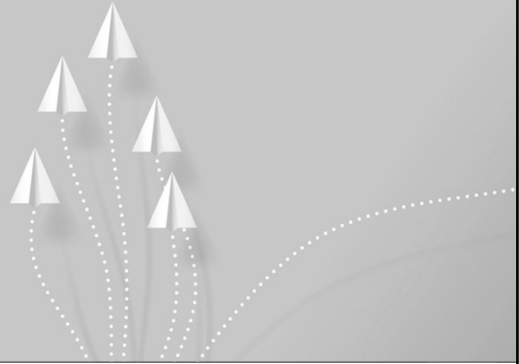
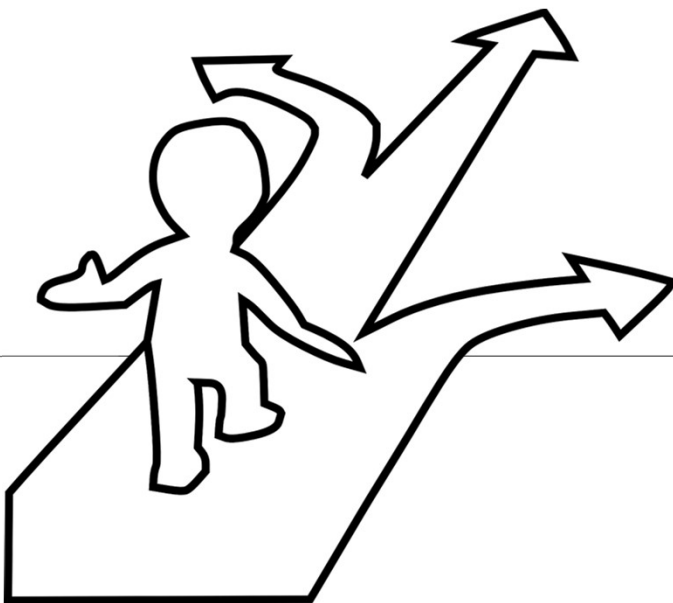


Preadjudication - What Happens Before Court?

Juvenile Delinquency: A Course for District
Court Judges
November 8, 2021



1



Intake Services

Determining the
pathway for each
complaint

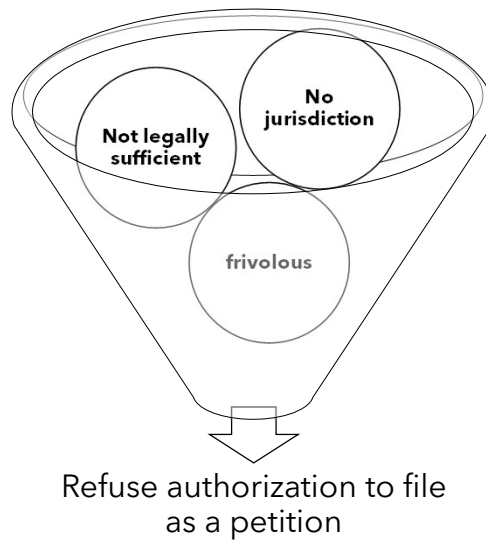
2

Article 17. Screening of Delinquency and Undisciplined Complaints

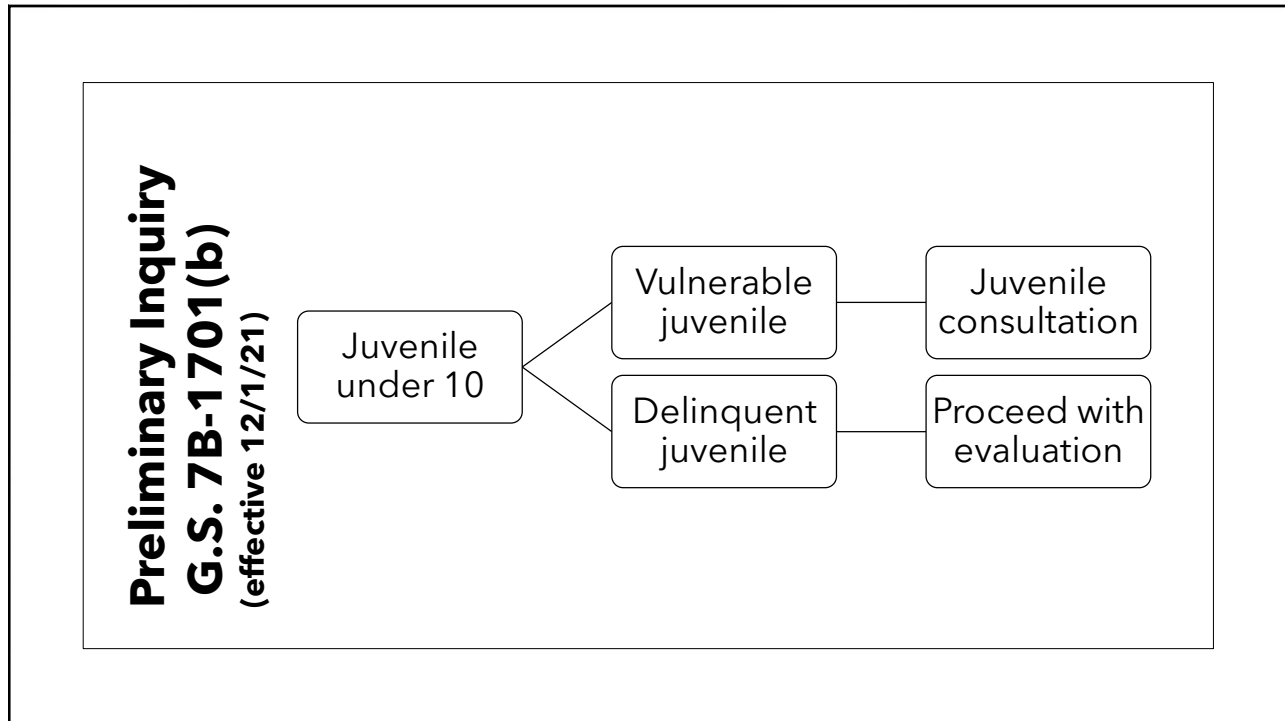
- Preliminary inquiry
- Evaluation and decision
- Prosecutor review
- Diversion

3

Preliminary Inquiry G.S. 7B-1701



4



5

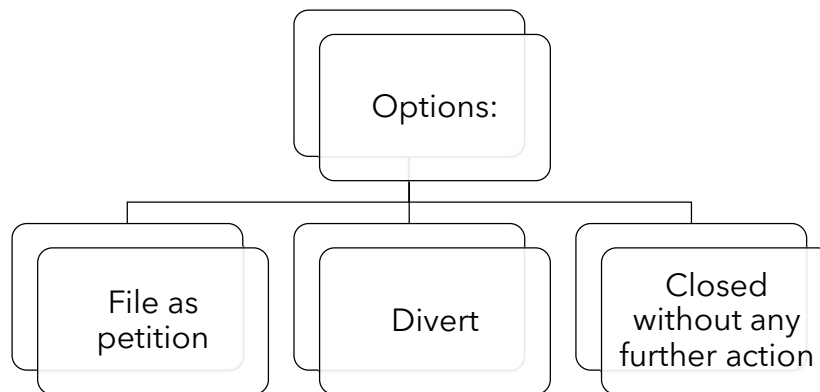
Preliminary Inquiry - Nondivertible Offenses

MUST file petition if there are reasonable grounds to believe the juvenile committed any of the following:

- Murder;
- First-degree rape or second-degree rape;
- First-degree sexual offense or second-degree sexual offense;
- Arson;
- Any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an adult;
- First degree burglary;
- Crime against nature;
- Any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.

6

Evaluation - G.S. 7B-1702




7


Evaluation Process (G.S. 7B-1702)

- If practicable, interviews with:
 - The complainant and the victim,
 - The juvenile and their parent, guardian, or custodian,
 - People known to have relevant information about the juvenile or their family
 - GAIN-Short Screener (GAIN-SS) for youth 12 and older
 - Youth Assessment & Screening Instrument (YASI)
 - Gang assessment for age 12 and older

8



NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
PREVENT. PROTECT. PREPARE.




Intake Decision Criteria

- Protection of the community;
- The seriousness of the offense;
- The juvenile's previous record of involvement with the legal system, including previous diversions;
- The juvenile's behavior at home, in school, and in the community.
- The ability of the juvenile and the juvenile's family to use resources;
- Consideration of the victim;
- The juvenile's age; and
- The juvenile's culpability in the alleged complaint.

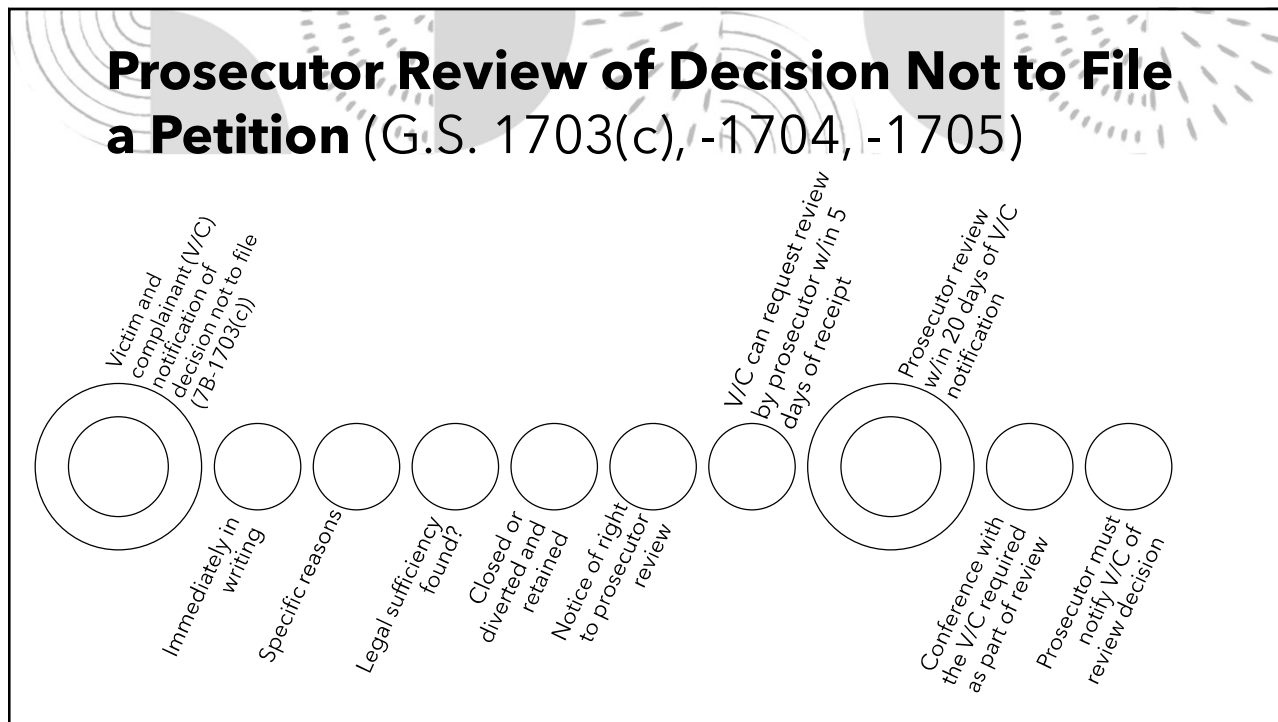
9

Evaluation Timeline
G.S. 7B-1703

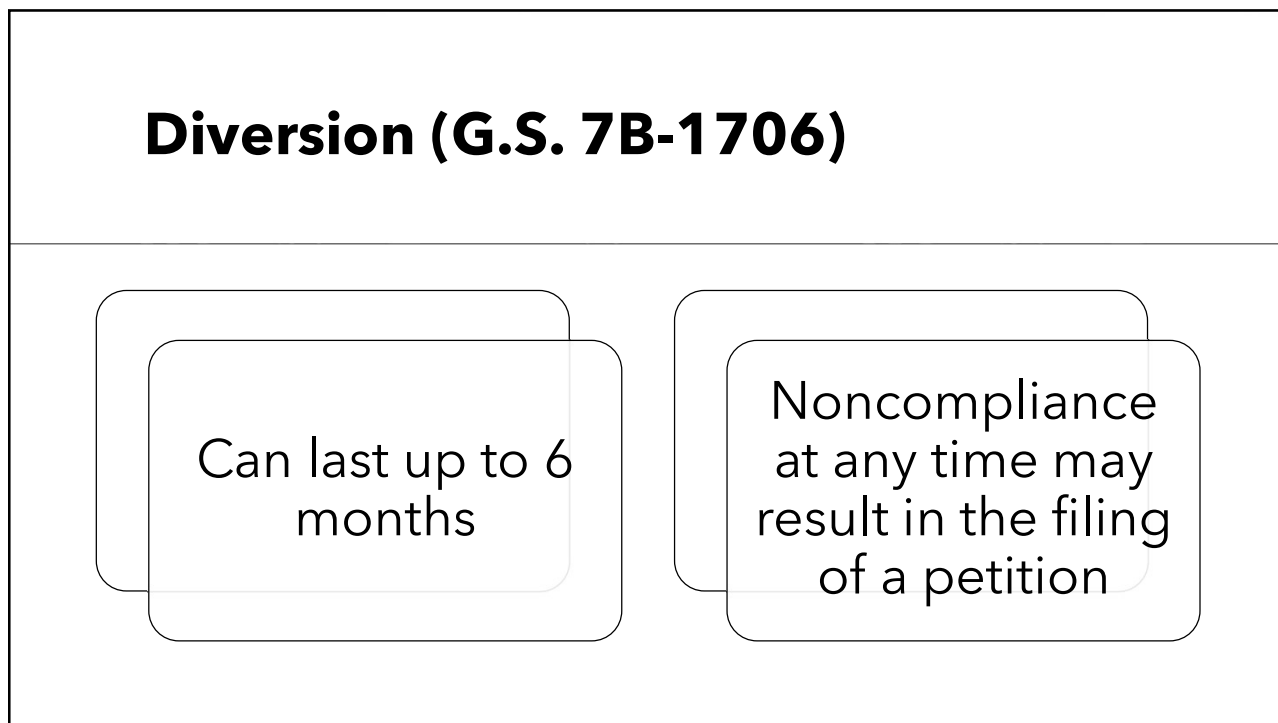
- Complete within 15 days of receipt of complaint
- Chief court counselor can extend for 15 more days
- Same timeline applies to filing a petition



10



11



12




Diversion Contracts /Plans

- **A Diversion is an opportunity for the youth to correct behaviors without court intervention.**
- **A Diversion Plan or Contract may include:**
 - **use of community resources including mental health services;**
 - **restitution;**
 - **community service;**
 - **victim-offender reconciliation;**
 - **teen court; etc.**




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Diversion, cont.

- **A court counselor may enter into a “diversion contract” with the juvenile and the parent, guardian or custodian when it is determined that a higher degree of accountability is required**
- **A Diversion Contract is a written agreement**




14



Diversion Follow-Up

- **Within 10 days, counselor must determine whether juvenile and parent are complying with diversion conditions**
- **Counselor may monitor the diversion for up to six months maintaining regular contact at least every 30 days**
- **Must retain the contract until juvenile is 18 years old or out of the court's jurisdiction, whichever is later**
- **Petition may be filed if juvenile does not comply with conditions**

15



Pre-Court Ordered Services

- Preparation of the Court Reports
- Facilitation of Court Hearings
- Facilitation of Secure Custody Services
- Provision of Alternative to Detention (ATD) services
- Case tracking and case management as needed

16


Vulnerable Juvenile (G.S. 7B-1501(27b))



17

<p>Juvenile Consultation Services (G.S. 7B-1706.1)</p>	<p>6 months, with possible 3-month extension</p>
	<p>Case management services</p> <ul style="list-style-type: none"> • Screenings • Assessments • Community resources • Programming
	<p>For juvenile and the parent, guardian, or custodian</p>

18



The logo for the North Carolina Department of Public Safety (DPS) is displayed at the top of the slide. It features the text "N★C" above "DPS" on the left, and "NORTH CAROLINA" above "DEPARTMENT OF PUBLIC SAFETY" on the right. Below the department name is the slogan "PREVENT. PROTECT. PREPARE." The background of the logo area includes a stylized map of North Carolina and decorative circular patterns.

reminders.....

- Juvenile Justice is part of the NC Executive Branch
- Serves a separate purpose
- Functions Independently of the Prosecutor
- Use the JCC as a resource
- Everyone has a different role, but we are all working in the best interest of the juvenile, family, and community