



Juvenile Minimum Age & Other Raise the Age Changes (S207 Overview)

Juvenile Jurisdiction Advisory Committee
October 29, 2021



S207 Overview

- Minimum Age of Juvenile Jurisdiction
- Extended Commitment for 16- and 17-year-olds
- Secure Custody Orders
- Housing of Transfer Youth
- Prosecutorial Discretion in Transfer Decisions
- Mental Health Assessments



Effective Dates

- S207 is effective December 1, 2021, for “*offenses committed*” on or after that date.
- Except for changes to juvenile court mental health assessments (G.S. 7B-2502), which are effective December 1, 2021, for “*petitions filed*” on or after that date.



Minimum Age of Jurisdiction



Minimum Age Increase

For “*offenses committed*” on or after December 1, 2021, the minimum age of juvenile jurisdiction is increased from age 6 to 10, with some exceptions.

Undisciplined Offenses

- Age 10 = All offenses

Delinquent Offenses

- Age 10
- Except for 8- and 9-year-olds who:
 - Commit a Class A-G felony, or
 - Have a prior adjudication of delinquency



Vulnerable Juveniles

- New category defined by G.S. 7B-1501(27b)
- Includes any juvenile who is:
 - At least 6 but less than 10;
 - Who commits a crime or infraction under State law; and
 - Is not a delinquent juvenile.



Juvenile Consultation

- Defined by G.S. 7B-1501(1a) and G.S. 143B-805(1a)
- Juvenile consultations may be provided to “vulnerable juveniles” and their parent(s), guardian(s), or custodian(s).
- Services are completely voluntary because court has no jurisdiction.
- Case management can be provided for up to 6 months, with a possible 3-month extension.



Vulnerable Juvenile Complaints

- G.S. 7B-1700 requires the chief court counselor to:

Establish intake services in each judicial district for all complaints against vulnerable juveniles.



VJC Intake Process

Complaint submitted to juvenile justice – G.S. 7B-1700

Preliminary Inquiry – G.S. 7B-1701(b)

- Is the child a “vulnerable juvenile” or within court’s jurisdiction as delinquent juvenile?
- If child is a vulnerable juvenile, JCC must handle as a juvenile consultation.

Evaluation Decision – G.S. 7B-1703(a)

- Up to 30 days max, with extension from CCC.

Victim Notification – G.S. 7B-1703(c)

- Required only if JCC determines not to handle complaint as juvenile consultation

Juvenile Consultation Services – G.S. 7B-1706.1

- Up to 6 months, with possible 3-month extension



Authority Over Parents

- Procedures outlined in new Article 27A of the Juvenile Code
- In general:
 - Parents must attend all meetings with JCC, if sufficient notice provided.
 - JCC can recommend parental responsibility classes, if available.
 - JCC must work with parents to obtain recommended evaluation and/or treatment for the juvenile and/or parent.
 - If recommended by provider, can advise parent to be directly involved in juvenile's treatment, if in juvenile's best interests.
 - JCC must help parent find a means to pay for treatment.
 - Can help apply for Health Choice and/or Medicaid
 - If recommended by medical provider, can advise parent to seek funding from JJ or the local LME/MCO

G.S. 7B-2710, -2711, -2712



Transportation for Parents

- To extent they can do so, JCCs may provide transportation for parents to keep appointments or otherwise comply with recommendations.

G.S. 7B-2713



Juvenile and Family Team

- During the juvenile consultation, JCCs must work collaboratively with a “Juvenile and Family Team”
- The team shall consist of:
 - Juvenile’s parent, guardian, or custodian
 - DSS
 - LME/MCO
 - Local education authority
 - All other community agencies involved with juvenile and/or family
- Juvenile and Family Team and all agencies involved with the juvenile must be invited to meetings.

G.S. 7B-2713



Reports to DSS

- The JCC must make a report to DSS if:
 - Parent, guardian, or custodian refuses to follow recommendations of Juvenile and Family team; and
 - This refusal puts juvenile at risk of abuse, neglect, or dependency.
 - G.S. 7B-2713(c)
- “Neglected juvenile” definition now includes a child under 18 whose parent, guardian, or custodian has refused to follow recommendations of the Juvenile and Family Team.
- ❖ Note: All JCCs have a statutory duty to report suspected abuse, neglect, or dependency to DSS under G.S. 7B-1700.1.



CONFIDENTIAL

Juvenile Consultation Records are Confidential

(G.S. 7B-1501(1a))



Extended Commitment of 16- and 17-year-olds



Extended Commitments

Existing Law: Extended commitments only for certain offenses committed under 16 that result in YDC commitment

21

- First-degree murder
- First-degree forcible rape
- First-degree statutory rape
- First-degree forcible sexual offense
- First-degree statutory sexual offense

19

- All other B1 – E felonies



Extended Commitments

New Law: Extended commitments for offenses committed by 16- and 17-year-olds

Age at offense	Offense type	Commitment to age
Any	first degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sexual offense, or first-degree statutory sexual offense	21
Under 16	Other B1 - E	19
16	Other B1 - E	20
17	Other B1 - E	21

G.S. 7B-1602, -2513(a2)-(a3)



Post-Release Supervision

- A juvenile must be released from YDC under a PRS plan at least 90 days prior to the end of court's jurisdiction.
- If PRS plan is revoked, the maximum term of commitment shall not exceed the terms provided for in G.S. 7B-2513.

G.S. 7B-2514(c), -2516(c)



Authority to Modify or Vacate

- The court's authority to modify or vacate a disposition order continues until jurisdiction ends.

G.S. 7B-2600



Secure Custody Changes & Juvenile Transfer Housing

Juvenile Transfer Housing

- **Current law:** JJ must “immediately transfer” youth to Adult Correction following conviction in superior court.
- **New law:** Transfer youth may remain confined in juvenile detention following conviction, pending transfer to adult facility.





Secure Custody Upon Remand

- If a case is “remanded” to juvenile court by the superior court, any custody order in the criminal case becomes invalid.
- S207 clarifies that a superior court judge may enter a secure custody order upon remand, if criteria in G.S. 7B-1903 are met.
 - G.S. 7A-271, G.S. 7B-1902, and G.S. 7B-2200.5(d)
- If secure custody is ordered:
 - initial review hearing must be held w/n 10 calendar days
 - subsequent hearings required every 30 days, unless waived
 - G.S. 7B-1906(b2)



Notice of Remand / Secure Custody

- Prosecutors must provide a copy of a motion to remand to the JCC prior to submitting the motion to the superior court.
- If the court orders secure custody upon remand, the prosecutor must provide a copy of the order to the JCC:
 - “as soon as possible”
 - But, no later than 24 hours after issuance

G.S. 7B-2200.5(d)



Prosecutorial Discretion for Class D, E, F, and G felonies



Transfer to Superior Court

Current Law:

- If 16 or 17 at the time youth commits any Class A-G felony, transfer is required after:
 - Indictment by prosecutor or
 - Finding of PC after notice/hearing

New Law:

- The prosecutor may decline to transfer if the offense is a Class D, E, F, or G felony.



Prosecutorial Discretion

- If prosecutor declines to transfer a Class D, E, F, or G felony, the case remains in juvenile court following a finding of probable cause.
- However, the prosecutor retains discretion to transfer the case to superior court anytime prior to adjudication.

G.S. 7B-2200.5(a1)



Mental Health Assessments



Comprehensive Clinical Assessment (CCA)

- Applies to “*petitions filed*” on or after December 1, 2021.
- The court must order a CCA or equivalent evaluation whenever a juvenile:
 - Has been adjudicated delinquent, and
 - Has a suspected mental illness, developmental disability, or intellectual disability; unless
 - The court finds that an appropriate assessment was completed w/n 45 days before adjudication.

G.S. 7B-2502(a2)



Care Review Team

- If an assessment is ordered, court must review it before disposition.
- The court must order JJ to convene a Care Review Team if, the court finds that:
 - Juvenile has a severe emotional disturbance, a developmental disability, or intellectual disability *that substantially contributed to the delinquent behavior*; and
 - The juvenile is eligible for a Level 3 disposition and/or is recommended for a PRTF.

G.S. 7B-2502(a3)



Care Review Team (cont.)

- The team must include (at a minimum):
 - Juvenile
 - Juvenile's parent, guardian, or custodian
 - Representatives of Juvenile Justice Section
 - Representative of LME/MCO or prepaid health plan (PHP)
 - Representatives of any State agency or local DSS currently providing services to juvenile
- Recommendations must be submitted to the court w/n 30 days of court order convening the team.
- Court must review the recommendations when determining the juvenile's disposition.

G.S. 7B-2502(a4)



Evaluation and Treatment

- If juvenile does not have insurance, court must conduct a hearing, and it can order the county to pay, if county has notice and opportunity to be heard.
- Court must allow parent to arrange for evaluation and treatment, but if parent is unwilling, it can order any needed treatment and order the parent to pay.
- The court shall not commit a juvenile directly to a State hospital or developmental center and any orders purporting to do so are void, except for an order requiring an examination to determine capacity to proceed.

G.S. 7B-2502(b), (c1)



Questions?



Thank You!

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