefits?

➤ Are you a US Citizen?

"The Consequences of Adjudication" by Mark Evans

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JUVENILE RECORDS

➤ **WHO CAN LOOK AT A YOUTH'S JUVENILE RECORD?**

➤ **CAN THE ADJUDICATION BE USED IN A FUTURE JUVENILE OR ADULT CASE?**

➤ **CAN THE RECORD BE SEALED OR EXPUNGED IN THE FUTURE?**

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SCHOOL

➤ **HOW DOES AN ADJUDICATION AFFECT A YOUTH'S ABILITY TO ATTEND SCHOOL?**

➤ **CAN A YOUTH STILL ATTEND COLLEGE OF TRADE SCHOOL?**

➤ **CAN A YOUTH STILL RECEIVE FEDERAL STUDENT LOANS?**

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JOBS & THE MILITARY

➤ **HOW DOES AN ADJUDICATION AFFECT A YOUTH'S ABILITY TO WORK?**

➤ **CAN A YOUTH JOIN THE MILITARY?**

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IMMIGRATION

➤ **WILL AN
ADJUDICATION
AFFECT A
YOUTH'S
IMMIGRATION
STATUS?**

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PUBLIC BENEFITS & HOUSING

➤ HOW DOES AN
ADJUDICATION
AFFECT PUBLIC
BENEFITS FOR A
YOUTH AND THEIR
FAMILY?

➤ CAN A YOUTH STILL
LIVE IN PUBLIC
HOUSING WITH A
RECORD?

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OTHER COLLATERAL CONSEQUENCES

▶ **SECOND AMENDMENT RIGHTS.**

▶ **DRIVERS LICENSE**

▶ RESTITUTION

▶ DNA & FINGERPRINTS

▶ ISSUES WITH SEXUAL OFFENSES



JUVENILE RECORDS

ACCESS BEFORE EXPUNGEMENT:

- ▶ C.R.S. §§ 19-1-303 and 19-1-304.
 - A judicial department, agency, or individual who needs to know for purposes of investigation and case management.
 - School personnel may obtain any information from the judicial department "required to perform their legal duties and responsibilities." C.R.S. § 19-1-303(2)(a).
 - Assessment centers and agencies, other than schools, participating in the local assessment centers. C.R.S. § 19-1-303(2.5) (a).



JUVENILE RECORDS

USE IN FUTURE CASES

- Special Offender Classifications
- Direct-File and Transfer Hearings
- Future police investigation and prosecutions

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JUVENILE RECORDS

EXPUNGMENT

➤ C.R.S. §19-1-306

- Mandatory/Automatic C.R.S. §19-1-306(4)
- Automatic Expungement Procedure under C.R.S. § 19-1-306(5)
- Petitioning for Expungement under C.R.S. § 19-1-306(6)

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JUVENILE RECORDS

CHARGES THAT CANNOT BE EXPUNGED

- ▶ C.R.S. §19-1-306 (8)
 - Aggravated Juvenile Offenders and Violent Juvenile Offenders
 - Homicide
 - Vehicle and Traffic Violations
 - Unlawful Sexual Behavior (Felony Adjudications)

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SCHOOL



- Information sharing with schools.
- Schools can seek to suspend and expel students for students that take place on or off school property if the behavior is detrimental to the welfare or safety of other students of school personnel.

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STUDENT LOANS



- Most juvenile adjudications do not affect a youth's ability to apply for Federal Student Loans.
- Sale/Possession of a Controlled Substance is an exception, if the student is "convicted" while receiving federal student assistance.
- Youth who are detained are eligible for PELL Grants.

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JOBS

- Jobs which require a government license.
- Jobs working with students, folks with mental health diagnosis, or jobs in policing/prisons.
- Any job relating to the education or care of children.



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MILITARY

- A delinquency record can make it harder (or impossible) to join the military.
- Some crimes are a complete bar to enlisting including some sex offenses. Other offenses (DV, drugs) the youth might need a waiver.
- If a youth cannot lawfully carry a weapon, they are unlikely to be able to serve.
- Contact the military branch directly—recruiters are so helpful.



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IMMIGRATION

- Adjudications may affect a youth's immigration status.
- To become a naturalized citizen you generally need to demonstrate "good moral character" for a minimum of five years.
- Consult with an immigration attorney about what offenses your client should try to avoid (felony offenses, sex offenses, offenses involving controlled substances, DV, crimes against children, and fire arms).



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BENEFITS



PUBLIC BENEFITS GENERALLY :

- Most public benefits are only negatively affected by adult convictions.
- Some benefits (Workman's Comp) are withheld while a person is in detention.



PUBLIC HOUSING BENEFITS

- Housing benefits for a youth and their family can be affected if their case involves:
 - Drugs
 - Violence
 - Other criminal activity that threatens the health or safety of the community.



• There are new laws that protect folks who are felons from renting on the private market in CO.

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OTHER COLLATERAL CONSEQUENCES



2ND AMENDMENT RIGHTS:

- If you are adjudicated for a felony offense, then you are prohibited from possessing a firearm.



DRIVER'S LICENSE (C.R.S. 42-2-125)

- When a youth is adjudicated for the following offenses, their license will be revoked:
 - Vehicular Homicide
 - DUI
 - A felony in which a vehicle is used
 - MVT
 - Trespass to Vehicles
- Two or more MIPs can result in a lost license.



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RESTITUTION



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SEX OFFENSES



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QUESTIONS?

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