



A Guide to Juvenile Court for Youth & Parents in North Carolina

YOUTH JUSTICE NORTH CAROLINA

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ABOUT YOUTH JUSTICE NORTH CAROLINA

YOUTH JUSTICE NORTH CAROLINA (YJNC) is an organization of law and policy experts, practitioners, and advocates committed to ensuring fair, supportive, and effective public education and juvenile justice systems in North Carolina. Beginning in January 2015, YJNC will operate as a project of the Southern Coalition for Social Justice. For more information and an electronic version of this guide, visit www.youthjusticenc.org.

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Some material in this guide was adapted from the *Youth Guide to the Juvenile Court System* with permission of the Juvenile Law Center in Philadelphia, Pennsylvania.

PLEASE NOTE

- Laws, policies, and practices change. This guide is current as of November 2014.
- This guide is not intended to cover every detail of your issue or case, nor is it a substitute for legal advice. If you become involved in the juvenile justice system, you should consult with your attorney.
- This guide is meant to provide guidance for juveniles. A juvenile is a person who is under age 16 when he/she is accused of committing a crime. Youth age 16 and older charged with a crime in North Carolina automatically go into the adult criminal system.
- This guide covers juvenile delinquency cases. This guide generally does not cover undisciplined cases, which are cases in which a juvenile is accused of being unlawfully absent from school, being uncontrollable by a parent or guardian, or running away from home for more than 24 hours. This guide also does not cover juvenile transfers to adult criminal court, which is rare but may occur if a juvenile is at least 13-years-old and committed a very serious felony.
- The word “parent” in this guide is meant to include both parents and legal guardians.

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Throughout this guide, you will also find:
PARENTS' RIGHTS AND JUVENILES' RIGHTS and
TIPS FOR SUCCESS IN COURT AND AFTER

GLOSSARY OF KEY TERMS

- ❖ **Adjudicatory Hearing:** the legal process during which a judge reviews evidence and arguments by the defender and prosecutor, and then makes a decision about guilt or innocence (basically when a judge reaches a verdict). There are no juries for juvenile delinquency cases in North Carolina.
- ❖ **Admission:** the process of a juvenile admitting to have committed a crime (known in adult court as a “guilty plea”).
- ❖ **Assistant District Attorney (ADA):** the lawyer who represents the state in juvenile cases.
- ❖ **Commitment:** when a judge orders that a juvenile be placed in a youth development center.
- ❖ **Complaint:** a legal document submitted to a juvenile court counselor that alleges the facts and reasons why the person who wrote the document thinks a juvenile committed a delinquent act. If approved, the complaint becomes a petition and the juvenile goes through the formal court process.
- ❖ **Court Counselor:** a person employed by North Carolina to work with juveniles in the justice system. Court counselors have two roles. They decide to accept or divert complaints and then they supervise juveniles who become more involved in the court system. They are like probation officers. To locate information for your court counselor, visit: www.ncdps.gov/sbc.
- ❖ **Custody:** a term to describe a juvenile’s location and the person who has the responsibility over that juvenile. For example, if a juvenile is in the custody of her parents, she is staying with her parents and her parents are responsible for her. If a juvenile is in police custody, she is with police who have the right to hold her until it is appropriate to release her. A juvenile may be placed into the custody of the North Carolina Department of Public Safety (DPS) for detention in a locked facility, if community safety is at risk.
- ❖ **Delinquent:** any juvenile who is at least 6-years-old and is not yet 16-years-old who is found responsible for breaking the law.
- ❖ **Detention:** detention centers are locked facilities, like jails. Juveniles may be placed in a juvenile detention center pending a court hearing or waiting for a dispositional placement for a variety of reasons, including when they are alleged to have committed offenses that would be a felony if committed by an adult, to have assaulted people, or to have violated the conditions of their probation.
- ❖ **Dismissal:** the process of a judge or prosecutor deciding not to proceed with charges against a juvenile.
- ❖ **Disposition:** the court’s final determination of what will happen to a juvenile after a finding of responsibility or guilt for the delinquent act (similar to the judge giving out a sentence in criminal court).
- ❖ **Diversion:** when a court counselor provides an opportunity for the juvenile to not be formally processed in the juvenile justice system and instead requires the juvenile to complete a diversion

program. For example, the court counselor might require the juvenile to participate in a substance abuse program, mentoring program, therapy, or teen court.

- ❖ **Expunction:** a process that juveniles can go through after turning age 16 or 18, if certain conditions are met, to clean or “expunge” juvenile charges from their records. Some juvenile charges are not eligible for expunction. Most juvenile records are confidential and are not a public record.
- ❖ **Felony:** a crime more serious than a misdemeanor. Examples of felonies are murder, kidnapping, trafficking, possessing or distributing drugs, and breaking and entering.
- ❖ **Indigent:** a status of someone who does not have enough money to afford a lawyer for defense in a criminal case. All juveniles are considered indigent and are given a lawyer if their case goes to court.
- ❖ **Intake:** When the court counselor receives a complaint, he/she schedules an intake meeting with the juvenile and the juvenile’s parent. The court counselor asks everyone a lot of questions and uses the information to decide whether to file the complaint as a petition with the court and what recommendations to make to the judge for disposition.
- ❖ **Juvenile:** for purposes of prosecution in North Carolina, a juvenile is a person under age 16. Youth age 16 and older charged with a crime in North Carolina automatically go into the adult criminal system. A person who turns 16 while her case is pending in juvenile court stays in juvenile court until and through disposition.
- ❖ **Juvenile Court:** a district court that handles delinquency cases and other types of cases.
- ❖ **Misdemeanor:** any crime that is not labeled as a felony, such as simple assault, disorderly conduct, stealing property valued at \$1000 or less, and possession of drug paraphernalia.
- ❖ **Petition:** a formal document filed by a court counselor requesting that charges be brought against a juvenile.
- ❖ **Probable Cause:** the standard that police officers must use to decide if they have enough information to arrest an individual or perform a search of his/her person, home, or belongings. Police officers determine probable cause by looking at all the facts and surrounding circumstances to see if there is some evidence that a person is involved in criminal activity. Juveniles are entitled to a probable cause hearing if they are charged with felonies.
- ❖ **Probation:** a court-ordered period of supervision for a juvenile who has been adjudicated as delinquent. It can last anywhere from 6 to 12 months, but can also be extended for an additional 12 months under certain situations. During probation, a juvenile is under the supervision of a court counselor and must abide by certain rules, such as curfew, no drugs or alcohol, and following the rules of parents. Violating the conditions of probation may result in the juvenile having to return to court, which can result in a variety of consequences including detention. Parents may also be ordered to comply with a juvenile’s probation order. The parent is responsible for attending court hearings and arranging for transportation to court-ordered treatment and meetings with court counselors.

❖ **Public Defender or Court-Appointed Counsel:** a lawyer appointed by the state to represent people who cannot afford an attorney. They are always appointed for juvenile cases because all juveniles are, by law, entitled to free counsel; a juvenile's family has the right to hire an attorney for the juvenile. It is the public defender's or court-appointed counsel's job to advocate for and advise clients and work for the best possible outcome that the client wants (not what the lawyer or parent wants). A juvenile cannot represent himself or herself. There are five types of juvenile defense attorneys in North Carolina:

- those who work in public defender offices;
- those who have a contract with the Office of Indigent Defense Services to represent juveniles;
- those who are on a list of local attorneys who are appointed to represent juveniles;
- those who work in law school clinics; and
- those who are hired and paid by a juvenile or someone on behalf of the juvenile.

To see a list of the types of juvenile defense attorneys available in your county, see pages 17-18.

❖ **Psychiatric Residential Treatment Facility (PRTF):** a locked facility where youth live and are supposed to receive mental health, substance abuse, and education services.

❖ **Restitution:** returning to the proper owner of property the value of his/her loss. Usually this is the amount the juvenile has to pay the victim. For example, if a juvenile caused \$200 worth of damage to a victim's car, then the judge may order the juvenile to pay \$200 of restitution to the victim. Under the law, restitution can usually be "paid" through community service.

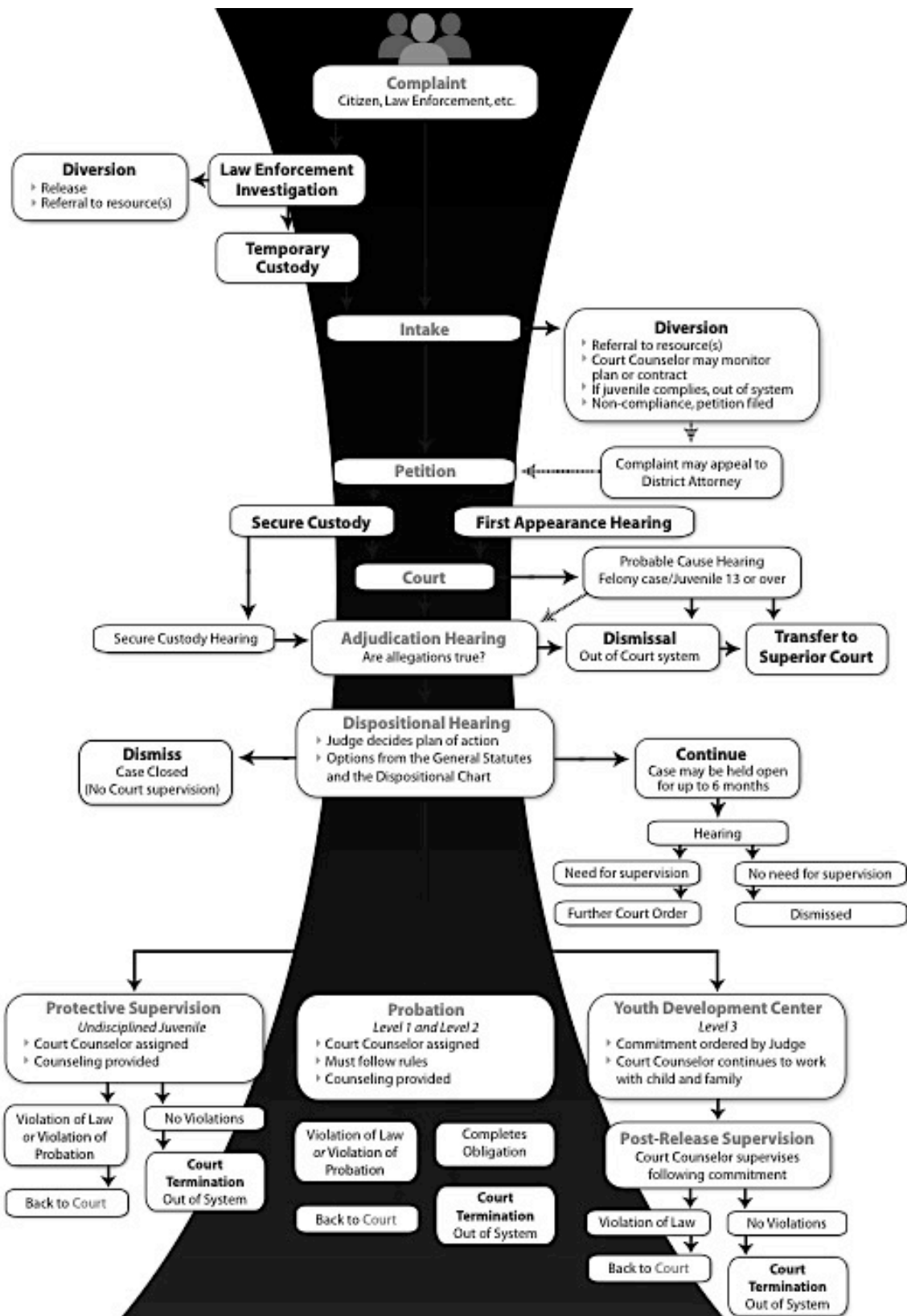
❖ **Wilderness Camp:** an outdoor camp and program to which juveniles may be sent as part of their disposition. Juveniles must live there for a certain amount of time, which is usually 3 or 6 months.

❖ **Youth Development Center (YDC):** a locked residential facility that is supposed to provide long-term treatment, education, and rehabilitative services to juveniles. A judge can commit a juvenile to a YDC only under certain circumstances defined by law. Juveniles must live there for a certain period of time, which may range from 6 to 18 months or longer in some cases. Even after juveniles are released from YDCs, they are often still under legal custody of the state and can be returned to a YDC if they do not follow the terms and conditions of their release. Commitment to a YDC is the most serious disposition the judge can impose.



PROCESS OVERVIEW

The following chart shows the steps in the juvenile justice process.



BEFORE COURT

a. Complaint

The juvenile court process begins when a complaint alleging that a child is a “juvenile delinquent” is filed with the juvenile court. Anyone can file a complaint. A juvenile delinquent is any child ages 6 to 15 who is alleged to have committed a crime or infraction under state law or an ordinance of local government. Youth ages 16 and older who are charged with a criminal offense automatically go directly to the adult criminal system, not the juvenile delinquency system.

b. Temporary Custody

A juvenile may be taken into temporary custody – i.e. placed in a detention center – if:

- 1) a law enforcement officer witnesses the juvenile commit or has probable cause to believe that a juvenile committed a serious crime;
- 2) a law enforcement officer or court counselor has reasonable grounds to believe the juvenile is an undisciplined juvenile – i.e., is unlawfully absent from school; regularly disobedient to and beyond the disciplinary control of his/her parent; regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
- 3) the juvenile ran away from a residential facility.

The person who takes the juvenile into temporary custody must notify the juvenile’s parent. A juvenile taken into temporary custody cannot be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless a judge orders secure custody (see below for more information about secure custody).

c. Intake Meeting

Juvenile court counselors process complaints. The court counselor must evaluate the complaint. The evaluation usually includes an interview with the juvenile and his/her parent – called an “intake meeting.” After receiving a complaint, court counselors will send a letter to the juvenile and parent inviting them to attend an intake meeting. It is very important to attend. If the juvenile and/or parent fails to attend this meeting, the case will likely be sent to court.

Many minor cases that would otherwise be diverted are prosecuted simply because the youth and his/her parent fail to attend this meeting. At this meeting, it is important to be polite, respectful, and honest. Nothing the juvenile says at this meeting can be used against him/her in an adjudicatory hearing or trial. If transportation is a problem, advise the court counselor as soon as possible. If the complaint alleges that the juvenile committed murder, rape, arson, a drug crime that is a felony, first degree burglary, or other serious felonies, then the court counselor must file a petition/ charges. Otherwise, after the meeting, the court counselor must choose from one of three options: 1) dismiss the complaint altogether; 2) divert the case; or 3) file a petition. Court counselors generally have 15 to 30 days to have the intake meeting and make the decision about what to do with the complaint.



d. Diversion

If the court counselor chooses to divert the case, the juvenile will be referred to one or more resources, such as a restitution, community service, mediation, or a counseling program. The court counselor may ask the juvenile and his/her parent to enter into a diversion contract, promising to meet each of the conditions of the agreement. Violation of the contract may result in the filing of a petition. Successful completion of the diversion will result in the complaint being dismissed without the juvenile going to court.

e. Petition

The court counselor is more likely to approve the filing of a petition in more serious delinquency cases and/or when the juvenile has had repeated complaints, assuming there are reasons to believe the juvenile committed the alleged offense. If a petition is filed, the clerk of the court will send a “summons” to the juvenile and his/her parent that orders them to go to court. The summons must be delivered in person (ex. delivered to the house by a sheriff’s deputy), unless the family cannot be found, in which case the summons can be mailed. If the juvenile is served a summons and does not appear in court, the judge can issue an order to lock up the juvenile in detention. If the parent is served and does not appear, the judge can issue a Show Cause order, which may result in contempt of court (being sent to jail or fined).

f. Custody

There are two types of custody that can occur after a petition is filed: secure and non-secure. Both involve the juvenile being removed from his/her home. Both can be initiated by a judge, or in some districts, by the chief court counselor. Both require that an attorney be appointed to represent the juvenile.

A juvenile may be placed into **secure custody** (ex. a juvenile jail) if: 1) there is a reasonable factual basis to believe that the juvenile committed the offense; and 2) there is reason to lock up the juvenile, such as the juvenile is a danger to people or property or there is reason to believe the juvenile will not appear in court. Juveniles do not have the right to bail to get out of custody.

Within 5 calendar days of a juvenile beginning secure custody, there must be an adjudicatory hearing or a hearing to determine the need for continued custody. Then, hearings must be held at least every 10 calendar days until a juvenile is out of secure custody, unless the juvenile waives his/her right to further hearings. A juvenile who is found to be in violation of probation may be ordered into secure custody if the judge finds a willful violation. The number of detention days is determined by statute (state law).

A juvenile may be placed into **non-secure custody** (ex. relative’s home, foster home, or psychiatric facility) if: 1) there is a reasonable factual basis to believe that the juvenile committed the offense; and 2) the juvenile is a runaway, consents to non-secure custody, or meets one or more of the criteria for secure custody, but the court finds it in the best interests of the juvenile that the juvenile be placed in a non-secure placement.

Within 7 calendar days of a juvenile starting in non-secure custody, there must be an adjudicatory hearing or a hearing to determine the need for continued custody. Then, a second hearing must happen within 7 business days after the first hearing. Then, hearings must be held at least every 30 calendar days until a juvenile is out of non-secure custody.

PARENTS' RIGHTS:

As a parent/guardian, you have the right to:

- **Attend court dates and meetings.** You have the right and obligation to attend all court dates and meetings associated with your child's involvement in the juvenile justice system. In fact, North Carolina law prohibits employers from firing, demoting, or denying a promotion or other benefit of employment because an employee attends juvenile court hearings or complies with other juvenile court orders. A parent may be found to be in contempt of court for failing to appear on the juvenile's court date.
- **View your child's educational records** maintained by the school. A key element of the defense of the delinquency case may be your child's educational history and records. Therefore, it is important to review and obtain a copy of your child's educational records. Your child's school record must contain grades, test scores, attendance, notices of any out-of-school suspensions lasting for a period of more than 10 school days or of any expulsions, and any special education records. If you make a records request at your child's school, the school must comply within 45 days but will usually do so more quickly. If you sign a confidentiality waiver, your child's attorney may request the school records for you.
- **Proper counsel for your child.** Defense attorneys must be competent, prompt, diligent, and zealous. They must also maintain regular communication and confidentiality with their clients (i.e., the juvenile). The attorney's duty is to represent to the court what the juvenile wants, not what you want. If you feel that the attorney is not properly advocating for your child, first talk to your child. Then, you and your child can pursue one of the following options.
 - Talk to the attorney
 - For example: "I'm not happy with the services you are offering my child right now because.... Something needs to change or I will be seeking another attorney."
 - Your child may also ask the attorney for a new lawyer. The attorney should make a motion to withdraw, and the judge may or may not appoint another attorney.
 - Talk to the judge
 - For example: "Your honor, my child is not receiving proper counsel in this case because..."
 - If the attorney will not withdraw even after your child has asked, tell the judge.
 - Call the North Carolina State Bar at (919) 828-4620.
 - Call the North Carolina Office of Juvenile Defender at (919) 890-1650.

COURT

a. First Appearance for Felonies

The first court date for a juvenile **who is charged with a felony** is called a “first appearance.” The first appearance must happen within 10 days of the petition being filed. If the juvenile is in custody, the first appearance is also the custody hearing (see page 8). At the first appearance, the judge informs the juvenile of the charges, makes sure the juvenile has a lawyer, tells the parent that he/she is required to attend the court dates, and informs the juvenile of the next court date.



b. Probable Cause Hearing for Felonies

If the juvenile is at least 13 years old and charged with a felony, then there must be a probable cause hearing within 15 days of the first appearance. At this hearing, the judge hears evidence and arguments, and then decides whether there is probable cause that the juvenile committed the felony. The juvenile’s attorney may decide to waive (not have) this hearing if that is determined to be the best strategy.

JUVENILES’ RIGHTS IN COURT:

As a juvenile, you have the right:

- **To a lawyer**—This could be an attorney from the public defender’s office, a court-appointed private attorney, or an attorney from a law school clinic, or you or your family can hire a private attorney.
- **To remain silent**—No one can force you to answer questions about your case outside of court, nor can they force you to testify in court. You may remain silent if a police officer asks you questions. Respectfully say that you do not want to answer any questions, but give your name. The only person you should discuss your case with is your lawyer.
- **To notice of the charges against you**—In court, the judge has to tell you all of the crimes you are being charged with and give you an opportunity to defend yourself against those charges.
- **To confront and cross-examine witnesses**—If a witness in court says that you committed the crime (or something else that hurts your case), you must be given the opportunity for your lawyer to ask that person questions in front of the judge to try to prove that he/she is not a reliable witness.

c. First Court Date for Misdemeanors

The first time a juvenile who is **charged with a misdemeanor** goes to court is called the first court date. This usually happens 3 to 6 weeks after the petition is filed. Unless there is a diversion contract entered, the lawyer should be appointed before this date, and should contact the juvenile. If not, the juvenile will meet the lawyer for the first time at the first court date.

After the lawyer is appointed and has a conversation with the juvenile, the juvenile may admit or not admit to the alleged delinquent conduct. If the juvenile admits, then the judge may either conduct a dispositional hearing (see below) or schedule one for another date. If the juvenile does not admit, an adjudicatory hearing (see below) will probably be scheduled. In general, admitting guilt to the court on the first date that you meet your lawyer is not a good idea, as your lawyer may be able to get you a better result with more investigation and preparation.

d. Adjudicatory Hearing

The adjudicatory hearing is like a trial. Witnesses and evidence are presented and arguments are made, and then a judge decides whether the juvenile is guilty/delinquent. The allegations in the petition must be proved beyond a reasonable doubt. In North Carolina, juveniles are not allowed to have jury trials. The juvenile may present evidence and witnesses for their case.

TIPS FOR SUCCESS IN COURT—JUVENILES:

- Dress nicely and respectfully for court. Tuck in your shirt. Do not sag your pants or wear a hat.
- Arrive to the courthouse 30 minutes early.
- You and your parent will go through security as you enter the courthouse. Do not bring anything illegal or anything that could be considered a weapon.
- If you do not know the courtroom number, go to the information area and ask.
- When you get to the courtroom, you may have to check in with a clerk or other court personnel, or you may be able to go straight in and sit down. Stay in the courtroom unless you have to go to the bathroom, in which case, go right back afterwards.
- Sit quietly while you wait. Make sure your cell phone is off.
- Be polite to everyone, including the lawyers, court staff, and judge. Do not roll your eyes, suck your teeth, curse, etc.
- Do not chew gum or bring food or drinks into the courtroom.
- In a private environment, provide your lawyer with a truthful, detailed account of what happened, and the names, phone numbers, and addresses of all witnesses. You have the right to speak with your lawyer without the presence of your parent and it is usually best to do so.
- Tell your lawyer about every person you have spoken to about the case.
- Stand when the judge addresses you. Address the judge as “Your Honor,” “Ma’am,” or “Sir.” Make eye contact with the judge.

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- Speak clearly. Do not mumble or say things under your breath.
- The judge will speak to you and ask you questions. Be prepared to talk about school, your interests, and your understanding of the court experience.
- If there is an emergency and you cannot make it to court, call your attorney as soon as possible to let him/her know. If you do not have a lawyer yet, or you cannot find your attorney's contact information, tell your court counselor.

There may be continuances between these parts of the court process. Court dates may get rescheduled if the prosecutor or juvenile's attorney need more time to negotiate and prepare. Be sure to get future court dates in writing. You may also request a note to excuse absences from work or school.

Additionally, all court hearings are open to the public unless the court has a good reason to make the hearing closed. If you want the hearing to be closed, talk to the attorney before the case is heard to discuss what options are available.

e. Dispositional Hearing

If the juvenile is found to be delinquent, a disposition hearing will be held. At the dispositional hearing, the judge has several options. He/she may decide to dismiss the case or continue it for up to 6 months. In most cases, the judge will choose probation, but any of the following options are available:

- **Custody**—The judge could order the juvenile to be placed in another person's custody, different from where the juvenile was previously living.
- **Probation**—If the juvenile is placed under probation, he/she will have to report to a court counselor at regular times and follow certain rules, such as going to school, following a curfew, and not breaking the law. If the juvenile breaks any of the rules of probation, he/she may have to go back to court and could face a harsher punishment, like time in detention (jail).
- **Restitution**—The juvenile may be ordered to pay back the victim(s) in the case, and can do so by performing community service. The judge could also order the juvenile to perform **community service** without any money owed.
- **Counseling and other community programs**—The judge may order the juvenile to attend counseling sessions alone or with family. The judge may also order the juvenile to attend other community programs like gang prevention or mentoring programs.
- **Group homes**—If the juvenile is sent to a group home, he/she will have to live there for a specific period of time, such as 3 or 6 months. These homes usually have strict rules that must be followed, along with mandatory counseling.
- **Wilderness camp**—Like a group home, if the juvenile is sent to wilderness camp, he/she will have to

stay there for a specific period of time – usually 6 to 12 months. There will also be strict rules and counseling, but also outdoor activities and challenges.

- **Delayed driver's license**—The judge can decide that the juvenile cannot have a driver's license for a certain period of time. If so, the court will notify the DMV and the juvenile may not be allowed to get his/her driver's license until he/she turns 18.
- **Detention**—Depending on the type of probation, the judge can order the juvenile to be confined in a detention center (juvenile jail) for as little as one day and up to multiple 24-hour periods.
- **Youth Development Center (YDC)**—If a judge finds that the juvenile committed a violent or serious offense and/or has a history of delinquent behavior, a judge may commit the juvenile to a Youth Development Center, which is a locked residential facility, for a minimum period of 6 months. A YDC is basically a juvenile prison and the most severe punishment a juvenile can get.
- **Other decisions**—The judge may also order substance abuse treatment and random drug tests, intensive probation, house arrest, fines, curfew, and that the juvenile not associate with certain people or be in certain places, among other conditions.

It is important for the juvenile to talk to his/her lawyer before the dispositional hearing about any programs in which he/she is already involved or would like to be involved. The juvenile should also inform the lawyer if there are any terms of probation that would be particularly difficult like an early curfew.

WHAT TO KNOW IF YOU ARE IN DETENTION

Where will I go?

- As of November 2014, there were 9 detention centers in North Carolina. They are located in Taylorsville, Fayetteville, Dallas, Castle Hayne, Greenville, Raleigh, Durham, Winston-Salem, and Greensboro.

Can I see my family?

- Yes, however, the facility will set the time, date, and place of the visit.

Can I call my family?

- You will not be able to text or call your family on a cell phone while you are in detention. The facility will have a phone you can use to call your family at set times.

Can I speak with a lawyer?

- Yes, and you should speak with a lawyer. You should not speak about your case with anyone else in detention.

What will my day be like in detention?

- All your personal belongings will be removed. You will stay in a bare room with bunk beds and maybe a desk and/or a toilet. You will have a strict daily schedule with meals and school, and you will be supervised by an adult at all times.

POST-DISPOSITION

a. Possible Consequences of a Juvenile Record

- 1. Immigration Status**—Depending on your immigration status, there is a small risk that your involvement in the juvenile court system could cause deportation, particularly with violent crimes or crimes involving drugs. A delinquency adjudication may also be a reason for a court to deny other immigration benefits for you. If you are at all concerned about your immigration status, it is very important that you talk to your attorney.
- 2. School Athletics**—If you are adjudicated delinquent and the offense would be a felony if committed by an adult, your high school will likely prohibit you from participating in sports.
- 3. College Admission & Financial Aid**—Many colleges require applicants to provide information about their criminal and delinquency history and any arrests or probation.
- 4. Driver's License**—A court may order that you may not get a driver license or drive a car as long as your case is pending, including while you are on probation.
- 5. Future Employment**—In North Carolina, juvenile records are not automatically available to the public; however, some employers conduct fingerprint checks, which might reveal a delinquency history. Juvenile delinquency adjudications are also considered criminal offenses for purposes of military recruitment. Finally, some employers ask about whether applicants have ever been arrested, which technically would include a juvenile arrest, even one that did not result in an adjudication.
- 6. Public Housing**—A juvenile or his/her family may be disqualified from living in public housing as a result of a delinquency adjudication. Under federal law, a public housing authority may terminate a lease if any member of the household has engaged in any drug related or violent criminal activity, or if any member has been convicted of a felony.
- 7. Future Adult Charges**—If you receive any adult criminal charges, your juvenile record of a felony or A1 misdemeanor may be used in future court cases by the district attorney or law enforcement to effect pre-trial release and plea negotiations. They may also impact bail amounts and what kind of plea deal you can get from a prosecutor or be accessed by an adult probation officer.

b. Expunction

A juvenile record does not automatically disappear when a juvenile is out of court, or even turns 18. A juvenile's delinquency record may possibly be "expunged" or wiped clean when he/she turns age 16 or 18, depending on how the case was resolved. Expunction completely removes eligible delinquency charges from a juvenile's record, and basically allows a juvenile to assert that the delinquency adjudication never happened. After expunction, the juvenile can apply for college, loans, and jobs, and truthfully state that he/she has no criminal record. To expunge records, several criteria must be met:

- If the juvenile petition was dismissed, the charge can be expunged when the juvenile turns 16.
- If the juvenile was adjudicated delinquent, the charge can be expunged at the age of 18 if:
 - the juvenile has had good behavior since adjudication;
 - the offense would not be an A-E felony if committed by an adult;
 - at least 18 months have passed since the juvenile was released from court jurisdiction (ex. since the juvenile’s probation ended); and
 - the juvenile has not been convicted of any subsequent crime other than a traffic violation.

The UNC Youth Justice Clinic provides free help with expunction. Reach the Clinic by phone at 919-962-2888. Legal Aid of North Carolina also provides free help with expunction. Reach Legal Aid by phone at 1-866-219-5262. Other information related to expunction may be found on the Office of the Juvenile Defender website, <http://ncjuveniledefender.wordpress.com/information-for-juveniles/expunction/>.

**TIPS FOR PARENTS & GUARDIANS:
HOW TO SUPPORT YOUR CHILD AFTER A DELINQUENCY ADJUDICATION**

- Ensure your child complies with the conditions of the disposition.
- Work with the attorney to argue for a disposition that is reasonable and able to be completed by your child.
- Talk to your child about the importance of complying with the terms of the disposition. For example, if a curfew is part of your child’s probation, talk about what some of the consequences of breaking curfew might be—both in your home and in the court system.
- If one of the conditions of the disposition is participating in a program or counseling sessions, take active steps to enroll your child and ensure he/she participates.
 - Contact the organization to find out how to enroll your child.
 - If you have difficulty contacting the organization, or if transportation or cost is a problem, call your child’s court counselor. With notice, juvenile court counselors can assist the child with transportation and can help as well with making contact with community organizations.
 - Put up a visible calendar in your home so that you and your child can keep track of appointments for programs. See the example calendar on page 23.
- As a parent, you must comply with the conditions of your child’s disposition. If you do not help with the terms of the disposition, you can be held in contempt of the court. A person held in contempt can be jailed for up to 30 days, fined up to \$500, or both.

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- Maintain consistent and fair discipline. Science shows that children are more immature, impulsive, and susceptible to peer pressure than adults. Expect that your child will not be perfect. Regardless of the mistake, ensure that all the discipline you administer is firm, fair, and consistent.
- Think carefully before reporting probation violations to a court counselor. If you report a violation, the court counselor could recommend detention, extending the length of probation, or even out-of-home placement.
- Talk to your child about the idea of earning trust.
- Set specific goals and rewards. For example:
 - If you make a B or higher on your science test, we'll order pizza on Friday.
 - If you follow your curfew for the next 3 weeks, I'll let you go out alone with your friends during the afternoon on a Saturday.
 - If you have no other problems in school for the rest of the year, I'll take you and a friend to a water park.
- Find another role model for your child. A role model could be any adult that you trust and think would be a good mentor and example for your child. Some ideas for a role model include an older cousin, neighbor, uncle, aunt, pastor, sports coach, teacher, or family friend. Consider enrolling your child in a mentoring program in your community.



RESOURCES

a. Free Education Advocacy Services

ORGANIZATION/FIRM	GEOGRAPHIC AREA	PHONE	WEBSITE
Advocates for Children's Services/Legal Aid of NC	Statewide	866-219-5262	www.legalaidnc.org/acs
Council for Children's Rights	Charlotte-Meck. County & surrounding counties	704-372-7961	http://cfcrights.org
Disability Rights NC	Statewide	919-856-2195	www.disabilityrightsn.org
Duke Children's Law Clinic	Triangle & surrounding counties	919-613-7169	http://law.duke.edu/childedlaw
Parents Supporting Parents	Guilford County	336-457-7070 336-508-1356	www.parents-supporting-parents.org

b. Free Juvenile Defense Services

DISTRICT	COUNTIES	JUVENILE DEFENSE SERVICES
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	Assistant public defenders Privately assigned counsel
2	Beaufort, Hyde, Martin, Tyrell, Washington	Privately assigned counsel
3A	Pitt	Assistant public defenders Privately assigned counsel
3B	Carteret	Assistant public defenders
	Craven, Pamlico	Privately assigned counsel
4	Duplin, Jones, Onslow, Sampson	Privately assigned counsel
5	New Hanover	Assistant Public Defenders
	Pender	Privately assigned counsel
6A	Halifax	Privately assigned counsel
6B	Bertie, Hertford, Northampton	Privately assigned counsel
7	Edgecombe, Nash, Wilson	Privately assigned counsel
8	Greene, Lenoir, Wayne	Privately assigned counsel
9A	Caswell, Person	Privately assigned counsel
9B	Franklin, Granville, Vance, Warren	Privately assigned counsel
10	Wake	Assistant public defenders Privately assigned counsel UNC Youth Justice Clinic
11	Harnett, Johnston	Contract attorneys (4)
	Lee	Privately assigned counsel
12	Cumberland	Privately assigned counsel
13	Bladen, Brunswick, Columbus	Privately assigned counsel
14	Durham	Assistant public defenders UNC Youth Justice Clinic NCCU Juvenile Law Clinic Privately assigned counsel
15A	Alamance	Privately assigned counsel

15B	Chatham, Orange	Assistant public defenders UNC Youth Justice Clinic (Orange) Privately assigned counsel
16A	Hoke, Scotland	Assistant public defenders Privately assigned counsel
16B	Robeson	Assistant public defenders Privately assigned counsel
17A	Rockingham	Privately assigned counsel
17B	Stokes, Surry	Privately assigned counsel
18	Guilford – Greensboro	Assistant public defenders Privately assigned counsel
	Guilford – High Point	Contract attorneys (2) Privately assigned counsel
19A	Cabarrus	Privately assigned counsel
19B	Montgomery, Moore, Randolph	Privately assigned counsel
19C	Rowan	Contract attorneys (2) Privately assigned counsel
20	Anson, Richmond	Privately assigned counsel
	Stanley	Contract attorney (1)
20B	Union	Privately assigned counsel
21	Forsyth	Contract attorneys (2) Assistant public defenders Privately assigned counsel
22	Alexander, Davie, Iredell	Contract attorneys (3) Privately assigned counsel
	Davidson	Privately assigned counsel
23	Alleghany, Ashe, Wilkes	Privately assigned counsel
	Yadkin	Contract attorney
24	Avery, Madison, Mitchell, Watauga, Yancey	Contract attorneys (6) Privately assigned counsel
25	Burke, Caldwell, Catawba	Privately assigned counsel
26	Mecklenburg	Council for Children’s Rights (Contract attorneys (5)) Privately assigned counsel
27A	Gaston	Assistant public defenders Privately assigned counsel
27B	Cleveland, Lincoln	Privately assigned counsel
28	Buncombe	Assistant public defenders Privately assigned counsel
29A	McDowell, Rutherford	Privately assigned counsel
29B	Henderson, Polk, Transylvania	Privately assigned counsel
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain	Privately assigned counsel

This chart was created by and used with permission from the NC Office of the Juvenile Defender.
This information is current as of August 2014.
For more information, visit <http://ncjuveniledefender.wordpress.com/>.

ORGANIZATIONAL TOOLS

a. Important Dates

DATE & TIME	ORGANIZATION/AGENCY NAME & ADDRESS	DESCRIPTION	NOTES

b. Calendar

Month: _____

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

Month: _____

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

A Guide to Juvenile Court for Youth & Parents in North Carolina

YOUTH JUSTICE NORTH CAROLINA

www.youthjusticenc.org