

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1230
HOUSE BILL 2055

AN ACT TO PROVIDE FOR DETENTION OF JUVENILES ON A STATEWIDE BASIS.

Whereas, there are eight juvenile detention homes located in eight urban counties which provide detention of juveniles before or after a juvenile hearing as ordered by the court which vary in suitability of physical facility, adequacy of personnel and program, and quality of care for children held in detention. In the other counties, it is necessary to use local jails when detention of juveniles is required for the protection of the community or the best interest of the child; and

Whereas, the continuing use of jails for detention of children is a problem of serious consequence to the State so that it seems imperative to develop a statewide plan for juvenile detention services; and

Whereas, the National Juvenile Detention Association completed a study of juvenile detention in North Carolina during 1972 and published a written report of this study in January, 1973, which is entitled Juvenile Detention in North Carolina: A Study Report. This report identifies the problems and recommends a regional approach to the problems of juvenile detention within the State; and

Whereas, the purpose of this legislation is to provide a legal structure for implementation of the recommendations of this report; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 134 is amended by adding Article 6 to read as follows:

"Article 6

"Detention Services

"§ 134-35. **Legislative intent and purpose.** — The General Assembly hereby declares its intent and legislative policy with respect to detention of children alleged to be within the juvenile jurisdiction of the district court as delinquent or undisciplined: The General Assembly intends that the State-level 348 responsibility for juvenile detention services shall be divided between two State agencies as follows: The Department of Human Resources shall continue to provide the services outlined in Part 3, Article 3, General Statutes Chapter 108 and Article 10, General Statutes Chapter 153A, in relation to juvenile detention homes, including development of State standards, inspections, consultation, technical assistance and training so that the providers of juvenile detention care will be subject to inspection by a separate agency. The State Department of Youth Development shall be responsible for development and administration of the regional detention homes as recommended in the Report and for coordination of regional detention services through existing county detention homes. Further, the General Assembly intends that both State agencies shall have some administrative flexibility in implementation of the Report so as to allow appropriate time for planning and to operate within available funds from State and other sources.

"§ 134-36. **Definitions.** — The following terms or phrases shall be defined as follows in this Article unless the context or subject matter otherwise requires:

- (1) 'Juvenile detention' refers to detention of a child alleged to be undisciplined or delinquent before or after a juvenile hearing as authorized by G.S. 7A-286(3).
- (2) 'County detention home' means one of the existing county-supported detention homes for juveniles or one which may be established by a county or other unit of local government in the future.
- (3) 'Regional detention home' means a State -supported and administered regional facility providing detention care as recommended by the report.
- (4) 'Holdover facility' means a place approved by the Department of Human Resources for detention of juveniles for not more than 72 hours prior to placement in an approved detention home.
- (5) 'Report' means the report of the National Juvenile Detention Association entitled Juvenile Detention in North Carolina: A Study Report, released in January, 1973.
- (6) 'Department' means the State Department of Youth Development as provided for in General Statutes Chapter 134 or any department of State government to which responsibility for operation of institutions for committed delinquent youth may be assigned by legislation relating to State government organization.

"§ 134-37. Regional detention services. — The Department shall establish a unit for juvenile detention services within the Department which shall be responsible for the development of a statewide plan for regional juvenile detention services as recommended by the Report which will offer juvenile detention care of sufficient quality to meet State standards to any child requiring juvenile detention care within the State in a county detention home or a regional detention home by January 1, 1979, as follows:

- (1) The Department shall plan with the counties operating a county detention home to provide regional juvenile detention services to surrounding counties as recommended by the Report, except that the Department shall have some discretion in defining the geographical boundaries of the regions based on negotiations with affected counties, distances, availability of juvenile detention care that meets State standards, and other appropriate variable factors.
- (2) The Department shall plan for and administer five or more regional detention homes as recommended in the Report, including careful planning on location, architectural design, construction, and administration of a program to meet the needs of children in juvenile detention care. Both the physical facility and the program of a regional detention home shall comply with State standards.

"§ 134-38. State subsidy to county detention homes. — The Department shall develop a State subsidy program to pay a county detention home which provides regional juvenile detention services and meets State standards a certain portion of its operating costs and its per capita daily cost per child for any child cared for from another county as recommended in the Report. In general, this subsidy should be fifty percent (50%) of the operating costs of a county detention home and one hundred percent (100%) of the per capita daily cost of caring for a child from another county; any county placing a child in the county detention home of another county providing regional juvenile detention services or a regional detention home should pay fifty percent (50%) of the per capita daily cost of caring for the child to the Department. The exact funding formulas may be varied by the Department to operate within existing State appropriations or other funds that may be available to pay for juvenile detention care.

"§ 134-39. **Authority for implementation.** — In order to allow for effective implementation of a statewide regional approach to juvenile detention, the Department shall have legal authority to do the following:

- (1) To make rules and regulations necessary to fulfill its responsibilities under this Article;
- (2) To plan with counties operating county detention homes to provide regional services and to upgrade physical facilities as recommended in the Report, to contract with counties for services and care, and to pay State subsidies to counties providing regional juvenile detention services that meet State standards;
- (3) To develop one or more pilot programs to demonstrate quality juvenile detention care on a regional basis that meet State standards;
- (4) To develop a plan whereby law enforcement officers, court personnel or other appropriate employees of local government shall be reimbursed by the State for the costs of transportation of a child to and from any juvenile detention facility;
- (5) To seek funding for juvenile detention services from federal sources, and to accept gifts of funds from public or private sources; and
- (6) To transfer State funds appropriated for institutional programs or other services to develop a pilot program of juvenile detention care, to purchase detention care in a county detention home which meets State standards, or to operate a regional detention home."

Sec. 2. G.S. Chapter 153A is amended by adding G.S. 153A-221.1 to read as follows:

"§ 153A-221.1. **Standards and inspections.** — The legal responsibility of the Secretary of Human Resources and the Social Services Commission for State services to county juvenile detention homes under this Article is hereby confirmed and shall include the following: development of State standards under the prescribed procedures; inspection; consultation; technical assistance; and training. Further, the legal responsibility of the Department of Human Resources is hereby expanded to give said Department the same legal responsibility as to the State-administered regional detention homes which shall be developed by the State Department of Youth Development as provided by G.S. 134-37.

The Secretary of Human Resources shall develop new standards which shall be applicable to county detention homes and regional detention homes as defined by G.S. 134-36 in line with the recommendations of the report entitled *Juvenile Detention in North Carolina: A Study Report* (January, 1973) where practicable, and such new standards shall become effective not later than July 1, 1977.

The Secretary of Human Resources shall also develop standards under which a local jail may be approved as a holdover facility for not more than 72 hours pending placement in a juvenile detention home which meets State standards, providing the local jail is so arranged that any child placed in the holdover facility cannot converse with, see, or be seen by the adult population of the jail while in the holdover facility. The personnel responsible for the administration of a jail with an approved holdover facility shall provide close supervision of any child placed in the holdover facility for the protection of the child."

Sec. 3. G.S. 110-24 is rewritten to read as follows:

"§ 110-24. **Requirements for lawful juvenile detention.** — It shall be unlawful for any child coming within the provisions of Article 23 of General Statutes Chapter 7A to be placed in any jail, prison or other penal institution where such child will come into contact with adults charged with or convicted of crimes, except that a court may detain a child in a jail with a holdover facility for juveniles approved by the Department of Human Resources as meeting the

State standards as provided by Part 3, Article 3, General Statutes Chapter 108 and Article 10, General Statutes Chapter 153 A.

Children who are alleged or adjudicated to be delinquent or undisciplined as defined by Article 23, General Statutes Chapter 7A, and who require secure custody for the protection of the community or in the best interest of the child may be temporarily detained in a county detention home or a regional detention home as defined by G.S. 134-36 which shall be separate from any jail, lockup, prison, or other adult penal institution. It shall be unlawful for a county or any unit of government to operate a juvenile detention home unless the facility meets the State standards of the Department of Human Resources.

A juvenile detention facility shall be located in a building designed to provide secure custody which meets State standards and shall have such personnel as may be necessary to provide for the supervision and safety of the children being detained. A juvenile detention home shall provide a program for children detained therein which meets the standards of the Department of Human Resources, and such program shall be designed to provide wholesome activities in the best interest of the children placed therein."

Sec. 4. This act shall become effective July 1, 1975.

In the General Assembly read three times and ratified, this the 9th day of April, 1974.