

Innovation Brief

Avoiding and Mitigating the Collateral Consequences of a Juvenile Adjudication

The majority of youth who come into contact with the juvenile court system have one court contact and never return. And even among those youth who do return to juvenile court, most do not become adult offenders. Although these young people believe they are leaving their court involvement behind when they complete the terms of their adjudication, it follows them, sometimes for the rest of their lives. In addition to the terms of their adjudication, unanticipated serious and harmful impacts, commonly referred to as collateral consequences, often attach. Juvenile defenders involved in the Juvenile Indigent Defense Action Network (JIDAN) created innovative tools to educate clients, practitioners, and families about the harmful impacts of juvenile court involvement, and strategies to mitigate that long-term harm.

The Issue

Collateral consequences are obstacles that may impede or devastate a young person's future opportunities to fulfill their educational, social, and professional potential. These consequences may be immediate, as when a young person attempts to return to school, and others lurk in unsuspected places and can endure long after legal involvement ends. Unfortunately, many youth are not able to effectively steer clear of the harm of collateral consequences simply because they are unaware of their existence. Even many defenders are not aware of the sheer volume of potential collateral consequences that exist, their severity, or the extent of their lingering taint. Educating all court actors about the long-term implications of a juvenile court adjudication will help ensure the success of youth enmeshed in the justice system.

A sample of some collateral consequences that a youth or family might be subject to include:

- Lifelong registration on a public offender list
- Significant hurdles to attaining education
- Barriers to employment, professional licensing, subsidized housing, military service, and college entrance
- Assessment of fines, penalties, and restitution
- Denial of medical services
- Publically available court records
- Risk to immigration status
- Termination of the right to vote or to serve on a jury
- Loss of driving privileges
- Possible future prosecution

6.8 Review Final Disposition Plan and Collateral Consequences of Disposition

Counsel must advise the client and inform the client's parent of the nature, conditions, obligations, duration, and collateral consequences of the disposition.

—National Juvenile Defense Standards

Strategic Innovations

With the support of the John D. and Catherine T. MacArthur Foundation's *Models for Change* Juvenile Indigent Defense Action Network, juvenile defenders from California, Florida, Illinois, Louisiana, Massachusetts, New Jersey, Pennsylvania and Washington collaborated on the development of strategic innovations to improve access to and quality of counsel and create more developmentally appropriate policies and juvenile defense practices.

The resulting strategic innovations represent a collaborative effort to offer a variety of approaches tailored to meet specific areas ripe for reform.

Innovations

Juvenile defenders who are armed with current information on the many varieties of collateral consequences that exist are better equipped to provide the guidance necessary to aid their clients in navigating their court involvement and understanding future legal obligations. Juvenile defenders across the country employed different approaches to implementing strategic innovations that address collateral consequences.

California defenders researched and analyzed the state's potential long-term consequences and developed a comprehensive manual. The definitive manual provides youth and their counsel with the tools to identify and potentially avoid many of the harmful and unintended consequences of juvenile court adjudication.

Washington and New Jersey defenders took a similar approach and produced a booklet that enumerates areas possibly impacted by adjudication. The information contained in the convenient booklet assists defenders, their clients, and other system stakeholders, in navigating the minefield of unexpected impediments and employing strategies that may prevent or lessen their impact.

4.9 Plea Agreements

Counsel must also explain to the client, in developmentally appropriate language, the strengths and weaknesses of the prosecution's case, the benefits and consequences of accepting a plea, and any rights the client may be forfeiting by pleading guilty.

—*National Juvenile Defense Standards*

Pennsylvania's two-pronged approach went a step further and resulted not only in a manual, but a companion poster that is a popular staple at placement facilities, probation offices, and schools. Drawing on the work of colleagues around the country, defenders in Florida and Massachusetts have also created checklists and supplemental materials to discuss with clients and families.

Benefits and Outcomes

Observers indicate that heightened awareness of the risks and pitfalls of system involvement have led to more robust advocacy by juvenile defenders, higher rates of compliance by youth, and overall better long-term outcomes. Being aware of collateral consequences helps defenders engage youth and families in making informed decisions in delinquency matters, and helps to ensure future success and balanced outcomes.

Resources

Collateral Consequences of Juvenile Delinquency Proceedings in California: A Handbook for Juvenile Law Practitioners

<http://www.pjdc.org/projects/collateral-consequences-handbook/>

Pennsylvania Juvenile Collateral Consequences Checklist and accompanying poster

<http://www.modelsforchange.net/publications/265>

<http://www.modelsforchange.net/publications/428>

The Florida Juvenile Collateral Consequences Checklist

<http://www.modelsforchange.net/publications/459>

Collateral Consequences – Delinquency and Youthful Offender Cases (MA)

<http://www.modelsforchange.net/publications/474>

Washington Defender Association, Beyond Juvenile Court: Long-Term Impact of a Juvenile Record

<http://www.modelsforchange.net/publications/434>

To learn more about the development and implementation of the collateral consequences strategic innovations, contact: National Juvenile Defender Center, 1350 Connecticut Avenue, NW, Suite 304, Washington, DC 20036, 202-452-0010, inquiries@njdc.info

This brief is one in a series describing new knowledge and innovations emerging from *Models for Change*, a multi-state juvenile justice reform initiative. *Models for Change* is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.