

## **USING THE CHART FOR DISPOSITIONS IN DELINQUENCY CASES AND COUNTING POINTS**

### **Steps for Using the Chart – Explanations for each step are given below.**

1. Determine the offense that is set for disposition that will be used to establish the parameters of the disposition
2. Determine the classification of the offense that is being used to establish the disposition parameters. (Column on left)
3. Determine delinquency history level, by calculating points of prior adjudications and determining if the offense being used to establish the disposition parameters occurred while the juvenile was on probation. [7B-2507 (a) (4)]
4. Find Cell on the Chart
5. Consider Juvenile/Family Data, risk assessment and needs assessment and consider dispositional options.

**Note:** Each time a disposition is entered for an offense, follow each of the steps to count points to be used at the current disposition.

### **1. Determine the offense that is set for disposition that will be used to establish the parameters of the disposition.**

- On any date, only one disposition order should be entered. That order should include findings regarding any offense that is set for disposition on that date.
- If more than one offense is adjudicated on a given day, the most serious offense adjudicated on that day is the offense that is used to set the parameters of the disposition for all of those offenses.
- If disposition is set on a given day for multiple offenses that were adjudicated on different days, determine the most serious offense adjudicated on each of the dates of adjudication. Consider points for each of those determined to be most serious, and then decide which of those most serious offenses will be used to establish the parameters of the disposition.

### **2. Determine classification of the offense that is being used to establish the disposition parameters.**

- Use the offense classification from General Statutes.
- Violent (A-E Felony), Serious (F-I Felony, A-1 Misdemeanor), Minor (Class 1-3 Misdemeanor).
- Find the classification for the offense that is being used to establish the parameters of the disposition on the left column of the disposition chart.

### **3. Determine delinquency history level, by calculating points of prior adjudications and determining if the offense being used to establish the disposition parameters occurred while the juvenile was on probation. [7B-2507 (a) (4)]**

- **Definition of Prior Adjudication:** Any adjudication that occurred before the current date of disposition that is not the adjudication that is being used to establish the parameters of the disposition and is not an offense that was adjudicated on the same day

as the offense that is being used to establish the parameters of the disposition. {Based on 15A-1340.11(7)}

- For counting points of prior adjudications, if a juvenile was adjudicated delinquent for more than one offense in a single session of district court, only the adjudication for the offense with the highest point total is used.
- Statute sets out rules for prior adjudications from other jurisdictions [7B-2507(e)] and rules for proof of prior adjudications [7B-2507(f)].
- **Points**
  - Each prior A-E felony 4 points
  - Each prior F-I felony or A-1 misdemeanor 2 points
  - Each prior 1-3 misdemeanor 1 points
  - If the juvenile was on **probation** at the time of the offense that is being used to establish the parameters of the disposition 2 points
- **History levels**
  - Low 0-1 point
  - Medium 2-3 points
  - High 4+ points
- **Disposition/History level exceptions/ rules**
  - Court may impose a Level 3 disposition if the juvenile has previously received a Level 3 disposition in a prior juvenile action. [7B-2508(d)]
  - Court may impose a Level 2 disposition rather than a Level 3 disposition if the court submits written findings of extraordinary needs on the part of the juvenile. [7B-2508(e)]
  - A juvenile adjudicated for a minor offense may be committed to a Level 3 disposition if the juvenile has been adjudicated of four or more prior offenses. For the purpose of determining prior offenses under this subsection, each successive offense is one that was committed after adjudication of the preceding offense. [7B-2508 (g)]\*\*\*
  - Consolidate the multiple offenses adjudicated in one court session for one disposition, using the most serious offense. [7B-2508(h)]

**4. Find Cell on the Chart**

- Find the classification for the offense being used to establish the parameters for the disposition on the column on the left of the chart.
- Find the number of points on the row across the top of the chart
- Find the cell on the on the row for the offense classification that is in the column under the number of determined points.

Offense	Delinquency History		
	Low (0-1 pt.)	Medium (2-3 pts)	High (4 + pts.)
<b>Violent</b>	Level 2 or 3	Level 3	Level 3
<b>Serious</b>	Level 1 or 2	Level 2	Level 2 or 3
<b>Minor</b>	Level 1	Level 1 or 2	Level 2

**5. Consider risk assessment and needs assessment and consider dispositional options.**

### **Avoid common mistakes:**

- To determine disposition options and adequately count points, the following data is required: Each offense adjudicated with its classification, the date each offense was committed, the date each offense was adjudicated, date of disposition for each offense and the level of disposition for the at prior dispositions.
- Only add 2 points if the offense that is being used to establish the disposition parameters occurred while the juvenile was on probation. Do not add 2 points if an offense that is a “prior adjudication” occurred while the juvenile was on probation.
- A violation of probation does not have to be charged to count the 2 points for the offense occurring while the juvenile is on probation. **NOTE NEW INFORMATION:** We may get different direction on this point because of case law, but at this time, a violation is not required. Some judges suggest that when a complaint is drafted for an offense that is alleged to have occurred while the juvenile was on probation, that at the bottom of the complaint, it should be stated, “The offense was committed while the juvenile was on probation.” The inclusion of that element gives the juvenile the ability to challenge the point and allows the court to find the allegation to be true and to add the 2 points at disposition.
- Do not add 2 points if the offense that is being used to establish the disposition parameters occurred while the juvenile was on protective supervision or post release supervision.
- Each time there is a disposition for an offense, start over counting points. Do not pick up from the last calculation.
- Points are not counted when the disposition is being based on a motion for review alleging either violation of probation or violation of post release supervision. The dispositional options are different for those dispositions.
- If the offense that is being used to establish the disposition parameters was adjudicated on a day other than the date of disposition, do not give the offense points as a “prior adjudication.” It is the offense that is being charted.
- Example: An offense adjudicated last month is set for disposition for today and on today there is an adjudication for another offense. Both offenses are set for disposition today. If the offense that is adjudicated today were used to establish the disposition parameters, the offense that was adjudicated last month would be a prior offense for the purpose of counting points. If the offense that was adjudicated last month is used to determine the parameters of the disposition, the offense that is adjudicated today is not counted as a “prior adjudication.” (See definition of prior adjudication above.)

\*\*\* Note of interest: The subsection of the code that allows for a juvenile adjudicated of a minor offense to be committed if the juvenile has been adjudicated for four or more “prior offenses” defines “prior offenses” for that subsection of the code. A “prior adjudication” for the purpose of counting points is different from the “prior offense” that is defined in the subsection regarding commitment for a minor offense.

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