

Pre-Adjudication - Getting Started in Court

Juvenile Delinquency: A Course for District Court Judges

November 8, 2021



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Delinquency Court Purposes

G.S. 7B-1500

• From acts of delinquency

Protect the Public

Deter Delinquency and Crime

- By providing swift, effective dispositions that emphasize accountability
- By providing appropriate rehabilitative services to juvenile and family

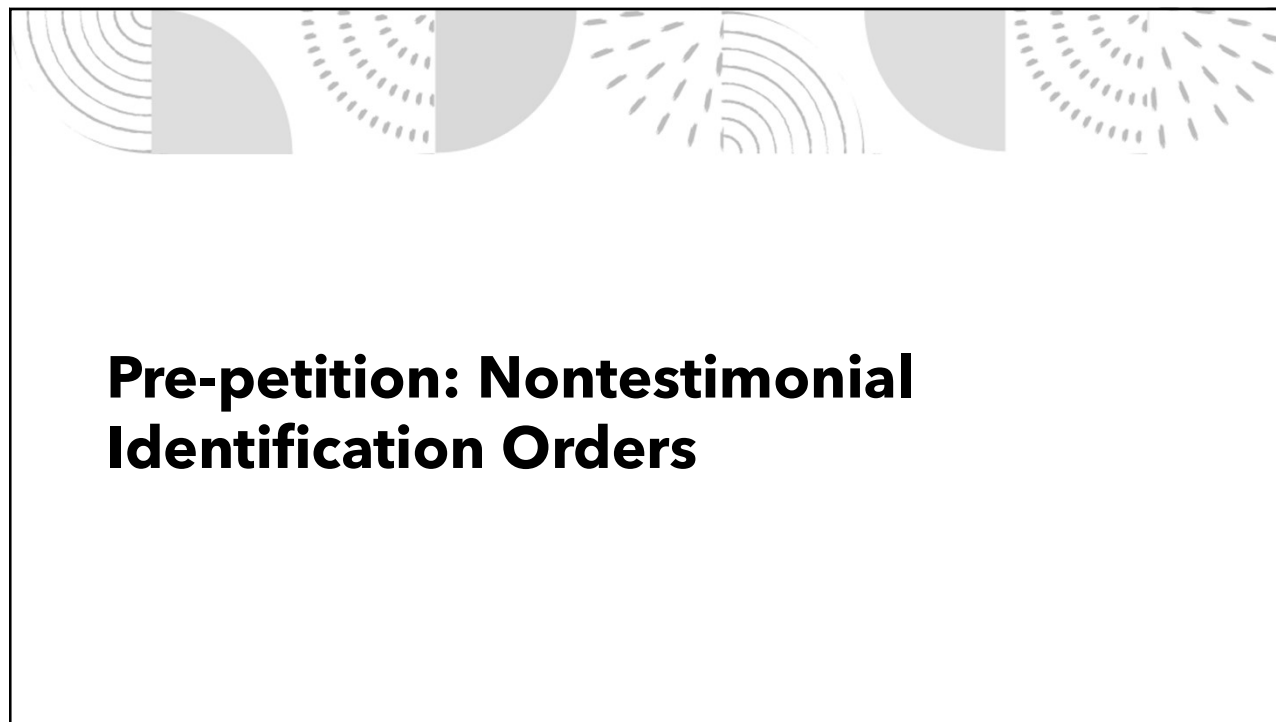
- For screening and evaluation of complaints
- Where appropriate and court intervention not necessary, refer to community-based resources

Effective System of Intake Services

Provide Uniform Procedures

- Assure fairness and equity
- Protect Constitutional rights of juveniles, parents, and victims
- Encourage proceeding with all possible speed

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Respond at pollev.com/greenesog
Text **GREENESOG** to **22333** once to join, then **A, B, C, D, or E**

Which nontestimonial identification procedure does not require a court order?


fingerprinting a 12-year-old alleged to have committed breaking or entering a motor vehicle	A
Including a 15-year-old in a lineup	B
photographing a 14-year-old on admission to a juvenile detention facility	C
All of the above	D
None of the above	E

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<p>Nontestimonial Identification Procedures G.S. 7B-2103</p> <p>Identification by:</p>	<hr/> Fingerprints <hr/> <hr/> Palm prints <hr/> <hr/> Footprints <hr/> <hr/> Measurements <hr/> <hr/> Blood specimens <hr/> <hr/> Urine specimens <hr/> <hr/> Saliva samples <hr/> <hr/> Hair samples <hr/> <hr/> Other reasonable physical examination <hr/> <hr/> Handwriting exemplars <hr/> <hr/> Voice samples <hr/> <hr/> photographs <hr/> <hr/> Lineups or similar identification procedures
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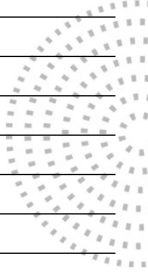
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Nontestimonial Identification Defined

G.S. 7B-2103.

<u>Identification</u> by:	Fingerprints
	Palm prints
	Footprints
	Measurements
	Blood specimens
	Urine specimens
	Saliva samples
	Hair samples
	Other reasonable physical examination
	Handwriting exemplars
	Voice samples
	photographs
	Lineups
	Similar identification procedures requiring the presence of a juvenile



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No Court Order Needed

<p style="text-align: center;">Show-up - Photograph Required</p>	<p style="text-align: center;">Complaint prepared for Filing - Fingerprints and Photo Required</p>	<p style="text-align: center;">Committed to Detention - Photograph Required</p>	<p style="text-align: center;">Upon Felony Adjudication - Fingerprints and Photo Required</p>
<ul style="list-style-type: none"> • Age 10+ • At time and place of show-up • Nondivertible offense or common law robbery • 15A-284.52(c1)(4) 	<ul style="list-style-type: none"> • Age 10+ at offense • Nondivertible offense • In custody of law enforcement or JJ • G.S. 7B-2102(a) 	<ul style="list-style-type: none"> • Every juvenile committed to detention • G.S. 7B-2102(a1) 	<ul style="list-style-type: none"> • If not previously printed or photographed or if those things were destroyed • 10+ at offense • G.S. 7B-2102(b)

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Nontestimonial Identification Order Procedures - G.S. 7B-2103, -2104

- Must be requested by prosecutor
- Can be issued by any district court or superior court judge
- Request can be made prior to taking juvenile into custody or after custody and prior to adjudicatory hearing



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Nontestimonial Identification Order Grounds - G.S. 7B-2105

Order can issue only on sworn affidavit or affidavits establishing grounds	Probable cause to believe a felony offense was committed +
	Reasonable grounds to suspect the named juvenile committed the offense* +
	The results of the specified procedures will be of material aid in determining that the named juvenile committed the offense*

*enhanced grounds for order to obtain a blood specimen

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<p>When the Court MUST Issue an NTO G.S. 7B-2107</p>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <p>Juvenile requests</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <p>In custody for or charged with a felony</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/> <p>Appears that results will be of material aid to the juvenile's defense</p>
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When poll is active, respond at pollev.com/greenesog
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Is an NTO needed for use of a breathalyzer on a 15-year-old who is suspected of impaired driving?

Yes

No

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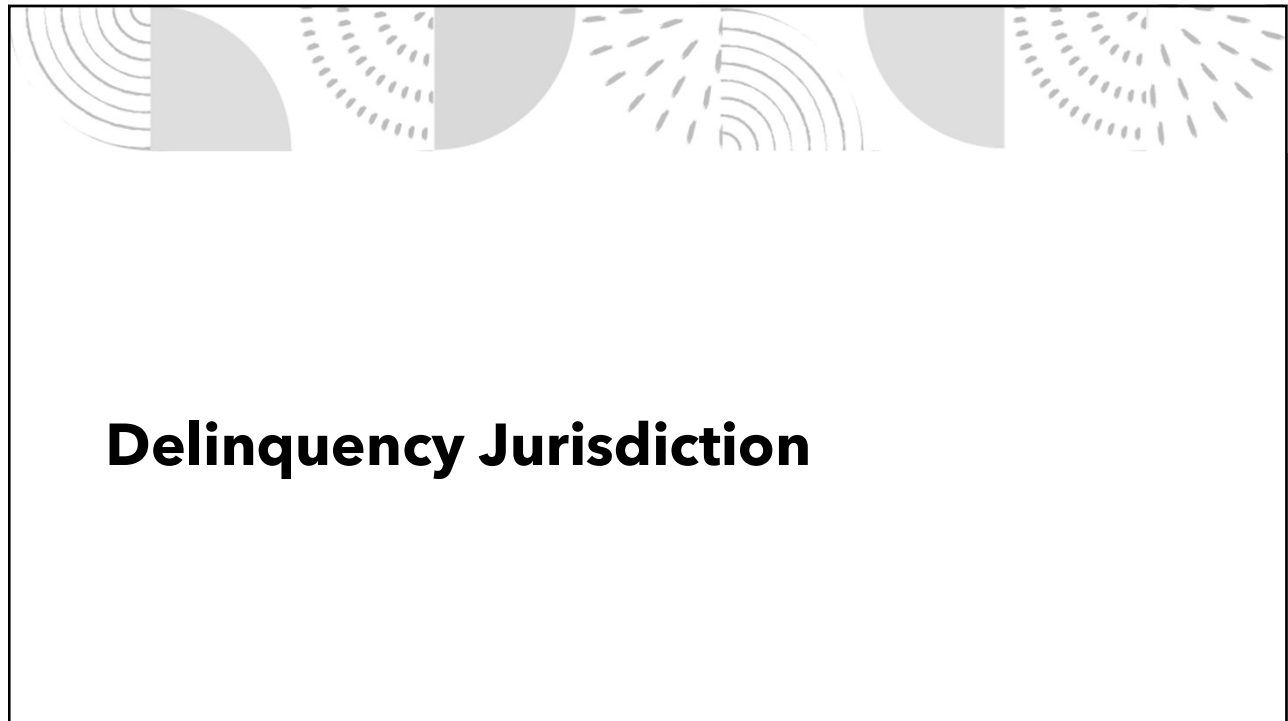
A law enforcement officer is seeking an NTO to swab a juvenile's hands for gun residue after finding the juvenile at the scene of a shooting with a gun in his possession. Can the court issue the NTO?

Yes

No

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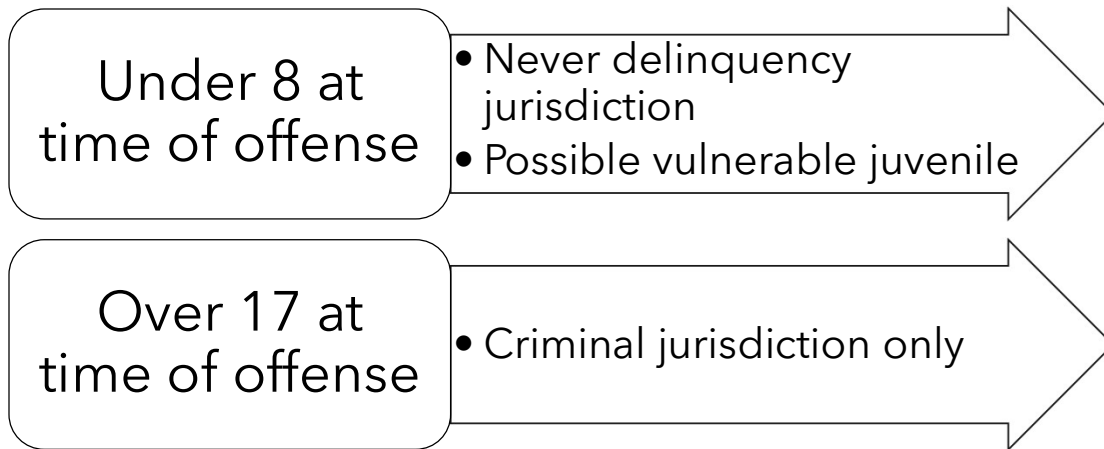
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Three Factors



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Age Boundaries



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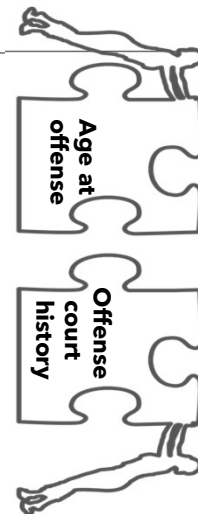
Delinquency jurisdiction for all offenses from ages 10 - 15

(a juvenile age 13 - 15 could have a disqualifying previous criminal conviction)

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Now the Weird Rules - 8 & 9

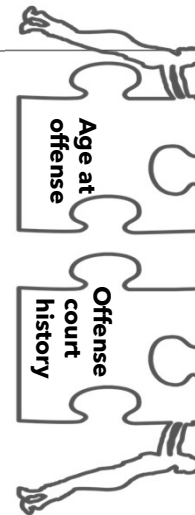
- Delinquency jurisdiction for offenses at ages 8 and 9, only if:
 - Class A - G felony
 - Previous delinquency adjudication followed by a new offense
- G.S. 7B-1501(7)c. - d.
- Effective for offenses committed on or after 12/1/21



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Now the Weird Rules - 16 & 17

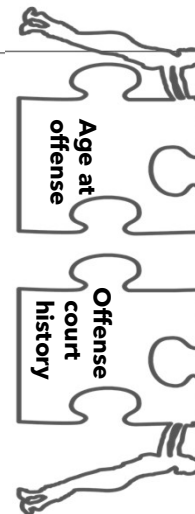
- Delinquency jurisdiction for all offenses at ages 16 & 17 for all offenses EXCEPT Chapter 20 motor vehicle offenses
- G.S. 7B-1501(7)b.



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Now the Weird Rules - Once an Adult, Always an Adult

- Applies to anyone who would otherwise be subject to juvenile jurisdiction
- Any new offense after a criminal conviction is subject to criminal jurisdiction, UNLESS the previous conviction was a chapter 20 misdemeanor that did not involve impaired driving (G.S. 20-138.1, -138.2)
- G.S. 7B-1604(b)



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Jurisdiction Rules by Age at Offense

< 8 or > 17 at offense	}	<ul style="list-style-type: none"> • No delinquency jurisdiction
8 or 9 at offense	}	<ul style="list-style-type: none"> • delinquency jurisdiction ONLY if Class A - G felony or delinquency adjudication prior to current offense
10, 11, 12 at offense	}	<ul style="list-style-type: none"> • Always delinquency jurisdiction
13, 14, 15 at offense	}	<ul style="list-style-type: none"> • Delinquency jurisdiction unless disqualifying criminal conviction before current offense
16 or 17 at offense	}	<ul style="list-style-type: none"> • No delinquency jurisdiction for chapter 20 offenses • Delinquency jurisdiction for other offenses unless disqualifying criminal conviction before current offense

* Disqualifying criminal conviction = all offenses except Chapter 20 misdemeanor offenses that do not involve impaired driving.

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Initiating a Delinquency Matter

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It all begins with...

Filed by:

- Private citizen
- Law enforcement
- Prosecutor (*In re Stowe*)



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Case Initiation - The Petition

- G.S. 7B-1802
 - Only valid pleading in juvenile court
 - Name, date of birth, and address of the juvenile
 - Name and last known address of the juvenile's parent, guardian, or custodian
 - Allege the facts that invoke jurisdiction over the juvenile
 - Shall NOT contain information on more than one juvenile
- G.S. 7B-2400
 - Can amend if doesn't change nature of offense alleged
 - Juvenile must have reasonable opportunity to prepare defense

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