

GS 7B: Language, Procedure, and Jurisdiction

An Introduction to Juvenile Court Proceedings

1

Language

Applicable Laws

Representation

Proceeding Stages

Jursidiction

2

Language

Applicable Laws

Representation

Proceeding Stages

Jursidiction

3

7B
Proceedings
Have Their
Own Language

4

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.

5

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)	
6 options	

6

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7

Delinquency Language
It's game time

8

Language

Applicable Laws

Representation

Proceeding Stages

Jursidiction

9

What Laws Apply?



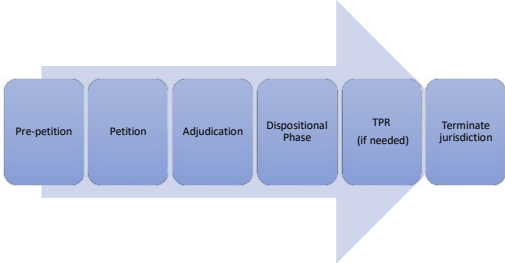
10

Definitions
and
Required
Findings



11

Road Map for All A/N/D Stages



12

Procedures Too

G.S. 1A-1 § 1A-1. Rules of Civil Procedure
Article 1. Scope of Rules. One Form of Action.
G.S. 1A-1, Rule 1 Rule 1. Scope of rules.
G.S. 1A-1, Rule 2 Rule 2. One form of action.
Article 2. Commencement of Action. Service of Process, Pleadings, Motions, and Orders.
G.S. 1A-1, Rule 3 Rule 3. Commencement of action.
G.S. 1A-1, Rule 4 Rule 4. Process.
G.S. 1A-1, Rule 5 Rule 5. Service and filing of pleadings and other papers.
G.S. 1A-1, Rule 6 Rule 6. Time.
Article 3. Pleadings and Motions.
G.S. 1A-1, Rule 7 Rule 7. Pleadings allowed motions.
G.S. 1A-1, Rule 8 Rule 8. General rules of pleadings.
G.S. 1A-1, Rule 9 Rule 9. Pleading special matters.
G.S. 1A-1, Rule 10 Rule 10. Form of pleadings.
G.S. 1A-1, Rule 11 Rule 11. Signing and verification of pleadings.

13

Procedural Gap

Substantive Right

A/N/D

14

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 122C	Mental Health
Chapter 108A	Social Services Law
Chapter 115C	Education
Chapter 131D	Foster Care

15

Resources to Help You



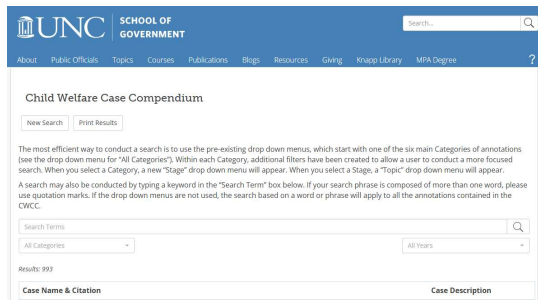
MICROSITE

Abuse, Neglect, Dependency, and Termination of Parental Rights

<https://www.sog.unc.edu/resources/microsites/abuse-neglect-dependency-and-termination-parental-rights/>

16

www.sog.unc.edu/cwcc



17



18

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

19

Forthcoming: Summer

Books to Have On-Hand

20

Helpful Web Resources

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

21

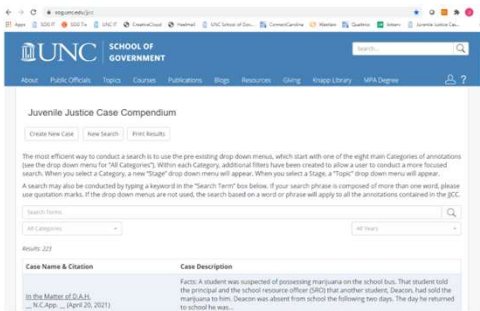
Helpful Web Resources

SOG Blogs

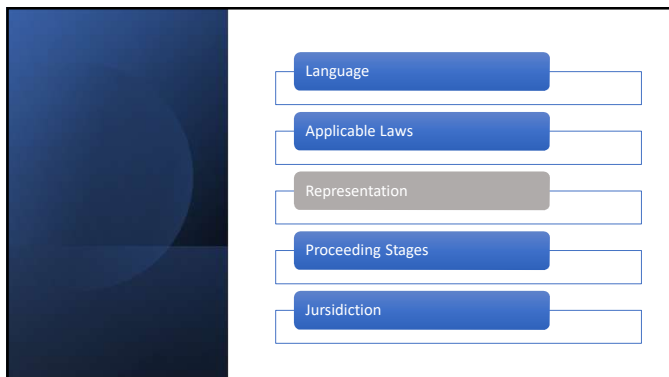
North Carolina Criminal Law -
<https://nccriminallaw.sog.unc.edu/>

On the Civil Side -
<https://civil.sog.unc.edu/>

22



23



24

A/N/D representation

Juvenile



- ☐ 7B-601 Best Interests
- ☐ GAL Team
- ☐ Abuse/Neglect v. Dependency

25

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
- ☐ Forfeiture
- ☐ Rule 17 GAL: Parent who is a minor or incompetent

26

A/N/D representation


Non-Parent




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

27

Delinquency



ATTORNEY FOR THE JUVENILE = EXPRESSED INTEREST REPRESENTATION



- PARENTS MAY RETAIN ATTORNEYS,
- ONLY ENTITLED TO COUNSEL FOR 90&1 REVIEW HEARINGS IF THEIR CHILD IS PLACED IN DSS CUSTODY AS A DELINQUENCY DISPOSITION

28

Language

Applicable Laws

Representation

Proceeding Stages

Jursidiction

29

Case Stages

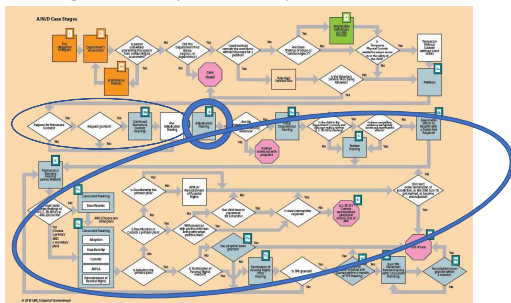
1 Pre-Adjudication

2 Adjudication

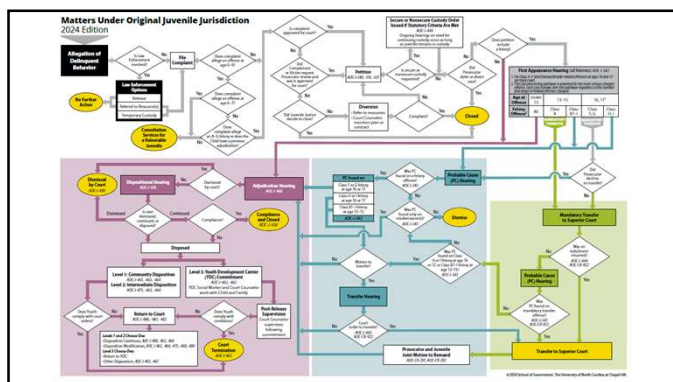
3 Disposition

30

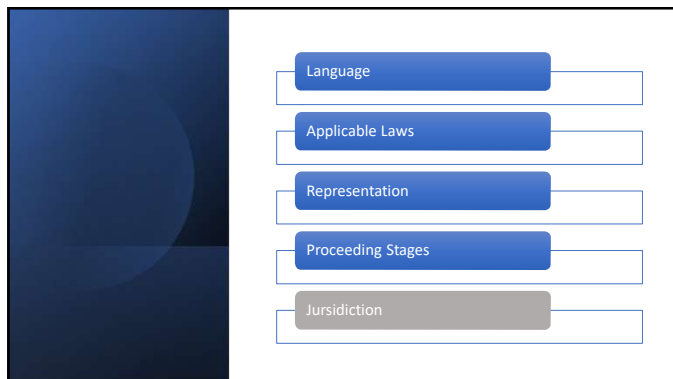
Abuse, Neglect, Dependency



31

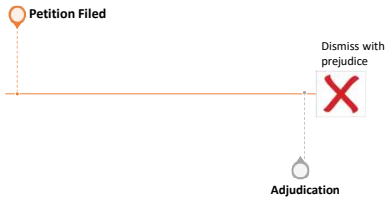


32



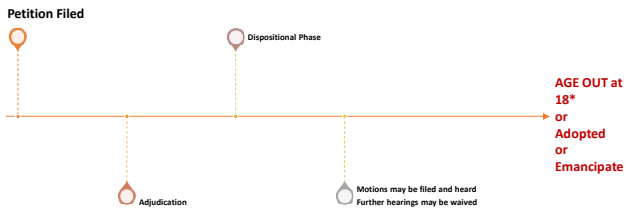
33

Jurisdiction: Deny Adjudication



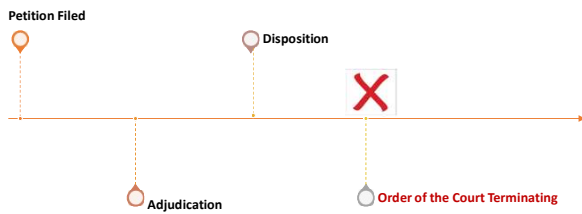
34

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



35

Order Terminating Jurisdiction before Age Out



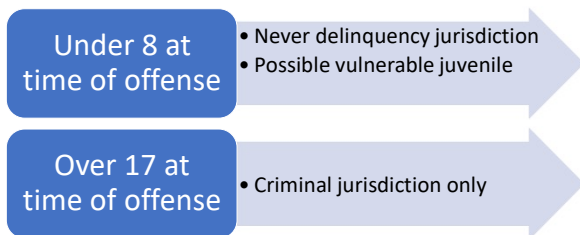
36

Three Factors for Delinquency Jurisdiction



37

Age Boundaries



38



Delinquency jurisdiction for all offenses from ages 10 – 15

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

39

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



40

Offenses at 16 & 17

Delinquency jurisdiction for all offenses EXCEPT

- 1) Chapter 20 motor vehicle offenses
- 2) Class A – E felonies AND their transactionally related offenses

G.S. 7B-1501(7)b.



41

Jurisdiction – Once an Adult, Always an Adult

No
juvenile
court
jurisdiction
for offense
committed
after
conviction
for

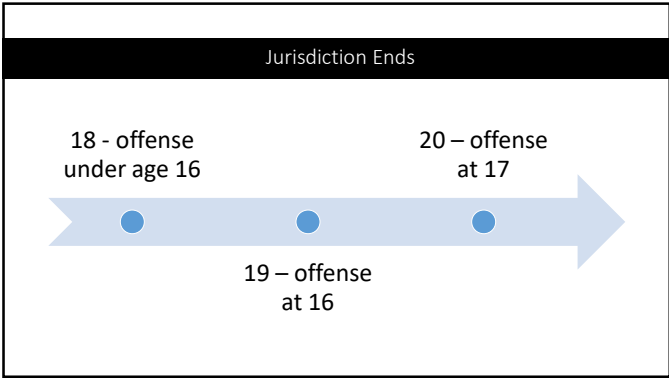
Felony

Non-chapter 20 misdemeanor

Impaired driving offense

G.S. 7B-1604(b)

42



43

Extended Commitments

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

44
