

# What is Juvenile Court and How are the Proceedings Different?

AN INTRODUCTION TO JUVENILE  
COURT PROCEEDINGS

MAY 4, 2023



Evolution of NC's  
juvenile court

Nature of the  
proceedings



# Evolution of NC's juvenile court



*The original  
juvenile court  
is a relic of  
the past*



**In the  
beginning  
(1919)...**

Included LOTS of kids to provide oversight and control over this wide range of children to “conduce to the welfare of such child and to the best interests of the state.’

Jurisdiction  
included  
children  
under 16  
who were:

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**delinquent** or who violated any municipal or state law or ordinance or who was **truant, unruly, wayward, or misdirected, or was disobedient to parents or beyond their control, or was *in danger of becoming so***

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**neglected**, or who engaged in any occupation, calling, or exhibition, or was found in any place **where a child was forbidden by law to be** and for permitting which an adult may have been punished by law, or was in such **condition or surroundings** or was under such **improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child**

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**dependent upon public support** or was **destitute, homeless, or abandoned**, or whose custody was subject to controversy.

# 1919

**No attorneys**

**Summary proceedings**

**One finding: child was in need of the care, protection, or discipline of the state**

**Duty: provide oversight and control of children to conduce to the welfare of the child and best interests of the state**

# Today

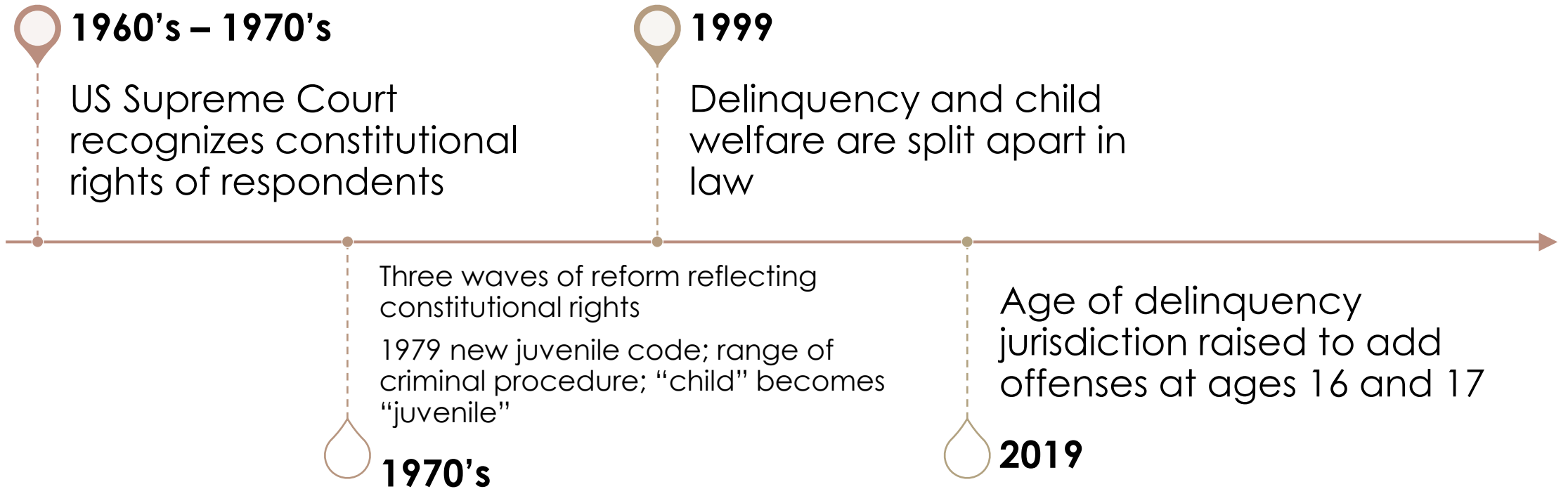
**Many attorneys**

**Lots of procedure**

**Findings depend on nature of case and outcome of adjudication of threshold question in each matter**

**Duty: it depends...safety, permanency and well-being; public protection, deter delinquency, connect to services**

# Evolution of the juvenile court: delinquency

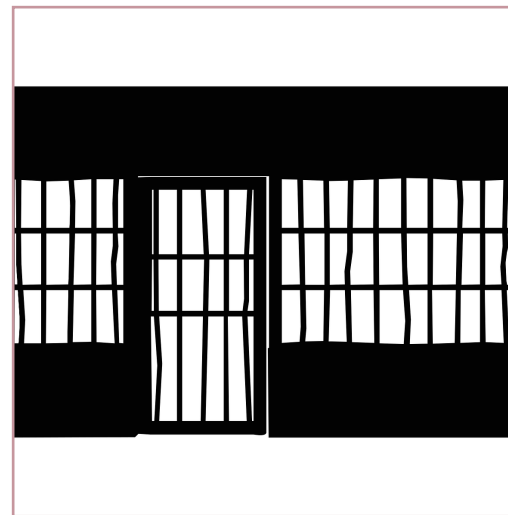






# Nature of the proceedings

What do delinquency proceedings look like?



# Delinquency

G.S. 7B-2412 Legal effect of adjudication of delinquency:  
NOT a conviction of a criminal offense

“Juvenile proceedings, however, stand in a different light. Whatever may be their proper classification, they certainly **are not ‘criminal prosecutions’**” In re Burrus, 275 N.C. 517 (1969)

# Delinquency: Civil Proceeding with Criminal Components

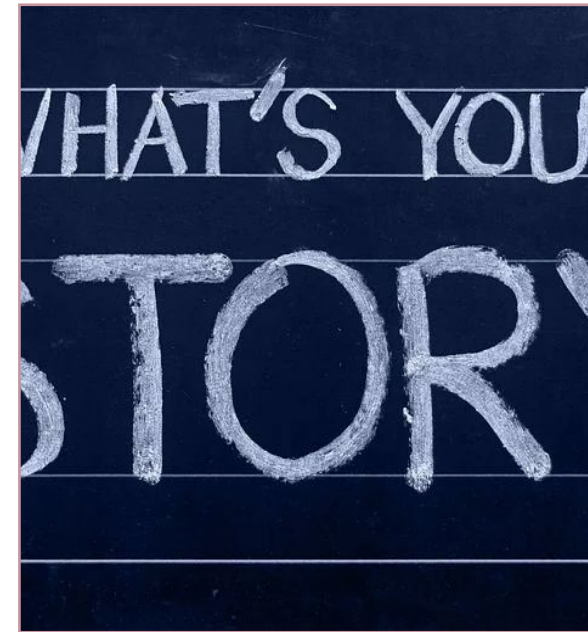
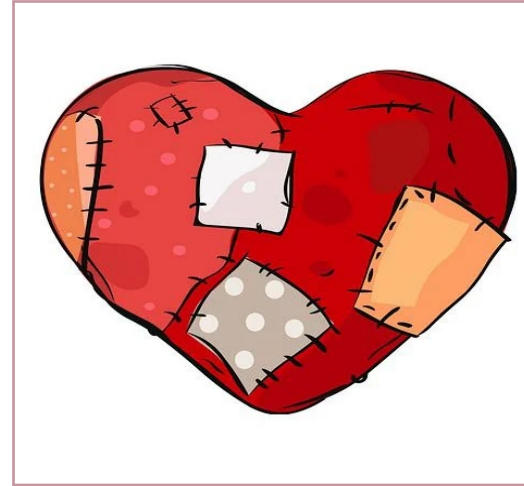



G.S. 1A-1, Rule 1: Rules of civil procedure govern **except when a differing procedure is prescribed by statute.**



Subchapter II of 7B prescribes **many** differing procedures

What do child welfare proceedings involve





**Abuse,  
Neglect,  
Dependency**

Government Intervention  
in Family's Life and with  
Parent's Constitutional  
Rights

# GS 7B-100 Purposes

- Fairness & Equity
- Protect Constitutional Rights
- Prevent unnecessary separation from families
- Provide Services
- Needs/Strengths of Juvenile and Family
- Safety, Continuity, Permanency for Juvenile
- Best Interests of the Child

# Considerations

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Is the child an abused, neglected, or dependent juvenile?

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What steps must happen to correct those conditions?

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Priority: Reunification

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Safety, Constitutional Rights, Best Interests



# Civil Proceeding Like No Other



Juvenile Code  
(GS Chapter 7B)  
Controls



Government  
Involvement:  
DSS and Court



Always Pending