

**HELPING YOUTH
OVERCOME BARRIERS TO
REENTRY**

**The Power of
Juvenile Defenders
and Legal Aid
Attorneys
Joining Forces**

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OVERVIEW

- **Strengths of Defenders & Civil Legal Aid**
- **Collateral Consequences & Reentry**
- **Civil Legal Remedies**
- **Tips for Working with Vulnerable Youth**
- **Effective Tools**

STRENGTHS

- **Juvenile Defenders**
 - Experts in adolescent development and representing youth
 - Understand delinquency court and liberty interests at stake
- **Civil Legal Aid Attorneys**
 - Experts in civil legal remedies
 - Understand other systems (housing, public benefits, health, etc.)
- **Together → Powerful Force for Youth**



*Collateral
Consequences
& Reentry*

COLLATERAL CONSEQUENCES

- ◉ **Juvenile Records**
- ◉ **Education**
- ◉ **Housing & Homelessness**
- ◉ **Access to healthcare and safety net benefits**

JUVENILE RECORDS

- ◉ **Juvenile case file is confidential (WIC 827)**
 - Includes police records, juvenile hall records, and agency files when case was resolved informally
- ◉ **Exceptions**
 - Certain DJJ records
 - DMV records
 - Youth must still report unsealed adjudications when asked
 - Fingerprints and DNA collection

JUVENILE RECORD SEALING

- ⦿ **WIC 786** allows for automatic sealing of records if the court finds “satisfactory” completion of probation.
- ⦿ **WIC 781** allows for sealing of records upon showing of rehabilitation for former wards who are not eligible under WIC 786
 - SB 312 (2017) broadened eligibility for WIC 781 sealing to include 707(b) adjudications
- ⦿ **WIC 782** allows for dismissal of a 602 case “in the interests of justice.”

JUVENILE RECORD VACATUR

- ⦿ **AB 1762** (2016) – allows trafficking survivors (including sex trafficking or CSEC) to vacate juvenile adjudications and adult convictions that were a "direct result of the applicant being a human trafficking victim."
Penal Code § 236.24.
- ⦿ **AB 604** (2017) - allows non-minor dependents who vacate their juvenile adjudications to maintain eligibility for extended foster care and all of its entitlements and supports regardless of whether the underlying case was vacated

EDUCATION

- ◉ **Reentering local school**
- ◉ **Credit transfer from out-of-home placement to local school**
- ◉ **Special education**
- ◉ **School discipline**
- ◉ **Missing days at school**
- ◉ **College applications**

CHALLENGING BARRIERS TO EDUCATION

- ◉ Public schools are prohibited from denying enrollment or readmission solely on the basis of delinquency contact. **SB 1088 (2012)**
- ◉ Right to partial credits. **CA Ed Code 48853.5**
- ◉ Right to not be involuntarily assigned to continuation school absent formal hearing. **CA Ed Code 48432.5.**
- ◉ Suspension and expulsion protections
- ◉ Education toolkit: <http://kids-alliance.org/programs/education/edtoolkit/>

HOUSING

- ◎ **Eviction**
 - Due to juvenile adjudication
 - Arrested for drugs on property
- ◎ **Denial of housing**
- ◎ **Homelessness**
 - Very high rates of homelessness among youth with delinquency histories

CHALLENGING BARRIERS TO HOUSING

- ◎ **Fair Housing Act Claims**
 - May freeze eviction or preserve housing voucher
- ◎ **Eligibility for specialty housing**
 - Foster youth housing under AB 12
 - Transitional housing under MHSA or other programs
 - Less restrictive settings under CCR
- ◎ **Habitability claims**
 - There may be a reason that youth are missing curfew.

ACCESS TO HEALTHCARE & SAFETY NET BENEFITS

The following benefits can be interrupted, suspended, or terminated when the child is in custody:

- CalWORKs
- Medi-Cal
- SSI

MAINTAINING THE SAFETY NET

- ◎ **Safety Net Benefits Representation**
- ◎ **SSI representation**
 - AB 1331 screening, application, and workaround protocols
 - May double or triple \$\$ support for youth
- ◎ **Medicaid / EPSDT services**
 - Connection to Katie A. / Pathways services
 - May make less restrictive setting or shorter probation times possible

OTHER CIVIL LEGAL SUPPORTS

- ◎ **Immigration relief**
- ◎ **Deregistration**
- ◎ **Reducing fines and fees in traffic court**
- ◎ **Challenging consumer debt and identity theft**

HYPOTHESIS PART 1

- ◎ Laura is 18 years old. She was recently dismissed from probation after two years in out of home placement to live with her mother. At her mother's house, things quickly spiraled out of control: no food or heat, arguments with her mother that became physical, and discomfort with her mom's boyfriend. Laura left her mother's home and now stays at a shelter.
- ◎ After you spend some time talking with her, you find out that she has Type 1 diabetes and is running low on her medication. She says she tried to get a refill, but the pharmacy said they could not help her if she did not have medical insurance.

HYPO PART 2

- ◉ Laura says that she has about 10 credits left in school. She recently went to the district office to enroll, but they told her she had to bring her old transcripts, proof of residency, and immunizations records before she could enroll. She had an IEP related to her behavior in school but can't remember the last time she had an IEP meeting.
- ◉ When asked about her juvenile record, Laura says that she had petitions for theft, assault, and prostitution, as well as several probation violations.
- ◉ Laura also discloses that she is three months pregnant. She needs an apartment so that she can have a safe space to care for her new baby.

KEEP IN MIND

- ◉ **Empower your young client**
- ◉ **Expressed interest attorney**
- ◉ **Create a safe environment**
- ◉ **Take time to listen, investigate, research, and counsel**
- ◉ **Power of being an attorney**
- ◉ **Possibility of statements being used against your client**

VULNERABLE POPULATIONS

- ◉ **Racial and ethnic disparities**
- ◉ **LGBTQ**
- ◉ **Dual status / cross-over youth**
- ◉ **Unaddressed mental health needs**
- ◉ **Disabilities**
- ◉ **Homelessness**
- ◉ **CSEC – commercially sexually exploited children**
- ◉ **Pregnant and parenting**

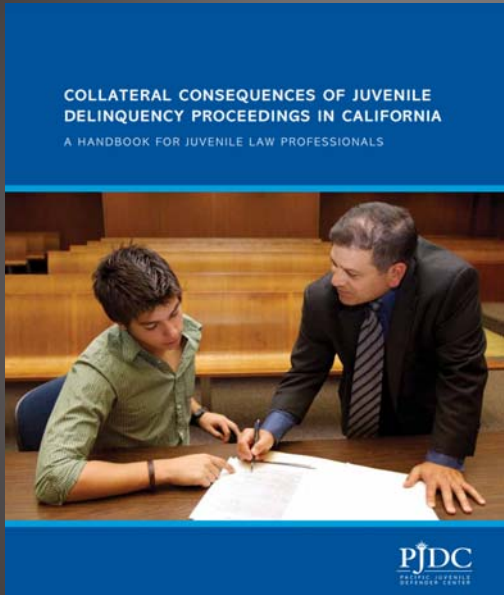


BUILDING PARTNERSHIPS

- ◎ **Legal partners**
 - Training and collaboration
 - Referrals
- ◎ **Non-legal partners**
 - Mentoring
 - Employment training/skills
 - Housing services

LEVERAGING OPPORTUNITIES FOR PARTNERSHIPS

- ◎ **Initial Pilots**
 - Foundations, Fellowships
 - Track data, show impact and aligned interests
- ◎ **State and federal funds**
 - OJJDP, OVC, VAWA, OES...
- ◎ **County funding**
 - AB 1331 mandate
 - Using lawyers to leverage federal, state dollars
 - Medicaid (MAA, TCM, Whole Person Care)
- ◎ **Building Internal Capacity**
 - Fellowships, separate fundraising




COLLATERAL CONSEQUENCES OF JUVENILE DELINQUENCY PROCEEDINGS IN CALIFORNIA
A HANDBOOK FOR JUVENILE LAW PROFESSIONALS

Pacific Juvenile Defender Center
www.pjdc.org

National Juvenile Defender Center
www.njdc.info/collateral-consequences

PJDC
PACIFIC JUVENILE DEFENDER CENTER



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