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Expungement program helps young Kansans move on

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THE WICHITA EAGLE

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Samuel Carlisle was always going to be a military man. Years of ROTC training drilled that into his head.

“I did almost everything I could do freshman year, then halfway through my sophomore year I get told by an Army recruiter, ‘We won’t take you because you’re a dope fiend,’” said Carlisle, 17.

He said he began hanging out in “smoker’s alley,” lighting up cigarettes and marijuana at Wichita East High School before transferring to Wichita West. Then one day he got caught with a part of a marijuana joint in his wallet, landing him a drug charge in juvenile court.

But now, he may be getting a second chance.

Face Forward, a program sponsored by Kansas Big Brothers Big Sisters, provides free legal expungement and diversion services for juveniles who qualify – essentially wiping the slate clean for people who may have made a one-time mistake as a kid.

It is funded to help 125 people. So far, it has helped 20.

“We love the kids we have, but we have the funds to help more,” said Janice Wright, director of innovative programs at the charity.

In July 2013, the charity received a nearly \$1 million grant directly from the Department of Labor to fund the Face Forward program from 2014 to 2015. It is part of the charity’s Positive Pathways program, which provides legal services, job coaching skills and other mentoring services to help youth overcome the stigma of juvenile convictions.

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They open doors

Kevin Benson, 24, also found a new career through the program after a troubled past. He said he realized he needed help after being rejected by the military because of prior juvenile charges.

“I didn’t really care, you know, I was just living,” Benson said. “I was just a kid, man.”

He and his brother entered the foster care system when he was 14, he said. By the time he left the system at 18, he had lived in at least five cities with different families.

On his 17th birthday, he was charged with possession of marijuana.

“After that, I starting doing it more, and regularly drinking,” he said. “I moved to Texas in 2011 and got into harder drugs and more alcohol.”

After some time in the Job Corps, and then some time homeless, Benson was referred to the Face Forward program. He has since found a job at GameStop and works for area leadership camps, he said.

“It really showed me things I didn’t realize were out there,” he said. “They open doors, and they help you obtain things you wouldn’t be able to otherwise.”

About half of the youth in Face Forward are filing for expungements, like Benson, and half are in diversion programs, like Carlisle.

Qualifying for expungement is one thing.

Paying the legal fees associated with the procedure is another.

“An attorney has to investigate, find charges, determine if they’re eligible, and then they have to go to court and have a hearing,” Wright said. “For our youth, the average is about \$1,800.”

Wright said Face Forward’s 2014 rate at which its youth relapse into crime post-intervention was 2 percent. From 2012 to 2013, the rate was 1 percent, she said.

On average, similar programs funded by the Department of Labor have a 36 percent relapse rate, she said.

Benson said as soon as his expungement paperwork is filed, he’s ready to get on with his life.

“I don’t really think about this stuff,” Benson said. “I just try to forget about it. It was a lot of crap that happened in my life.

“I’m trying to look to the future, when things change.”

Expungement and the law

In Kansas, juveniles are not “convicted” of crimes. They receive adjudications, which may legally be expunged, or erased, from their criminal records under certain circumstances once they turn 18.

Sometimes juveniles can receive diversions for minor offenses before going to court, so that the adjudication will stay off of his or her criminal record altogether. Typically a diversion program can last six to 12 months, Wright said.

On many job and housing applications, the questions – “Have you ever been convicted of a crime?” or sometimes, “Have you ever been arrested?” – can be damning to applicants with a criminal history, even if they haven’t technically been convicted of anything, Wright said.

“It feels like a bit of a trip-up for our youth,” she said. “For our juveniles especially, it catches them. If it’s just asking if they’ve been convicted, it’s no. But they think they have to check it.”

Juvenile adjudications do not automatically disappear once the person turns 18. Unless they are expunged, they have the potential to follow the individual and complicate applying for jobs, housing or even higher education, Wright said.

Eligibility

The offender is eligible to apply for expungement of juvenile charges if one of two conditions have been met:

The offender turns 23, or if two years have elapsed since the completion of his or her sentence and no new charges are pending.

If a juvenile under 18 is applying for expungement, it must be done by a parent or guardian, said Ron Paschal, chief attorney in the Sedgwick County District Attorney’s Juvenile Division.

However, there are caveats. Serious person crimes such as murder, rape, manslaughter and child abuse cannot be expunged.

“What we’re trying to do in the juvenile system is recognize that kids sometimes do things that do not present the best judgment,” Paschal said. “It’s an opportunity for them to kind of clean up their background so it doesn’t negatively affect their future as adults. That’s what the statute is geared to do.”

According to state law, entities such as private detective agencies, prosecuting attorneys and the military can still access expunged records if requested.

City Council member Lavonta Williams said one of her main priorities is to help disadvantaged youth gain employment in Wichita. If it can lead to employment, Williams said, expungement is a

positive thing.

“I realize that some people make mistakes, but I don’t think they should continue to have to pay for the rest of their lives,” Williams said. “I’m a proponent of giving a person a second chance.”

Kansas Legal Services - Wichita participates in the grant and does some of the legal work on the program.

‘Ban the box’

In recent years, a movement known as “ban the box” on applications has gained momentum in many states – referring to the box asking job applicants to check whether they have ever been convicted of a crime.

Thirteen states have passed statewide “ban the box” laws. Kansas is not one of them.

But Williams says the city of Wichita may soon be included in the list of more than 60 cities that don’t include the boxes on their job applications. Currently, applications for jobs within City Hall don’t ask about the applicant’s criminal history, but some jobs outside the building still include the box, Williams said.

“We’re definitely going to talk about this a little bit more as the city goes through this. ... When we have gotten through all of the hurdles that we have, we were planning on making it public that that is something that we’re working on,” Williams said.

Kansas City, Kan., passed a “ban the box” ordinance in November, becoming the first city the state to do so.

Community activists say passing “ban the box” ordinances encourages fair hiring practices, essentially prohibiting an employer from rejecting an job-seeker strictly based on what’s on the application.

All about expungement and how to get one in Kansas!

Go this page of the KLS website to read about clearing your record.

We also have a **free legal form** for you to do it yourself!

How to Get Involved in Big Brothers Big Sisters

In Wichita, if you want to get involved or would like more information, email Janice Wright, Big Brothers Big Sisters’ director of innovative programs, for more information about the charity’s

Positive Pathways program at jwright@kansasbigs.org.

For information about becoming a mentor, call 316-290-8828.

NOTE: In the photograph, Kevin Benson, left, and Samuel Carlisle stand in front of the Big Brothers Big Sisters mural in the lobby of their building in downtown Wichita on February 19. (Feb. 19, 2015) FERNANDO SALAZAR THE WICHITA EAGLE

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