

## On-call “Cheat Sheet” Questions

Listed below are some helpful questions to ask the child, parent and law enforcement officer prior to making a decision whether to detain or not and to have questions answered prior to contacting the On-Call Supervisor:

- Does the officer have the juvenile in custody?
- What offense is juvenile being charged with? (Is it a detainable offense?)
- What time/day offense occurred?
- Was anyone injured? What is the status of the victim (if applicable)?
- Was weapon used? If so, what kind of weapon?
- Was juvenile with anyone when alleged offense occurred?
- Does parent suspect any drug usage?
- Have juvenile used drugs/alcohol in the past 24 hours? If so, what drug?
- How is juvenile’s behavior/attitude? Has juvenile been cooperative? Is juvenile willing to comply with supervision plan?
- Is parent/guardian present?
- Who else lives in the home? What’s their status/situation? Is there domestic violence in the home?
- How does juvenile behave at home?
- Does parent/guardian feel he/she can manage/control the juvenile?
- Does child have a curfew? If so, what is it? Does child comply with curfew?
- How does parent discipline child when he/she breaks a rule, get suspended from school, stay out past curfew, etc.?
- Does juvenile roam the streets, stay out late at night, associate with negative peers?
- Has juvenile run away from home? When was last time? Where did he/she go? How long was he/she away from home? What did parent do when child left home?
- Does parent have difficulty supervising juvenile?
- Have parent witnessed any aggressive behavior by juvenile? If so, what? When last observed?
- Any alleged gang involvement?
- Does parent/law enforcement suspects or know of gang involvement?
- Does parent have an appropriate supervision plan if juvenile is released?
- Does parent have supports in the community (i.e. family, neighbor, friend, etc.)? If so who is that person?
- What school does juvenile attend? Is he/she eligible to return to school?
- Does juvenile have behavioral/attendance problems at school? Does juvenile attend school on a regular basis? (# of suspensions and reasons why suspended, truancy issues, etc)
- How is child performing academically in school? Does child have an IEP/special needs?
- If exceptional and being suspended from school, what is child’s Individual Educational Plan (IEP)?
- Does juvenile have any physical injuries?
- Does juvenile have mental health needs?
- Is child involved with a MH provider? If so, what is child’s crisis plan?
- Is juvenile a sex offender? If victim lives in the home/neighborhood, is there a safety plan?
- Is juvenile suicidal?
- Does juvenile need to be evaluated by a psychologist/psychiatrist?
- If juvenile is in a group home/foster care, etc., can he/she remain in the home?
- Are there relatives, friends of the family, etc. that can assist with supervision if the juvenile is released?
- Is juvenile/parent willing to cooperate with supervision plan if released?
- Is juvenile willing to cooperate with ATD, if being considered?
- What is child’s risk score? (Risk assessment should be done by On-Call Counselor).

### Note:

- All questions may not apply to all situations and other questions may need to be asked.
- Responses to questions may lead to follow up questions.





**DEPARTMENT OF JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION**

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**NUMBER:** CS 8.1

**PAGES:** 6

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**SECTION:** Confinement  
**SUBJECT:** Confinement

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**REPLACES:** DJJDP/IP/CS 8.1

**REVISION NUMBER/DATE:** 11/15/02  
**DATE SIGNED:** 10/17/06

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**RELATED STANDARDS:** N/A

**RELATED NCAC CITATION:** N/A

**RELATED LEGISLATION:**

1. N.C. Gen. Stat. § 7B-1902, *Authority to issue custody orders; delegation;*
2. N.C. Gen. Stat. § 7B-1903, *Criteria for secure or nonsecure custody;*
3. N.C. Gen. Stat. § 7B-1904, *Order for secure or nonsecure custody;*
4. N.C. Gen. Stat. § 7B-1905, *Place of secure or nonsecure custody;*
5. N.C. Gen. Stat. § 7B-1906, *Secure or nonsecure custody hearings;*
6. N.C. Gen. Stat. § 7B-2505, *Contempt of court for undisciplined juveniles;* and
7. N.C. Gen. Stat. § 7B-2506(12) and (20), *Dispositional alternatives for delinquent juveniles.*

**INDEX AS:** Non-secure Custody; Secure Custody; Intermittent Confinement; Alternative to Detention (ATD) Service; Confinement

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**PURPOSE:** To protect the community and juveniles by appropriately utilizing confinement.

**POLICY STATEMENT:** The Court Counselor shall make confinement recommendations based upon community safety and the individual needs of the juvenile within legal parameters. Placing a juvenile in secure or non-secure custody should not be regarded as routine.

**I. PROCEDURES**

**A. All Types of Secure Custody and Non-Secure Custody**

1. Upon the filing of a complaint as a petition, and after a request has been made for secure custody or non-secure custody, the Court Counselor shall assess whether or not the juvenile is in need of secure custody or non-secure custody as defined in *N.C. Gen. Stat. § 7B-1903*. The Court Counselor shall:

- a) Consider the implications of release of the juvenile to the juvenile's parent/legal guardian/custodian;

- b) Screen the juvenile for ATD service if the juvenile is not on court ordered supervision in the district of the complaint;
- c) Seek the input of others with knowledge about the juvenile's situation when considering secure placement; and
- d) Seek approval from the Chief Court Counselor, the Court Counselor Supervisor, or another Court Counselor if the Court Counselor has questions as to the applicability of the situation to the criteria for secure or non-secure custody.
- e) If the juvenile appears to have any condition (physical, mental, and/or chemical) requiring immediate attention, during the process in which the juvenile is being taken into custody, the Court Counselor shall ensure assessment of the juvenile prior to admission into a non-secure or secure facility.

2. If the Court Counselor decides to seek a secure or non-secure custody order, the Court Counselor shall:

- a) Contact a district court judge, or
- b) Exercise the authority granted by administrative order issued by the Chief District Court Judge.

*REFERENCE: N.C. Gen. Stat. § 7B-1902.*

3. The Court Counselor shall ensure that a copy of the secure custody order [Order for Secure Custody (Undisciplined/Delinquent) (AOC-J-440)] or non-secure custody order [Order for Non-secure Custody (Undisciplined/Delinquent) (AOC-J-441)] is provided to the juvenile's parent/legal guardian/custodian.

4. As soon as feasible, the Court Counselor should schedule the matter for a court hearing in accordance with *N.C. Gen. Stat. § 7B-1906*.

5. Prior to transporting a juvenile to the detention facility that will be housing the juvenile, the Court Counselor shall contact the detention facility's staff and provide the facility with the required admission information.

#### B. Alternative to Detention (ATD) Service

1. Only juveniles who are receiving services through pre-court ordered supervision may be placed on ATD. Juveniles who are under court ordered supervision and in need of more structure may be assigned to the intensive level of court ordered supervision.

2. When the juvenile is eligible for secure custody as defined by *N.C. Gen. Stat. § 7B-1903*, prior to seeking a secure custody order, the Court Counselor shall screen the juvenile for ATD service.

3. The criteria for entry to ATD service are as follows:
  - a) The Court Counselor has a reasonable expectation that the community and juvenile and parent/legal guardian/custodian will be protected;
  - b) The juvenile and parent/legal guardian/custodian are willing to cooperate with ATD service and are willing to sign an “ATD Consent for Involvement” (*Form CS 023*);
  - c) The parent/legal guardian/custodian has an appropriate plan to supervise the juvenile in the community; and
  - d) The juvenile is not under court-ordered supervision.
4. The Court Counselor may make a recommendation for ATD service to the Chief Court Counselor, who makes the assignment.
5. The Court Counselor shall review with the juvenile and the juvenile’s parent/legal guardian/custodian expectations for the service that shall include:
  - a) Compliance with rules in the juvenile’s residence and cooperation with parent/legal guardian/custodian;
  - b) Compliance with a specific curfew;
  - c) Compliance with requirements for school attendance; and
  - d) Consequences for violation of terms and conditions.
6. The Chief Court Counselor shall ensure that no Court Counselor supervises more than 10 juveniles on ATD service at any given time.
7. A service plan, with consideration of the risk and needs assessments (*Forms CS 016 and 017*), shall be developed and approved by the Chief Court Counselor and entered into the NC-JOIN *Case File* within five (5) working days of assignment, and updated as needed.
8. The Court Counselor shall consult with the Chief Court Counselor at intervals of not less than seven (7) calendar days regarding service delivery and ATD assignment.
9. The Chief Court Counselor shall determine the duration of each of the following ATD service standards, which shall be reviewed at least every 30-calendar days.
  - a) The Court Counselor shall contact the juvenile and/or parent/legal guardian/custodian daily.
  - b) Initial Phase of Service Provision

(1) The Court Counselor shall ensure face-to-face contacts with the juvenile no less than four (4) times every seven (7) calendar days in the juvenile's residence, school, Court Counselor's office, and/or community. At least one (1) of these visits shall be made on weekends or after school hours.

(2) The Court Counselor shall ensure face-to-face contacts with the juvenile's parent/legal guardian/custodian at least twice every seven (7) calendar days.

(3) The Court Counselor shall ensure the juvenile's home or place of residence is visited at least twice every seven (7) calendar days.

(4) The Court Counselor shall ensure telephone contacts are made with the juvenile after school hours or on weekends at least three (3) times every seven (7) calendar days.

*NOTE: The absence of a telephone should not preclude the juvenile from being considered for these services. In this case, the Court Counselor, with the family, should seek alternative arrangements for meeting service standards.*

c) Phase Down Service Provision

(1) The frequency of contacts may be gradually reduced in number and intensity with the approval of the Chief Court Counselor.

(2) The Court Counselor shall ensure face-to-face contacts with the juvenile no less than two (2) times every seven (7) calendar days in the juvenile's residence, school, Court Counselor's office, and/or community. At least one (1) of these visits shall be made on weekends or after school hours.

(3) The Court Counselor shall ensure face-to-face contacts are made with the juvenile's parent/legal guardian/custodian at least once every seven (7) calendar days.

(4) The Court Counselor shall ensure the juvenile's home or place of residence is visited at least once every seven (7) calendar days.

(5) The Court Counselor shall ensure telephone contacts are made with the juvenile after school hours or on weekends at least three (3) times every seven (7) calendar days.

C. Secure Custody

1. When considering secure custody for a juvenile, the Court Counselor shall consider all of the following:

- a) There is a reasonable factual basis for the allegations;
- b) The juvenile meets the criteria for placement in secure custody in accordance with *N.C. Gen. Stat. § 7B-1903*;
- c) The juvenile's behavior is a continuing threat to the community and/or to himself; and
- d) Placement of the juvenile in secure custody is in the community's and/or juvenile's best interest.

2. Upon receipt of a signed (or authorized) secure custody order, the Court Counselor shall ensure the order and a copy of the petition are delivered to the appropriate law enforcement agency for execution and service. If necessary, the Court Counselor has the authority to serve and execute the order.

3. The Court Counselor shall complete or update the "Juvenile-Family Datasheet" (*Form CS 001*) in NC-JOIN as soon as practicable, but no later than two (2) business days following the juvenile's admission to a detention center.

4. Throughout the period of time that the juvenile is in custody, the Court Counselor should maintain contact with the juvenile as well as the parent/legal guardian/custodian at least every seven (7) calendar days.

**D. Intermittent Confinement for Delinquent Juveniles (Level I and Level II Disposition)**

1. Intermittent confinement shall only be used as a service plan component and should not be regarded as routine.

2. Intermittent confinement shall only be recommended by the Court Counselor following an adjudication of a juvenile for a delinquent offense.

3. If a recommendation for intermittent confinement is being considered, the Court Counselor should take into account the following:

- a) The juvenile's current behavior;
- b) Anticipated positive outcome of Intermittent Confinement for the juvenile and how the confinement supports the treatment needs of the juvenile;
- c) Use and availability of community resources; and
- d) The parent/legal guardian/custodian's involvement with the juvenile.

4. The timing of intermittent confinement is only at the discretion of the judge and not the Court Counselor.

5. Intermittent Confinement shall only be implemented with the approval of the Chief Court Counselor and the judge.

6. When intermittent confinement is to be utilized, the Court Counselor shall ensure that an appropriate secure custody order is available for the approved detention center.

7. Throughout the period of time that the juvenile is in Intermittent Confinement, the Court Counselor should maintain contact at least every seven (7) calendar days with the juvenile as well as the juvenile's parent/legal guardian/custodian.

## II. ATTACHMENTS

- A. Juvenile-Family Datasheet (*Form CS 001*)
- B. Assessment of Juvenile Risk of Future Offending (*Form CS 016*)
- C. Assessment of Juvenile Needs (*Form CS 017*)
- D. ATD Consent for Involvement (*Form CS 023*)
- E. Order for Secure Custody (Undisciplined/Delinquent) (AOC-J-440)
- F. Order for Non-secure Custody (Undisciplined/Delinquent) (AOC-J-441)