

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1339
HOUSE BILL 1349

AN ACT TO PROVIDE FOR A UNIFORM STATEWIDE SYSTEM OF JUVENILE PROBATION AND AFTERCARE IN THE ADMINISTRATIVE OFFICE OF THE COURTS AND TO AUTHORIZE AN INTAKE PROCESS FOR NONJUDICIAL DISPOSITION OF COMPLAINTS IN JUVENILE MATTERS WHERE APPROPRIATE.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 7A is hereby amended by adding Article 24 to read as follows:

"Article 24.

"Juvenile Services.

"§ 7A-289.1. **Purpose.** — The purpose of this Article is to provide for a statewide and uniform system of juvenile probation and aftercare which provides adequate and appropriate services to certain children who are found to be within the juvenile jurisdiction of the district court and to authorize an intake process for diversion of selected juvenile offenders from the juvenile justice system.

"§ 7A-289.2. **Definitions.** — The terms or phrases used in this Article shall be defined according to the definitions contained in G.S. 7A-278 and as follows, unless the context or subject matter otherwise requires:

- (1) 'Probation' means the legal status of a child who is delinquent or undisciplined and is placed on probation as authorized by G.S. 7A-286(4) under conditions of probation related to the needs of the child as authorized by G.S. 110-22.
- (2) 'Aftercare' means the legal status of a child who has been committed by the court to the Office of Youth Development, Department of Social Rehabilitation and Control for placement by said agency in one or more of its institutions or programs and who is being granted conditional release to return to the community as authorized by G.S. 134-17.
- (3) 'Chief Court Counselor' is the professional person responsible for administration and supervision of juvenile probation and aftercare in each judicial district under the supervision of the court and the Administrator for Juvenile Services.
- (4) 'Court Counselor' is a professional person responsible for juvenile probation and aftercare services to children on probation or on conditional release from the Office of Youth Development, Department of Social Rehabilitation and Control under the supervision of the chief court counselor.
- (5) 'Administrator' is the Administrator for Juvenile Services in the Administrative Office of the Courts who is responsible for planning, organizing and administering a statewide system of juvenile probation and aftercare services as authorized by this Article.
- (6) 'Division' is the Division of Juvenile Services to administer juvenile probation and aftercare services to juveniles as authorized by this Article.
- (7) 'Director' is the Director of the Administrative Office of the Courts.

"§ 7A-289.3. **Division of Juvenile Services.** — A Division of Juvenile Services is hereby created within the Administrative Office of the Courts to be responsible for administration of a statewide and uniform system of juvenile probation and aftercare services in all judicial districts of the State. The administrative head of the Division shall be the Administrator for Juvenile Services who shall be appointed by the Director. The Administrator shall be responsible for planning, organizing and administering juvenile probation and aftercare services on a statewide basis to the end that juvenile services will be uniform throughout the State and of sufficient quality to meet the needs of the children under supervision.

"§ 7A-289.4. **Duties and Powers of Administrator.** — The Administrator shall have the following powers and duties under the supervision of the Director:

- (1) To plan for a statewide program of juvenile probation and aftercare services;
- (2) To appoint such personnel within the Administrative Office of the Courts as may be necessary to administer a statewide and uniform system of juvenile probation and aftercare;
- (3) To appoint the chief court counselor in each judicial district with the approval of the chief district judge and the Director;
- (4) To study the various issues related to qualifications, salary ranges, appointment of personnel on a merit basis (including chief court counselors, court counselors, secretaries and other appropriate personnel) at the State and district levels in order to recommend appropriate policies and procedures governing personnel to the Director who may adopt such personnel policies as he finds to be in the best interest of the juvenile services program;
- (5) To develop a statewide plan for staff development and training so that chief court counselors, court counselors and other personnel responsible for juvenile services may be appropriately trained and qualified; such plan may include attendance at appropriate professional meetings and opportunities for educational leave for academic study;
- (6) To develop, promulgate and enforce such policies, procedures, rules and regulations as he may find necessary and appropriate to implement a statewide and uniform program of juvenile probation and aftercare services.

"§ 7A-289.5. **Duties and powers of chief court counselors.** — The chief court counselor in each judicial district who is appointed as provided by this Article shall have the following powers and duties:

- (1) To appoint such court counselors, secretaries and other personnel as may be authorized by the Administrative Office of the Courts with the approval of the Administrator in accordance with the personnel policies adopted by the Director;
- (2) To supervise and direct the program of juvenile probation and aftercare services within the district under the supervision of the court and the Administrator according to the statewide practices and procedures promulgated by the Administrator.
- (3) To provide inservice training for staff as required by the Administrator.
- (4) To keep such records and make such reports as may be requested by the Administrator in order to provide statewide data and information about juvenile needs and services.

"§ 7A-289.6. **Duties and powers of court counselors.** — The court counselors in each district shall have the duties and powers of juvenile probation officers as provided by G.S. 110-23 and as follows:

- (1) To conduct a pre-hearing social study of any child alleged to be delinquent or undisciplined if so instructed by the court, provided that no social study shall

be made prior to an adjudication that the child is within the juvenile jurisdiction of the court unless the child and his parent or attorney or guardian or custodian files a written statement with the court counselor declaring the child's intention to admit the allegations contained in the juvenile petition and giving consent to such pre-hearing social study; when such a pre-hearing social study has been completed, the court counselor shall prepare a written report for the court summarizing the findings which may be reviewed by the court prior to the juvenile hearing and which shall contain recommendations as to the type of care and/or treatment needed by the child and which shall be in the form developed by the Administrator for such reports.

- (2) To assist the court in handling cases where a child alleged or adjudicated delinquent or undisciplined needs detention care prior to the juvenile hearing, or after a hearing to determine the need for detention, or pending admission of the child to an institution or other residential program as authorized by G.S. 7A-286(3).
- (3) To bring any child on probation to the attention of the court for review and termination when the child's period of probation is ended as provided by G.S. 110-22; the counselor may also recommend termination of probation prior to the end of the child's period of probation when such a recommendation is merited by the progress and adjustment of the child.
- (4) To assist the court as requested in matters related to children within the juvenile jurisdiction of the court as undisciplined, dependent or neglected or within the Interstate Compact on Juveniles. This provision shall not be construed, however, to deprive the Department of Social Services of the functions assigned to it by law in the area of dependent or neglected children.

"§ 7A-289.7. Intake authorized. — The chief court counselor in each judicial district may establish intake services within his office under the supervision of the Administrator. If intake services are established by the chief court counselor, such services shall be organized as follows:

- (1) All complaints concerning any child alleged to be within the juvenile jurisdiction of the court as undisciplined or delinquent shall be received by personnel designated by the chief court counselor as responsible for intake services. The personnel so assigned shall conduct a preliminary inquiry to determine whether it is in the best interest of the child or the State that a juvenile petition be filed. Such preliminary inquiry may be carried on over a period of 15 days after receipt of the complaint, but the inquiry shall be completed within said 15 days. The personnel conducting such inquiry may hold conferences with the child, his family, the school and other appropriate community resources to adjust the case so that filing a petition will not be necessary.
- (2) If the intake personnel determine that a petition should be filed, the complainant should be notified and assisted with the filing of a juvenile petition with the clerk of superior court.
- (3) If it is determined that a petition should not be filed, the intake personnel shall notify the complainant of this decision and of the complainant's right to have such decision reviewed by a judge of the court. Such intake personnel may refer the case to an appropriate public or private agency with notice to the complainant after which the intake file may be closed, subject to judicial review."

Sec. 2. G.S. 110-21, G.S. 7A-134, G.S. 108-19(8) and G.S. 108-19(9) are hereby repealed.

Sec. 3. This act shall become effective July 1, 1974.

In the General Assembly read three times and ratified, this the 12th day of April, 1974.