



**Managing the Courtroom in 7B Proceedings**

Introduction to Juvenile Court Proceedings  
April 26, 2021

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**Who are the parties?**



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Who is missing?



State



Juvenile



Parent, Guardian, Custodian

**Delinquency Parties**

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**A/N/D Parties**

Petitioner	Subject	Respondents
<ul style="list-style-type: none"> <li>• County DSS</li> </ul>	<ul style="list-style-type: none"> <li>• Juvenile(s)</li> </ul>	<ul style="list-style-type: none"> <li>• Mother</li> <li>• Father/Putative Father/2<sup>nd</sup> Parent</li> <li>• Guardian, Custodian, Caretaker</li> </ul>

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**Representation**



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**Delinquency**



**ATTORNEY FOR THE JUVENILE = EXPRESSED INTEREST REPRESENTATION**



**PARENTS MAY RETAIN ATTORNEYS, BUT THEY ARE ONLY ENTITLED TO COUNSEL FOR 906.1 REVIEW HEARINGS IF THEIR CHILD IS PLACED IN DSS CUSTODY AS A DELINQUENCY DISPOSITION**

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### A/N/D representation

#### Juvenile

- 7B-601 Best Interests
- GAL Team
- Abuse/Neglect v. Dependency

#### Parent

- 7B-402 Court Appointed Counsel (Provisional to Released/Confirmed)
- Knowing and Voluntary Waiver: No automatic right to self-representation
- Confirmed Counsel: Motion to Withdraw
- Rule 17 GAL: Parent who is a minor or incompetent

#### Non-Parent

- Privately Retain
- No statutory right to court appointed
- IDS policy to pay if due process findings

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### Juvenile participation in court




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### 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 accept an admission from a juvenile only after first addressing the juvenile personally..."

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**The Juvenile in an A/N/D Action**

Party, but not summonsed
GAL Representation (BIC vs. Express)
Witness
Notice at 12 y.o. and older
APPLA as primary permanent plan, <b>must</b> question the juvenile (16-17 y.o.)

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**Closing the courtroom**



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**Delinquency statute**

G.S. 7B-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's file will be compromised by an open hearing

**A/N/D statute**

G.S. 7B-801: All or part may 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.**

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