

GS 7B: Language, Procedure, and Length of Jurisdiction

An Introduction to Juvenile Court Proceedings





Language

Applicable Laws

Representation

Proceeding Stages

Jursidiction



Language

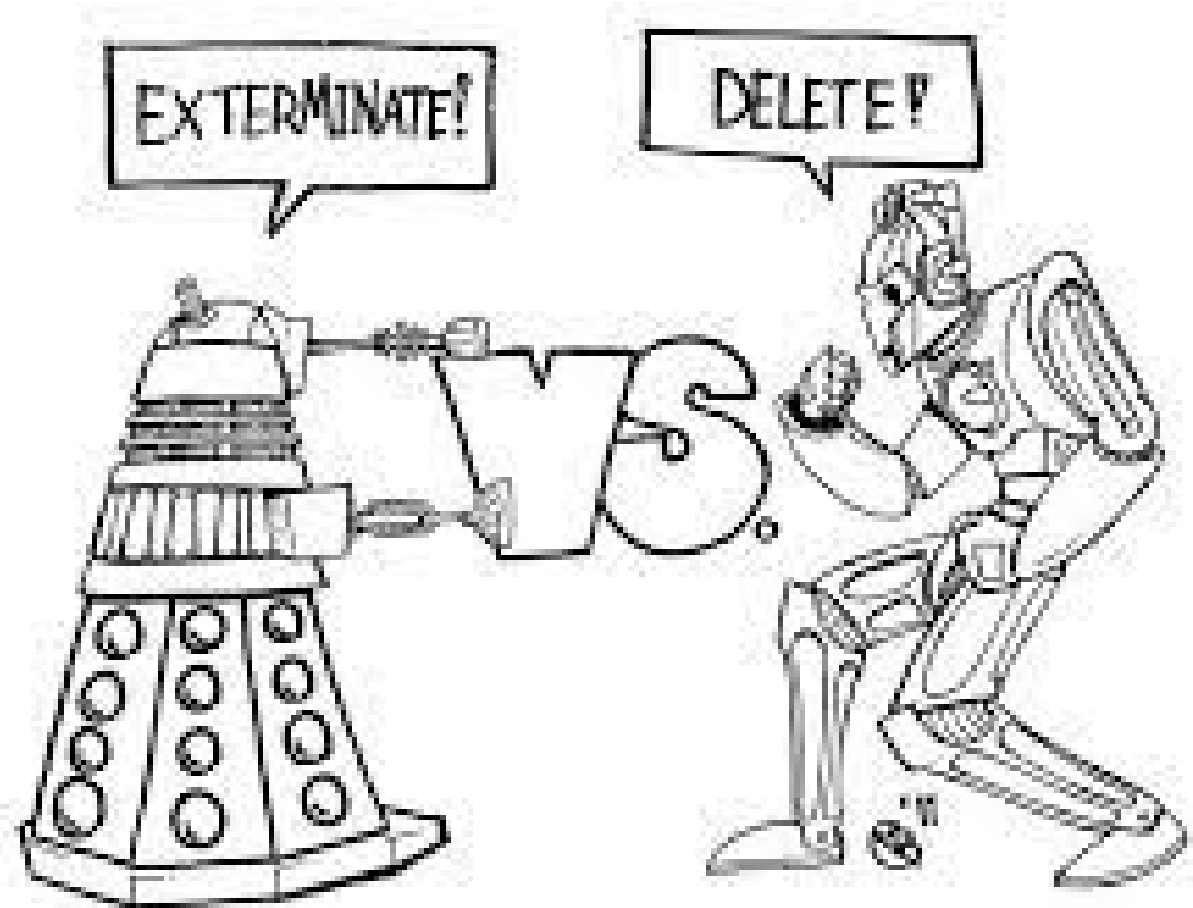
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7B
Proceedings
Have Their
Own Language



What Does It Mean?

DSS filed an A/N/D petition and obtained nonsecure custody. A GAL was appointed. After an adjudication, the case proceeded to initial disposition. DSS was relieved of reunification efforts so a PPH was scheduled for 28 days later. At the PPH, concurrent permanent plans of adoption and guardianship were ordered.

JUVENILE ABUSE, NEGLECT, DEPENDENCY ACTION	CUSTODY ACTION
DSS	Parent or 3 rd party with standing
A/N/D	Custody
Petition	Complaint
GAL (GS 7B-601)	Rule 17 GAL
Nonsecure Custody	Ex Parte Temporary Custody Order
Adjudication	Custody Order
Initial Disposition	
Reunification / Reasonable Efforts	
PPH or Review Hearing	
Concurrent Permanent Plans (PPH only)	

A close-up, slightly blurred photograph of a board game board. The board is yellow with various colored squares (red, blue, green). Several game pieces are visible: a yellow pawn, a red pawn, a red die, a blue die, a teal pawn, and a red block. The text "Delinquency Language" is overlaid in white, centered on the board. Below it is a white horizontal line, and then the text "It's game time" is also overlaid in white.

Delinquency Language

It's game time



Language

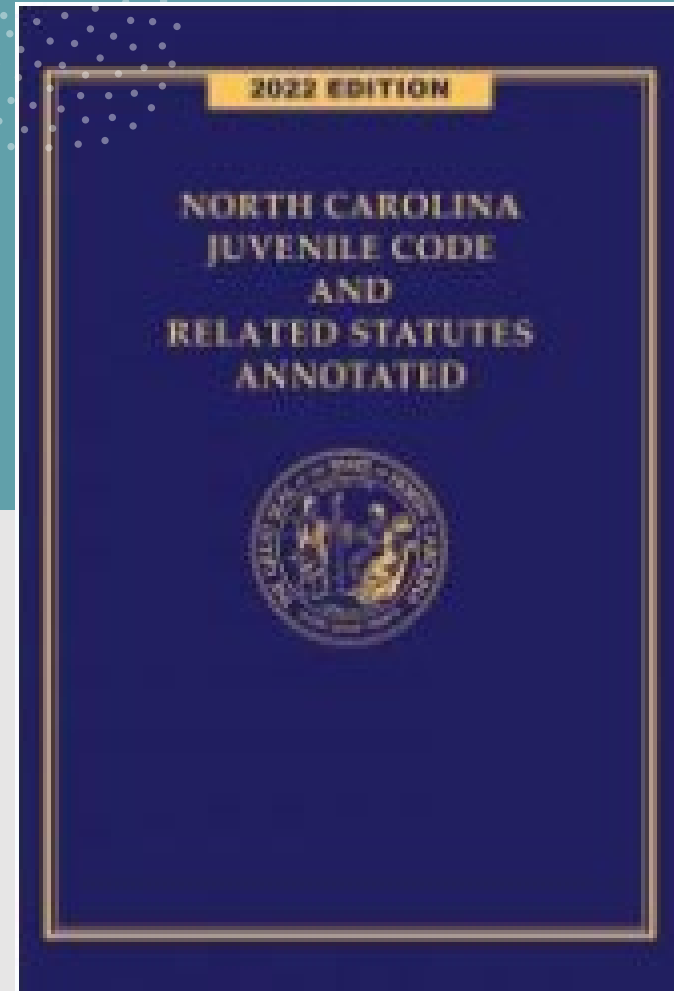
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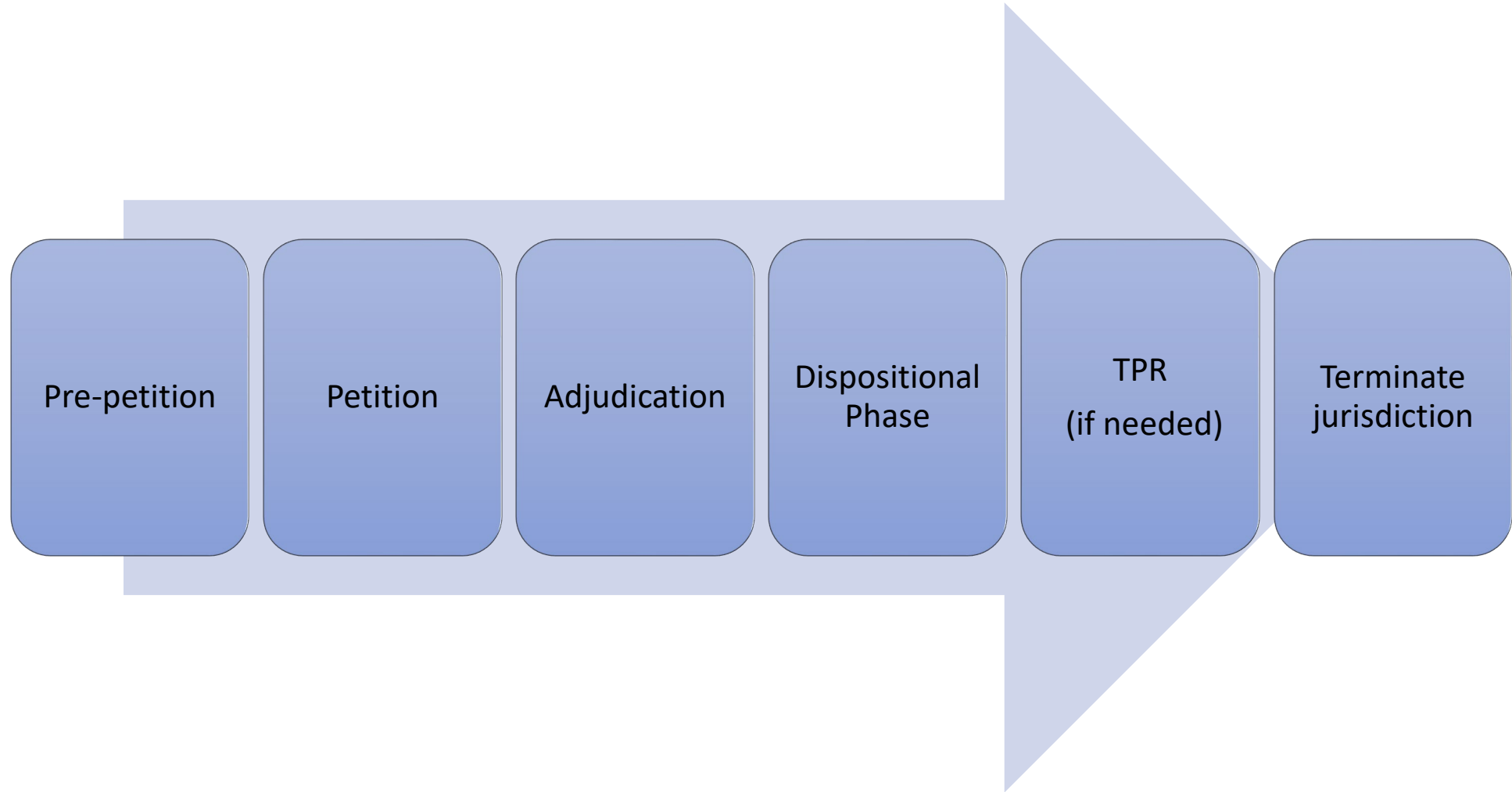
What Laws Apply?



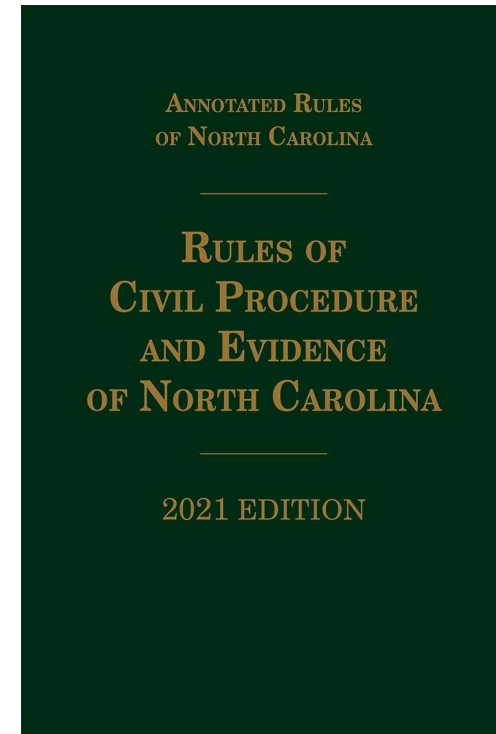
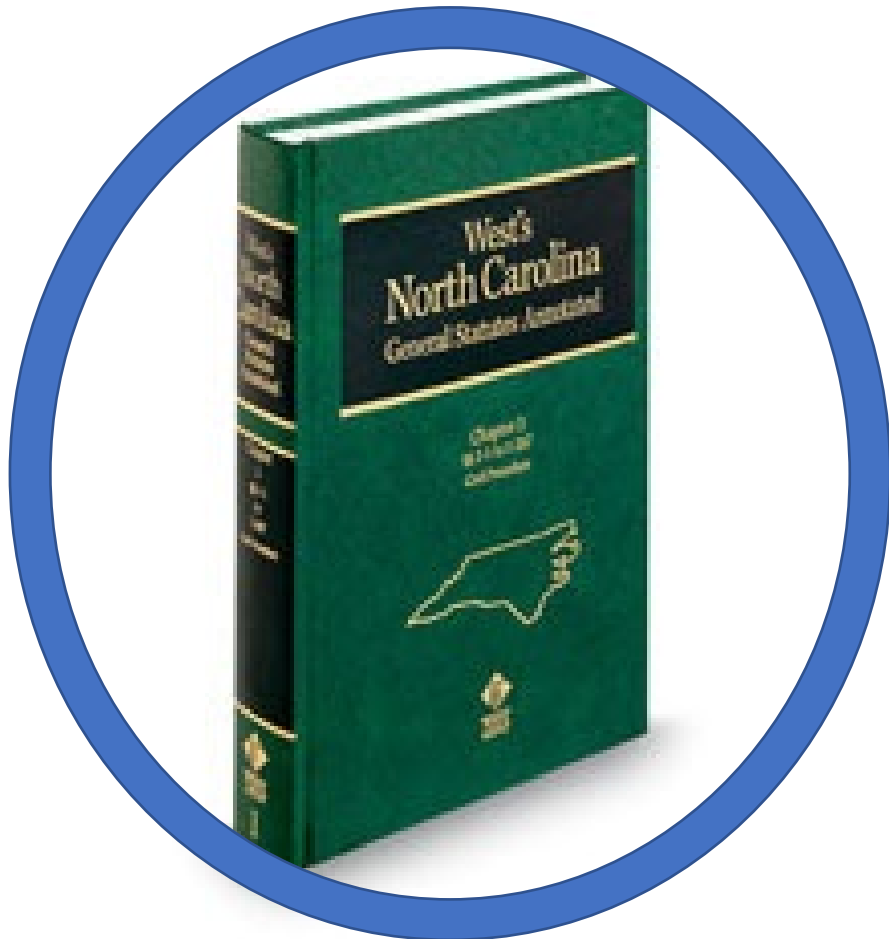
Definitions
and
Required
Findings

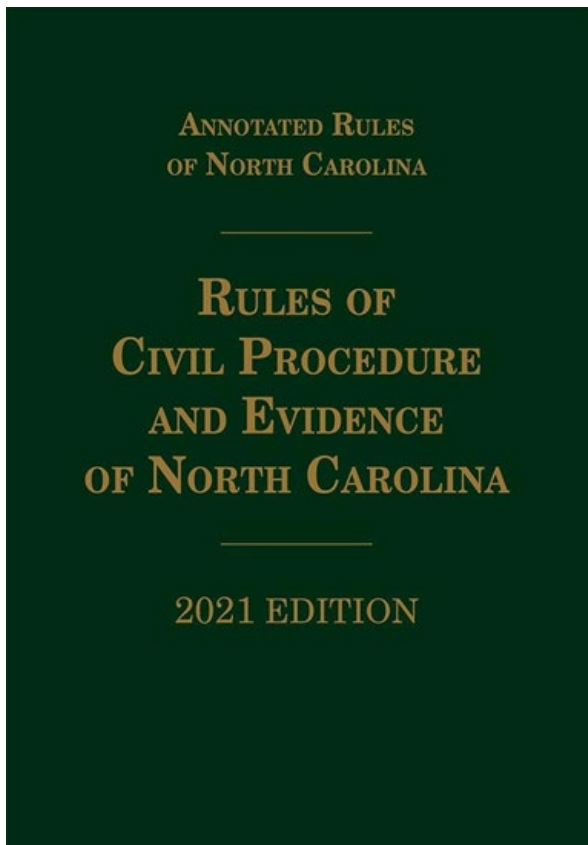


Road Map for All A/N/D Stages



Procedures Too





Procedural
Gap



Substantive
Right



A/N/D

Other Laws Apply to A/N/D

10A NCAC 70	NC Administrative Code
G.S. 8-50.1(b1)	Genetic Marker Testing (paternity)
Chapter 8C	Rules of Evidence
Chapter 14	Certain Crimes
Chapter 35A	Incompetency (GAL for respondent parent)
Chapter 48	Adoptions
Chapter 50	Child Custody; Child Support
Chapter 50A	Uniform Child Custody Enforcement Jurisdiction Act (UCCJEA)
Chapter 108A	Social Services Law
Chapter 115C	Education
Chapter 131D	Foster Care

Resources to Help You



MICROSITE

Abuse, Neglect, Dependency, and Termination of Parental Rights



Child Welfare Case Compendium

[Create New Case](#)[New Search](#)[Print Results](#)

The most efficient way to conduct a search is to use the pre-existing drop down menus, which start with one of the six main Categories of annotations (see the drop down menu for "All Categories"). Within each Category, additional filters have been created to allow a user to conduct a more focused search. When you select a Category, a new "Stage" drop down menu will appear. When you select a Stage, a "Topic" drop down menu will appear.

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Results: 400

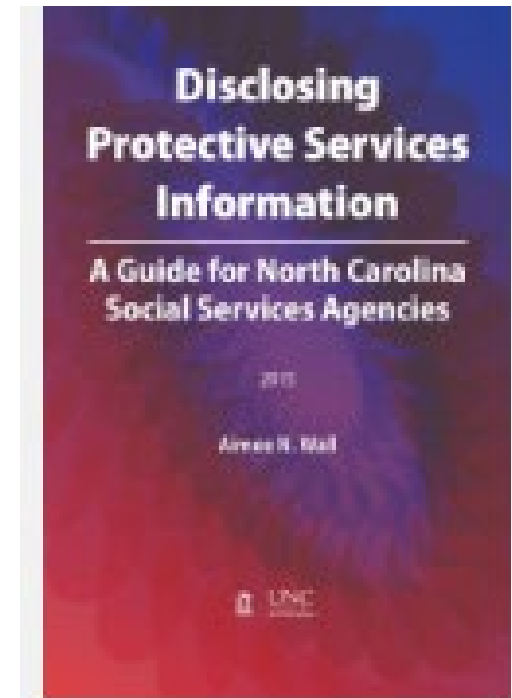
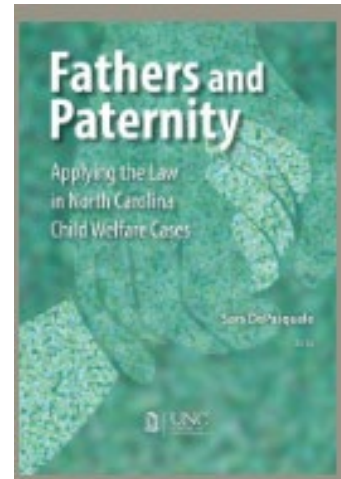
Case Name & Citation	Case Description
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Drafting Good Court Orders in Juvenile Cases

Janet Mason

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Delinquency and DSS Custody without Abuse, Neglect, or Dependency: How Does That Work?

Sara Del'Acqua and Jacqueline Givens

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 - Introduction 7
 - Part Nine: Overview of Custody and Rights 7
- Part Ten: Overview of Custody and Rights 7
 - Introduction 7
 - Part Ten: Overview of Custody and Rights 7

**DON'T
PANIC**

Where to look for Rules & Procedures



Juvenile Code (Ch. 7B) – sometimes incorporates part of Ch. 15A



N.C. Rules of Civil Procedure



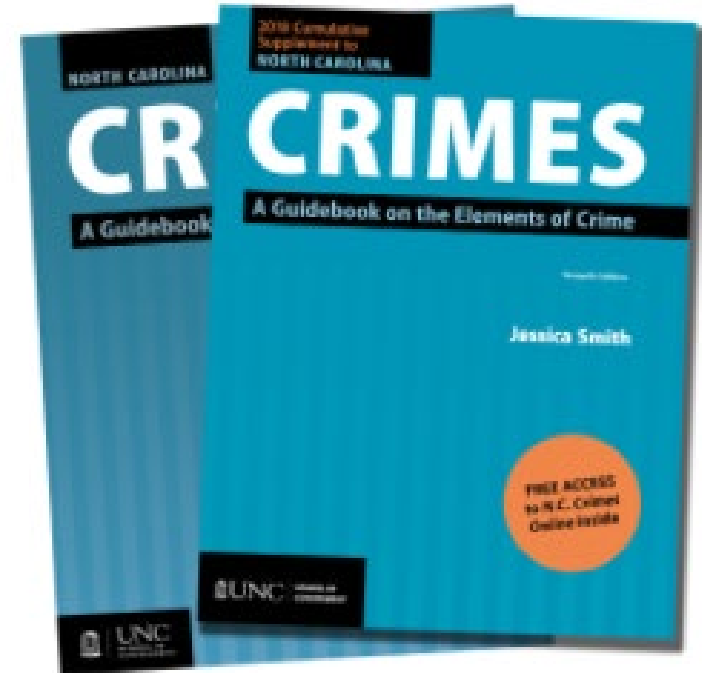
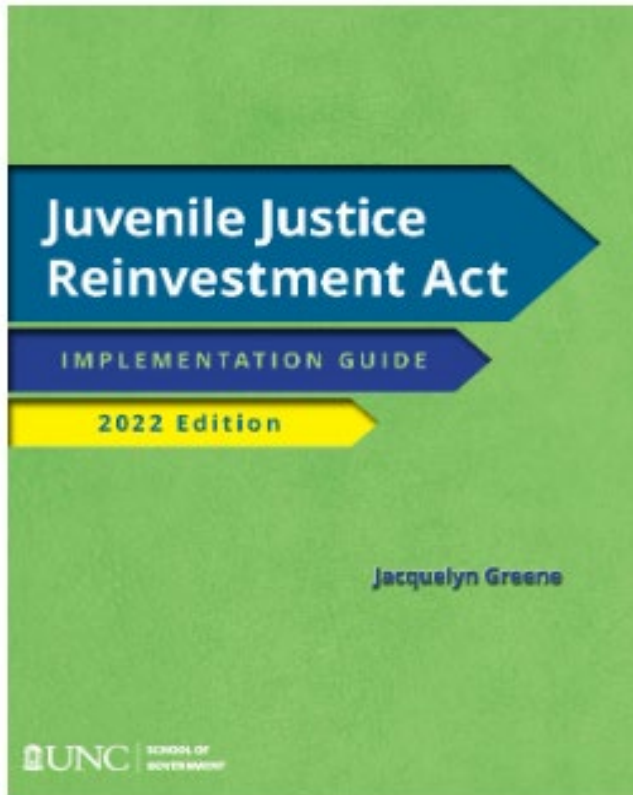
N.C. Rules of Evidence



NC Admin. Code (Title 14B, Ch. 11)



Local Juvenile Court Rules



Books to Have On-Hand

Helpful Web Resources

<https://defendermanuals.sog.unc.edu/defender-manual/7>

UNC SCHOOL of GOVERNMENT About the School | Courses a

Pretrial Vol. 1 | Trial Vol. 2 | Race | Commitment | Guardianship | Immigration | Juve

Indigent Defense Manual Series

John Rubin, Editor

Juvenile

David W. Andrews and John Rubin

The 2017 edition of the *North Carolina Juvenile Defender Manual* reviews relevant law and provides practice pointers for attorneys representing juveniles in delinquency proceedings, from intake to disposition. Topics include: petition and summons, custody hearings, probable cause and transfer hearings, discovery, motions to suppress, plea negotiations, adjudicatory hearings, dispositional hearings, probation, commitment, appeals, and expunction. This is the second edition of the manual. It is available for purchase as a soft-bound book [here](#).



About the Authors

[David W. Andrews](#)

David W. Andrews is an assistant appellate defender and the Director of Non-Jury Dispositions at the Office of the Appellate Defender in Durham, North Carolina. There, he represents indigent appellants in criminal, juvenile delinquency, and involuntary commitment appeals in the North Carolina Court of Appeals and the Supreme Court of North Carolina. David has worked extensiv

Helpful Web Resources

<https://www.sog.unc.edu/resources/microsites/juvenile-law/resources-and-links-raise-age>

The screenshot shows a web browser window with the URL [sog.unc.edu/resources/microsites/juvenile-law/resources-and-links-raise-age](https://www.sog.unc.edu/resources/microsites/juvenile-law/resources-and-links-raise-age). The browser's address bar and tabs are visible at the top. The website header features the UNC School of Government logo and navigation links: About, Public Officials, Topics, Courses, Publications, Blogs, Resources, Giving, Knapp Library, and MPA Degree. The main content area is titled "MICROSITE Juvenile Law" and "Resources and Links for Raise the Age". A featured article is titled "H593 Training - Removal of Minors under Criminal Jurisdiction from Jails". Below the title is a video player with a play button icon. The video thumbnail shows a laptop displaying a building at night and a hand holding a smartphone displaying "H593". The video is titled "JJRA H593 Training" and has a "Share" button. Below the video player, the text reads "Law Enforcement Resources: Please see the following free video for short, concise information about the Juvenile Justice Reinvestment Act (JJRA) as it relates to law enforcement." At the bottom of the page, there is a banner for "Raise the Age from SOG-ITD" with the UNC logo and a "Division" label.

Helpful Web Resources

SOG Blogs

North Carolina Criminal Law -

<https://nccriminallaw.sog.unc.edu/>

On the Civil Side -

<https://civil.sog.unc.edu/>

 [magnifying glass icon]

Juvenile Justice Case Compendium

The most efficient way to conduct a search is to use the pre-existing drop down menus, which start with one of the eight main Categories of annotations (see the drop down menu for "All Categories"). Within each Category, additional filters have been created to allow a user to conduct a more focused search. When you select a Category, a new "Stage" drop down menu will appear. When you select a Stage, a "Topic" drop down menu will appear.

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[magnifying glass icon]
 [dropdown arrow] [dropdown arrow]

Results: 223

Case Name & Citation	Case Description
In the Matter of D.A.H. __ N.C.App. __ (April 20, 2021)	Facts: A student was suspected of possessing marijuana on the school bus. That student told the principal and the school resource officer (SRO) that another student, Deacon, had sold the marijuana to him. Deacon was absent from school the following two days. The day he returned to school he was...



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A/N/D representation

Juvenile



7B-601 Best Interests

GAL Team

Abuse/Neglect v. Dependency

A/N/D representation

Parent



- 7B-602 Court Appointed Counsel
(Provisional to Released/Confirmed)
- Knowing and Voluntary Waiver; No
automatic right to self-representation
- Confirmed Counsel: Motion to
Withdraw
- Rule 17 GAL: Parent who is a minor or
incompetent

A/N/D representation

Non-Parent



- Privately Retain
- No statutory right to court appointed
- IDS policy to pay if due process findings

Delinquency



ATTORNEY FOR THE
JUVENILE = EXPRESSED
INTEREST
REPRESENTATION



- PARENTS MAY RETAIN ATTORNEYS,
- ONLY ENTITLED TO COUNSEL FOR 906.1 REVIEW HEARINGS IF THEIR CHILD IS PLACED IN DSS CUSTODY AS A DELINQUENCY DISPOSITION



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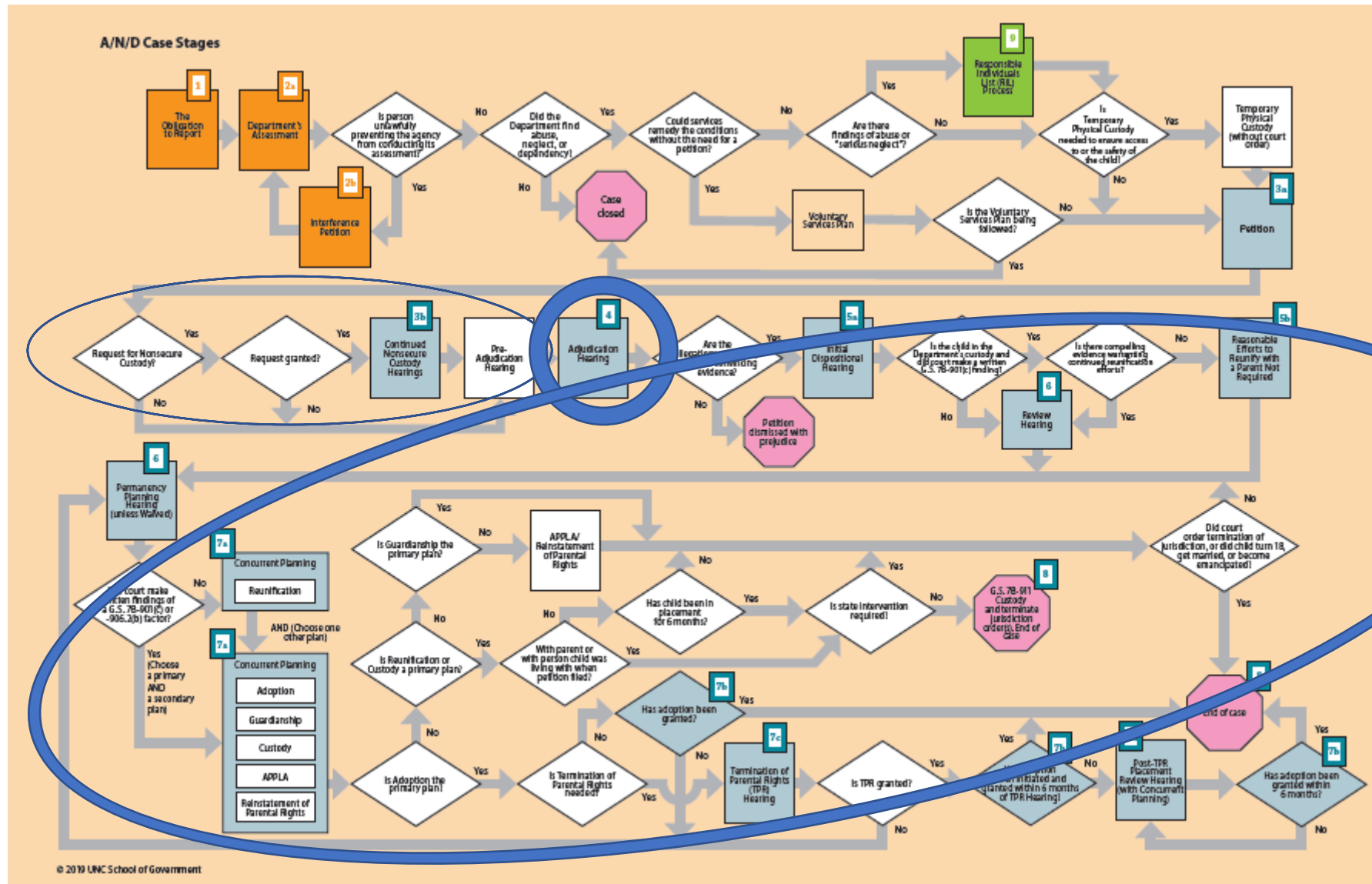
Case Stages

1 Pre-Adjudication

2 Adjudication

3 Disposition

Abuse, Neglect, Dependency





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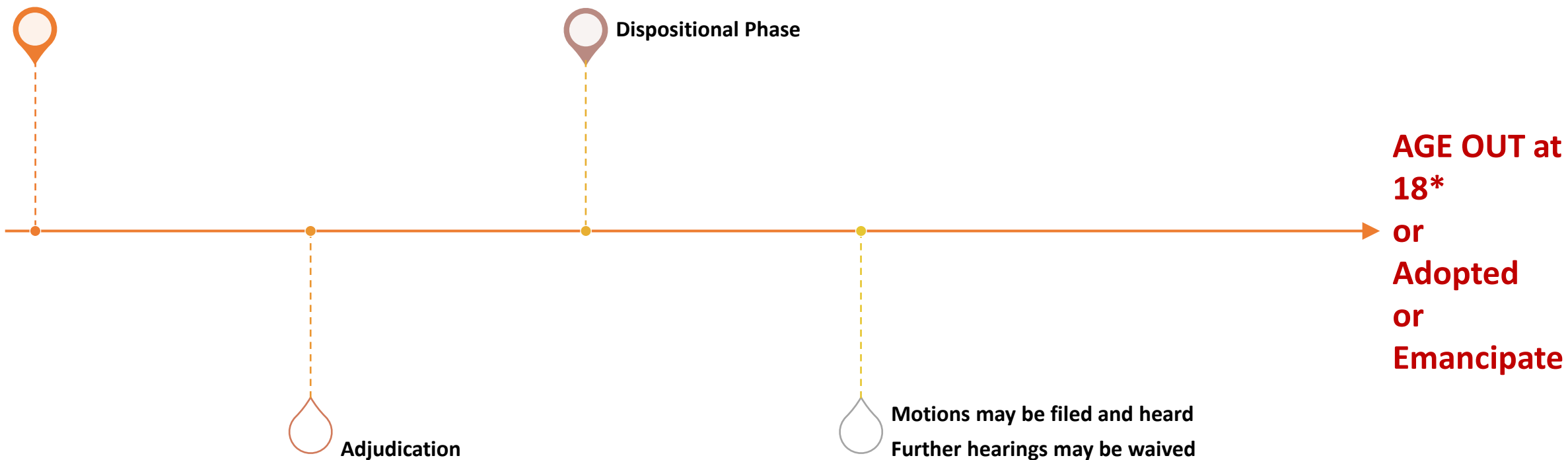
Jursidiction

Jurisdiction: Deny Adjudication



Length of Jurisdiction: Age Out (A/N/D)

Petition Filed

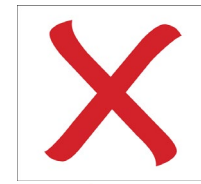


Order Terminating Jurisdiction before Age Out

Petition Filed



Disposition



Adjudication



Order of the Court Terminating



Three Factors for Delinquency Jurisdiction



Age at
Offense

Offense

Previous
Court History

Age Boundaries

Under 8 at
time of offense

- Never delinquency jurisdiction
- Possible vulnerable juvenile

Over 17 at
time of offense

- Criminal jurisdiction only



**Delinquency
jurisdiction for
all offenses from
ages 10 – 15**

(age 13 – 15
could have a
disqualifying
previous criminal
conviction)

Offenses at 8 & 9

Delinquency jurisdiction only if:

- Class A – G felony
- Previous delinquency adjudication followed by a new offense

G.S. 7B-1501(7)c. – d.

Effective for offenses committed on or after 12/1/21



Offenses at 16 & 17

- Delinquency jurisdiction for all offenses EXCEPT Chapter 20 motor vehicle offenses
- G.S. 7B-1501(7)b.



Any new offense after a criminal conviction is subject to criminal jurisdiction, UNLESS the previous conviction was a chapter 20 misdemeanor that did not involve impaired driving

G.S. 7B-1604(b)



Jurisdiction Rules by Age at Offense

< 8 or > 17 at offense	8 or 9 at offense	10, 11, 12 at offense	13, 14, 15 at offense	16 or 17 at offense
<ul style="list-style-type: none">• No delinquency jurisdiction	<ul style="list-style-type: none">• delinquency jurisdiction ONLY if Class A - G felony or delinquency adjudication prior to current offense	<ul style="list-style-type: none">• Always delinquency jurisdiction	<ul style="list-style-type: none">• Delinquency jurisdiction unless disqualifying criminal conviction before current offense	<ul style="list-style-type: none">• No delinquency jurisdiction for chapter 20 offenses• Delinquency jurisdiction for other offenses unless disqualifying criminal conviction before current offense

* Disqualifying criminal conviction = all offenses except Chapter 20 misdemeanor offenses that do not involve impaired driving.

Length of Jurisdiction G.S. 7B-1601

The court can
always
terminate
jurisdiction
sooner by its
own order

Offense
committed
under age
16

Youth reaches
age 18*

Offense
committed
at age 16

Youth reaches
age 19

Offense
committed
at age 17

Youth reaches
age 20

Extended Jurisdiction for YDC Commitments

(offenses committed on or after 12/1/21)

Age at offense	Offense type	Commitment to age
Any	first degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sexual or first-degree statutory sexual offense	21
Under 16	Other B1 - E	19
16	Other B1 - E	20
17	Other B1 - E	21