

Managing the Courtroom in 7B Proceedings Introduction to Juvenile Court Proceedings April 26, 2021

Who are

parties?

the

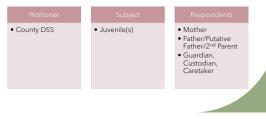


2

1



### A/N/D Parties



4





5

# Delinquency



A/N/D representation		
Juvenile	Parent	Non-Parent
7B-601 Best Interests	7B-602 Court Appointed Counsel (Provisional to Released/Confirmed)	Privately Retain
GAL Team	Knowing and Voluntary Waiver; No automatic right to self-representation	No statutory right to court appointed
Abuse/Neglect v. Dependency	Confirmed Counsel: Motion to Withdraw	IDS policy to pay if due process findings
	Rule 17 GAL: Parent who is a minor or incompetent	

7



8

Juvenile

court

## Sometimes you MUST address the juvenile in delinquency court

 Prior to a juvenile testifying G.S.7B-2405 "in the adjudicatory hearing that court shall protect the following rights of the juvenile...(4) the privilege against self-incrimination"

"[A]t the very least, some colloquy [is required] between the trial court and juvenile to ensure the juvenile understands his right against self incrimination before choosing to testify at his adjudication hearing." In re J.B., 261 N.C.App. 371 (2018)

 Prior to accepting an admission G.S. 7B-2407 "The court may G.S. 78-2407 "The court may accept an admission from a juvenile only after first addressing the juvenile personally..." The Juvenile in an A/N/D Action

GAL Representation (BIC vs. Express)

Witness

Notice at 12 y.o. and older

APPLA as primary permanent plan, **must** question the juvenile (16-17 y.o.)

10





11

#### Delinquency statute

G.S. 78-2402: open unless court chooses to close for good cause shown. Factors that must be considered in determining good cause:
(1)The nature of the allegations against the juvenile;
(2) The age and maturity of the juvenile;
(3) The benefit to the juvenile of confidentiality;
(4) The benefit to the public of an open hearing; and
(5) The extent to which the confidentiality of the juvenile site will be compromised by an open hearing.

### A/N/D statute

G.S. 7B-801: All or part my be closed with discretion of court, considering factors:

(1) Nature of allegations against parent, guardian, custodian, caretaker

(2) - (5): Same factors as delinquency

BUT, if juvenile requests open courtroom, no discretion. MUST BE OPEN.