



Managing the Courtroom in 7B Proceedings

Introduction to Juvenile Court Proceedings

May 4, 2023

Parties

Juvenile participation

Closing the courtroom

Other practical tips

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Who is missing?



State



Juvenile

Delinquency Parties



Parent, Guardian,
Custodian

A/N/D Parties

Petitioner

- County DSS

Subject

- Juvenile(s)

Respondents

- Mother
- Father/Putative
Father/2nd Parent
- Guardian,
Custodian,
Caretaker

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Sometimes you **MUST** address the juvenile in delinquency court

- Prior to a juvenile testifying

G.S.7B-2405 “in the adjudicatory hearing that court shall protect the following rights of the juvenile...(4) the privilege against self-incrimination”

“[A]t the very least, some colloquy [is required] between the trial court and juvenile to ensure the juvenile understands his right against self incrimination before choosing to testify at his adjudication hearing.” In re J.B., 261 N.C.App. 371 (2018)

- Prior to accepting an admission

G.S. 7B-2407 “The court may accept an admission from a juvenile only after first addressing the juvenile personally...”

The Juvenile in an A/N/D Action

Party, but not summonsed

GAL Representation (BIC vs. Express)

Witness

Notice at 12 y.o. and older

APPLA as primary permanent plan, **must** question the juvenile (16-17 y.o.)

*DSS participation in CFT

*Related cases when 12 (TPR, adoption)

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Delinquency statute

G.S. 7B-2402: open unless court chooses to close for good cause, based on:

- (1) Nature of the allegations against juvenile;
- (2) Juvenile age and maturity;
- (3) The benefit to the juvenile of confidentiality;
- (4) The benefit to the public of an open hearing; and
- (5) The extent to which confidentiality of the juvenile's file will be compromised by an open hearing

A/N/D statute

G.S. 7B-801: All or part may be closed with discretion of court, considering factors:

- (1) Nature of allegations against parent, guardian, custodian, caretaker
- (2) - (5): Same

BUT, if juvenile requests open courtroom, no discretion. MUST BE OPEN.

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