



Committee for Public Counsel Services
Youth Advocacy Division

Checklist - Consequences of Juvenile Adjudications in Massachusetts

This checklist is for juvenile defenders to use when advising their clients on the effects of an adjudication. Listed are some of the common consequences juveniles face when adjudicated.

- A **felony** charge can trigger school **suspension** and felony adjudication can trigger an **expulsion**. G.L. c. 71 § 37 H ½.
 - Contact the EDLAW Project - 617-988-8347.
 - Get permission from YAD Trial Panel Oversight to represent your client at school hearing - 617-482-6212.
 - Try to get the charge reduced to a misdemeanor.

- A delinquency or youthful offender adjudication can affect your client's **immigration status**.
 - You must advise your client of the possible consequences. *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010).
 - Contact CPCS Immigration Impact Unit – 617-623-0591, iiu@publiccounsel.net .

- If your client is adjudicated on a **sex offense** she can be required to register as a sex offender. G.L. c. 6 § 178E.
 - Does the offense require **sex offender registration**?
 - If so, try and negotiate with the ADA to reduce to a non-registry offense.
 - File a **Motion for Funds for Expert** early on to assist in filing for a Motion for relief from Registry.
 - If the charge is not reduced, and your client is adjudicated, file **Motion for Relief from Registration** if your client is not sentenced to immediate confinement; or negotiate with the ADA to file said motion. Make sure the Motion for Relief from Registration is heard “within 14 days of sentencing.”

 - If your client is placed on probation:
 - The mandatory provision of G.L. c. 265 §47, requiring persons convicted of a sex offense to wear **GPS**, does not apply to juveniles. *Commonwealth v. Hanson H.* 464 Mass. 807 (2013).
 - If your client is placed on pre-trial probation GPS cannot be imposed unless your client consents.
 - GPS can be imposed as a condition of probation, after an individualized determination by the court, that the need for GPS monitoring to protect the safety of others overrides the damage that wearing the device may have on the child's rehabilitation.

 - Delinquency and youthful offender adjudications for “sexual offenses” are considered “convictions” for the **Sexually Dangerous Person (SDP)** law. G.L. c. 123A, §1-16.

- If your client is adjudicated on a drug, alcohol, driving offense, offense involving a motor vehicle, or other offense which require loss of license through statute or through the Registry of Motor Vehicles, advise your client this may affect her ability to obtain or keep a **driver's permit or license**.

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- Juvenile adjudications can affect your client's ability to enter the **military**.
 - Check with a recruiter from the relevant branch to see if the offense will prevent your client from enlisting and whether your client is eligible for a waiver.

- Advise your client that a delinquency adjudication should not affect **employment**.
 - Exception – working with children at summer camps, G.L. c. 6 §172G, and working or volunteering through Department of Early Education and Care. G.L. c. 6 §172F.
 - Certain professional licensing agencies have access to delinquency and YO adjudications. 803 CMR 2.05 (3).
 - There is broader access to YO adjudications.

- If your client lives in **public or subsidized housing** her delinquency charge could lead to eviction. 42 U.S.C § 1437d (l) (6), G.L. c. 121B § 32.

- Youthful Offender and delinquency felony adjudications involving the use of a **weapon** can affect sentencing on **future adult and youthful offender cases**.

- OUI** delinquency adjudication counts as a first offense for subsequent OUI charges.

- Juvenile adjudications resulting in a commitment can affect the **federal sentencing guidelines**.

- Commitment to DYS** can be a factor used for future Youthful Offender indictments.

- If your client is adjudicated as a Youthful Offender, she is subject to the **DNA** database. G.L. c. 22E.

- Delinquency adjudications for certain offenses and youthful offender adjudications can prevent future ability to obtain a **firearm license**. G.L. c. 140 § 122, 129B.

- Student **Financial Aid**.
 - If your client is over age 18 and is convicted of a drug offense while receiving aid, she is ineligible for **federal financial aid** for specified periods of time. 20 USCS § 1091