

CRITICAL QUESTIONS ABOUT DISPOSITIONAL ALTERNATIVES (N.C.G.S. § 7B-2506)

Question for all alternatives: Will it actually promote public safety and rehabilitate the client, or is the alternative just boilerplate/generic and/or selected because it's less expensive?

Curfew

- Is the client's house safe at night? (abuse/neglect, intimate partner violence, retaliation possibility from victim)
- Does the client have school, employment, or extracurricular activities during evenings?

Cooperate with community-based program

- Does the client have reliable transportation to the program?
- Can the client afford the program?
- Is the program effective?
- Are there alternatives that would better meet the client's needs?

No driver's license

- Does the client need the license for school, employment, or transporting family?
- Is obtaining a driver's license part of the transition services in the client's IEP?

Victim-offender reconciliation program

- Is a program available to the client?
- Does the client have reliable transportation to the program?
- Can the client or her family afford the program?
- Is the program effective?
- Will the client violate an order to not associate with the victim if they both attend the program?

Not associate with specified persons

- Is association inevitable because of living proximity or attending the same school?
- Is the proscription too vague, e.g., "no known gang members"?

Not be in specified places

- Is compliance impossible or unduly burdensome because the place is the client's home, school, place of worship, etc.?

Probation

- Is the client capable of complying with all of the terms?
 - E.g., A client suspended from school cannot attend school regularly
 - E.g., A client with a disability or who struggles in school and does not receive adequate educational supports may not be able to pass all of her classes
 - E.g., A client who lives with the co-defendant or victim will not be able to not associate with that person
 - E.g., A client may not be able to participate in substance abuse treatment if her family is poor and does not have insurance
- Do any of the terms impermissibly delegate authority to court counselors?
 - In re Hartsock, In re SRS: Court must set terms of probation

Supervised day program

- Is a program available to the client?
- Does the client have reliable transportation to the program?
- Can the client or her family afford the program?
- Is the program effective?
- Will the program treat the client well?
- Will the client violate an order to not associate with the victim if they both attend the program?

Training program

- Is a program available to the client?
- Does the client have reliable transportation to the program?
- Can the client or her family afford the program?
- Is the program effective?
- Will the client violate an order to not associate with the victim if they both attend the program?

House arrest

- Is the house safe?
- Is there a custody agreement in place that requires the client to spend time in different homes?
- Does the student need to leave for work, school, or other positive, rehabilitative services?

Restitution/Fine

- Is payback program available, and how will family comply?

Community service

- Are there community service programs available to the client?
- Does the client have transportation to and from the service?

Placement in:

- **Residential treatment facility**
 - **Non-residential treatment program**
 - **Substance abuse program**
 - **Group home**
 - **Detention facility**
 - **Youth development center**
 - **Wilderness program**
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- Does the placement have the services available to meet the client's educational, emotional/psychological, and physical needs of the client?
 - Will the client's family be able to visit the client?
 - Does the placement have a record of mistreatment or ineffectiveness?

In the case of any juvenile who needs more adequate care or supervision or who needs placement:

- **Supervision by DSS**
 - **Placement with DSS**
 - **Placement with relative, private agency, or other suitable person**
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- Does the placement have the services available to meet the client's educational, emotional/psychological, and physical needs of the client?
 - Will the client's family be able to visit the client?