

WHAT CAN HAPPEN WHEN YOU ARE FOUND TO BE A JUVENILE DELINQUENT IN TENNESSEE?



What is a Juvenile Delinquent Offense?

It is an act that would be a crime if you were an adult. You probably already know the immediate results of getting in trouble with the law as a juvenile. You can be taken into custody, you may have to go to court, and you can be found guilty and be adjudicated as delinquent.

What are the other long-term costs of committing a juvenile offense?

This pamphlet aims to give you a brief overview of the potential other results of committing offenses as a juvenile in Tennessee. For a more in depth discussion, please visit www.beforeyouplea.com/tn.

The Basics

If you're found to be **guilty** of committing an offense in juvenile court, you're adjudicated, not convicted. Only adults in Tennessee, and juveniles tried as adults, can be convicted of a crime.

You may be **transferred to adult criminal court**, tried as an adult and potentially **convicted** if you are 16 or older at the time of the alleged offense **and** the offense, if committed by an adult, would constitute: first degree murder, second degree murder, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, especially aggravated kidnapping, and an attempt to commit any of the above crimes.

Access to your Juvenile Records

Generally, the public is **not** allowed access to your juvenile records. The public **may access** your records if you are 14 or older at the time you've committed the offense and the offense you've committed, if committed by an adult, would constitute: first degree murder, second degree murder, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, and especially aggravated kidnapping.

How Will Being Found a Juvenile Delinquent Affect My Future?

- **Military personnel** will be able to see all of your juvenile history. Juvenile convictions may bar you from enlisting, depending on the nature of the offense.
- Your **school** may be notified of your adjudication and you could be **suspended** or **expelled** for your behavior.
- Your juvenile adjudication could make it harder to get into **college**.
- **If you're applying for financial aid**, you'll have to fill out the Free Application for Federal Student Aid (FAFSA), which asks if you have any drug *convictions*. Since adjudications are not convictions, you may answer "no".
- **A juvenile adjudication could impair your ability to get a job.** Employers differ on whether they ask about juvenile adjudications or just adult convictions. If a potential employer does a background check on you, your juvenile offense will likely come up, unless you've had it expunged. (**For government jobs**, there is no such thing as an expunged record!)
- **A juvenile adjudication could prevent enrollment in Job Corps**
- **Public housing authorities** have the right to **evict your entire family** for an offense you commit as a juvenile, even if the offense does not occur on the public housing property.
- **Sex Offender Registry:** You **must** register on the Sex Offender Registry if found guilty of an offense that, if committed by an adult would be: aggravated rape, rape, rape of a child (victim at least 4 years younger than offender), aggravated rape of a child, and criminal attempt to commit any of these offenses
 - **Consequences of Registry:** **Ineligible** for federally assisted housing AND enlistment in the military
- **Methadone Offender Registry:** You **must** register with the Meth Offender Registry if you are found guilty of an offense that, if committed by an adult, would be manufacture of methamphetamine, or initiation of methamphetamine manufacture.
- **Immigration:** Adjudications and convictions are treated differently by immigration laws. An adjudication can still have **serious consequences**. You may be deported, prohibited from applying for legal status, including getting your green card, lose your visa or lawful status, be barred from re-entry, detained in a secure facility, and lose eligibility for other immigration relief, including Deferred Action for Childhood Arrivals

Can your records be expunged?

Having your records expunged means that you are having them erased. For the most part, it's as if your adjudication never happened. Although you may be able to have your court records expunged...

- Expungement of your *court* record does not apply to law enforcement records. **Files, fingerprints, DNA samples and photographs will remain on law enforcement databases.**
- The fact that you've previously had a record erased may be used to determine whether you are eligible for pre-trial diversion at a later date.



This pamphlet was prepared as a public service by Student Attorneys in the Child and Family Litigation Clinic at the University of Memphis Cecil C. Humphreys School of Law. We hope it is helpful to you.

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