New Minimum Age for Delinquency—Connection with Social Services

Social Services Attorneys 2022 Winter Conference
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Generally, 10

Exceptions for offenses at 8 and 9:
• Class A – G felonies
• Previous delinquency adjudication followed by new offense

Distinct Juveniles with Complaints by Age at Offense

Vulnerable Juvenile (G.S. 7B-1501(27b))

- At least 6 and under 10
- Commits a crime or infraction
- Is NOT a delinquent juvenile

Juvenile Consultation Services (G.S. 7B-1706.1)

- 6 months, with possible 3-month extension
- Case management services
  - Screenings
  - Assessments
  - Community resources
  - Programming
- For juvenile and the parent, guardian, or custodian

Article 27A - Parents, Guardians, and Custodians in Juvenile Consultations

Required:
- If given sufficient notice, attend all scheduled meetings with the juvenile court counselor. (G.S. 7B-2715)
- If directed by the juvenile court counselor, attend parental responsibility classes that are available in the district where the PGC resides. (G.S. 7B-2716).
Article 27A - Parents, Guardians, and Custodians in Juvenile Consultations

Juvenile Court Counselor may:
1. transport the parent, guardian, or custodian and the juvenile to keep an appointment or to comply with the recommendations of the juvenile court counselor (G.S. 7B-2718a).
2. with written orders or recommendations from a qualified mental or physical health provider:
   1. that are directed toward remedying behaviors or conditions that led to or contributed to the juvenile consultation, recommend psychiatric, psychological, or other evaluation or treatment for the PGC (G.S. 7B-2717c);
   2. recommend that the parent, guardian, or custodian seek funding through the Division of Juvenile Justice and/or the local management entity and managed care organization to pay the cost of any evaluation or treatment recommended for the PGC (G.S. 7B-2717d).

Required of Juvenile Court Counselor:
1. work to obtain any medical, surgical, psychiatric, psychological, or other evaluation or treatment for the juvenile. Includes finding a means of payment (helping apply for Health Choice and/or Medicaid) (G.S. 7B-2717a);
2. with written recommendations of a qualified physician, surgeon, or mental health provider, advise the PGC to be directly involved in the juvenile’s evaluation or treatment and participate in medical, psychological, or other evaluation or treatment of the juvenile that is in the juvenile’s best interests (G.S. 7B-2717b);
3. work collaboratively with the Juvenile and Family Team (G.S. 7B-2718b).

Who is On The Juvenile and Family Team?

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Juvenile and Family Team
(G.S. 7B-2718(b))

- parent, guardian, or custodian;
- the Department of Social Services;
- the local management entity or managed care organization;
- the local education authority;
- all other community stakeholders involved with the juvenile and family

Parental Noncompliance

Juvenile court counselor must make a report to the DSS if a PGC refuses to follow the recommendations of the Juvenile and Family Team and the refusal puts the juvenile at risk of abuse, neglect, or dependency. G.S. 7B-2718(c)

Added to definition of neglect in G.S. 7B-101: any juvenile “whose parent, guardian, or custodian has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of this Chapter.”

To Be Clear...

There is NEVER juvenile jurisdiction over a vulnerable juvenile
There's a blog on this...

From 6 to 10: New Minimum Age for Juvenile Delinquency and Undisciplined Jurisdiction

https://civil.sog.unc.edu/from-6-to-10-new-minimum-age-for-juvenile-delinquency-and-undisciplined-jurisdiction/

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