

**POST-DISPOSITION**

Juvenile Delinquency: A Course for District Court Judges  
November 10, 2021

1

**SECURE CUSTODY POST-ADJUDICATION**

Secure custody can be ordered following adjudication pending either

disposition	placement
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Continued secure custody hearings required every 10 calendar days  
May be waived for no more than 30 calendar days with consent of the juvenile

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Order for continued secure custody required at each hearing
In writing      With appropriate findings of fact

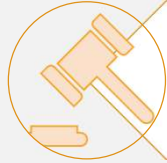
G.S. 7B-1903(c)

2

## EXTENSION OF PROBATION



Violation of probation not required



Term can be extended up to 12 months on notice and hearing

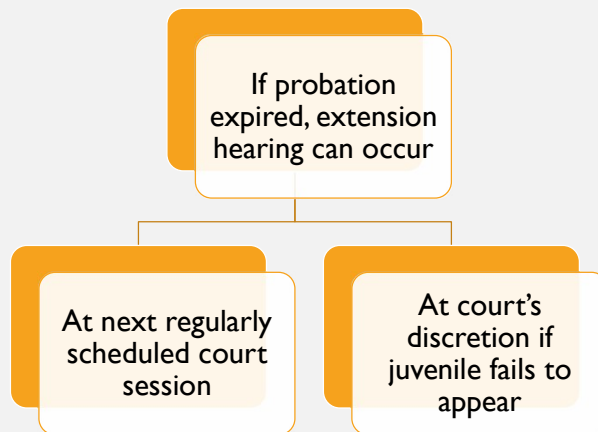


On finding that extension necessary to protect community or safeguard juvenile's welfare

G.S. 7B-2510(c)

3

## EXTENSION OF PROBATION



G.S. 7B-2510(c)

4

## PROBATION VIOLATION HEARINGS



- Disposition hearing
- Greater weight of the evidence = burden
- Same act may be both violation and new offense
  - *In re O'Neal*

G.S. 7B-2510(e)

5

## 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

G.S. 7B-1903(d)

6

PROBATION VIOLATION DISPOSITIONS

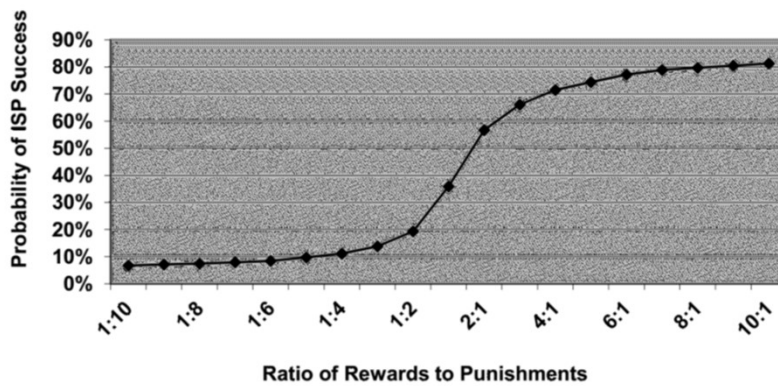
- Options Continue original conditions of probation
- Modify conditions of probation
- Order 2X the number of IC days at the same Level
- Order new disposition at next higher level (NO Level 3 if underlying adjudication was for minor offense)

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

G.S. 7B-2510(e)

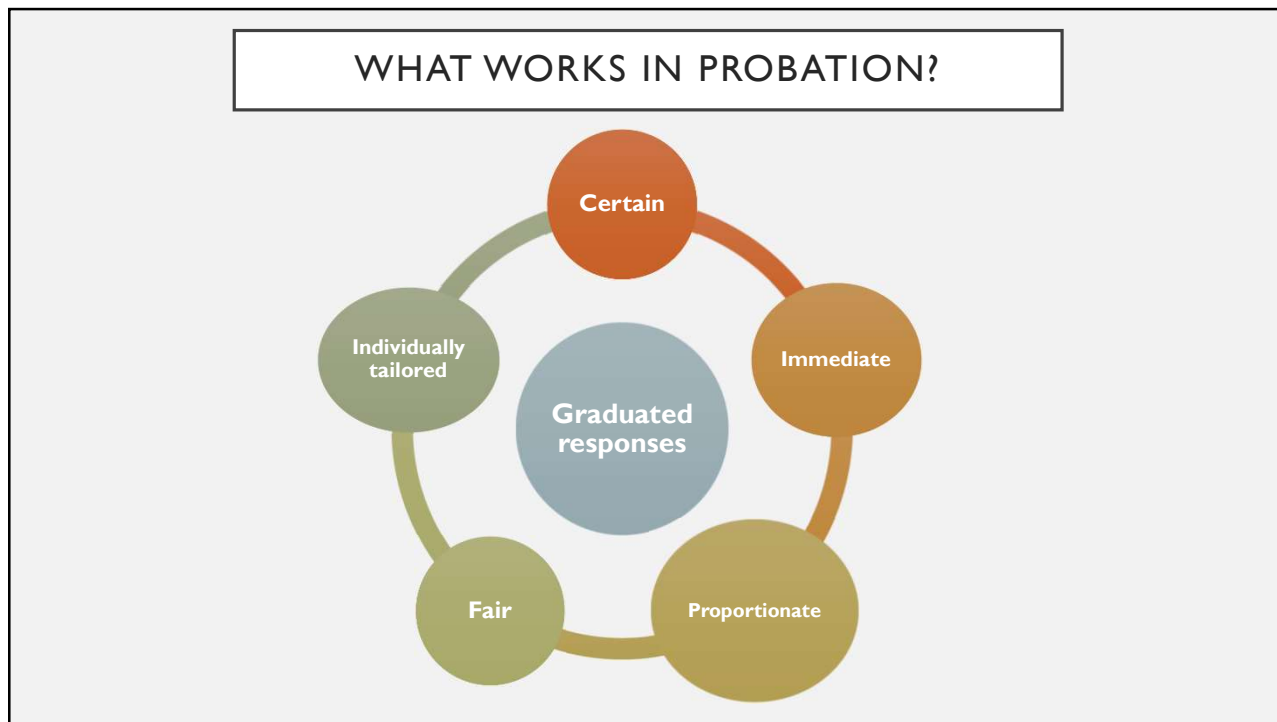
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WHAT WORKS IN PROBATION?

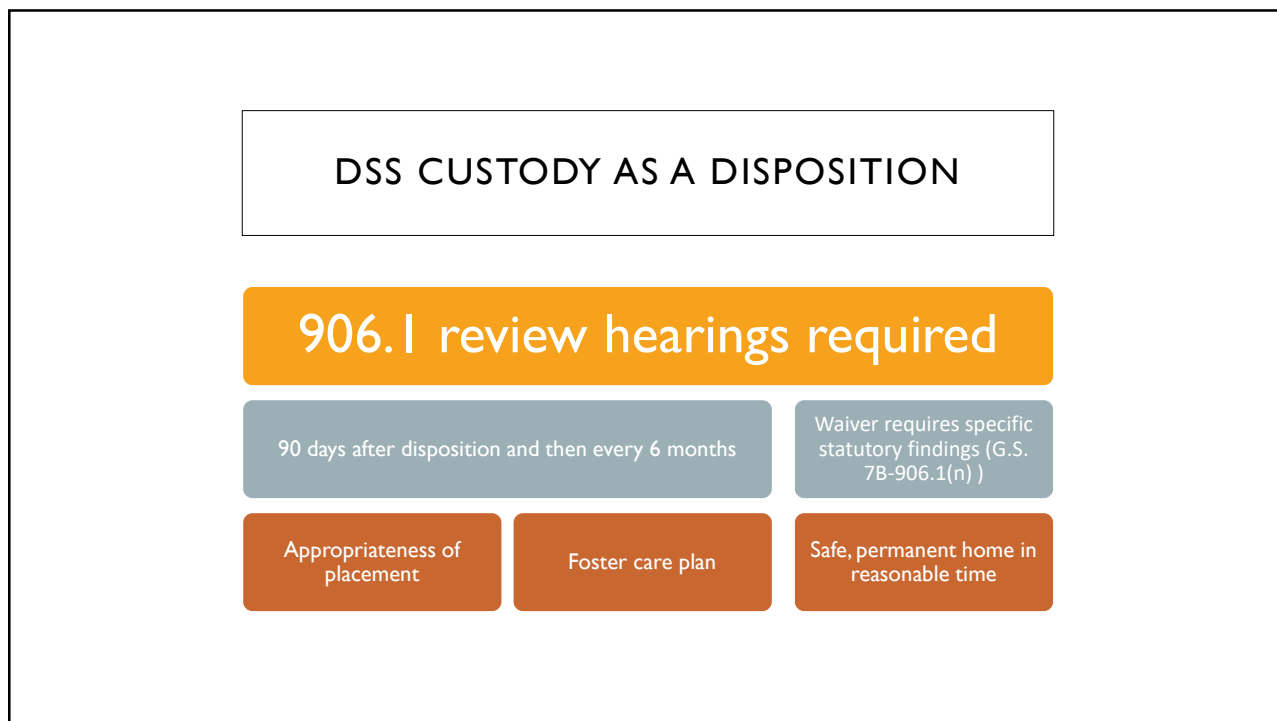


Source: Eric J. Wodahl et al., Utilizing Behavioral Interventions to Improve Supervision Outcomes, 38 Criminal Justice and Behavior 386 (2011).

8



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10

## DSS Custody as a Disposition

### Dispositional Alternatives Available in Both Abuse, Neglect, Dependency and Delinquency Actions

G.S. 7B-903 (A/N/D)	G.S. 7B-2506 (Delinquency)
Require that the juvenile be supervised in his or her home by DSS or another individual, subject to court-specified conditions placed on the parent, guardian, custodian, or caretaker	Require that a juvenile be supervised in his or her own home by DSS, a juvenile court counselor, or other personnel as may be available to the court, subject to court-specified conditions placed on the parent, guardian, custodian, or the juvenile
Place the juvenile in the custody of a parent, relative, other suitable person, or private agency; the court must also consider whether jurisdiction should be terminated and whether a G.S. Chapter 50 custody order should be entered pursuant to G.S. 7B-911	Place the juvenile in the custody of a parent, relative, other suitable person, or private agency
Place the juvenile in DSS custody	Place the juvenile in DSS custody

11

## DSS Custody as a Disposition

Consider



12

## EXTENSION OF YDC COMMITMENT

*J.L.H.*, 750 S.E.2d 197 (2013)

- Oral notice of extension hearing to juvenile's father was insufficient under 7B-2515(a)
- Statute is **mandatory** not directory
  - Protects juvenile's due process rights
  - If juvenile objects, court must hold a hearing

13

## JUVENILE'S RELEASE FROM YDC

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

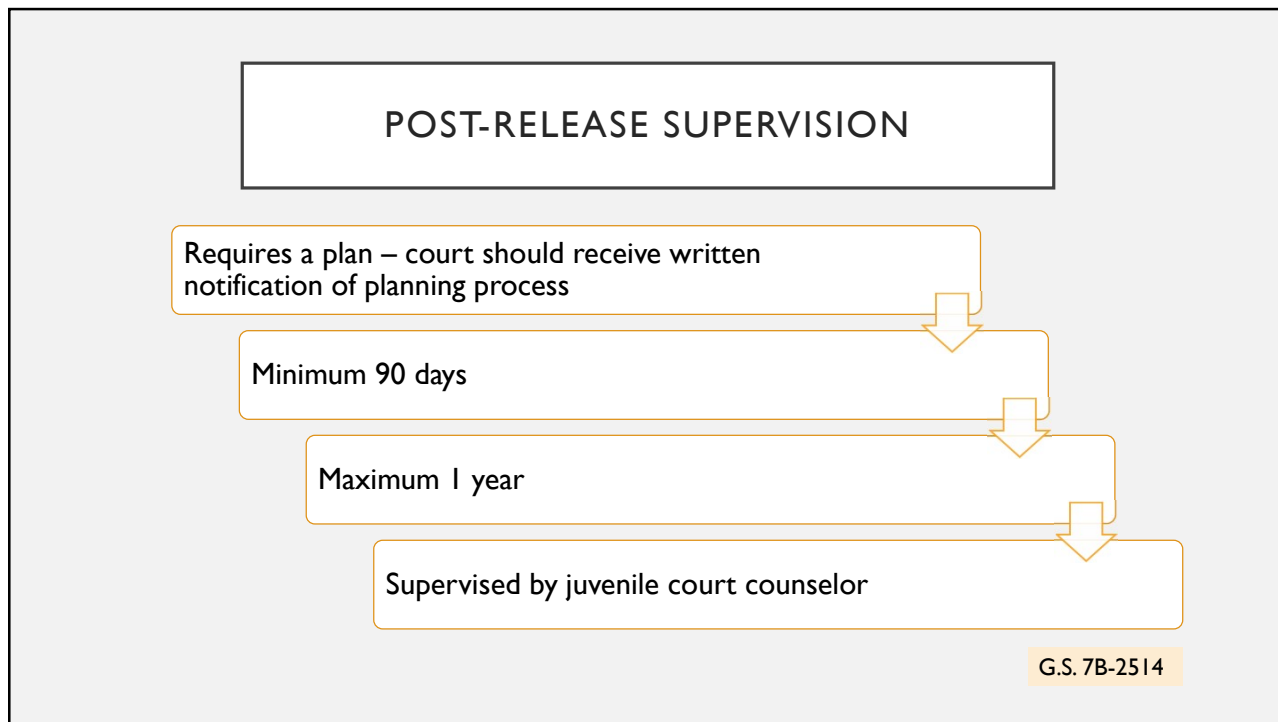
*In re Doe*, 329 N.C. 743 (1991)

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

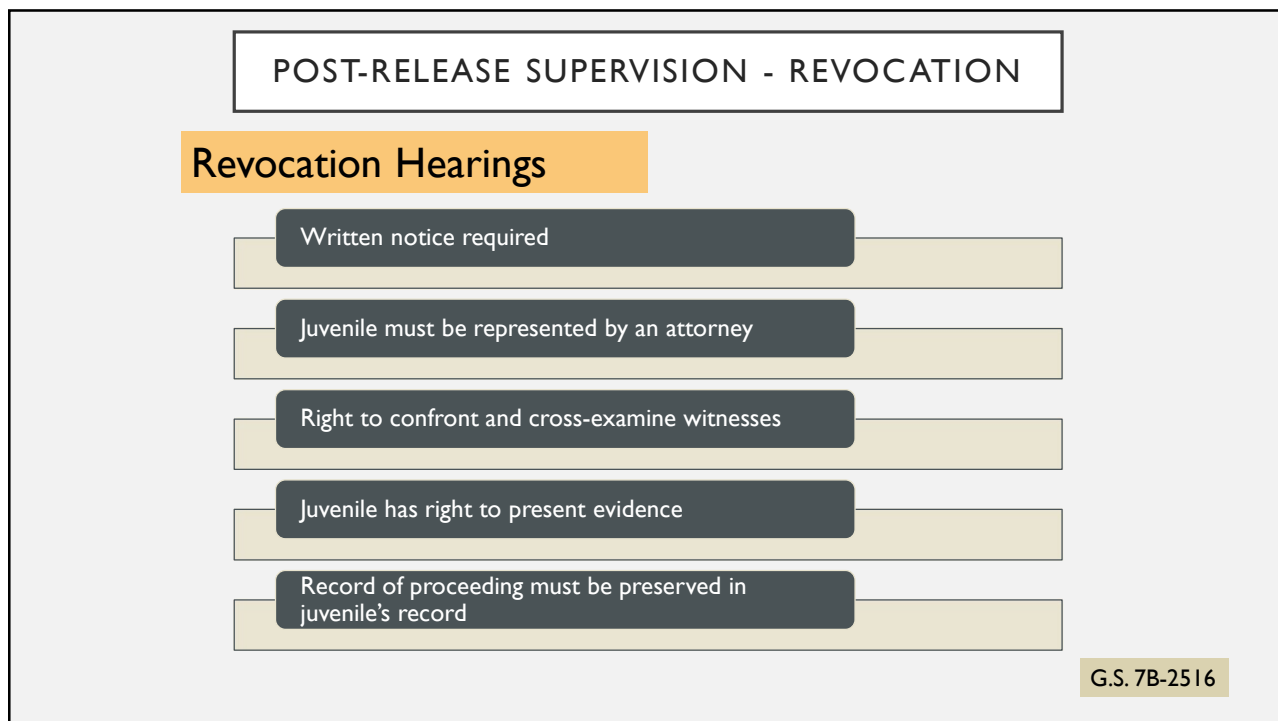
*In re J.S.W.*, 211 N.C.App. 620 (2011)

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

14

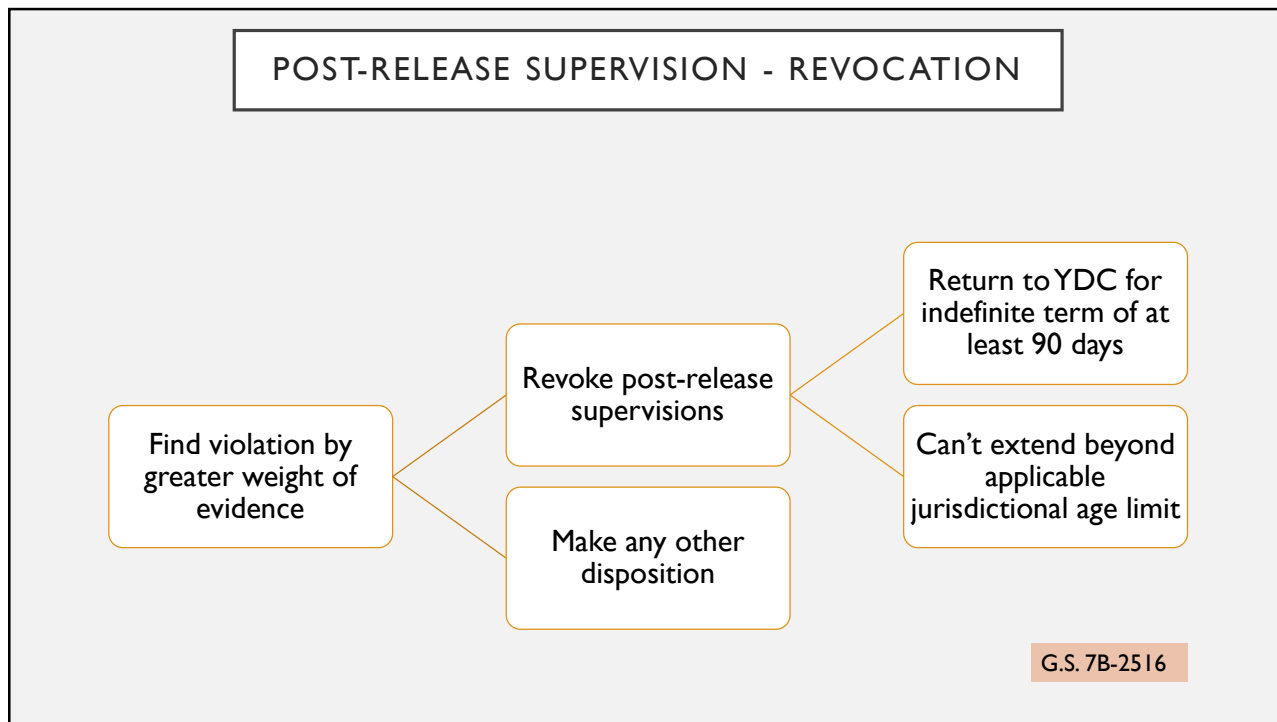


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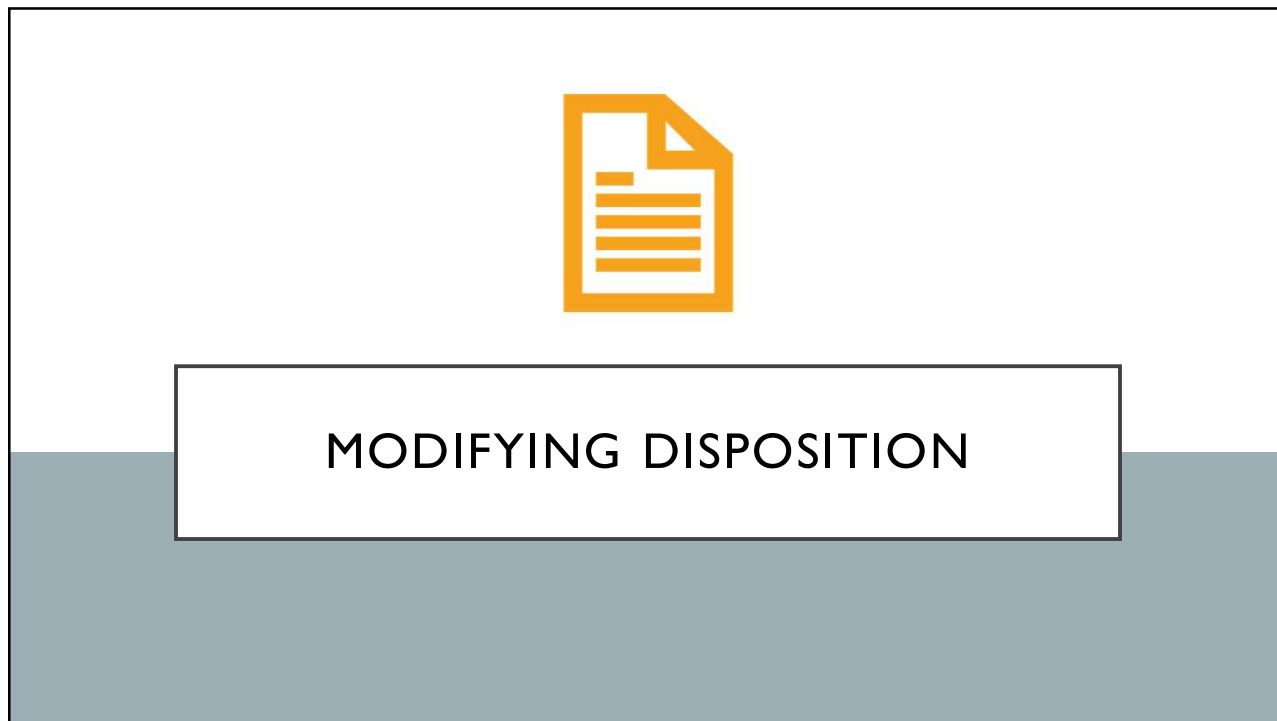


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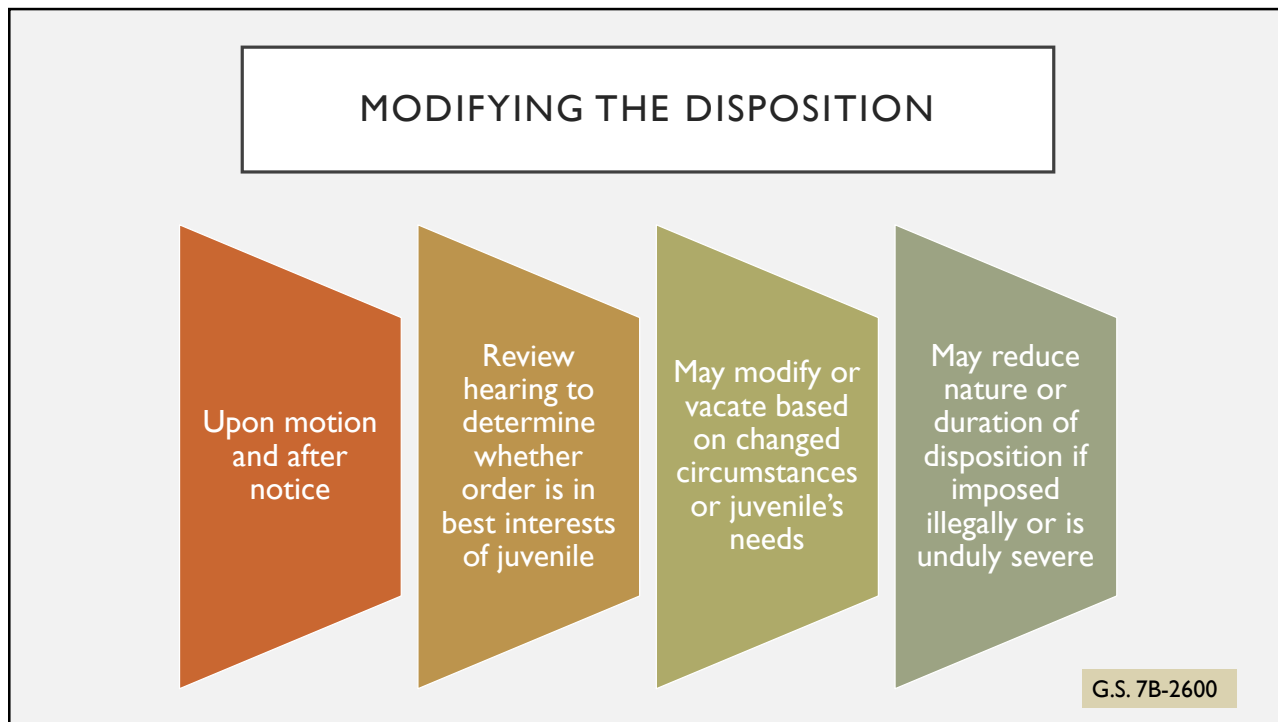




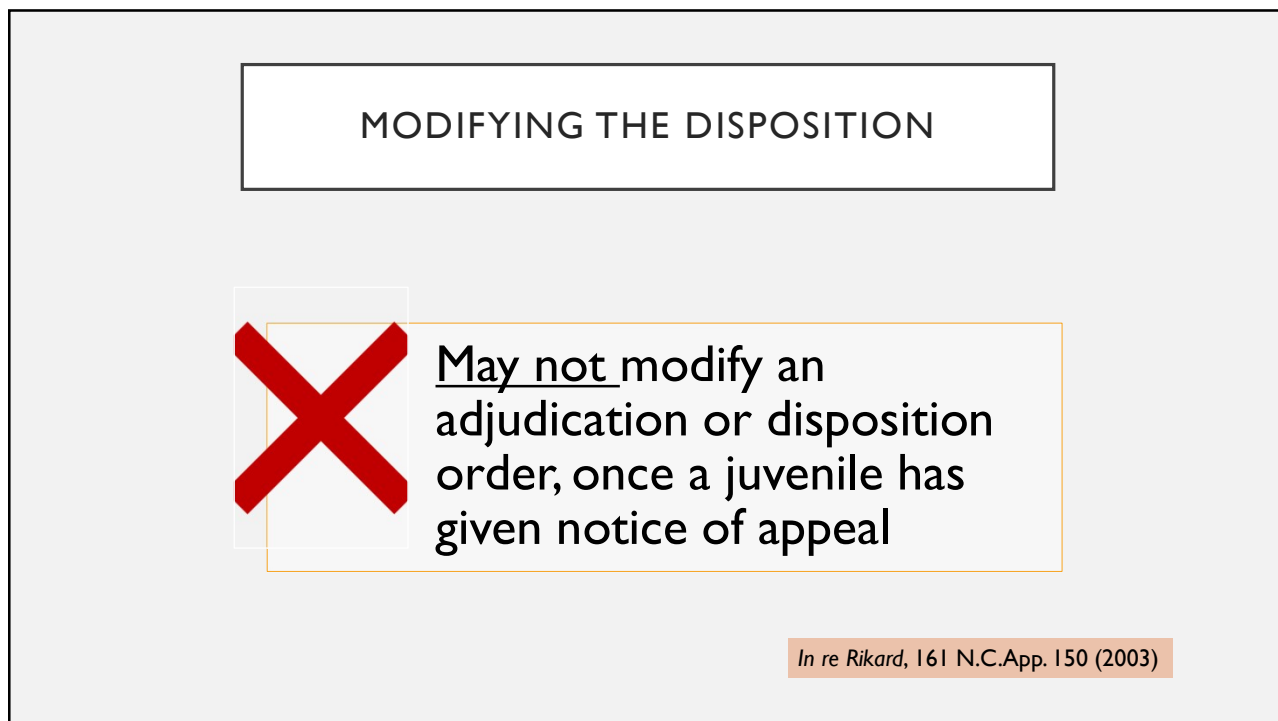
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## APPEALS

21

## APPEALS

“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.”

G.S. 7B-2605  
*In re G.C.*, 230 N.C.App. 511 (2013)

22

## 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.

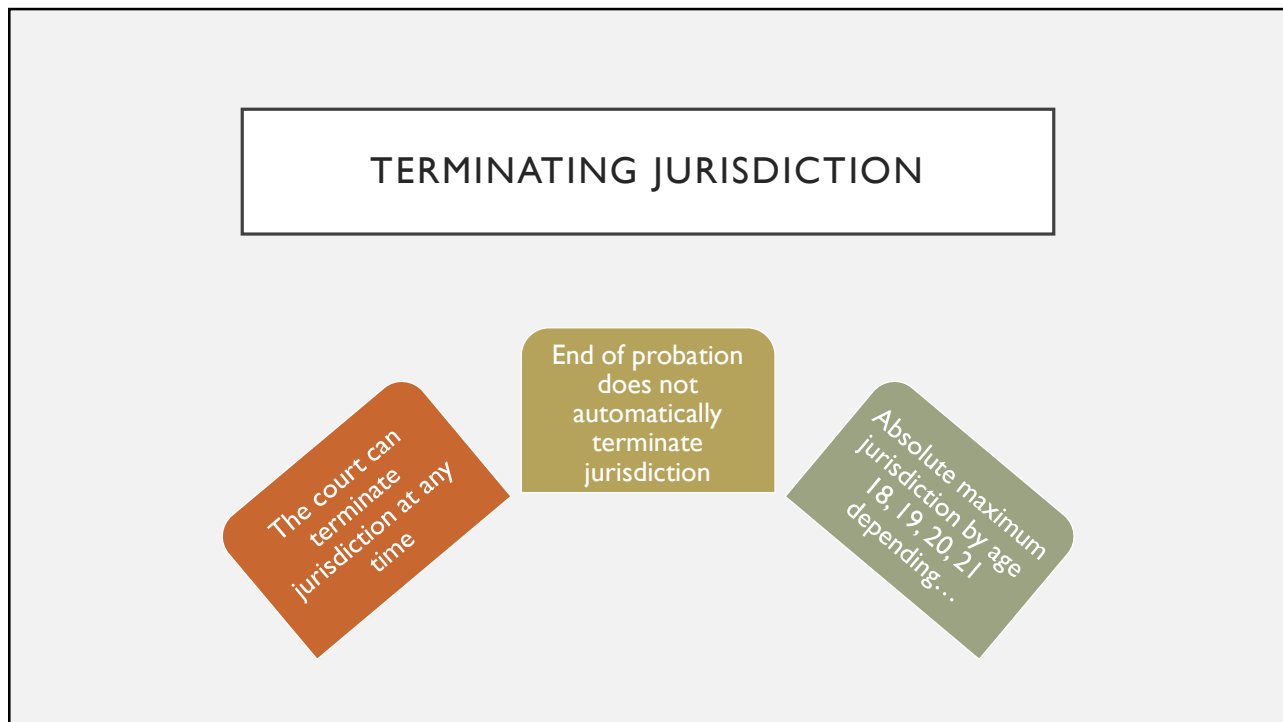
*In re Lineberry*, 154 N.C.App.246 (2002)

23

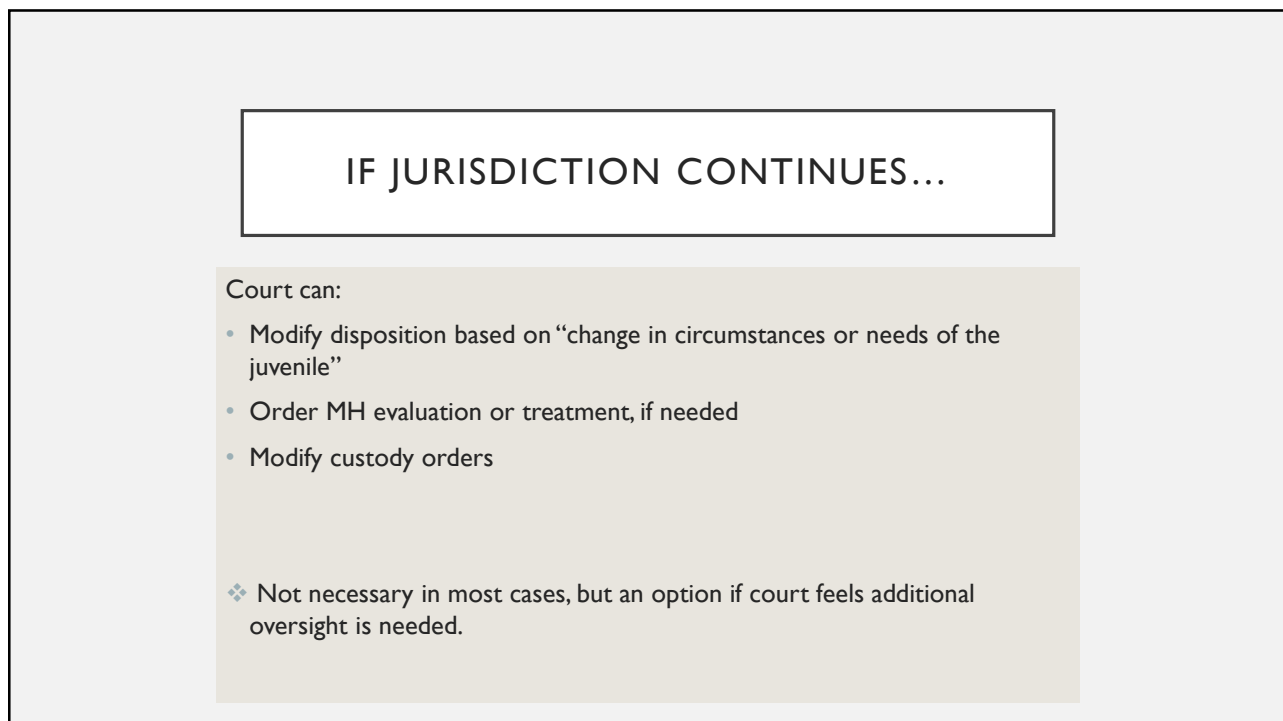


## TERMINATING JURISDICTION

24



25



26



27