



Delinquency Law

Original Juvenile Jurisdiction and Juvenile Jurisdiction over Parents, Guardians, and Custodians

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CONTENTS

Part I. Current Law of Original Juvenile Jurisdiction ... 2

Offenses Subject to Original Juvenile Jurisdiction by Age at Offense and Offense Charged ... 2

Offenses Committed at Ages 8 and 9 ... 3

Offenses Committed at Ages 10–15 ... 3

Offenses Committed at Ages 16 and 17 ... 3

Juveniles Excluded from Juvenile Jurisdiction Regardless of Charge ... 4

Exclusion Due to Prior Criminal Conviction ... 4

Exclusion Based on Emancipation or Armed Forces Membership ... 6

Length of Juvenile Jurisdiction ... 7

Termination of Juvenile Jurisdiction ... 7

Limited Juvenile Jurisdiction ... 8

Person Being Charged Is Older than the Maximum Age of

Juvenile Jurisdiction and Juvenile Jurisdiction Was Never Obtained ... 8

Matters Not Concluded Before Aging Out of Jurisdiction ... 8

Part II. The Law of Original Juvenile Jurisdiction for Offenses Committed Between 2019 and 2024 ... 9

Part III. Jurisdiction over Parents, Guardians, and Custodians ... 10

Establishing Personal Jurisdiction ... 10

Scope of Jurisdiction ... 11

Legal Representation for Parents, Guardians, and Custodians ... 13

Role of Parents, Guardians, and Custodians in Proceedings ... 14

Motions ... 14

Participation in Planning, Evaluation, and Treatment ... 14

Right to Appeal ... 15

Right to Be Heard ... 15

Right to Access Records ... 15

Changes in Custodial Rights ... 15

Appointing a Guardian in a Delinquency Proceeding ... 16

Conclusion ... 17

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From the original founding of North Carolina's juvenile court in 1919 until the implementation of the Raise the Age law in 2019, the law related to original juvenile jurisdiction was stagnant and simple. There was original juvenile jurisdiction over all offenses and acts of indirect contempt alleged to have been committed at ages 6 through 15.¹ All offenses committed at ages 16 and 17 were under the original jurisdiction of the criminal court.² Since 2019 this law has changed three times, both expanding and contracting original juvenile jurisdiction.³ The law related to juvenile jurisdiction over parents, guardians, and custodians of juvenile respondents in delinquency proceedings has remained constant during this evolution. This bulletin (1) describes the current law of original juvenile jurisdiction; (2) provides a guide to the law of original juvenile jurisdiction based on offense dates between 2019 and 2024; and (3) describes juvenile jurisdiction over parents, guardians, and custodians of juvenile respondents in delinquency proceedings.

Part I. Current Law of Original Juvenile Jurisdiction

Original jurisdiction refers to the authority of the court to hear and decide a matter before any other court can review the matter, and exclusive jurisdiction refers to a court's power to adjudicate an action or class of actions to the exclusion of all other courts.⁴ District court has exclusive, original jurisdiction over all cases in which a juvenile is alleged to be delinquent.⁵ A district court exercising that jurisdiction is defined as "juvenile court."⁶ All matters in which a juvenile is alleged to be delinquent can therefore only be heard and decided by juvenile court. The law described in this part applies to offenses committed on or after December 1, 2024.

Offenses Subject to Original Juvenile Jurisdiction by Age at Offense and Offense Charged

The definition of "delinquent juvenile" governs which offenses are subject to juvenile jurisdiction.⁷ The age at the time of offense and the nature of the offense determine whether a particular offense is included in that definition. Evidence of age at the time of offense is necessary to establish the court's subject matter jurisdiction.⁸ For example, if an offense is subject to original juvenile jurisdiction when committed at age 15 and subject to original criminal jurisdiction when committed at age 16, the determination of where original subject matter jurisdiction lies can be made only when the juvenile's age at the time of the offense is known.⁹ If age at the time of the offense cannot be determined, neither court can establish jurisdiction in the matter.

1. All ages referenced in this bulletin refer to the full year of the juvenile being that age. For example, age 15 means from the juvenile's 15th birthday until the day before the juvenile's 16th birthday.

2. Act of Mar. 3, 1919, ch. 97. *See also* Act of Mar. 9, 1915, ch. 222 (establishing, prior to the creation of the first juvenile court, a new category of juvenile delinquent with a corresponding system of probation supervision for youth under the age of 18; this system was restructured with the establishment of the juvenile court in 1919).

3. S.L. 2017-57, §§ 16D.4.(a)-(tt); S.L. 2021-123, § 5.(b); S.L. 2024-17, § 1.

4. *In re H.L.A.D.*, 184 N.C. App. 381, 386 (2007).

5. Chapter 7B, Section 1601(a) of the North Carolina General Statutes (hereinafter G.S.).

6. G.S. 7B-1501(18).

7. G.S. 7B-1501(7).

8. *State v. Collins*, 245 N.C. App. 478 (2016).

9. *Id.*

The following description of the law of juvenile jurisdiction relates to the court with original subject matter jurisdiction, the court where the proceeding must start. A subset of cases that begin under original juvenile jurisdiction sometimes may, and at other times must, be transferred to criminal jurisdiction for trial as an adult.¹⁰ Cases in which transfer occurs begin under juvenile jurisdiction but are ultimately prosecuted as criminal matters.

There is never juvenile jurisdiction for offenses committed under the age of 8 or at age 18 or older.¹¹ Children ages 6 through 9 can access juvenile consultation services outside of the court's jurisdiction when they meet the definition of a *vulnerable juvenile*.¹²

Offenses Committed at Ages 8 and 9

Two groups of offenses committed at age 8 and 9 fall under juvenile jurisdiction:

1. Class A–G felony offenses¹³ and
2. all crimes or infractions if the child has been previously adjudicated delinquent.¹⁴

It is unusual for a juvenile to meet these criteria. In 2024 only two complaints were received statewide alleging offenses at age 8 and four alleging offenses at age 9.¹⁵

Offenses Committed at Ages 10–15

Juvenile court has jurisdiction over any crime, infraction, and act of indirect contempt committed by a youth at ages 10 through 15.¹⁶ This mirrors the original scope of juvenile jurisdiction in place prior to 2019 for all offenses committed between the ages of 6 and 15.

Offenses Committed at Ages 16 and 17

Juvenile court has original jurisdiction over crimes, other than the two categories of excluded offenses detailed below, and all infractions and acts of indirect contempt alleged to have been committed at ages 16 and 17. The categories of offenses excluded from juvenile jurisdiction when committed at ages 16 and 17 include the following:

1. any motor vehicle law offense included in Chapter 20 of the North Carolina General Statutes (hereinafter G.S.).¹⁷ This exclusion does not apply to non-Chapter 20 offenses that occur at the same time as the Chapter 20 offense or are part of the same scheme or plan as the Chapter 20 offense. These are called “transactionally related offenses.” If a juvenile is charged with committing a Chapter 20 offense at age 16 or 17 and (a) transactionally related offense(s) included in any other chapter of the General Statutes,

10. G.S. 7B-2200, -2200.5, -2203. See Jacquelyn Greene, [Transfer and Removal: Movement of Cases Between Juvenile Court and Superior Court](https://www.sog.unc.edu/sites/default/files/reports/2024-08-05%202024116%20JLB%202024-01_Greene.pdf), JUV. LAW BULL. No. 2024/01 (UNC School of Government, 2024), https://www.sog.unc.edu/sites/default/files/reports/2024-08-05%202024116%20JLB%202024-01_Greene.pdf.

11. G.S. 7B-1501(7)b.–d.

12. G.S. 7B-1501(27b). See G.S. 7B-1706.1 for a description of juvenile consultation services that can be provided by the North Carolina Department of Public Safety, Division of Juvenile Justice. These services are provided outside the jurisdiction of the juvenile court.

13. G.S. 7B-1501(7)c.

14. G.S. 7B-1501(7)d.

15. [2024 N.C. DEP'T OF PUBLIC SAFETY, JUV. JUST. & DELINQ. PREVENTION ANN. REP.](https://www.ncdps.gov/division/juvenile-justice/2024-djdp-annual-report/download?attachment), <https://www.ncdps.gov/division/juvenile-justice/2024-djdp-annual-report/download?attachment>.

16. G.S. 7B-1501(7)a.

17. G.S. 7B-1501(7)b.1.

criminal jurisdiction applies to the Chapter 20 offense. Juvenile jurisdiction applies to the other offense(s) unless the other offense(s) fall(s) under the exclusion for Class A–E felony offenses described below. When there is criminal jurisdiction for the Chapter 20 offense and juvenile jurisdiction for the other offense(s), the offenses are separated, the Chapter 20 offense proceeds as a criminal matter, and the other offense(s) proceed as a juvenile matter even though the offenses are transactionally related.

Simultaneous juvenile and criminal prosecution of similar facts concerning transactionally related Chapter 20 and non-Chapter 20 offenses may raise issues related to collateral estoppel. For example, a conflict could arise if a 16-year-old is charged in a criminal matter with felony speeding to elude arrest based on the aggravating factor of gross impairment while driving due to consumption of an impairing substance and in juvenile court with possession of a controlled substance based on possession of that same impairing substance. The prosecution would need to prove that the substance was a certain controlled substance in both courts. Once the issue is litigated in one court, the other court may be barred from relitigating the issue based on collateral estoppel. This potential conflict has not been addressed by the appellate courts. To avoid these issues, practitioners may want to consider pursuing either the criminal Chapter 20 prosecution or the juvenile prosecution of the non-Chapter 20 offenses; and

2. any Class A–E felony offense and any other offense transactionally related to that felony.¹⁸ Unlike the Chapter 20 exclusion from juvenile jurisdiction described above, all offenses that are transactionally related to the Class A–E felony offense fall under original criminal jurisdiction along with the Class A–E felony offense. Charges are not split between the criminal and juvenile systems under this exclusion.

These two categories of excluded offenses are subject to exclusive, original criminal jurisdiction. However, cases that are excluded from original juvenile jurisdiction because they include a Class A–E felony offense committed at age 16 or 17 can be shifted to juvenile jurisdiction through the removal process.¹⁹

Juveniles Excluded from Juvenile Jurisdiction Regardless of Charge

Exclusion Due to Prior Criminal Conviction

Juvenile jurisdiction is prohibited for some juveniles, regardless of what they are charged with, based on their criminal record. If a juvenile has a criminal conviction for any of the offenses detailed below, any new offense they are charged with after the conviction occurs must be processed as a criminal matter. There is no juvenile jurisdiction for the new offense even if

18. G.S. 7B-1501(7)b.2.

19. G.S. 15A-960. Jacquelyn Greene, *Transfer and Removal: Movement of Cases Between Juvenile Court and Superior Court*, JUV. LAW BULL. No. 2024/01 (UNC School of Government, 2024), https://www.sog.unc.edu/sites/default/files/reports/2024-08-05%202024116%20JLB%202024-01_Greene.pdf.

that offense would otherwise fall under the definition of delinquent juvenile. This concept is sometimes referred to as “once an adult, always an adult.” The convictions that disqualify a juvenile from juvenile jurisdiction for future offenses include the following:

1. any conviction in superior court in a matter that began as a juvenile proceeding and was transferred to superior court for trial as an adult;²⁰
2. conviction in district or superior court for any felony;²¹
3. conviction in district or superior court for any misdemeanor except for misdemeanor violations of the motor vehicle laws that do not involve impaired driving;²² and
4. conviction in district or superior court for misdemeanor offenses involving impaired driving.²³

Timing of the conviction and the new offense determine if this bar to juvenile jurisdiction applies. The bar applies only when the new offense is committed after the conviction occurs.²⁴ Pending criminal matters do not trigger the bar.

The types of criminal court outcomes that constitute a conviction are not expressly described in this statute and no cases address the meaning of conviction in the context of the bar to juvenile jurisdiction. Traditionally, the term “conviction” means a jury’s or fact finder’s guilty verdict.²⁵ However, whether a deferred prosecution, conditional discharge, or prayer for judgment continued (PJC) constitutes a conviction for the purpose of triggering the bar on juvenile jurisdiction is somewhat unclear.

Deferred prosecution is a criminal procedure through which the defendant is placed on probation without being brought to trial.²⁶ The prosecutor agrees to dismiss the charges if the defendant successfully completes the probation period and the defendant is immune from prosecution for the same offense.²⁷ A deferred prosecution is likely not a conviction because there is no final judgment. The remedy for revocation of probation instituted as part of a deferred prosecution is that the State can then prosecute the matter.²⁸ The defendant is able to plead not guilty in the subsequent prosecution even though they may have signed an agreement admitting to the facts of the crime alleged as part of the deferred prosecution.²⁹

20. G.S. 7B-1604(b)(1).

21. G.S. 7B-1604(b)(2). These convictions result from matters that are under original criminal jurisdiction. Under current law these include Class A–E felonies and any felonies contained in Chapter 20 of the General Statutes when those offenses are committed at age 16 or 17. G.S. 7B-1501(7)b.

22. G.S. 7B-1604(b)(2). A minor may be criminally convicted for a misdemeanor offense that falls under this part of the exclusion from juvenile jurisdiction because of a prior conviction of

- (1) a misdemeanor offense transactionally related to a Class A–E felony offense committed at age 16 or 17 and therefore under original criminal jurisdiction,
- (2) a misdemeanor that is a lesser included offense of a felony that was transferred to superior court for trial as an adult, or
- (3) an offense committed at age 16 or 17 involving impaired driving and therefore under original criminal jurisdiction.

23. *Id.*

24. G.S. 7B-1604(b).

25. *State v. McGee*, 175 N.C. App. 586 (2006).

26. G.S. 15A-1341(a1), (a2).

27. G.S. 15A-1342(i).

28. G.S. 15A-932(e).

29. *State v. Summers*, 268 N.C. App. 297 (2019).

A conditional discharge is a criminal procedure through which the defendant pleads or is found guilty in court, and the court defers further proceedings and places the defendant on probation without entering a judgment of guilt.³⁰ If the defendant successfully completes probation, the plea or finding of guilt must be withdrawn and the matter must be dismissed.³¹ If the defendant violates a term or condition of probation, the court can enter an adjudication of guilt and proceed to sentencing.³² Whether a conditional discharge constitutes a conviction for the purpose of exclusion from juvenile jurisdiction is not clear. A conditional discharge has been held to constitute a conviction for the purposes of the Structured Sentencing Act.³³ However, the Fourth Circuit held that a conditional discharge did not count as a conviction under the federal felon-in-possession statute.³⁴

A PJC is a criminal procedure courts can use after a guilty plea or finding of guilt. It can be used to postpone sentencing to a date certain or as an alternative resolution of the matter without a judgment. There is “only a motion or prayer by the prosecuting officer for judgment.”³⁵ However, when a PJC includes conditions that are considered punishment, the PJC is a final judgment in the matter.³⁶ Whether a PJC constitutes a conviction for the purpose of future exclusion from juvenile jurisdiction is also unclear. Appellate courts have sometimes held that a PJC constitutes a conviction. For example, a PJC counted as a conviction for the purpose of impeachment under Rule 609,³⁷ for sentencing purposes under Structured Sentencing,³⁸ for the prohibition on issuing a handgun permit to a person convicted of a felony,³⁹ and for the purpose of triggering the conviction-reporting requirement of the Department of Insurance.⁴⁰ In other contexts, appellate courts have held that a PJC does not constitute a conviction, including that a PJC does not constitute a final judgment from which an appeal can be filed⁴¹ and that a PJC does not constitute a final conviction for the purpose of the obligation to register as a sex offender.⁴²

Exclusion Based on Emancipation or Armed Forces Membership

A juvenile who is legally emancipated is excluded from juvenile jurisdiction and must be prosecuted as an adult for the commission of a criminal offense.⁴³ A juvenile is legally emancipated either through a court’s entry of a decree of emancipation⁴⁴ or as the result of

30. G.S. 15A-1341(a3)–(a5); G.S. 90-96(a), (a1), -113.14(a), (a1); G.S. 14-50.29, -277.8, -458.1(c), -458.2(d).

31. G.S. 15A-1341(a6).

32. *Id.*

33. *State v. Hasty*, 133 N.C. App. 563 (1999).

34. *United States v. Smith*, 939 F.3d 612 (2019).

35. *State v. Griffin*, 246 N.C. 680, 683 (1957).

36. *State v. Popp*, 197 N.C. App. 226 (2009).

37. *State v. Sidberry*, 337 N.C. 779 (1994).

38. *State v. Canellas*, 164 N.C. App. 775 (2004).

39. *Friend v. State*, 169 N.C. App. 99 (2005).

40. *Mace v. N.C. Dep’t of Ins.*, 270 N.C. App. 37 (2020).

41. *State v. Broom*, 225 N.C. App. 137 (2013).

42. *Walters v. Cooper*, 226 N.C. App. 166, *aff’d per curiam*, 367 N.C. 117 (2013).

43. G.S. 7B-1604(a).

44. G.S. 7B-3505.

getting married.⁴⁵ Any person under the age of 18 who is a member of the Armed Forces of the United States is also excluded from juvenile jurisdiction because the Juvenile Code excludes them from the definition of a juvenile.⁴⁶

Length of Juvenile Jurisdiction

Juvenile jurisdiction lasts until terminated by the court or the youth ages out of juvenile jurisdiction, whichever occurs first. The age at which juvenile jurisdiction ends depends on the age of the juvenile at the time of the offense.

- Juvenile jurisdiction ends on the 18th birthday when the juvenile was younger than 16 at the time of the offense.⁴⁷
- Juvenile jurisdiction ends on the 19th birthday when the juvenile was 16 at the time of the offense.⁴⁸
- Juvenile jurisdiction ends on the 20th birthday when the juvenile was 17 at the time of the offense.⁴⁹

Juveniles committed to the Division of Juvenile Justice (DJJ) for placement at a Youth Development Center (YDC) based on an adjudication of delinquency for first-degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sexual offense, or first-degree statutory sexual offense are subject to juvenile jurisdiction until their 21st birthday.⁵⁰ The age of the juvenile at the time of the offense is irrelevant; instead, the commitment to DJJ for placement at a YDC and the offense for which they were adjudicated control.

Juveniles committed to DJJ for placement at a YDC based on an adjudication of delinquency for a Class B1 felony offense not included in the group of offenses described above or for a Class B2–E felony offense are subject to juvenile jurisdiction for an additional year beyond the age at which they would otherwise age out of jurisdiction.⁵¹ Therefore, under this circumstance jurisdiction lasts until the 19th birthday for offenses committed under age 16, the 20th birthday for offenses committed at age 16, and the 21st birthday for offenses committed at age 17.

Termination of Juvenile Jurisdiction

Juvenile jurisdiction in a delinquency matter is terminated either

- through a court order terminating jurisdiction or
- by the juvenile aging out of jurisdiction according to the statutory age limitations described above.⁵²

Termination of probation supervision, or any other dispositional alternative, does not also automatically terminate juvenile jurisdiction. Termination of jurisdiction before the age limit is reached requires a court order explicitly terminating jurisdiction in the matter.

45. G.S. 7B-3509.

46. G.S. 7B-1501(17).

47. G.S. 7B-1601(b).

48. G.S. 7B-1601(b1).

49. *Id.*

50. G.S. 7B-1602(a).

51. G.S. 7B-1602(b)–(d).

52. G.S. 7B-1602.

Termination of juvenile jurisdiction based on reaching the jurisdictional age limit applies even when an appeal in the case is pending. While the appellate court can issue a ruling in the matter, there is no jurisdiction to enter a new disposition based on an appellate court holding if the juvenile ages out of jurisdiction while the appeal is pending.⁵³

Limited Juvenile Jurisdiction

Person Being Charged Is Older than the Maximum Age of Juvenile Jurisdiction and Juvenile Jurisdiction Was Never Obtained

The Juvenile Code provides limited original juvenile jurisdiction for matters in which a person is alleged to have committed an offense when they were within the age range for juvenile jurisdiction, a proceeding was not initiated in juvenile court at that time, and a proceeding is subsequently being filed when the person is older than the maximum age for juvenile jurisdiction.⁵⁴ Jurisdiction in this circumstance is limited to matters in which a felony is alleged to have been committed when the person was 13 or older. Juvenile court retains original jurisdiction over the felony or felonies and any related misdemeanors even though the charges were not filed until after the person aged out of juvenile jurisdiction. The proceeding thus begins as a delinquency matter in juvenile court. However, the juvenile court has limited authority to either transfer the case to superior court for trial as an adult or to dismiss the delinquency petition. The transfer procedure is governed by the applicable law related to transfer, as those laws were written at the time of the offense.⁵⁵ There is no jurisdiction for offenses that occurred before the person turned 13 or for matters that involve only misdemeanor offenses if jurisdiction was not obtained before the person aged out of juvenile jurisdiction.

Matters Not Concluded Before Aging Out of Jurisdiction

The Juvenile Code likewise provides limited juvenile jurisdiction in matters that begin while the juvenile is within the age limit for juvenile jurisdiction but cannot be completed prior to the juvenile aging out of juvenile jurisdiction.⁵⁶ The juvenile court is limited to the same two options in this circumstance as described above: transfer the case to superior court for trial as an adult or dismiss the delinquency petition. The transfer procedure is governed by the applicable law related to transfer, as those laws were written at the time of the offense.⁵⁷ If adjudication has occurred in the case and disposition is not entered before the juvenile ages out of jurisdiction, the case is one that cannot be concluded before the juvenile ages out of juvenile jurisdiction. Because adjudication has already occurred, retrial as a criminal matter following transfer will subject the juvenile to double jeopardy. It is, therefore, likely unconstitutional to transfer a matter after a juvenile adjudication when the matter cannot be concluded in juvenile court before the juvenile ages out of juvenile jurisdiction. If the case cannot be transferred to superior court, it must be dismissed if it is not concluded before the juvenile ages out of juvenile jurisdiction.⁵⁸

53. *In re J.D.*, 376 N.C. 148 (2020).

54. G.S. 7B-1601(d), (d1).

55. G.S. 7B-2200, -2200.5, -2203.

56. G.S. 7B-1601(c), (c1).

57. G.S. 7B-2200, -2200.5, -2203.

58. G.S. 7B-1601(d), (d1).

For cases where an adjudication has not occurred prior to the juvenile aging out of juvenile jurisdiction, the remedy is limited to transfer or dismissal of the delinquency petition. Many cases are not eligible for transfer, including cases with only misdemeanor allegations and cases in which the juvenile was younger than 13 at the time of the offense. These cases must therefore be dismissed if they cannot be concluded before the juvenile ages out of juvenile jurisdiction.

Part II. The Law of Original Juvenile Jurisdiction for Offenses Committed Between 2019 and 2024

The system with original jurisdiction is determined by the law that was in place at the time of the offense. Prior to December 1, 2019, original juvenile subject matter jurisdiction existed for all crimes, infractions, and instances of indirect contempt alleged to have been committed by juveniles who were at least 6 years old and who had not yet reached age 16.

Beginning with offenses committed on December 1, 2019, original juvenile jurisdiction was expanded to include almost all offenses committed at ages 16 and 17. Known as “Raise the Age,” this new law also expanded the requirement to transfer certain matters that began in juvenile court to criminal court for trial as an adult.⁵⁹ The only offenses alleged to have been committed at ages 16 and 17 excluded from exclusive original juvenile jurisdiction under the Raise the Age law were motor vehicle offenses contained in G.S. Chapter 20; these offenses continued to fall under exclusive original criminal jurisdiction.

The lower age boundary of juvenile jurisdiction was raised beginning with offenses committed on December 1, 2021.⁶⁰ Juvenile jurisdiction for offenses committed at ages 6 and 7 was eliminated. In addition, juvenile jurisdiction for offenses committed at ages 8 and 9 was significantly narrowed to include only Class A–G felony offenses and any offenses committed at ages 8 and 9 if the child had previously been adjudicated delinquent.⁶¹ Juveniles at least 6 years old who have not yet reached age 10 may obtain services from DJJ outside of the court system for incidents for which there is no jurisdiction if the juvenile meets the definition of “vulnerable juvenile.”⁶²

The system with original jurisdiction for some offenses alleged to have been committed at ages 16 and 17 changed again beginning with offenses committed on December 1, 2024.⁶³ Under this current statutory structure, original jurisdiction for matters in which a Class A–E felony is alleged to have been committed at age 16 or 17 lies in criminal court. This includes jurisdiction for the Class A–E felony offense and any transactionally related offenses. This change is reflected in the description of the current law of juvenile jurisdiction in Part I above.

59. S.L. 2017-57, §§ 16D.4.(a)–(tt).

60. S.L. 2021-123, § 5.(b).

61. G.S. 7B-1501(7)c., d.

62. See G.S. 7B-1501(27b) (definition of *vulnerable juvenile*).

63. S.L. 2024-17, § 1.

Table 1. Court with Original Jurisdiction by Offense Date, Age at Offense, and Offense Charged

Offense Date	Original Juvenile Jurisdiction (by age at offense)	Original Criminal Jurisdiction (by age at offense)
Before Dec. 1, 2019	<i>Age 6–16th birthday:</i> All crimes, infractions, and indirect contempt	<i>Age 16 and over:</i> All offenses
Dec. 1, 2019– Nov. 30, 2021 S.L. 2017-57, §16D.4.(a)	<i>Age 6–16th birthday:</i> All crimes, infractions, and indirect contempt <i>Age 16–18th birthday:</i> All crimes, infractions, and indirect contempt, except for Chapter 20 motor vehicle offenses	<i>Age 16–18th birthday:</i> All G.S. Chapter 20 motor vehicle offenses <i>Age 18 and over:</i> All offenses
Dec. 1, 2021–2024 S.L. 2021-123, § 5.(b)	<i>Age 8–10th birthday:</i> Class A–G felonies; any offense committed following a previous delinquency adjudication <i>Age 10–16th birthday:</i> All crimes, infractions, and indirect contempt <i>Age 16–18th birthday:</i> All crimes, infractions, and indirect contempt, except for G.S. Chapter 20 motor vehicle offenses	<i>Age 16–18th birthday:</i> All G.S. Chapter 20 motor vehicle offenses <i>Age 18 and over:</i> All offenses
Dec. 1, 2024–present S.L. 2024-17, § 1	<i>Age 8–10th birthday:</i> Class A–G felonies; any offense committed following a previous delinquency adjudication <i>Age 10–16th birthday:</i> All crimes, infractions, and indirect contempt <i>Age 16–18th birthday:</i> All crimes, infractions, and indirect contempt, except for G.S. Chapter 20 motor vehicle offenses and Class A–E felonies (and transactionally related offenses)	<i>Age 16–18th birthday:</i> G.S. Chapter 20 motor vehicle offenses and Class A–E felonies (and transactionally related offenses) <i>Age 18 and over:</i> All offenses

Table 1 shows the applicable system with exclusive original subject matter jurisdiction over cases based on offense date, age at offense, and offense charged given the law in effect on the date of the offense.

Part III. Jurisdiction over Parents, Guardians, and Custodians

Establishing Personal Jurisdiction

The parent, guardian, or custodian of the juvenile is a party to the delinquency proceeding.⁶⁴ Personal jurisdiction over the parent, guardian, or custodian of a juvenile who is the respondent in a delinquency matter is established through service of the summons.⁶⁵ If the parent, guardian,

64. G.S. 7B-1807. *Custodian* is defined as “[t]he person or agency that has been awarded legal custody of a juvenile by a court.” G.S. 7B-1501(6). The term *guardian* is not defined in Subchapter II of G.S. Chapter 7B, which governs delinquency proceedings. The court is authorized to appoint a guardian of the person in a delinquency matter under certain circumstances. G.S. 7B-2001. The inclusion of the juvenile’s guardian as a party to the proceeding does not appear to be limited to a guardian appointed pursuant to this authority.

65. G.S. 7B-1601(g).

or custodian cannot be found by diligent effort, service by publication is permitted.⁶⁶ The defense of lack of personal jurisdiction or insufficiency of service of process is waived if the parent, guardian, or custodian appears in court and does not raise an objection at the initial court appearance.⁶⁷

If personal jurisdiction over the parent, guardian, or custodian is not established, that person is not subject to the jurisdiction of the juvenile court. An absence of personal jurisdiction over a parent, guardian, or custodian does not equate to an absence of subject matter jurisdiction in the case. Personal jurisdiction relates only to the juvenile court's jurisdiction over the person and does not impact subject matter jurisdiction.⁶⁸ A delinquency matter properly within the subject matter jurisdiction of the juvenile court and in which the court has established personal jurisdiction over the juvenile can proceed when personal jurisdiction has not been established over the parent, guardian, or custodian. If a parent, guardian, or custodian cannot be found, the juvenile court has the authority to appoint a guardian for the juvenile.⁶⁹ More detail on the appointment of a guardian in a delinquency proceeding is provided at the end of this part.

When the parent, guardian, or custodian who has been served with process is under the juvenile court's jurisdiction, the court maintains the authority to excuse that person from a particular hearing or from all hearings.⁷⁰ Therefore, the court may proceed with a delinquency matter when a parent, guardian, or custodian subject to the court's jurisdiction is not present.

Scope of Jurisdiction

Once the court obtains personal jurisdiction over the parent, guardian, or custodian, that person has the right to be provided notice of all scheduled hearings.⁷¹ After being provided notice, they must attend all hearings unless excused by the court.⁷² The parent, guardian, or custodian is also responsible for bringing the juvenile to court.⁷³

Parents, guardians, and custodians can be ordered to do a range of things as part of the delinquency proceedings, including the following:

- attending available parental responsibility classes after the juvenile is adjudicated delinquent;⁷⁴
- to the extent they are able, providing transportation for the juvenile to keep appointments with a juvenile court counselor or to comply with other court orders;⁷⁵ and
- cooperating with and assisting the juvenile in complying with the terms and conditions of probation or other court orders.⁷⁶

66. G.S. 7B-1806.

67. *Id.*; *In re Hodge*, 153 N.C. App. 102 (2002).

68. *In re K.J.L.*, 363 N.C. 343 (2009).

69. G.S. 7B-2001.

70. G.S. 7B-2700.

71. G.S. 7B-1807.

72. G.S. 7B-2700.

73. G.S. 7B-1805(b)(5).

74. G.S. 7B-2701.

75. G.S. 7B-2703(a).

76. G.S. 7B-2703(b).

The court can also impose conditions applicable to the parent, guardian, or custodian when ordering supervision of the juvenile in their home as a dispositional alternative.⁷⁷ The statute does not provide details regarding conditions that can be ordered in this instance.

The Juvenile Code also provides that parents, but not guardians or custodians, can be ordered to do the following:

- Pay the cost of medical, surgical, psychiatric, psychological, or other evaluation or treatment ordered for the juvenile⁷⁸ or the parent.⁷⁹
- At or after the dispositional hearing, if the court finds parental participation in evaluation or treatment of the juvenile is in the best interests of the juvenile, participate in medical, psychiatric, psychological, or other evaluation and treatment of the juvenile.⁸⁰
- At or after the dispositional hearing, comply with a plan of evaluation or treatment for the parent that is approved by the court. The court may condition legal custody or physical placement of the juvenile with the parent on the parent's compliance with these evaluation or treatment plans.⁸¹ In these cases the court must find that the best interests of the juvenile require the parent to undergo psychiatric, psychological, or other evaluation, treatment, or counseling directed toward remedying (1) behaviors or conditions that led or contributed to the juvenile's adjudication or (2) the court's decision to remove custody of the juvenile from the parent.⁸²

At or after the dispositional hearing, the court can also order the parent to do the following if it finds the parent is able:

- Pay a reasonable sum that will cover in whole or in part the support of the juvenile.⁸³
- Pay a fee for probation supervision or residential facility costs.⁸⁴
- Assign private insurance coverage to cover medical costs while the juvenile is in secure detention, a youth development center, or other out-of-home placement.⁸⁵
- Pay appointed attorneys' fees.⁸⁶

Any parent who has been served with the summons is a party to the delinquency proceeding for as long as the juvenile is under the jurisdiction of the juvenile court,⁸⁷ even if the juvenile reaches the age of majority. The court maintains jurisdiction over parents of juveniles 18 or older in exactly the same way it maintains jurisdiction over parents of younger juveniles. At the same

77. G.S. 7B-2506(1)a.

78. G.S. 7B-2702(a).

79. G.S. 7B-2702(d).

80. G.S. 7B-2702(b).

81. G.S. 7B-2702.

82. G.S. 7B-2702(c).

83. G.S. 7B-2704(1).

84. G.S. 7B-2704(2).

85. G.S. 7B-2704(3).

86. G.S. 7B-2704(4).

87. When a case is transferred to superior court for trial as an adult, the case becomes a criminal matter; it is no longer under juvenile jurisdiction. It is under the jurisdiction of superior court, and the juvenile is the defendant in the criminal matter. *See* G.S. 7B-2203(c). There is no jurisdiction over the parent, guardian, or custodian of a defendant in a criminal proceeding. There is therefore no longer jurisdiction over the parent, guardian, or custodian after a case is transferred.

time, once a juvenile turns 18, they are no longer a minor.⁸⁸ The legal role of the parent changes,⁸⁹ and the juvenile him- or herself can then consent for their own healthcare and make other independent decisions.

Whether the court maintains jurisdiction over the guardian or custodian who may have been subject to the court's jurisdiction when the juvenile was a minor is unclear. The guardian or custodian no longer serves in that role since the juvenile is no longer a minor subject to the court order of guardianship or custody.⁹⁰

If a parent, guardian, or custodian under the jurisdiction of the court in a delinquency matter willfully fails to comply with a court order, the court may issue a show cause order.⁹¹ Any contempt proceedings triggered in this manner are governed by the law and procedure in G.S. Chapter 5A.⁹²

Legal Representation for Parents, Guardians, and Custodians

Although the juvenile is entitled to court-appointed counsel in a delinquency proceeding,⁹³ there is generally no right to counsel for parents, guardians, and custodians who are parties in that same proceeding. As parties, they may retain their own counsel.

If a juvenile who has been adjudicated delinquent is placed in department of social services custody as a dispositional alternative, that placement must be regularly reviewed as required by G.S. 7B-906.1.⁹⁴ For those dispositional hearings,⁹⁵ any indigent parent is entitled to court-appointed counsel.⁹⁶

88. G.S. 48A-2.

89. See G.S. 7B-3400 (only juveniles under 18 are subject to their parent's supervision and control).

90. See G.S. 35A-1295(a)(1) (termination of guardian for minor upon age of majority); G.S. 7B-201(a) (termination of court's jurisdiction in abuse, neglect, dependency action where guardian may be appointed under G.S. 7B-600); G.S. 50-13.1 ("action or proceeding for custody of minor child").

91. G.S. 7B-1808(b)(4), -2706.

92. G.S. 7B-2706. For more information, see Michael Crowell, *Contempt*, ADMIN. OF JUST. BULL. No. 2015/03 (UNC School of Government, 2015), <https://www.sog.unc.edu/sites/default/files/reports/aojb1503.pdf>.

93. G.S. 7B-2000.

94. G.S. 7B-2506(1)c.

95. See G.S. 7B-2600 (authority to modify or vacate delinquency disposition order).

96. *Id.* See Sara DePasquale and Jacquelyn Greene, *Delinquency and DSS Custody without Abuse, Neglect, or Dependency: How Does That Work?* JUV. LAW BULL. No. 2019/02 (UNC School of Government, 2019), <https://www.sog.unc.edu/publications/bulletins/delinquency-and-dss-custody-without-abuse-neglect-or-dependency-how-does-work-0>, and Jacquelyn Greene, *DSS Custody of a Juvenile in a Delinquency Case: When and Why It Cannot Be Combined with Secure Custody or YDC Commitment*, N.C. Crim. L., UNC SCH. OF GOV'T BLOG (September 23, 2025), <https://nccriminallaw.sog.unc.edu/dss-custody-of-a-juvenile-in-a-delinquency-case-when-and-why-it-cannot-be-combined-with-secure-custody-or-ydc-commitment/>, for more detail on the placement of a juvenile in the custody of the department of social services in a delinquency matter.

Role of Parents, Guardians, and Custodians in Proceedings

Motions

As parties to the proceeding, parents, guardians, and custodians have explicit statutory authority to make the following motions:

- to deny, restrict, or defer discovery or inspection;⁹⁷
- to close the courtroom;⁹⁸ and
- to request that the court review a decision by DJJ to extend the juvenile's commitment to DJJ for placement at a YDC.⁹⁹

While the Juvenile Code does not provide other explicit authority for a parent, guardian, or custodian to make a motion in the proceeding, that person is a party to the proceeding. As such, they are presumably allowed to make other motions except for those the statute expressly limits to certain parties.¹⁰⁰

Participation in Planning, Evaluation, and Treatment

If the court orders evaluation or treatment of the juvenile, the court must allow the parent, guardian, custodian, or other responsible person to arrange for the evaluation or treatment.¹⁰¹

If the parent, guardian, or custodian declines or is unable to arrange for the evaluation or treatment, the court can order the evaluation or treatment and may order the parent to pay for the cost of care.¹⁰²

In some cases a care review team must be convened after an adjudication of delinquency and before the juvenile court enters a disposition to develop a recommendation plan for services and resources to address the juvenile's needs.¹⁰³ The parent, guardian, or custodian must be included as a member of the care review team if one is convened.¹⁰⁴

The parent, guardian, or custodian maintains legal custody over a juvenile committed to DJJ for placement at a YDC.¹⁰⁵ The parent, guardian or custodian is included as part of the Service Planning Team.¹⁰⁶ That team meets monthly to develop, implement, review, and revise the youth's individualized service plan.¹⁰⁷ A post-release supervision planning process is required

97. G.S. 7B-2302(a).

98. G.S. 7B-2402.

99. G.S. 7B-2515(c).

100. *See, e.g.*, G.S. 7B-2401.2 (allowing only the prosecutor, the juvenile, the juvenile's attorney, or the court to make a motion questioning a juvenile's capacity to proceed); G.S. 7B-2510(d) (allowing only the juvenile court counselor, the juvenile, the prosecutor, or the court to make a motion to review the progress of a juvenile on probation); and G.S. 7B-2516(a) (allowing only the juvenile court counselor providing post-release supervision, the juvenile, or the court to make a motion to review the progress of a juvenile on post-release supervision).

101. G.S. 7B-2502(b).

102. *See id.*; G.S. 7B-2702(a), (b).

103. G.S. 7B-2502(a3), (a4).

104. G.S. 7B-2502(a4)(2).

105. G.S. 7B-2513(g).

106. N.C. DEP'T OF PUB. SAFETY, JUV. JUST. & DELINQ. PREVENTION, MULTI-SECTION MS 2: SERVICE PLANNING FOR COMMITTED YOUTH POLICY, § 1.8 B.

107. *Id.* § 1.8 A., C.2.

before a juvenile is released from the YDC, including a post-release supervision planning conference.¹⁰⁸ The parent, guardian, or custodian must also be included in that conference if possible.¹⁰⁹

Right to Appeal

The parent, guardian, or custodian has the right to file an appeal of a final order designated in G.S. 7B-2602 or an order that transfers jurisdiction from juvenile to superior court.¹¹⁰

Right to Be Heard

The parent, guardian, or custodian has a statutory right to be heard in the following circumstances:

- at a hearing to determine the need for continued nonsecure or secure custody of the juvenile,¹¹¹
- at a capacity to proceed remediation review hearing,¹¹² and
- at the dispositional hearing to rebut the predisposition report¹¹³ or to present evidence and advise the court concerning the disposition they believe to be in the best interests of the juvenile.¹¹⁴

Right to Access Records

The juvenile court record in a delinquency matter, law enforcement records and files concerning delinquency matters, and delinquency-related records maintained by DJJ are all generally subject to confidentiality protections in the Juvenile Code.¹¹⁵ The juvenile's parent, guardian, or custodian, or their authorized representative, has a statutory right to examine and obtain copies of the following confidential records:

- the juvenile court record, including the authority to obtain copies of the written parts of the record. The parent, guardian, or custodian is not entitled to obtain copies of any electronic or mechanical recording of the proceedings under this provision;¹¹⁶
- law enforcement records and files concerning the juvenile;¹¹⁷ and
- DJJ records and files concerning the juvenile.¹¹⁸

Changes in Custodial Rights

The Level 1 and Level 2 dispositional alternatives in a delinquency case include placing the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, some other suitable person, or the department of social services.¹¹⁹ The court

108. G.S. 7B-2514.

109. G.S. 7B-2514(a)(2).

110. G.S. 7B-2604. *See* G.S. 7B-2603 ("Right to appeal transfer decision").

111. G.S. 7B-1906(d).

112. G.S. 7B-2401.4(g).

113. G.S. 7B-2413.

114. G.S. 7B-2501(b).

115. G.S. 7B-3000(b), -3001(b), (c).

116. G.S. 7B-3000(b)(2).

117. G.S. 7B-3001(b)(2).

118. G.S. 7B-3001(c)(2).

119. G.S. 7B-2506(1)b., c.

must select a disposition designed to protect the public and meet the needs and best interests of the juvenile based upon the five factors included in G.S. 7B-2501(c).¹²⁰ None of these factors relate specifically to the parent's fundamental constitutional right to make decisions about the care, custody, and control of their child.¹²¹

North Carolina's appellate courts have not published a decision about the findings necessary to change custody in the context of a delinquency decision. The court of appeals held in an unpublished decision that a delinquency dispositional order changing custody must include sufficient findings that support a transfer of custody.¹²² The court noted that the trial court can select a disposition, including a change in custody, when the five factors contained in G.S. 7B-2501(c) are considered and the disposition protects the public and meets the needs and best interests of the juvenile. That case, however, temporarily changed custody between the juvenile's mother and father. When a custody decision is between two parents, the court is not required to address a parent's constitutional rights to care, custody, and control of their child, as each parent possesses these rights individually.¹²³ This decision does not, therefore, shed light on how the court must weigh a parent's constitutional rights in the context of shifting custody to a non-parent through a delinquency disposition.

Appointing a Guardian in a Delinquency Proceeding

The court can appoint a guardian of the person for a juvenile in a delinquency proceeding when (1) no parent, guardian, or custodian appears at a hearing or (2) the court finds it would be in the best interests of the juvenile.¹²⁴ The statute allows for a broad guardianship that includes the care, custody, and control of the juvenile or arrangement for a suitable placement for the juvenile; representation of the juvenile in legal actions before any court; consent to certain actions of the juvenile including marriage, enlisting in the Armed Forces, and school enrollment; and consent to any necessary remedial, psychological, medical, or surgical treatment for the juvenile. The court is allowed to order a narrower guardianship at its discretion. Courts sometimes appoint a guardian for a juvenile in a delinquency proceeding because there is no adult with the legal authority who is willing or able to provide necessary consents for assessment and treatment of mental health or other health needs.¹²⁵ A limited guardianship that allows the guardian to provide needed consents can address this barrier to care.

As with the dispositional alternatives that permit a change in custody, the Juvenile Code does not address a parent's fundamental constitutional rights to make decisions about their child's care, custody, and control relative to the appointment of a guardian under this statute. North

120. *In re N.M.*, 290 N.C. App. 482 (2023).

121. *See, e.g.*, *Troxel v. Granville*, 530 U.S. 57 (2000); *Owenby v. Young*, 357 N.C. 142 (2003).

122. *In re T.O.C.*, 296 N.C. App. 303 (2024).

123. *Routten v. Routten*, 374 N.C. 571, 578 (2020) (citation omitted).

124. G.S. 7B-2001.

125. The court may also order custody to the department of social services as a dispositional alternative to obtain necessary evaluation and treatment of the juvenile if the parent refuses to consent to such evaluation and treatment. *In re K.T.L.*, 177 N.C. App. 365 (2006). *But see* Jacquelyn Greene, [DSS Custody of a Juvenile in a Delinquency Case: When and Why It Cannot Be Combined with Secure Custody or YDC Commitment](https://nccriminallaw.sog.unc.edu/dss-custody-of-a-juvenile-in-a-delinquency-case-when-and-why-it-cannot-be-combined-with-secure-custody-or-ydc-commitment/), N.C. Crim. L., UNC SCH. OF GOV'T BLOG (September 23, 2025), <https://nccriminallaw.sog.unc.edu/dss-custody-of-a-juvenile-in-a-delinquency-case-when-and-why-it-cannot-be-combined-with-secure-custody-or-ydc-commitment/>.

Carolina appellate courts have also not addressed what findings and conclusions, such as a parent being unfit, neglecting their child, or acting inconsistently with their parental rights, must be made prior to entering a guardianship order.¹²⁶

The authority of the guardian lasts until the guardianship is terminated by court order, the juvenile is legally emancipated, or the juvenile turns 18.¹²⁷ While juvenile jurisdiction can extend past age 18 in some delinquency matters, the court has no authority to appoint a guardian of a juvenile who is 18 or older, as they have reached the age of majority.¹²⁸

Conclusion

The law of juvenile jurisdiction over both the juvenile and their parent, guardian, or custodian is unique and has been through several recent evolutions. It is critical to identify the date of the offense, the age of the juvenile at the time of the offense, and the offense charged to understand if the matter begins under juvenile jurisdiction. When matters are under juvenile jurisdiction, the parent, guardian, or custodian of the juvenile has a significant role. This focus on the juvenile in the context of their adult caregiver is one characteristic that makes the juvenile system very different from the criminal system.

126. *See, e.g., In re B.R.W.*, 318 N.C. 61 (2022) (affirming order awarding guardianship in a neglect action; discussing unfitness versus acting inconsistently with paramount constitutional rights).

127. G.S. 7B-2001.

128. *Id.*