



# PRE-ADJUDICATION – GETTING STARTED IN COURT



Juvenile Delinquency: A Course for District Court Judges

November 13, 2023



Purposes of Delinquency Court

NTOs

Jurisdiction

Petitions

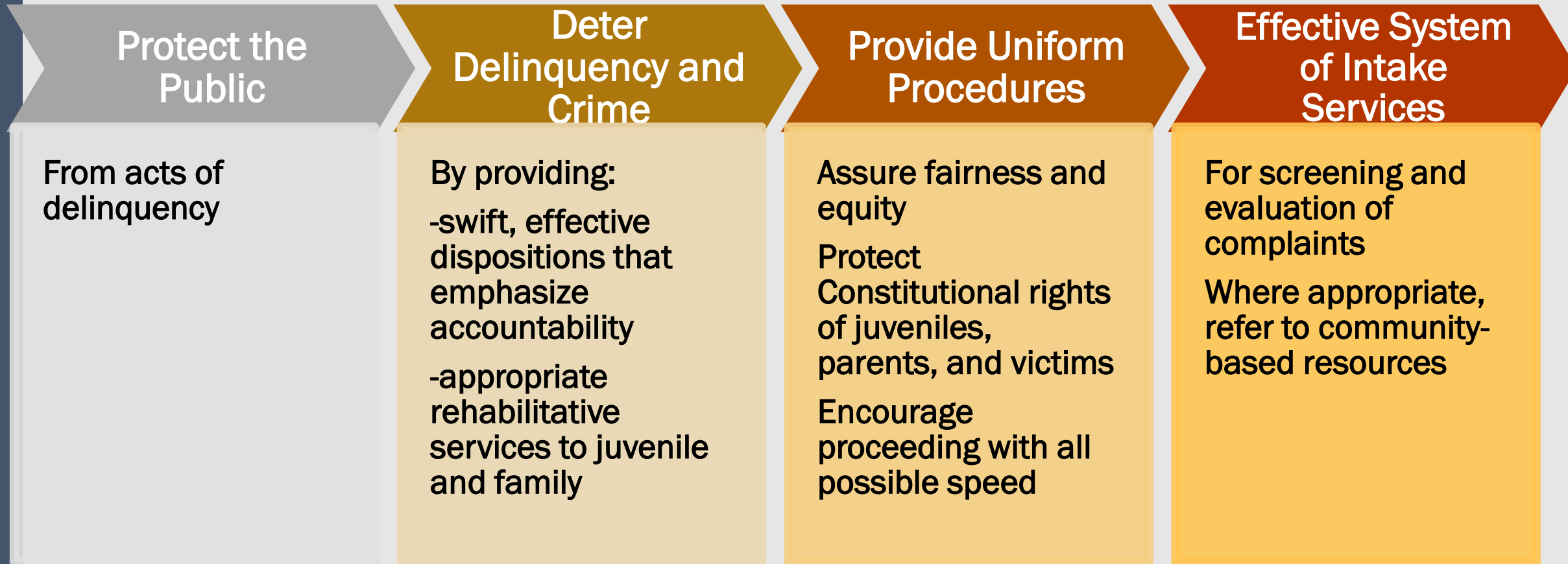
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What is the purpose of delinquency court?

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# Delinquency Court Purposes



PRE-PETITION:  
NONTESTIMONIAL  
IDENTIFICATION ORDERS



Nontestimonial  
Identification  
Procedures  
G.S. 7B-2103

Identification by:

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Fingerprints

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Palm prints

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Footprints

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Measurements

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Blood specimens

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Urine specimens

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Saliva samples

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Hair samples

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Other reasonable physical examination

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Handwriting exemplars

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Voice samples

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photographs

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Lineups or similar identification procedures



PROCEDURES  
THAT  
REQUIRE THE  
PRESENCE  
OF THE  
JUVENILE

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Does use of a breathalyzer require an NTO?

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# No Court Order Needed

## Show-up – Photograph Required

- Age 10+
- At time and place of show-up
- Nondivertible offense or common law robbery
- 15A-284.52(c1)(4)

## Complaint prepared for Filing – Fingerprints and Photo Required

- Age 10+ at offense
- Nondivertible offense
- In custody of law enforcement or JJ
- G.S. 7B-2102(a)

## Committed to Detention – Photograph Required

- Every juvenile committed to detention
- G.S. 7B-2102(a1)

# 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



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

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Order can  
issue only  
on sworn  
affidavit(s)  
establishing  
grounds

Probable cause to believe a felony offense was  
committed

+

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Reasonable grounds to suspect the named juvenile  
committed the offense\*

+

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The results of the specified procedures will be of material  
aid in determining that the named juvenile committed  
the offense\*

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**\*enhanced grounds (PC) for order to obtain a blood specimen**

When the  
Court  
MUST  
Issue an  
NTO  
G.S. 7B-  
2107

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Juvenile requests &

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In custody for or charged with  
a felony &

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Appears that results will be of  
material aid to the juvenile's  
defense

# DELINQUENCY JURISDICTION



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The law of juvenile jurisdiction is

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# Three Factors

Age at  
Offense

Offense

Previous  
Court  
History

G.S. 7B-1501(7), -1604(b)



# Age Boundaries

Under 8 at time of  
offense

- Never delinquency jurisdiction
- Possible vulnerable juvenile

Over 17 at time of  
offense

- Criminal jurisdiction only



**Delinquency  
jurisdiction for  
all offenses from  
ages 10 – 15**

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

# Offenses at 8 & 9

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Delinquency jurisdiction only if:

- Class A – G felony, or
- Previous delinquency adjudication followed by a new offense



Offenses at 16 & 17

Delinquency jurisdiction for all offenses EXCEPT Chapter 20 motor vehicle offenses



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. 7B-1604(b)



# Jurisdiction Rules by Age at Offense

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

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

Age Out Before Matter  
Begun or Completed

Only Jurisdiction:

- Cases that could have been transferred
- For transfer or dismissal

# INITIATING A DELINQUENCY MATTER





# It all begins with...

Filed by:

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



# Case Initiation – The Petition

- G.S. 7B-1802
  - *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*
  - *Only 1 juvenile*
- G.S. 7B-2400
  - *Can amend if doesn't change nature of offense alleged*

<b>STATE OF NORTH CAROLINA</b>					File No. _____	
_____ County					In The General Court Of Justice District Court Division	
<b>IN THE MATTER OF:</b>					<b>JUVENILE PETITION (DELINQUENT)</b>	
Name And Address Of Juvenile					G.S. 7B-1501(7), -1801, -1802	
Juvenile's Date Of Birth	Age	Race	Sex	Category Of Offense		
				<input type="checkbox"/> Felony, Class _____ <input type="checkbox"/> Misdemeanor, Class _____. Or Infraction		
Name Of Petitioner						
Offense Code	Offense in Violation Of G.S.	Physical Address Of Offense, If Applicable		Date Of Offense	Time Of Offense <input type="checkbox"/> AM <input type="checkbox"/> PM	
I have sufficient knowledge or information to believe that a case has arisen that invokes the juvenile jurisdiction of the court, and therefore allege that:						
1. The juvenile named above is under the age of eighteen (18) and committed a delinquent act in this district while under the age of sixteen (16). (NOTE: If the respondent is eighteen or older and is alleged to have committed a felony while age thirteen, fourteen, or fifteen, this allegation should be modified accordingly. See G.S. 7B-1001.)						
2. The names, addresses and telephone numbers of the juvenile's parents, guardian, or custodian are as follows:						
	<b>NAME</b>	<b>RELATIONSHIP/TITLE</b>	<b>ADDRESS</b>	<b>TELEPHONE NO.</b>		
3. The juvenile is a delinquent juvenile as defined by G.S. 7B-1501(7) in that on or about the date of offense shown above and in the county named above, the juvenile did unlawfully, willfully <input type="checkbox"/> and feloniously (State facts supporting every element of alleged offense.)						
AOC-J-310, Rev. 10/08 (See reverse side for ADDITIONAL FACTS AND CIRCUMSTANCES) © 2008 Administrative Office of the Courts						

# JURISDICTION EXERCISES

