

Public Laws of North Carolina, Session 1915, Chapter 222

AN ACT TO PROVIDE FOR THE RECLAMATION AND TRAINING OF JUVENILE DELINQUENTS, YOUTHFUL VIOLATORS OF THE LAW, THEIR PROPER CUSTODY AND THE PROBATION SYSTEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That this act shall apply to children eighteen years of age and under, except in extreme and criminal cases as is hereinafter provided.

(a) A child shall be known as a juvenile delinquent when he violates any municipal or State law, or when, not being a law violator, he is wayward, unruly and misdirected, or when he is disobedient to parents and beyond their control, or whose conduct and environment seem to point to a criminal career.

(b) A child shall be known as a dependent child when, for any reason, he is destitute or homeless or abandoned, and in such an evil environment that he is likely to develop into criminal practices unless he be removed therefrom and properly directed and trained.

SEC. 2. The recorders' courts, where they have been created, and like courts in other cities where recorders' courts have not been established by law, and also superior courts, shall have jurisdiction in all cases coming within the terms of this act. Any child eighteen years of age, or under, may be arrested, but without imprisonment with hardened criminals and brought before any of these courts to be tried and dealt with as hereinafter prescribed.

When a child has been known to be a repeated offender against the law, incorrigible, and whose freedom in society is thought by the judge adjudicating his case to be a menace to society, may be disposed of according to the discretion of the court.

It shall be the duty of the court, after consultation with proper persons, to appoint either some volunteer or paid probation officer who shall have charge of the delinquent or dependent children brought before the court.

On the affidavit or oral testimony of any parent, guardian or other person controlling a child, or any other reputable person, who knows the child's condition and needs, the recorder or judge may order such child brought before any of the courts herein given jurisdiction over such children, and declare such child a delinquent child or dependent child, as the case may be, though such child may not be a violator of the law in order that the child may be brought under the beneficent influence of the court, and committed according to the court's discretion.

It shall be the duty of the court, or courts in their discretion, to suspend sentence when the child is found guilty and place him on probation for a specified period, three, six or twelve months, or longer, as the court may think best; and shall require both the probation officer having the moral control of such child remaining under the jurisdiction of the court to appear with child in question from time to time and at the termination of the probation period fixed by the court,

and report as to his progress and general condition. The court may dismiss the case, if satisfied, or place the child again on probation, or commit him to some suitable county or State training school, or a proper private home; when the probation officer appointed by the court has failed to reclaim such child. When a court commits a child to any of the aforementioned institutions, or to any private home or charitable organization, the court shall have the power to modify or reverse such order and recall the child at its discretion, or to place the child, if his physical condition seems to require it, in some hospital or sanatorium where the child can be replaced.

SEC. 3. After the court having jurisdiction of the child or children defined in this act, has seen the necessity of having one or more probation officers to seek to guide and train the child aright, it shall appoint the best person obtainable in the community who is willing to serve in this capacity and shall suggest to the county commissioners that such probation officer be paid whatever amount is deemed advisable and just by the court, especially when no suitable volunteer probation officer can be secured, and the board of commissioners of any county are hereby empowered in their discretion to make the necessary appropriation to carry this section into effect.

SEC. 4. It shall be the duty of the court herein given jurisdiction over such children as are described in this act to hold as far as practicable separate trials for the children, and if possible in a private office removed from all criminal features and surroundings, and also to keep and have kept what shall be known as the "Juvenile Record" which shall contain the names, ages, sexes, race, residence, if known, the offenses committed by the child, and his progress or reformation within the period of the probation fixed by the court, and the final disposition of the child.

SEC. 5. No court or justice of the peace, or sheriff or arresting officer shall commit to the prison and incarcerate any child fourteen years of age, and under, in any jail or prison enclosure where the child will be the companion of older and more hardened criminals, except where the charge is for a capital or other felony, or where the child is a known incorrigible or habitual offender. The court, the sheriff, police officer or probation officer, or other person who shall be responsible for the appearance of the child until his case is disposed of before the court, may place such child in some suitable place or detention home, or in the temporary custody of any responsible person who will give bail or become responsible for his appearance at court.

SEC. 6. Any parent or guardian, or person controlling or employing any child defined herein who shall knowingly cause or permit such child to become delinquent as hereinbefore defined shall be guilty of a misdemeanor.

SEC. 7. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 9<sup>th</sup> day of March 1915.