

Juvenile Law Updates

NC Association of District Court Judges
Fall Conference 2024






- Session Law 2024-17
- Caselaw update
- Other News

S.L. 2024-17



- Change to original juvenile jurisdiction and transfer
- Other delinquency changes
- Solicitation of minors to commit offenses




Effective Date for Changes

Offenses
committed on
or after
December 1,
2024




Original Jurisdiction



Current Exclusions From Original Juvenile Jurisdiction for Offenses at 16/17

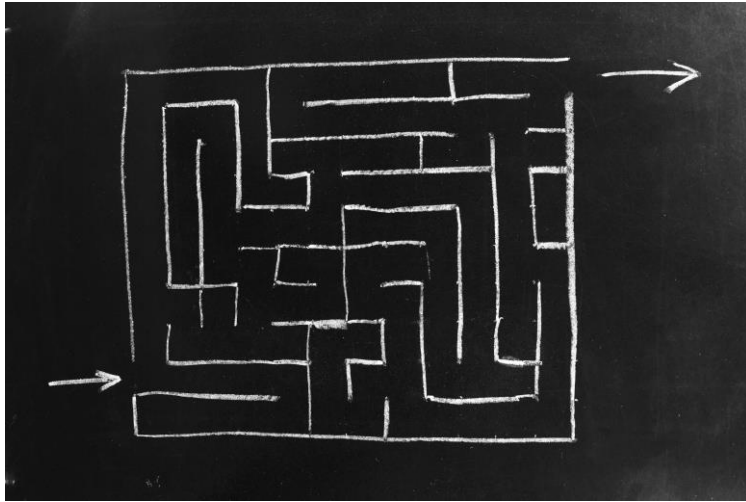
- Chapter 20 motor vehicle offenses
 - NOT including transactionally related offenses
- Once an adult, always an adult
- Emancipated
- Married
- Member of armed services



Exclusions From Original Juvenile Jurisdiction for Offenses at 16/17 Offenses Committed on or after 12/1/24

- Class A – E felonies AND transactionally related offenses
- Chapter 20 motor vehicle offenses
 - NOT including transactionally related offenses
- Once an adult, always an adult
- Emancipated
- Married
- Member of armed services

Current Transfer/**Remand** Categories



Mandatory

- Class A at 13-15
- Class A – C at 16,17

Mandatory, prosecutor can decline

- Class D – G at 16, 17

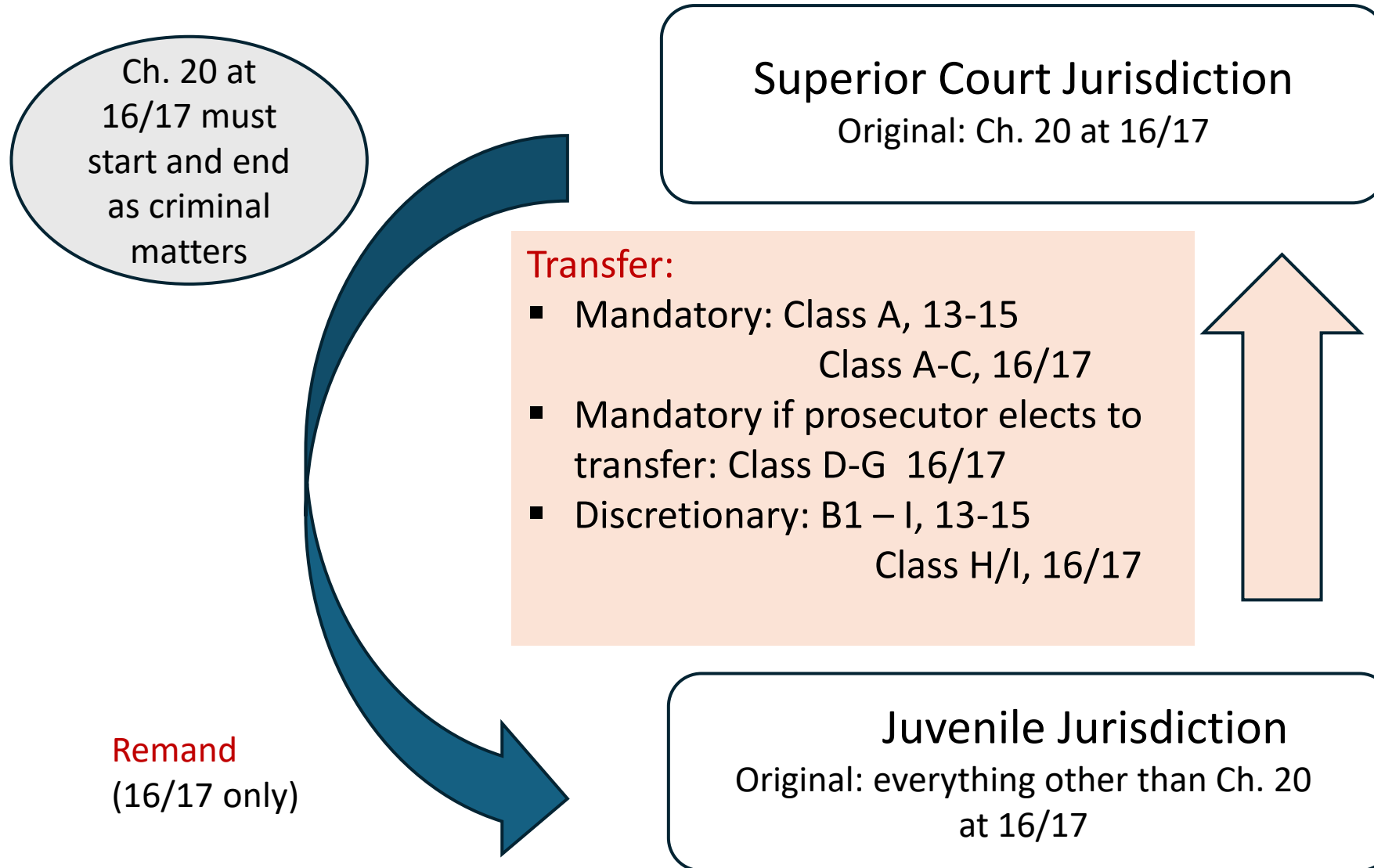
Discretionary

- Class B1-I at 13-15
- Class H, I at 16, 17

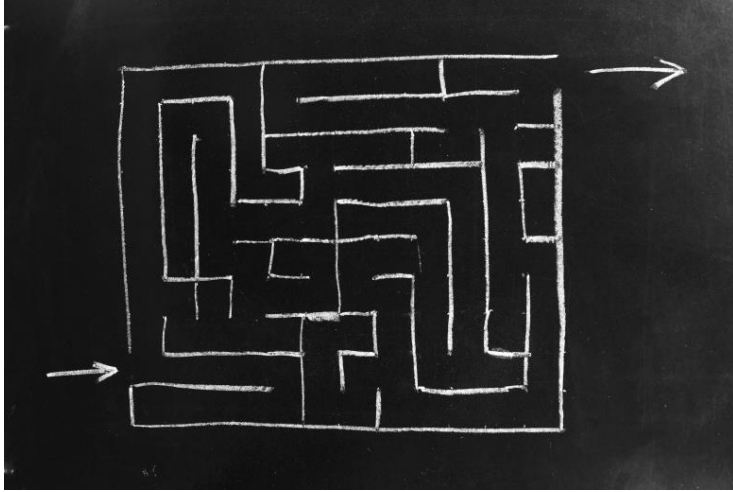
Remand Possible

- Felony at age 16, 17 that was transferred

Current Case Movement Pathways



New Transfer/~~Remand~~/~~Removal~~ Categories



Mandatory

- Class A at 13-15

Mandatory, prosecutor can decline

- Class F – G at 16, 17

Discretionary

- Class B1-I at 13-15
- Class H, I at 16, 17

Remand Possible

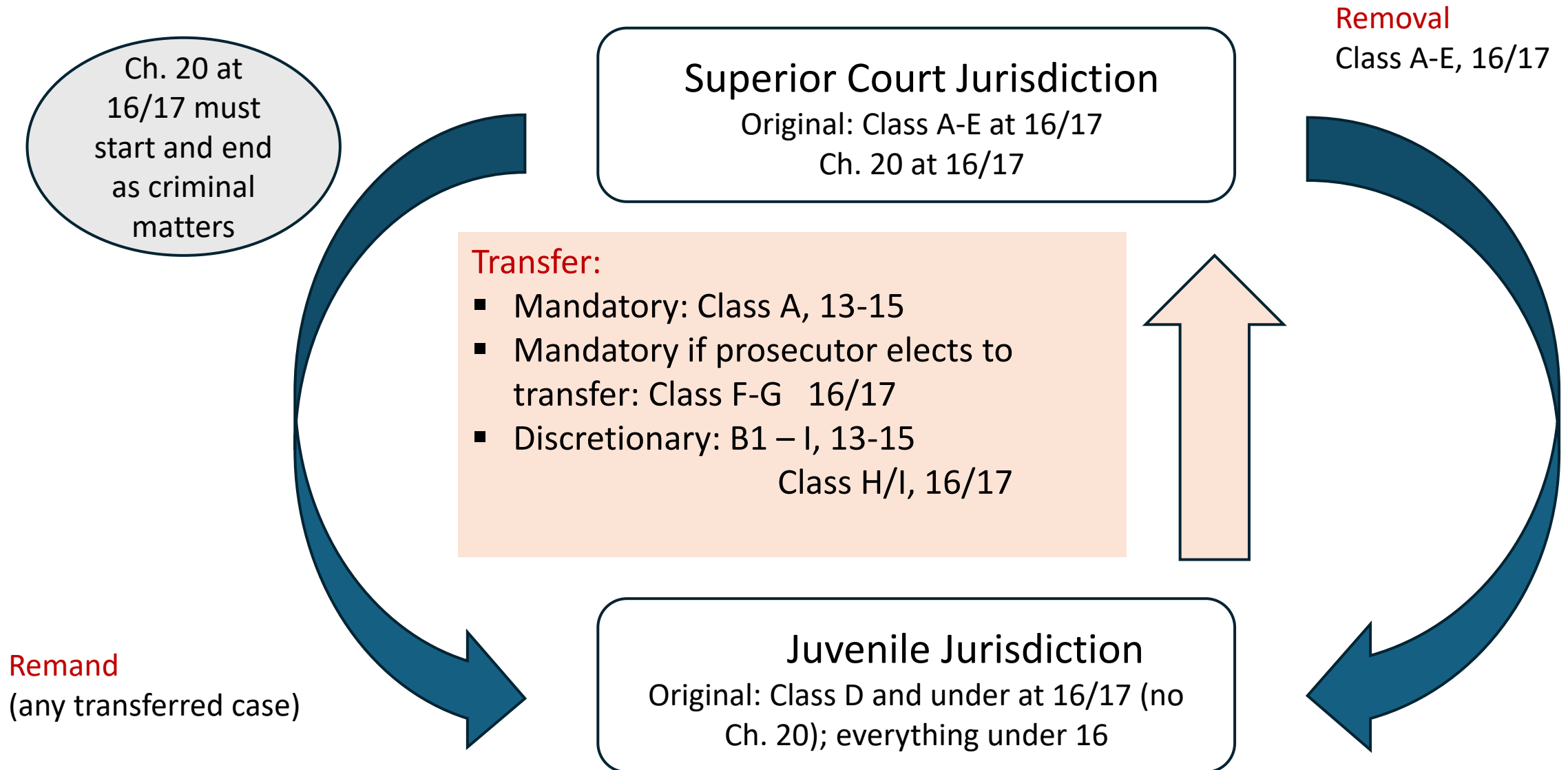
- Any case that was transferred

Removal Possible

- Class A – E at 16, 17

Case Movement Pathways

Offenses on or after 12/1/24



Removal

Charges originate in criminal system



Indictment returned or criminal information issued



Joint motion (prosecutor and defense) for removal



Superior court must order removal to juvenile court

When Removal is Ordered

Order must be in writing and require DJJ to file a juvenile petition within 10 calendar days

Superior court record must be expunged (per G.S. 15A-145.8)

Superior court may issue a secure custody order if criteria in G.S. 7B-1903 are met

Juvenile Procedure Following Removal



Place of Confinement

Criminal jurisdiction and under 18

- Juvenile detention

Criminal jurisdiction and 18 or older

- Jail

Juvenile Jurisdiction

- Juvenile detention*

* with exceptions for rare cases that did not begin before aging out and the person is 18 or older

A photograph of a courtroom interior. The room features dark wood paneling on the walls and ceiling. A large, ornate chandelier hangs from the ceiling. In the background, a judge's bench is visible, flanked by an American flag and a seal. The text is overlaid on the image in a large, white, sans-serif font.

PC Hearing Timeline in All Mandatory Transfer Cases

90 days from first
appearance

Indictment Return Appearance (Mandatory Transfer Cases)

- Prosecutor must give immediate notice of return of true bill of indictment to district court
- District court must calendar for an appearance within 5 business days of date indictment is returned
- Court determines if notice was provided on returned indictment for mandatory transfer offense
- If notice was provided, court must order transfer to superior court

No Interlocutory Appeal of
Mandatory Transfer Orders



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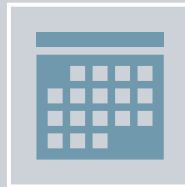
Ongoing Secure Custody Hearings



Every 30 days in all cases



Parties can request an earlier hearing. Court can order earlier hearing without request.



Any earlier hearing must be scheduled within 10 calendar days of the date the request is made

Complainant and
victim have 10 days
from receipt of DJJ
decision not to
approve petition for
filing to request
prosecutor review of
that decision



Time limit may be
waived by DA



Restitution

Joint and several
responsibility no longer
required; still allowed

Notification only when
petition alleges Class A –
E felony

Automatic suspension
based on notification
(G.S. 7B-3101) or local
information sharing
(G.S.7B-3100) prohibited

Principal must make
individualized decision on
student's status

School Notification of Filing of Delinquency Petition

S.L. 2024-17



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Solicitation of a minor by another minor to commit a felony or misdemeanor

Offense minor solicited to commit	Punishment for minor who engaged in the solicitation
Class A or B1 felony	Class C felony
Class B2 felony	Class D felony
Class H felony	Class 1 misdemeanor
Class I felony	Class 2 misdemeanor
Any other felony	Felony 2 classes below solicited felony
Any misdemeanor	Class 3 misdemeanor

Solicitation of a minor
by an adult to commit
a felony or
misdemeanor



Same class felony or
misdemeanor as the
offense the adult
solicited the minor
to commit





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Force – *In re D.R.J.*, __ N.C.App. __ (8/20/24)

- Second-degree forcible rape
- Builds on holding in *In re J.U.*, 384 N.C. 618 (2023)
 - “one cannot engage in nonconsensual sexual contact with another person without the application of some ‘force,’ however slight”

Dispositions Without Reports

In re K.S., __N.C.App.__ (6/4/24), unpublished

- No predisposition report and risk and need assessment
 - G.S. 7B-2413: written finding predisposition report not needed
 - No magic words
 - “[t]he [c]ourt did not receive a predisposition report or a [r]isk and [n]eeds assessment prior to disposition being entered per [N.C.G.S. §] 7B-2413. That is why none of the above boxes are checked.”
- No CCA review (or review of care review team recommendation?)
 - Juvenile sabotaged his own CCA
 - No reasonable possibility of a different result (not prejudiced)

G.S. 7B-2501(c) findings

Statutory requirement	Order contents
1. Seriousness of the offense	"The juvenile has ben adjudicated for a violent or serious offense and Level 3 is authorized" by statute
2. Need to hold the juvenile accountable	Juvenile "was in probation (Level 2 disposition) and continually violated the terms of his E.M., up to and including the night before the court date at which he admitted being in willful violation of his probation."
3. Public safety	The offense that formed the basis of a Level 2 disposition was a Class H felony
4. Degree of culpability	Juvenile's admission of a willful violation of probation
5. Rehabilitative and treatment needs	presumed, without deciding, not sufficiently addressed. Omission of the predisposition report or risk and needs assessment was not prejudicial.





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New ICJ Forms

STATE OF NORTH CAROLINA		NC-JOIN No. _____		File No. _____	
_____ County		In The General Court Of Justice District Court Division			
IN THE MATTER OF				JUVENILE PETITION (OUT-OF-STATE DELINQUENT)	
Name And Address Of Juvenile _____ _____ _____				<input type="checkbox"/> Absconder <input type="checkbox"/> Escapee <input type="checkbox"/> Accused Delinquent <small>G.S. 7B-4001; Section 600 Rules of the Interstate Compact for Juveniles</small>	
Juvenile's Date Of Birth	Age	Race	Sex	Category Of Offense	
_____	_____	_____	_____	<input type="checkbox"/> Felony, Class _____ <input type="checkbox"/> Misdemeanor, Class _____, Or Infraction	
Name Of Complainant _____					
<small>Spoken Language Court Interpreter Needed For Any Party, Victim, Or Witness? (If Yes, identify person(s) and language(s). Interpreters provided for all court proceedings at no cost.)</small> <input type="checkbox"/> No <input type="checkbox"/> Yes: (explain) _____					
I have sufficient knowledge or information to believe that a case has arisen that invokes the juvenile jurisdiction of the court, and therefore allege that:					
1. The juvenile named above is subject to the Interstate Compact for Juveniles as an absconder, escapee, or accused delinquent.					
2. The names, addresses, and telephone numbers of the juvenile's parents, guardian, or custodian are as follows:					
Name		Relationship/Title		Address	
_____		_____		_____	
				Telephone No.	

- AOC-J-346 Juvenile Petition (out-of-state delinquent)
 - Absconder
 - Escapee
 - Accused Delinquent
- AOC-J-347 Juvenile Petition (out-of-state non-delinquent runaway)



Juvenile Capacity to Proceed

November 21, 2024

9 am – 3:15 pm

Legal structure

Clinical considerations

Implementation plans

Contact Information

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