DISQUALIFICATION SUBCOMMITTEE UPDATE
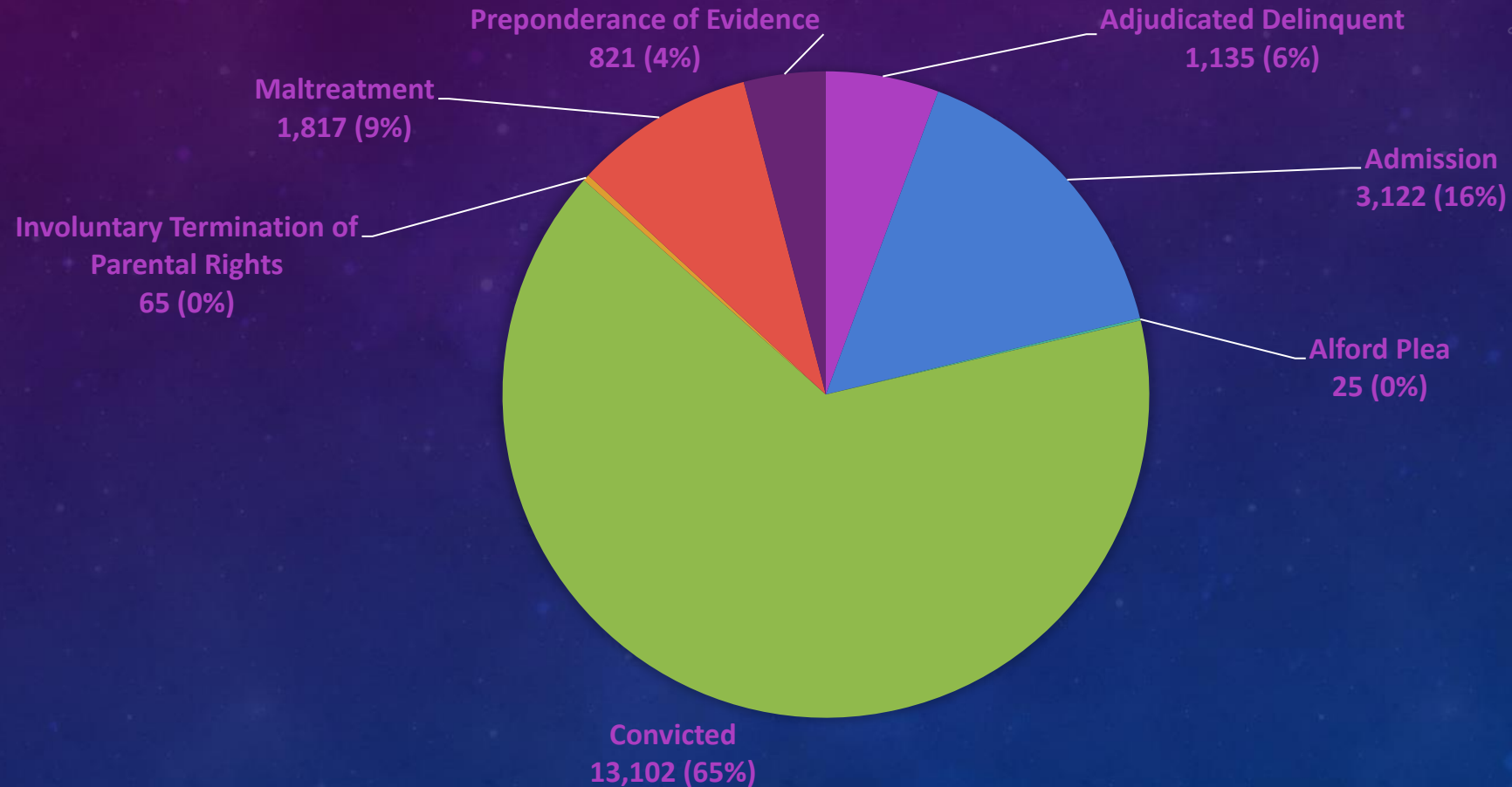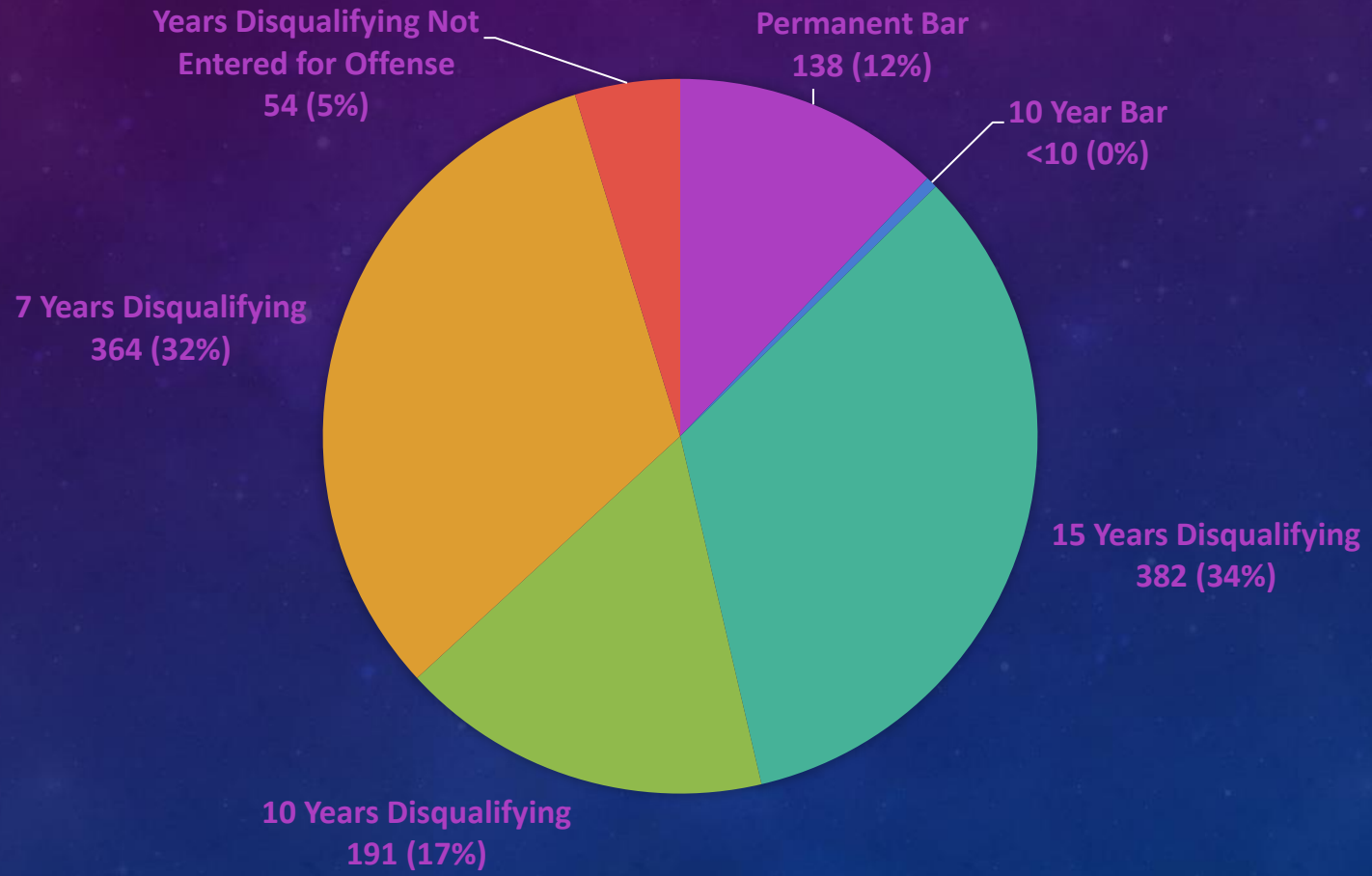
JUVENILE MATTERS

EVIDENTIARY STANDARD FOR DISQUALIFICATION, 2019
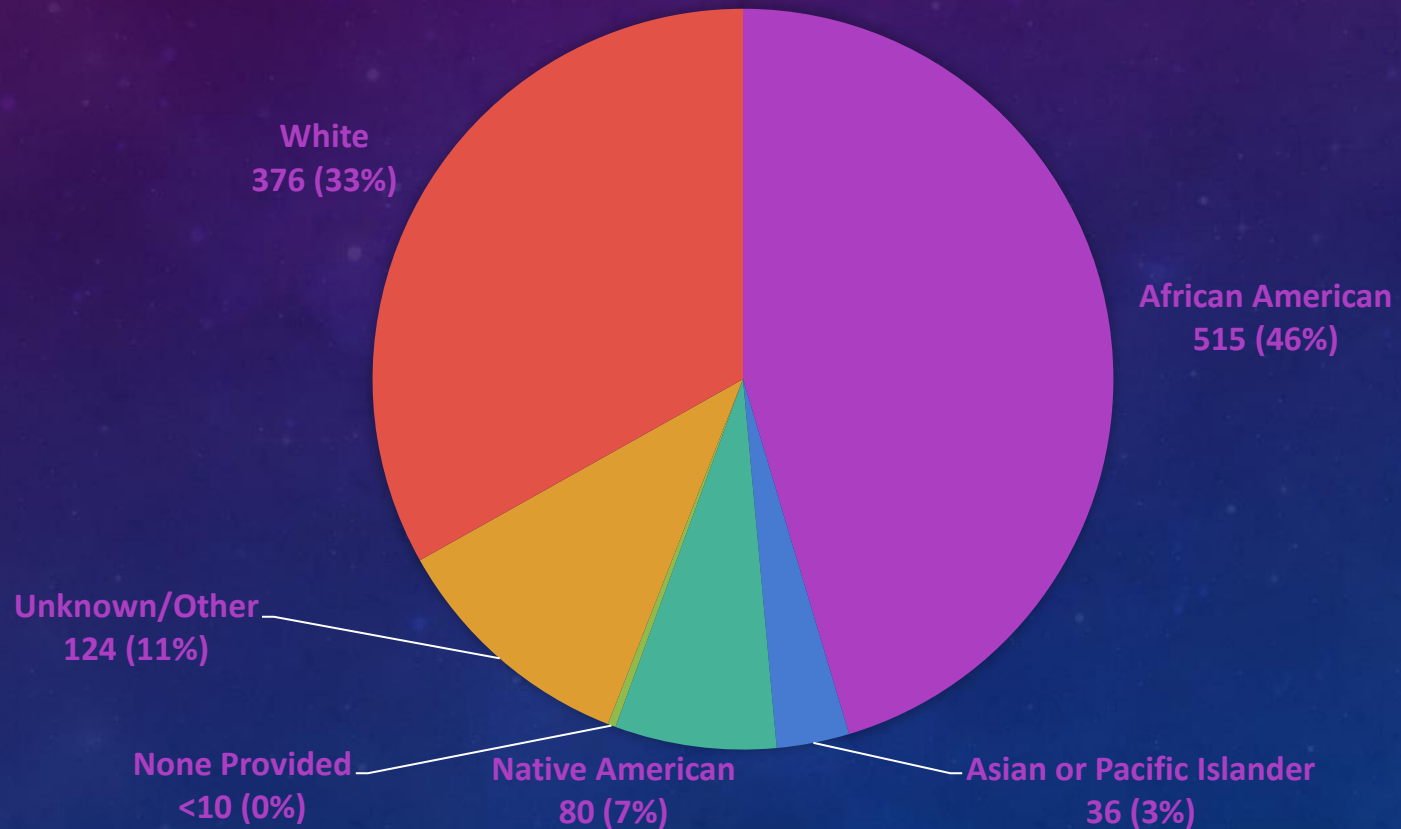(TOTAL: 20,087)

Preponderance of Evidence
821 (4%)

Adjudicated Delinquent
1,135 (6%)

Maltreatment
1,817 (9%)

Admission
3,122 (16%)

Involuntary Termination of
Parental Rights
65 (0%)

Alford Plea
25 (0%)

Convicted
13,102 (65%)

DISQUALIFICATIONS BASED ON ADJUDICATION OF DELINQUENCY, BY LOOKBACK PERIOD- 2019 (TOTAL: 1,135)

Years Disqualifying Not Entered for Offense
54 (5%)

Permanent Bar
138 (12%)

10 Year Bar
<10 (0%)

7 Years Disqualifying
364 (32%)

15 Years Disqualifying
382 (34%)

10 Years Disqualifying
191 (17%)

DISQUALIFICATIONS BASED ON ADJUDICATION OF DELINQUENCY, BY RACE- 2019 (TOTAL: 1,135)

White
376 (33%)

African American
515 (46%)

Unknown/Other
124 (11%)

None Provided
<10 (0%)

Native American
80 (7%)

Asian or Pacific Islander
36 (3%)

REFRESHER – PAST IDEAS

- Prohibit disqualification on juvenile records after juvenile supervision ends
- Prohibit disqualifications based on juvenile records for offenses committed under the age of 14
- Only use convictions (tried as an adult) and extended juvenile jurisdiction (EJJ) cases for disqualification determinations
- Mirror the beginning date for the lookback periods used in the recent foster care licensing statute (eg, beginning the lookback period at the time of the offense, the time probation ends, etc).
- Permit DHS to set-aside a permanent disqualification if said DQ was based on a juvenile record.

NEW IDEA

- The suggestion involves cases where a person has a juvenile matter that remained within juvenile court and thus DOES NOT include the more serious cases routed through extended juvenile jurisdiction (EJJ) or where the person was tried as an adult. In these juvenile cases, regardless of the disqualifying offense, the individuals is disqualified for 5 years.

WHY 5 YEARS?

- Consistent with Adam Walsh Act.

CONSISTENT WITH SAFETY.

- If a juvenile reoffends in those 5 years, they will be DQ'd based on those actions. If the juvenile does not reoffend, it reflects a maturation consistent with brain science and reduction of risk of harm.

EXAMPLE.

- In 2013, a fifteen-year-old juvenile is adjudicated delinquent for attempted burglary at a closed convenience store. He completed the terms of his court obligations on January 1, 2015, when he was 17 years old. JV has not had any subsequent problems with the law. JV applies for a job as a PCA on January 2, 2022. He is not disqualified as his DQ expired on January 1, 2020 (5 years after his release from supervision).

- Questions?