

Juvenile Cases Decided by the North Carolina Supreme Court

June 16, 2010

Delinquency

- Statutory time limits for filing of juvenile petitions are not jurisdictional.
- A “complaint” is a written and sworn document asserting specific allegations of delinquency.

In re D.S., ___ N.C. ___ (June 16, 2010), *reversing* ___ N.C. App. ___, 682 S.E.2d 709 (June 16, 2009).

<http://www.aoc.state.nc.us/www/public/sc/opinions/2010/pdf/273PA09-1.pdf>

Facts: On 9/25/07 the court counselor received a complaint about an incident that occurred at school, involving the juvenile’s touching a female student with an object several times. On 10/10/07 the counselor filed a petition based on the complaint, alleging simple assault. On 11/15/07 the court counselor received a second complaint relating to the same incident, and the next day the counselor filed a second petition alleging sexual battery. The trial court adjudicated the juvenile delinquent for both offenses.

The court of appeals held that the trial court lacked subject matter jurisdiction with respect to the second, sexual battery, petition because it was untimely filed, reasoning that receipt of a second complaint about the same incident could not be the basis for a second petition based on that incident, thus extending the time within which a petition could be filed. The court did not discuss what constituted the “complaint.”

Held: Reversed (as to this issue).

1. The second petition was timely filed because it was filed the day after a new “complaint” was received. The Juvenile Code, when it says “after the complaint is received,” means after the court counselor receives a written, sworn document alleging acts of delinquency. When the initial complaint did not allege a sexual battery, the court counselor could not file a petition alleging that offense based on that complaint.
2. Nothing in the Juvenile Code indicates a legislative intent for the time limits in G.S. 7B-1703 (for filing a juvenile petition) to relate to subject matter jurisdiction. While interpreting them that way might serve the Code’s purpose of expediting juvenile cases, it would be contrary to other purposes of the Code.

- When days of intermittent confinement are ordered at disposition, a juvenile is not entitled to credit for time spent in secure custody pending disposition.
- G.S. 15-196.1, relating to credit for time served in criminal cases, does not apply to juvenile proceedings.

In re D.L.H., ___ N.C. ___ (June 16, 2010), *reversing* ___ N.C. App. ___, 679 S.E.2d 449 (July 21, 2009).

<http://www.aoc.state.nc.us/www/public/sc/opinions/2010/pdf/350PA09-1.pdf>

Facts: Pursuant to G.S. 7B-1903(c), the juvenile spent 55 days in secure custody awaiting disposition. Then, as part of the disposition, the court ordered that she spend 14 days in detention.

The trial court rejected the juvenile’s argument that she was entitled to credit for the days she was in secure custody pending the disposition. The court of appeals reversed, holding that G.S. 15-196.1 applied and required that she be given credit for the time spent in custody pending disposition.

Held: Reversed (as to this issue).

1. “The General Statutes do not authorize credit for time served before disposition in the juvenile context.”
2. Based on the facts of the case, secure custody pending disposition was reasonable. It was not a response to the juvenile’s delinquent conduct, but was what the trial court in its discretion thought was the “best temporary situation available” for the juvenile while information was being gathered to enable the court to make an informed determination of an appropriate disposition.
3. Due process did not require that credit be given for the days in post-adjudication, pre-disposition custody.
4. Delinquency proceedings are not criminal prosecutions, and criminal procedure law is not to be incorporated wholesale into juvenile cases.
5. The legislature’s specific incorporation of some Chapter 15A provisions into the Juvenile Code, and its provision in G.S. 7B-2514(f) for a juvenile who receives a definite commitment to receive credit for time spent on post-release supervision, indicate a lack of legislative intent to incorporate or apply the credit provisions of G.S. 15-196.1 to juvenile proceedings.

Note: The Supreme Court stated that the decisions of the court of appeals with respect to other issues in the case, which were not before the Court, remain undisturbed. These include a holding that a juvenile in secure custody after adjudication and pending disposition is entitled to a hearing at least every ten days on the need for continued secure custody.

Appellate court opinions can be found at <http://www.aoc.state.nc.us/www/public/html/opinions.htm>

Earlier case summaries can be found at http://www.sog.unc.edu/programs/dss/case_summaries.html



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