


Dispositions

Using the Disposition Chart



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November 13, 2013

Disposition

Juveniles are not “sentenced.”

A disposition is a plan for an individual juvenile, to

- hold juvenile and parents accountable,
- protect public,
- address juvenile’s needs.

1. What are the dispositional options?
2. What disposition is appropriate in this case, for this juvenile?

Three Disposition Levels

See G.S. 7B-2506 and -2508


Level 1	(community) (always available)
Level 2	(intermediate)
Level 3	(commitment)

Whether Level 2 or 3 is available or required in a case depends on:

- whether offense is minor, serious, or violent
- juvenile’s delinquency history
- probation status at time of offense

Dispositions Available in Every Case:

- dismissal
- continue up to 6 months for family to act
- order evaluation / treatment
- any "Level 1" disposition



At disposition, the court can direct orders to the juvenile's parents as well as the juvenile.


- ✓ 1. True
2. False

In all cases (assuming proper findings), after a juvenile is adjudicated to be delinquent, the court

- ✓ 1. can place the juvenile in the custody of DSS
2. can impose a sentence based on options in the Juvenile Code
3. can commit the juvenile to DJJ for services or training school
4. all of the above
5. none of the above


Custody to DSS

- requires notice to DSS
- does not require petition by DSS
- does not mean court counselor's role ends
- does require "reasonable efforts" findings and trigger duty to conduct review hearings




Probation [G.S. 7B-2510]

- available (not necessary) at Level 1 or 2
- maximum 1 year and 1-year extension
- can delegate only certain conditions
- one act may be both violation and new offense
- for violation:
 - standard = greater weight of evidence
 - options differ [7B-2510(e)]



Steps to determine which levels are available

1. offense classification
(violent, serious, minor)
2. delinquency history level
(high, medium, low)
3. the chart
4. exceptions to the chart





- For what offense is disposition being entered?
- Is the offense violent, serious, or minor?

The offense before the court generally will be the most serious offense for which a disposition has not been entered.


Offense Classification

Violent: A-E felony
 Serious: F-I felony or A1 misdemeanor
 Minor: Class 1, 2, or 3 misdemeanor



Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting (Minor)	12/22/12	2/27/13
12/26/12	Sex offense (Violent)	2/1/13	2/27/13
2/2/13	Assault (Serious)	2/27/13	2/27/13

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting (Minor)	12/22/12	2/27/13
12/26/12	Sex offense (Violent)	2/1/13	2/27/13
2/2/13	Assault (Serious)	2/27/13	2/27/13




- What is the juvenile's delinquency history level?
 - High
 - Medium
 - Low


Prior Adjudications

Violent (A - E felony)..... 4 points
Serious (F - I felony or A1 misd.)..... 2 points
Minor (Class 1, 2, or 3 misd.)..... 1 point

On probation at time of current offense..... 2 points

<u>Points</u>	<u>History Level</u>
0 - 1	Low
2 - 3	Medium
4 or more	High



History Level Rules
<ol style="list-style-type: none"> 1. If multiple adjudications in one session of court, use only the most serious one 2. "Prior" means before the disposition 3. No points for current offense 4. Probation points only for current offense <div style="text-align: right; margin-top: 10px;">  </div>

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M	2/20/13	2/27/13
12/26/12	Sex offense V	2/20/13	2/27/13
2/2/13	Assault S	2/20/13	2/27/13

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M	2/20/13	2/27/13
12/26/12	Sex offense V	2/20/13	2/27/13 No Points
2/2/13	Assault S	2/20/13	2/27/13

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M	12/22/12	2/27/13
12/26/12	Sex offense V	2/1/13	2/27/13
2/2/13	Assault S	2/20/13	2/27/13
How many points?			

How many delinquency history points does Peter have?

1. one
2. two
3. three
4. four
5. five
6. none

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M (1 point)	12/22/12	2/27/13
12/26/12	Sex offense V (no points)	2/1/13	2/27/13
2/2/13	Assault S (2 points)	2/20/13	2/27/13

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M	12/22/12	12/22/12 (probation ordered)
12/26/12	Sex offense V	2/1/13	2/27/13
2/2/13	Assault S	2/20/13	2/27/13
How many points?			

How many delinquency history points does Peter have?

1. one
2. two
3. three
4. four
5. five
6. none

Offense Date	Offense	Adjud. Date	Disposit. Date
11/12/12	Shoplifting M (1 point)	12/22/12	12/22/12 (probation ordered)
12/26/12	Sex offense V (2 points because on probation)	2/1/13	2/27/13
2/2/13	Assault S (2 points)	2/20/13	2/27/13

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The Disposition Chart

DELINQUENCY HISTORY

<u>OFFENSE</u>	<u>LOW</u> <i>(0-1 pts)</i>	<u>MEDIUM</u> <i>(2-3 pts)</i>	<u>HIGH</u> <i>(4 or more pts)</i>
<u>VIOLENT</u>	Level 2 or 3	Level 3	Level 3
<u>SERIOUS</u>	Level 1 or 2	Level 2	Level 2 or 3
<u>MINOR</u>	Level 1	Level 1 or 2	Level 2

- ### Exceptions to the Chart

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 - A. At Level 2, may order Level 3 if the juvenile has been committed previously
 - B. May order Level 3 for a minor offense, if juvenile has 4 or more "prior adjudications"
 - C. At Level 3, may order Level 2, based on extraordinary needs

**Commitment to DJJ
for Placement in Youth Development Center**

Almost all commitments are for indefinite length of time.

Definite commitment is allowed only if juvenile

- is 14 or older,
- has 2 prior felony adjudications, and
- has been committed previously.


A definite commitment must be for

- at least 6 months
- not more than 2 years.

Most Commitments to DJJ

- minimum 6 months, then indefinite period
- absolute maximum (18, 19, or 21)
- maximum before right to notice / hearing:
 - adult maximum (or 6 months if maximum is less), or
 - age 18 (when extension to 19 or 21 is possible)


“Community commitment” may be considered.



Every disposition must be based upon:

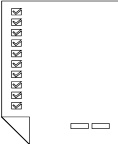
1. seriousness of offense
2. need to hold juvenile accountable
3. protecting public safety
4. juvenile’s culpability
5. juvenile’s rehabilitative & treatment needs

G.S. 7B-2501(c)



Reversal of Disposition Order likely, if:

- Order lacks sufficient written findings to show court considered 7B-2501(c) factors.
 - checking pre-printed boxes to incorporate predisposition report, risk & needs assessments not enough.



In re V.M., 211 N.C. App. 389 (2011)

Post-Release Supervision
<ul style="list-style-type: none">• requires a plan• minimum 90 days• maximum 1 year• re-commitment for violation is minimum of 3 months
