

The Collateral Consequences of an Adjudication

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The Pennsylvania Juvenile Collateral Consequences Checklist

WHAT IS A COLLATERAL CONSEQUENCE?

- U.S. v. Romero – Vilca, 850 F. 2d 177 (3d Cir. 1988) defines a collateral consequence as: “one that is not related to the length or nature of the sentence imposed on the basis of the plea.”

1. IS A JUVENILE ADJUDICATION OF DELINQUENCY A CRIMINAL CONVICTION?

- No. Under North Carolina law, a delinquency adjudication is not a criminal conviction. N.C. Gen. Stat. § 7B-2412. However, for many practical purposes, delinquency adjudications are treated like criminal convictions.

2. WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT EMPLOYMENT OPPORTUNITIES?

Employment Applications:

- A delinquency adjudication “shall neither be considered conviction of any criminal offense nor cause the juvenile to forfeit any citizenship rights.” N.C. Gen. Stat. § 7B-2412.
- Many employment applications only ask potential employees to reveal past criminal convictions, which do not include delinquency adjudications.

2. WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT EMPLOYMENT OPPORTUNITIES?



YOU BELONG @ KFC

THE THINGS OUR LAWYERS WANT US TO ASK...

1. Within the last 7 years, have you been convicted of, or completed your sentence or parole for a crime involving violence, sex, stalking, minors, theft, property damage, fraud, robbery or drugs?* Yes No
2. Are you currently charged with a crime involving violence, sex, stalking, minors, theft, property damage, fraud, robbery or drugs?** Yes No
3. If hired, can you show proof of your legal right to work in the United States? Yes No

*Crimes include felonies, misdemeanors, and other violations of the law. However, you should not respond "Yes" as a result of any conviction that has been judicially sealed, expunged or pardoned. Conviction of a crime will not necessarily disqualify you from consideration for employment and will be considered only as it relates to the job in question. CALIFORNIA residents do not respond "yes" for (i) conviction records that have been sealed or expunged by court order or statutorily eradicated; (ii) misdemeanor convictions for which you have successfully completed or otherwise discharged probation; (iii) misdemeanor marijuana convictions if the conviction occurred more than two years ago; (iv) any past arrest or detention not resulting in a conviction; or (v) any referral to or participation in any pretrial or post trial diversion program. HAWAII residents, do not answer this question. LOUISIANA residents, do not respond "Yes" as a result of a misdemeanor. MASSACHUSETTS residents, do not respond "Yes" as a result of any misdemeanor conviction where the date of the conviction or the completion of incarceration, whichever date is later, occurred more than five years ago. PENNSYLVANIA residents, do not respond "Yes" as a result of a summary offense.

**Residents of HAWAII, LOUISIANA, MARYLAND, MASSACHUSETTS, NEVADA, PENNSYLVANIA, RHODE ISLAND and UTAH, do not answer this question. Residents of MICHIGAN, do not answer "Yes" as a result of pending misdemeanor charges.

2. WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT EMPLOYMENT OPPORTUNITIES? (CONT.)

Although a delinquency adjudication is not a conviction, it is sometimes in the interest of an applicant to reveal the adjudication to a potential employer. Employers have ways to access this information. For example:

- The Administrative Office of Pennsylvania Courts has a website where many counties still post information about juvenile adjudications, making it accessible to potential employers. Leaving a delinquency adjudication out of a job application may appear dishonest to an employer if it is discovered. Whenever possible, delinquency adjudications should be expunged to avoid this dilemma.

3. ARE JUVENILE ADJUDICATIONS OF DELINQUENCY PUBLIC KNOWLEDGE?

No. “All public records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court.” N.C. Gen. Stat. § 7B-3000(b). The exception applies to attorneys, probation, etc.

Contrast this with Pennsylvania’s law, in which adjudications become a matter of public record if the charge is a felony and the child is 14 years or older, or if the child is 12 or older and is adjudicated of certain serious offenses. 42 Pa. C.S. § 6307(b)(1).

4. ARE THE HEARINGS IN JUVENILE COURT OPEN TO THE PUBLIC?

Yes. “All hearings authorized or required pursuant to this Subchapter **shall be open to the public** unless the court closes the hearing or part of the hearing for good cause, upon motion of a party or its own motion. If the court closes the hearing or part of the hearing to the public, the court may allow any victim, member of a victim's family, law enforcement officer, witness or any other person directly involved in the hearing to be present at the hearing.” N.C. Gen. Stat. § 7B-2402 (emphasis added).

5. WILL PUBLIC ASSISTANCE BENEFITS AND PUBLIC HOUSING BE IMPACTED BY A JUVENILE ADJUDICATION OF DELINQUENCY?

- A delinquency adjudication can affect eligibility for public benefits and housing.
 - Public housing authorities have the right to evict families of delinquent children, even if their delinquent conduct does not occur on public housing property. See *HUD v. Rucker*, 535 U.S. 125, 133-136 (2002).
 - Also, anyone subject to a lifetime registration requirement under a state sex offender registration statute is ineligible for federally assisted housing. 42 U.S.C. § 13663.

5. WILL PUBLIC ASSISTANCE BENEFITS AND PUBLIC HOUSING BE IMPACTED BY A JUVENILE ADJUDICATION OF DELINQUENCY?

- In North Carolina:
 - In any summary ejectment action wherein a housing authority alleges that a tenant's lease has been terminated because the tenant, a household member, or a guest has engaged in a criminal activity that threatens the health and safety of others or the peaceful enjoyment of the premises by others, or has engaged in activity involving illegal drugs, as defined in [24 C.F.R. § 966.4](#), the housing authority may bring an action under Article 7 of Chapter 42 of the General Statutes.

N.C. GEN. STAT. § 157-29(e).

SAMPLE HOUSING APPLICATION

Applform.wpd
Revised 06/2011

PLEASE PRINT LEGIBLY IN INK AND RETURN BY MAIL

APPL # _____

HOUSING AUTHORITY OF THE CITY OF RALEIGH, NORTH CAROLINA

900 HAYNES STREET
RALEIGH, NORTH CAROLINA 27604
WWW.RHAONLINE.COM

FOR ASSISTANCE, CALL 919.508.1105

NAME

FIRST MIDDLE LAST

ADDRESS

CITY STATE ZIP CODE

TELEPHONE () _____

I WISH TO APPLY FOR: PUBLIC HOUSING _____
SECTION 8 (VOUCHER) _____
BOTH _____
(See Definitions on the back)

*Please list an alternate address and phone number. If we are unable to contact you when your application reaches the top of our list, your application will be **WITHDRAWN**.*

ALTERNATE ADDRESS:

CITY STATE ZIP CODE

ALTERNATE NAME/PHONE CONTACTS:

(SIBLING)

SAMPLE HOUSING APPLICATION

SIGNATURE:

DATE:

NOTE: A criminal history report/background check is required to determine eligibility of all applicants. A tenant history will be checked on all past housing tenants. ***Fraud Warning:** Title 18, Section 1001 of the United States code, states that a person who knowingly and willingly makes false statements to any department or agency of the United States is guilty of a felony.



HOUSING AUTHORITY of MONROE COUNTY

1055 W. Main Street
Stroudsburg, PA 18360

570-421-7770

TDD 570-421-6968

FAX: 570-421-6958 & 570-424-9710



Public Housing

Pre-Application for Housing

Close - Housing Choice Voucher Program (n.l.c.a. Section 8)

HEAD OF HOUSEHOLD

1. Name _____
(First) (M.I.) (Last)

Mailing Address _____

(City) (State) (Zip)

Social Security _____ Date of Birth _____ Age _____

Telephone # _____ Contact/Cell # _____

2. Other Family Members

| First Name | Last Name | Social Security # | Sex | Date of Birth | Relation to Head |
|------------|-----------|-------------------|-----|---------------|------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

(Use other side for additional family members)

3. Race (check one)

- White
- Black/African American
- American Indian/Alaska Native
- Asian
- Native Hawaiian/Other Pacific Islander

Ethnicity (check one)

- Hispanic or Latino
- Not-Hispanic or Latino

4. Is anyone in your family pregnant? YES NO

5. Do any persons in the household have a disability? YES NO

Mobility Impairment YES NO Hearing YES NO

Sight Impairment YES NO Mental Impairment YES NO

If applicable, list special accommodations _____

6. Do you claim any of the following local preferences?

- Working Preference: Does the head of household or spouse work?
- Training Program: Is the head of household or spouse in a work training program?
- Disability: Is the head of household or spouse disabled?
- Elderly: Is the head of household or spouse 62 years of age or older?
- Homeless: Is the family currently homeless?
- Victim of Domestic Violence: Is the head of household or spouse a victim?
- Veteran: Is the head of household or spouse a veteran?
- Resident: Does the family live or work in Monroe County?
- Non-Resident: Does the family live outside of Monroe County?

7. FAMILY INCOME: Check all that applies and fill in monthly amount:

Wages \$ _____

SSI \$ _____

Social Security \$ _____

TANF/Welfare \$ _____

Other \$ _____

8. Has anyone in the household ever been arrested? YES NO
If YES, who, when and what for _____

9. I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE AND COMPLETE.
I understand that submission of false information or misrepresentation may result in loss of eligibility to participate in the Housing Program.

SAMPLE HOUSING APPLICATION

8. Has anyone in the household ever been arrested? ___ YES ___ NO

If YES, who, when and what for _____

9. I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE AND COMPLETE.
I understand that submission of false information or misrepresentation may result in loss of eligibility to participate in the Housing Program.

6. CAN A YOUNG MAN OR YOUNG WOMAN ENLIST IN THE MILITARY IF HE OR SHE HAS BEEN ADJUDICATED DELINQUENT OF AN OFFENSE?

A delinquency adjudication may affect an application for military service as follows:

- **A delinquency adjudication is considered a conviction for a criminal offense** under Army regulations. *Army Regulation 601-210*, ch. 4, available at http://www.apd.army.mil/pdffiles/r601_210.pdf

6. CAN A YOUNG MAN OR YOUNG WOMAN ENLIST IN THE MILITARY IF HE OR SHE HAS BEEN ADJUDICATED DELINQUENT OF AN OFFENSE? (CONT.)

- The Air Force, Navy and Marines examine delinquency adjudications on a **case-by-case basis**.
 - See *Air Force Instruction 36-2002*, at 31 attachment 4 (1999), available at <http://www.e-publishing.af.mil/shared/media/epubs/AFI36-2911.pdf>;
 - *Navy Recruiting Manual-Enlisted 2-95-2-98* (2002), available at <http://usmilitary.about.com/library/pdf/navrecruit.pdf>;
 - *Military Personnel Procurement Manual, MCO P1100, 72C 3-95-3-105* (2004), available <http://www.marines.mil/news/publications/Documents/MCO%20P1100.72C%20W%20ERRATUM.pdf>.

6. CAN A YOUNG MAN OR YOUNG WOMAN ENLIST IN THE MILITARY IF HE OR SHE HAS BEEN ADJUDICATED DELINQUENT OF AN OFFENSE? (CONT.)

- Expungement: Military recruiters frequently assist young recruits in getting their juvenile records expunged if those records are not lengthy and the juvenile offenses are not extremely serious.
- Felonies: Those convicted of felonies are not eligible for the military without special approval from the Secretary of Defense. 10 U.S.C. § 504(a).

7. CAN A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ABILITY OF A PERSON TO OBTAIN A LICENSE TO CARRY A FIREARM?

Arguably no. “A sheriff can deny a permit” to applicants who have been “adjudicated guilty” of felonies and certain misdemeanors. N.C. Gen. Stat. § 14-415.12(b)(3), (b)(8).

7. CAN A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ABILITY OF A PERSON TO OBTAIN A LICENSE TO CARRY A FIREARM? (CONT.)

- A juvenile previously adjudicated delinquent does not appear to qualify as a felon in possession of a firearm as the statute specifically requires conviction. N.C. Gen. Stat. § 14-415.1(b).
- This combines with the clear “adjudications are not convictions” rule to disqualify adjudications.

| | | | | | |
|--|---------------------|--|--|--------|-------------------------------------|
| STATE OF NORTH CAROLINA | | APPLICATION FOR CONCEALED HANDGUN PERMIT | | | |
| Name of Applicant (Last, First, Middle, Maiden) (Attach listing of all previous addresses and all name changes including location and court title number., if applicable.) | | <input type="checkbox"/> New Permit <input type="checkbox"/> Emergency Temporary Permit <input type="checkbox"/> Duplicate <input type="checkbox"/> Renewal Permit | | | |
| Street Address | | Date of Birth | Social Security No. (see notification on back of form) | | |
| City | State | Zip | State DL No. (State Id No. If No Drivers License) | | State |
| Mailing Address | | Military Status <input type="checkbox"/> Active <input type="checkbox"/> Reserve <input type="checkbox"/> Discharged <input type="checkbox"/> N/A | | Race | Sex Hair |
| Telephone No. | County of Residence | | Eyes | Height | Weight Other Physical Description |

APPLICATION

I, the undersigned applicant, being duly sworn, hereby make application for a concealed handgun permit and state that the following information is correct to the best of my knowledge.

I am a citizen of the United States and have been a resident of North Carolina 30 days or longer immediately preceding the filing of this Application. I am 21 years of age or older. I do not suffer from a physical or mental infirmity that prevents the safe handling of a handgun.

1. Have you successfully completed an approved firearms safety and training course which involved the actual firing of handguns and instruction in the laws of North Carolina governing the carrying of a concealed handgun and the use of deadly force? (If yes, attach certificate of completion.) (check applicable boxes) (1) Yes No
2. Are you ineligible to own, possess, or receive a firearm under the provisions of state or federal law? (2) Yes No
3. Are you under indictment or has a finding of probable cause been entered for a pending felony charge? (3) Yes No
4. Have you been adjudicated guilty in any court of a felony? (4) Yes No
5. Are you a fugitive from justice? (5) Yes No
6. Are you an unlawful user of, or addicted to marijuana, alcohol, or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802? (6) Yes No
7. Are you currently, or have you been previously adjudicated or administratively determined to be lacking mental capacity or mental ill? (7) Yes No
8. Have you been discharged from the armed forces under conditions other than honorable? (8) Yes No
9. Have you been adjudicated guilty of or received a prayer for judgment continued or suspended sentence (9) Yes No
10. Have you had an entry of a prayer for judgment continued for a criminal offense which would disqualify from obtaining a concealed handgun permit? (10) Yes No
11. Are you free on bond or personal recognizance pending trial, appeal, or sentencing for a crime which would disqualify you from obtaining a concealed handgun permit? (11) Yes No
12. Have you been convicted of an impaired driving offense under G.S. 20-138.2 or 20-138.3 within three years prior to the date of this application? (12) Yes No

I hereby apply for a temporary emergency permit for a nonrenewable period of up to 90 days based upon the information set forth below. I reasonably believe that an emergency situation exists which may constitute a risk of safety to me, my family or my property. State Grounds For Temporary Emergency Permit (use attachment if necessary)

| | | |
|---|---|------------------------|
| SWORN AND SUSCRIBED TO BEFORE ME | | DATE |
| DATE | Signature Of Authorized To Administer Oaths | Signature of Applicant |
| Title | CAUTION: Federal Law and State law on the possession of handguns and firearms differ. If you are prohibited by federal law from possessions a handgun or a firearm, You may be prosecuted in federal court. A State permit is not a defense to a federal Prosecution. | |
| My Commission Expires | SEAL | |



SAMPLE FIREARM APPLICATION

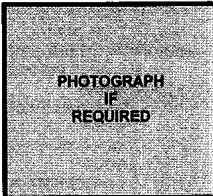
4. Have you been adjudicated guilty in any court of a felony?

(4) Yes No

COUNTY OF MONROE

APPLICATION FOR A PENNSYLVANIA LICENSE TO CARRY FIREARMS

FOR USE BY ISSUING AUTHORITY: PICS TEMP APP. NO. _____ PICS FINAL APP. NO. _____
 Signature _____ License Number _____ Application Date _____
 Temporary License Approval Date _____ Permanent License Approval Date _____
 Rejection Date _____ Reason for Rejection: _____



APPLICANT INFORMATION - TYPE/PRINT IN BLUE OR BLACK INK

| | | | | | |
|--|---|---------------|------------------------|--------------------------------|----------------|
| 1. LAST NAME | 2. JR., ETC. | 3. FIRST NAME | 4. MIDDLE NAME | 5. PHOTO ID/DRIVER LICENSE NO. | 6. STATE |
| 7. DATE OF BIRTH | 8. SOCIAL SECURITY NUMBER (Optional, but will help prevent misidentification) | 9. AGE | 10. SEX | 11. RACE | 12. HEIGHT |
| | | | | 13. WEIGHT | 14. HAIR COLOR |
| | | | | 15. EYE COLOR | |
| 16. STREET ADDRESS | | | 17. CITY | 18. STATE | 19. ZIP CODE |
| 20. HOME TELEPHONE NO. | | | | | |
| 21. EMPLOYER/BUSINESS NAME | | | 22. WORK TELEPHONE NO. | 23. OCCUPATION | |
| 24. ADDRESS | | | 26. CITY | 26. STATE | 27. ZIP CODE |
| 28. REASON FOR A LICENSE TO CARRY FIREARMS: <input type="checkbox"/> SELF-DEFENSE <input type="checkbox"/> EMPLOYMENT <input type="checkbox"/> HUNTING & FISHING <input type="checkbox"/> TARGET SHOOTING <input type="checkbox"/> GUN COLLECTING <input type="checkbox"/> OTHER _____ | | | | 29. PLACE OF BIRTH | |
| 30. TWO REFERENCES - NOT FAMILY MEMBERS | | | | | |
| NAME | ADDRESS | | | TELEPHONE NO. | |
| NAME | ADDRESS | | | TELEPHONE NO. | |

APPLICANTS ARE DETERMINED TO BE ELIGIBLE FOR LICENSES BASED UPON CRIMINAL RECORDS WITHIN THE PENNSYLVANIA UNIFORM FIREARMS ACT (18 P.A.C.S. CHAPTER 61) SECTIONS 6105(b) THROUGH 6105(d) AND SECTION 6109 DEALING WITH THE ISSUANCE OF A LICENSE TO CARRY FIREARMS. REFERENCE THE REVERSE SIDE OF THIS FORM WHERE INDICATED.

31. HAVE YOU EVER BEEN CONVICTED OF A CRIME ENUMERATED IN SECTION 6105(b), OR DO ANY OF THE CONDITIONS UNDER 6105(c) APPLY TO YOU? (READ INFORMATION ON BACK PRIOR TO ANSWERING) YES NO

32. ARE YOU NOW CHARGED WITH, OR HAVE YOU EVER BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR? THIS IS THE MAXIMUM SENTENCE THAT YOU COULD HAVE RECEIVED, NOT THE ACTUAL SENTENCE YOU DID RECEIVE. (THIS DOES NOT INCLUDE FEDERAL OR STATE OFFENSES PERTAINING TO ANTI-TRUST, UNFAIR TRADE PRACTICES, RESTRAINTS OF TRADE, OR REGULATION OF BUSINESS, OR STATE OFFENSES CLASSIFIED AS MISDEMEANORS AND PUNISHABLE BY A TERM OF IMPRISONMENT NOT TO EXCEED TWO YEARS.) (READ INFORMATION ON BACK PRIOR TO ANSWERING) YES NO

33. HAVE YOU EVER BEEN ADJUDICATED A DELINQUENT FOR A CRIME ENUMERATED IN SECTION 6105, OR FOR AN OFFENSE UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT? (READ INFORMATION ON BACK PRIOR TO ANSWERING) YES NO

34. HAVE YOU EVER BEEN CONVICTED OF ANY DRUG OR CONTROLLED SUBSTANCE OFFENSE UNDER THE ACT OF APRIL 14, 1974 (P.L. 233, NO. 64) KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT? (ALL DRUG-RELATED CONVICTIONS WILL PROHIBIT LICENSING, UNDER SECTION 6109 RELATING TO LICENSES) YES NO

35. HAVE YOU EVER BEEN INVOLUNTARILY COMMITTED TO A HEALTH CARE FACILITY FOR A MENTAL CONDITION, OR ADJUDICATED INCOMPETENT/INCAPACITATED? YES NO

36. ARE YOU AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD, OR WHO IS ADDICTED TO OR AN UNLAWFUL USER OF MARIJUANA OR A STIMULANT, DEPRESSANT, OR NARCOTIC DRUG? YES NO

37. IS YOUR CHARACTER AND REPUTATION SUCH THAT YOU WOULD BE LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY? YES NO

38. ARE YOU A UNITED STATES CITIZEN? IF NO, COUNTRY OF BIRTH _____
 COUNTRY OF CITIZENSHIP _____ IMMIGRATION IDENTIFICATION NUMBER _____ YES NO
 (Applications for non-U.S. Citizens must be provided to the Pennsylvania State Police along with a copy of the License to Carry.)

39. HAVE YOU EVER RECEIVED A DISHONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES? YES NO

40. OTHER THAN PENNSYLVANIA, DO YOU POSSESS A CURRENT LICENSE, PERMIT, OR SIMILAR DOCUMENT TO CARRY A FIREARM ISSUED FROM ANOTHER STATE? IF YES, ATTACH A PHOTOCOPY OF THE DOCUMENT TO THIS FORM. YES NO

41. I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been committed to a mental institution or mental health care facility. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein, I am subject to penalties prescribed by law. I authorize the sheriff, or his designee, or, in the case of first class cities, the chief or head of the police department, or his designee, to inspect only those records or documents relevant to information required for this application. *If I am issued a license and knowingly become ineligible to legally possess or acquire firearms, I will promptly notify the sheriff of the county in which I reside or, if I reside in a city of the first class, the chief of police of that city.* This certification is made subject to both the penalties of section 4904 of the Crimes Code (18 Pa.C.S. 4904) relating to unsworn falsifications to authorities and the Uniform Firearms Act.

SIGNATURE - APPLICANT

DATE OF APPLICATION



SAMPLE FIREARM APPLICATION

31. HAVE YOU EVER BEEN CONVICTED OF A CRIME ENUMERATED IN SECTION 6105(b), OR DO ANY OF THE CONDITIONS UNDER 6105(c) APPLY TO YOU? (READ INFORMATION ON BACK PRIOR TO ANSWERING)

SAMPLE FIREARM APPLICATION

33. HAVE YOU EVER BEEN ADJUDICATED A DELINQUENT FOR A CRIME ENUMERATED IN SECTION 6105, OR FOR AN OFFENSE UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT? (READ INFORMATION ON BACK PRIOR TO ANSWERING)

8. WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT DRIVING PRIVILEGES?

“[A judge may] [o]rder that the juvenile shall not be licensed to operate a motor vehicle in the State of North Carolina **for as long as the court retains jurisdiction over the juvenile** or for any shorter period of time. The clerk of court shall notify the Division of Motor Vehicles of that order.

N.C. Gen. Stat. § 7B-2506(9) (emphasis added).

8. WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT DRIVING PRIVILEGES? (CONT.)

Contrast Pennsylvania's examples...

- Driving Under the Influence: Juvenile adjudications of delinquency for driving while under the influence of drugs or alcohol result in mandatory license suspension. 75 Pa. C.S. § 3804.
 - In addition, the use of alcohol or a controlled substance to a degree that renders the user incapable of safe driving may result in limited or long-term ineligibility for a driver's license. 75 Pa. C.S. § 1503.
- Truancy: Notably, a truancy finding in violation of Pennsylvania's compulsory attendance requirements also subjects youth to temporary license suspension or temporary ineligibility for a driving permit. 24 P.S. § 13-1333

9. WILL A JUVENILE ADJUDICATION OF DELINQUENCY RESTRICT ACCESS TO HIGH SCHOOLS OR HIGH-SCHOOL LEVEL TECHNICAL OR TRADE SCHOOLS?

A student's juvenile record may not be the sole reason for a suspension or expulsion but may be taken into account "to protect the safety of or to improve the education opportunities for the student or others."

N.C. Gen. Stat. § 115C-404(b).

9. WILL A JUVENILE ADJUDICATION OF DELINQUENCY RESTRICT ACCESS TO HIGH SCHOOLS OR HIGH-SCHOOL LEVEL TECHNICAL OR TRADE SCHOOLS? (CONT.)

“If the student graduates, withdraws from school, is suspended for the remainder of the school year, is expelled, or transfers to another school, the principal shall return all documents not destroyed in accordance with subsection (a) of this section to the juvenile court counselor and, if applicable, shall provide the counselor with the name and address of the school to which the student is transferring.”

N.C. Gen. Stat. § 115C-404(c).

10. WILL A JUVENILE ADJUDICATION OF DELINQUENCY RESTRICT ACCESS TO HIGHER EDUCATION, INCLUDING COLLEGES, VOCATIONAL SCHOOLS, TECHNICAL SCHOOLS OR TRADE SCHOOLS? (CONT.)

- **Higher Education: A delinquency adjudication does not bar access to higher education in most cases.** If the institution's application asks for the person's arrest history, juvenile arrests must be included.
 - However, an increasing number of institutions accept the Common Application, which asks whether the person has been convicted of a misdemeanor, felony, or other crime. **This question does not require that the applicant include delinquency adjudications.** See *Juvenile Court Judges' Commission 2008 Juvenile Delinquency Records Handbook and Expungement Guide* at p. 10.

SAMPLE COLLEGE APPLICATION

THE COMMON
APPLICATION

2011-12 FIRST-YEAR APPLICATION

For Spring 2012 or Fall 2012 Enrollment

APPLICANT

Legal Name _____
Last/Family/Sur (Enter name exactly as it appears on official documents.) *First/Given* *Middle (complete)* *Jr., etc.*

Preferred name, if not first name (only one) _____ Former last name(s) _____

Birth Date _____ Female Male US Social Security Number, if any _____
mm/dd/yyyy *Required for US Citizens and Permanent Residents applying for financial aid via FAFSA*

Preferred Telephone Home Cell Home (_____) _____ Cell (_____) _____
Area/Country/City Code *Area/Country/City Code*

E-mail Address _____ IM Address _____

SAMPLE COLLEGE APPLICATION

Disciplinary History

- ① Have you ever been found responsible for a disciplinary violation at any educational institution you have attended from the 9th grade (or the international equivalent) forward, whether related to academic misconduct or behavioral misconduct, that resulted in a disciplinary action? These actions could include, but are not limited to: probation, suspension, removal, dismissal, or expulsion from the institution. Yes No
- ② Have you ever been adjudicated guilty or convicted of a misdemeanor, felony, or other crime? Yes No
[Note that you are 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 ordered by a court to be kept confidential.]

If you answered “yes” to either or both questions, please attach a separate sheet of paper that gives the approximate date of each incident, explains the circumstances, and reflects on what you learned from the experience.

Widener University

Choose Your Path - Widener University :: Online Application



LOG OUT

UPDATE YOUR PROFILE



Additional Information

I am interested in Military ROTC Yes No

Have you ever been suspended from school?

Yes No

Have you ever been convicted of a crime (including alcohol and/or drug offenses), felony, or misdemeanor, or currently have any criminal charges pending or unresolved in any court or tribunal, excluding minor traffic violations?

Convictions include judgments, findings of guilt by a judge or jury, pleas of guilty or nolo contendere, probation without verdict, disposition in lieu of trial and/or ARD.

Yes No

Certification

Any deliberate falsification or omission of application data will result in denial of admission or dismissal.

By checking this box, I agree with the above statement, and agree that all information on this application is true as of today.

SAMPLE COLLEGE APPLICATION

Have you ever been convicted of a crime (including alcohol and/or drug offenses), felony, or misdemeanor, or currently have any criminal charges pending or unresolved in any court or tribunal, excluding minor traffic violations?

Convictions include judgments, findings of guilt by a judge or jury, pleas of guilty or nolo contendere, probation without verdict, disposition in lieu of trial and/or ARD.

Yes No

Certification

Any deliberate falsification or omission of application data will result in denial of admission or dismissal.

10. WILL A JUVENILE ADJUDICATION OF DELINQUENCY RESTRICT ACCESS TO HIGHER EDUCATION, INCLUDING COLLEGES, VOCATIONAL SCHOOLS, TECHNICAL SCHOOLS OR TRADE SCHOOLS? (CONT.)

- **Financial Aid: A delinquency adjudication does not automatically bar access to federal student financial aid.** A criminal conviction for possessing or selling illegal drugs while the person was receiving federal student grants, loans or work-study can restrict access to financial aid. See 20 U.S.C. § 1091(r); see also *Free Application for Federal Student Aid FAQ* at <http://www.fafsa.ed.gov/faq003.htm>.

FROM FAFSA APPLICATION

Student Aid Eligibility Drug Convictions

- I have never attended college
- I have never received federal student aid
- I have never had a drug conviction

If you did not check any of these boxes, you will be asked more questions online.

QUESTION 2-6 FROM FAFSA DRUG WORKSHEET

2 Have you been convicted for possessing or selling illegal drugs?

Only include federal and state convictions. Do not count any convictions that have been removed from your record or that occurred before you turned age 18, unless you were tried as an adult.

NO

If No, change your answer to question 23 on your SAR to "1," and sign and send us your SAR.

YES

If Yes, go to question 3 on this worksheet.

3 Did the offense for possessing or selling illegal drugs occur during a period of enrollment for which you were receiving federal student aid (grants, loans and/or work-study)?


NO

If No, change your answer to question 23 on your SAR to "1," and sign and send us your SAR.

YES


If Yes, go to question 4 on this worksheet.

QUESTION 2-6 FROM FAFSA DRUG WORKSHEET (CONT.)

-  **4** Have you completed an acceptable drug rehabilitation program since your conviction?
An acceptable drug rehabilitation program must include at least two unannounced drug tests, and:
Be qualified to receive funds from a federal, state or local government or from a federally or state-licensed insurance company;
or
Be administered or recognized by a federal, state or local government agency or court, or a federally or state-licensed hospital, health clinic or medical doctor.


YES *If Yes, change your answer to question 23 on your SAR to "1," and sign and send us your SAR.*

NO *If No, go to question 5 on this worksheet.*

-  **5** Do you have more than two convictions for possessing illegal drugs?
Only count convictions for offenses that occurred during a period of enrollment for which you were receiving federal student aid (grants, loans and/or work-study).

YES *If Yes, change your answer to question 23 on your SAR to "3," and sign and send us your SAR.*

NO *If No, go to question 6 on this worksheet.*

-  **6** Do you have more than one conviction for selling illegal drugs?
Only count convictions for offenses that occurred during a period of enrollment for which you were receiving federal student aid (grants, loans and/or work-study).

YES *If Yes, change your answer to question 23 on your SAR to "3," and sign and send us your SAR.*

NO *If No, go to question 7 on this worksheet.*

11. ARE THERE FINANCIAL BURDENS PLACED ON ADJUDICATED CHILDREN AND THEIR FAMILIES?

- Juveniles may be held responsible for court costs. N.C. Gen. Stat. § 7B-3506.

11. ARE THERE FINANCIAL BURDENS PLACED ON ADJUDICATED CHILDREN AND THEIR FAMILIES? (CONT.)

- Juveniles may be held responsible for restitution up to \$500.00. N.C. Gen. Stat. § 7B-2506(4). “[H]owever, the court shall not require the juvenile to make restitution if the juvenile satisfies the court that the juvenile does not have, and could not reasonably acquire, the means to make restitution.” *Id.*

12. DOES A JUVENILE ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE SUBJECT A JUVENILE TO REGISTRATION AS A SEX OFFENDER IN NORTH CAROLINA?

Yes, under certain circumstances.

“A juvenile transferred to superior court pursuant to G.S. 7B-2200 who is convicted of a sexually violent offense or an offense against a minor as defined in G.S. 14-208.6 shall register in person in accordance with this Article just as an adult convicted of the same offense must register.”

N.C. Gen. Stat. § 14-208.6B.

12. DOES A JUVENILE ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE SUBJECT A JUVENILE TO REGISTRATION AS A SEX OFFENDER IN NORTH CAROLINA? (CONT.)

“In any case in which a juvenile, who was at least 11 years of age at the time of the offense, is adjudicated delinquent for committing a violation of G.S. 14-27.2 (first-degree rape), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first-degree sexual offense), G.S. 14-27.5 (second degree sexual offense), or G.S. 14-27.6 (attempted rape or sexual offense), the judge, upon a finding that the juvenile is a danger to the community, may order that the juvenile register in accordance with Part 4 of Article 27A of Chapter 14 of the General Statutes.”

N.C. Gen. Stat. § 7B-2509.

12. DOES A JUVENILE ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE SUBJECT A JUVENILE TO REGISTRATION AS A SEX OFFENDER IN NORTH CAROLINA? (CONT.)

Title I of the Adam Walsh Child Protection and Safety Act, known as the Sex Offender Registration and Notification Act (SORNA) requires each state to implement registration and notification standards for juveniles adjudicated delinquent of certain sex offenses. A number of states have promulgated SORNA regulations but are still not in compliance.

12. DOES A JUVENILE ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE SUBJECT A JUVENILE TO REGISTRATION AS A SEX OFFENDER IN NORTH CAROLINA? (CONT.)

SORNA requires the following juveniles to register as **sex offenders for LIFE:**

- Those who are age 14 or older at the time of the offense
- Those who are adjudicated delinquent of certain serious sex offenses
- Those who are adjudicated delinquent of a sexual act, defined by SORNA as “[a]ny degree of genital or anal penetration, and/or any oral-genital or oral-anal contact”
- Those for whom the court determines that the sexual act was accomplished by force, by threat of death or serious bodily injury, or by kidnapping, rendering the other person unconscious, or drugging the other person.

12. DOES A JUVENILE ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE SUBJECT A JUVENILE TO REGISTRATION AS A SEX OFFENDER IN NORTH CAROLINA? (CONT.)

Removal from the Registry: A Juvenile may be removed from the registry after 25 years if he or she:

- Does not acquire any new sex offense or felony conviction for 25 years,
- Completes probation without revocation, and
- Completes sex offender treatment.

13. DOES A JUVENILE ADJUDICATION OF DELINQUENCY MANDATE THAT THE CHILD SUBMIT A DNA SAMPLE THAT WILL BE KEPT BY LAW ENFORCEMENT?

- In North Carolina: “Unless a DNA sample has previously been obtained by lawful process and the DNA record stored in the State DNA Database, and that record and sample has not been expunged pursuant to any provision of law, a DNA sample for DNA analysis and testing shall be obtained from any person who is arrested for committing an offense described in subsection (f) or (g) of this section.” N.C. Gen. Stat. § 15A-266.3A(a).

13. DOES A JUVENILE ADJUDICATION OF DELINQUENCY MANDATE THAT THE CHILD SUBMIT A DNA SAMPLE THAT WILL BE KEPT BY LAW ENFORCEMENT? (CONT.)

- These samples are taken at the time of arrest, when fingerprinted, or, if arrested without a warrant, when “a probable cause determination has been made pursuant” to N.C. Gen. Stat. § 15A-511(c)(1). See N.C. Gen. Stat. § 15A-266.3A(b).
- The offenses under subsections (f) and (g) include murder, armed robbery, burglary, certain enumerated sex offenses, certain assaults, and stalking. Also included are conspiracy and attempt, amongst other inchoate offenses. N.C. Gen. Stat. § 15A-266.3A(f)-(g).

13. DOES A JUVENILE ADJUDICATION OF DELINQUENCY MANDATE THAT THE CHILD SUBMIT A DNA SAMPLE THAT WILL BE KEPT BY LAW ENFORCEMENT? (CONT.)

The statute also provides for the expunction of DNA records from the database if :

- a. The charge has been dismissed.
- b. The person has been acquitted of the charge.
- c. The defendant is convicted of a lesser-included misdemeanor offense that is not an offense included in subsection (f) or (g) of this section.
- d. No charge was filed within the statute of limitations, if any.
- e. No conviction has occurred, at least three years has passed since the date of arrest, and no active prosecution is occurring.

N.C. Gen. Stat. § 15A-266.3A(h)(1).

13. DOES A JUVENILE ADJUDICATION OF DELINQUENCY MANDATE THAT THE CHILD SUBMIT A DNA SAMPLE THAT WILL BE KEPT BY LAW ENFORCEMENT? (CONT.)

- The language of the statute regarding collecting the samples does not preclude juveniles with qualifying arrests as they are still within the meaning of “any person” who is arrested.
- However, because an adjudication is not a conviction, all juveniles who are subject to adjudicatory hearings (rather than transfer to superior court) are eligible for expunction. That said, because of the required three year no-conviction period for eligibility, the juvenile sample arguably could still be kept for these three years.

13. DOES A JUVENILE ADJUDICATION OF DELINQUENCY MANDATE THAT THE CHILD SUBMIT A DNA SAMPLE THAT WILL BE KEPT BY LAW ENFORCEMENT? (CONT.)

- A juvenile whose case is transferred to Superior Court is subject to this provision as any adult arrestee.

N.C. Gen. Stat. § 7B-2201(b).

14. HOW CAN A JUVENILE ADJUDICATION OF DELINQUENCY BE EXPUNGED?

- **Juvenile records do not automatically disappear on a child's 18th birthday.**
- **Juvenile records can be expunged under the following circumstances:**

14. HOW CAN A JUVENILE ADJUDICATION OF DELINQUENCY BE EXPUNGED? (CONT.)

Any person who has attained the age of 18 years may file a petition in the court where the person was adjudicated delinquent for expunction of all records of that adjudication provided:

(1) The offense for which the person was adjudicated would have been a crime other than a Class A, B1, B2, C, D, or E felony if committed by an adult.

(2) At least 18 months have elapsed since the person was released from juvenile court jurisdiction, and the person has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state.

N.C. Gen. Stat. § 7B-3200(b).

14. HOW CAN A JUVENILE ADJUDICATION OF DELINQUENCY BE EXPUNGED? (CONT.)

The petition must include:

(1) An affidavit by the petitioner that the petitioner has been of good behavior since the adjudication and, in the case of a petition based on a delinquency adjudication, that the petitioner has not subsequently been adjudicated delinquent or convicted as an adult of any felony or misdemeanor other than a traffic violation under the laws of the United States, or the laws of this State or any other state;

(2) Verified affidavits of two persons, who are not related to the petitioner or to each other by blood or marriage, that they know the character and reputation of the petitioner in the community in which the petitioner lives and that the petitioner's character and reputation are good....

N.C. Gen. Stat. § 7B-3200(c),

15. WILL A JUVENILE WHO HAS BEEN ADJUDICATED DELINQUENT BE ALLOWED TO VOTE?

Yes, because a delinquency adjudication is not a conviction.

- A young person who turns 18 while completing the terms of his or her treatment, rehabilitation or supervision is permitted to register and vote. He or she may vote regardless of whether the delinquency adjudication is for conduct that would be a felony or a misdemeanor if committed by an adult, and regardless of whether he or she is in placement.
- For the limitations on voting and registration for persons with **criminal convictions**, go to:

www.aclupa.org/issues/votingissues/votingrightsofexfelos

16. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT JURY SERVICE?

- Because a delinquency adjudication is not a conviction, a person adjudicated delinquent may serve on a jury once he/she reaches the age of 18.
- In Pennsylvania, a citizen may not serve as a juror if he or she has been convicted of a crime that could be punishable by more than one year in prison. 42 Pa. C.S. § 4502. *Be aware of the North Carolina equivalent.*

17. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT A YOUNG PERSON'S IMMIGRATION STATUS?

Assessing the immigration consequences of delinquency adjudications is very complicated.

- The general rule is that prior to entering an admission or proceeding to an adjudicatory hearing, the juvenile defense attorney handling the matter should always seek advice from an immigration attorney with relevant experience.
- In most cases, a delinquency adjudication in a juvenile court proceeding is not a criminal conviction for immigration purposes and will not trigger immigration consequences.

17. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT A YOUNG PERSON'S IMMIGRATION STATUS? (CONT.)

Bad Conduct: However, some delinquency adjudications are deemed “bad conduct” and can trigger harsh penalties, including ineligibility for legal immigrant status and vulnerability to deportation. **Offenses constituting “bad conduct” include but are not limited to:**

- drug trafficking (transfer, passage or delivery) 8 USC §1182(a)(2)(C)
- drug abuse or addiction 8 USC §1182(a)(1)(A)(iv)
- violation of an order of protection 8 USC §1227(a)(2)(E)(ii)
- sexual assault or behavior showing a mental condition that poses a current threat to self or others, including attempted suicide, torture, and repeated alcohol abuse-linked offenses 8 USC § 1182(a)(1)(A)(iii)
- prostitution 8 USC § 1182(a)(2)(D)
- false claim to U.S. citizenship 8 USC §§ 1182(a)(6)(C), 1882(a)(6)(F).

17. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT A YOUNG PERSON'S IMMIGRATION STATUS? (CONT.)

- Any child without current legal status, sometimes called an undocumented child, is subject to removal proceedings, regardless of his or her age.
- Padilla v. Kentucky: On March 31, 2010, the Supreme Court issued a landmark decision in *Padilla v. Kentucky*.
 - The Court found that criminal defendants must be advised of the immigration consequences of their criminal charges, and that the failure of defense counsel to fully advise the defendant constitutes ineffective assistance of counsel. For additional resources and practice advisories on the impact of this decision, please visit www.defendingimmigrants.org.

17. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT A YOUNG PERSON'S IMMIGRATION STATUS? (CONT.)

- Involvement in the juvenile justice system or the criminal justice system clearly places a child at risk of detection by federal authorities.
- If Immigration and Customs Enforcement (ICE) becomes aware that a child is subject to removal for lack of legal status, it may file an immigration “hold” or “detainer” with the facility or law enforcement agency that has custody of the child and may take custody upon his or her release.
- Also, detention facility staff may allow ICE officials to conduct interviews of children without informing their lawyers.
- **Non-citizen children have the 5th Amendment right to refrain from speaking to ICE officials and signing any forms. Attorneys who represent non-citizen children should advise them against speaking to ICE officials unless they are represented by attorneys with expertise in immigration law. For additional resources, see www.defendingimmigrants.org.**

18. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ADULT SENTENCE OF A YOUNG PERSON CONVICTED OF A CRIME AFTER THE AGE OF 18?

Sentencing Enhancements: Delinquency adjudications trigger sentencing enhancements in both the state and federal criminal systems. Under the Pennsylvania state system, the Sentencing Guidelines call for longer periods of incarceration for specific juvenile delinquency adjudications.

- See 42 Pa. C.S. § 2154(2); *Commonwealth v. Billett*, 370 Pa. Super. 125, 130-31, 535 A.2d 1182, 1185 (1988). **The relevant adult offense need not be a felony to trigger the enhancement.**

18. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ADULT SENTENCE OF A YOUNG PERSON CONVICTED OF A CRIME AFTER THE AGE OF 18? (CONT.)

In North Carolina, “The juvenile's record of an adjudication of delinquency for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult may be used in a subsequent criminal proceeding against the juvenile either under G.S. 8C-1, Rule 404(b), or to prove an aggravating factor at sentencing under G.S. 15A-1340.4(a), 15A-1340.16(d), or 15A-2000(e). The record may be so used only by order of the court in the subsequent criminal proceeding, upon motion of the prosecutor, after an in camera hearing to determine whether the record in question is admissible.”

N.C. Gen. Stat. § 7B-3000(f).

18. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ADULT SENTENCE OF A YOUNG PERSON CONVICTED OF A CRIME AFTER THE AGE OF 18? (CONT.)

See the North Carolina training manual on structured sentencing for discussion on juvenile adjudications and their role in adult sentencing:

http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/sstrainingmanual_09.pdf

18. HOW WILL A JUVENILE ADJUDICATION OF DELINQUENCY AFFECT THE ADULT SENTENCE OF A YOUNG PERSON CONVICTED OF A CRIME AFTER THE AGE OF 18? (CONT.)

Federal Sentencing: A juvenile adjudication also may enhance a sentence in the federal criminal system. For example:

- Delinquency adjudications count toward the three convictions necessary to impose a mandatory 15-year prison term for a crime committed under 18 U.S.C. § 922 (i.e., crimes relating to the unlawful possession, sale, manufacture or transfer of firearms). See 18 U.S.C. § 924 (e)(2)(B).

Resources

- UNC Center for Civil Rights – Report on Juvenile Delinquency Adjudication, Collateral Consequences, and Expungement of Juvenile Records (<http://www.law.unc.edu/documents/civilrights/centerforcivilrightsexpungementreport.pdf>)

Resources

- Think Before You Plea: Juvenile Collateral Consequences in the United States (<http://www.beforeyouplea.com/nc>)

Resources

- JLC Juvenile Records Expungement: A Guide for Defense Attorneys in Pennsylvania
(<http://www.jlc.org/files/publications/expungeguide.pdf>)
- JLC Juvenile Record: A Know Your Rights Guide for Youth in Pennsylvania
(<http://www.jlc.org/files/publications/Youth%20Expungement%20FINAL.pdf>)

Resources

- JCJC Juvenile Delinquency Records: Handbook and Expungement Guide (http://www.portal.state.pa.us/portal/server.pt/document/480500/12809-rd_pdf)

Resources

- Find the PA Checklist at <http://www.pajuvdefenders.org/publications/pennsylvania-juvenile-collateral-consequences-checklist>
- Lisa Campbell
lcampbell@philadefender.org

ModelsforChange

Systems Reform in Juvenile Justice

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