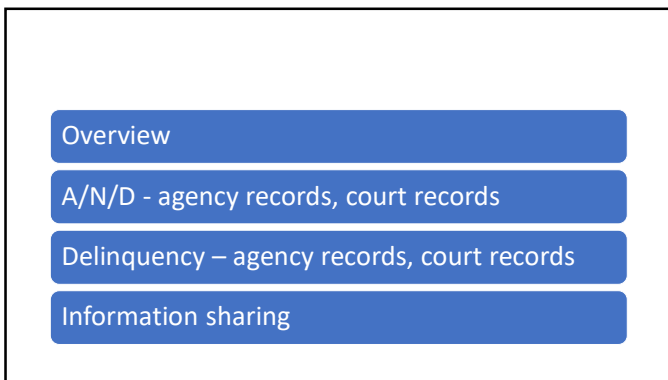
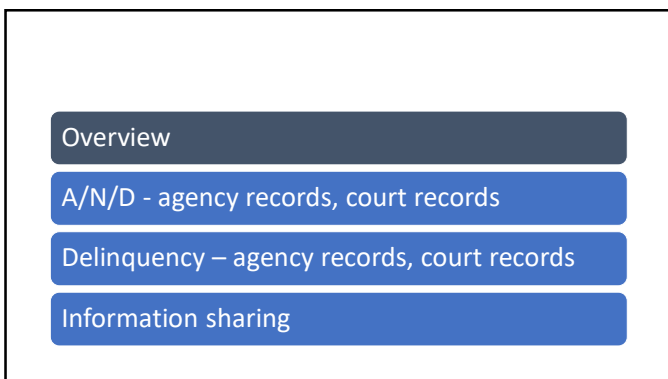


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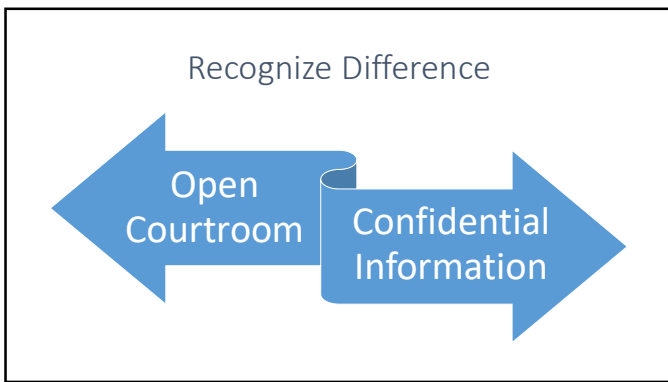
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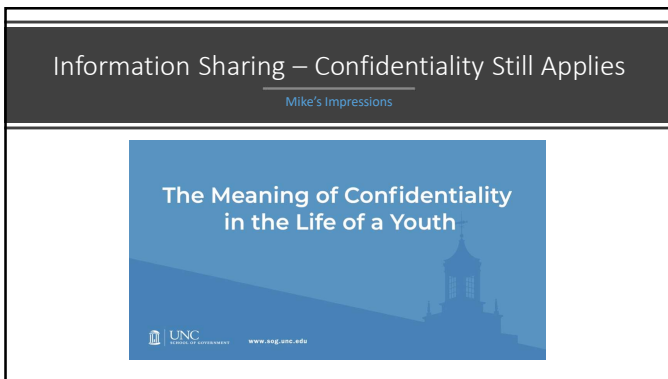
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6

Overview


A/N/D - agency records, court records

Delinquency – agency records, court records


Information sharing

7


Types of Records



Agency
(DSS, DJJ, Law Enforcement)



Court



Other Entities
(e.g. school, medical provider)

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DSS Agency Records

Information in “strictest confidence” w/ limited disclosures
G.S. 7B-302(a1); G.S. 7B-2901(b)*

Government Agency to protect a juvenile

DHHS licensed adoption agency to protect a juvenile

NC Court Order*

Juvenile/GAL*
(even when 18+)

Discovery*
G.S. 7B-700

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DSS
Agency
Records


DISCOVERY

- G.S. 7B-700: Information sharing and discovery in pending A/N/D court action

10

DSS Agency Records

What's the court order?



Government Agency to protect a juvenile

DHHS licensed adoption agency to protect a juvenile

NC Court Order*

Juvenile/GAL* (even with 18+)

Discovery* G.S. 7B-700

11



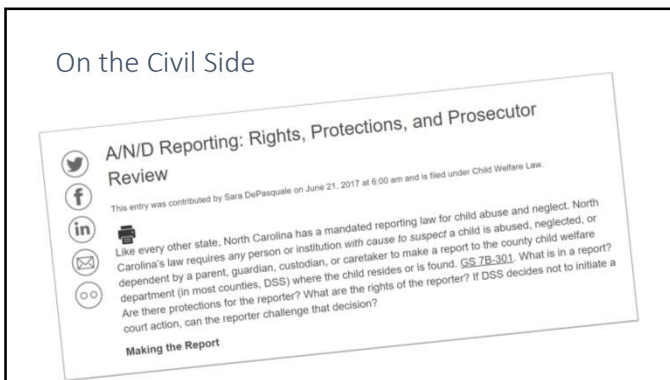
Court Order (of this State)

7B Action	Civil Action	Criminal/Delinquency Action
	<ul style="list-style-type: none">• DSS notice & opportunity to be heard• Unavailable from another source• May request in camera review	<ul style="list-style-type: none">• No notice to DSS• In camera inspection required

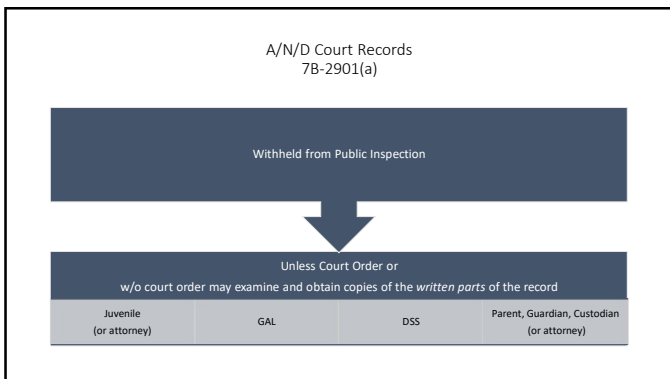
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Written Transcript

Only if notice of appeal timely given
G.S. 7B-806; 7B-2901(a); 7B-3000(d)

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Overview

A/N/D - agency records, court records

Delinquency – agency records, court records

Information sharing

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DJJ Records – G.S. 7B-3001(c)

Only certain people can examine and obtain copies without a court order

- (1) The juvenile and the juvenile's attorney;
- (2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- (3) Professionals in the agency who are directly involved in the juvenile's case; and
- (4) Juvenile court counselors.

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Law Enforcement Records Concerning Juveniles – G.S. 7B 3001(b)

Only certain people can examine and obtain copies without a court order

- (1) The juvenile and the juvenile's attorney;
- (2) The juvenile's parent, guardian, custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- (3) The Prosecutor;
- (4) Juvenile court counselors; and
- (5) Law enforcement officers sworn in NC

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Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Allowed when:
 - Petition filed alleging felony at age 13 or older,
 - Juvenile presents danger to self or others based on their record or the allegations, and
 - Good cause exists for disclosure

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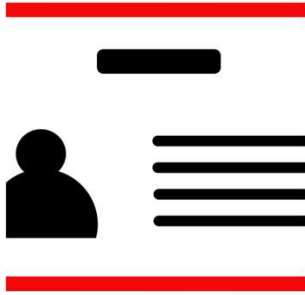
Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Requires
 - Written court order
 - With findings

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Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Also allowed when
 - Exigent circumstances exist
 - DJJ or LE releases information
- Must seek court order as soon as reasonably practicable and at least at first available session of a court in the county following information release



- ## Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103
- Also allowed when
 - Exigent circumstances exist
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 - Must seek court order as soon as reasonably practicable and at least at first available session of a court in the county following information release

Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Information that can be released
 - First and last name
 - Photograph
 - Offense(s) alleged in petition
 - If a SCO has been issued
 - Statement as to threat to self or others and level of concern of DJJ or LE

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[illegible]

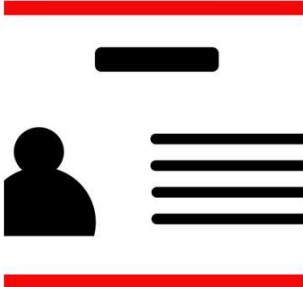
Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Before release of information
 - DJJ or LE must make reasonable efforts to notify PGC
 - If taken into custody before release, no release allowed


- ## Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103
- Before release of information
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Release of Identifying Information for Public Safety Reasons – G.S. 7B-3103

- Information must be removed from publicly available websites, DJJ or LE social media accounts if
 - Court does not order release after release under exigent circumstances, or
 - Taken into custody



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Delinquency Court Records – G.S. 7B-3000

Only certain people can examine and obtain copies of the *written parts* of the record without a court order:

- The juvenile or the juvenile's attorney;
- The juvenile's parent, guardian, or custodian, or the authorized representative of the juvenile's parent, guardian, or custodian;
- The prosecutor;
- Court counselors; and
- Probation officers (for supervision risk assessment)

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Prosecutor can share information from a juvenile court record verbally with magistrates and law enforcement officers sworn in NC, but the record cannot be copied.
G.S. 7B-3000(b)



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Allowable Uses of Delinquency Adjudication Record in Criminal Proceedings – G.S. 7B-3000 (e)

Law enforcement, magistrates, courts, and prosecutors can use for pretrial release, plea negotiating decisions, and plea acceptance decisions ONLY if

- Person was under 21 at time of criminal offense
- Criminal offense is A1 MDM or a felony
- Adjudication was A1 MDM or felony and person was at least 13 at time of adjudication
- Information remains confidential and does not enter any public record

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Allowable Uses of Delinquency Adjudication Record in Criminal Proceedings – G.S. 7B-3000 (e1)

Adult probation for assessing risk related to supervision, ONLY if

- the person was under age 25 at the time of the criminal offense
- Adjudication was for a felony
- Information remains confidential and does not enter any public record

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Allowable Uses of Delinquency Adjudication Record in Criminal Proceedings – G.S. 7B-3000 (f)

404(b) evidence or aggravating factors at sentencing, ONLY if

- Juvenile adjudication for Class A – E felony
- Prosecutor makes a motion in criminal proceeding
- Court holds in camera hearing to determine if record is admissible
- Court issues an order for the use of the records

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Overview

A/N/D - agency records, court records

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Information sharing

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Local Interagency Information Sharing

7B-3100

Designated agencies authorized to share information (14B NCAC 11A.0301)

- DJJ, GAL Office, DSS, LME, law enforcement, DA (not required to disclose), county mental health facilities, developmental disabilities and substance abuse programs, local school administrative units, local health departments, DAC Div. of Community Supervision and Reentry (to assess risk in certain cases), local agencies designated by judicial district administrative order

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When?

Assessment of report of A/N/D or protective services

Petition is filed (A/N/D, undisciplined, delinquent)

Vulnerable juvenile receiving consultation services

Protective services case closed

Jurisdiction ends


Consultation closed

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Information relevant to assessment or provision of protective services; case related to petition; consultation case

For: 1) protection of the juvenile and others or 2) to improve juvenile's educational opportunities

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Strict Limitations on Redislosure

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Information Sharing for A/N/D

Limitation: Federal Law Requirements

- 7B-302(e): DSS may consult with; may make a written demand for information believe relevant
- 7B-601/7B-700(f): Guardian ad litem access to information believed relevant; no redislosure unless submitting to court, court order, or local rule



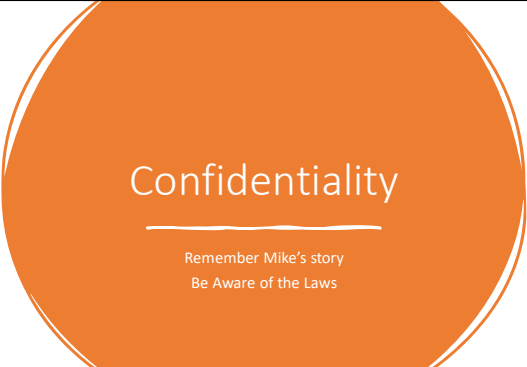
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Delinquency School Notification

7B-3101 school notification
115C-404 school use of
juvenile court information

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Confidentiality

Remember Mike's story
Be Aware of the Laws

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