

JUVENILES. COLLATERAL CONSEQUENCES RESULTING FROM JUVENILE CONVICTIONS AND WITHHOLD-OF-ADJUDICATIONS

The purpose of this bench card is to highlight major collateral consequences, which may impose unexpected but substantial additional punishments, enduring long after the court-imposed sentence is completed.

TERMS

Respondent. This is the juvenile defendant charged with a crime.

Petition. The charging document: In a felony case, this is called the information.

Department of Juvenile Justice (DJJ). This is the corrections department in juvenile court

Plea to the petition (PtP). Pleading guilty to the crimes as charged: This guilty plea leaves the respondent open to any penalty the judge imposes permissible under the law.

Civil citation. Instead of arresting a child, a police officer issues a civil citation when the officer determines the respondent qualifies. The child goes into a program, and if successfully completed, the case gets dismissed. This does not appear as an arrest on the juvenile's record.

Juvenile Alternative Services Sanctions (JASS). Straight JASS is a diversionary program that removes a case from the court system: The respondent does not enter a plea. The program monitors the juvenile, and upon completion, the case gets dismissed. This appears only as an arrest on the juvenile's record.

PtP JASS. The respondent pleads guilty and enters a program run by the state attorney's office. If completed successfully, the plea is vacated, and the case is dismissed.

PtP Successful Completion of Probation (SCOP). A probationary program that keeps a case in the juvenile court system: DJJ and the court system monitor the juvenile. Upon successful completion, the case is dismissed, and the plea is vacated.

GENERAL

A withhold-of-adjudication may serve as a conviction for federal purposes, under specific Florida statutes, and in other states. Examples:

Sentencing. A withhold is counted in calculating federal sentencing guidelines.

Immigration. A withhold is treated as a conviction for immigration purposes.

A juvenile's arrest record *does not* go away when he or she turns 18 and *is not* confidential. Anyone who wants to see it can.

LIVING

Consequences when children are adjudicated delinquent of misdemeanors and felonies:

Subsidized housing. Defendants may not qualify to live with someone in affordable or subsidized housing.

Private housing. Defendants may be unable to obtain rental housing from private landlords.

Eviction. Defendants and their entire families may be evicted from rental housing, especially affordable or subsidized housing.

Driving. Defendants may have their driving privileges suspended.

Immigration. Defendants may be unable to adjust their immigration status and may face deportation.

EMPLOYMENT

Consequences when children are adjudicated delinquent of misdemeanors and felonies:

General. Defendants may be required to report adjudications on applications and may be unable to obtain private or public employment.

Military. Defendants may be unable to serve in the military, depending on the type and number of adjudications, and cannot serve if adjudicated delinquent or convicted of a domestic violence misdemeanor or felony.

Law enforcement. Defendants cannot work in law enforcement if adjudicated delinquent or convicted of a domestic violence misdemeanor or felony.

Government. Defendants may be unable to work for a state or municipal agency if convicted of a first-degree misdemeanor directly related to the job.

Public safety. Defendants may be unable to work for a county, a municipality, a seaport, or an airport if the job is critical to security or public safety.

Children, elderly. Defendants may be unable to work in law enforcement, corrections, public schools, or another agency that works with children or the elderly.

Licenses. Defendants may lose or be unable to obtain professional licenses, even when unrelated to charges.

Continued on the reverse

Continued from the first page

Associations. Defendants may be barred from memberships necessary for employment, such as the Florida Bar, real estate associations, and medical boards.

Business. Defendants may be unable to obtain business loans from the Small Business Administration.

EDUCATION

Consequences when children are adjudicated delinquent of misdemeanors and felonies:

Admission. Defendants may be denied or delayed admittance into private or public universities or colleges.

Financial aid. Defendants may not qualify for financial aid for a period of time if a conviction is for possession of a controlled substance while receiving financial aid.

Scholarships. Defendants may lose existing scholarships for a qualifying offense.

Housing. Defendants may be denied or removed from student housing.

Discipline. Defendants may be suspended, expelled, or subjected to academic discipline.

To learn more about collateral consequences, visit pdmiami.com.

