

Overview of Delinquency Court in North Carolina



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Juvenile court is not just a criminal court for young people.

- What is it?
- How does it differ from criminal court?
- Why do we have it?



Early judicial practices followed English common law:

- For the most part, children were treated like adults.
- up to age 7 – conclusive presumption that child incapable of criminal intent
- age 7 to 14 – rebuttable presumption that child incapable of criminal intent
- over age 14 – always prosecuted and punished as adult



Legislation in early 1900s

- Stonewall Jackson Manual Training and Industrial School
- special jurisdiction for “delinquent” and “dependent” children under 18 (then 16)
- separate juvenile probation and detention
- first Juvenile Court Act (1919)



1919 Juvenile Court Act applied to children who were

- delinquent
- neglected
- dependent
- truant
- unruly
- wayward
- abandoned
- misdirected
- disobedient to parents or beyond their control
- destitute or homeless
- in danger of becoming so

1919 to 1969

Parens Patriae Ruled

- laws held constitutional
- juveniles viewed as wards of state
- these are “civil,” not “criminal,” cases
- benevolent purposes used to justify informality and broad judicial discretion
- lawyers rarely involved

Emergence of Juvenile Rights in Delinquency Cases

U.S. Supreme Court

- 1966 Kent v. U.S.
- 1967 In re Gault
- 1970 In re Winship



established juveniles' constitutional due process rights

How are juvenile & criminal courts alike?

- generally they deal with the same acts
 - there are not ‘adult crimes’ and ‘juvenile crimes’
- exceptions
 - indecent liberties between children, GS 14-202.2
 - indirect contempt by a juvenile, GS 5A-31 and GS 7B-1501(7)



How are juvenile & criminal courts alike?

- same rules of evidence & burden of proof
- juveniles have *most* of the same rights that criminal defendants have
 - exceptions
 - self-representation
 - bail
 - jury trial
 - grand jury



How is juvenile court different from criminal court?

- jurisdiction
- participants
- procedures
- outcomes
- purposes
- language / terminology

before court; court; after court



JURISDICTION

- * initial
- * continuing or dispositional
- * extended



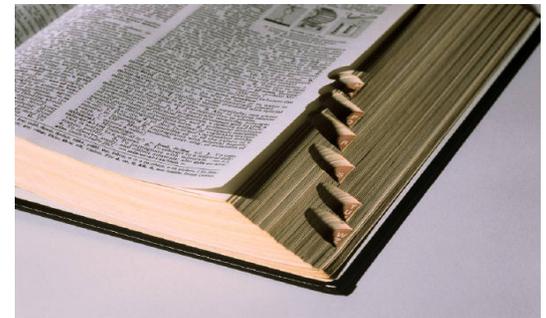
Jurisdiction Based on Age

“juvenile”

- under age 18 and not married, emancipated, or in the armed services

“delinquent juvenile”

- a juvenile who commits
 - a crime,
 - an infraction, or
 - indirect contempt by a juvenilewhen at least 6 and not yet 16



Initial jurisdiction

- depends on age at time of offense
- requires offense committed by “juvenile” while at least 6 and not yet 16 (unless previously convicted as adult)
- exists even if the juvenile is emancipated after the offense
- lasts indefinitely for felonies committed while 13, 14, or 15



When

1. felony is committed before age 16, and
2. a juvenile proceeding is not begun or is not completed before age 18,

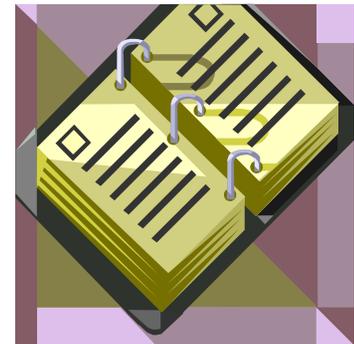
then

- juvenile court has initial jurisdiction, but only to determine probable cause and
 - transfer to superior court or
 - dismiss



Continuing or dispositional jurisdiction lasts

- to age 18; or
- to age 19, if extended by court; or
- to age 21, if extended by court; or
- until terminated by court order before the maximum age



Court may extend jurisdiction

- to age 19, if juvenile is committed to YDC for B1-E felony
- to age 21, if juvenile is committed to YDC for first-degree murder, rape, or sex offense



Extended jurisdiction

- is never automatic
- cannot be ordered at disposition
- requires written plan for further treatment from DJJDP
- requires notice and opportunity for a court hearing



Court has jurisdiction over parents and may

- hold parent in contempt
- order parent to
 - participate in juvenile's treatment
 - obtain treatment
 - attend parenting classes
 - pay child support and attorney fees



PARTICIPANTS AND ROLES



Key participants

- district court judges
- attorneys
- juvenile court counselors
- law enforcement
- juvenile clerks
- service providers
- juveniles
- parents



Juvenile court counselors

- receive & screen complaints
- approve petitions for filing
- may divert cases unless “nondivertible”
- make disposition recommendations
- work with juveniles on probation and post-release supervision
- initiate violation/review hearings



PROCEDURE



Juvenile Code addresses

- law enforcement procedures
- complaints, intake, screening, diversion
- detention – secure custody
- discovery
- consequences/dispositions
- commitments
- post-disposition



Hearings

- first appearance – all felonies
- secure or nonsecure custody hearings
- probable cause – felony at 13, 14, or 15
- transfer hearing
- **adjudication hearing**
- **disposition hearing**
- community commitment
- probation or post-release supervision violation
- extended commitment hearing
- review hearing: 7B-2503(1)c. and 7B-2600

In all hearings the judge may exclude the public, but

- only for good cause,
- only if juvenile does not ask for an open hearing, and
- only after considering factors set out in statute



Outcomes



Disposition

A **plan** selected by the court for an individual juvenile, designed to

1. hold the juvenile accountable,
2. protect the public, and
3. address the juvenile's rehabilitative and treatment needs



- Disposition may include requirements placed on the juvenile's parent(s)
- Dispositions may be reviewed and modified



Faulty Assumptions



- a juvenile record can always be expunged
- a juvenile record cannot be used against a juvenile in a later adult criminal case
- consequences are always more severe in the adult system than in juvenile court
- when a juvenile is committed, the judge decides the length of the commitment
- everything in juvenile court is confidential

Purposes



The primary goals of juvenile proceedings are

- protect the public
- help juveniles become nonoffending, responsible, and productive members of the community



In re Allison, 143 N.C. App. 586 (2001)

- Purpose of juvenile law is not punishment of offenders but salvation of children.
- Juveniles need supervision and control due to their inability to protect themselves.
- The juvenile code treats delinquent children not as criminals, but as wards and undertakes to give them the control and environment that may lead to their reformation and enable them to become law-abiding and useful citizens.

Language



The special language of juvenile court serves to remind all key participants and the public

1. that this is not just another version of criminal court, and
2. of the goals these proceedings should be trying to achieve

