

JUVENILE RECORDS FACT SHEET

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**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Youth with a delinquency history face unique challenges when entering the workforce. Outlined below you will find guidance regarding confidential records, and youth self-disclosure.

DEFINITIONS

Charge - a formal accusation made by a governmental authority (usually the public prosecutor or the police) asserting that somebody has committed a crime.

Conviction - a formal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law. This results in a permanent criminal record.

Adjudication - a formal decision by the court that a juvenile is guilty of a criminal offense. This results in a sealed record of juvenile delinquency.

Sealed Records - This refers to the confidential nature of a juvenile's history of delinquency. This applies to court, and all other agency records.

COMMON QUESTIONS

Isn't my record
Expunged?

Youth often think that expunged means their criminal record goes away. This is not the case. Juvenile records are sealed, not expunged. One way to explain this to participants with a juvenile record is: "Your record still exists, it's just locked where nobody can see it. There are, however, people who have the keys to it. The court can open your record if they have a warranted reason such as a potential employer's request."

Who can see
my record?

The court. The court is the only entity that can authorize the release of juvenile records. Any entity that wants to see a youth's record, or release records, must first get the court's permission.

Certain employers may be able to access a youth's sealed record through a court order if the youth consents to a background check. Examples include: Healthcare (i.e., hospitals, geriatric care facilities, and clinics); any branch of the military; any law enforcement agency; and many education institutions. The rule of thumb to remember is if the position a youth is applying for has responsibility for, or frequent contact with, vulnerable individuals, the court will likely open a juvenile record for the employer.

What will a
background
check reveal?

Records of charges and adjudications for offenses committed while a minor will not appear on a standard background check (except for traffic violations). If an employer wants to see a juvenile record, they must specifically petition the court to open the record.

COMMON QUESTIONS

What should I put on my application?

This depends on the application. If the wording on the application states "Have you been *convicted* of a felony or misdemeanor?" a participant with a sealed juvenile record may answer no. ***Juvenile offenses are adjudicated, not convicted.***

If the application reads, "Have you been *charged* with a felony or misdemeanor?" The correct and honest answer is yes.

Whereas a juvenile record may not be used in most cases to disqualify an applicant, lying on an application can. This should be carefully explained to participants. Especially if the employer is able to petition the court to open a juvenile record.

What should I tell my employer?

Individuals with juvenile records are never ***required*** to disclose their records to anyone. If the participant believes their potential employer may gain access to their records, it may be in their best interest to inform the employer beforehand. This is a good scenario to go over during interview practice.

TALKING TO EMPLOYERS

If a youth participant is applying for a job and he or she believes their juvenile record will be opened or an employer is asking about their charges, they may require some assistance in how to disclose it to a potential employer. Here is an example of what we can tell youth:

Tell the employer...

WHAT HAPPENED

First, tell the employer the truth. Be honest and up front about your criminal history. It's better for an employer to hear about a criminal record from you, than from the court. You don't want to seem like you're trying to hide it.

WHAT I'VE DONE

Second, tell the employer what you've accomplished. For example, "In 2015 I had a real wake up call when I was arrested and sent to treatment. During treatment I learned a lot about myself, my drug use, and my strengths. It was a great opportunity for me to take inventory of my life and make some big changes."

WHERE I'M GOING

Third, tell the employer what insight and strengths you've gained from your past, and what your goals are moving forward. Explain specific ways you've grown and learned from your past mistakes. Tell employers how these strengths will benefit their organization.

ADDITIONAL RESOURCES

ALASKA DEPARTMENT OF PUBLIC SAFETY RECORDS INFORMATION.

dps.alaska.gov/Statewide/R-I/Background/FAQ

EFFECT OF ADJUDICATION

Alaska Statute 47.12.180

COURT RECORDS

Alaska Statute 47.12.300

AGENCY RECORDS

Alaska Statute 47.12.310

BARRIER CRIME MATRIX

dhss.alaska.gov/ocs/Documents/BarrierCrimeMatrix.pdf