

## **SUBCHAPTER II. UNDISCIPLINED AND DELINQUENT JUVENILES.**

### **Article 15.**

#### **Purposes; Definitions.**

##### **§ 7B-1500. Purpose.**

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

- (1) To protect the public from acts of delinquency.
- (2) To deter delinquency and crime, including patterns of repeat offending:
  - a. By providing swift, effective dispositions that emphasize the juvenile offender's accountability for the juvenile's actions; and
  - b. By providing appropriate rehabilitative services to juveniles and their families.
- (3) To provide an effective system of intake services for the screening and evaluation of complaints and, in appropriate cases, where court intervention is not necessary to ensure public safety, to refer juveniles to community-based resources.
- (4) To provide uniform procedures that assure fairness and equity; that protect the constitutional rights of juveniles, parents, and victims; and that encourage the court and others involved with juvenile offenders to proceed with all possible speed in making and implementing determinations required by this Subchapter. (1979, c. 815, s. 1; 1987 (Reg. Sess., 1988), c. 1090, s. 1; 1998-202, s. 6.)

##### **§ 7B-1501. Definitions.**

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings. The singular includes the plural, unless otherwise specified:

- (1) Chief court counselor. – The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Division of Juvenile Justice of the Department of Public Safety.
- (2) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy clerk.
- (3) Community-based program. – A program providing nonresidential or residential treatment to a juvenile under the jurisdiction of the juvenile court in the community where the juvenile's family lives. A community-based program may include specialized foster care, family counseling, shelter care, and other appropriate treatment.
- (4) Court. – The district court division of the General Court of Justice.
- (5) Repealed by Session Laws 2001-490, s. 2.1, effective June 30, 2001.
- (6) Custodian. – The person or agency that has been awarded legal custody of a juvenile by a court.
- (7) Delinquent juvenile. –
  - a. Any juvenile who, while less than 16 years of age but at least 10 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.

- b. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding the offenses in sub-sub-subdivisions 1. and 2. of this sub-subdivision, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31. Offenses excluded from the definition of delinquent juvenile when committed while less than 18 years of age but at least 16 years of age include the following:
    - 1. All violations of the motor vehicle laws under Chapter 20 of the General Statutes.
    - 2. Any offense punishable as a Class A, B1, B2, C, D, or E felony if committed by an adult, together with any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that offense, and any greater or lesser included offense of that offense.
  - c. Any juvenile who, while less than 10 years of age but at least 8 years of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State law.
  - d. Any juvenile who, while less than 10 years of age but at least 8 years of age, commits a crime or an infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and has been previously adjudicated delinquent.
- (8) Detention. – The secure confinement of a juvenile under a court order.
- (9) Detention facility. – A facility approved to provide secure confinement and care for juveniles. Detention facilities include both State and locally administered detention homes, centers, and facilities.
- (10) District. – Any district court district as established by G.S. 7A-133.
- (10a) Division. – The Division of Juvenile Justice of the Department of Public Safety created under Article 13 of Chapter 143B of the General Statutes.
- (11) Holdover facility. – A place in a jail which has been approved by the Department of Health and Human Services as meeting the State standards for detention as required in G.S. 153A-221 providing close supervision where the juvenile cannot converse with, see, or be seen by the adult population.
- (12) House arrest. – A requirement that the juvenile remain at the juvenile's residence unless the court or the juvenile court counselor authorizes the juvenile to leave for school, counseling, work, or other similar specific purposes, provided the juvenile is accompanied in transit by a parent, legal guardian, or other person approved by the juvenile court counselor.
- (13) Intake. – The process of screening and evaluating a complaint alleging that a juvenile is delinquent or undisciplined to determine whether the complaint should be filed as a petition.
- (14) Interstate Compact on Juveniles. – An agreement ratified by 50 states and the District of Columbia providing a formal means of returning a juvenile, who is an absconder, escapee, or runaway, to the juvenile's home state, and codified in Article 28 of this Chapter.
- (15) Judge. – Any district court judge.

- (16) Judicial district. – Any district court district as established by G.S. 7A-133.
- (17) Juvenile. – Except as provided in subdivisions (7) and (27) of this section, any person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States. Wherever the term "juvenile" is used with reference to rights and privileges, that term encompasses the attorney for the juvenile as well.
- (17a) Juvenile consultation. – The provision of services to a vulnerable juvenile and to the parent, guardian, or custodian of a vulnerable juvenile pursuant to G.S. 7B-1706.1. Juvenile consultation cases are subject to confidentiality laws provided in Subchapter III of this Chapter.
- (18) Juvenile court. – Any district court exercising jurisdiction under this Chapter.
- (18a) Juvenile court counselor. – A person responsible for intake services and court supervision services to juveniles under the supervision of the chief court counselor.
- (19) Repealed by Session Laws 2000, c. 137, s. 2, effective July 20, 2000.
- (20) Petitioner. – The individual who initiates court action by the filing of a petition or a motion for review alleging the matter for adjudication.
- (21) Post-release supervision. – The supervision of a juvenile who has been returned to the community after having been committed to the Division for placement in a youth development center.
- (22) Probation. – The status of a juvenile who has been adjudicated delinquent, is subject to specified conditions under the supervision of a juvenile court counselor, and may be returned to the court for violation of those conditions during the period of probation.
- (23) Prosecutor. – The district attorney or an assistant district attorney.
- (24) Protective supervision. – The status of a juvenile who has been adjudicated undisciplined and is under the supervision of a juvenile court counselor.
- (24a) Severe emotional disturbance. – A diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the DSM-5 that resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community activities in a person who is under the age of 18.
- (25) Teen court program. – A community resource for the diversion of cases in which a juvenile has allegedly committed certain offenses for hearing by a jury of the juvenile's peers, which may assign the juvenile to counseling, restitution, curfews, community service, or other rehabilitative measures.
- (26) Repealed by Session Laws 2001-95, s. 1, effective May 18, 2001.
- (27) Undisciplined juvenile. –
  - a. A juvenile who, while less than 16 years of age but at least 10 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
  - b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian,

or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

- (27a) Victim. – Any individual or entity against whom a crime or infraction is alleged to have been committed by a juvenile based on reasonable grounds that the alleged facts are true. For purposes of Article 17 of this Chapter, the term may also include a parent, guardian, or custodian of a victim under the age of 18 years of age.
- (27b) Vulnerable juvenile. –
  - a. Any juvenile who, while less than 10 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and is not a delinquent juvenile.
  - b. Any juvenile who, while less than 10 years of age but at least 6 years of age, commits an act within the boundaries of a military installation that is a crime or infraction under State law and is not a delinquent juvenile.
- (28) Wilderness program. – A rehabilitative residential treatment program in a rural or outdoor setting.
- (29) Youth development center. – A secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Division. (1979, c. 815, s. 1; 1981, c. 336; c. 359, s. 2; c. 469, ss. 1-3; c. 716, s. 1; 1985, c. 648; c. 757, s. 156(q); 1985 (Reg. Sess., 1986), c. 852, s. 16; 1987, c. 162; c. 695; 1987 (Reg. Sess., 1988), c. 1037, ss. 36, 37; 1989 (Reg. Sess., 1990), c. 815, s. 1; 1991, c. 258, s. 3; c. 273, s. 11; 1991 (Reg. Sess., 1992), c. 1030, s. 3; 1993, c. 324, s. 1; c. 516, ss. 1-3; 1997-113, s. 1; 1997-390, ss. 3, 3.2; 1997-443, s. 11A.118(a); 1997-506, s. 30; 1998-202, s. 6; 1998-229, s. 1; 2000-137, s. 2; 2001-95, ss. 1, 2, 5; 2001-487, s. 3; 2001-490, s. 2.1; 2007-168, s. 2; 2009-545, s. 1; 2009-547, s. 1; 2011-145, s. 19.1(l); 2011-183, s. 4; 2017-57, s. 16D.4(a); 2017-186, s. 2(j); 2018-142, s. 23(b); 2019-186, s. 1(a); 2021-123, ss. 5(b), 8(a); 2021-180, ss. 19C.9(y), (cc); 2022-73, s. 5(c); 2022-73, s. 5(c); 2024-17, s. 1.)