

Consequences of Juvenile Delinquency

Marissa Geiger

Wells County Probation Department

Introduction

The purpose of this article is to discover the consequences of a juvenile adjudication and commission of delinquent acts. If a child is less than 18 years old and has committed an act that would be an offense if committed by an adult, the child has committed a delinquent act. A child may also be a delinquent child due to the commission of a status offense. Juveniles should be aware of the many consequences they may face if they have an adjudication on their record.

A juvenile can face many different collateral consequences because of the commission of a delinquent act. There is very little information about the consequences of a juvenile arrest and court records that must be disclosed to a child. During the initial hearing, the court is required to notify the child of the dispositional alternatives available to the court if a child is adjudicated a delinquent child. The court must advise the child that one dispositional alternative is the invalidation of a child's driver's license or permit. The court must also advise a child who has committed a criminal sexual act or a controlled substance-related offense that involved the delivery or use of a contaminated sharp, which is capable of cutting or penetrating the skin and has been in contact with blood or bodily fluids, or risk of HIV transmission, that they shall be ordered to undergo a confirmatory HIV test. If the test confirms that the child tests positive for HIV, the state health department will notify any victims who were potentially affected. There are a number of other aspects of the juvenile's life that can be affected because of the adjudication that they may not be initially aware of: education and scholarships; military acceptance; handgun licenses; sex offender registry; request to place children in a home; government housing; and a number of other things.

While juvenile records are often confidential and not open to the public, there are times that their records might be seen. The school that the student attends may have access to some of their records. Records of juvenile courts are available to the public, without a court order, when a petition is filed alleging that a child is a delinquent as the result of any of the following acts or a combination of acts: murder or a felony if committed by an adult; an aggregate of two unrelated acts that would be misdemeanors if committed by an adult, and the child is at least twelve years old when the acts were committed; or an aggregate of five unrelated acts that would be misdemeanors if committed by an adult, and the child is at least twelve years of age when the acts were committed.¹ The Indiana State Police Department reports that if someone were to run a criminal history check on a person with a juvenile record, those records would not show up.

BMV Suspensions, Reinstatements, & Insurance

There are many ways that a juvenile record can impact a juvenile's driver's license or learner's permit. A child's school attendance may affect the juvenile's driver's license or learner's permit. If a child is at least 13 years old but less than 15 years old and is habitually truant from school, they may not be issued a driver's license or learner's permit until they are 18 years old.² Indiana defines student habitually truant if they miss 10% of the school, or approximately 18 days, for any year.³ If a delinquent

¹ IC 31-39-2-8(a)

² IC 20-33-2-11(a)

³ (Chronic Absenteeism, 2016)

child has an adjudication for violation of the compulsory school attendance law and has previously been determined to be a delinquent child due to the commission of the same act, the court may order the BMV to invalidate the child's driver's license or learner's permit for no less than 90 days but not more than one year.⁴

A child who is a minor with alcohol-related offense may also have their driver's license or learner's permit suspended. If the child is alleged to have operated a vehicle while intoxicated, the court may immediately suspend the child's driving privileges.⁵ If the case is resolved in the favor of the child, the suspension will be removed immediately.⁶ If the child is adjudicated, the court may order the suspension of the child's driver's license or learner's permit for 6 months to 2 years for the first offense and up to 5 years for subsequent offenses.⁷ This is the same suspension that an adult shall receive for the same offense.⁸ If a minor is knowingly found in possession of an alcoholic beverage, consumes it, or transports it on a public highway when not accompanied by a parent or guardian, the court may order the suspension of the child's driver's license or learner's permit for at least 60 days but not more than one year.⁹ If a minor is in a tavern, bar, or other place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished, the minor's driver's license or learner's permit may be suspended for up to one year.¹⁰ If a person uses or had possession of a driver's license or learner's permit of another person with the intent to violate or evade or attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages, the child's driver's license or learner's permit may be suspended for at least 90 days.¹¹

A child with controlled substance and/or prescription drug-related offenses may also have their driver's license or learner's permit suspended or invalidated. If the child is adjudicated for dealing controlled or counterfeit substances, possession of a controlled substance or prescription drug without a prescription, or conspiring to commit any of these acts, the court may order the BMV to invalidate the child's driver's license or learner's permit for at least 6 months but not more than one year from the time the child may otherwise be eligible for a learner's permit.¹² If the child has prior adjudications for the same acts or the act was committed on school property, within 1,000 feet of school property, or on a school bus, the child's driver's license or learner's permit may be invalidated for at least 6 months but no more than 2 years from the time the child may otherwise be eligible for a learner's permit.¹³ If the court orders the maximum suspension or invalidation and the child does not commit any further delinquent acts, the court may enter an order allowing the child to receive a driver's license or learner's permit before the invalidation or denial is completed.¹⁴

⁴ IC 31-37-2-3

⁵ IC 31-37-5-7(a)

⁶ IC 31-37-5-7(e)

⁷ IC 31-37-19-17.3

⁸ IC 9-30-5

⁹ IC 7.1-5-7-7

¹⁰ IC 7.1-5-7-10(a)

¹¹ IC 9-24-18-8)(a)

¹² IC 31-37-19-13

¹³ IC 31-37-19-14

¹⁴ IC 31-37-19-19

If the child commits an act that may be criminal mischief if committed by an adult that involves graffiti, the court may order the suspension of the child's driver's license or invalidate the child's learner's permit for one year, beginning the date of the court order.¹⁵ If the child removes the graffiti, paints over it, or has made other suitable restitution, the court may remove the order for suspension or invalidation and allow the child to receive a driver's license or learner's permit.¹⁶

If the child commits an act that would be fuel theft is committed by an adult, their driver's license or learner's permit may be suspended or invalidated. The court may order the suspension of the child's driver's license or the invalidation of the child's learner's permit for 30 days.¹⁷ This is the same suspension that an adult would receive for the same offense.¹⁸

HIV Testing & Disclosure

The child may be required to undergo an HIV test if the child is a delinquent child and due to the commission of a delinquent act, if committed by an adult would be an offense related to a criminal sexual act and it created an epidemiologically demonstrated risk of the transmission of HIV. The child may also be required to undergo an HIV test if an offense is related to controlled substances and the offense involved the delivery or use of a contaminated sharp or other paraphernalia by one person to another person, that created an epidemiologically demonstrated risk of the transmission of HIV by involving percutaneous contact.¹⁹ The court may order that the child must undergo a screening test for HIV.²⁰ If the screening test indicates that there is a presence of the HIV antibodies, the court shall order the child to undergo a confirmatory test.²¹ If the confirmatory test confirms the presence of HIV antibodies in the child, the court shall notify the state department of health.²² The state department of health shall notify any potential victims of the offense that was related to a criminal sexual act or the offense relating to controlled substances of the HIV screening results.²³ The state health department will also provide counseling regarding HIV.

Handgun Licenses

A juvenile adjudication may delay a person from getting their license to carry a handgun. A person who has been adjudicated a delinquent child, for an act that would be a felony if committed by an adult, shall not be permitted a handgun license until they are 23 years old.²⁴ A person with no criminal history may be permitted a handgun license at 18 years old.²⁵

¹⁵ IC 31-37-19-17

¹⁶ IC 31-37-19-20

¹⁷ IC 31-37-19-17.2

¹⁸ IC 35-43-4-8

¹⁹ IC 31-37-19-12(a)

²⁰ IC 31-37-19-12(b)

²¹ IC 31-37-19-12(c)

²² IC 31-37-19-12(d)

²³ IC 31-37-19-12(e)

²⁴ IC 35-47-2-3(g)(4)

²⁵ IC 35-47-2-3(g)(3)

Sex Offender Registry

A juvenile may have to register as a sex offender if they are found to be a sex offender or violent sex offender. A sex or violent sex offender includes a child who has committed a delinquent act and is at least 14 years of age; on probation, parole, or discharged from a correctional, private, or juvenile facility as a result of a sexual offense or sexually violent offense; and found by the court by clear and convincing evidence to be likely to repeat an act that would be a listed offense.²⁶ The child is then at risk for having to be listed on the sex offender registry list. The court considers expert testimonies concerning whether the child is likely to repeat an act that would be listed as an offense if committed by an adult.²⁷ This helps to determine whether or not they will have to register as a sex offender. Before a child who has been adjudicated for committing a sex offense may be ordered to publicly register as a sex offender, an evidentiary hearing must be held by the court to determine, by clear and convincing evidence, that the child is likely to commit another sex offense.²⁸ If the child is placed in a secure facility or is receiving treatment, the hearing can only be held after the child has been released.²⁹ Once the court orders the juvenile to be listed on the sex offender registry, they are treated as adults. They are then subject to all relevant adults statutes regarding exposure, information disclosed, length of time registered,³⁰ and potential relief.³¹ The child will be required to include the following personal information on the sex or violent offender registry: full name, prior names, aliases, date of birth, sex, race, height, weight, hair color, eye color, any scars or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and license plate number, principle residence address, other addresses frequently used, and mailing address. The child must also provide information pertaining to the offense: description of the offense, date of conviction, county of conviction, cause number, and sentence imposed (if applicable). The child must provide the name and address of their employer, name and address of campus or school where the offender is enrolled, and a recent photograph. The child will also have to include if they are a sexually violent predator, if they are required to register for life, and any electronic mail address or social networking username that the offender uses.³²

The child will be required to register for ten years after the date the sex or violent offender is: released from a penal facility or a secure juvenile detention facility of a state or another jurisdiction, placed in a community transition program, placed in a community corrections program, placed on parole, or placed on probation for the sex or violent offense requiring registration, whichever occurs last. The registration period is halted during any period that the sex or violent offender is incarcerated.³³

There are many cases in which a sex or violent offender would have to register for life. A sex or violent offender who is a sexually violent predator is required to register

²⁶ IC 11-8-8-4.5(b), IC 11-8-8-5(b)

²⁷ IC 11-8-8-4.5(c), IC 11-8-8-5(c)

²⁸ B.J.B. v State (Indiana Court of Appeals, 2004)

²⁹ In re G.B. (Indiana Court of Appeals, 1999).

³⁰ IC 11-8-8-19

³¹ IC 11-8-8-22

³² IC 11-8-8-8

³³ IC 11-8-8-19(a)

for life.³⁴ A sex or violent offender who is convicted of at least one offense in which the sex offender: proximately caused serious bodily injury or death to the victim, used forced or the threat of force against the victim or a member of the victim's family, or rendered the victim unconscious or otherwise incapable of giving voluntary consent is required to register for life.³⁵ A sex or violent offender who has been convicted of at least two unrelated offenses is also required to register for life.³⁶

Requesting to Foster or Adopt a Child

A juvenile adjudication can affect a person's acceptance later in life if they apply to be a foster parent. Pursuant to IC 31-27-4-13(b)(2), the Indiana Department of Child Services can deny a license to any applicant who has an adjudication for any of the following that, if committed by adult, would be a felony: murder³⁷, causing suicide³⁸, assisting suicide³⁹, voluntary manslaughter⁴⁰, reckless homicide⁴¹, battery⁴² (within the past 5 years), domestic battery⁴³, aggravated battery⁴⁴, kidnapping⁴⁵, criminal confinement⁴⁶ (within the past 5 years), a felony sex offense⁴⁷, carjacking⁴⁸ (within the past 5 years), arson⁴⁹ (within the past 5 years), incest⁵⁰, neglect of a dependent⁵¹, child selling⁵², a felony involving a weapon⁵³ (within the past 5 years), a felony relating to controlled substances⁵⁴ (within the past 5 years), an offense related to material or performance that is harmful to minors or obscene⁵⁵, or a felony that is substantially equivalent to a felony listed previously for which the conviction was entered in another state.

A juvenile with an adjudication would not be denied a petition for adoption. The petition for adoption only asks questions pertaining to criminal history.⁵⁶ The application to petition for adoption asks whether or not the petitioner for adoption has been

³⁴ IC 11-8-8-19(b)

³⁵ IC 11-8-8-19(d), 11-8-8-5(a)

³⁶ IC 11-8-8-19(e)

³⁷ IC 35-42-1-1

³⁸ IC 35-42-1-2

³⁹ IC 35-42-1-2.5

⁴⁰ IC 35-42-1-3

⁴¹ IC 35-42-1-5

⁴² IC 35-42-2-1

⁴³ IC 35-42-2-1.3

⁴⁴ IC 35-42-2-1.5

⁴⁵ IC 35-42-3-2

⁴⁶ IC 35-42-3-3

⁴⁷ IC 35-42-4

⁴⁸ IC 35-42-5-2

⁴⁹ IC 35-43-1-1

⁵⁰ IC 35-46-1-3

⁵¹ IC 35-46-1-4(a)(1), 35-46-1-4(a)(2)

⁵² IC 35-46-1-4(d)

⁵³ IC 35-47, 35-47.5

⁵⁴ IC 35-48-4

⁵⁵ IC 35-49-3

⁵⁶ IC 31-19-2-6

convicted of a felony⁵⁷ or convicted of a misdemeanor relating to the health and safety of children.⁵⁸ If so, the petitioner must include the date and description of the conviction(s). Being adjudicated as a juvenile would not affect the petition for adoption.

A juvenile adjudication can also affect a child in need of services (CHINS) placement. The court may not place a child in need of services in any out-of-home placement, including placement with a blood relative, adoptive relative, a custodian, or a stepparent who has a juvenile adjudication for an act listed in IC 31-27-4-13(a) that is committed by an adult would be a felony (see the list above in the Foster Parent section). The only exception may be if the person's commission of the delinquent act is not relevant to their ability to care for a child and the placement is in the child's best interest.⁵⁹

Government Housing

There is no Indiana law addressing a juvenile record affecting the eligibility for public housing. The State of Indiana notes that there are federal regulations for Section 8 Housing. These federal regulations require certain obligations and if a family fails to meet these regulations they may be terminated from participating in Section 8 housing. Federal law states that households with a juvenile adjudication for a sex offense are banned from living in public housing.⁶⁰ Federal law also bans persons involved in manufacturing or producing methamphetamines on the property of a federally-assisted housing program.⁶¹ Juveniles are banned from public housing for 3 years when they have been evicted for drug-related activity. The housing provider can choose to make an exception if the child completes an approved supervised rehabilitation program or the circumstances leading to the eviction no longer exist (for example, the juvenile is no longer placed in a secure facility).⁶² A juvenile who is committing delinquent acts may cause them and their family to be evicted from rental housing, whether private or public; a juvenile adjudication is not necessarily required. Drug-related criminal activity by a juvenile may result in their entire family being evicted, even if the delinquent acts do not occur on the public housing property.⁶³ Knowledge of illegal drug use or a pattern of illegal drug use or alcohol abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises may also result in eviction. Evidence of rehabilitation may be considered to avoid eviction.⁶⁴ If the juvenile is violating probation or parole they may also be evicted from federally funded housing.⁶⁵ Local public housing authorities may have additional rules and regulations when it comes to eviction.

Education & Scholarships

A juvenile who has been adjudicated may see many different consequences involving their elementary and secondary education. Even if the acts do not occur at the

⁵⁷ IC 31-19-2-6(7)(a)

⁵⁸ IC 31-19-2-6(7)(b)

⁵⁹ IC 31-34-4-2(f)

⁶⁰ 42 U.S.C. 13663(a)

⁶¹ 42 U.S.C. 1437n(f), 24 C.F.R. 966.4(l)(iii)(A)

⁶² 42 U.S.C. 13661(a), 24 C.F.R. 982.553

⁶³ 42 U.S.C. 1437d(l)(6), 24 C.F.R. 966.4(f)(12)(i)

⁶⁴ 42 U.S.C. 13662

⁶⁵ 42 U.S.C. 1437f(d)(1)(B)(v)

school or during the school day, the juvenile may still face several consequences from their school because of an adjudication. A student may be disciplined, suspended, or expelled for any unlawful activity that takes place on or off of school grounds if the unlawful activity may be considered an interference with school purposes or school functions. A student may also be disciplined, suspended, or expelled if the student's removal from the school is necessary in order to restore order, protect persons, or protect school property. This unlawful activity may take places during weekends, holidays, other school breaks, summer period when the student is not attending classes, or during other school functions.⁶⁶

If a juvenile is taken into custody by a law enforcement officer for a specified crime or act, the law enforcement agency must notify the chief administrative officer or superintendent of the school in which the child is enrolled.⁶⁷ They must make the school aware that the juvenile was taken into custody by a law enforcement officer and inform them of the reason the juvenile was taken into custody.⁶⁸ This notification must take place within 48 hours after the child is taken into custody.⁶⁹ The law enforcement agency must make sure to not disclose any confidential information when notifying the school of the child being taken into custody.⁷⁰ The juvenile court can grant the school access to all or some of the juvenile's court records upon written request of the superintendent.⁷¹ The written request to the court must establish a necessary reason of why the records are necessary for the school to serve the educational needs of the child. The records may also be requested to protect the safety or health of a student, employee, or volunteer at the school.⁷² If the records are released to the school, the court must notify the student and their parents.⁷³ The juvenile court must also issue an order requiring that the school keeps the student's records confidential.⁷⁴

There are also consequences relating to education beyond elementary and secondary education. Many Indiana universities and colleges ask questions on their admissions applications that pertain to the student's prior behavior, school discipline, or criminal history. Many of the questions may lead to the disclosure of a juvenile adjudication or delinquent acts. When looking at 20 popular colleges and universities in Indiana, most of the questions on their applications differ from each other. Many ask about convictions and incarceration periods, while only a few ask about prior school behavior and discipline, delinquent acts, and juvenile adjudications. According to the way most schools word their application questions pertaining to criminal history, they would not know of students having been adjudicated. Only 5 schools use words proper for discovery of juvenile records, such as "adjudication," in their application questions. Most schools reported that they would want students to disclose an adjudication, but because of the wording of their criminal history questions, the juvenile would not always have to do so. A few other schools ask question about discipline and behavior from prior

⁶⁶ IC 20-33-8-15

⁶⁷ IC 31-37-4-3(a)

⁶⁸ IC 31-37-4-3(b)

⁶⁹ IC 31-37-4-3(c)

⁷⁰ IC 31-37-4-3(d)

⁷¹ IC 31-39-2-13.8(a)

⁷² IC 31-39-2-13.8(b)

⁷³ IC 31-39-2-13.8(c)

⁷⁴ IC 31-39-2-13.8(d)

schools or commission of delinquent acts or status offenses, which may lead to the disclosure of an adjudication. If the application asks about being convicted of a crime, the juvenile may answer “no” because juveniles are adjudicated, not convicted. (See attached chart for applications questions and remarks from Admissions departments.)

A student may or not be able to live on campus while attending college if they if they have been adjudicated. Most schools report that if a student is accepted by Admissions, they are able to do anything on campus that every other student is allowed to do, even if they have been adjudicated. A few schools report that their ability to live on campus depends on the offense and seriousness of the offense that led to a juvenile adjudication. (See attached chart for remarks from On Campus Housing departments.)

A student may also face consequences because of adjudication if they are applying for scholarships. Not all scholarship foundations ask about criminal history, but some are concerned with crime and delinquent acts. The Lilly Endowment Community Scholarship, Central Indiana Community Foundation, and AXA Achievement Scholarship are three popular scholarships in the state of Indiana that future college students may apply for. These scholarship foundations are not concerned with criminal history, as they do not even ask any questions related to criminal history on their applications. Students will be eligible for the scholarships provided by these foundations if they are enrolled and accepted into a college or university.

However, there is one major scholarship program that is concerned with juvenile adjudications and delinquent acts. The 21st Century Scholars Program is a tuition grant that provides money to be used for annual tuition scholarships to qualified scholarship applicants. The program helps to reduce the financial burden on eligible students and their families. At the time of applying for the 21st Century Scholars Program, the child must be enrolled in the 7th or 8th grade.⁷⁵ Along with many other qualifications, the student must agree, in writing, along with their parents, that the student will not illegally use controlled substances⁷⁶, will not commit a crime or an infraction⁷⁷, and will not commit any other crime or delinquent act.⁷⁸ At this time, the child must be enrolled in the 7th or 8th grade.⁷⁹ When applying for the program, the student must certify in writing that they have never illegally used controlled substances⁸⁰, never illegally consumed alcoholic beverages, and never committed any other crime or a delinquent act.⁸¹ If an eligible student, a scholarship applicant, or a scholarship recipient violates the agreement, they may be disqualified from further consideration as a scholarship recipient.⁸² The 21st Century Scholars Program states it is the responsibility of the scholar and their parents to report pledge violations. Pledge violations may also be reported by school officials, social workers, case managers, counselors, or judicial officers.⁸³

⁷⁵ IC 21-12-6-5(a)(2)(A)

⁷⁶ IC 35-48-1-9

⁷⁷ IC 9-30-5

⁷⁸ IC 31-37-1-2, 31-37-2-2 through 31-37-2-5

⁷⁹ IC 21-12-6-5(a)(2)(A)

⁸⁰ IC 35-48-1-9

⁸¹ IC 31-37-1-2, 31-37-2-2 through 31-37-2-5

⁸² IC 21-12-6-9

⁸³ (The Scholar Pledge: What Constitutes a Pledge Violation?)

Military

Committing a delinquent act or having been adjudicated as a juvenile may have its consequences when enlisting in the military. Commission of a delinquent act or having adjudication does not automatically prohibit one from joining the military, but it may make things more difficult and one may have to obtain a waiver to enlist. If you need a waiver that implies that you are not eligible to join the military. The waiver is the process of a person asking the service to make an exception in their case. Only a recruiter may initiate a criminal history, or moral, waiver. The recruiter does not have to submit a waiver; it is their choice whether the applicant may be a good candidate for a waiver. Joining the military is not a right; federal law and the Department of Defense give military services the chance to determine who they would like to accept for enlistment. Moral history plays a large role in whether someone is eligible or not when joining the military.⁸⁴ Federal law requires that applicants must provide all criminal history on recruiting applications. This includes expunged, sealed, and juvenile records.⁸⁵

When enlisting in the United States Army, the waiver process begins with an interview from a recruiter. The recruiter may ask about any arrest records, charges, juvenile court adjudications, traffic violations, probation periods, dismissed or pending charges or convictions, including those records that have been expunged or sealed. The recruiter then requests a complete criminal record check from local law enforcement agencies. From there, some offenses can be waived, while others cannot. Applicants who require a waiver are not automatically qualified for enlistment; their waiver may be denied. The waiver is to prove to authorities that they have overcome their disqualifications for enlistment and that their acceptance into the Army would be in the Army's best interest. Offenses and moral behavior which can be waived includes: minor traffic offenses, minor non-traffic offenses, misdemeanor offenses, a combination of offenses, or other serious offenses. There are a number of offenses and moral behaviors that cannot be waived, even with a waiver that may affect someone with a juvenile record. These include being intoxicated or under the influence of alcohol or drugs at the time of application or during any stage of enlistment, juvenile court charges filed or pending, persons under civil restraint such as parole or probation, and having a history of chronic marijuana use or psychological cannabis dependence. Waivers are valid for 6 months from the approval date. There is a waiting period for a person who has been released from civil restraint. This waiting period gives the person a chance to prove satisfactory rehabilitation. The Army then has more time to review the applicant's rehabilitation, also. If an applicant was on probation, a 30-day waiting period is required before processing or a waiver can be submitted. If an applicant had confinement as a juvenile for less than 15 days, a 3-month waiting period is required before the applicant may process or submit a waiver. If an applicant had confinement as a juvenile for more than 15 days, a 6-month waiting period is required before the applicant may process or submit a waiver. The waiver is reviewed and enlistment of the applicant is taken into consideration, but a waiver is not an automatic acceptance or rejection of enlistment⁸⁶.

⁸⁴ (Powers, Army Criminal History Waivers, 2016)

⁸⁵ AR 601-210: 4-13(2)(b)

⁸⁶ (Powers, Army Criminal History Waivers, 2016)

When enlisting in the United States Air Force, there are many offenses in which a person may have to obtain a waiver. The Air Force classifies behavior and moral offenses differently. The Air Force uses three categories of moral offenses. Category 1 offenses are considered the most serious, while Category 5 offenses are considered the most minor. Category 1 offenses include serious felonies. Category 2 offenses include those offenses in which local law allows for confinement for a year or more. A few examples include arson, child pornography, and sexual harassment. Category 3 offenses include those offenses in which local law allows for confinement for more than 4 months, but not less than 1 year. A few examples include contempt of court, slander, and indecent exposure. Category 4 offenses include those offenses in which local law allows for confinement for less than 4 months. A few examples include curfew violations, disorderly conduct, and loitering. Category 5 offenses include traffic offenses and offenses of similar nature. A few examples include blocking traffic, driving on the shoulder, and improper turns. Applicants with one or more adverse adjudications from Category 1, 2, or 3, require a waiver. Applicants with two or more adverse adjudications in the past 3 years or three or more adverse adjudications in a lifetime for Category 4 offenses also require a waiver. Applicants with 6 or more adverse adjudications in a 365 day period within the last 3 years from a category 5 offense also require a waiver. The waiting process also applies to the Air Force. Adults or juveniles who have been on supervision by ways of probation must wait 3 months from the termination of their probation to apply for a waiver. Again, a waiver is not a guaranteed acceptance or rejection. The waiver is reviewed and the enlistment of the applicant is taken into consideration⁸⁷.

When enlisting in the United States Navy, there are many offenses in which someone may have to obtain a waiver. The Navy classifies their behavior and moral offenses differently, also. The Navy categorizes offenses into 4 categories. Chart A includes minor traffic violations. A waiver will be required for 6 or more Chart A violations. Chart B includes minor non-traffic violations and minor misdemeanors. A waiver will be required for 3 or more Chart B violations. Chart C includes non-minor misdemeanors. A waiver will be required for one or more Chart C violations. Chart D includes felonies. A waiver will be required for one or more Chart D violations. Felony waivers are extremely rare⁸⁸.

When enlisting in the United States Marines, there are many offenses in which someone may have to obtain a waiver. The Marines require waivers for 5-9 minor traffic offenses, 2-5 more serious traffic offenses, 2 or more Class 1 minor non-traffic offenses, 2-9 Class 2 minor non-traffic offenses, 2-5 serious offenses, and 1 felony. Applicants with 10 or more minor traffic offenses, 6 or more serious traffic offenses, 10 or more Class 2 minor traffic offenses, 6 or more serious non-traffic offenses, or more than 1 felony shall not be eligible for a waiver⁸⁹.

Employment

Employment opportunities may be affected if a juvenile has been adjudicated. Juvenile records can only be viewed for employment purposes when they are public

⁸⁷ (Powers, Criminal History Waivers for the Air Force, 2016)

⁸⁸ (Powers, Navy Criminal History for Enlistment Requirements, 2016)

⁸⁹ (Powers, Criminal History Military Waivers, 2016)

records. Records of juvenile courts are available to the public, without a court order, when a petition is filed alleging that a child is a delinquent as the result of any of the following acts or a combination of acts: murder or a felony if committed by an adult; an aggregate of two unrelated acts that would be misdemeanors if committed by an adult, and the child is at least twelve years old when the acts were committed; or an aggregate of five unrelated acts that would be misdemeanors if committed by an adult, and the child is at least twelve years of age when the acts were committed.⁹⁰ If a juvenile is adjudicated for an act or combination of acts, the records shall be open to the public. The information that may be released to the public are the juvenile's name, age, nature of the offense, chronological case summaries, index entries, summonses, warrants, petitions, orders, motions (excluding those involving psychological evaluations or child abuse and neglect), decrees, and the child's photograph.⁹¹

The following information contained in law enforcement records involving allegations of delinquency that would be a crime if committed by an adult is considered public information: the child's identity, the identity of any victim(s), a description of the method of apprehension, any instrument used for physical force, the identity of any officers assigned to the investigation (except for undercover units), and the age and sex of an child apprehended or sought for the alleged commission of the offense.⁹² Records relating to the detention of a juvenile in a secure facility are also open to public inspection.⁹³ As such, this information may also be visible to an employer.

If the juvenile is placed on the sex or violent sex offender registry, an employer may access some information about the case through the registry website.

If the juvenile has had their record expunged, an employer would not have access to these records. When the records are expunged, the physical file is destroyed or returned to the juvenile.⁹⁴ Data from the records shall be maintained by the court on a secure database that does not enable identification of the offender to the public or another person not having legal or statutory authority to access the records.⁹⁵

When filling out employment applications, if a child is asked if they have ever been "convicted of a crime," they may answer "no."⁹⁶ Juvenile delinquents are adjudicated, not convicted.

⁹⁰ IC 31-39-2-8(a)

⁹¹ IC 31-39-2-8(b)

⁹² IC 31-39-3-2

⁹³ IC 31-39-3-3

⁹⁴ IC 31-39-8-6(a)

⁹⁵ 31-39-8-7(b)

⁹⁶ IC 31-32-2-6

Appendix A

The amount of time that a student may be suspended or expelled from school as a result of contact with the criminal justice system varies, depending on the circumstances of the juvenile's charges and actions. If a child is suspended, the student is to be separated from the school for a period of not more than 10 days.⁹⁷ If the child is expelled, the student is to be separated from the school for a period exceeding ten school days, the balance of the current semester or current school year, or the period prescribed by statute, which may be an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.⁹⁸

The superintendent or principal may suspend a student from school for a period of not more than 10 days for the following: student misconduct or substantial disobedience when a student is on grounds immediately before, during, or after school hours, or at any other time that the school is being used by a school group; off school grounds at a school activity or event; traveling to or from school for a school activity or event;⁹⁹ or engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered an interference with an educational function or the student's removal is necessary to restore order or protect others or school property.¹⁰⁰ The superintendent or principal may extend the suspension for more than 10 days if the continued suspension will prevent or reduce the risk of interference with educational functions or school purposes or a physical injury to the student, other students, school employees, or visitors to the school.¹⁰¹

The superintendent or principal may expel a student for the remainder of the school year if the misconduct occurs during the first semester. If the student is expelled during the second semester, the expulsion remains in place during summer school and may remain in effect for the first semester of the following school year.¹⁰² A student who has brought a firearm¹⁰³ or destructive device¹⁰⁴ to school or on school property must be expelled for at least one calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one year period.¹⁰⁵ The superintendent may modify length of expulsions on a case-by-case basis.¹⁰⁶ The school may require a student, who is at least 16 years old, to attend alternative school or alternative education program if they wish to re-enroll following expulsion.¹⁰⁷

⁹⁷ IC 20-33-8-7-(a)

⁹⁸ IC 20-33-8-16

⁹⁹ IC 20-33-8-14

¹⁰⁰ IC 20-33-8-15

¹⁰¹ IC 20-33-8-23

¹⁰² IC 20-33-8-20(a)

¹⁰³ IC 35-47-1-5

¹⁰⁴ IC 35-47.5-2-4

¹⁰⁵ IC 20-33-8-16(d)

¹⁰⁶ IC 20-33-8-16(e)

¹⁰⁷ IC 20-33-8-20(a)

References

- Army Regulation 601-210 Active & Reserve Components Enlistment Program.* (2011, February 8). Retrieved June 19, 2017, from Army.com: https://army.com/sites/army.com/files/r601_210-EnlistmentRegs.pdf
- Chronic Absenteeism.* (2016, July 6). Retrieved May 2, 2017, from Indiana Department of Education: <http://www.doe.in.gov/student-services/attendance/chronic-absenteeism>
- Handgun Licenses and Juvenile Adjudications.* (2014, September 16). Retrieved from Indiana Juvenile Justice: <https://indianajuvenilejustice.com/2014/09/16/handgun-licenses-and-juvenile-adjudications/>
- Powers, R. (2016, September 08). *Army Criminal History Waivers.* Retrieved June 17, 2017, from The Balance: <https://www.thebalance.com/army-criminal-history-waivers-3344759>
- Powers, R. (2016, October 12). *Criminal History Military Waivers.* Retrieved June 18, 2017, from The Balance: <https://www.thebalance.com/criminal-history-waivers-3354314>
- Powers, R. (2016, October 19). *Criminal History Waivers for the Air Force.* Retrieved June 18, 2017, from The Balance : <https://www.thebalance.com/criminal-history-waivers-for-the-air-force-3344500>
- Powers, R. (2016, August 12). *Military Criminal History (Moral) Waivers.* Retrieved June 17, 2017, from The Balance: <https://www.thebalance.com/military-criminal-history-moral-waivers-3354042>
- Powers, R. (2016, September 8). *Navy Criminal History for Enlistment Requirements.* Retrieved June 18, 2017, from The Balance: <https://www.thebalance.com/navy-criminal-history-for-enlistment-requirements-3354815>
- The Scholar Pledge: What Constitutes a Pledge Violation?* (n.d.). Retrieved July 12, 2017, from 21st Century Scholars Indiana: http://www.scholars.in.gov/wp-content/uploads/2016/02/21CS_Pledge_Violation.pdf