IV. Disposition Scenarios

A. Arnold

Arnold, 15, is alleged to be delinquent for breaking into a beverage machine at a hotel during his family's vacation, in violation of G.S. 14-56.2, which says: "Any person who shall willfully and maliciously damage or destroy any coin- or currency-operated machine shall be guilty of a Class 1 misdemeanor." Arnold has no prior juvenile record.

- 1. If Arnold and his family live in South Carolina and you have just adjudicated Arnold to be delinquent,
 - a. Can you transfer the case to the court in Arnold's county of residence in South Carolina for disposition?
 - b. If you enter both an adjudication and a disposition order, can you then transfer the case to South Carolina for supervision?
- 2. If you are conducting the disposition hearing and evidence shows that Arnold did \$800.00 in damage to the beverage machine, can you order him to pay restitution? If so, what findings would you have to make?
- 3. If you are conducting the disposition hearing and evidence shows that Arnold did \$300.00 in damage to the beverage machine, that his parents have reimbursed the hotel in that amount, that Arnold has written a letter of apology to the hotel, and that his parents have a plan whereby Arnold will pay them back, can you dismiss the case?

B. Jack.

Jack, 14, was adjudicated delinquent for possessing a gun on school property, a Class I felony under G.S. 14-269.2. Evidence at disposition indicates that Jack has missed 20 days of school, is failing every subject except social studies, and has now been expelled for the remainder of the school year. He tested positive for marijuana use when his parents had him tested, and, according to his parents, is totally out of their control, stealing from them and coming and going as he pleases. His response to every question in court is either "I don't know" or a shrug of his shoulders.

Jack's delinquency history looks like this:

Offense	Offense	Class	Adjudication	Disposition
Date			Date	
6/2/09	assault on school	A1 misd.	7/20/09	probation
	personnel			
8/1-15/09	violations of probation		9/1/09	probation extended
5/2/10	simple assault	Class 2 misd.	6/11/10	community service
9/10/11	gun on school property	Class I felony	9/29/11	

- 1. How would you address Jack when he only shrugged or said "I don't know"?
- 2. What are the dispositional options?

3. What else do you want to know?

4. What disposition might you order?

C. Tim

Tim was adjudicated delinquent for shooting out multiple car windows with an air rifle. At disposition, the court counselor's report indicates the following:

Tim, age 10, and his 4-year-old sister Missy live with their mother. Their father is deceased. Their mother has a history of alcohol abuse and frequently leaves Tim and Missy with her mother, the children's grandmother, who lives twenty miles away. The grandmother came to intake and to the court hearings with Tim and his mother.

Tim is an average student and has not missed many days of school, but his behavior is erratic. Some days he is withdrawn and hardly speaks. Other days he can't sit still or be quiet. He has no prior adjudications and there is no indication that he has been aggressive toward other children. Six months ago the school made a report to DSS based on Tim's poor hygiene and the inappropriate way he was dressed on several days, but DSS screened the report out.

Tim has interacted well with the court counselor and even appears to welcome the attention. Tim's mother does not take Tim's delinquency very seriously, and she blames the entire episode on her former boyfriend who gave Tim the air rifle for his birthday.

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1.	What are the main dispositional issues?
2	What might you order?
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3.	Would your order(s) be different if Tim were fourteen years old?

D. Jewel

Jewel had one prior adjudication for shoplifting and was on probation for that offense at the time of the new offenses. She was adjudicated delinquent for assault with a deadly weapon causing serious injury, a Class E felony.

- What are the dispositional options?
 If both Level 2 and Level 3 were options, which do you think you would order?
 If you ordered a Level 3 disposition, what would it say about the length of Jewel's commitment?
- 4. If you ordered a Level 2 disposition, what might you order?

E. Ralph.

Since being adjudicated delinquent for first-degree sexual offense under G.S. 14-27.4, Ralph has been in detention awaiting disposition. He is 14 now and is large for his age. He first came to court at the age of 11, for making obscene phone calls, and again at 12, for stealing a leather coat. There are no known prior sex offenses. His mother says he "is not a bad kid," although he probably doesn't get enough attention because she has three younger children to take care of and she works full time. Other witnesses testify to escalating instances of physical aggression by Ralph, usually toward younger children at school, although no petitions have been filed regarding these.

Results of a sex offender specific evaluation are somewhat ambivalent, but indicate a moderate likelihood that Ralph will re-offend. A mental health evaluation indicates that Ralph was diagnosed with Oppositional Defiance Disorder, ADHD, and PTSD, and that his IQ is 80. It ends with a recommendation that he be placed in either a residential sex offender treatment program or a Level IV group home for treatment and for his and others' protection.

The prosecutor requests a commitment to a YDC. Ralph's attorney argues that Ralph suffers from a dual mental illness diagnosis and needs a kind of attention and treatment a YDC cannot offer. The court counselor agrees with that assessment, but states that no suitable residential placement is available. Placement in a Level IV facility may be possible in about two months.

Ralph's attorney argues that Ralph should be placed in a local therapeutic group home, where space is expected to become available within a week, until space in an appropriate treatment facility becomes available. The prosecutor argues again for commitment to a YDC.

1.	What are the main dispositional issues?
2.	What if an appropriate placement is available but it is located in Virginia and is very expensive?

4. If you committed Ralph to a YDC, what would the order say about the length of his commitment?

3. Outline a disposition order for Ralph.