



MICHIGAN JUVENILE JUSTICE COLLABORATIVE

A project of the Michigan Council on Crime and Delinquency
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The Lasting Consequences of Teenage Mistakes

The juvenile justice system was created to provide guidance and rehabilitation for wayward youth. But as the system becomes more like the punitive adult criminal justice system, youth are finding that both juvenile adjudications and adult convictions can have lasting consequences and create further hardships and barriers to becoming law-abiding adults.

Juvenile Records are Publicly Available

Although many people think juvenile records are sealed, in fact most juvenile records are publicly available.¹ Unless a youth is allowed to participate in a diversionary program, the youth's record will appear on criminal background checks. Juveniles may have their records expunged, or set aside, after age 24 if they have no more than one juvenile adjudication. More serious offenses and traffic offenses can never be expunged.

Limited Opportunities for Employment

The number of employers conducting criminal background checks has increased exponentially in recent years: 96% of large employers were conducting checks in 2004, compared to 51% in 1996.² Likely, two-thirds of those employers will not hire former offenders. Moreover, people with criminal records are barred by law from many occupations, such as transportation, long-term care, education, daycare, and many government jobs. A Florida study showed that there are legal barriers to 40% of jobs in that economy. The numbers in Michigan are likely to be similar.

Denied Federal Financial Aid

The Higher Education Act of 1998 makes students convicted of certain drug-related offenses ineligible for any grant, loan, or work assistance if the offense occurred while the student was in school and receiving federal financial aid. States are powerless to alter this federal legal barrier to student aid. No other class of offense, including violent offenses, sex offenses, repeat offenses, or alcohol-related offenses, results in the automatic denial of federal financial aid.

Ineligible for Military Service

Juvenile and criminal records can make a person ineligible for military service.³ For lower level offenses or one felony offense, recruits can apply for a waiver. Generally, individuals with more than one felony are not eligible for a waiver. An adjudication of delinquency counts as a conviction of a criminal offense under Army regulations.⁴

¹ In juvenile cases, there are two files - a court file and a confidential file. The court file, as well as the fact that the juvenile has a record, are public information. The confidential file (which contains probation reports, psychological evaluations, etc.) is open only by order of the court. *See* MCL 712A.28(2); MCR 3.925(D).

² Aukerman, M. (Nov. 2008). Michigan Bar Journal. "Criminal Convictions as a Barrier to Employment."

³ 10 U.S.C.A. 504.

⁴ Army Regulations 601-210, Chapter 4, Paragraphs 4-20 – 4-23.

Limited Options for Housing

Juvenile and criminal records can severely limit a family's access to housing. Subsidized housing providers must deny admission for applicants who were evicted for a drug-related crime within the last three years, unless certain mitigating circumstances are present. In addition, anyone subject to a lifetime sex offender registration is ineligible.⁵ Subsidized housing providers can deny admission for drug crimes, violent crimes, or crimes that affect other residents. Public housing authorities have the right to evict families with delinquent children, even if their delinquent conduct does not occur on public housing property.⁶

Private landlords can evict a person or his/her entire family for criminal activity related to the tenancy, and can generally deny housing if the landlord determines that an applicant's record makes him/her an unsuitable tenant.

Loss of Driver's Licenses

Juvenile adjudications and criminal convictions can result in the loss of driving privileges for various lengths of time, depending on offense. Drug-related offenses can result in revocation of a license for six months to a year, depending on prior offense history.⁷ In many cases, restricted drivers' licenses for purposes of employment, education, and/or medical care are not available.

Public Assistance and Food Stamps

Federal law bars anyone convicted of a drug-related felony from receiving federally funded food stamps and cash assistance. Michigan is one of twelve states that has "opted out" of this ban.

Sex Offender Registry

Michigan law requires that anyone, including juveniles, adjudicated or convicted of a sex offense must register as a sex offender. Juvenile adjudications are listed publicly once a minor turns 18 if the offense involved criminal sexual conduct in the first or second degree. In addition, some "Romeo and Juliet" offenders (i.e. teens involved in consensual sex with an underage peer) are listed on the registry, depending on when they committed their offense. The federal Adam Walsh Act mandates that youth age 14 or older adjudicated for certain sex-based offenses in juvenile court be required to register for a period of 15 years to life with a national sex offender registry. In addition to barriers to employment and housing, registrants are not permitted to work or live within 1,000 feet of a school. As a result, some homeless shelters refuse to admit registrants.

Sentence Enhancements

Adjudications of delinquency trigger sentencing enhancement provisions of state and federal statutes leading to longer periods of incarceration in the adult system. For example, the Federal Armed Career Criminal Act mandates a 15 year minimum sentence for "felons in possession" of an authorized firearm.⁸ A "convicted felon" under this section, includes juvenile adjudications of delinquency.

⁵ 42 U.S.C. 1437n(f).

⁶ *Dept. of HUD v. Rucker*, 535 U.S. 125, 133-136 (2002).

⁷ MCL 257.319e(2).

⁸ 18 U.S.C.A. 922.