

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 590
SENATE BILL 392

AN ACT TO CLARIFY THE AUTHORITY TO ISSUE CUSTODY ORDERS
APPLICABLE TO JUVENILES WITHIN THE JUVENILE JURISDICTION OF
THE DISTRICT COURT AND THE CRITERIA FOR CUSTODY ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-573 is amended by adding the following sentence at the end:

"The authority to issue a nonsecure or secure custody order is limited to a judge or the chief court counselor or his counseling staff when a juvenile is alleged to have committed a delinquent or undisciplined act."

Sec. 2. G.S. 7A-574(a) is amended by rewriting all the language before subdivision (1) to read:

"(a) When a request is made for nonsecure custody, the judge shall first consider release of the juvenile to his parent, relative, guardian, custodian or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and".

Sec. 3. G.S. 7A-574(a) is further amended by adding subdivisions (6) and (7) to the end to read:

- "(6) The juvenile is a runaway and consents to nonsecure custody; or
- (7) The juvenile meets one or more of the criteria for secure custody but the court finds it in the best interest of the juvenile that the juvenile be placed in a nonsecure placement."

Sec. 4. G.S. 7A-574(b) is amended by deleting subdivisions (1) through (9) and by substituting the following:

"(1) That the juvenile is presently charged with a felony, and has demonstrated that he is a danger to property or persons; or

- (2) That the juvenile has willfully failed to appear on a pending delinquency charge or on charges of violation of probation or conditional release, providing the juvenile was properly notified; or
- (3) That a delinquency charge is pending against the juvenile and there is a reasonable cause to believe the juvenile will not appear in court; or
- (4) That the juvenile is an absconder from any State training school or detention facility in this or another state; or
- (5) That there is reasonable cause to believe the juvenile should be detained for his own protection because the juvenile has recently suffered self-inflicted physical injury or recently attempted to do so; in

such case, the juvenile must have been refused admission by one appropriate hospital and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization; if such a juvenile is placed in secure custody, he shall receive continuous supervision while in secure custody and a physician shall be notified immediately; or

- (6) That the juvenile is alleged to be undisciplined by virtue of his being a runaway and is found to be inappropriate for nonsecure custody placement or because he refuses nonsecure custody and the court finds that the juvenile needs secure custody for up to 72 hours to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with his parents; or
- (7) That the juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; such a juvenile shall be brought to court as soon as possible and in no event should be held more than 72 hours."

Sec. 5. G.S. 7A-574(c) is amended by rewriting the second sentence to read:

"The judge may also order secure custody for a juvenile who is alleged to have violated the conditions of his probation or conditional release only if the juvenile is alleged to have committed acts that damage property or injure persons."

Sec. 6. G.S. 7A-574(d) is amended by deleting the first sentence.

Sec. 7. This act shall become effective October 1, 1983.

In the General Assembly read three times and ratified, this the 23rd day of June, 1983.