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January 31, 2019

To: Chairman Lathrop and Members of the Judiciary Committee
From: Juliet Summers, Policy Coordinator for Child Welfare & Juvenile Justice
Re: Support for LB 354, change provisions relating to sealing of juvenile records

Our juvenile justice system should be structured to ensure all children can take the right steps to put their past behind them and move toward a better future. As a society, we all benefit by policies that hold youth accountable in age-appropriate ways, and allow them the ability to grow out of and past their adolescent decisions. Voices for Children in Nebraska supports LB 869, because it provides a needed update to our statutory code regarding the sealing of juvenile records, to ensure these records don't become dead weight dragging down Nebraska's youth and, by extension, our communities.

A robust policy around the sealing of juvenile records does not preclude accountability. Youth who break the law should be held accountable for their actions. However, decades of research shows, and public opinion strongly supports¹, that youth can be rehabilitated. Most will stop law-breaking behavior simply as they grow out of it, and a record may actually get in the way of that natural process, by cutting off opportunities which research has shown support law-abiding maturity: namely, completing school, starting a family, getting a job and achieving financial self-sufficiency.² Youth who have paid their debt to society, and who have taken advantage of the rehabilitative services offered to them in the juvenile court, should have the chance to get an education and earn an honest living. Moreover, when they are able to do so, their prospects for lifetime income and stability improve, impacting the prosperity of neighborhoods, communities, and our state as a whole.

Voices for Children in Nebraska supports LB 354, because we believe the additions and changes will clarify and strengthen the juvenile code by:

- Ensuring **families receive the information they need** to understand the importance of a sealed record, the steps the youth will need to take in order to achieve it, and whom to contact after the fact to check that the record has actually been sealed.
- Simplifying the process for youth who have completed the orders of the court and followed through with rehabilitative services, by

¹ See, e.g., *Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice System Reform*. Center for Children's Law & Policy. Available at <https://www.macfound.org/media/pdfs/CCLPPOLLINGFINAL.PDF>

² Michael Massoglia, and Christopher Uggen. *Settling Down and Aging Out: Toward an Interactionist Theory of Desistance and the Transition to Adulthood*. American Journal of Sociology 116 no. 2. September 2010.

requiring the automatic sealing of records upon successful completion of probation.

- Clarifying how and when an individual may **retroactively seek to have his or her juvenile record sealed** and what the legal requirements of notice and burden are in that hearing.
- Allowing individuals simplified, **ongoing access to their own sealed record** for whatever purpose they deem necessary.

LB 354 will ensure that our sealed records statute is functioning to meet the need it was originally intended to meet, and in doing so will provide relief to young people who have done everything we have asked of them and only wish to move forward into a better future.

I'd like to thank Senator Pansing Brooksfor bringing this bill, and the members of the committee for your time and consideration. I would urge you to advance it.