

Delinquency Law Developments: Case Law, Remediation, and Legislation

Juvenile Defender Conference

August 20, 2025



Case Law Update



Remediation Psychoeducation



Legislation

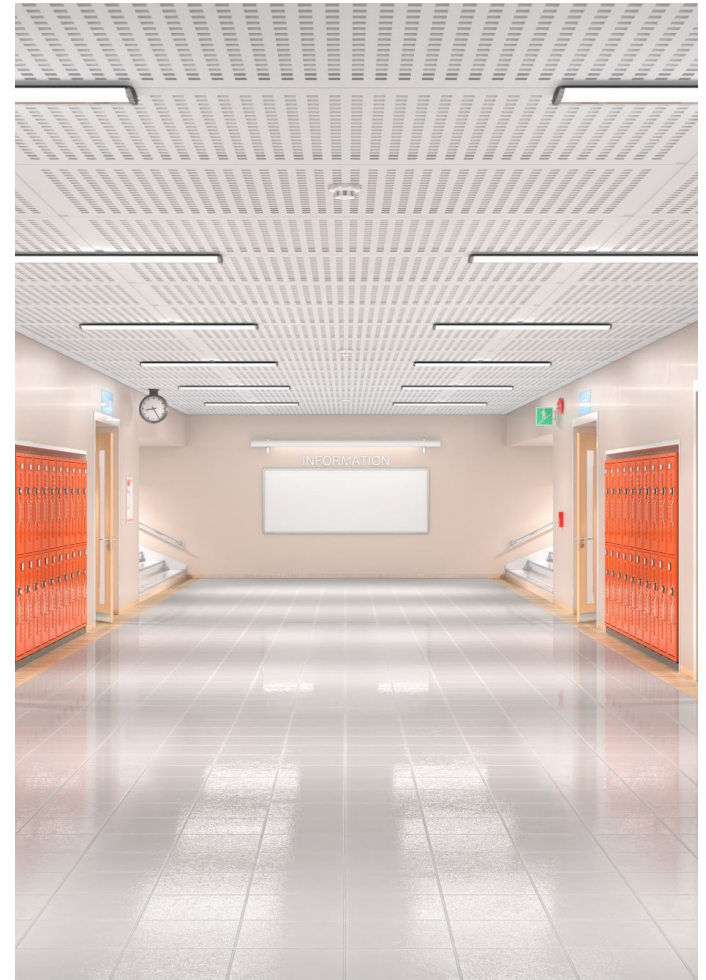


Communicating Threat of Mass Violence on Educational Property

Communicating Threat of Mass Violence on Educational Property

In re D.R.F., 293 N.C.App. 544 (2023)

- Going to “shoot up the school”



Must be...

(*State v. Taylor*, 379 N.C. 589 (2021))

1. Objectively
threatening
statement, and

2. Made by person
with subjective intent
to threaten a listener
or identifiable group

**True Threat
Considerations**

the context in which the
statement was made

the nature of the language
used

the reaction of the listeners
upon hearing the statement

D.R.F. statement was a true threat

- Objectively threatening
 - 3 student witnesses took statement seriously and were scared
 - Tone was serious
 - No one laughed in response; response was an offer to bring the guns
- Subjective understanding
 - Statement to group of 15-17 students during school hours
 - In a serious tone that could be overheard by two students
 - Made previous text threat against one of these students and made a video about blowing the student's brains out

In the Matter of C.S.,
911 S.E.2d 263 (December 12, 2024)

“THIS IS SOME FUCKING BULLSHIT,
IMMA SHOOT UP AL BROWN (for
reason that I do not wish to have the
police come to my house, it is a joke I
do not nor have I ever owned a gun.)
Thank you pls don’t report me[.]”



Not objectively threatening

Context: social media post; not a message to specific person

No evidence regarding

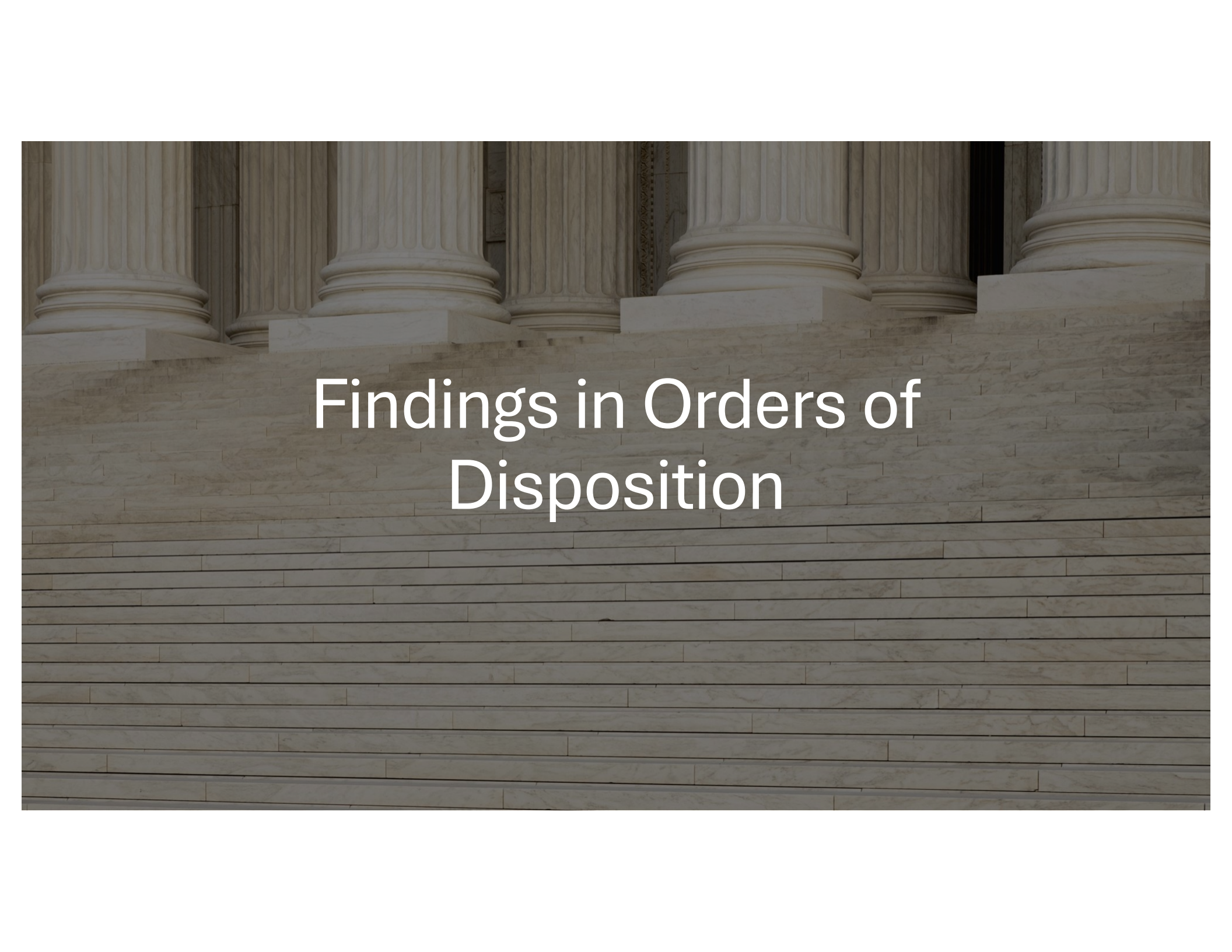
- How it was flagged by Snapchat
- Anyone outside of Snapchat, the SBI, and the investigating officer was aware of or fearful of the post
- That anyone reported the post
- That school made any changes due to the post

Negating language: did not own a gun, characterization as a joke

**Evidence Did
Not Support
Charge of
Making False
Report
Concerning
Mass Violence
on Educational
Property**

Not substantial evidence that
the juvenile was making a
report

Not reasonable to be construed
as a report of a credible threat
(context and negating language)



Findings in Orders of Disposition

Factors Court Must Consider when Selecting a Disposition

G.S. 7B-2501(c)

(1) The seriousness of the offense

(2) The need to hold the juvenile accountable

(3) The importance of protecting the public safety

(4) The degree of culpability indicated by the
circumstances of the particular case

(5) The rehabilitative and treatment needs of the juvenile
indicated by a risk and needs assessment

In the Matter of T.O.C., 907 S.E.2d. 99 (October 15, 2024), unpublished

5. Other Findings: (continue on attached page(s) if necessary)

NOTE: State any findings regarding the seriousness of the offense(s); the need to hold the juvenile accountable; the importance of protecting the public; the degree of the juvenile's culpability; the juvenile's rehabilitative and treatment needs; and available and appropriate resources. Also use this space for any findings that are required to support a particular disposition, such as a finding of the juvenile's ability to pay if the Court is ordering restitution.



Written findings in Disposition Order:

“Based on the risk and needs assessment reports submitted by the department of juvenile justice, the court finds that the juvenile has a pre-screen risk score of 41, which is high, a full assessment needs score of 74, which is moderate, and full assessment strengths score of 43, which is high moderate.”

**In the
Matter of
T.O.C.,
907 S.E.2d. 99
(October 15,
2024),
unpublished**



Findings in dispositional order require more than incorporating predisposition report and risk and need assessment and reiterating risk and need scores in written findings



Remember...the five G.S. 7B-2501(c) criteria must be addressed in findings

In the Matter of T.O.C., 907 S.E.2d. 99 (October 15, 2024), unpublished

Dispositional order
including a change in
custody requires
findings:



Needed to 1.protect
the public and 2. meet
the needs and best
interests of the
juvenile



based on the five
required factors for
consideration
contained in G.S. 7B-
2501(c).

A close-up photograph of several green cannabis leaves with serrated edges. The leaves are vibrant green and show clear vein patterns. The background is softly blurred, showing more foliage. Centered over the leaves is the text "Marijuana Odor Sufficient for PC" in a bold, white, sans-serif font.

Marijuana Odor Sufficient for PC

**In the Matter of J.B.P.,
__ N.C.App. __
(July 2, 2025)**

“Because marijuana and hemp are so similar, does the perceived sight or smell of marijuana, without more, still establish probable cause of marijuana possession for the search of a vehicle?”

Slip op. at 7-8 (quoting State v. Parker, 277 N.C. App. 531, (2021))

Key Question

Did the officer, based on their training and experience, have reasonable grounds to believe that the suspect possessed marijuana?

NOT can the officer discern the difference between illegal marijuana and legal hemp?

Training and experience of two involved officers

- Employed with narcotics unit for 10 years
 - Hundreds of field experiences involving contact with marijuana
 - Several annual narcotics trainings, including training on identifying marijuana
 - Testified that marijuana has a distinct strong smell and hemp is not as pungent and strong
- Employed with narcotics unit since 1997
 - Conducted about 5,000 narcotics investigations
 - Marijuana spotter school
 - 1,000 hours of training on marijuana detection
 - Field experience investigating hemp v. marijuana distribution
 - Testified he could discern between marijuana and hemp based on his training and experience

Based on their
training and
experience officers
believed they
smelled marijuana

This created a
reasonable
probability that there
was marijuana in the
vehicle



Out-of-State Adjudication Requires Sex Offender Registration in NC

State v. Jackson, __ N.C.App. __ (July 16, 2025)

Adjudicated
delinquent in
Delaware in 2008
for first degree rape

Required to register
in Delaware under
Delaware law

Moved to NC and
noticed in 2022
that he must
register in NC

Reportable convictions in NC include:

“a final conviction in another state of an offense that requires registration under the sex offender registration statutes of that state.”

G.S. 14-208.6(4)b.



Case Law Update



Remediation Psychoeducation

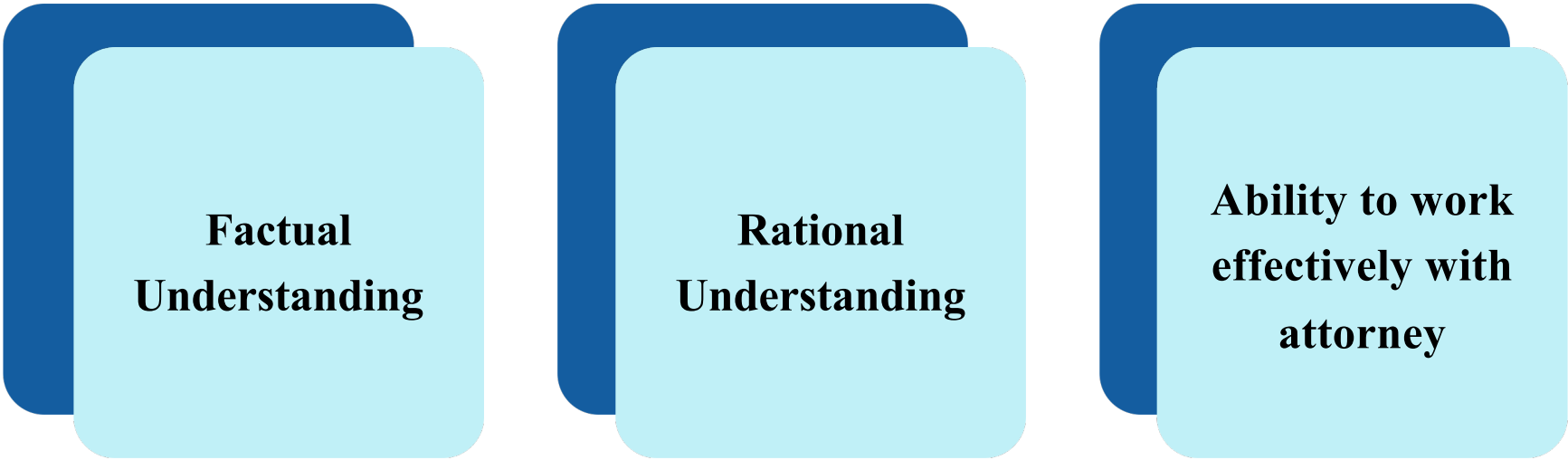


Legislation

(G.S. 7B-2401-2401.5)



JUVENILE REMEDIATION CURRICULUM GOALS



**Factual
Understanding**

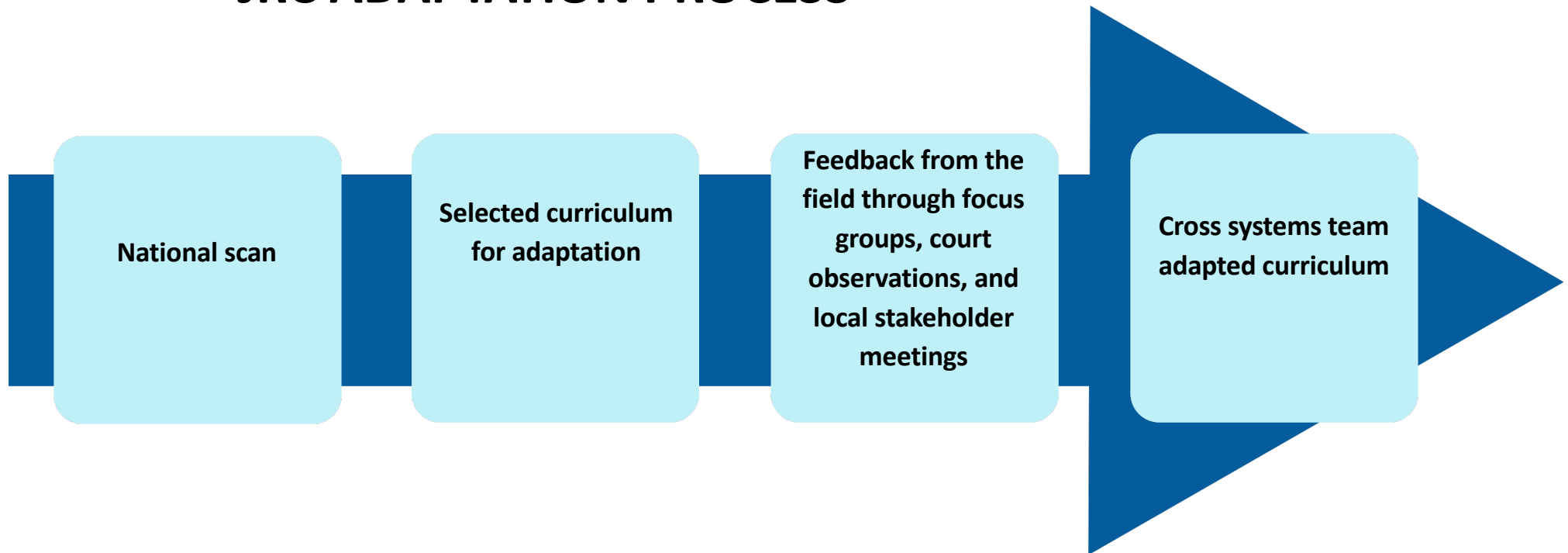
**Rational
Understanding**

**Ability to work
effectively with
attorney**

KEY CONCEPTS FOR REMEDIATION

- Appreciate the allegations against the juvenile.
- Appreciate the range and nature of allowable dispositions that may be imposed in the proceedings against the juvenile.
- Understand the roles of the participants and the adversary nature of the legal process.
- Disclose to counsel facts pertinent to the proceedings at issue.
- Display appropriate courtroom behavior.
- Testify regarding the relevant issues
- Make reasonable and rational decisions.
- Assist in the juvenile's defense in a rational manner

JRC ADAPTATION PROCESS

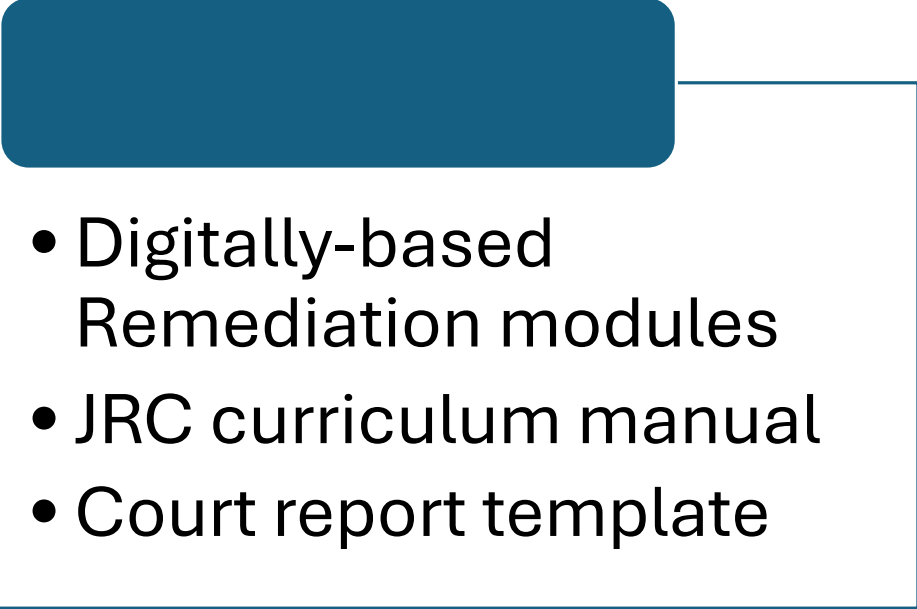


JRC ALIGNMENT WITH BEST PRACTICE RECOMMENDATIONS

(Kruh, Gowensmith, Alkem et al., 2022)

Best Practice Recommendation	NC remediation program
Experienced and trained service provider	✓
Individualized instructional services using clear strategies and innovative approaches	✓
Ongoing didactic training relationship	✓
Individualized competency-relevant clinical services	✓
Case management for competency related services	✓
Developmentally sensitive services	✓
Data driven services	✓
Services based on statutory timelines and participants capacity	✓
Services integrated into the larger juvenile competency process	✓

JUVENILE REMEDIATION CURRICULUM ELEMENTS

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- Digitally-based Remediation modules
 - JRC curriculum manual
 - Court report template

MODULES

Module 1:

Getting Comfortable with Remediation and My Provider

Module 2:

My Attorney, the Prosecutor,
and the Judge

Module 3:

The Juvenile Justice System

Module 4:

What Am I Charged With (Allegations)?

Module 5:

What Could Happen to Me?

Module 6:

My Side of the Story

Module 7:

Working with My Attorney to
Tell My Side of the Story

Module 8:

How Do I Defend Myself?

Module 9:

Testifying

Module 10:

How Do I Act in Court?

Sample Constructs to Teach Legal Content

Two teams in court

Three stops in a case

Some charges are bigger than others

Tell your attorney the full story

Talk with your attorney about the pros and cons of making an admission and testifying

Follow rules of behavior in court

Disposition is a plan you must follow

Impacts on life increase from Level 1 to Level 3 dispositions

Your attorney is the only one who can't be forced to tell the court what you tell them

Statutory skill/ability	Module(s)
Appreciate the allegations against the juvenile	4 (What and I Charged With?)
Appreciate the range and nature of allowable dispositions that may be imposed in the proceedings against the juvenile	5 (What Could Happen to Me?)
Understand the roles of the participants and the adversary nature of the legal process	2 (My Attorney, the Prosecutor, and the Judge); 3 (The Juvenile Justice System); 9 (Testifying)
Disclose to counsel facts pertinent to the proceedings at issue	2 (My Attorney, the Prosecutor, and the Judge); 6 (My Side of the Story); 7 (Working with My Attorney to Tell My Side of the Story); 8 (How Do I Defend Myself?)
Display appropriate courtroom behavior	10 (How Do I Act in Court?)
Testify regarding the relevant issues	6 (My Side of the Story); 9 (Testifying)
Make reasonable and rational decisions	7 (Working with My Attorney to Tell My Side of the Story); 8 (How Do I Defend Myself?); 9 (Testifying)
Assist in the juvenile's defense in a rational manner	2 (My Attorney, the Prosecutor, and the Judge); 3 (The Juvenile Justice System); 6 (My Side of the Story); 7 (Working with My Attorney to Tell My Side of the Story); 8 (How Do I Defend Myself?)

Curriculum Structure & Delivery Format

Structure:

- Manualized, digital curriculum
- Modular format
- Individualized instruction
- Regular court reports
- Frequency: up to 2 times per week
- Duration: up to 1 hour per session.

Delivery Format:

- Support specialist meet in person in a one-on-one format with youth
- Delivered both in the community and secure settings.

JRC STANDARD MODULE CONTENT

Module overview

Factual knowledge development

Practice opportunities

Rational appreciation (application) activities

Assessment

JRC INSTRUCTIONAL METHODS

Module Overview

- **Animated video**

Factual knowledge development

- **Relatable animated narrators**
- **Animated videos**
- **Narrated text**
- **Learning heuristics**
- **Interactive images/pictures**
- **Carousels/Accordions**

JRC INSTRUCTIONAL METHODS CONTINUED

Practice Opportunities

- **Drag and Drop Activities**
- **Matching Activities**
- **Card Sort Activities**
- **Flashcards**

Rational appreciation (application) activities

- **Scenarios**
- **Engagement with support specialist**
- **Matching Activities**
- **Card Sort**
- **Drag and drop**
- **Flashcards**

Assessment

- **Scenario based questions**
 - **Multiple choice**
 - **True/false**

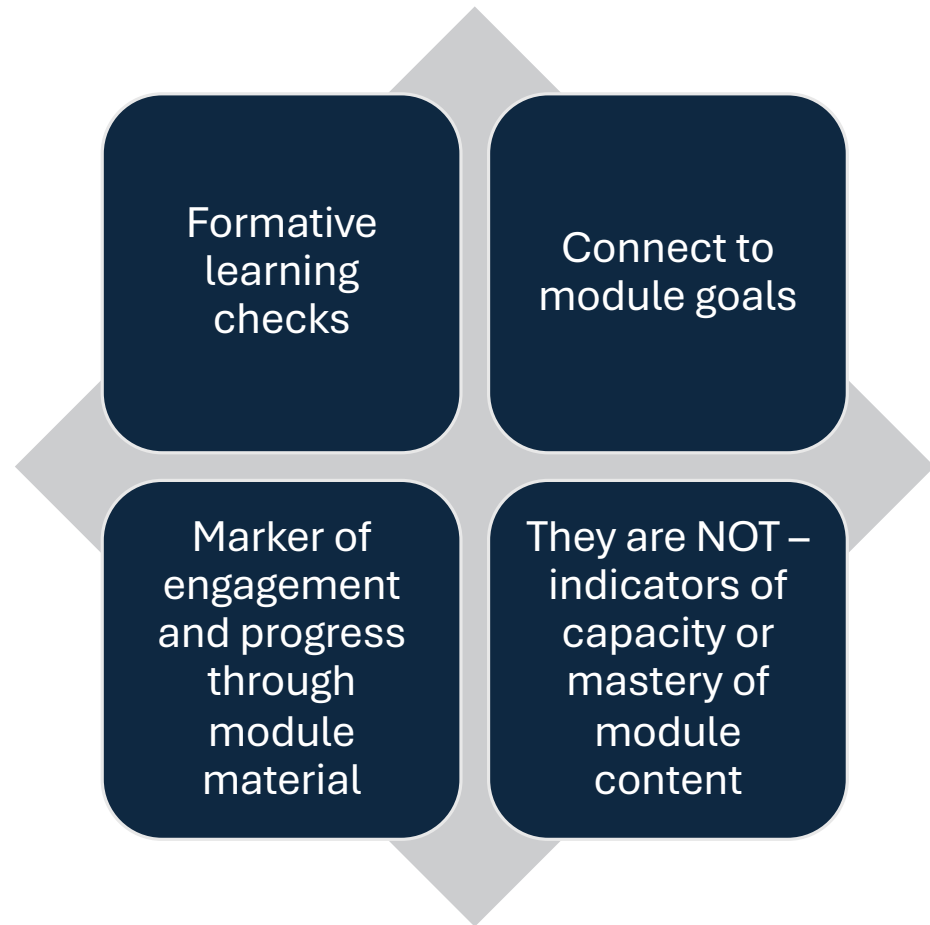
Strategies to Individualize Delivery of Curriculum Content

Instructional Delivery

Instructional Setting

Instructional Supports

The Role of Assessments in the JRC





Case Law Update



Remediation Psychoeducation



Legislation

A photograph of a library shelf filled with law books. The books are bound in dark red or brown leather. The spines of the books are visible, with some having black labels that read 'LAW REPORTS'. The numbers 172, 173, 174, 175, and 176 are visible on the spines of the books in the foreground. The text 'H483 – Pending Legislation' is overlaid in white, bold, sans-serif font across the center of the image.

H483 – Pending Legislation

Extended Probation and PRS Terms

Adjudications for Class A, B1 or B2 felonies

Probation for up to 3 years (one year at a time)

Prosecutor allowed to make motion for review

3 years of PRS



Victims and Termination of Probation and PRS

- Termination requires **notice and hearing**
 - for all probation terminations in which there is a *victim* and
 - for PRS terminations when adjudicated for Class A, B1, or B2 felony
- If victim has requested notice of court proceedings, DJJ must provide notice
- Prosecutor, victim, or person who can assert victim's rights must have an opportunity to be heard

Victim

“A person against whom there is probable cause to believe a juvenile has committed an **offense against the person** or a **felony property offense**”

(G.S. 7B-2051(5))

Procedure on Removal (from superior court to juvenile court)



**Nondivertible
(petition must be filed)**



**Prosecutor prepares petition, signs
as complainant, gives to JCC to
approve filing**

Warrant for arrest, magistrate's order,
or indictment serves as verified
allegation to support the complaint.
Must be included in juvenile record ("by
the clerk")

Procedure on Removal (from superior court to juvenile court)

Criminal charging document
must be with removal order
and put in juvenile file

These criminal charging
documents become part of
the juvenile record and
juvenile record confidentiality
applies to them (7B-3000(a))

Indictment or
criminal information
and warrant for
arrest or magistrate's
order

Juvenile Violations of 50B Protective Order



Being charged with knowing violation of conditions of DVPO added as basis for issuing a secure custody order (7B-1903(b)(1a))



Mandatory arrest for violation of DVPO changed to require law enforcement to request the filing of a petition and issuance of a secure custody order when the person is under the age of 18

School Notification

- Technical correction to align all school notification requirements to apply only to cases that involved a Class A – E felony offenses





Complaint Retention
Period to allow for
Prosecutor Review of
Decision Not to File a
Petition

Changed from “a
temporary period” to
“at least one year”

New Offense



Escape from juvenile detention facilities or officers

Class H felony if:

- Charged with a felony and
 - Committed to the facility pending trial or transfer to State prison, or
 - Under juvenile jurisdiction and placed in secure custody, or
- Adjudicated delinquent for a felony and placed in secure custody or committed to DJJDP

Otherwise, a class 1 misdemeanor

Place of Confinement Changes When Under 18



- Following criminal conviction in situations in which the person would otherwise go to jail
- Go to Division of Prisons until turn 18, then can go to jail



Contact Information

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