

2026 Civil Defense Special Topic

DISPOSITION

Determining Disposition Level

Dispositional Alternatives

Dispositional Advocacy

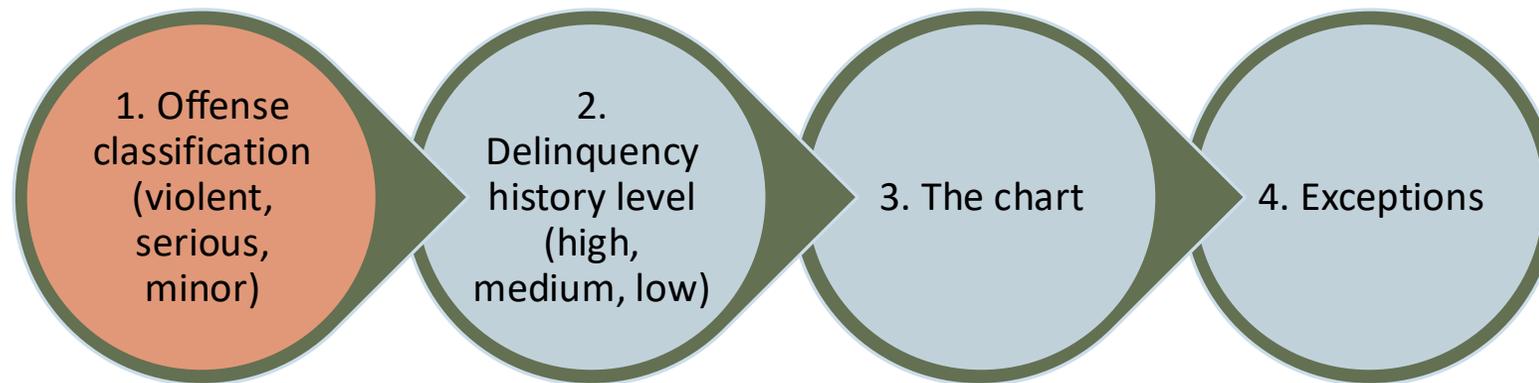
Segment IV. Disposition

Level 1 -
Community

Level 2 -
Intermediate

Level 3 -
Commitment

Determining the Disposition Level



-
1. Identify the offense for which disposition is being entered

1. Disposition for What?

Identify the offense for which disposition is being entered

If multiple offenses are adjudicated during a single session of court, offenses are consolidated for disposition and a single disposition is ordered for the consolidated offenses

Disposition **MUST** be based on the most serious offense

Offense date	Offense with class	Adjudication date	Disposition date	Placed on probation?
7/2/2023	Simple assault, 2 MDM	10/15/2023	10/15/2023	
7/2/2023	Common law robbery, G	10/15/2023	10/15/2023	Y until 10/15/2024
1/15/2024	Felony B&E, H	3/15/2024	3/28/2024	
2/2/2024	Possession of handgun by a minor, 1 MDM	3/28/2024	3/28/2024	

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1/15/2024	Felony B&E, H	3/15/2024	3/28/2024	
2/2/2024	Possession of handgun by a minor, 1 MDM	3/28/2024	3/28/2024	

Offense Classification

2. Is the offense on which disposition is based minor, serious, or violent?

Minor

- Class 1, 2, or 3 misdemeanor

Serious

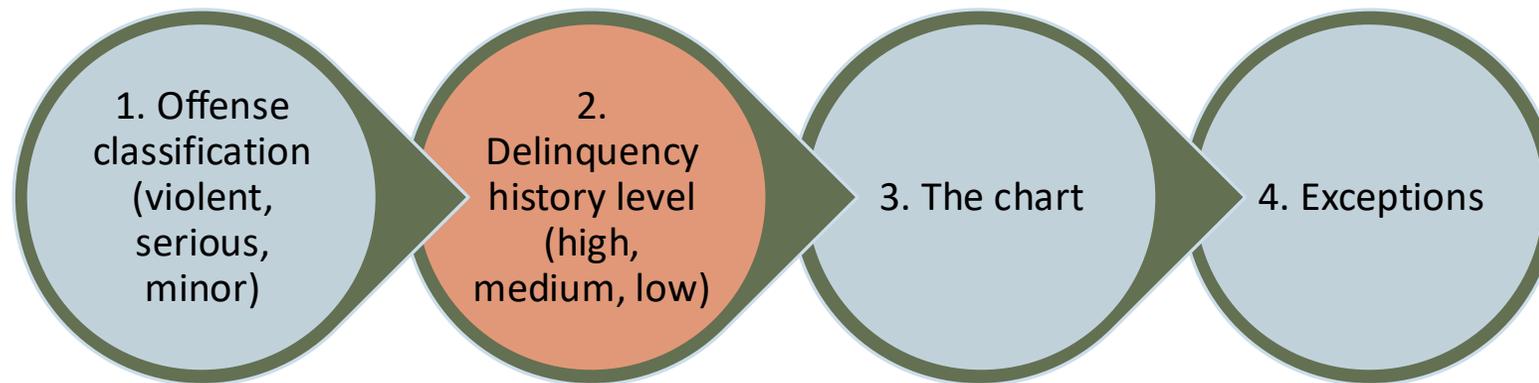
- F-I felony
- A1 misdemeanor

Violent

- A-E felony

G.S. 7B-2508(a)

Determining the Disposition Level

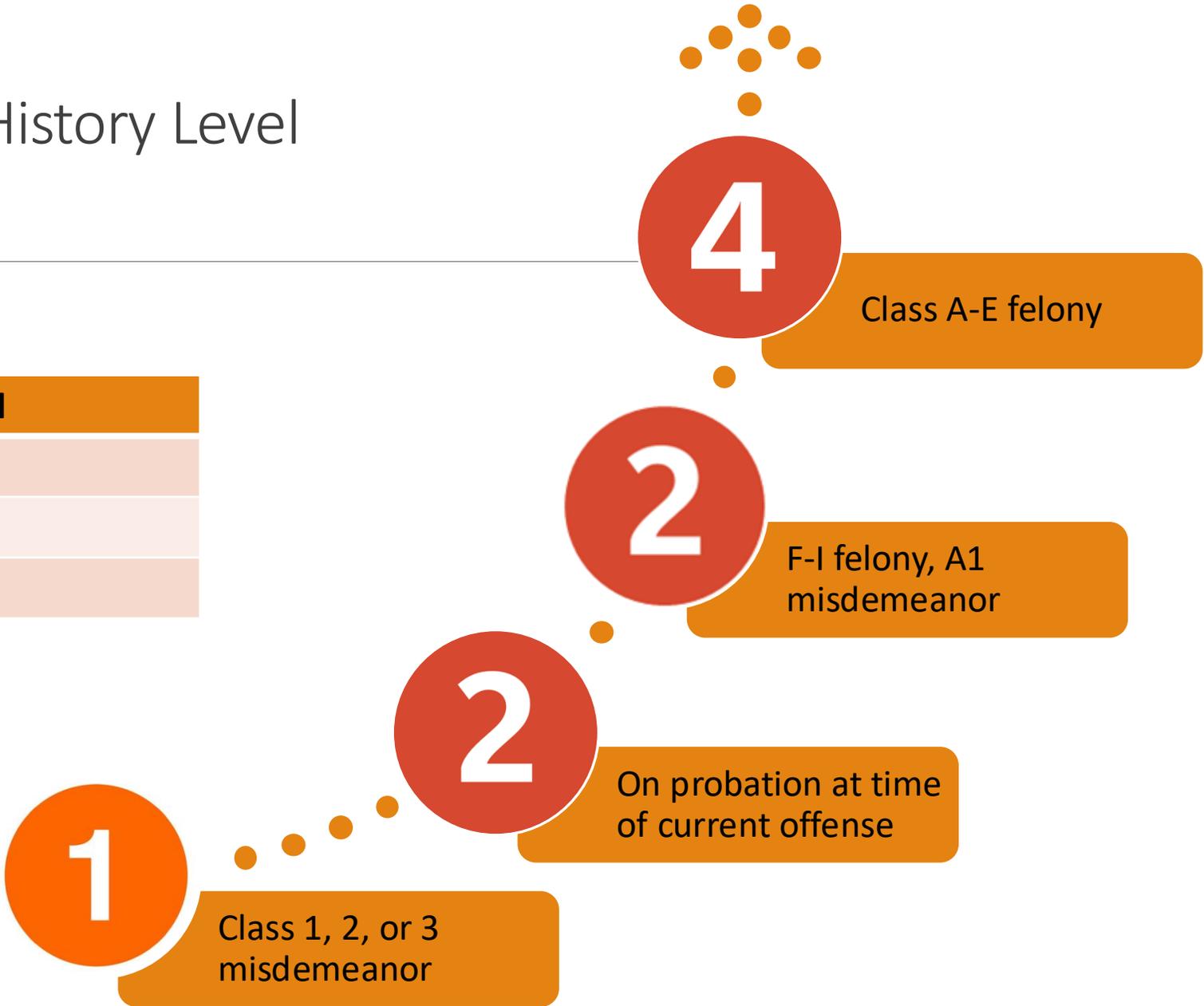


Prior Adjudication = an adjudication that occurs before the adjudication of the offense before the court

- Methods of proof:
 - Stipulation by parties
 - Original or copy of court record
 - Juvenile Justice records
 - Any other reliable method

Delinquency History Level

Points	History Level
0-1	Low
2-3	Medium
4+	High



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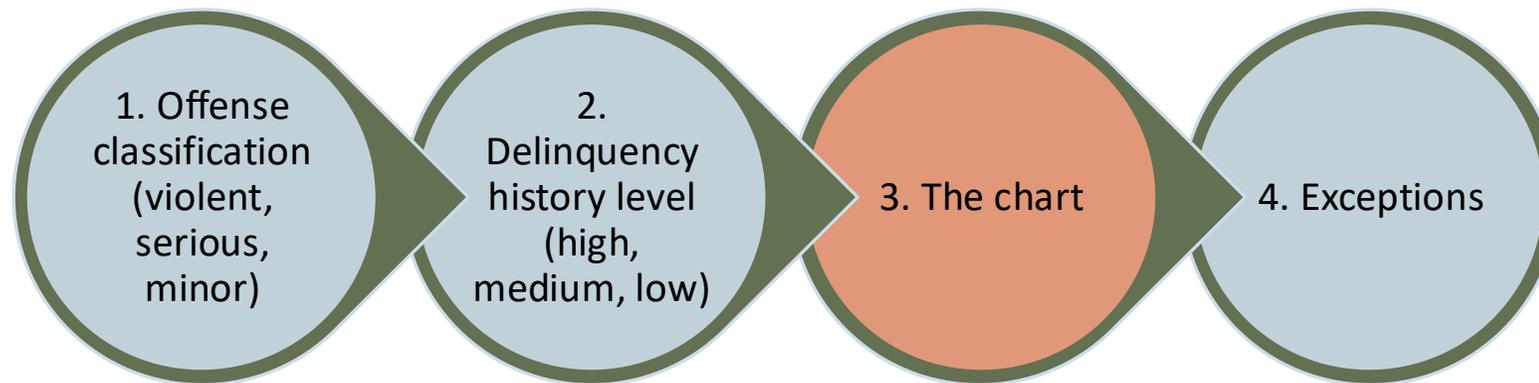
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Determining the Disposition Level



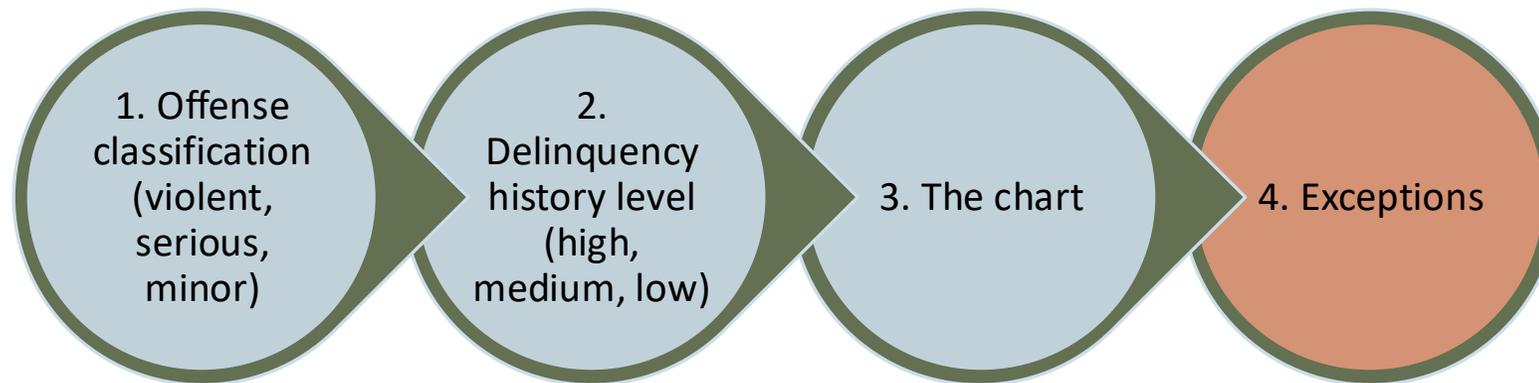
Disposition Chart – G.S. 7B-2508(f)

Delinquency History

Offense

	Low	Medium	High
Violent	Level 2 or 3	Level 3	Level 3
Serious	Level 1 or 2	Level 2	Level 2 or 3
Minor	Level 1	Level 1 or 2	Level 2

Determining the Disposition Level



Up To Level 3

Level 3 allowed if not a 3 on the chart, but:

- A Level 2 and prior YDC commitment
- Disposition for a minor offense and 4 or more prior adjudications.

Down To Level 2

Level 2 allowed if falls into required Level 3 on chart
and court makes written findings of extraordinary
needs

Up One Level

Gang enhancement: offense was part of
criminal gang activity = + 1 Level

G.S. 7B-2508(g1), -2508.1

Determining Disposition Level

Dispositional Alternatives

Dispositional Advocacy

Segment IV. Disposition

Selecting a Disposition – Mandatory Considerations

Seriousness of offense

Need to hold juvenile accountable

Importance of protecting public safety

Degree of culpability

Rehabilitative and treatment needs of juvenile indicated by risk and needs assessment

G.S. 7B-2501(c)

Dispositions available in every case

Continue up to 6
months
(G.S. 7B-2501(d))

Order
evaluation/treatment
(G.S. 7B-2502)

Dismiss
(G.S. 7B-2501(d))

Probation
(Level 1 or 2)

Only certain conditions can
be delegated to court
counselors

20 hrs of community
service

Substance abuse
monitoring/treatment

Life or educ. skills
program

Electronic monitoring

Intensive supervision

Probation Length (G.S. 7B-2510(c), (c1))

Initial order max. 12 months

Can extend on notice and hearing, and finding of necessity to protect community or safeguard welfare of juvenile

Class A, B1, B2 offense, two 12-month extensions possible (offenses on or after 12/1/25)

All other cases, one 12-month extension allowed

Level 1 or 2

Can order
these
dispositions
only for
juveniles
under 18

1. Supervision in own home by DSS, JCC,
or other

2. Placement in custody of parent,
guardian, custodian, relative, private
agency, or other suitable person

3. Placement in DSS custody

Custody to DSS

Required

- notice to DSS
- “reasonable efforts” findings
- 906.1 review hearings

Not required

- petition by DSS

UNC SCHOOL OF GOVERNMENT

JUVENILE LAW BULLETIN NO. 2019/01 | JUNE 2019

Delinquency and DSS Custody without Abuse, Neglect, or Dependency: How Does That Work?

Sara DePasquale and Jacquelyn Greene

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Restitution

Level 1

Up to \$500,
payable w/in 12
months

Level 2

More than
\$500, payable
w/in 12 months

Required Findings:

- Restitution is in juvenile's best interests
- Amount is fair and reasonable
- Juvenile (not juvenile's parents) has ability to pay

In re Schrimpsheer, 143 N.C. App. 461 (2001)

Intermittent Confinement

Level 1

Not more than
5 24-hour
periods

Level 2

Up to 14 24-
hour periods

Timing and imposition can only be determined by the court; no delegation to court counselor

G.S. 7B-2506(12) & (20)

Community Service

Level 1

Up to 100 hours,
not to exceed 12
months

Level 2

Up to 200 hours

MUST:

- Be supervised
- Be consistent with the juvenile's age, skill, and ability
- Be related to the seriousness of the offense
- Specify nature of work and number of hours

YDC Commitments

- Minimum 6-month period, then indefinite
- Definite commitments of 6 months – 2 years are allowed only when:
 - Juvenile is 14 or older,
 - 2 or more previous felony adjudications, and
 - Previously committed to YDC



G.S. 7B-2513

Determining Disposition Level

Dispositional Alternatives

Dispositional Advocacy

Segment IV. Disposition



Predisposition Planning: 7B-2413

DJJ is Preparing, You Should Too

Under 7B-2413, DJJ is required to complete a predisposition investigation and report.

The risk and needs assessment should contain information regarding the juvenile's social, medical, psychiatric, psychological, and educational history & any factors indicating the probability of the juvenile committing further delinquent acts.

7B-2413

No predisposition report or risk needs assessment shall be made prior to an adjudication that the juvenile is within juvenile jurisdiction **UNLESS**

“the juvenile, the juvenile’s parent, guardian or custodian, or the juvenile’s attorney files a written statement with the juvenile court counselor granting permission and giving consent to the predisposition report or the risk and needs assessment.”

YASI: Youth Assessment and Screening Instrument

The YASI replaced the old Risk and Needs Assessment utilized by DJJ in 2021.

It purports to address nine “domains” with standard questions.

Those domains are: basic needs; physical health; school; family; aggression; peers; attitudes; free time; and adaptive skills.

There is a pre-screen and a full assessment.



YASI-Defense Concerns



Child accumulates points for prior adjudications as well as referrals and probation violations (regardless of whether the VOP was adjudicated)

Several sections create disparities based on poverty, DSS involvement and things beyond the control of the child

Sections addressing attitudes and aggression have questions that presume the child is responsible and points are assessed if the child does not admit. Additional questions address sex offenses regardless of the charge which resulted in DJJ involvement

Planning From The Start



Critical in jurisdictions that proceed directly to disposition after adjudication;



Know your client! “Context = Compassion”

Who is s/he?

How did s/he get here?

How do we influence the situation now?



Work with JCC if possible

Obligations At The Hearing

Your role doesn't change –

- Express interest advocacy!!

Don't ask for something your client doesn't want

Know what options are available

- Know dispositional history & level

Hearing Advocacy

- Court may consider written reports and/or other evidence (including hearsay) to help determine the needs of the juvenile and most appropriate disposition.
 - Prepare your own dispositional requests/and or reports ahead of time
 - Present evidence if relevant and advise the court of the options that would be best for your client

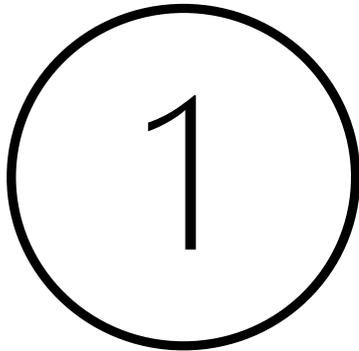
Dispositional Level Advocacy

Advocate for lowest dispositional level when judge has a choice

Probation is NOT mandatory

Review the JCC recommendations with your client – object to conditions that are not relevant to your client.

Dispositional Alternatives Advocacy for Level 1



- Alternatives 1-13 & 16 are the available options for a level 1
- **Note that restitution is limited to \$500.00 payable within 1 year & MAY BE joint and several if the juvenile participated with others**
- Community service is limited to 100 hours and shall be related to the seriousness of the offense and not exceed one year
- Probation is the 8th dispositional alternative—probation is not required!

Dispositional Alternatives Advocacy for Level 2

Level 2 disposition alternatives are conditions 1-23

Intermediate conditions are 13-23 & a Level 2 disposition **shall impose** at least one intermediate condition

The court can suspend a more severe disposition under subsection 19





If Probation is Ordered... 7B-2510

The **conditions must be related to the needs** of the juvenile and be reasonably necessary to ensure the juvenile will lead a law-abiding life

The court may order additional conditions at the direction of the chief court counselor including:

1. Additional 20 hours of community service
2. Substance abuse monitoring and treatment
3. Electronic monitoring
4. Intensive supervision.

** Electronic monitoring & intensive supervision are only for Level 2 disposition

Dispositional Alternatives Advocacy for Level 3: YDC

3

A court may impose a Level 2 instead of a Level 3 if the court submits written findings that substantiate extraordinary needs of the juvenile

Gang Enhancement Advocacy



The court may suspend a more severe statutorily permissible disposition on the condition that the juvenile meet certain conditions (Level 2 to Level 1)

If a Level 3 is required by 7B-2508(f), the Court may still impose a Level 2 if the court makes written findings that substantiate extraordinary needs of the juvenile.

7B-2506(19) & 7B-2508(e)

CCA Advocacy

- Object to CCAs being completed in the absence of any evidence. Mere suspicion should not be enough, and juveniles and parents may talk candidly in the evaluation process without understanding the CCA will impact disposition.
- Advise your client and the parents accordingly.
- IF juvenile is eligible for Level 3 or recommended for PRTF placement, and the court finds evidence of severe emotional disturbance, a developmental disability, or intellectual disability, and the court finds this substantially contributed to delinquency, the court shall order a care review team.

Resources

<https://www.ncjuveniledefender.com>

<https://ojjdp.ojp.gov>

<https://www.ncleg.gov/Laws/GeneralStatutes>

[Microsoft Word - NC Pre Screen 05282020.docx](#)

[Search Results for youth assessment screening instrument | NC DPS](#)

