

President – Tony GiaQuinta, MD, FAAP  
Vice President – Emily Scott, MD, FAAP  
Secretary/Treasurer – Meagan O’Neill, MD, FAAP  
Past President – Sarah Bosslet, MD, FAAP  
Executive Director – Christopher Weintraut, JD



January 7, 2020

The Honorable R. Michael Young, Chair  
Corrections and Criminal Law Committee  
Indiana Statehouse  
200 West Washington Street  
Indianapolis, IN 46204

Dear Chairman Young and Members of the Committee:

I write today on behalf of the Indiana Chapter of the American Academy of Pediatrics in support of an amendment to SB 16. While our organization is supportive of raising the age for certain violent offenders to possess firearms, we also believe the expungement provision of the bill must be removed for the following reasons:

1. By making the minimum age of eligibility for expungement either 26 or 28, persons who committed delinquent acts while children will typically have longer waiting periods before seeking expungement than adults who committed those same offenses. (*See* I.C. 35-38-9-4 and 5 (requiring 8 and 10 year waiting periods). For example, a 14-year-old adjudicated of armed robbery would have to wait 14 years before being eligible for an expungement under SB 16 no matter how well he responded to juvenile court rehabilitation, but an adult convicted of armed robbery would only have to wait 8 years.
2. As pediatricians we support trauma informed approaches to juvenile justice and rehabilitation. The stated purpose for juvenile adjudication is for the juvenile court to determine the necessary rehabilitation tools for use in a child’s case. By extending the impact of juvenile adjudications into adulthood, SB 16 creates a more punitive sanction for children, which may lead to the need for increased due process protections, such as jury trials. Additionally, this legislation signals a lack of confidence in rehabilitative tools of the juvenile court.
3. Juvenile courts considering expungement of delinquent adjudications are already instructed to take into consideration the nature of **any** allegations, meaning that the juvenile courts can either delay or deny an expungement request if the allegations are serious enough in their mind. However, the court can also take in to consideration the persons participation in court ordered services, how long they have been able to live without contact with the juvenile court or law enforcement, whether they have acquired a criminal record, and their current status to ascertain a full picture of whether the person has been rehabilitated—which is the ultimate goal of juvenile court.

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4. Young adults engage in very important foundational development during their early twenties (education, career development, employment), and limiting the availability of expungements of juvenile history will create barriers to opportunities, and increase recidivism rates due to the collateral consequences including increased trauma that arise due to delinquency records.

Sincerely,

A handwritten signature in black ink that reads 'Tony GiaQuinta'. The signature is written in a cursive style and is positioned above a horizontal line.

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Tony GiaQuinta, MD, FAAP  
President, Indiana Chapter of the  
American Academy of Pediatrics