

A misty forest path with autumn foliage. The path is covered in fallen leaves and leads into a dense forest of trees with vibrant orange and yellow leaves. The scene is misty, creating a soft, ethereal atmosphere.

Post-Disposition

Juvenile Delinquency: A Course for District Court Judges

November 19, 2025

Probation

Modifying Dispositions

YDC Exit & Post-Release Supervision

Appeals

Terminating Jurisdiction

Probation Violation Hearings



- Disposition hearing
- Greater weight of the evidence = burden
- Same act may be both violation and new offense

In re O'Neal, 160 N.C.App. 409 (2003)

G.S. 7B-2510(e)

Secure custody on violation of probation or PRS

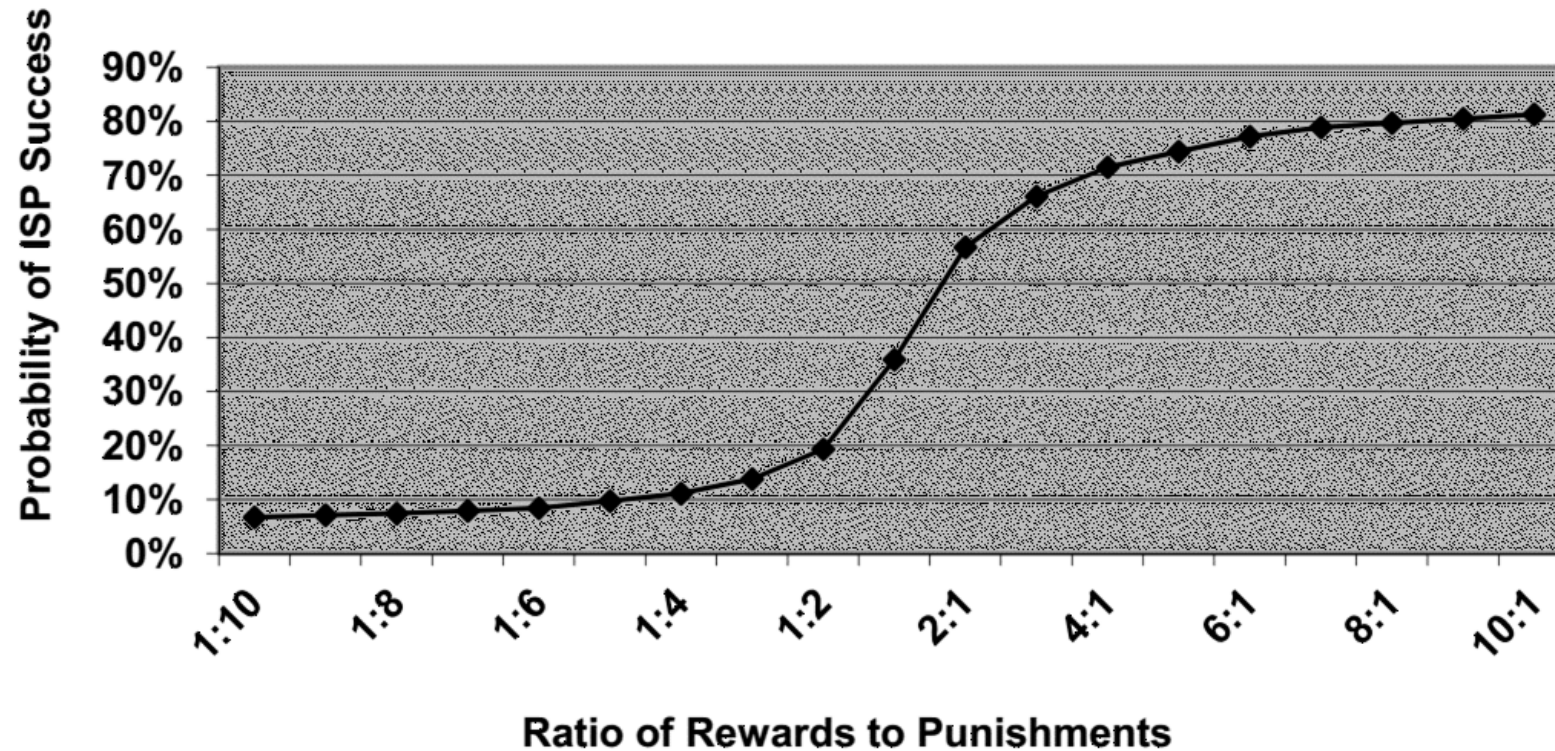
Only if the juvenile is alleged to have committed acts that damage property or injure persons

Requires new pending charges

Options on Finding Probation Violation	Continue original conditions of probation
	Modify conditions of probation
	Order 2X the number of IC days at the same Level
	Order new disposition at next higher level (NO Level 3 if underlying adjudication was for minor offense)

Court may not both increase the disposition level & double the IC days.

What Works in Probation?

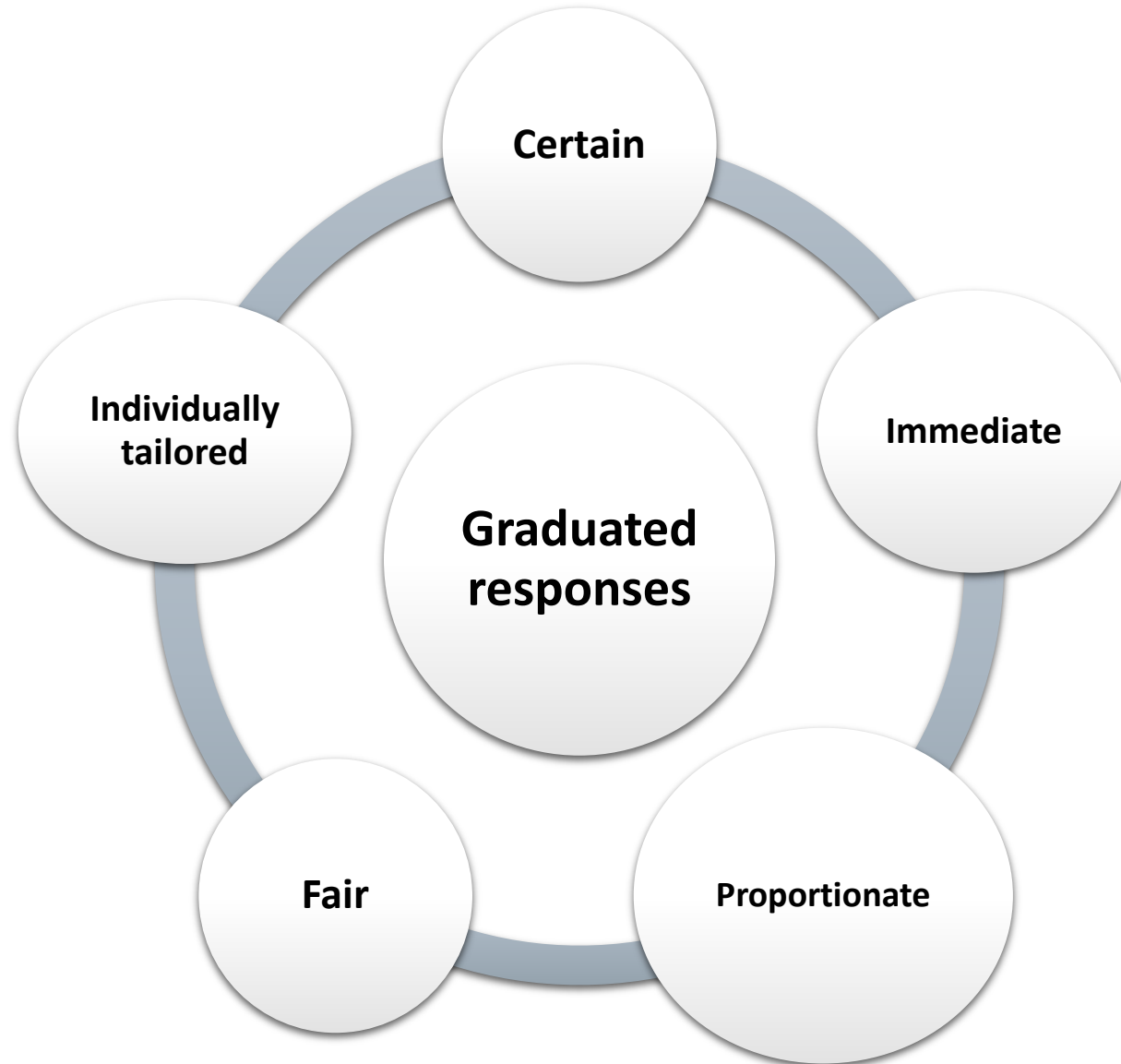


Source: Eric J. Wodahl et al., Utilizing Behavioral Interventions to Improve Supervision Outcomes, 38 Criminal Justice and Behavior 386 (2011).

Examples of incentives

- Verbal praise and recognition (“You did a great job,” “You’re right,” “Thank you,” “You’re such a hard worker,” “You’re so responsible”)
- Written praise
- Early case closure
- Curfew extension
- Decrease community service hours
- Youth input for next meeting date and time
- Lunch/Dinner with JPO
- Healthy Snacks
- Pizza
- Movie Tickets
- CDs and DVDs
- Books
- Age-appropriate activities such as ice skating, concert tickets, etc.
- Museum admission
- Tickets to sporting events
- YMCA, gym membership, or yoga classe
- Bowling
- Athletic gear
- Swimming
- Manicure/pedicure
- Hair salon/barber
- Clothing items
- School supplies
- Phone cards
- Coffee mugs/water bottles
- Planners or calendars
- Arts and craft supplies

What Works in Probation?



Josh Weber and Stephanie Shaw,

“Breaking the Rules: Rethinking Condition Setting and Enforcement in Juvenile Probation: A Toolkit for Juvenile Probation Agencies and Juvenile Courts”

(New York: The Council of State Governments Justice Center, 2022)

Enforcement Approaches

Punitive responses

- Stricter conditions, extending probation, or detention/incarceration

Surveillance responses

- Increased monitoring and reporting such as more frequent case contacts and court reviews

Standardized graduated responses

- Continuum of incentives and sanctions applied to all youth in the same manner

Individualized graduated responses

- Developed in collaboration with youth and their families
- Based on youth's risk to community safety; frequency, nature, and root causes of their behavior; and their circumstances

Developmentally appropriate responses and intervention plans

- Reviewed and updated the case plan based on current challenges and successes
- More intensive services, coaching or mentoring, and skill-building opportunities

Incentive-based responses

- Incentives and rewards for condition compliance, progress improvements, and goal attainment

Terminating probation – G.S. 7B-2511

- At end of or any time during probation
- Written order
- Finding there is no further need for supervision
- Can be entered in chambers without juvenile and based on report or with juvenile present after notice and hearing



Victims and Termination of Probation and PRS (Offenses on or after 12/1/25)

- 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))

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Modifying the Disposition

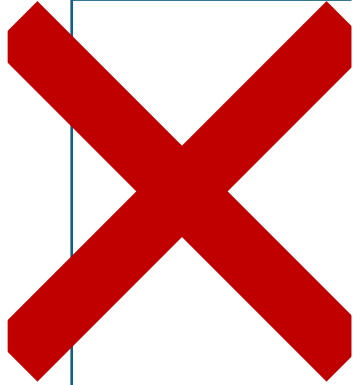
Upon motion
and after notice

Review hearing
to determine
whether order
is in best
interests of
juvenile

May modify or
vacate based on
changed
circumstances
or juvenile's
needs

May reduce
nature or
duration of
disposition if
imposed
illegally or is
unduly severe

Modifying the Disposition



May not modify an
adjudication or disposition
order, once a juvenile has
given notice of appeal

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Extension of YDC Commitment

DJJ must provide juvenile and PGC written notice of extension

- *G.S. 7B-2515(a) – (a2)*

Oral notice of extension hearing to juvenile's father was insufficient

- *In re J.L.H.*, 230 N.C.App. 214 (2013)

Statute is mandatory

- Protect juvenile's due process right
- If juvenile objects, court must hold a hearing

Can the court intervene in DJJ's plans to release a juvenile from YDC?

1991

In re Doe, 329 N.C. 743

Upheld court's denial of juvenile's release where juvenile had not received court-ordered treatment

In re J.S.W., 211 N.C. App. 620

Upheld court's denial of Division's request for juvenile to have home visits & off-campus job

2011

Post-Release Supervision

Requires a plan – court should receive written notification of planning process

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graph TD; A[Requires a plan – court should receive written notification of planning process] --> B[Minimum 90 days]; B --> C["Maximum 1 year  
(Class A – B2 offense, 3 years min., offenses committed on or after 12/1/25)"]; C --> D[Supervised by juvenile court counselor];
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Minimum 90 days

Maximum 1 year

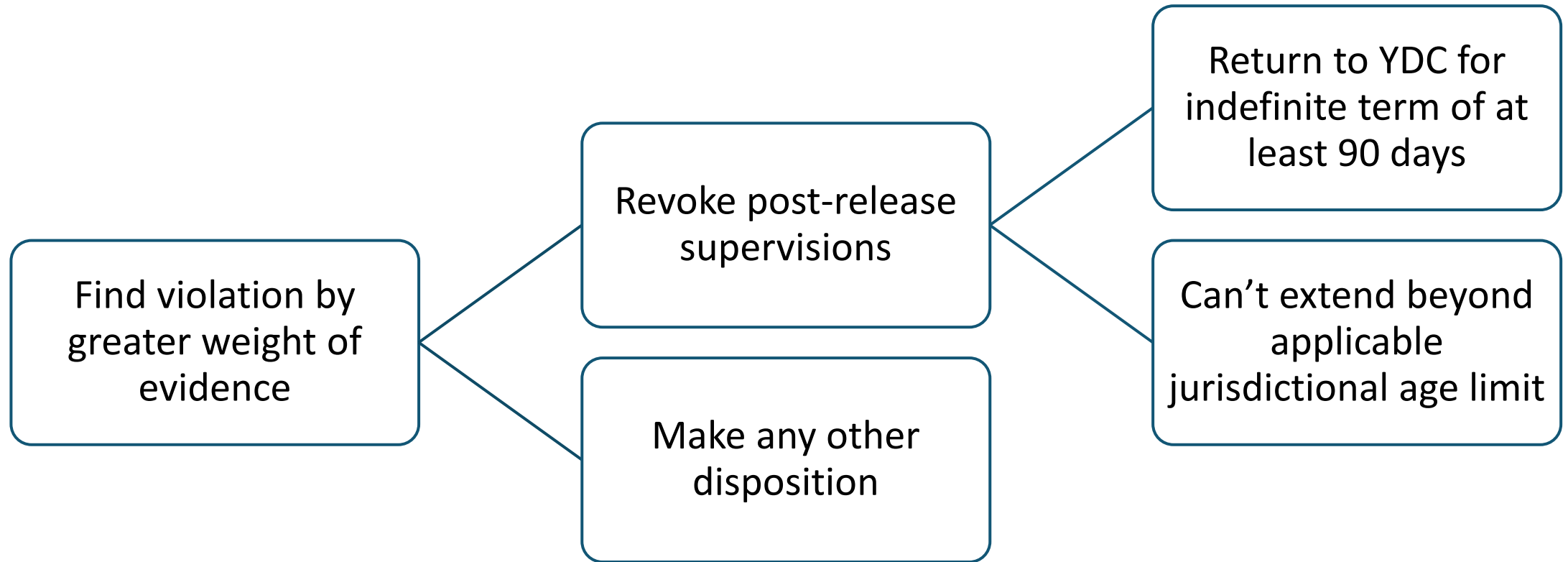
(Class A – B2 offense, 3 years min., offenses committed on or after 12/1/25)

Supervised by juvenile court counselor

Post-Release Supervision – Revocation Hearings

- 
- Written notice required
 - Juvenile must be represented by an attorney
 - Right to confront and cross-examine witnesses
 - Juvenile has right to present evidence
 - Record of proceeding must be preserved in juvenile's record

Post-Release Supervision - Revocation



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Pending disposition of an appeal, the release of the juvenile, with or without conditions, should issue in every case unless the court orders otherwise.



For compelling reasons which must be stated in writing, the court may enter a temporary order affecting the custody or placement of the juvenile as the court finds to be in the best interests of the juvenile or the State.

Release Pending Appeal - Findings

Insufficient

- “release not appropriate”
- *In re G.C.*, 230 N.C. App. 511, S.E.2d (2013)

Sufficient

- Very detailed findings, including:
 - that the court had considered 3 sex offender evaluations;
 - juvenile denied acts, which reduced his amenability to treatment;
 - juvenile had not participated in any sex offender therapy;
 - the offenses were aggressive and premeditated;
 - juvenile consistently in presence of other juveniles; and
 - not being closely supervised by parents.
- *In re Lineberry*, 154 N.C. App. 246 (2002)

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Terminating Jurisdiction

The court can
terminate
jurisdiction at any
time

End of probation
does not
automatically
terminate
jurisdiction

Absolute maximum
jurisdiction by age
18, 19, 20, 21
depending...

If jurisdiction continues...

Court can:

- Modify disposition based on “change in circumstances or needs of the juvenile”
- Order MH evaluation or treatment, if needed
- Modify custody orders
- Continue to place minor in DSS custody



**YOU MADE IT TO THE
END!!!**