

## After Hours Juvenile Proceedings

### Undisciplined and Delinquent Juveniles

#### I. Basic Concepts

##### A. Undisciplined Juveniles [G.S. 7B-1501(27)]

Undisciplined juveniles, also known as *status offenders*, are juveniles who engage in behaviors that are inappropriate for minors but that do not amount to a crime (e.g., smoking, underage drinking, truancy, running away from home, etc...).

A juvenile who is at least 6 but not yet 16 may be undisciplined if he or she is:

1. unlawfully absent from school;
2. regularly disobedient to and beyond the control of parents;
3. regularly found in places where it is unlawful for children to be; or
4. a runaway for more than 24 hours.

A juvenile who is 16 or 17 years old may be undisciplined if he or she is:

1. regularly disobedient to and beyond the control of parents;
2. regularly found in places where it is unlawful for children to be; or
3. a runaway for more than 24 hours.

##### B. Delinquent Juveniles [G.S. 7B-1501(7)]

Delinquent juveniles are juveniles who, while at least 6 but not yet 16, commit an offense that would be a crime if committed by an adult, including a violation of the motor vehicle laws.

##### C. Charging Document [G.S. 7B-1801, -1802]

A *juvenile petition* is the only charging document that may be used to allege a delinquent act or undisciplined behavior by a juvenile. See AOC-J-310 (blank form that may be used to charge any delinquent act) or AOC-J-230 (blank form that may be used to charge any undisciplined behavior). Other AOC forms exist to charge specific delinquent acts, such as trespass, assault, and larceny.

Only a *juvenile court counselor* can authorize the filing of a complaint as a juvenile petition.

The person charged with a delinquent act is a *juvenile*, not a defendant.

**D. Temporary, Secure, or Nonsecure Custody [G.S. 7B-1900 to -1907]**

**Temporary Custody.** A law enforcement officer may take a juvenile into *temporary custody*, without a court order, if grounds would exist under G.S. 15A-401(b) for arresting an adult in the same circumstance. (The same authority exists if an officer has reasonable grounds to believe that a juvenile is undisciplined. G.S. 7B-1900.) The term *arrest* is inappropriate. Within 12 hours (24 hours if a weekend or holiday is involved) after taking a juvenile into custody, the officer must release the juvenile unless a petition has been filed and an order for secure or nonsecure custody has been entered.

**Secure Custody.** An order for *secure custody*, which authorizes placement of the juvenile in a juvenile detention facility – never a jail – may be issued only when the court finds a reasonable factual basis to believe the juvenile committed the alleged offense and that one of the grounds listed in G.S. 7B-1903(b) exists. (The grounds are also listed on the secure custody form, AOC-J-440.)

- *Undisciplined juveniles* generally *cannot* be placed in secure custody. However, in limited circumstances, an undisciplined juvenile may be held in secure custody *for up to 24 hours* (excluding weekends or holidays) when:
  - the juvenile has willfully failed to appear in court after proper notice; or
  - the juvenile is a runaway and either refuses or is inappropriate for nonsecure custody and needs to be evaluated for treatment or reunited with the juvenile’s parents.

**Nonsecure Custody.** An order for *nonsecure custody* authorizes placement of the juvenile in the custody of the county department of social services, a relative, or another person or agency designated in the order. An order for nonsecure custody may be issued when the juvenile is a runaway and consents to nonsecure custody, or when a ground for secure custody exists but the court finds that placement in nonsecure custody is in the juvenile’s best interest. G.S. 7B-1903(a).

The terms *pretrial release* and *bail bond* are not applicable when a juvenile is placed in secure or nonsecure custody pending the adjudication hearing on the petition. Bond provisions do not apply in juvenile cases. Instead, a juvenile who is placed in secure or nonsecure custody is entitled to periodic hearings on the need for continued pre-adjudication custody. *See* G.S. 7B-1906.

## II. Magistrate’s Authority to File Petitions After Hours

### A. Authority to Accept Petition for Filing [G.S. 7B-1804]

Generally, a juvenile petition must be drafted by a juvenile court counselor (or the clerk when a juvenile court counselor is unavailable) and filed in the clerk’s office when that office is open. However, when the clerk’s office is closed and a juvenile court counselor requests that a petition be filed, “a magistrate may *draw and verify the petition and accept it for filing*, which acceptance shall constitute filing.” The magistrate’s authority to file petitions is limited to *emergency situations* when a petition is needed in order to obtain a secure or nonsecure custody order. Any petition filed by a magistrate must be delivered to the clerk’s office on the next business day for processing. G.S. 7B-1804.

### B. Authority to “Draw” the Petition [G.S. 7B-1803, -1804]

Typically, a juvenile court counselor who requests that a petition be filed after hours will draw the petition him or herself and take it to a magistrate to verify and accept it for filing. However, the Juvenile Code also permits a magistrate to “draw” a petition. *See* G.S. 7B-1804. The term “draw” is not defined in the Juvenile Code but when used in reference to clerks, it means to actually draft the petition.

Pursuant to G.S. 7B-1803, when a juvenile court counselor is unavailable, a clerk may assist a complainant in communicating the allegations to the court counselor by telephone, and with the court counselor’s approval, the clerk may then “draw” the petition and file it when signed and verified. Thus, as used in the Juvenile Code, to “draw” a petition appears to mean personally drafting the juvenile petition upon the request of a juvenile court counselor. There are designated spaces on the back of the AOC petition forms (AOC-J-310, AOC-J-230) for the magistrate to fill in the “name of the court counselor giving telephonic approval,” the “name and title of person receiving telephonic approval,” and “signature of person receiving telephonic approval.”

### C. Petition Requirements [G.S. 7B-1802]

In general, a juvenile petition alleging that a juvenile is undisciplined or delinquent must:

1. *Be signed by the complainant.* In most cases the complainant who signs the petition is either a law enforcement officer or an alleged victim. However, any person who has knowledge of the matter(s) alleged in the petition and who can verify the information contained therein may sign the petition as the complainant. *In re Stowe*, 118 N.C. App. 662, 665 (1995).

2. *Be verified by the magistrate* (or other authorized official). The court lacks jurisdiction if the petition is not signed by the complainant and verified before an official authorized to administer oaths.
3. *Comply with G.S. 7B-1802*, which requires that the petition contain:
  - a. the name, date of birth, and address of the juvenile;
  - b. the name and last known address of the juvenile's parent or guardian; and
  - c. facts that invoke jurisdiction over the juvenile.
4. *Be filed in the proper venue*. The petition must be filed and the adjudication hearing must be held in the district in which the offense allegedly occurred.

A *delinquency petition*, like a criminal indictment, must allege facts sufficient to support every element of a criminal offense and identify the juvenile as the perpetrator. *In re D.B.*, 214 N.C. App. 489 (2011). Appropriate language to charge various offenses may be found in the *Arrest Warrant and Indictment Forms* book, NC General Statutes, or *NC Crimes*. Several AOC forms are also available to charge specific delinquent acts, including but not limited to:

AOC-J-311	Misdemeanor Trespass
AOC-J-312	Simple Assault, AISI, AWDW, Assault on a Person Under 12 Assault by Pointing a Gun, or Assault on a Government Official
AOC-J-313	Felonious Breaking and Entering or Felonious Larceny
AOC-J-314	Communicating Threats
AOC-J-315	Concealment of Merchandise
AOC-J-316	Weapon on School Campus
AOC-J-317	Indecent Liberties Between Children
AOC-J-319	Larceny or Possession of Stolen Goods
AOC-J-320	Unauthorized Use of Motor Vehicle
AOC-J-321	Operate Motor Vehicle Without License
AOC-J-322	Injury to Real Property
AOC-J-323	Injury to Personal Property
AOC-J-324	Resist, Delay, Obstruct an Officer
AOC-J-325	Carrying a Concealed Weapon
AOC-J-326	Disorderly Conduct at School
AOC-J-327	Selling or Delivering Controlled Substance
AOC-J-331	Possession of Schedule VI Controlled Substance
AOC-J-332	Possession of Drug Paraphernalia
AOC-J-333	Simple Affray

\*\*\*The full list of juvenile petition forms is available at [www.nccourts.org](http://www.nccourts.org)\*\*\*

### III. Selected Statutes Applicable to Undisciplined and Delinquent Juveniles

#### § 7B-1501. Definitions.

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified.

....

- (7) Delinquent juvenile. - Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

....

- (27) Undisciplined juvenile. -
- a. A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
  - b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

#### § 7B-1802. Petition.

The petition shall contain the name, date of birth, and address of the juvenile and the name and last known address of the juvenile's parent, guardian, or custodian. The petition shall allege the facts that invoke jurisdiction over the juvenile. The petition shall not contain information on more than one juvenile.

A petition in which delinquency is alleged shall contain a plain and concise statement, without allegations of an evidentiary nature, asserting facts supporting every element of a criminal offense and the juvenile's commission thereof with sufficient precision clearly to apprise the juvenile of the conduct which is the subject of the allegation.

Sufficient copies of the petition shall be prepared so that copies will be available for the juvenile, for each parent if living separate and apart, for the guardian or custodian if any, for the juvenile court counselor, for the prosecutor, and for any person determined by the court to be a necessary party.

**§ 7B-1803. Receipt of complaints; filing of petition.**

(a) All complaints concerning a juvenile alleged to be delinquent or undisciplined shall be referred to the juvenile court counselor for screening and evaluation. Thereafter, if the juvenile court counselor determines that a petition should be filed, the petition shall be drawn by the juvenile court counselor or the clerk, signed by the complainant, and verified before an official authorized to administer oaths. If the circumstances indicate a need for immediate attachment of jurisdiction and if the juvenile court counselor is out of the county or otherwise unavailable to receive a complaint and to draw a petition when it is needed, the clerk shall assist the complainant in communicating the complaint to the juvenile court counselor by telephone and, with the approval of the juvenile court counselor, shall draw a petition and file it when signed and verified. A copy of the complaint and petition shall be transmitted to the juvenile court counselor.

(b) If review is requested pursuant to G.S. 7B-1704, the prosecutor shall review a complaint and any decision of the juvenile court counselor not to authorize that the complaint be filed as a petition. If the prosecutor, after review, authorizes a complaint to be filed as a petition, the prosecutor shall prepare the complaint to be filed by the clerk as a petition, recording the day of filing.

**§ 7B-1804. Commencement of action.**

(a) An action is commenced by the filing of a petition in the clerk's office when that office is open, or by a magistrate's acceptance of a petition for filing pursuant to subsection (b) of this section when the clerk's office is closed.

(b) When the office of the clerk is closed and the juvenile court counselor requests a petition alleging a juvenile to be delinquent or undisciplined, a magistrate may draw and verify the petition and accept it for filing, which acceptance shall constitute filing. The magistrate's authority under this subsection is limited to emergency situations when a petition is required in order to obtain a secure or nonsecure custody order. Any petition accepted for filing under this subsection shall be delivered to the clerk's office for processing as soon as that office is open for business.

**§ 7B-1900. Taking a juvenile into temporary custody.**

Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or nonsecure custody can be obtained. A juvenile may be taken into temporary custody without a court order under the following circumstances:

- (1) By a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances under G.S. 15A-401(b).
- (2) By a law enforcement officer or a juvenile court counselor if there are reasonable grounds to believe that the juvenile is an undisciplined juvenile.
- (3) By a law enforcement officer, by a juvenile court counselor, by a member of the Black Mountain Center, Alcohol Rehabilitation Center, and Juvenile Evaluation Center Joint Security Force established pursuant to G.S. 122C-421, or by personnel of the Division if there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Division or from an approved detention facility.

**§ 7B-1901. Duties of person taking juvenile into temporary custody.**

(a) A person who takes a juvenile into custody without a court order under G.S. 7B-1900(1) or (2) shall proceed as follows:

- (1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or nonsecure custody. Failure to notify the parent, guardian, or custodian that the juvenile is in custody shall not be grounds for release of the juvenile.
- (2) Release the juvenile to the juvenile's parent, guardian, or custodian if the person having the juvenile in temporary custody decides that continued custody is unnecessary. In the case of a juvenile unlawfully absent from school, if continued custody is unnecessary, the person having temporary custody may deliver the juvenile to the juvenile's school or, if the local city or county government and the local school board adopt a policy, to a place in the local school administrative unit.
- (3) If the juvenile is not released, request that a petition be drawn pursuant to G.S. 7B-1803 or G.S. 7B-1804. Once the petition has been drawn and verified, the person shall communicate with the juvenile court counselor. If the juvenile court counselor approves the filing of the petition, the juvenile court counselor shall contact the judge or the person delegated authority pursuant to G.S. 7B-1902 if other than the juvenile court counselor, for a determination of the need for continued custody.

(b) A juvenile taken into temporary custody under this Article shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless a petition or motion for review has been filed and an order for secure or nonsecure custody has been entered.

(c) A person who takes a juvenile into custody under G.S. 7B-1900(3), after receiving an order for secure custody, shall transport the juvenile to the nearest approved facility providing secure custody. The person then shall contact the administrator of the facility from which the juvenile absconded, who shall be responsible for returning the juvenile to that facility.

**§ 7B-1903. Criteria for secure or nonsecure custody.**

(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and that:

- (1) The juvenile is a runaway and consents to nonsecure custody; or
- (2) The juvenile meets one or more of the criteria for secure custody, but the court finds it in the best interests of the juvenile that the juvenile be placed in a nonsecure placement.

(b) When a request is made for secure custody, the court may order secure custody only where the court finds there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition, and that one of the following circumstances exists:

- (1) The juvenile is charged with a felony and has demonstrated that the juvenile is a danger to property or persons.
- (2) The juvenile has demonstrated that the juvenile is a danger to persons and is charged with either (i) a misdemeanor at least one element of which is assault on a person or (ii) a misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.
- (2a) The juvenile has demonstrated that the juvenile is a danger to persons and is charged with a violation of G.S. 20-138.1 or G.S. 20-138.3.
- (3) The juvenile has willfully failed to appear on a pending delinquency charge or on charges of violation of probation or post-release supervision, providing the juvenile was properly notified.
- (4) A delinquency charge is pending against the juvenile, and there is reasonable cause to believe the juvenile will not appear in court.
- (5) The juvenile is an absconder from (i) any residential facility operated by the Division or any detention facility in this State or (ii) any comparable facility in another state.
- (6) There is reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury. In such case, the juvenile must have been refused admission by one appropriate hospital, and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization. If the juvenile is placed in secure custody, the juvenile shall receive continuous supervision and a physician shall be notified immediately.
- (7) The juvenile is alleged to be undisciplined by virtue of the juvenile's being a runaway and is inappropriate for nonsecure custody placement or refuses nonsecure custody, and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.
- (8) The juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; the juvenile shall be brought to court as soon as possible and in no event should be held more than 24 hours, excluding Saturdays, Sundays, and State holidays.

(c) When a juvenile has been adjudicated delinquent, the court may order secure custody pending the dispositional hearing or pending placement of the juvenile pursuant to G.S. 7B-2506. As long as the juvenile remains in secure custody, further hearings to determine the need for continued secure custody shall be held at intervals of no more than 10 calendar days but may be waived for no more than 30 calendar days only with the consent of the juvenile, through counsel for the juvenile, either orally in open court or in writing. The order for continued secure custody shall be in writing with appropriate findings of fact.



(d) The court may order secure custody for a juvenile who is alleged to have violated the conditions of the juvenile's probation or post-release supervision, but only if the juvenile is alleged to have committed acts that damage property or injure persons.

(e) If the criteria for secure custody as set out in subsection (b), (c), or (d) of this section are met, the court may enter an order directing an officer or other authorized person to assume custody of the juvenile and to take the juvenile to the place designated in the order.

(f) If the court finds that there is a need for an evaluation of a juvenile for medical or psychiatric treatment pursuant to subsection (b) of this section and that juvenile is under 10 years of age and does not have a pending delinquency charge, the law enforcement officer or other authorized person assuming custody of the juvenile shall not use physical restraints during the transport of the juvenile to the place designated in the order, unless in the discretion of the officer or other authorized person, the restraints are reasonably necessary for the safety of the officer, authorized person, or the juvenile.



# STATE OF NORTH CAROLINA

File No.

ORANGE County

In The General Court Of Justice  
District Court Division

**IN THE MATTER OF:**

Name And Address Of Juvenile

PETER PARKER  
1234 ANY STREET  
CHAPEL HILL NC 27514

**JUVENILE PETITION  
(DELINQUENT)**

G.S. 7B-1501(7), -1801, -1802

Juvenile's Date Of Birth

07/02/2002

Age

14

Race

WHITE

Sex

MALE

Category Of Offense

Felony, Class \_\_\_\_\_

Misdemeanor, Class 2, Or Infraction

Name Of Petitioner

CAPT. GEORGE STACY

Offense Code

Offense In Violation Of G.S.

G.S. 14-196(a)(3)

Physical Address Of Offense, If Applicable

5678 MAIN STREET, CHAPEL HILL, NC 27514

Date Of Offense

05/11/2016

Time Of Offense

8:30

AM

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:

- 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-1601.)**

- The names, addresses and telephone numbers of the juvenile's parents, guardian, or custodian are as follows:

NAME	RELATIONSHIP/TITLE	ADDRESS	TELEPHONE NO.
REQUIRED: Legal Custodian/Guardian/Parent	REQUIRED	REQUIRED: Mailing and Street	NECESSARY
If there are 2 Custodians, Guardians, or Parents,			
both must be listed; if DSS is the legal			
custodian, the social worker should be listed.			

- 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  and feloniously (State facts supporting every element of alleged offense.)

TELEPHONE MARY JANE WATSON REPEATEDLY FOR THE PURPOSE OF ANNOYING AND HARASSING MARY JANE WATSON AT THE CALLED NUMBER.

(Note: The charging language above is sample language taken from the Arrest Warrant and Indictment Forms book for the offense of Harassing Telephone Calls, in violation of G.S. 14-196(a)(3). For additional guidance on appropriate language to charge various delinquent acts, consult the NC General Statutes or NC Crimes book.)

(Note: Multiple charges require separate petitions. Only one charge may be alleged in each petition.)

**ADDITIONAL FACTS AND CIRCUMSTANCES**

I request the court to hear the case to determine whether the allegations are true and whether the juvenile is within the jurisdiction of the Court as a delinquent juvenile.

**VERIFICATION**

Being first duly sworn, I say that I have read the allegations in the petition and that the same are true to my own knowledge, except as to those matters alleged upon information and belief, and as to those, I believe them to be true.

**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

*Signature Of Petitioner*

<i>Date</i> 05/11/2016	<i>Signature Of Person Authorized To Administer Oaths</i>	<i>Address</i> 23 TARHEEL BLVD
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court		<i>City, State, Zip</i> CHAPEL HILL, NC 27514
<input checked="" type="checkbox"/> Magistrate	<i>Date My Commission Expires</i> 12/21/2020	<i>Agency (if applicable)</i> CHAPEL HILL POLICE DEPT.
<input type="checkbox"/> Notary	<i>County Where Notarized</i> ORANGE	<i>Title (if applicable)</i> CAPTAIN
<b>SEAL</b>		<i>Telephone No.</i> 919-962-1034

**Witness(es)**

Name	Address	Telephone No.
LIST VICTIMS AND WITNESSES HERE	A MAILING ADDRESS FOR EACH VICTIM/WITNESS IS REQUIRED	NECESSARY

*Date Complaint Received By Department Of Juvenile Justice And Delinquency Prevention*

**15-DAY EXTENSION OF TIME TO FILE PETITION**

Pursuant to G.S. 7B-1703, at the discretion of the undersigned chief court counselor, the time to file a petition in the above captioned case is extended 15 days.

<i>Date</i>	<i>Name Of Chief Court Counselor</i>	<i>Signature Of Chief Court Counselor</i>
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**Decision of Court Counselor Regarding the Filing of the Petition**

<input checked="" type="checkbox"/> 1. Approved for Filing <input type="checkbox"/> 2. Not Approved for Filing <input type="checkbox"/> a. Closed <input type="checkbox"/> b. Diverted and Retained	<i>Date</i>	<i>Time</i>
	REQUIRED	REQUIRED <input type="checkbox"/> AM <input type="checkbox"/> PM
	<i>Name Of Court Counselor Giving Telephonic Approval</i>	
	REQUIRED	
<i>Date</i>	<i>Name And Title Of Person Receiving Telephonic Approval</i>	
	REQUIRED	
<i>Signature Of Court Counselor</i>	<i>Signature Of Person Receiving Telephonic Approval</i>	

**Post-Diversion Approval For Filing Of Petition**

<input type="checkbox"/> Approved for Filing	<i>Date</i>	<i>Signature Of Court Counselor</i>
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**STATE OF NORTH CAROLINA**

File No.

ORANGE County

In The General Court Of Justice  
District Court Division

**IN THE MATTER OF:**

Name And Address Of Juvenile

PETER PARKER  
1234 ANY STREET  
CHAPEL HILL NC 27514

**JUVENILE PETITION  
(UNDISCIPLINED)**

Juvenile's Date Of Birth	Age	Race	Sex
07/02/2002	14	WHITE	MALE

Name Of Petitioner  
MAY PARKER

G.S. 7B-1501(27), -1703, -1706, -1801, -1802

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:

- The juvenile named above is under the age of eighteen (18) and committed an undisciplined act in this district.
- The names, addresses and telephone numbers of the juvenile's parents, guardian, or custodian are as follows:

NAME	RELATIONSHIP/TITLE	ADDRESS	TELEPHONE NO.
MAY PARKER	Great Aunt/Legal Guardian	1234 ANY STREET, CHAPEL HILL, NC	919-962-7890

- The juvenile is an undisciplined juvenile, in that on or about (date or time period) 08/15/2016, the juvenile
  - a. was regularly disobedient to the juvenile's parent, guardian, or custodian and beyond their disciplinary control.
  - b. was regularly found in places where it is unlawful for a juvenile to be.
  - c. ran away from home for a period of more than 24 hours.
  - d. while less than sixteen (16) years of age, was unlawfully absent from school.

Specifically, the juvenile: (State facts supporting the alleged offense(s).)

CLIMBED OUT HIS BEDROOM WINDOW AT 1234 ANY STREET, CHAPEL HILL, NC, 27514, AT 8:30 P.M. ON 08/13/2016, WITHOUT THE PERMISSION OF HIS LEGAL GUARDIAN, MAY PARKER, AND REFUSES TO GO HOME. THE JUVENILE HAS BEEN SEEN ROAMING THE STREETS OF CHAPEL HILL AT NIGHT AND FIGHTING CRIMINALS WEARING BLUE AND RED TIGHTS.

(See reverse side for Additional Facts And Circumstances)

**ADDITIONAL FACTS AND CIRCUMSTANCES**

I request the Court to hear the case to determine whether the allegations are true and whether the juvenile is within the jurisdiction of the Court as an undisciplined juvenile.

**VERIFICATION**

Being first duly sworn, I say that I have read the allegations in the petition and that the same are true to my own knowledge, except as to those matters alleged upon information and belief, and as to those, I believe them to be true.

**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

*Signature Of Petitioner*

*Date*  
**REQUIRED**

*Address*  
1234 ANY STREET

*Signature Of Person Authorized To Administer Oaths*

*City, State, Zip*  
CHAPEL HILL, NC 27514

Deputy CSC     Assistant CSC     Clerk Of Superior Court  
 Magistrate

*Agency (if applicable)*

Notary    *Date My Commission Expires*  
**REQUIRED**

*Title Or Relationship To Juvenile (if applicable)*  
GREAT AUNT / LEGAL GUARDIAN

**SEAL**

*County Where Notarized*  
**REQUIRED**

*Telephone No.*  
919-962-7890

**Witness(es)**

Name	Address	Telephone No.
LIST WITNESSES HERE	A MAILING ADDRESS FOR EACH WITNESS IS REQUIRED	NECESSARY

*Date Complaint Received By Department Of Juvenile Justice And Delinquency Prevention*

**15-DAY EXTENSION OF TIME TO FILE PETITION**

Pursuant to G.S. 7B-1703, at the discretion of the undersigned chief court counselor, the time to file a petition in the above captioned case is extended 15 days.

<i>Date</i>	<i>Name Of Chief Court Counselor</i>	<i>Signature Of Chief Court Counselor</i>
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**Decision of Court Counselor Regarding the Filing of the Petition**

- 1. Approved for Filing
- 2. Not Approved for Filing
  - a. Closed
  - b. Diverted and Retained

<i>Date</i> <b>REQUIRED</b>	<i>Time</i> <b>REQUIRED</b> <input type="checkbox"/> AM <input type="checkbox"/> PM
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*Name Of Court Counselor Giving Telephonic Approval*

**REQUIRED**

*Name And Title Of Person Receiving Telephonic Approval*

**REQUIRED**

<i>Date</i>	<i>Signature Of Court Counselor</i>
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*Signature Of Person Receiving Telephonic Approval*

**Post-Diversion Approval For Filing Of Petition**

Approved for Filing

<i>Date</i>	<i>Signature Of Court Counselor</i>
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\_\_\_\_\_ County

**IN THE MATTER OF:**

**ORDER FOR SECURE CUSTODY/DETENTION  
(UNDISCIPLINED/DELINQUENT)**

Name And Address Of Juvenile

- PRE-ADJUDICATION**  
[G.S. 7B-1902, -1903(b),(e), -1904, -1905, -1906, -1907]
- PENDING DISPOSITION**  
[G.S. 7B-1902, -1903(c),(d),(e), -1904, -1905, -1907]
- DISPOSITION**  
[G.S. 7B-2506(12), (20), -2508, -2510(e)]

Juvenile's Date Of Birth	Age	Race	Sex
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Name And Address

Name And Address

Parent  Guardian  Custodian

Parent  Guardian  Custodian

**TO ANY LAW ENFORCEMENT OFFICER OR OTHER AUTHORIZED PERSON:**

YOU ARE ORDERED to assume immediate physical custody of the above named juvenile and, in accordance with G.S. 7B-1903(e) and 7B-1904, take the juvenile to an approved detention facility designated by the Division of Adult Correction and Juvenile Justice and make due return on this Order. You are also ordered to give a copy of this Order to the juvenile's parent, guardian or custodian named above.

As grounds for the issuance of this Order, the Court finds that:

- 1. There is a factual basis to believe that the juvenile committed the offense alleged in the petition, and that the following circumstances exist:
  - a. The juvenile is alleged to be undisciplined by virtue of being a runaway and is inappropriate for nonsecure custody or refuses nonsecure custody, and the juvenile needs secure custody to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.
  - b. The juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice.
  - c. The juvenile is charged with a felony and has demonstrated that he or she is a danger to property or persons.
  - d. The juvenile has demonstrated that the juvenile is a danger to persons and is charged with either
    - (i) a misdemeanor, at least one element of which is assault on a person, or
    - (ii) a misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.
  - e. The juvenile has willfully failed to appear on a pending delinquency charge or on charges of a violation of probation or post-release supervision and the juvenile was properly notified.
  - f. A delinquency charge is pending against the juvenile and there is reasonable cause to believe the juvenile will not appear in court.
  - g. The juvenile is an absconder from a residential facility operated by the Division of Adult Correction and Juvenile Justice or any detention facility in this state or a comparable facility in another state.
  - h. There is reasonable cause to believe the juvenile should be detained for his or her own protection because the juvenile has recently suffered or attempted self-inflicted physical injury, and the juvenile has been refused admission by at least one appropriate hospital.
  - i. The juvenile has demonstrated that the juvenile is a danger to persons and is charged with a violation of G.S. 20-138.1 or 20-138.3.
- 2. The juvenile has been adjudicated delinquent and the juvenile should be in secure custody pending the dispositional hearing or pending placement pursuant to G.S. 7B-2506.
- 3. The juvenile is alleged to have violated the conditions of the juvenile's probation or post-release supervision, and is alleged to have committed acts that damaged property or injured persons.

(Over)

**NOTE:** Only one of the following may be checked.

- 4. A Level 1 Disposition has been entered ordering intermittent confinement of not more than five 24-hour periods.
- 5. A Level 2 Disposition has been entered ordering that the juvenile be confined for up to fourteen 24-hour periods.
- 6. The juvenile has been found by the court to be in violation of probation and as part of a new disposition the Court orders intermittent confinement for up to \_\_\_\_\_, which is up to twice the time authorized by G.S. 7B-2506 and -2508. [G.S. 7B-2510(e)]
- 7. The court has entered an order based on direct contempt by the juvenile pursuant to G.S. 5A-32(e).  
(NOTE: Detention may not exceed five (5) days.)

**OTHER FINDINGS**

Date	Signature Of Judge/Judge's Designee	<input type="checkbox"/> Judge <input type="checkbox"/> Judge's Designee
Maximum Duration Of Custody	Name Of Judge/Judge's Designee (type or print)	

**If the person above gives telephonic approval:**

Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Name And Title Of Person Receiving Telephonic Approval	Signature Of Person Receiving Telephonic Approval
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**RETURN ON ORDER**

Date Order Received	Date Order Returned
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- 1. The juvenile named above was taken into custody at \_\_\_\_\_  AM  PM, on \_\_\_\_\_, and released to (name detention facility or other) \_\_\_\_\_ at \_\_\_\_\_  AM  PM, on (date) \_\_\_\_\_.
- 2. Though diligently sought, the juvenile named above could not be found in this county.  
(Add any comments or information about the juvenile's possible whereabouts.)

Name Of Person To Whom Copy Given	Signature And Title Of Person Making Return
Relationship to Juvenile	Department Or Agency