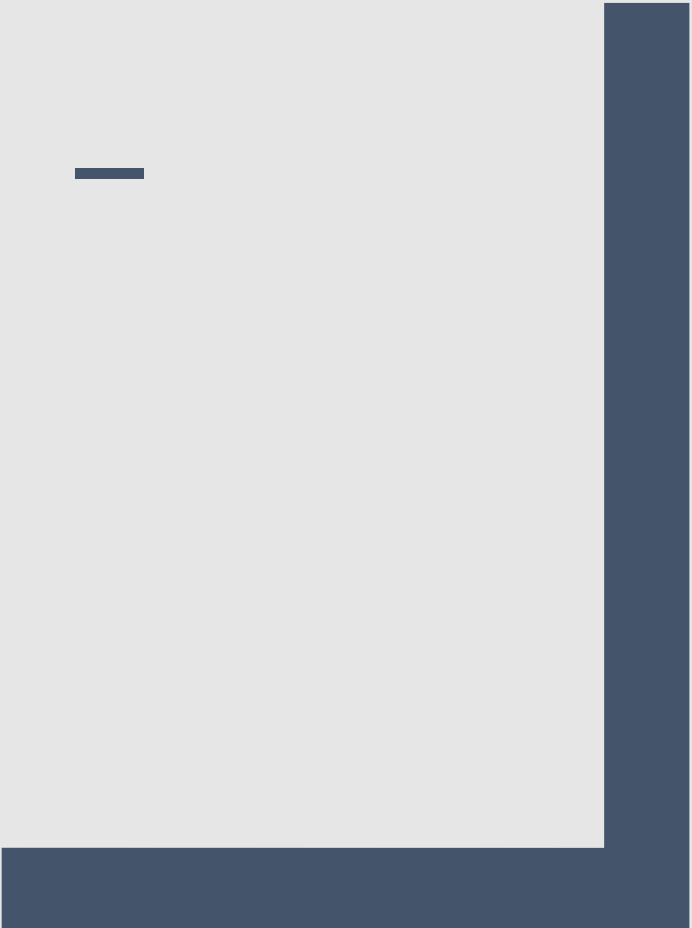


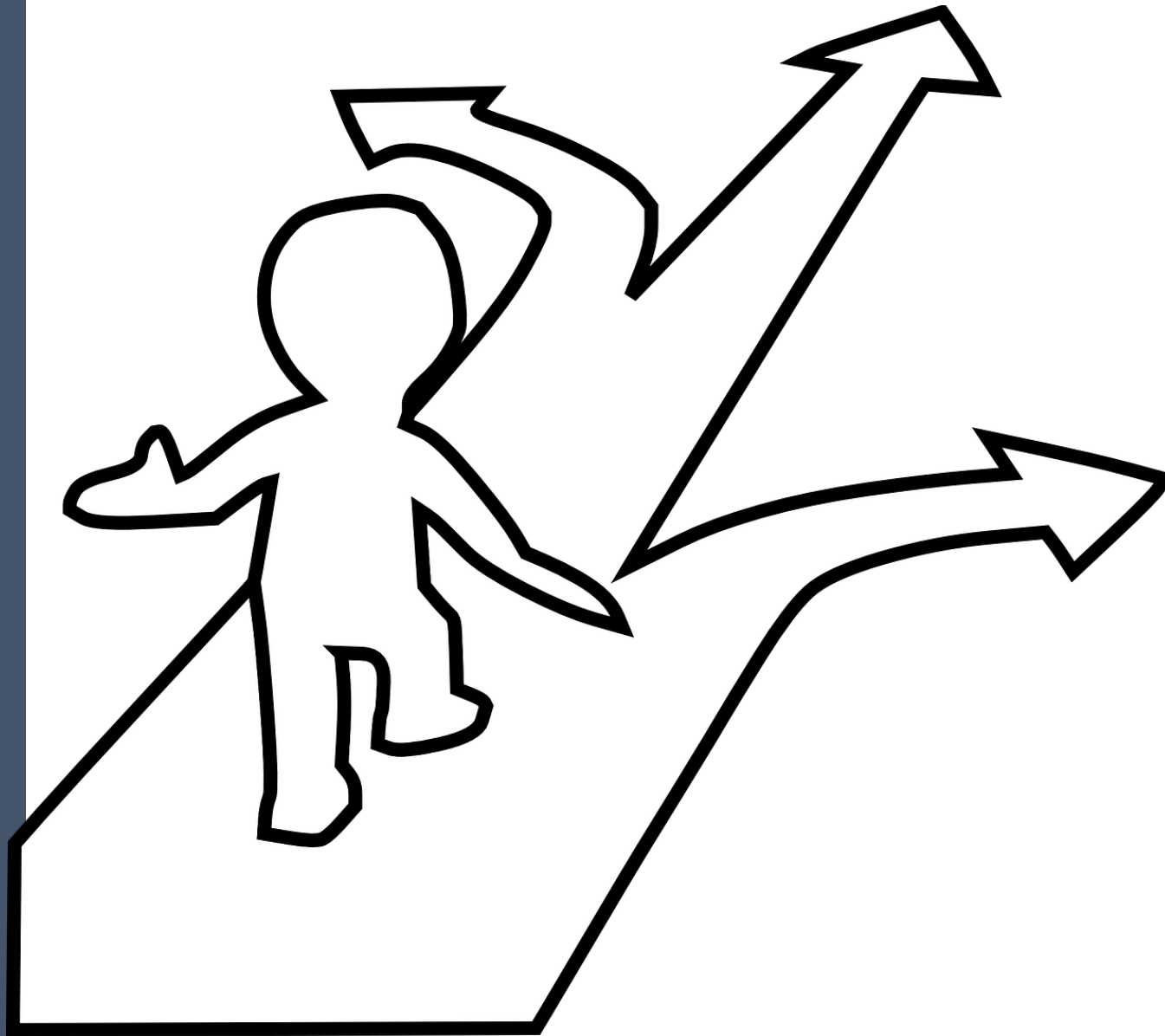


PREADJUDICATION – WHAT HAPPENS BEFORE COURT?

Juvenile Delinquency: A Course for District Court Judges

November 17, 2025





Intake Services

Determining the
pathway for each
complaint

Article 17. Screening of Delinquency and Undisciplined Complaints



Preliminary
inquiry



Evaluation
and decision

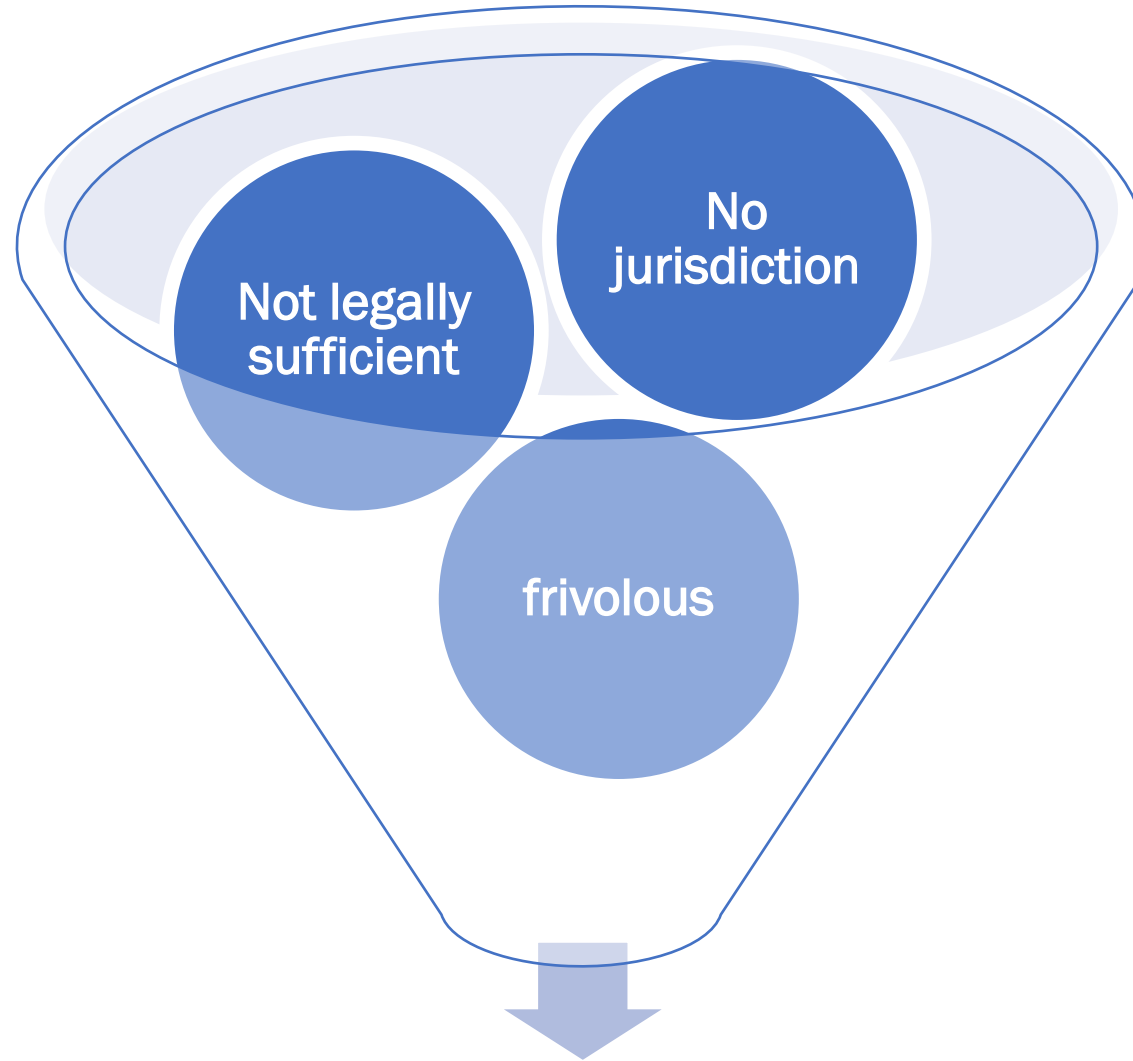


Prosecutor
review



Diversion

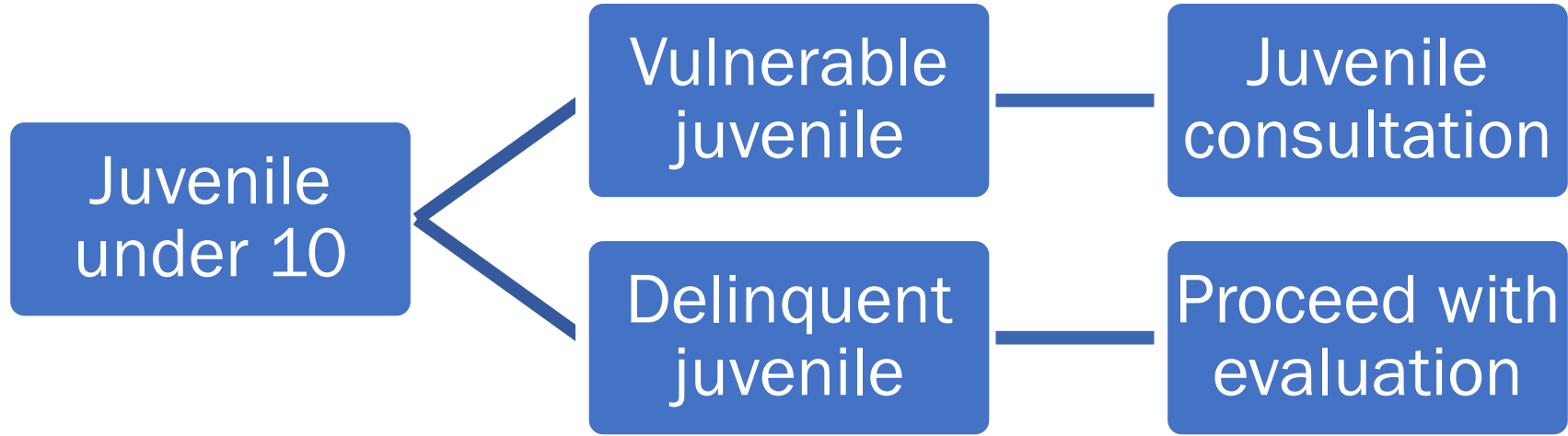
Preliminary Inquiry G.S. 7B-1701



Refuse authorization to file
as a petition

Preliminary Inquiry

G.S. 7B-1701(b)

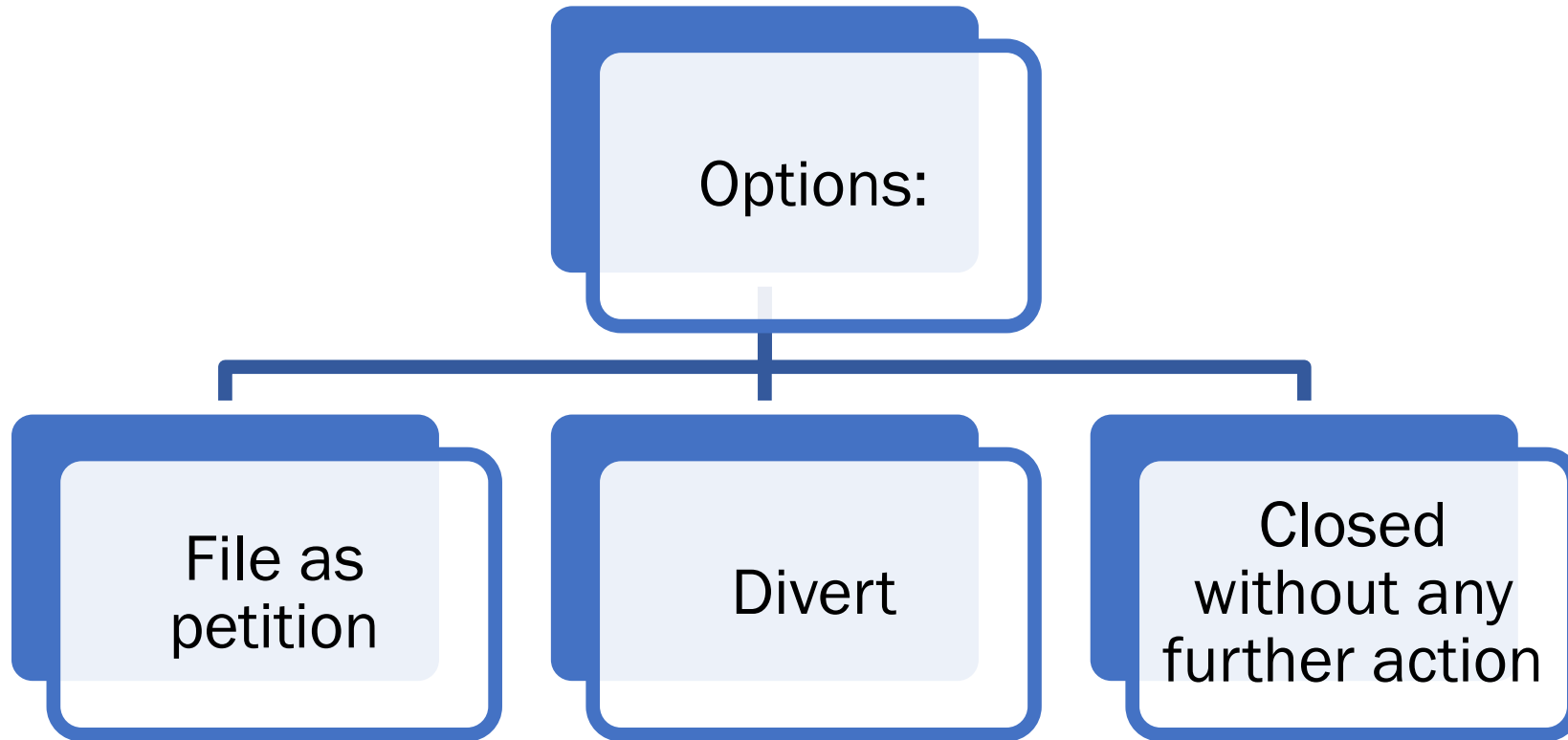


Nondivertible Offenses

MUST file petition if there are reasonable grounds to believe the juvenile committed:

- *Murder;*
- *First-degree or second-degree rape;*
- *First-degree or second-degree sexual offense;*
- *Arson;*
- *Any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an adult;*
- *First degree burglary;*
- *Crime against nature;*
- *Any felony which involves the willful infliction of serious bodily injury or was committed by use of a deadly weapon.*

Evaluation – G.S. 7B-1702





Evaluation Process (G.S. 7B-1702)

- If practicable, interviews with:
 - *The complainant and the victim,*
 - *The juvenile and their parent, guardian, or custodian,*
 - *People known to have relevant information about the juvenile or their family*
- GAIN-Short Screener (GAIN-SS) for youth 12 and older
- Youth Assessment & Screening Instrument (YASI)
- Gang assessment for age 12 and older



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Intake Decision Criteria



- Protection of the community;
- The seriousness of the offense;
- The juvenile's previous record of involvement with the legal system, including previous diversions;
- The juvenile's behavior at home, in school, and in the community.
- The ability of the juvenile and the juvenile's family to use resources;
- Consideration of the victim;
- The juvenile's age; and
- The juvenile's culpability in the alleged complaint.

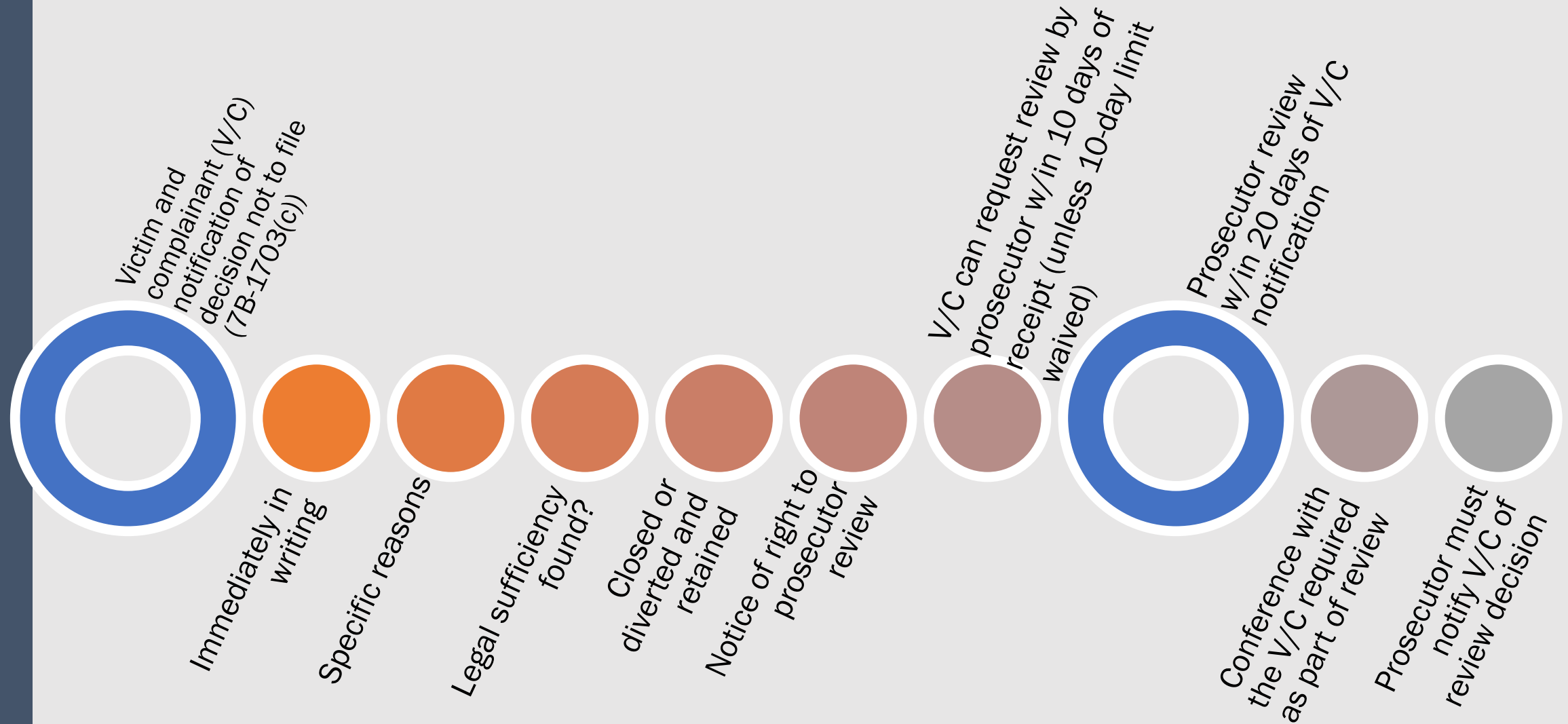


Evaluation Timeline

G.S. 7B-1703

- Complete within 15 days of receipt of complaint
- Chief court counselor can extend for 15 more days
- Same timeline applies to filing a petition

Prosecutor Review of Decision Not to File a Petition (G.S. 1703(c), -1704, -1705)



Diversion (G.S. 7B-1706)

Can last up to 6
months

Noncompliance
at any time may
result in the filing
of a petition



Diversion Contracts /Plans

- A Diversion is an opportunity for the youth to correct behaviors without court intervention.
- A Diversion Plan or Contract may include:
 - *use of community resources including mental health services;*
 - *restitution;*
 - *community service;*
 - *victim-offender reconciliation;*
 - *teen court; etc.*





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Diversion, cont.

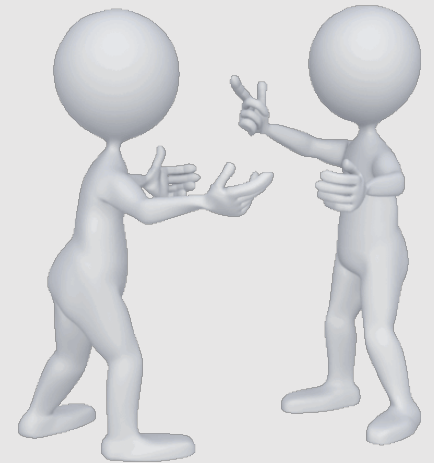
- A court counselor may enter into a “diversion contract” with the juvenile and the parent, guardian or custodian when it is determined that a higher degree of accountability is required
- A Diversion Contract is a written agreement





Diversion Follow-Up

- Within 10 days, counselor must determine whether juvenile and parent are complying with diversion conditions
- Counselor may monitor the diversion for up to six months maintaining regular contact at least every 30 days
- Must retain the contract until juvenile is 18 years old or out of the court's jurisdiction, whichever is later
- Petition may be filed if juvenile does not comply with conditions





Pre-Court Ordered Services

- Preparation of the Court Reports
- Facilitation of Court Hearings
- Facilitation of Secure Custody Services
- Provision of Alternative to Detention (ATD) services
- Case tracking and case management as needed

Vulnerable Juvenile (G.S. 7B-1501(27b))

At least 6
and under
10

Commits a
crime or
infraction

Is NOT a
delinquent
juvenile

Juvenile Consultation Services (G.S. 7B-1706.1)

6 months, with possible 3-month extension

Case management services

- Screenings
- Assessments
- Community resources
- Programming

For juvenile and the parent, guardian, or custodian



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reminders.....

- Juvenile Justice is part of the NC Executive Branch
- Serves a separate purpose
- Functions Independently of the Prosecutor
- Use the JCC as a resource
- Everyone has a different role, but we are all working in the best interest of the juvenile, family, and community