

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 469  
HOUSE BILL 753

AN ACT TO MAKE CLARIFYING AND TECHNICAL CHANGES TO THE JUVENILE CODE.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 7A-517(l)(d) is amended by deleting from the second sentence the word "Severe" and by substituting the following word "Serious".

**Sec. 2.** G.S. 7A-517 is amended by inserting between subdivisions (16) and (17) a new subdivision to read:

"(16.1) *In loco parentis*. A person acting in loco parentis means one, other than parents or legal guardian, who has assumed the status and obligation of a parent without being awarded the legal custody of a juvenile by a court."

**Sec. 3.** G.S. 7A-517(19) is rewritten as follows:

"(19) *Judge*. Any district court judge."

**Sec. 4.** G.S. 7A-524 is amended by deleting from the third sentence the phrase "is subject to prosecution" and by substituting the following: "shall be prosecuted".

**Sec. 5.** G.S. 7A-532 is amended by rewriting the third sentence to read:

"The intake process shall include the following steps if practicable:".

**Sec. 6.** G.S. 7A-536 is amended by rewriting the last sentence to read:

"At the conclusion of the review, the prosecution shall: (1) affirm the decision of the intake counselor or direct the filing of a petition and (2) notify the complainant of his action."

**Sec. 7.** G.S. 7A-547 is amended by deleting from the second sentence the phrase "the juvenile," and by substituting the following: "the juvenile, if practicable,".

**Sec. 8.** G.S. 7A-550 is amended by inserting between the word "Article," and the word "testifies" the phrase "cooperates with the county department of social services in any ensuing inquiry or investigation,".

**Sec. 9.** G.S. 7A-560 is amended by rewriting the first paragraph to read as follows:

**§ 7A-560. Petition.** — The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of his parent, guardian, or custodian and shall allege the facts which invoke jurisdiction over the juvenile. Except in cases in which delinquency or undisciplined behavior is alleged, the petition may contain information on more than one juvenile, when the juveniles are from the same home and are before the court for the same reason. In cases of alleged delinquency or undisciplined behavior, the petitions shall be separate."

**Sec. 10.** G.S. 7A-561 is amended by rewriting the first sentence of subsection (c) to read:

"(c) All complaints, and any decision of the intake counselor or of the director of social services not to authorize that a complaint be filed as a petition shall be reviewed by the prosecutor, if review is requested pursuant to G.S. 7A-535 or G.S. 7A-546."

**Sec. 11.** G.S. 7A-561 is amended by deleting in the second sentence of subsection (c) the phrase "with the clerk" and by substituting the following: "by the clerk".

**Sec. 12.** G.S. 7A-630 is amended by deleting the period "." and adding the following: "including detention, probable cause, adjudicatory, dispositional, probation revocation and conditional release hearings."

**Sec. 13.** The second sentence of G.S. 7A-577(a) is rewritten to read:

"In every case in which an order has been entered by an official exercising authority delegated pursuant to G.S. 7A-573, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered if such session precedes the expiration of the five calendar day period: Provided, that if such session does not precede the expiration of the five calendar day period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered."

**Sec. 14.** G.S. 7A-587 is amended by adding a new sentence to the end to read:

"In no case may the judge appoint a county attorney, prosecutor or public defender."

**Sec. 15.** G.S. 7A-609 is amended by adding a new sentence to the end of subsection (a) to read:

"The judge may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted."

**Sec. 16.** G.S. 7A-609(b)(2) is amended by deleting the phrase "may be represented" and substituting the following: "shall be represented".

**Sec. 17.** G.S. 7A-634(a) is amended by deleting from the second sentence the phrase "against the juvenile".

**Sec. 18.** G.S. 7A-640 is amended by adding a new sentence to the end to read:

"The judge may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted."

**Sec. 19.** G.S. 7A-647 is amended by deleting from the clauses preceding subdivision (1) the word "two".

**Sec. 20.** G.S. 7A-649(8) is amended by inserting a new sentence after the first to read:

"In any case where a juvenile is placed on probation, the court counselor shall have the authority to visit the juvenile where he resides."

**Sec. 21.** G.S. 7A-289.2 is amended by deleting the phrase "G.S. 7A-278" from the first clauses preceding subdivision (1) and by substituting the following: "G.S. 7A-517"; and is further amended by deleting in subdivision (2) the phrase "G.S. 134-17." and by substituting the following: "G.S. 7A-655."; and is further amended by deleting in subdivision (7) the phrase "G.S. 7A-286(4)" and by substituting the following: "G.S. 7A-649(8)", and by deleting in the same subdivision (7) the phrase "by G.S. 110-22." and by substituting the following: "in that statute."

**Sec. 22.** G.S. 7A-289.6 is amended by deleting in subdivision (2) the phrase "as authorized by G.S. 7A-286(3)"; and is further amended by deleting in subdivision (3) the phrase "G.S. 110-22;" and substituting the following: "G.S. 7A-658;".

**Sec. 23.** G.S. 7A-289.25 is amended by deleting in subdivision (4) the phrase "G.S. 7A-286(7)." and by substituting the following: "G.S. 7A-585."

**Sec. 24.** G.S. 8-53.1 is amended by deleting the phrase "Child Abuse Reporting Law, Article 8 of Chapter 110" and by inserting the following: "North Carolina Juvenile Code, Subchapter XI of Chapter 7A".

**Sec. 25.** This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 28th day of May, 1981.