

## **INFORMATION FOR 16 AND 17 YEAR OLDS CHARGED IN CRIMINAL COURT<sup>1</sup>**

Vermont law authorizes the prosecutor (State's Attorney) to file charges against 16 and 17 year olds either in adult or in juvenile court. If you are receiving this information sheet, the prosecutor has decided to charge you in adult court (also called "Superior Court – Criminal Division").

You have a right to request a transfer of your case to juvenile court, either as a regular transfer (where the court's jurisdiction ends at age 18, or in some cases, 18.5) or as a youthful offender transfer (where the court's jurisdiction can extend up to age 22). The main benefit of a transfer to juvenile court is that if you are found guilty, you have a civil adjudication of *delinquency* and do not end up with a *criminal record*. An adult criminal record obtained as a juvenile can in many cases be sealed (no one can see it) or expunged (removed and destroyed) in the future. However, if it is not sealed or expunged, or during the period before it is sealed or expunged, you may suffer some or all of the following consequences:

- ▶ Difficulty in obtaining employment, even if you have successfully completed a Diversion Program (unless your county offers pre-arraignment Diversion).
- ▶ Restrictions on travel (such as entering Canada)
- ▶ Drug convictions may result in loss of federal financial aid for college or trade schools, and may prevent you from being able to live in federally subsidized housing
- ▶ Difficulty in obtaining housing, even for convictions that are not drug-related
- ▶ Loss of your right to vote in some states, primarily for felony convictions

---

<sup>1</sup> This information is provided as a public service by the Juvenile Law Committee of the Vermont Bar Association.

- ▶ Restrictions on future occupations based on conviction of certain types of crimes
- ▶ Restrictions on the ability to adopt children
- ▶ Requirement of registration as a sex offender and placement on the online sex offender registry (for certain offenses)
- ▶ Should you decide to enlist in the military, a criminal conviction may delay or have other impacts on your ability to serve. However, even an expunged juvenile adjudication can affect your ability to join the military.

These consequences could impact your life in the future, so it is important to think about them now. You should discuss these issues with an attorney prior to entering a guilty or no contest plea or even before accepting a referral to the Diversion Program.<sup>2</sup> If you cannot afford an attorney, you should apply for Public Defender services. The application form for Public Defender services is at District Court and online at <http://www.vermontjudiciary.org/MasterPages/Court-Forms-Criminal.aspx>. However, you may not be entitled to the assistance of a public defender if you are charged with a misdemeanor and the state is looking for a fine-only disposition.

Remember, a fine-only disposition still leaves you with a criminal record. While it might be able to be sealed in the future if you have no further offenses, you have to apply for sealing yourself after two years, provided you don't get into more trouble, and the offense is on your record in the meantime. Payment of a fine may seem easier than a transfer to juvenile court, but it is not necessarily better.

---

<sup>2</sup> Some courts are doing "no arraignment" Diversion so that there is no record of your charge. Check with your attorney about whether this is being done in your county.