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NEW JERSEY

Juvenile Collateral Consequences Checklist

2015

THE NEW JERSEY JUVENILE COLLATERAL CONSEQUENCES CHECKLIST

Although the Checklist is detailed, it is not necessarily comprehensive. Additionally, statutory amendments, developing case law, and new regulations may render some of the information out-of-date. Defense attorneys who believe a client may face collateral consequences from a juvenile adjudication should confirm the current accuracy of the Checklist's contents and counsel the client accordingly.

Summary of the New Jersey Collateral Consequences Checklist

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|---|---|
| 1. Taking into Custody and Adjudication of Delinquency | Under New Jersey law, taking a juvenile into custody by the police is not considered an arrest and a delinquency adjudication is not a criminal conviction. |
| 2. Employment Opportunities | A young person's ability to obtain employment or acquire licenses for certain professions may be hindered by a delinquency adjudication. |
| 3. Records Open to the Public | While some records of the court and law enforcement agencies related to a juvenile delinquency charge are not available for public inspection, there is a broad range of offenses for which public disclosure is permitted. |
| 4. Juvenile Court Closed to the Public | Juvenile hearings are presumptively closed to the public. |
| 5. Public Housing | A delinquency adjudication may affect access to public housing. |

6. Driver's License	A juvenile's driver's license may be suspended or revoked as a result of a delinquency adjudication for driving and drug-related offenses.
7. Access to Schools	Young people may be suspended or expelled from school for delinquency adjudications for certain offenses, and information about delinquency adjudications will be shared with school officials.
8. Military	A delinquency adjudication may affect a young person's ability to enlist in the military.
9. Access to Higher Education	A delinquency adjudication may need to be reported on some college applications but does not bar access to federal financial aid unless it involves drug activity.
10. Carrying a Firearm	Young people adjudicated delinquent of certain serious offenses involving a firearm will be prevented from carrying a firearm when otherwise legally permitted to do so.
11. Fines, Court Costs, and Restitution	Young people who are adjudicated delinquent are required to pay fines and court costs and may be required to pay restitution.
12. Adult Sentencing	A young person's delinquency record can affect sentencing for criminal convictions as an adult.
13. Sex Offense Registration	Juvenile sexual offenders are required to register in the same manner as adults.

14. DNA Samples	Young people adjudicated delinquent or arrested for certain serious offenses are required to submit a DNA sample to the State DNA database.
15. Expungement	Juvenile records may be expunged a certain number of years after the child's discharge from court supervision, depending on the nature of the offense and the child's record.
16. Voting	A young person who turns 18 is able to register and vote, despite an adjudication of delinquency for any offense.
17. Jury Service	A young person who turns 18 is able to serve on a jury, despite an adjudication of delinquency for any offense.
18. Immigration Status	A delinquency adjudication can affect a young person's immigration status.

1. Is the taking of a juvenile into custody by the police considered an arrest? Is an adjudication of juvenile delinquency a criminal conviction?

No. Under New Jersey law, the taking of a juvenile into custody is not construed as an arrest and a delinquency adjudication is not considered a criminal conviction.¹ However, delinquency adjudications may be treated like adult criminal convictions in some situations. See Question 12.

¹ N.J.S.A. 2A:4A-31(c) and 2A:4A-48 (2015).

2. Will an adjudication of delinquency affect employment opportunities?

Juvenile records are generally not available for public inspection, but can be disclosed to some agencies and parties enumerated by statute.² Employers are not among those agencies and parties. However, there is no statute that prohibits employers from asking an individual about juvenile adjudications, unless those records have been pardoned or expunged.³ Information about certain sex offenses can also be found on the internet.⁴ See Question 13. Additionally, law enforcement can access juvenile records⁵ and can automatically disqualify any applicant with an adjudication of juvenile delinquency.⁶

Some types of employment require professional licenses. Criminal history checks conducted by licensing agencies do not include juvenile delinquency adjudications, unless the juvenile is listed as a sex offender or was charged as an adult.⁷ However, there is no absolute bar against an agency asking an individual about a juvenile record.

3. Are adjudications of delinquency public knowledge?

Generally, all court and law enforcement records pertaining to juveniles charged as delinquent are “strictly safeguarded” and not available for public inspection.⁸ However, these confidentiality protections are not absolute. Records are available to certain parties named by statute, including interested parties or agencies who can show good cause.⁹ If a juvenile is adjudicated delinquent for certain serious offenses—namely, if the offense was aggravated assault or property damage amounting to more than \$500, or if the offense would have constituted a first, second, or third degree crime if committed by an adult—information about the juvenile’s identity and the case will be disclosed

² N.J.S.A. 2A:4A-60 (2015).

³ N.J.S.A. 34:6B-14(c) (2015).

⁴ New Jersey State Police, *Common Questions About Megan’s Law*, available at: www.state.nj.us/njsp/spoff/faq.html.

⁵ N.J.S.A. 2A:4A-60(a)(12) (2015).

⁶ New Jersey State Police, *Disqualification Information*, available at: www.state.nj.us/njsp/recruit/disqual.html.

⁷ State of New Jersey Department of Education, *Criminal History Review*, available at: www.state.nj.us/education/educators/crimhist/faq.htm.

⁸ N.J.S.A. 2A:4A-60(a) (2015).

⁹ N.J.S.A. 2A:4A-60 (2015).

to the public unless the juvenile shows a substantial likelihood that the disclosure would cause extraordinary harm.¹⁰ If a young person is required to register as a sex offender, his or her name, address, and offense may be available to certain community members¹¹ and, in certain cases, published on the internet.¹² See Question 13. Juvenile records can also be made available to a juvenile's school principal and other members of the school staff and faculty. Information about a juvenile delinquency charge must be provided to school authorities in some situations, and may be disclosed whenever law enforcement believes it may be important for school safety or the juvenile's educational development.¹³ See Question 7.

4. Are hearings in juvenile court open to the public?

Not generally. Absent a specific request, every delinquency hearing is conducted in private with only those directly involved in the case present. The court may allow public attendance at the request of the young person, his or her parent or guardian, the prosecutor, or other interested parties, provided there is not a substantial likelihood of specific harm to the young person.¹⁴ The judge may also admit parties interested in the work of the court as long as they agree not to impermissibly record or disclose names, photographs, or other identifying information of those involved in the proceeding.¹⁵ For more information, see www.rcfp.org/secret-justice-access-juvenile-justice/state-state-guide/new-jersey.

5. Will public assistance benefits and public housing be affected by an adjudication of juvenile delinquency?

A delinquency adjudication can affect eligibility for public benefits and housing. Public housing authorities have the right to evict families of children adjudicated of certain delinquency offenses, such as those

¹⁰ N.J.S.A. 2A:4A-60(f) (2015).

¹¹ N.J.S.A. 2C:7-2 (2015).

¹² N.J.S.A. 2C:7-13 (2015).

¹³ N.J.S.A. 2A:4A-60 (c)-(e) (2015).

¹⁴ N.J.S.A. 2A:4A-60(i)(1) (2015).

¹⁵ N.J. Ct. R. 5:19-2; see *State in the Interest of Presha*, 291 N.J. Super. 454 (App. Div. 1995) (juvenile has the burden of establishing substantial likelihood of specific harm).

who commit a drug offense on the premises.¹⁶ A housing provider may exclude a household where a member has recently engaged in drug-related activity or violent criminal activity, or any criminal activity that would impact the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or public housing agency employees.¹⁷ Any household member convicted of producing methamphetamine on the premises of a federally-assisted housing program, as a juvenile or as an adult, will be banned permanently from public housing.¹⁸ Additionally, federal guidelines dictate that any juvenile who must register as a sex offender is forever banned from public housing.¹⁹

When considering whether to admit a household that was formerly rejected due to a member's illegal drug usage, the housing provider may consider a member's rehabilitation as evidenced by completing or participating in treatment.²⁰

6. Will an adjudication of juvenile delinquency affect driving privileges?

The court may postpone, suspend, or revoke a young person's driver's license for up to two years if the young person used a motor vehicle in the course of committing a delinquent act,²¹ or for up to one year following a first graffiti offense and two years following a subsequent offense.²² The court must suspend or postpone a young person's driving privileges for at least six months for drug or drug paraphernalia-related offenses, unless it finds that revocation of driving privileges will cause extreme hardship.²³ Loss of driving privileges is also mandatory if a young person is found to have committed the offense of false public alarms.²⁴ If a young person is not yet eligible to drive at the time the court

¹⁶ *HUD v. Rucker*, 535 U.S. 125, 133-136 (2002).

¹⁷ 24 C.F.R. § 966.4(l)(5)(l)(B) (2015); see also 24 C.F.R. § 966.4(l)(5)(i)(A) (2015).

¹⁸ 42 U.S.C. 1437n(f)(1) (2015); see also 24 C.F.R. § 966.4(l)(5)(i)(A) (2015).

¹⁹ 42 U.S.C. 13663(a) (2015).

²⁰ 42 U.S.C. 13661(b)(2) (2015); see also 24 C.F.R. § 982.553(a)(1)(i)(A) (2015) (The household may be readmitted if "the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the [public housing authority]").

²¹ N.J.S.A. 2A:4A-43(b)(17) (2015).

²² N.J.S.A. 2A:4A-43.3 (2015).

²³ See N.J.S.A. 2C:35-16 (2015).

²⁴ N.J.S.A. 2C:33-3.1(a)(2015).

imposes the suspension, the suspension will begin when she or he first becomes eligible for driving privileges. In addition, anyone whose license has been suspended must pay a reinstatement fee before the suspension will be lifted.

7. Will an adjudication of juvenile delinquency restrict access to high schools or high-school level technical or trade schools?

New Jersey law grants all students between 5 and 20 the right to a “thorough and efficient education.”²⁵ Nevertheless, students may be suspended or expelled for certain statutorily enumerated activities that threaten the safety, security, or discipline of themselves, school faculty staff, or property.²⁶ A delinquency adjudication is not itself grounds for suspension or expulsion; however, if the offense takes place on school grounds, it is likely that the child will be disciplined by school authorities. School officials are permitted to discipline students for off-grounds actions when the action “materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.”²⁷ School authorities may still suspend or expel the child for off-grounds or off-hours actions if it is “reasonably necessary” for the safety of the student or those around the student.²⁸

Any student convicted or adjudicated delinquent for firearm possession, or for committing a crime while armed with a firearm on school property, a school bus, or a school-sponsored function, will be immediately suspended and, after a hearing before the local board of education, removed from the regular education program for at least one calendar year.²⁹ Students have some due process rights at these hearings,³⁰ including the right to legal representation.³¹ A student who commits assault with a weapon on any teacher, administrator, board member, or other school employee on school property will also be

²⁵ N.J.S.A. 18A:6-33.8 (2015); N.J.S.A. 18A:38-1 (2015); N.J.A.C. 6A:22-3.1 (2015).

²⁶ See generally N.J.S.A. 18A:37-2 (2015).

²⁷ N.J.A.C. 6A:16-7.5(a)(2) (2015).

²⁸ N.J.A.C. 6A:16-7.5(a)(1) (2015).

²⁹ N.J.S.A. 18A:37-8 (2015).

³⁰ See *Tibbs v. Board of Ed. Of Franklin Tp., Somerset County*, 59 N.J. 506 (1971).

³¹ N.J.A.C. 6A:16-7.3(A)(8).

immediately removed from the regular education program pending a hearing.³² In the above situations, the student will be placed into an alternative education program or provided with home instruction.³³ Before a student returns to a normal education environment, a school's chief administrator must determine whether the student is ready.³⁴

8. Can a young man or young woman enlist in the military if he or she has been adjudicated delinquent?

A delinquency adjudication is considered an “adverse disposition” that must be reported under Army regulations.³⁵ The Air Force, Navy, and Marines examine delinquency adjudications on a case-by-case basis.³⁶ Military recruiters may assist young recruits in getting their juvenile records expunged as long as the records are not lengthy or serious. Those with adult felony convictions are not eligible for the military without special approval from the Secretary of Defense.³⁷ Contact your recruiter with specific questions.

9. Will an adjudication of juvenile delinquency restrict access to higher education, including colleges, vocational schools, technical schools, or trade schools?

A delinquency adjudication does not bar access to higher education but may be considered by some institutions when deciding whether or not to admit an applicant. If the institution's application asks about arrest history, in New Jersey an applicant does not need to disclose juvenile arrests because under New Jersey law taking a juvenile into custody is not construed to be an arrest.³⁸ An increasing number of institutions accept the Common Application. Applicants who have been adjudicated delinquent should answer “yes” to the question

³² N.J.S.A. 18A:37-2.2 (2015).

³³ *Id.*

³⁴ N.J.S.A. 18A:37-2.5 (2015).

³⁵ Army Regulation 601-210, 38-39, available at: www.apd.army.mil/pdf/files/r601_210.pdf.

³⁶ See Air Force Instruction 36-2002, at 35-38 attachment 3 (1999), available at: static.epublishing.af.mil/production/1/af_a1/publication/afi36-2002/afi36-2002.pdf; Navy Recruiting Manual-Enlisted 2-95-2-98 (2002), available at: usmilitary.about.com/library/pdf/navrecruit.pdf; 2 Military Personnel Procurement Manual, MCO P1100, 72C 3-95-3-105 (2004), available at: www.marines.mil/Portals/59/Publications/MCO%20P1100.72C%20W%20ERRATUM.pdf.

³⁷ 10 U.S.C. 504(a) (2015).

³⁸ N.J.S.A. 2A:4A-31(c) (2015).

on the Common Application about the applicant's criminal history because the explanatory material specifically states that "'adjudicated delinquent' is the juvenile equivalent of adjudicated guilty."³⁹ However, you can answer "no" if the adjudication has been sealed, expunged, or otherwise removed from the record. The Common Application also asks about school disciplinary violations, which may include the incident that gave rise to a juvenile adjudication.

Students with juvenile records will generally be eligible for federal financial aid. Because a juvenile adjudication is not a criminal conviction, a student with only juvenile adjudications may answer "no" to questions asking about criminal convictions. However, a criminal conviction for possession or selling illegal drugs while receiving federal student grants, loans, or work-study can restrict access to federal financial aid.⁴⁰

10. Can an adjudication of juvenile delinquency affect the ability of a person to obtain a license to carry a firearm?

Yes. Individuals who, as juveniles, were adjudicated delinquent for offenses involving the unlawful use of a weapon that would constitute a crime if committed by an adult, or for certain serious enumerated offenses, cannot obtain a handgun purchase permit or a firearms purchaser identification card.⁴¹

11. Does a delinquency adjudication lead to monetary penalties?

Children who are adjudicated delinquent may be required to pay fines. Youth may also be required to pay restitution;⁴³ for example, a young person may have to pay restitution or perform community service for certain offenses involving bodily violence or property damage.⁴⁴

³⁹ The Common Application "Adjudicated Delinquency" definition available at: appsupport.commonapp.org/link/portal/33011/33013/Article/778/Adjudicated-delinquency. It is important for youth to be aware of the discrepancy between the requirements of the Common Application (and similar applications) and NJ law, which does not consider an adjudication of delinquency a crime and does not consider the taking of a juvenile into custody an arrest.

⁴⁰ See 20 U.S.C. 1091(r) (2015); see also Federal Student Aid, Students with Criminal Convictions, available at: studentaid.ed.gov/node/55.

⁴¹ N.J.S.A. 2C:58-3(c)(7) (2015).

⁴² N.J.S.A. 2A:4A-43(b)(8) (2015).

⁴³ N.J.S.A. 2A:4A-43(b)(9) (2015).

⁴⁴ N.J.S.A. 2A:4A-43.2 (2015).

Whenever appropriate, the defense attorney should argue that a child does not have the ability to pay a fine or restitution due to age or financial circumstances and advocate for a reasonable payment plan for all monetary penalties.

12. How will an adjudication of juvenile delinquency affect adult criminal cases?

Although juvenile adjudications are not considered prior convictions under predicate sentencing laws, prosecutors and courts can consider them for purposes of adult sentencing,⁴⁵ bail,⁴⁶ and plea offers.

13. Will an adjudication of juvenile delinquency for a sex offense subject a juvenile to registration as a sex offender?

Yes.⁴⁷ A youth adjudicated delinquent as a sex offender must register in the same manner as an adult.⁴⁸

The New Jersey Sex Offender Registry is a three-tier system, where Tier One offenders are considered low-risk and Tier Three are considered high-risk.⁴⁹ Only law enforcement agencies are notified of Tier One offenders; schools, day care centers, camps, and community organizations may be notified of Tier Two offenders.⁵⁰ Most Tier Two offenders appear on the New Jersey Sex Offender Registry, but an exception can be made for juveniles who committed a “sole sex offense.”⁵¹ In addition to the notification requirements of the lower tiers, notification of Tier Three offenders will also be provided to community members.⁵² Only Tier Three juvenile offenders, and Tier Two juvenile offenders who do not qualify for the “sole sex offense” exception as

⁴⁵ N.J.S.A. 2C:44-1(a)(6), (b)(7) (2015); *State v. Pindale*, 249 N.J.Super. 266, 288-89 (App. Div.1991).

⁴⁶ See *State v. Johnson*, 61 N.J. 351, 364 (1972) (court may consider “any...factors indicating defendant’s mode of life or ties to community or bearing on risk of failure to appear” in setting bail).

⁴⁷ Note that moving out of state may impact a youth’s probation and/or registry requirements. A youth should contact his/her attorney or probation officer to discuss the implications of moving on the youth’s probation and/or registry requirements prior to the move.

⁴⁸ New Jersey State Police, *Common Questions About Megan’s Law*, available at: www.state.nj.us/njsp/spoff/faq.html; see also N.J.S.A. 2C:7-2(b)(2)-(3) (2015).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ N.J.S.A. 2C:7-13 (2015).

⁵² *Id.*

noted above, will have their information available on the internet.⁵³ All three levels of notification include the offender's name, description, photograph, address, place of employment or school, vehicle and license plate information, and brief description of the offense.⁵⁴

Offenders may apply for removal from the registry 15 years after conviction or release, upon proof that they have not committed any new offenses and are not likely to pose a threat to public safety.⁵⁵ In addition, a child who committed his or her offense prior to the age of 14 can file a motion seeking release from registration obligations after turning 18.⁵⁶ Juveniles who are approaching their 18th birthday are encouraged to contact the NJ Office of the Public Defender for advice and representation regarding application to be released from the registry after turning 18. If the court finds, on the basis of clear and convincing evidence, that the young person is not likely to pose a threat to the safety of others, it must grant the motion.⁵⁷

14. Does an adjudication of juvenile delinquency mandate that the child submit a DNA sample that will be kept by law enforcement?

Yes. Every young person adjudicated delinquent, or adjudicated not delinquent by reason of insanity, for an offense that would be considered a crime if committed by an adult must provide a blood or other DNA sample before being released from custody.⁵⁸ If the young person is not held in custody, the court must order a DNA sample as a condition of disposition.⁵⁹ The sample is analyzed and stored in the State's DNA data bank. If the charges are dismissed on appeal, the young person can apply to have the sample expunged from the data bank.⁶⁰

⁵³ New Jersey State Police, *Common Questions About Megan's Law*, available at: www.state.nj.us/njsp/spoff/faq.html.

⁵⁴ *Id.*

⁵⁵ N.J.S.A. 2C:7-2(f) (2015).

⁵⁶ New Jersey State Police, *Common Questions About Megan's Law*, available at: www.state.nj.us/njsp/spoff/faq.html.

⁵⁷ See *State in the Interest of Registrant J.G.*, 169 N.J. 304, 337 (2001).

⁵⁸ N.J.S.A. 53:1-20.20(h) (2015).

⁵⁹ *Id.*

⁶⁰ N.J.S.A. 53:1-20.25 (2015).

15. Can an adjudication of juvenile delinquency be expunged?

In certain situations, young people may have their juvenile records expunged.⁶¹ An expunged record is physically isolated from other court and agency files and cannot be accessed on court or criminal history databases maintained by the State of New Jersey, with limited exceptions. A New Jersey court cannot order the FBI or other federal law enforcement agencies to expunge their records, although they often do as a matter of courtesy.⁶² An expunged case is deemed not to have occurred, and the young person generally may answer “no” if asked whether she or he was ever arrested or adjudicated delinquent for that offense.⁶³ Expungements thus afford young people additional confidentiality protections.

Whether and when a juvenile record can be expunged depends on the nature and disposition of the underlying offense(s). Arrests and complaints that do not lead to delinquency adjudications can generally be expunged at any time; the exception is if the disposition was part of a plea bargain for a different charge or if it resulted from a finding of insanity or lack of capacity.⁶⁴

Young people with delinquency adjudications can have their records expunged 10 years after completing their sentences if (1) the underlying offense is not excluded from the statute; (2) they have not been found guilty of any other crimes; and (3) they have not been found guilty of more than two disorderly or petty disorderly persons offenses.⁶⁵ If a young person’s delinquency record consists only of three disorderly or petty disorderly persons offenses, she or he can move for expungement after five years if he or she has not been convicted of any crimes as an adult.⁶⁶

⁶¹ N.J.S.A. 2C:52-4.1 (2015).

⁶² N.J.S.A. 2C:52-1, -15 (2015).

⁶³ See N.J.S.A. 2C:52-27 (2015).

⁶⁴ N.J.S.A. 2C:52-6 (2015).

⁶⁵ N.J.S.A. 2C:52-2 (2015).

⁶⁶ N.J.S.A. 2C:52-3 (2015).

In addition to these avenues, a person who has been adjudicated delinquent may have his or her entire delinquency record expunged if: (1) five years have elapsed since his or her final discharge from juvenile court custody or supervision; (2) he or she has not been convicted of an adult offense or adjudicated delinquent during that five-year period; (3) he or she was not adjudicated delinquent on the basis of a crime otherwise excluded from the expungement statute; (4) he or she has never had an adult conviction expunged; and (5) he or she has never had an adult charge dismissed as a result of participation in pre-trial intervention or another diversion program.⁶⁷

Expungements are not granted automatically. A person seeking an expungement must file a petition in the New Jersey Superior Court. Detailed information about how to file expungement petitions is available at: www.judiciary.state.nj.us/prose/index.htm.

16. Will a young person who has been adjudicated delinquent be allowed to vote?

Yes, because a delinquency adjudication is not a conviction. An 18-year-old who is completing terms of a treatment, rehabilitation, or supervision for a delinquency adjudication is permitted to vote regardless of whether the adjudication is for conduct that would be a felony or misdemeanor if committed by an adult, and can vote while in placement.

For the limitations on voting and registration for persons with criminal convictions, see N.J.S.A. 19:4-1(8) (2015), or www.aclu-nj.org/theissues/electionsvoting/registeringtovoteinnjafter/.

17. Will an adjudication of juvenile delinquency affect jury service?

No. A citizen who has been convicted of a crime may not serve as a juror, but a person adjudicated delinquent may serve on a jury upon reaching the age of 18.⁶⁸

⁶⁷ N.J.S.A. 2c: 52-4.1(b) (2015).

⁶⁸ N.J.S.A. 2C:w51-2(b) (2015).

18. How will an adjudication of juvenile delinquency affect a young person's immigration status?

Assessing the immigration consequences of delinquency adjudications is very complicated. Juvenile defense attorneys should seek advice from an immigration attorney with relevant experience before entering an admission or proceeding to an adjudicatory hearing on behalf of an immigrant client. In most cases, a delinquency adjudication is not a criminal conviction for immigration purposes and will not automatically trigger immigration consequences. However, some delinquency adjudications are deemed “bad conduct,” and can trigger penalties such as ineligibility for legal immigrant status and the possibility of deportation.

Offenses constituting “bad conduct” include, but are not limited to:

- Drug trafficking (transfer, passage, or delivery)⁶⁹
- Drug abuse or addiction⁷⁰
- Violation of an order of protection⁷¹
- Prostitution⁷²
- False claim to U.S. citizenship⁷³

On March 31, 2010, the United States Supreme Court issued a landmark decision in *Padilla v. Kentucky*.⁷⁴ The Court found that criminal defendants must be advised of the immigration consequences of their criminal charges. Juvenile defense attorneys should comply with *Padilla* by investigating and advising their clients of the immigration consequences of delinquency adjudications.

In addition to the direct immigration consequences of delinquent activity, any child without current legal status, sometimes called an undocumented child, can be subject to removal proceedings. Involvement in the juvenile justice system clearly places a child at risk of detection by federal authorities. If Immigration and Customs

⁶⁹ 8 U.S.C. 1182(a)(2)(C) (2015).

⁷⁰ 8 U.S.C. 1182(a)(1)(A)(iv) (2015).

⁷¹ 8 U.S.C. 1227(a)(2)(E)(ii) (2015).

⁷² 8 U.S.C. 1182(a)(2)(D) (2015).

⁷³ 8 U.S.C. 1182(a)(6)(C), 1182(a)(6)(F) (2015).

⁷⁴ *Padilla v. Kentucky*, 130 S.Ct. 1473 (2010).

Enforcement (ICE) officials become aware that a child, regardless of age, lacks legal status, they may file an immigration “hold” or “detainer” with the facility or law enforcement agency that has custody of the child and may take custody upon his or her release. Though non-citizen children have the 5th Amendment right to refrain from speaking to ICE officials or signing forms, detention facility staff may allow ICE officials to conduct interviews of children without informing their lawyers. Attorneys who represent noncitizen children should advise them against speaking to ICE officials unless they are represented by attorneys with expertise in immigration law.

Undocumented immigrant children who have been abused, neglected, or abandoned may be eligible for Special Immigrant Juvenile Status (SIJS) if one (or both) of the child’s parents has been found to be abusive/neglectful and/or are missing. Anyone with an immigrant juvenile client under DCCP protection should seek further guidance on this issue. This is true even with clients with or pending most types of adjudications (provided the client remains in juvenile court).

For additional resources and practice advisories on the impact of this decision, please visit www.defendingimmigrants.org.

New Jersey Office of the Public Defender Regional Offices

County	Telephone
Atlantic	(609) 625-9111
Bergen	(201) 996-8030
Burlington	(609) 518-3060
Camden	(856) 614-3500
Cape May	(609) 465-3101
Cumberland	(856) 453-1568
Essex	(973) 648-3470
Gloucester	(856) 853-4188
Hudson	(201) 795-8922
Hunterdon	(908) 782-1082
Mercer	(609) 292-4081
Middlesex	(732) 937-6400
Monmouth	(732) 308-4320
Morris	(973) 631-6260
Ocean	(732) 286-6400
Passaic	(973) 977-4150
Salem	(856) 935-2212
Somerset	(908) 704-3020
Sussex	(973) 383-9445
Union	(908) 820-3070
Warren	(908) 475-5183

NORTHEAST JUVENILE DEFENDER CENTER

The Northeast Juvenile Defender Center is the regional center responsible for providing technical assistance and coordinating juvenile defender training and reform efforts in Delaware, New Jersey, New York, and Pennsylvania.

The Northeast Juvenile Defender Center is one of nine regional centers that collaborate with the National Juvenile Defender Center (NJDC). NJDC is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs and non-profit law centers to ensure quality representation in urban, suburban, rural and tribal areas. NJDC offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building and coordination.

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Howard Adelman, Esq.

Harold Katz, Esq.

Cynthia Samuels, Esq.

Lisa M. Geis, Esq.

Stella Lyubarsky, Esq.

Joseph E. Krakora,

New Jersey Public Defender

Lorraine M. Augustini, Esq.,

*New Jersey Assistant Public
Defender*

The New Jersey Juvenile Collateral Consequences Checklist will be periodically updated to reflect changes in the law and practice. Please forward questions and comments to:

Prof. Laura Cohen
Rutgers – Law School
123 Washington Street
Newark, NJ 07012
(973) 353-3187
lcohen@kinoy.rutgers.edu

Prof. Sandra Simkins
Rutgers – Law School
217 N. 5th Street
Camden, NJ 08102
(856) 225-6646
ssimkins@camden.rutgers.edu

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