
Juvenile Justice Legal Update

*NC Association of District Court Judges
Fall Conference 2025*

**IF THERE WAS TWO OF ME
SO I COULD BE IN
TWO PLACES AT ONCE**



**WOULD I BE MAD AT MYSELF FOR BEING
AT THE SAME PLACE AT THE SAME TIME ?**

DSS Custody Orders in Delinquency Cases

Out-of-State Delinquency Adjudication and Sex Offender
Registration

Probation and Post-Release Supervision Statutory Changes

2 Mechanisms for DSS Custody in Delinquency Case (No A/N/D Case)

Nonsecure Custody Order

- G.S. 7B-1903(a)
 - Runaway + consent
 - Criteria for secure custody are met + best interests of juvenile to be in nonsecure placement
- Temporary orders until next hearing on need for continued custody
- Notice to DSS not required

Dispositional Alternative

- G.S. 7B-2506(1)c.
- Level 1 or Level 2 disposition
- For as long as jurisdiction lasts and dispositional order includes it
- Notice to DSS required

NO SIMULTANEOUS

Nonsecure and secure custody orders

Dispositional orders to DSS custody and YDC commitment

Juvenile Code Allows Only

Nonsecure OR secure
custody order
(G.S. 7B-1903(a))

DSS custody as Level 1 or
Level 2 disposition
(G.S. 7B-2508(c), (d))
YDC commitment as Level 3
disposition
(G.S. 7B-2508(e))

Guardianship Option

G.S. 7B-2001

When:

- No parent, guardian, or custodian appears in a hearing with the juvenile
OR
 - Court finds it would be in the best interests of the juvenile
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Guardianship Considerations

Default is broad and includes custody and range of consents

A more limited guardianship can be ordered (i.e. consent authority)

No findings regarding parent acting inconsistently with their constitutionally protected status, but this is a constitutional issue so likely needed

Lasts until terminated by court order or juvenile reaches 18 or is emancipated

Findings Required to Order DSS Custody as Disposition

Juvenile's continuation in the juvenile's own home would be contrary to the juvenile's best interest (G.S. 7B-2506(1)c.)

In the Matter of D.H., ____
N.C.App. ____ (August 20,
2025) (p. 2)

906.1 Review Hearings Required When DSS Custody Ordered as Delinquency Disposition

Does NOT convert to an A/N/D case

Need delinquency parties at the hearing

Any changes need to be made in the delinquency disposition order

Parents are entitled to counsel in these hearings

**DELAWARE? I'M
DELA-WHERE I
WANT TO BE.**



THE ROAD TRIP EXPERT

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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.

Me waiting to
get off probation



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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))

Effective Date

*Applies to offenses
committed on or after
December 1, 2025*



Contact Info



Jacqui Greene

greenes@sog.unc.edu

(919)966-4327