


Overview of Delinquency Court in North Carolina




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Juvenile and Criminal Court

How are they different?

1. jurisdiction
2. purposes
3. terminology
4. parties
5. procedures
6. outcomes



Delinquent Conduct:

- crime or infraction
- indirect contempt by a juvenile (including motor vehicle offenses)

by someone at least 6, not yet 16

G.S. 7B-1501(7)

Purposes
<p style="text-align: center;">N.C. Supreme Court In re D.L.H., 364 N.C. 214 (2010)</p> <p>“We begin our analysis by observing that the nature and purposes of juvenile proceedings remain distinct from those of criminal prosecutions.”</p>


Juvenile Code Purposes
<ol style="list-style-type: none">1. protection of public2. deterrence of crime, delinquency, repeat offending3. effective intake system4. uniform procedures5. swift, effective dispositions emphasizing accountability6. appropriate rehabilitative services

Disposition Purposes
<p>Design appropriate plan to:</p> <ol style="list-style-type: none">1. meet juvenile's needs and state's objectives2. promote public safety3. emphasize parent's and juvenile's accountability4. provide appropriate<ul style="list-style-type: none">• consequences,• treatment,• training, and• rehabilitation
<p>Goal = for the juvenile to become a non-offending, responsible, productive member of community</p>

Language of Delinquency


Terminology of juvenile court is a reminder

- that it is not criminal court, and
- of goals and purposes of juvenile proceedings.



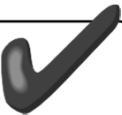
Practice not saying

- defendant
- guilty
- plea transcript
- order for arrest
- convicted
- sentence



Practice saying

- defendant = **juvenile**
- guilty = **delinquent**
- plea transcript = **transcript of admission**
- order for arrest = **secure custody order**
- convicted = **adjudicated delinquent**
- sentence = **disposition**




Parties
<ul style="list-style-type: none">✓ juvenile✓ juvenile's parent, guardian, or custodian✓ State <ul style="list-style-type: none">• petitioner (initiates the court action)• court counselor<ul style="list-style-type: none">– screens and diverts complaints– approves petitions for filing– can make motions

Procedures
<ul style="list-style-type: none">• law enforcement• complaints, screening, diversion• petitions• custody and detention• court hearings• determining, applying, and enforcing dispositions

Procedures		
<table border="1"><tr><td>What about Chapter 15A? A delinquency proceeding is not a criminal prosecution and is "not subject to the full range of criminal procedure provisions." <i>In re D.L.H.</i>, 364 N.C. 214 (2010).</td></tr></table> <table border="1"><tr><td>The Rules of Civil Procedure apply in some circumstances.</td></tr></table>	What about Chapter 15A? A delinquency proceeding is not a criminal prosecution and is "not subject to the full range of criminal procedure provisions." <i>In re D.L.H.</i> , 364 N.C. 214 (2010).	The Rules of Civil Procedure apply in some circumstances.
What about Chapter 15A? A delinquency proceeding is not a criminal prosecution and is "not subject to the full range of criminal procedure provisions." <i>In re D.L.H.</i> , 364 N.C. 214 (2010).		
The Rules of Civil Procedure apply in some circumstances.		


Procedures
<ul style="list-style-type: none">• no grand jury• no jury trial• no bail (unless transferred)• automatic appointment of counsel: no self-representation or indigence determination

Stages
<ol style="list-style-type: none">1. request for nontestimonial identification order2. request for secure custody order3. first appearance4. hearings on need for continued custody5. motions hearings6. probable cause and transfer hearings7. adjudication hearing8. disposition hearing9. violations: probation or post-release supervision10. reviews; community commitment; contempt11. extended commitment hearing12. termination of jurisdiction

1. Requests for Nontestimonial Identification Order
<p>[G.S. 7B-2102 to -2109]</p> 

2. Secure and Nonsecure Custody
[G.S. 7B-1903]


- authority to take *temporary custody*
- request for *secure* or *nonsecure* custody order
- criteria
- terms of order



3. First Appearance
[G.S. 7B-1808]


- all felony cases
- may combine with hearing on need for continued custody
- prosecutor should be present
- parent should be present


See G.S. 7B-2402.1: restraint of juveniles in the courtroom.




4. Hearings on Need for Continued Custody
[G.S. 7B-1906]

- Required within 5 calendar days
- Then, every 10 days
- Burden = clear & convincing evidence
- Issues:
 - Does statutory ground exist?
 - Are restraints on liberty necessary?
 - Is there less intrusive alternative?


5. Motion Hearings	
<ul style="list-style-type: none">• to dismiss<ul style="list-style-type: none">▪ jurisdiction▪ defective petition• for determination of competence• for confidential records• for funds to hire investigator or expert• to suppress evidence• for discovery	

6A. Probable Cause Hearing [G.S. 7B-2202]	
<ul style="list-style-type: none">➤ all felonies committed when juvenile was 13, 14, or 15➤ within 15 days of first appearance, unless<ul style="list-style-type: none">• continued for cause• written waiver and stipulation	

6B. Transfer Hearing [G.S. 7B-2203]	
<ul style="list-style-type: none">• <u>Issue</u>: Will transfer serve protection of public and needs of juvenile?• 8 statutory factors• If court orders transfer:<ul style="list-style-type: none">➤ court must set bond➤ immediate appeal to superior court➤ fingerprinting required➤ juvenile may be held only in a juvenile facility	

7. Adjudication
[G.S. 7B-2400 to -2414]

- Rules of Evidence in criminal cases apply
- proof beyond a reasonable doubt
- take special care
 - accepting juvenile’s admission
 - admitting evidence of juvenile’s statement from custodial interrogation
- an “adjudication” is not a “conviction”




8. Disposition
[G.S. 7B-2500 et seq.]

Juveniles are not “sentenced.”


A disposition is a plan for an individual juvenile, designed to


- hold the juvenile accountable,
- protect the public, and
- address juvenile’s rehabilitative and treatment needs.



9A. Probation Violation
[G.S. 7B-2506 (1), (15); 7B-2510(d), (e), (f)]

- motion and notice
- probation violation vs. new offense
- greater weight of evidence
- options based on finding of violation (delinquency history points not relevant)



9B. Post-release supervision violation [G.S. 7B-2516]
<ul style="list-style-type: none">• motion and notice• greater weight of evidence• options upon finding violation 

10. Other review hearings [G.S. 7B-2600]
<ul style="list-style-type: none">• continued appropriateness of disposition [G.S. 7B-2600]• community commitment [G.S. 7B-2513(b)]• show cause for parent [G.S. 7B-2700 to -2706]

11. Extended Commitment [G.S. 7B-2515]
<ul style="list-style-type: none">• DJJDP notice to juvenile and parent• required if DJJDP intends to keep juvenile in commitment past<ol style="list-style-type: none">1) 18 birthday, or2) maximum adult sentence• issues<ul style="list-style-type: none">– juvenile's treatment needs– maximum possible commitment

12. Terminating Jurisdiction

- court may terminate jurisdiction at any time
- end of probation term does not automatically terminate jurisdiction
- absolute maximum jurisdiction is age 18, 19, or 21, depending on offense adjudicated

Juvenile Court Counselors

- receive & screen complaints
- make diversion decisions
- approve petitions for filing
- prepare pre-disposition reports
- make disposition recommendations
- work with juveniles on probation and post-release supervision
- initiate review hearings



Things to Remember

1. This is not criminal court.
2. Dispositions are not "sentences."
3. You can (almost) never specify the length of a commitment.
4. You can direct orders to a juvenile's parents.
