



Juvenile Delinquency Legal Update

*NC Association of District Court
Judges*

2025 Summer Conference

Advanced Certification in Juvenile Justice Course Completion

- Hon. Aretha V. Blake
- Hon. J. Calvin Chandler
- Hon. Thomas W. Davis V
- Hon. Faith Fickling-Alvarez
- Hon. Pauline Hankins
- Hon. Joy A. Jones
- Hon. Sarah B. McPherson



Agenda

Case update: threats and findings

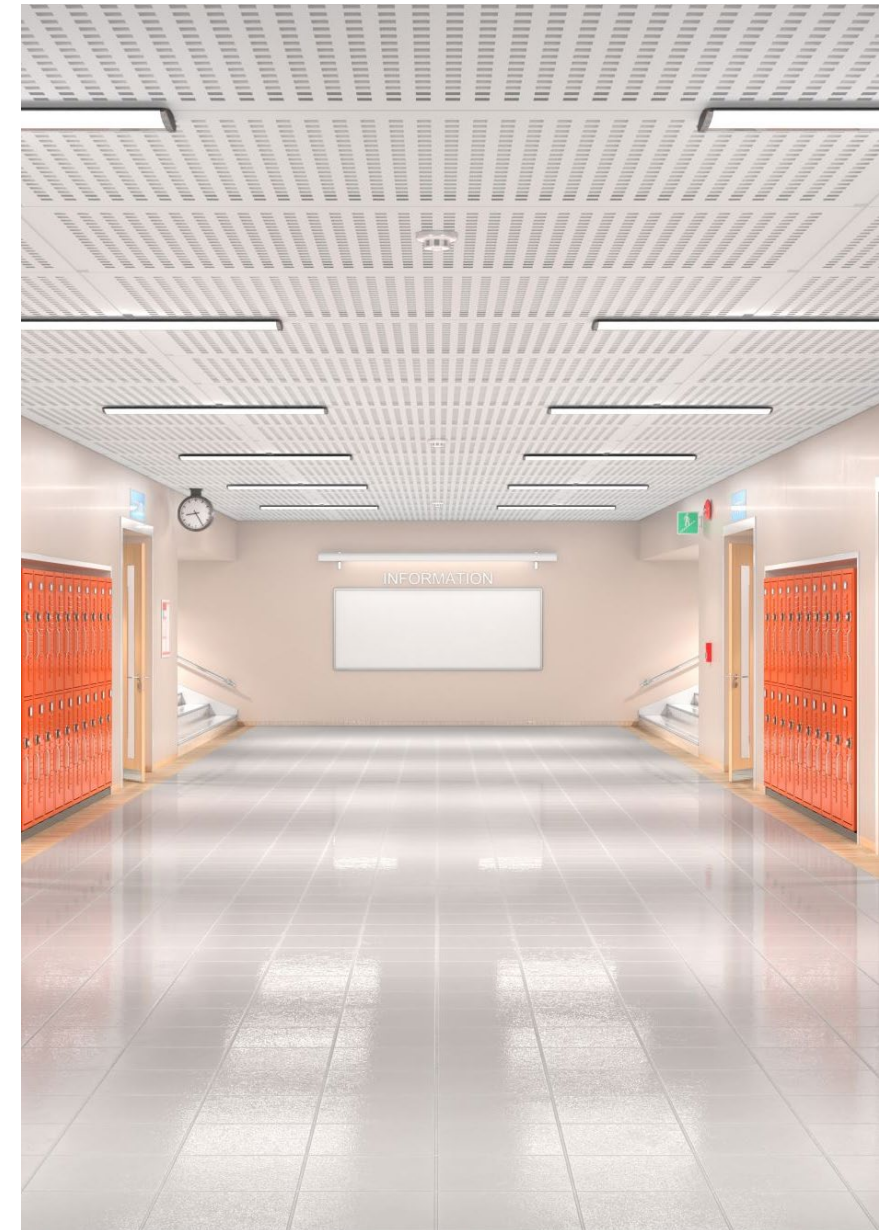
Show me the money

New JJ data

What works in JJ?

Communicating Threat of Mass Violence on Educational Property

- Last summer's case...*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)

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).

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Payment for Juvenile Forensic Evaluators

G.S. 7B-2401.3(h)

Any forensic evaluator appointed by the court to conduct a forensic evaluation, ordered pursuant to G.S. 7B-2401.2, shall receive a reasonable fee for such service. The **fee shall be determined for each forensic evaluation by the appointing court, in accordance with reimbursement guidelines maintained by the North Carolina Administrative Office of the Courts.** If any such forensic evaluator is required to appear as a witness in any hearing held pursuant to this section, the forensic evaluator shall receive reimbursement for expenses according to guidelines maintained by the North Carolina Administrative Office of the Courts.

Proposed Amendment Pending in Budget Bill (S257, Section 19.11.(a))

"§ 7B-2401.2. Procedures to determine capacity; hearing procedures; evidence.

(b) When the capacity of the juvenile to proceed is questioned, the court may appoint one or more local certified forensic evaluators employed by, or under contract with, a Local Management Entity/Managed Care Organization (LME/MCO), and paid by the LME/MCO with public funds, who are qualified by the Department of Health and Human Services to conduct forensic evaluations for juveniles to examine the juvenile and return a forensic evaluation report."

- Deletes G.S. 7B-2401.3(h)
- Effective December 1, 2025 and applies to forensic evaluators appointed on or after that date

Amended AOC-J-261

“4. One or more qualified forensic evaluators of the Local Management Entity named on Side Two, certified by the Division of Mental Health, Developmental Disabilities, and Substance Use Services, and each possessing the minimum standards required to become a forensic evaluator of juveniles, shall evaluate the juvenile within 30 days of the Order and submit to the Court a completed forensic evaluation report within”

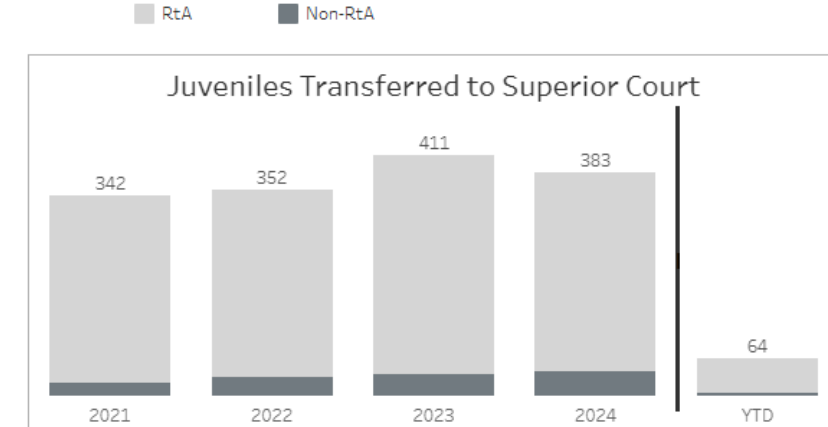
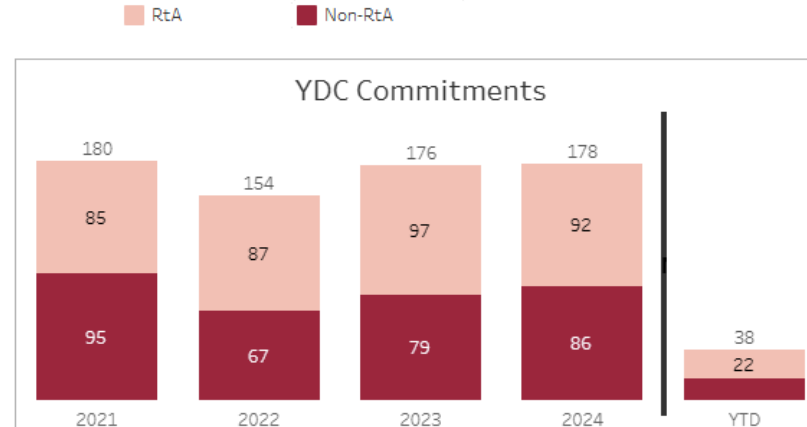
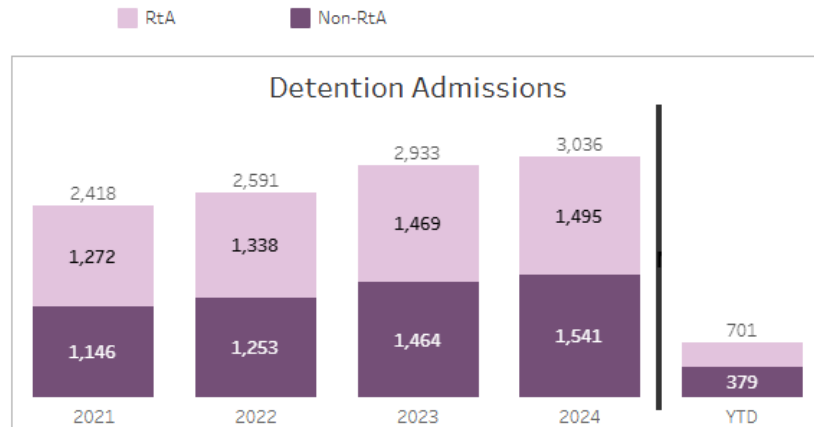
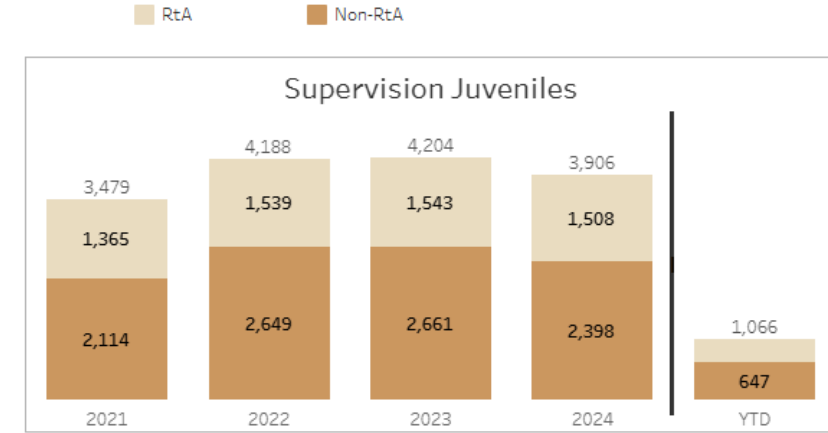
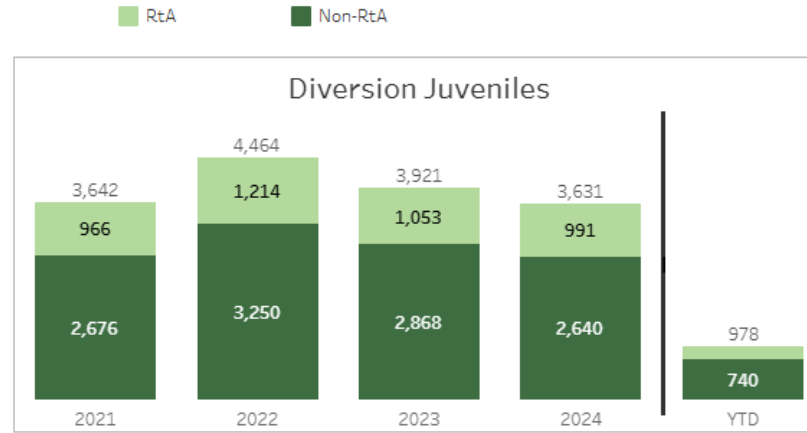
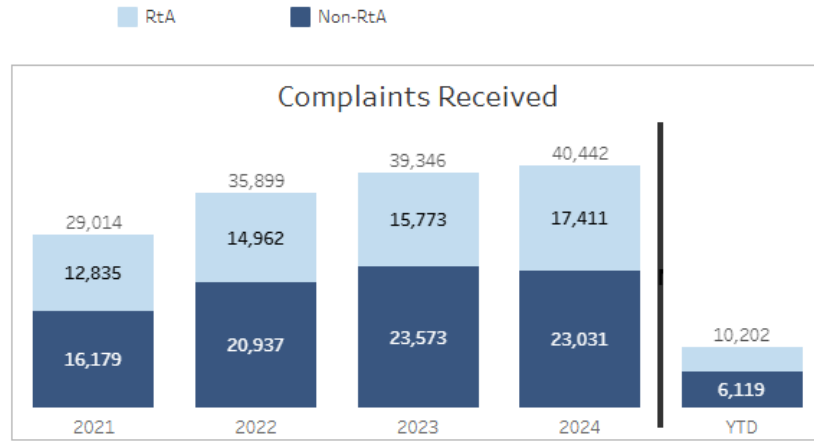
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<https://www.ncdps.gov/our-organization/juvenile-justice/juvenile-justice-overview/key-initiatives/raise-age/5-calendar-year-historical-trend>

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What works in JJ ?

Youth Protective Factors Study

<https://www.umassmed.edu/lawandpsychiatry/law-and-psychiatry-research/NIJ-Youth-Protective-Factor-Study/>

Risks most likely to predict reoffending: past aggressive behaviors, personality and attitudes that condone crime, negative peer influences, familial supervision problems, and school behavioral problems



Youth Protective Factors Study

“[r]esearch has shown that services such as cognitive behavioral therapy, family therapy, and skill-building activities can reduce recidivism for higher-risk youth by targeting the risk factors shown by this study to be most strongly associated with serious offending.”

Vincent, G. M., Skeem, J., & Weber, J. (2024). Youth Reoffending: Prevalence and Predictive Risk Factors in Two States. Worcester, MA: UMassChan Medical School, Department of Psychiatry, Law & Psychiatry Program. <https://doi.org/10.13028/219x-vs03>.



Youth Protective Factors Study

Substance use was a predictor of reoffending for youths aged 14 and under.

Protective
factors
associated
with
reduced
reoffending:

Self control

Social supports from caregivers

Prosocial engagement

School connectedness for youth ages 9 - 12

Youth Protective Factors Study

Strength-based services
increased reoffending

targeting the development
of competencies, skills,
prosocial activities, and
other protective actors to
foster positive outcomes

i.e., educational supports,
vocational training and work
placement, structured
recreational activities, life
skills or social skills classes,
and mentoring

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