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# Have a JUVENILE RECORD?



# PLAN FOR YOUR FUTURE!

NEBRASKA

NATIONALJUVENILE DEFENDERCENTER

Legal Aid OF NEBRASKA

# HAVE A JUVENILE RECORD? PLAN FOR YOUR FUTURE!

*A Guide to Collateral Consequences of Juvenile Court Involvement*

Your juvenile record doesn't disappear when you turn 18.

*Report design by Tanya Pereira*

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## Introduction

As you begin to move forward with your life after being involved in the juvenile court system, this guide provides information about what obstacles lay ahead and how to prepare yourself for them.

The court and police paperwork about your case are called your "juvenile record." This record can affect your life for years to come. But you can still pursue your goals and build a bright future by understanding the challenges caused by a juvenile record and knowing what to do and where to get help.

The road forward might be met with challenges — but we hope this guide will show you that progress can be made and there is a community of advocates in Nebraska who are here to help you succeed.

"A journey of a thousand miles begins with a single step." – Lao Tzu

# Glossary

**Adjudication:** An adjudication is when you go to court and the juvenile court judge decides you broke the law. It is not a conviction.[1]

**Collateral Consequences:** Collateral consequences are the ways that your juvenile record can create challenges for you as you move forward with your life, like getting a job, applying for college, finding a place to live, joining the military, or simply obtaining a driver's license.

**Defense Lawyer:** Your defense lawyer is the lawyer who defended you in your juvenile case, who may have been from the public defender's office or appointed by the judge. This person's job is to be sure the court hears your perspective in your juvenile case. Your lawyer may also be able to help you after your case is over.

**Delinquent Act:** If you are under 18 and you're accused of breaking the law, you are accused of a delinquent act, not a crime — as long as your case is in juvenile court.

**Disposition:** A disposition in juvenile court is similar to a sentence in adult court. The disposition in your case is what the judge requires you to do because the judge decided that you broke the law. The disposition order could include probation,[2] which may require you to submit to drug testing, attend school, follow rules at home, perform community service, and/or pay for property that you stole or damaged.

**Juvenile Record:** Your juvenile record includes the court and police paperwork related to your juvenile case.

**Sealing:** If your juvenile record is sealed, the record will no longer be available to the public and you can deny the offense ever happened.[3]

# Making the Most of This Guide

Having a juvenile record can get in the way of future opportunities. The barriers created by your juvenile record are called “collateral consequences.” This guide provides basic information about the collateral consequences of a juvenile record in Nebraska and what you can do to overcome them.

Every young person’s situation is different. Depending on the offense you faced in court, you may have a suspended driver’s license or trouble enrolling back into school. The Summary Chart on page 6 tells you which collateral consequences are addressed in this guide, and where in the guide to look for more details. You can read the entire guide or jump to the sections that matter most to you.

Following the discussion on collateral consequences, you will find a Resources section. There are many organizations in Nebraska that are available to help you address the problems you are facing. The Resources section includes contact information for your local public defender office and organizations that can assist you with education, housing, immigration, and other collateral consequences.

This guide only talks about the consequences of juvenile court involvement — not adult criminal court involvement. Sometimes when youth are charged with serious crimes, they are charged as an adult even though they are under 18 years old. Here, we will only focus on juvenile records.

Because the law is always changing, some of the information in this guide might become outdated. Also, this guide does not discuss every collateral consequence or every detail of each consequence. You can contact the lawyer who represented you in juvenile court or someone at your local public defender office to make sure you have the most current information you need.

*This guide is only intended to provide information, not legal advice.*

## How Should I Talk About My Juvenile Record?

It's important to pay attention to the specific words used when someone asks you a question in an interview or when you're filling out an application. If you are asked if you have a conviction or if you have ever been convicted of a crime, you can answer "No," as long as you do not have any adult court convictions. A juvenile adjudication is not a criminal conviction in Nebraska.[4]

**A juvenile adjudication is *not* a criminal conviction.**

All Nebraska juvenile records are available to the public unless they are sealed.[5] Getting your juvenile record sealed prevents it from showing up on most background checks. Go to Question 3 of this guide for information on sealing your juvenile record.

Even though a juvenile adjudication is not a conviction, your unsealed juvenile record could show up on a background check. So, it's important that you are prepared to answer questions about your juvenile record.

*Tips on how to talk about your juvenile record:*

- **Talk with the lawyer who represented you in your juvenile case or a lawyer from your local public defender office** about your juvenile record and how you should answer questions. A lawyer can provide you with specific advice.
- **Make sure the interviewer knows that under Nebraska law a juvenile adjudication is not the same as a criminal conviction.**

- **Be brief and don't give too many details.**
  - For example, "I have a juvenile adjudication for a misdemeanor from 2015."
  - If you are asked for more information about your specific adjudication, a lawyer can help you figure out what exactly you should say.
- **Avoid blaming others.** It seems as if we do not take responsibility for our own actions when we blame others. If we do not take responsibility, then others may think we have not learned from our past mistakes.
- **Talk about how you have learned from your past.** "I made a youthful mistake, but I've changed. I'm more mature now, and I have stayed out of trouble since."
- **Focus on the positive things you are doing in your life.**
  - I have good grades.
  - I graduated from high school (or completed my GED).
  - I'm attending college.
  - I volunteer with_____.
  - I have a job at_____.
  - I help take care of my younger siblings.
  - I help with household responsibilities, like chores and running errands for my parents.
- **Practice!** Sometimes it is hard to talk about your juvenile court involvement. Practice with a lawyer, friend, or mentor to make sure you feel comfortable.
- **Ask for a letter from a mentor, teacher, or other trusted leader that talks about your skills and strengths.** The letter can help show the employer or school that you work hard, show up on time, follow the rules, have a positive attitude, and are able to do the job or complete the school program.

CAUTION! Juvenile records in Nebraska are available to the public unless they are sealed.

# Nebraska Collateral Consequences Summary Chart



## MY JUVENILE RECORD
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| | |
|---|---|
| **1. Who can look at my juvenile record?** | Your juvenile record can be seen by anyone, unless it is sealed (which means only a few people are able to see it). |
| **2. Can my juvenile record be used against me in later juvenile or adult criminal cases?** | Yes. A judge can look at your juvenile record in future cases, which could lead to more serious consequences. |
| **3. How can I keep people from looking at my juvenile record?** | You can apply to get your juvenile record sealed, which means that only a few people can find out about it. |

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|---|---|
| **4. Will my juvenile record affect my ability to go to my local public school?** | Maybe. Your juvenile record can be shared with your school, which may affect whether you can continue to attend the same school. |
| **5. Can I get accepted into a college, technical, or trade school if I have a juvenile record?** | Yes, but you may need to say that you have a juvenile record on some applications or your juvenile record may show up on a background check, which could affect the school's decision to accept you. |
| **6. Can I get a student loan to help pay for college, technical, or trade school?** | Your juvenile record should not impact your ability to get federal college loans to help pay for school. |

## JOBS AND THE MILITARY
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| **7. Can I get a job if I have a juvenile record?** | Yes, but the employer's decision to hire you could be affected by your juvenile record showing up on a background check. |
| **8. Can I join the military if I have a juvenile record?** | Maybe. Your juvenile record might make it harder for you to enlist in the military. |

# Nebraska Collateral Consequences Summary Chart *(Continued)*



## IMMIGRATION
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| **9. Will my juvenile record affect my immigration status?** | It's complicated. Your juvenile record might affect your ability to remain in the United States. |



## PUBLIC BENEFITS AND HOUSING
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| **10. Can I get public benefits (like food stamps, Medicaid, SSI, and TANF) with a juvenile record? What happens to my benefits if I am locked up?** | You should be able to get public benefits with a juvenile record. But, getting locked up might affect things like food stamps (SNAP), Medicaid, Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF). |
| **11. Can I live in public housing or rent an apartment if I have a juvenile record?** | Maybe. Depending on the type and location of offense, a juvenile record may limit your public housing options. Because unsealed juvenile records can appear on background checks, private landlords may find out about your juvenile record, which could affect the landlord's decision to rent to you. |

## OTHER CONSEQUENCES
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| | |
|---|---|
| **12. What happens if I don't pay court costs, fees, or restitution?** | You may not be able to "successfully complete" probation, which can prevent you from being able to seal your record. Unpaid court costs, fees, or restitution can end up on your credit report and make it harder to get loans, a car, and even a job. |
| **13. If I had to give my fingerprints as part of my juvenile case, what happens to the fingerprint record after my case is closed?** | Your fingerprints should only be added to the state database or shared with other state or federal law enforcement if you were adjudicated of a felony or you ran away from a detention or treatment facility. |
| **14. Do I have to register as a sex offender if I have a sex offense on my juvenile record?** | No. You are not required to register as a sex offender if you have a juvenile adjudication for a sex offense. However, your name may be placed on the Central Registry of child protection cases (described in more detail on page 28). |
| **15. If my adjudication involved physical or sexual abuse of a child, can people see that information?** | Your name may be placed on the Central Registry of child protection cases, which can be seen by certain employers and state agencies. |

# Nebraska Collateral Consequences Summary Chart *(Continued)*



## OTHER CONSEQUENCES (*Cont.*)

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|---|---|
| **16. Can I get or keep my driver's license if I have a juvenile record? Can I get or keep my state ID if I have a juvenile record?** | Maybe. As a term of your probation, the judge may order you not to drive, prevent you from getting your license, or even make you give your license to your probation officer for a period of time. Your juvenile record should not impact your ability to get or keep your state ID. |
| **17. Can I vote if I only have a juvenile record?** | Yes. A juvenile adjudication will not impact your right to vote. |
| **18. Can I serve on a jury if I only have a juvenile record?** | Yes. A juvenile adjudication will not impact your ability to serve on a jury. |
| **19. Can I own or carry a gun if I have a juvenile record?** | Maybe. As of July 2018 possession of a firearm could result in a felony charge against you. Please see page 30 for more information. |

*Note to the reader: This section includes endnotes (small numbers at the end of a sentence or phrase that correspond to additional information at the end of the guide). The endnotes often tell you what laws or rules apply to the sentence containing the endnote number.*



## MY JUVENILE RECORD

### 1. Who can look at my juvenile record?

Information about your juvenile arrest or court case is available to the public. This means that anyone can find information about your juvenile record unless it is sealed.[6] Getting your juvenile record sealed would prevent most people from being able to look at it, and it would prevent your juvenile record from showing up on most background checks. Whenever possible, it's important to have your juvenile record sealed. Go to Question 3 for information about how to seal your juvenile record.

Go to Question 4 for information about when your school may be told about your juvenile court involvement and what impact that could have on your ability to continue attending the same school.

### 2. Can my juvenile record be used against me in later juvenile or adult criminal cases?

Yes. The judge may look at your juvenile record when deciding whether to hold you in a facility before trial or what disposition or sentence to give you in a later juvenile or adult criminal case.[7] Judges can also look at sealed juvenile records.[8]



## 3. How can I keep people from looking at my juvenile record?

Your juvenile record can be seen by anyone unless it is sealed. Getting your record sealed means that very few people will be able to look at or find out about it. If you're able to have your juvenile record sealed, you will not need to talk about your record when answering most employment, housing, or interview questions.[9]

*Your juvenile record can be sealed in one of three ways:*

1. If the prosecutor decided not to charge you. For example: 1) If you were ticketed by a police officer, but the prosecutor decided not to file anything in court; 2) If the prosecutor reviews the police reports and decides there isn't a good reason to charge you; or 3) If you enroll in a pre-trial diversion program before anything happens in court and you successfully complete the program. Whenever the prosecutor does not charge you with an offense, any records involving the ticket or arrest should be automatically sealed.[10] This should happen without you having to make a request. However, you can contact

Legal Aid of Nebraska or one of the other organizations listed in the Resources section to make sure the records are sealed.

2. When a charge is filed, but then gets dismissed before there is an adjudication. For example: 1) You were charged, but then you enrolled in and successfully completed a pre-trial diversion program; 2) You agreed to do something in exchange for the dismissal of the charge, such as write an apology letter, or admit to a charge in another case; or 3) You had a trial on the charge, and the judge decided that there wasn't enough evidence to prove the charge and dismissed the case. In all of these examples, the charges would be dismissed without an adjudication and the court should automatically seal the records involving the ticket, arrest, and court proceedings.[11] Again, this should happen without you having to make the request. However, you may contact Legal Aid of Nebraska or one of the other organizations listed in the Resources section to make sure these records are sealed.

3. If you were adjudicated and you successfully completed what the court ordered:
   a. If you are 17 or older, the judge should initiate the process of sealing these records, but the prosecutor gets a chance to object to the record being sealed.[12]
   b. If you are younger than 17, the judge does not have to initiate the process to seal your records.[13] But, you can ask the judge to seal your juvenile record by filing a request with the juvenile or county court. The motions and instructions on how to file a request to seal your juvenile record can be found online at: https://supremecourt. nebraska.gov/self-help/court-records/filing-motion-seal-juvenile-criminal-record.

Figuring out whether your juvenile record can be sealed is tricky. Talk to a lawyer to get help!

## Once your record is sealed, you can deny the offense ever happened.

If your record should have been sealed but wasn't, or if you are under 17 years old, you can file a motion to ask the juvenile or county court judge to seal your record. When the judge receives your request, the judge will let the prosecutor know that your motion was filed. If the prosecutor objects, the judge will hold a hearing so you can tell the judge why you think your record should be sealed. If the prosecutor does not object, the judge can seal your records without having a hearing, or the judge may decide to have a hearing anyway. At the hearing, the judge will decide whether to seal your record.[14] The judge can consider your age, the seriousness of the offense, how you have behaved since your time in juvenile court, your education and employment status, and any other information the court thinks is important.[15] If the judge decides not to seal your record, you can appeal the judge's decision or you can wait one year and file again.[16]

If your record is sealed, most people will not be able to see it or know that you ever had a juvenile record. However, there are exceptions. For example, police officers, prosecutors, and judges can still see sealed records if you are charged with another crime. Sealed records can also be seen by the Department for Health and Human Services for foster care licensing or certification, child care licensing, and other licensing related to residential placements for children.[17]

If your juvenile record is sealed, you can act as if the offense never happened.[18] You do not need to mention your juvenile record to employers, on housing applications, or during interviews once your juvenile record is sealed. However, your sealed record may still show up in a FBI background check — which may be required for jobs related to working with children and vulnerable adults, law enforcement, the federal government, or the military. If the employer is running a background check with fingerprints or through the FBI, you should be prepared

to briefly explain on the application or in the interview that a juvenile adjudication is not the same as a criminal conviction, and follow the tips on how to talk about your juvenile record on page 4.

Also, it could take several months before the information is fully removed from all the databases used for criminal background checks. Be aware that your sealed juvenile record could still appear for the first few months following the date the judge sealed your record. You should keep a copy of the sealing order, in case you need it in the future.

For more information about filing a request to seal your juvenile record, contact the lawyer that represented you in juvenile court or the Legal Aid of Nebraska office in your area, whose contact information is listed in the Resource section at the end of this booklet. You can also find more information about sealing your juvenile record on the Clean Slate Clearinghouse website: https://cleanslateclearinghouse.org/states/nebraska/juvenile-record-overview/.



## SCHOOL

### 4. Will my juvenile record affect my ability to go to my local public school?

Maybe. If the offense for which you are adjudicated happened at school, on the bus, or at a school event, your school may be able to suspend you or tell you that you cannot return to school until the beginning of the next semester or the following school year (expel you).[19] In some school districts, you can also be kicked out of school after being charged for certain offenses even if the offense didn't happen at school and even if you were not adjudicated for the offense.[20]

Schools must follow certain rules when you are suspended for six or more days or if you are expelled. The school must send you and your parent or guardian a letter that tells you what rule you broke and what punishment



## REMINDER!

Talk to a lawyer or other knowledgeable adult about what to say in a school meeting because what you say can be used against you in a juvenile or criminal court case.

they think you should be given.[21] You can request a hearing to ask the school to let you back in, but you must ask for the hearing within five days of getting the discipline letter.[22] You may want to get a lawyer or other adult who can help you.

The school has to provide you with the evidence they have against you before the hearing. At the hearing, you can present your own evidence and witnesses, and question the school about their decision in front of a hearing officer.[23] The hearing officer is the person who listens to evidence and decides whether the school was right to discipline you. If both the hearing officer and the school superintendent decide to suspend or expel you, you can appeal their decision to the school board of education within seven school days of when you get the hearing officer's decision. At the appeal hearing, you can argue to the school board why the hearing officer was wrong.[24] If the school board decides to still suspend or expel you, you can go to court to challenge the decision by filing an appeal within 30 days of the school board's decision.[25]

A lawyer, parent, or other caring adult can help you prepare for what to say when challenging the school's decision to suspend or expel you. The Resources section at the end of this guide includes resources and contact information for organizations that may be able to provide representation or other assistance, such as your local public defender or Legal Aid of Nebraska.

## 5. Can I get accepted into a college, technical, or trade school if I have a juvenile record?

Yes. However, you may need to tell the college, technical, or trade school about your juvenile record.

Many applications ask about *convictions*. If you do not have any adult criminal convictions, you can answer "No" because a *juvenile adjudication is not a criminal conviction*.[26] However, since unsealed juvenile records can show up on a background check, you should be prepared to briefly write on the application or explain in the interview that a juvenile adjudication is not the same as a criminal conviction and follow the tips on page 4 on how to talk about your juvenile record.

Generally, you do not need to explain your juvenile record if your record is sealed.[27] Getting your juvenile record sealed will prevent it from showing up on most background checks. However, your sealed record may still show up in a FBI background check — which may be required for jobs related to working with children and vulnerable adults, law enforcement, the federal government, or the military. Go to Question 3 for information on sealing your juvenile record.

You can be accepted into college even with a juvenile record. Don't let your juvenile record keep you from applying!

The Common Application (Common App) for college, which is used by more than 600 colleges and universities, asks:

> *Have you ever been adjudicated guilty or convicted of a misdemeanor or felony? Note that you are not required to answer "yes" to this question, or provide an explanation, if the criminal adjudication or conviction has been expunged, sealed, annulled, pardoned, destroyed, erased, impounded, or otherwise required by law or ordered by a court to be kept confidential.*

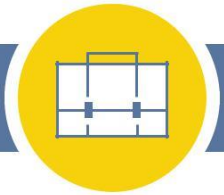
The guidelines for the Common App say that being "adjudicated guilty" is the same thing as being adjudicated delinquent.[28] If your juvenile record has not been sealed, you will have to answer "Yes." But, if your juvenile record has been sealed, you can answer "No." Go to Question 3 for information on how to seal your juvenile record.

The Common App also asks about school discipline violations. You have to report your school discipline violations on the Common App even if they are related to your sealed juvenile record.

You can be accepted into college even with a juvenile record. Don't let your juvenile record keep you from applying!

## 6. Can I get a student loan to help pay for college, technical, or trade school?

Yes. To apply for a federal student loan to help pay for college, you must complete the Free Application for Federal Student Aid (FAFSA). The FAFSA asks whether you have been convicted of a drug charge while receiving federal student loans.[29] If you only have juvenile adjudications, you can answer "No" to this question — even if your juvenile record includes a drug-related offense — because this question is asking about adult convictions, not juvenile adjudications. And if you have never received federal student aid before, you can also answer "No" because the question is asking if you were convicted while receiving federal financial aid.



# JOBS AND THE MILITARY

## 7. Can I get a job if I have a juvenile record?

Yes. However, you may need to tell the employer about your juvenile record. If your juvenile record is not sealed, it may appear on a criminal background check.[30] But you can prevent almost all employers from finding out about your juvenile record if you get it sealed.

Many job applications ask about convictions. If you do not have any adult criminal convictions, you can answer "No" because a *juvenile adjudication is not a criminal conviction*.[31] However, since unsealed juvenile records can show up on a background check, you should be prepared to talk about your juvenile record by following the tips on page 4.

Generally, you do not need to explain your juvenile record if your record is sealed.[32] Sealing your juvenile record prevents it from showing up on most background checks. However, your sealed record may still show up in a FBI background check — which may be required for jobs related to working with children and vulnerable adults, law enforcement, the federal government, or the military. Go to Question 3 for information on sealing your juvenile record.



## REMINDER!

If an application asks whether you've been convicted of a crime, you can answer "No" as long as you only have a juvenile record.

Just like you need a driver's license to legally drive a car, some jobs require you to have an occupational license in order to do certain work. For example, barbers, electricians, and nurses must have occupational licenses. The application for an occupational license might ask about your juvenile record. Please remember to read the questions on the application carefully so that you answer only what is asked.

## 8. Can I join the military if I have a juvenile record?

Your juvenile record might make it harder for you to join the military. Generally, the United States military does not treat juvenile records differently than adult records. If your record involves selling drugs, sex offenses, domestic violence, or a felony, you may need to request special permission (a waiver) to enlist.[33] Each branch of the military has different rules about waivers. For more information, visit www.usa.gov/join-military or contact a recruiter.

You may need to give the military a copy of your juvenile court paperwork, even if your record has been sealed.[34] Before you request to have your juvenile record sealed, make sure to get a copy of your complete court record. Go to Question 3 for more information about sealing your juvenile record.



# IMMIGRATION

## 9. Will my juvenile record affect my immigration status?

Talk to an immigration lawyer to find out whether your juvenile record affects your ability to stay in the United States or become a legal resident. If you're adjudicated for certain types of offenses, it will be more difficult to get legal immigration status.[35]

*To help your lawyer figure out possible ways that you can get immigration status, tell your lawyer if you:*

- Have been abused, neglected, or abandoned by a parent;
- Have been a victim of human trafficking or sex trafficking, or the victim of any crime; or,
- Are undocumented or have a green card or other type of legal status, such as a U visa.

Remember: Everything you tell your lawyer is confidential. This means your lawyer can't share anything you tell them with anyone else.

If you're undocumented or don't have legal status, even just being arrested can cause problems. If you're taken into custody or arrested by the police, Immigration and Customs Enforcement (ICE) may try to pick you up when you are released from the local jail or detention facility.

If anyone from the FBI or ICE asks you questions, especially about your immigration status or where you were born, you do not have to answer their questions without a lawyer.

For help with immigration issues, go to the Resources section at the end of this guide for contact information for organizations that may be able to provide you with legal representation in immigration matters. You can also find more information in the Immigrant Legal Resource Center's Guide for Immigrant Youth: www.ilrc.org/sites/default/files/documents/youth_handbook-2015-06_05-en.pdf.[36]



“If anyone from the FBI or ICE asks you questions, especially about your immigration status or where you were born, you do not have to answer their questions without a lawyer.”





## 10. Can I get public benefits (like food stamps, Medicaid, SSI, and TANF) with a juvenile record? What happens to my benefits if I am locked up?

You should be able to get most public benefits with a juvenile record. If the application asks about *convictions* and you only have a juvenile record and no adult convictions, you can answer "No."[37]

Getting locked up in a juvenile facility might affect things like food stamps (Supplemental Nutrition Assistance Program—SNAP), Medicaid, Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF). Your parents may not be able to get SSI checks for you, and your family's food stamps and TANF assistance could be reduced while you are locked up. If you have health insurance through Medicaid and are sent to a Youth Detention Center or a Youth Rehabilitation and Treatment Center, your Medicaid benefits will be suspended. When you are released, the facility should notify Medicaid to restore your benefits. Talk with your caseworker, probation officer, or lawyer to make sure your Medicaid benefits are restored once you are released.

For help with public benefits, go to the Resources section at the end of this guide for contact information for the Legal Aid of Nebraska office in your area.

## 11. Can I live in public housing or rent an apartment if I have a juvenile record?

You and your family may not be allowed to live in public housing if you are involved with certain criminal activities — especially drugs or violence — even if you don't have to go to court.[38] In some situations, you may not be allowed to live in public housing at all; for example, if you are convicted of making meth while on public housing property.[39]

Many housing applications ask about *convictions*. If you do not have any adult criminal convictions, you can answer "No" because *a juvenile*

*adjudication is not a criminal conviction*.[40] However, since unsealed juvenile records can show up on a background check, you should be prepared to talk about your juvenile record by following the tips on page 4.

Generally, you do not need to explain your juvenile record if your record is sealed.[41] Getting your juvenile record sealed will prevent it from showing up on most background checks. Go to Question 3 for information on sealing your juvenile record.

You may be able to challenge a housing authority's decision to evict you or deny your housing application. Housing authorities are required to give you a hearing if you are denied housing or evicted for illegal activity.[42]

For help with housing issues, go to the Resources section at the end of this guide for contact information for the Legal Aid of Nebraska office in your area.

A juvenile adjudication is *not* a criminal conviction.





## OTHER CONSEQUENCES

### 12. What happens if I don't pay court costs, fees, or restitution?

The juvenile court judge may require you to pay filing fees, court costs (sheriff service fees, subpoena fees, etc.),[43] or restitution (money to repay for damage to people or property).[44] These fees should be included in your probation order. If you can't pay these amounts in full, your probation officer may decide to close your probation as "unsuccessful," which can prevent you from being able to seal your record. Go to Question 3 for information on sealing your juvenile record.

If you do not pay all of the court costs, fees, or restitution, your record can show that you have a financial judgment against you for that amount, and this judgment can show up on your credit report. A credit report is like a school report card that shows how good or bad you've been about paying your bills. Having a bad credit report can make it harder for you to rent an apartment, get a school loan, buy a house or car, or get a credit card. It can also show up if you apply for a job where the employer asks for a credit check or background check, like many government jobs.

### 13. If I had to give my fingerprints as part of my juvenile case, what happens to the fingerprint record after my case is closed?

If you were fingerprinted as part of your juvenile case, the police are required to keep your fingerprints separate from where they keep adult fingerprints. Also, your fingerprints can only be shared with other state and federal law enforcement if you were adjudicated of a felony, run away from a detention center or treatment facility, or are considered a runaway from home and the fingerprints are needed for identification purposes.[45]

## 14. Do I have to register as a sex offender if I have a sex offense on my juvenile record?

No. Nebraska does not require you to register as a sex offender if your case was heard in juvenile court.[46] However, your name may be added to the Central Registry of child protection cases. Go to the next question for more information about the Central Registry.

Even though your name might not be on a public sex offender registry, most people can get information about any sex offense charges on your juvenile record unless it is sealed. Go to Question 3 for information on how to seal your juvenile record.

Even though Nebraska does not require you to register as a sex offender, other states may. If you move or stay more than a few days in another state, that state could require you to register as a sex offender because of your juvenile sex offense adjudication. Contact a lawyer to get advice on the consequences of moving or staying more than a few nights in another state.

### REMINDER!

If you have a sex offense on your record and you want to move or stay more than a few nights in another state, contact a lawyer first to make sure your plans will not negatively affect you.

## 15. If my adjudication involved physical or sexual abuse of a child, can people see that information?

The Central Registry of child protection cases is a database that keeps a list of people who are found responsible for child abuse and neglect, including sexual assault of a peer or younger child. You could be placed on the registry if you were at least 12 years old at the time of the offense[47] and either a judge or the Nebraska Department of Health and Human Services (DHHS) decides that you abused a child or younger peer.[48]

The following individuals and organizations can look at the names on the Central Registry: you;[49] a physician, school, or agency that reports child abuse or neglect; police departments; probation officers; agencies that care for or treat abused and neglected children, like foster care providers; and prosecutor offices.[50]

If an employer is registered with the Central Registry, DHHS can tell them if you are on the registry. Typically, employers that work with children or vulnerable adults cannot hire anyone who is on the Central Registry. If you apply for a job with one of these employers, you may have to give your consent for the employer to check the Central Registry.

You may be able to get your name removed from the Central Registry. If you were between the ages of 12 and 18 when you were put on the registry, you are entitled to a mandatory expungement hearing within the first 60 days of when you received notice that you were placed on the Central Registry.[51] The purpose of this hearing is to decide whether your name should be taken off the registry. If DHHS decides to keep you on the Central Registry, you will have another mandatory expungement hearing within 60 days after you turn 19.[52] You can also request a hearing at any time.[53]

The hearing will take place before a DHHS hearing officer, not a judge, who can take your name off the Central Registry if you show “good cause.” [54] Typically, hearing officers like to see that you have completed some type of treatment, or that you completed what the court ordered you to do in your juvenile delinquency case. So, you may want to bring therapy completion certificates, therapist or probation officer letters that advocate for you to be taken off the Central Registry, or probation completion court orders to submit as evidence at the hearing.

You can find the form to request an expungement hearing at: http://dhhs.ne.gov/children_family_services/Pages/nea_cr.aspx.

### 16. Can I get or keep my driver's license if I have a juvenile record? Can I get or keep my state ID if I have a juvenile record?

It depends. As a term of your probation, the juvenile court judge can order you not to drive for a period of time, or order you to give your license to your probation officer. A judge can also require that your permit or driver's license be "impounded," which means that you are not allowed to drive for 30 days or, if you don't have your permit or license yet, you wouldn't be allowed to get it for 30 days. The 30 days starts when the judge signs the order to impound the permit or license.[55]

Your juvenile record should not impact your ability to get or keep your state ID. If you were placed in a juvenile facility, your caseworker at the facility should be able to help you get a state ID after you are released. A driver's license or state ID is required for employment, housing, medical assistance, and many other important opportunities and resources.

### 17. Can I vote if I have a juvenile record?

Yes. Your juvenile record will not impact your right to vote.[56]



## 18. Can I serve on a jury if I have a juvenile record?

Yes. Your juvenile record will not impact your ability to serve on a jury.[57]

## 19. Can I own or carry a gun if I have a juvenile record?

Maybe. As of July 2018, if you have been adjudicated on any felony-level offense or misdemeanor domestic assault charge, then you will not be able to possess a firearm until you reach the age of 25 or have your rights reinstated. Possession of a firearm could result in a felony charge against you. Contact an attorney to get further information on how this law may affect your gun rights.[58]

# Resources

## Legal Aid of Nebraska

www.legalaidofnebraska.org

Legal Aid of Nebraska provides free legal help to low-income Nebraskans in a full range of civil matters. Their highly experienced and diverse staff is dedicated to helping people preserve and maintain life essentials — income, health, safety, and shelter. They serve all 93 counties of Nebraska.

Legal Aid of Nebraska's Juvenile Reentry Project provides free legal services for people who are 24 or younger in Lancaster County who have been involved in the juvenile justice system and are trying to get back into school, secure stable housing, or have their juvenile record sealed.

Both the Lincoln and Omaha offices of Legal Aid of Nebraska operate walk-in "Access To Justice" clinics several days every week. Pre-registration for these clinics is not required, but you will need to fill out a brief intake form when you arrive. The Lincoln and Omaha walk-in clinics are first come, first served.

Legal Aid of Nebraska also provides electronic self-help resources related to the most common types of legal issues facing low-income Nebraskans, protecting their rights and helping them understand their legal responsibilities.

**Adult Criminal Conviction Set-Asides:** http://www.legalaidofnebraska.org/get-help/help-yourself-access-to-justice/criminal-conviction-set-aside-self-help-forms/

**Housing:** https://lawhelpne.legalaidofnebraska.org/

| | |
|---|---|
| Juvenile Reentry Project | 402-435-2161 |
| Administrative Office (Omaha) | 209 S. 19th Street, 2nd Floor<br>Omaha, NE 68102<br>402-348-1069 |
| Omaha Access to Justice Center | Monday–Thursday, 1 - 4 p.m.<br>402-348-1069 or 888-991-9921 |

| | |
|---|---|
| Lincoln | 941 “O” Street, Suite 825<br>Lincoln, NE 68508<br>402-435-2161 |
| Lincoln Access to Justice Center | Mondays, Wednesdays, Thursdays, 1 - 4 p.m.<br>402-435-2161 or 800-742-7555 |
| Bancroft | 415 Main St. P.O. Box 325<br>Bancroft, NE 68004<br>402-648-3457 or 800-729-9908 |
| Grand Island | 207 W. Third St. P.O. Box 1078 Grand Island, NE 68802-1078<br>308-381-0517 or 877-250-2018 |
| North Platte | 102 E. 3rd St., Suite 102<br>North Platte, NE 69101<br>308-532-5793 or 877-669-9080 |
| Norfolk | 214 N. 7th St., Suite 10<br>Norfolk, NE 68701<br>402-644-4761 or 800-672-8319 |
| Scottsbluff | 1423 1st Ave. P.O. Box 1365 Scottsbluff, NE 69363-1365<br>308-632-4734 or 877-669-8898 |

### Nebraska Youth Advocates

Nebraska Youth Advocates (NYA) serves as a resource center for juvenile defense attorneys in Nebraska, to build a network of well-trained defense attorneys who ensure a youth’s voice is heard in court. You can contact NYA if you need help with a specific issue or are trying to locate a defense attorney in your area. For more information, you can call 402-932-5370 or visit www.nebraskayouthadvocates.org.

### National Juvenile Defender Center

Please contact NJDC if you’re having trouble finding a public defender, legal aid attorney, or other help with the collateral consequences of your juvenile court involvement. We will do our best to help find someone to assist you. You can call 202-452-0010, or visit our website (www.njdc.info) for more information.

## EDUCATION ADVOCACY/INFORMATION

### Disability Rights Nebraska

Disability Rights Nebraska provides advocacy, advice, and information for individuals with disabilities in Nebraska. Young people with disabilities may be able to receive legal assistance in education matters related to the individual's disability. Disability Rights Nebraska can also assist with other legal matters related to individuals' disabilities to help secure their rights, enhance their dignity, and advocate for their full participation as citizens with respect to their individual cultures. For more information, call 800-422-6691 or visit: http://www.disabilityrightsnebraska.org/ need_our_assistance/.

### Nebraska Department of Education

The Individuals with Disabilities Education Act (IDEA), the federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and the federal regulations. The guide created by NE DOE can be found at: https://www.education.ne.gov/wp-content/uploads/2017/07/Parent-Rights-Eng-2012.pdf

### Parent, Training, and Information – Nebraska

PTI – Nebraska is a statewide resource for parents and guardians and provides information on disability conditions and strategies to advocate successfully for their children. Their website contains helpful information and links to other resources.
http://pti-nebraska.org/special-education/

## IMMIGRATION

### Catholic Charities Immigration Legal Assistance Services

Catholic Charities Immigration Legal Assistance Services helps clients with filing a variety of immigration forms. Their services consist of legal consultations in which they evaluate clients' immigration legal options, advise them how to proceed, and represent them throughout the legal

process. For more information, call Nebraska Immigration Legal Assistance Hotline (information below) or visit: http://www.ccomaha.org/what-we-do/immigration-legal-assistance.html.

### Creighton Immigration and Refugee Clinic

If you're a Douglas County resident who falls within the federal poverty guidelines and requires legal assistance on an immigration matter, you may be eligible to obtain free assistance from the Creighton Immigrant and Refugee Clinic. For more information, call NILAH (information below) or visit: https://law.creighton.edu/clinics/immigrant-and-refugee-clinic.

### Nebraska Immigration Legal Assistance Hotline

NILAH provides a hotline and resources for low-income immigration legal assistance. Those in need of immigration legal assistance can contact NILAH to be connected to the nonprofit immigration legal service provider that can best meet their needs, in the shortest amount of time. NILAH paralegals take the calls, complete the confidential intake screening forms, and refer people to the right organization in their area. The paralegals can speak to callers in their native languages. For more information, call 855-307-6730 or visit: https://www.nilah.org/.

### University of Nebraska Immigration Clinic

The Immigration Clinic handles certain types of immigration cases: family-based immigrant cases, deportation defense, asylum cases (both affirmative and defensive), Special Immigrant Juvenile visa cases, post-conviction claims based on failure of defense counsel to advise of immigration consequences of criminal proceedings, and other matters in which the Immigration Clinic has experience and expertise. For more information, call 402-472-3271 or visit: https://law.unl.edu/immigration-clinic-clients/.

## HOUSING ASSISTANCE

For a listing of local public housing authorities in Nebraska, visit: https://supremecourt.nebraska.gov/finding-housing

**CEDARS Bridges Transitional Living Program** has supervised

community-based living for young people ages 16 to 21 who have been homeless or are leaving the foster care system. You may live alone or with a roommate. CEDARS is located in Lincoln. For more information, call 402-434-5437 or visit: http://www.cedars-kids.org/services/out-of-home.html.

**CEDARS Emergency Shelter** provides short-term care to youth, ages 12 to 18, who do not have immediate access to a safe living arrangement. Circumstances could include, but are not limited to: family homelessness; hospitalization of a parent; history of abuse, neglect, or domestic violence; or interruption of a foster care placement or short-term respite care. For more information, call 402-434-5437 or go to 6601 Pioneers Blvd. in Lincoln.

**CEDARS Street Outreach Services** provides assistance to youth ages 13 to 21 in Lincoln, Nebraska. Without pressure or judgment, Street Outreach staff members support youth experiencing homelessness as they work to leave the streets for safe shelter, secure permanent living arrangements, or reunite with their families. The team operates out of the CEDARS Youth Opportunity Center, located at 318 S. 13th St. in Lincoln, where any youth may drop in to receive assistance. For more information, call 402-437-8850 or visit: http://www.cedars-kids.org/services/youth-opportunity-center.html.

**Connected Youth Initiative** helps young people with experience in the juvenile court and foster care systems, struggling with homelessness, or who are disconnected from their families. CYI's website lists community centers across Nebraska: http://www.nebraskachildren.org/what-we-do/connected-youth-initiative/community-contacts.html.

**Jacob's Place** is an apartment complex about 3 miles south of the Omaha Home for Boys. Young people ages 17 to 20 can live here while they get help with housing, education, and independent living skills. For more information, call 402-457-7162 or visit: https://omahahomeforboys.org/programs-services/jacobs-place-transitional-living/

**Maryland Living Center (Hastings)** is a permanent housing facility that helps transition homeless and aged-out youth ages 16 to 21 into independent living within 12 to 18 months. This apartment complex has individual, furnished apartments for young people who qualify. Young people typically pay a portion of the rent based on their income. For more information, call 402-834-3180 or visit: http://www.marylandlivingcenter.org/.

**Youth Emergency Services** helps youth in crisis get back on their feet in whatever ways YES can. After meeting the youths' immediate needs for food, shelter, clothing, and safety, they create a support system which helps youths flourish. The shelter is available to youth ages 16 to 20. Youth in need of a safe place to stay can call 402-345-5187. YES is located in Omaha. Their website has a link to several other resources in Omaha: http://www.yesomaha.org/what/resources.html.

## OTHER RESOURCES

### Know Your Rights: A Guide for Youth in Nebraska's Juvenile Court System

https://supremecourt.nebraska.gov/sites/default/files/Programs/CIP/know_your_rights_guide_2015.pdf

This guide provides information about youth's legal rights, the court process, and planning for your future. The juvenile court system can be scary and confusing. It is important to know that you have legal rights that can't be taken away.

### University of Nebraska Law School Civil Clinic

www.law.unl.edu/civil-clinic-clients

The UN Law School Civil Clinic helps Lancaster County residents with a wide variety of legal issues, including landlord/tenant disputes, family law matters (divorce, visitation, child support, etc.), name changes, and bankruptcy cases.

### Creighton University Law School Legal Clinic

https://law.creighton.edu/clinics/abrahams-legal-clinic/civil-law-clinic-services

402-280-3068

The Abrahams Legal Clinic at Creighton University School of Law offers a number of legal services to those in need within the greater Omaha community, including civil matters of child support, child custody, divorce, and landlord/tenant issues. You may contact them at clinic@creighton.edu.

## Nebraska Supreme Court Self-Help Forms

www.supremecourt.nebraska.gov/self-help

The Nebraska Pro Se (Self Help) Committee has developed self-help forms. This virtual Self-Help Center has information and links to legal resources to help you represent yourself in Nebraska courts.

For information about how to seal a juvenile court record and to access the documents to file a motion, visit https://supremecourt.nebraska.gov/self-help/court-records/filing-motion-seal-juvenile-criminal-record.

## Self-Help Centers

We suggest talking with an attorney before trying to represent yourself in court. But if you decide to represent yourself, you may visit a Self-Help Center, located inside various courthouses, for information and resources. The centers are operated on a walk-in, first come, first served basis at the following locations:

**Buffalo County:** First Friday of the month, 10:00 a.m. to 2:00 p.m., Buffalo County Courthouse, 1512 Central Avenue in Kearney, across from the Clerk of the District Court office.

**Douglas County:** Every Monday and Wednesday, 10:00 a.m. to 2:00 p.m., Douglas County Courthouse, 17th & Farnam Street in Omaha, across from the Douglas County Law Library, Harney Street level.

**Hall County:** Second and fourth Friday of the month, 10:00 a.m. to 2:00 p.m., Hall County Courthouse, 111 West First Street in Grand Island, lower level across from Courtroom #3.

**Lancaster County:** First and third Thursday of the month, 10:00am to noon, Lancaster County Courthouse, 575 South 10th Street in Lincoln, Third Floor Jury Room area, rear door to the office of the Clerk of the District Court.

**Madison County:** Third Friday of the month, 10:00 a.m. to 2:00 p.m., Madison County Courthouse, 313 North Main Street in Madison, check in with the Clerk of the District Court office (first office at the courthouse entrance).

**Scotts Bluff County:** First and third Thursday of the month, 11:00 a.m. to 1:00 p.m., Scotts Bluff County Courthouse, 1725 10th Street in Scottsbluff, basement level.

# Endnotes

[1] Neb. Rev. Stat. § 43-280 (West 1981).
[2] Neb. Rev. Stat. § 43-286(1)(a) (West 2017).
[3] Neb. Rev. Stat. § 43-2,108.05(2), (5) (West 2016).
[4] Neb. Rev. Stat. § 43-280 (West 1981).
[5] Neb. Rev. Stat. § 43-2,108(3) (West 2017).
[6] *Id.*
[7] *See* Neb. Rev. Stat. § 43-2, 108.05(3) (West 2016).
[8] Neb. Rev. Stat. § 43-2, 108.05(3) (West 2016).
[9] Neb. Rev. Stat. § 43-2,108.05(2), (5) (West 2016).
[10] Neb. Rev. Stat. § 43-2, 108.03(1), (4) (West 2011).
[11] Neb. Rev. Stat. § 43-2, 108.03(2)-(4) (West 2011).
[12] Neb. Rev. Stat. §§ 43-2, 108.03(5)-(6) (West 2011), 43-2,108.04 (West 2011).
[13] Neb. Rev. Stat. § 43-2, 108.03(5)(a) (West 2011).
[14] Neb. Rev. Stat. § 43-2, 108.04(3) (West 2011).
[15] Neb. Rev. Stat. § 43-2, 108.04(5) (West 2011).
[16] Neb. Rev. Stat. §§ 43-2, 108.04(6) (West 2011), 43-2, 106.01(1) (West 2010).
[17] Neb. Rev. Stat. § 43-2, 108.05(3)(d), (5) (West 2016).
[18] Neb. Rev. Stat. § 43-2,108.05(2) (West 2016).
[19] Neb. Rev. Stat. § 79-267 (West 2010).
[20] Lincoln Pub. Sch., Pol'y & Reg. Manual, Article 5, Pol'y 5480(B), *Grounds for Short-term Suspension, Long-term Suspension, Expulsion or Mandatory Reassignment* (2010), https://docushare.lps.org/docushare/dsweb/Get/Document-770062/5000%20-%20Students.pdf.
[21] Neb. Rev. Stat. § 79-268(1)-(2) (West 1996).
[22] Neb. Rev. Stat. § 79-269(1) (West 1996).
[23] Neb. Rev. Stat. § 79-278 (West 1996).
[24] Neb. Rev. Stat. § 79-285 (West 1996).
[25] Neb. Rev. Stat. § 79-289(1) (West 1996).
[26] Neb. Rev. Stat. § 43-280 (West 1981).
[27] Neb. Rev. Stat. § 43-2,108.05(2) (West 2016).
[28] *What is "Adjudicated Delinquent?"*, The Common Application: Applicant Solutions Ctr., https://appsupport.commonapp.org/link/portal/33011/33013/Article/778/Adjudicated-delinquency (last visited Dec. 1, 2017).
[29] *See* 20 U.S.C. § 1091(r) (West 2015); *Students with Criminal Convictions Have Limited Eligibility for Federal Student Aid*, Fed. Student Aid, www.studentaid.ed.gov/node/55 (last visited Nov. 10, 2017).

[30] *See* Neb. Rev. Stat. § 43-2,108.05(2) (West 2016).

[31] Neb. Rev. Stat. § 43-280 (West 1981).

[32] Neb. Rev. Stat. § 43-2,108.05(2), (5) (West 2016).

[33] *See generally* 32 C.F.R. § 66.6 (West 2016) (listing the military's basic enlistment rules).

[34] *See* 32 C.F.R. § 66.3 (West 2016); Dep't of the Army, Reg. 601-210, Regular Army & Reserve Components Enlistment Program 14 (Aug. 31, 2016) (providing examples of how the military views sealed or expunged cases).

[35] 8 U.S.C. § 1227(a)(2) (West 2008); 8 U.S.C. § 1182(a)(2) (West 2013).

[36] Immigrant Legal Res. Ctr., Living in the United States: A Guide for Immigrant Youth (2015), www.ilrc.org/sites/default/files/documents/youth_handbook-2015-06_05-en.pdf.

[37] Neb. Rev. Stat. § 43-280 (West 1981).

[38] 24 C.F.R. § 966.4(l)(5)(i)(B), (l)(5)(iii) (West 2017).

[39] 24 C.F.R. §§ 982.553(a)(1)(ii)(C)-(a)(2)(i) (West 2016), 960.204(a)(3)-(4) (West 2017).

[40] Neb. Rev. Stat. § 43-280 (West 1981).

[41] Neb. Rev. Stat. § 43-2,108.05 (West 2016).

[42] 42 U.S.C. § 1437d(k) (West 2013).

[43] Neb. Jud. Branch, Filing Fees and Court Costs (2017), https://supremecourt.nebraska.gov/rules/administrative-policies-schedules/fees.

[44] Neb. Rev. Stat. § 43-286(1)(a)(i) (West 2017).

[45] Neb. Rev. Stat. § 43-252(4) (West 2015).

[46] *Nebraska Sex Offender Registry: Frequently Asked Questions*, Neb. St. Gov't, https://sor.nebraska.gov/FAQ (last visited Nov. 10, 2017).

[47] *See* Neb. Rev. Stat. § 28-720(3)(a) (West 2015).

[48] Neb. Rev. Stat. § 28-720(1) (West 2015).

[49] Neb. Rev. Stat. § 28-719 (West 2014).

[50] Neb. Rev. Stat. §§ 28-726 (West 2014), 28-727 (West 2005).

[51] Neb. Rev. Stat. § 28-721(2)(a) (West 2015).

[52] *Id*.

[53] Neb. Rev. Stat. § 28-721 (West 2015).

[54] *Id*.

[55] Neb. Rev. Stat. § 43-287(1) (West 2012).

[56] Neb. Rev. Stat. §§ 29-112 (West 2005), 43-280 (West 1981).

[57] *Id*.

[58] Neb. Rev. Stat. §§ 28-1204.05, https://nebraskalegislature.gov/laws/statutes.php?statute=28-1204.05 (last visited June 25, 2018).

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## NATIONAL JUVENILE DEFENDER CENTER

The National Juvenile Defender Center (NJDC) is a nonprofit, nonpartisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. Through community building, training, and policy reform, we provide national leadership on juvenile defense issues with a focus on curbing the deprivation of young people's rights in the court system. Our reach extends to urban, suburban, rural, and tribal areas, where we elevate the voices of youth, families, and defenders to create positive case outcomes and meaningful opportunities for children. We also work with broad coalitions to ensure that the reform of juvenile courts includes the protection of children's rights — particularly the right to counsel. To learn more about NJDC, please visit www.njdc.info.

## LEGAL AID OF NEBRASKA

Legal Aid of Nebraska is a statewide organization that serves all 93 counties. They have over 80 employees in eight office locations in Omaha, Bancroft, Lincoln, Norfolk, Grand Island, North Platte, Scottsbluff and Lexington. For more than 50 years, Legal Aid of Nebraska has provided dignity, hope, self-sufficiency and justice through quality civil legal aid. Legal Aid is a problem solver, standing side by side with low income, diverse Nebraskans – enforcing laws, protecting rights, all the while addressing urgent needs and shining a light on what more could be done. To learn more about Legal Aid of Nebraska, please visit www.legalaidofnebraska.org.

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