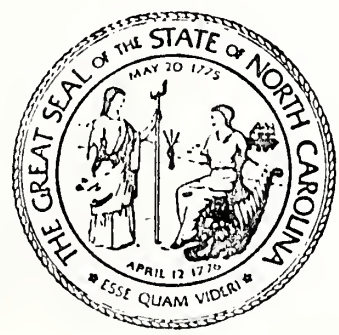


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THE JUVENILE LAW STUDY COMMISSION



REPORT TO THE
1987 GENERAL ASSEMBLY
OF NORTH CAROLINA

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JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

January 12, 1987

TO THE GOVERNOR AND THE MEMBERS OF THE 1987 GENERAL ASSEMBLY:

This is the Juvenile Law Study Commission report to the Governor and the 1987 General Assembly. This report detailing the work of the Commission from January 1985 through January 1987 is made pursuant to G.S. 7A-741 and is transmitted by the Juvenile Law Study Commission for your consideration.

Respectfully submitted,

Anne Barnes

Representative Anne Barnes, Chair
Juvenile Law Study Commission



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BACKGROUND OF THE 1979 JUVENILE CODE REVISION¹

Juvenile justice in the United States is usually described as progressing through several major reforms. The opening of the New York House of Refuge in 1825 constituted the first separate juvenile institution for child offenders and neglected children. Massachusetts provided separate court hearings for juvenile offenders as early as 1870 in Boston and separate juvenile records in 1877.

New York enacted legislation to prohibit incarceration of children in prisons in 1877. In 1898 Rhode Island provided separate pre-hearing detention of children in facilities other than jails. Then, in 1889, Illinois embodied in legislation the various concepts of reform and proposed what became a model for the development of a juvenile court.

The evolution of a separate court for juveniles offering informal procedures was seen as a special effort to protect juvenile offenders from the stigma of a criminal conviction and to provide for treatment or rehabilitation based on an evolution of the needs of the child.

¹This information is taken from the 1979 Report of the Juvenile Code Revision Committee, on file in the Legislative Library, pp. 6-10.

After 1899, both delinquent and predelinquent children came within the jurisdiction of the court. Under the doctrine of parens patriae, the State was allowed to intervene as a substitute parent in certain situations.

The judge conducted an informal, non-adversarial hearing. The judge exercised full discretion to determine an outcome that was in the best interests of the child and a disposition to rehabilitate the child by changing the pattern of the child's behavior that had been found unacceptable. Notions of procedural due process were abandoned in the spirit of social reform.

The North Carolina Constitution of 1868 provided a framework for a juvenile court in North Carolina. It acknowledged a "Christian and civilized" state's duty to provide for the "poor, the unfortunate and the orphan...." It provided for the establishment of houses of refuge, houses of correction, and orphanages. Children were confined in the state penitentiary from its establishment until 1869. Mason P. Thomas, Jr., in Juvenile Corrections and Juvenile Jurisdiction (1972), describes the use of executive clemency by North Carolina governors to remove children from prison:

The first available list of pardons shows that Governor Holden pardoned a ten-year-old in 1869 who had been sentenced to prison for a year for assault. Another case involved a youth who was sentenced to three years for stealing a goose valued at ten cents. These child prisoners varied in age from 8 to 20. The legislative documents containing lists of pardons by various governors show that more than 150 youthful prisoners were pardoned between 1869 and 1909 in order to remove them from adult prisons, particularly Central Prison in Raleigh.

Support for a separate juvenile correctional system gained momentum until 1907 when Stonewall Jackson Manual Training and Industrial School was established. The school was opened in 1909 to accept children under sixteen years of age who were convicted of violating a criminal offense.

The first legislation providing special treatment for youthful offenders in the courts came in 1915. The Probation Courts Act (Public Laws 1915, Chapter 222), which applied to youthful offenders who were eighteen years old or younger, introduced new concepts into North Carolina law including juvenile delinquency, use of probation, closed hearing for juveniles, and separate juvenile records. These concepts were subsequently incorporated into the juvenile court legislation of 1919.

The National Child Labor Committee had studied conditions in the state affecting children and the report that followed was published in 1918, entitled Child Welfare in North Carolina. The 1919 General Assembly enacted the proposals as recommended except that the legislation included children under the age of sixteen rather than eighteen as suggested in the report.

The clerk of superior court was given jurisdiction over children less than sixteen years old who came within these categories: delinquent, truant, unruly, wayward, misdirected, disobedient to parents or beyond their control or who is in danger of becoming so, neglected, dependent upon public support, destitute, homeless, abandoned, or whose custody is subject to controversy. The categories were not defined by the statute.

Once jurisdiction attached, it continued until the child was twenty-one years of age. The clerk, as juvenile judge, was given discretionary authority to exclude the general public from juvenile hearings. Separate juvenile records that were to be withheld from public inspection were to be maintained. A juvenile inspection were to be maintained. A juvenile petition initiated a juvenile case and notice was by summons. See former N.C.G.S. § 110-29 (1965 Replacement). Children were to be held separate from adult offenders in local jails. See former N.C.G.S. § 110-30 (1966 Replacement). The county welfare department was to provide juvenile probation services, and appropriate conditions of juvenile probation services, and appropriate conditions of juvenile probation were specified. See former N.C.G.S. §§ 110-31 through 110-33 (1966 Replacement). A statute applicable to adults who contributed to the delinquency and neglect of children was included. See former N.C.G.S. § 110-30 (1969 Replacement). Appeals were to Superior Court. See former N.C.G.S. § 110-40 (1966 Replacement). In upholding the constitutionality of the state's juvenile court law, the North Carolina Supreme Court relied on the doctrine of parens patriae (State v. Burnett, 179 N.C. 735 (1920)).

The year 1967 marked a new turning point in juvenile justice. Both the President's Task Force Report on Juvenile Delinquency and Youth and Crime and In re Gault, 387 U.S. 1 (1967), challenged the notion that the best intentioned judge, given unlimited discretion, could achieve the goals of juvenile courts. In describing the juvenile justice system, the report

said, "It has not succeeded significantly in rehabilitating of juvenile criminality, or in bringing justice and compassion to the child offender."

The Gault case began to define the procedural right of juveniles. Earlier in Kent v. United States, 383 U.S. 541 (1966), the United States Supreme Court held that the juvenile was afforded "neither the protections afforded to adults nor the sollicitors and regenerative treatment postulated for children."

The line of cases after Gault perpetuated the dualistic nature of the Court's decision. Juveniles were entitled to some procedural protections and not others. Although they could be deprived of their liberty as a result of juvenile court intervention, the basis for intervention was treatment and rehabilitation.

The Juvenile Code Revision Committee was established by the 1977 General Assembly as an adjunct Committee of the Governor's Crime Commission, authorized to examine legislation and programs of other states, the Juvenile Justice Standards of the Institute of Judicial Administration and the American Bar Association, and the recommendations of other study commissions and to present to the 1979 General Assembly a comprehensive report outlining a coordinated working approach to North Carolina's juvenile justice system, including a draft revision of juvenile law that would recodify the statutes dealing with juvenile law into one, unified code.

The Committee made its report to the 1979 General Assembly. Its proposed Juvenile Code Revision became the substance of

N.C.G.S. §§ 7A-516 through -744. The Committee's major substantive concerns involved status offenders, the school's role in delinquency prevention, child abuse and neglect, coordination of juvenile justice services at the State and local level, intake services, immediate custody and detention, corrections, jury trials, law enforcement, and certification and training of judges. Its major recommendations follow:

- (1) That status offenders (i.e. truants, runaways, undisciplined) be diverted at intake to programs addressing their needs;
- (2) That, when jurisdiction of the court is exercised over the status offender, confinement in secure custody be for no longer than twenty-four hours (now, seventy-two for runaways), and that commitment to a training school be prohibited;
- (3) That sanctions against uncooperative parents be strengthened;
- (4) That the age limit for jurisdiction over undisciplined juveniles be lowered to include only juveniles under sixteen years of age;
- (5) That parents be held more accountable for their child's school attendance;
- (6) That all complaints alleging abuse, neglect, or dependency be referred to the Director of the county Department of Social Services for preliminary screening by that agency;

- (7) That a law enforcement officer or protective services worker be empowered to take a juvenile into temporary custody without a court order if there are reasonable grounds to believe that a juvenile is abused, neglected, or dependent and that he would be injured or could not be taken into custody if it were first necessary to obtain a court order;
- (8) That the juvenile alleged to have committed certain serious felony offenses be automatically referred to court;
- (9) That the intake counselor perform no adversarial functions and that any information gathered by the intake counselor be privileged until after adjudication;
- (10) That intake services be available seven days a week and twenty-four hours a day;
- (11) That the chief district court judge be empowered to delegate his authority to issue secure and nonsecure custody orders to another district court judge, or to intake counselors;
- (12) That, when this delegation has occurred, and the delegee has ordered placement in secure or nonsecure custody, a hearing to determine the need for continued custody be held on the day of the next regularly scheduled session of district court in the district, but in no case later than five days;

- (13) That no juvenile be detained in a holdover facility of a local jail after a date certain (finally set at July 1, 1984);
- (14) That training schools and facilities be reexamined and restructured better to use existing resources and community alternatives, and better to rehabilitate and train juveniles in trouble;
- (15) That a juvenile alleged to be delinquent be granted critical due process guarantees: the right to written notice of the facts alleged in the petition, the right to counsel, the right to confront and cross-examine witnesses, the privilege against self-incrimination, the right of discovery, and most other rights afforded adult offenders; (the legislature decided against the Committee's recommendation of right of trial by jury and also against the adult's right to bail and right of self-representation);
- (16) That the Administrative Office of the Courts develop a plan for certification of judges qualified to hear juvenile cases and for annual training for juvenile judges.

For a detailed, section by section analysis of the 1979 Juvenile Code passed by the legislature, see North Carolina Legislation 1979: A Summary of Legislation in the 1979 General Assembly of Interest to North Carolina Public Officials, Institute of Government, pp. 121 - 136.

BACKGROUND OF THE JUVENILE LAW STUDY COMMISSION

The 1979 revision of juvenile law answered many questions and solved many problems. But, as the proposed revision worked its way through the legislature, two things became obvious. First, the revision did not solve all major problems, such as the vexed problem of how best to treat chronic status offenders. Second, because both juvenile law and juvenile services must continue to evolve, the 1979 revision could not be considered final. The 1980 General Assembly decided to establish the Juvenile Law Study Commission "to make continuing studies of the law, both statutory and judicial, as it pertains to juveniles of agency services available to juveniles and their families, and of any other matters the Commission identifies as being of importance to State consideration of juveniles." (Chapter 83, 1979 Session Laws, Second Session, 1980; N.C.G.S. §§ 7A-740 through 7A-744) (Appendix A contains the current statutes that authorize and regulate the Commission.)

The Commission was initially chaired by Representative James Morgan of High Point, who had been floor leader for the code revision bill in the House of Representatives. Representative Morgan served as chair until 1984. Representative Anne Barnes of Chapel Hill was named to succeed him. She has continued as chair until this date. (Appendix B contains the Commission membership, past and present.)

THE JUVENILE LAW STUDY COMMISSION: 1985-1987

The Commission met during the interims between legislative sessions on an average of once a month. During the legislative sessions, it met more often, when bills were introduced that affected juvenile law and services. The Commission is required by law to review all such bills. (Appendix D contains the agendas of the Commission meetings chaired by Representative Barnes and Appendix E contains the minutes of these meetings.) The Commission initiated or rewrote legislation as a result of its continuing, extensive study of juvenile law and services. (Appendix C contains the bills initiated or rewritten by the Commission.) When the Commission studied legislation before it for revision, it conveyed the results of its study to the standing legislative committee that was formally considering it. (Appendix F contains Commission correspondence on issues and proposals it reviewed.)

The Commission's interim studies ranged over the entire spectrum of juvenile law, programs, and services. Several important studies focused on the chronic status offender issue, several on the issue of training school and detention treatment and facilities. It received testimony from juvenile services agencies, support groups, and interested individuals. (Appendix G contains a list of those people who have attended the Commission meetings, and who have testified formally or informally.) These studies have resulted in legislative proposals that were initiated by the Commission or that were

rewritten to take Commission input and expertise into consideration (See Appendix C) as well as Commission endorsements of agency legislative proposals (See Appendix F).

The following pages record Commission action on legislative proposals it reviewed and that it initiated or rewrote.

1985-86 LEGISLATION REVIEWED BY THE JUVENILE LAW STUDY
COMMISSION²

<u>Bill Number</u>	<u>Short Title</u>	<u>Commission Action</u>	<u>Legislative Action</u>
H 146	"Undisciplined Juvenile" Age Raised	Opposed	H: Com. on Judic 1 ('85)
H 516	Juvenile Sexual Abuse Defini- tion	Endorsed	Ratified Ch. 648 ('85)
H 537	Parental Rights Termination Change	Endorsed	Ratified Ch. 784 ('85)
H 638	Abuse/Neglect Quick Investi- gation	Endorsed	Ratified Ch. 205 ('85)
H 743	Day Care Missing Children Reports	Endorsed	Ratified Ch. 392 ('85)
H 775	Juvenile Center Chaplain Funds	Endorsed	Incorporated Ch. 757 ('85)
H 784	Emancipated Minor Marry W/O Consent	Endorsed	Ratified Ch. 608 ('85)
H 890	Child Assault Defendant's Age	Opposed	H: Com. on Courts ('85)
H 917	Unemancipated Minor Abortion Consent	Opposed	S: Com. on Approp. ('86)
H 1069	Youth Assistance Project	Endorsed	Incorporated in Ch. 757 ('85)
H 1183	Foster Placement Court Review	Endorsed	Ratified Ch. 459 ('85)
H 1203	Neglected Juvenile Protective Services	Endorsed	Incorporated Ch. 792 ('85)

²Endorsement and opposition letters were sent, with explanations, to the chairs of the legislative committees formally considering the bills. (See Appendix F.)

H 1262	Specialized Foster Care Services	Endorsed	Incorporated Ch. 792 ('85)
H 1277	Juvenile/Death Penalty	Opposed	Postponed Indefinitely ('85)
H 1317	Parents Notified of Birth Control	Opposed	Reported Unfavorably ('85)
H 1355	Community Based Alternatives Funds	Endorsed	Incorporated Ch. 792 ('86)
H 1394	Protective Services Worker Funds	Endorsed	Incorporated Ch. 792 ('86)
S 13	Day-Care Abuse Reported to Day Care Commission	Endorsed	Incorporated Ch. 757 ('85)
S 18	Missing Children Center	Endorsed	Ratified Ch. 765 ('85)
S 23	'Caretaker' Definition Change To Include Day Care Providers	Endorsed	Incorporated Ch. 757 ('85)
S 71	Undisciplined/Delinquent Ages	Opposed	S: Com. on Judic 1 ('85)
S 243	Endangered Child Law	Opposed Com. Sub. not considered by Legislature	H: Com. on Judic 3 ('86)
S 310	Juvenile Custody/Joint Security Force	Endorsed	Ratified Ch. 408 ('86)
S 614	School/Children's Photos	Endorsed	
S 780	Training School Closing Study	Endorsed with Suggestions	S: Com. on Approp. ('85)
S 802	Child Protection Study	Endorsed	Ratified 790

1985-86 LEGISLATION INITIATED OR REWRITTEN BY
THE JUVENILE LAW STUDY COMMISSION (Appendix C Contains
These Bills.)

<u>Bill Number</u>	<u>Short Title</u>	<u>Legislative Action</u>
H 70	Juvenile Law Study Commission Funds	Incorporated Ch. 792 ('85)
H 124	Domestic Violence/Children	Ratified Ch. 113 ('85)
H 193	Commission Membership Changes	Ratified Ch. 669 ('85)
H 558	Compulsory School Attendance Changes	Ratified Ch. 297 ('85)
H 568	Community College Entrance	H: Com. on Higher Ed. ('85)
H 569	Status Offender Alternatives	S: Com. on Approp. ('85)
H 585	Training School/Comm. College Access	Incorporated in Ch. 479 ('85)
H 654	Division of Youth Services Codified	H: Com. on Judic 3 ('85)
H 925	Juvenile Code Application	Postponed indefi- nitely ('85)
H 987	Juvenile Definite Term Commitment	S: Com. on Judic 1 ('85)
H 988	Juvenile Short Term Detention	S: Com. on Judic 1 ('85)
H 1544	Commission Term Change	Ratified Ch. 898 ('86)
H 1954	Juvenile Judge Training Funds	Incorporated Ch. 1014 ('86)

JUVENILE LAW STUDY COMMISSION RECOMMENDATION TO
THE GOVERNOR AND THE 1987 GENERAL ASSEMBLY

The Juvenile Law Study Commission, pursuant to its statutory mandate to report its findings and recommendations, including any legislative proposals, to the Governor and the General Assembly, on or before the first day of the 1987 General Assembly, makes the following findings and recommendations:

RECOMMENDATION 1. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL ENTITLED A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATEWIDE JUVENILE TRANSPORTATION PROGRAM (Legislative Proposal #1).

The Commission found that a uniform, Statewide system of transporting juveniles to detention centers and training schools is most needed in order to ensure that juveniles assigned to these facilities get to them, and begin their assigned treatment as soon as possible. The Commission found that responsibility for this transportation properly belongs with the Division of Youth Services. Present law places this responsibility with court counsellors.

The Commission found that the Buncombe County Pilot Project, established by the 1983 General Assembly, Section 63, Chapter 761, 1983 Session Laws, for the transportation of juveniles to juvenile detention, has worked excellently, and should form the pattern for Statewide transportation to both juvenile detention facilities and training schools.

The Commission recognized the need for specific appropriations to fund this new Statewide program, but, as a final fiscal note was not yet available to the Commission in time for the printing of this report, the exact amount of appropriations was left blank in Legislative Proposal #1.

RECOMMENDATION 2. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE DIVISION OF YOUTH SERVICES REVIEW AND UPDATE ITS TRAINING SCHOOL ADMISSIONS CRITERIA. THIS REVIEW AND UPDATING SHALL INCLUDE:

- (1) A REVIEW OF PLACEMENT POLICY:
- (2) A REVIEW OF CURRENT METHODS OF OBTAINING RECORDS TO DETERMINE HOW BETTER TO OBTAIN NECESSARY CURRENT DATA ON JUVENILES TO BE ADMITTED, INCLUDING CURRENT IMMUNIZATION AND OTHER MEDICAL DATA: AND
- (3) A REVIEW OF THE EFFECT OF THE SHIFT IN THE DUTY TO TRANSPORT THE JUVENILE TO TRAINING SCHOOL (SEE LEGISLATIVE PROPOSAL #1), TO DETERMINE HOW TO ENSURE THAT THE COURT COUNSELLORS CONTINUE TO SHARE NECESSARY INFORMATION ABOUT THE JUVENILE WITH THE TRAINING SCHOOL.

THE DIVISION SHALL REPORT THE RESULTS OF ITS REVIEW AND UPDATING, TOGETHER WITH ANY LEGISLATIVE PROPOSAL BY MAY 1, 1988, TO THE LIEUTENANT GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE FISCAL RESEARCH DIVISION OF THE LEGISLATIVE SERVICES OFFICE, AND THE JUVENILE LAW STUDY COMMISSION.

The Commission found a great need to have the Division of Youth Services undergo an in-house review and updating of its admissions criteria, particularly with regards to its methods of obtaining current necessary information about the juvenile. The report of this study, prior to the Second Session of the General Assembly, will include policy determinations and may include legislative proposals the Division considers necessary to guarantee that it gets all necessary current information in order to enable it to begin the juvenile's treatment as soon and as efficiently as possible.

RECOMMENDATION 3. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL ENTITLED AN ACT TO PROVIDE TEMPORARY SECURE CUSTODY FOR JUVENILES CHARGED WITH CERTAIN MISDEMEANORS (LEGISLATIVE PROPOSAL # 2).

The Commission found that, while present law allows secure custody for juveniles alleged to have committed what would be an assault felony were they adult, it does not allow secure custody if the assault offense would be a misdemeanor. The Commission found that any juvenile alleged to have committed any assaultive offense, whether it would be a felony or a misdemeanor, might need secure custody pending the hearing, to protect both himself and others.

RECOMMENDATION 4. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL ENTITLED AN ACT TO PROVIDE FOR SHORT-TERM COMMITMENTS OF

JUVENILES TO LOCAL APPROVED FACILITIES (LEGISLATIVE PROPOSAL # 3).

The Commission found that present law does not allow for the short-term commitment of delinquent juveniles to juvenile detention facilities, where the treatment program is designed for short-term assignments. Present law commits these juveniles to training school where the treatment program, designed for long-term assignments, often provides very little actual treatment for these juveniles, who complete their commitment often before the training school program has really begun to benefit them.

RECOMMENDATION 5. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL ENTITLED AN ACT TO PROVIDE JUDICIAL DISCRETION FOR DEFINITE TERMS OF COMMITMENT FOR CERTAIN ACTS BY JUVENILES (LEGISLATIVE PROPOSAL # 4).

The Commission found that present law allows commitment to training school of a juvenile of 14 years or more for a definite term, regardless of the offense, only if the juvenile has previously been committed to a training school and if the juvenile has been previously adjudicated delinquent for two or more felony offenses. Definite commitment is limited to two years maximum. The Commission found that judges needed the authority to commit a delinquent juvenile of 14 years or more for a definite term regardless of whether the juvenile has ever been previously adjudicated delinquent and has previously been

committed to training school if that juvenile's offense was so serious as to be "non-divertible" by law, that is so serious that it must be dealt within court. The Commission found that this definite commitment should be for not less than one year nor for more than a maximum term of commitment that an adult could receive for the same offense, or until the juvenile's eighteenth birthday, whichever is the lesser period of time.

RECOMMENDATION 6: (a) THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL ENTITLED AN ACT TO ESTABLISH AN INTERDISCIPLINARY COMMITTEE TO ASSIST THE COURT IN DEVELOPING ALTERNATIVES FOR STATUS OFFENDERS AND TO ALLOW PROTECTIVE CUSTODY IN RESPONSE TO VIOLATION OF THE TERMS OF A VALID PROTECTIVE SUPERVISION ORDER (LEGISLATIVE PROPOSAL # 5).

(b) THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL TO BE PRESENTED TO IT TO PROVIDE EFFECTIVE DELINQUENCY-PREVENTION SERVICES TO CHRONIC STATUS OFFENDERS AND THEIR FAMILIES.

The Commission found that the vexed problem of chronic status offenders continues to perplex and concern parents, educators, the courts, and all other juvenile services providers. The Commission also found that the destructive behavior that makes juveniles status offenders, if not modified, is very likely to make them delinquent and when older, criminal. The legislative proposal would allow a court to place certain chronic status offenders under protective supervision in detention only

if these juveniles have repeatedly been before the courts and if an interdisciplinary committee of juvenile services providers who have been trying to help the juvenile modify the offending behavior recommend this protective custody.

The Commission found that such a "last resort" measure is necessary to force chronic status offenders to reexamine their destructive behavior. But the Commission also found that positive services available to chronic status offenders and their families, are essential to enable the juvenile to understand and modify the destructive behavior. Once these services are available, the protective custody authorized under Legislative Proposal # 5 would be used only after these services had been exhausted and found unsuccessful in helping the juvenile. The Commission found that there are several options under study to provide these essential services, which options would all focus on in-home, in-school services. One option would adopt the intensive probation pilot program currently being studied to serve chronic status offenders as well as delinquent juveniles. The Commission will continue its study and will present its proposal for the 1987 General Assembly when the study has been completed.

RECOMMENDATION 7. THE JUVENILE LAW STUDY COMMISSION RECOMMENDS THAT THE 1987 GENERAL ASSEMBLY CONSIDER A LEGISLATIVE PROPOSAL TO BE PRESENTED TO IT TO CLARIFY THE LAW REGARDING THE DETENTION OF JUVENILES BOUND OVER TO SUPERIOR COURT FOR ADULT TRIAL IN LOCAL JAILS.

The Commission found that present law allows juveniles bound over to Superior Court for trial as adult to be detained in local jails. This allowance conflicts with the clear statement in the Juvenile Code of General Assembly policy to remove juveniles from jail. The Commission is continuing to study this conflict and will present a legislative proposal to the 1987 General Assembly to resolve the conflict.

W27-106

LEGISLATIVE PROPOSAL #1

S.T. Juvenile Transportation Program.

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STATEWIDE JUVENILE TRANSPORTATION PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is established a Juvenile Transportation Program within the Division of Youth Services, Department of Human Resources. This program will expand the 1983-84 Buncombe County Pilot Project established by Section 63 of Chapter 761 of the 1983 Session Laws to provide a Statewide uniform system of transportation of juveniles to juvenile detention centers and to provide a similar system for transportation of juveniles to training schools.

The Secretary of the Department of Human Resources shall adopt rules necessary to administer this program. The Division of Youth Services shall report on the progress of the development of this program to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Division by May 1, 1988.

Sec. 2. There is appropriated from the General Fund to the Division of Youth Services, Department of Human Resources, the sum of _____ for fiscal year 1987-88 to implement this act.

Sec. 3. G.S. 7A-652(d) is amended by rewriting the first sentence to read: "The Division of Youth Services has the responsibility for transporting the juvenile to the residential facility designated by the Division."

Sec. 4. Section 3 of this act shall become effective October 1, 1987, only if Sections 1 and 2 are enacted into law by the 1987 General Assembly.

Sec. 5. Sections 1 and 2 of this act shall become effective July 1, 1987.

LEGIS:ATIVE PROPOSAL #2

87W27-LF-4

Public

S: Rep. Barnes

S.T.: Secure Custody Change

A BILL TO BE ENTITLED

AN ACT TO PROVIDE TEMPORARY SECURE CUSTODY FOR JUVENILES CHARGED
WITH CERTAIN MISDEMEANORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-574(b) is amended by inserting a
new subdivision between (1) and (2), to read:

"(1.1) The juvenile is presently charged with a misdemeanor
at least one element of which is assault on a person; or".

Sec. 2. This act shall become effective October 1,
1987.

LEGISLATIVE PROPOSAL #3

76W27-LF-23

Public

S: Rep. Barnes

S.T.: Short-Term Juv. Commitments.

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR SHORT-TERM COMMITMENTS OF JUVENILES TO
LOCAL APPROVED FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-652(c) is rewritten to read:

"(c) In no event shall commitment of a delinquent juvenile be for a period of time in excess of that period for which an adult could be committed for the same act. Any juveniles committed for 30 days or less shall be assigned to a local detention home as defined by G.S. 7A-517(15) or a regional home as defined by G.S. 7A-517(26)."

Sec. 2. This act shall become effective October 1, 1987, and applies to juveniles committed on and after that date.

LEGISLATIVE PROPOSAL #4

87W27-LF-24

Public

S: Rep. Barnes

ST: Def. Terms for Certain Juveniles.

A BILL TO BE ENTITLED

AN ACT TO PROVIDE JUDICIAL DISCRETION FOR DEFINITE TERMS OF
COMMITMENT FOR CERTAIN ACTS BY JUVENILES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-652(b) (2) is rewritten to read:

"(2) A definite term:

- a. Not less than one year nor more than a maximum term of commitment that an adult could receive for the same offense or until the juvenile's eighteenth birthday, whichever is the lesser period of time, if the judge finds as a fact that the juvenile is 14 years of age or older, and has been adjudicated delinquent for an act that constitutes an offense listed in G.S. 7A-531; or
- b. Not to exceed two years if the judge finds that the juvenile is 14 years of age or older, has been previously adjudicated delinquent for two or more felony offenses, and has been previously committed to a residential facility operated by the Division of Youth Services.

The Division of Youth Services may reduce the duration of the definite commitment by an amount not to exceed fifty percent

(50%) if the juvenile has not committed any major infractions of the regulations of any facility to which he is assigned, and the Division of Youth Services may petition the court for a reduction of more than fifty percent (50%) pursuant to G.S. 7A-664."

Sec. 2. This act shall become effective October 1, 1987, and applies to juveniles committed on and after that date.

LEGISLATIVE PROPOSAL #5

87W27-LF-25

S: Rep. Barnes

Public

S.T.: Chronic Status Offenders.

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN INTERDISCIPLINARY COMMITTEE TO ASSIST THE COURT IN DEVELOPING ALTERNATIVES FOR STATUS OFFENDERS AND TO ALLOW PROTECTIVE CUSTODY IN RESPONSE TO VIOLATION OF THE TERMS OF A VALID PROTECTIVE SUPERVISION ORDER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-5 is amended by adding a new subdivision (17.1) to read:

"(17.1) Interdisciplinary Committee. A committee appointed by the chief district court judge consisting of at least five members and including representatives of at least the following agencies: county department of social services, area mental health authority, court counselor's staff, public school system, and law enforcement. The role of the committee shall be to assist the court, on the court's request, in developing appropriate dispositions for undisciplined juveniles who engage in undisciplined behavior. They shall report on the main reasons for the juvenile's undisciplined behavior, previous and present efforts to meet the juvenile's needs through community resources, and the likely effects of dispositional alternatives. The judge may grant the interdisciplinary committee the authority to demand any

information or reports, whether or not confidential, that may in the committee's opinion be relevant to the case."

Sec. 2. Article 52 of Chapter 7A of the General Statutes is amended by adding after G.S. 7A-648 the following new sections to read:

"§ 7A-648.1. Dispositional alternative for undisciplined juvenile.--In the case of a juvenile who is undisciplined, the judge may place the juvenile under an order of protective supervision for a period up to one year which regulates the future conduct of the juvenile by specified terms of protective supervision which are related to the needs of the juvenile. The judge may request a written report from the interdisciplinary committee as defined by G.S. 7A-517(17.1) which shall identify the needs of the juvenile and include recommendations for the disposition of the case. The judge shall carefully explain the conditions of protective supervision in the hearing and shall give the juvenile an adequate and fair warning of the consequences of willfully violating the order or committing further undisciplined acts. The judge shall provide the juvenile, his parents or guardian, and his attorney with a copy of the order of protective supervision which shall include the terms of protective supervision and the consequences of willful violation of the order.

"§ 7A-648.2. Second hearing for undisciplined acts or willful violations of the court order.--If the juvenile willfully violates the terms of protective supervision or commits further undisciplined acts while under the protective supervision of the court, the court may request a written report from the interdisciplinary

committee, and may conduct a second hearing after the proper notice. After hearing the evidence, the court may adjudicate the juvenile to be undisciplined or enter a finding that the juvenile willfully violated a condition of the order of protective supervision. If the juvenile has twice been adjudicated undisciplined, the judge shall notify the juvenile, his parents or guardian, and his attorney, if any, that the juvenile, if of 13 years of age or older, will be subject to loss of freedom by being placed in confinement in an approved detention facility if he commits further undisciplined acts or willfully violates the terms of protective supervision and if the judge has received a written report from the interdisciplinary committee.

"§ 7A-648.3. Third hearing for undisciplined acts or willful violations of the court order.--If a juvenile commits a third undisciplined act or willfully violates the terms of protective supervision after having twice been adjudicated undisciplined, the court may conduct a third hearing after notice. In this hearing, and any subsequent hearing, the juvenile has the following due process rights: the right to counsel at State expense if the juvenile does not have counsel; the right to present witnesses and to confront witnesses who appear against him; and the right to a transcript or record of the proceedings if the case is appealed. If the court adjudicates the juvenile undisciplined or finds the juvenile has willfully violated a term of protective supervision after having been twice adjudicated undisciplined, and if the juvenile is 13 years of age or older, the judge may place the juvenile in an approved detention facility for up to

five days, provided the judge has considered a written report on the needs of the juvenile from an interdisciplinary committee as defined by G.S. 7A-517(17.1) and provided the judge finds that confinement in an approved detention facility is the least restrictive alternative available appropriate to the child and the community.

"§ 7A-648.4. Subsequent hearings for undisciplined acts or willful violations of the court order.--If the juvenile, who is 13 years of age or older, commits further undisciplined acts or again willfully violates the terms of protective supervision after having been confined in an approved detention facility for up to five days, the court may conduct further hearings after notice. If the court adjudicates such a juvenile undisciplined or finds such a juvenile has willfully violated the terms of protective supervision, the judge may order a second confinement in an approved detention facility for 10 days and a third or subsequent confinement in an approved detention facility for up to 15 days. The judge may request a written report from the interdisciplinary committee.

"§ 7A-648.5. Intensive counseling during confinement.--The Division of Youth Services shall ensure that any juvenile confined pursuant to G.S. 7A-648.3 or G.S. 7A-648.4 shall receive intensive counseling designed to assist him to overcome his undisciplined behavior."

Sec. 3. This act shall become effective October 1, 1987, and shall apply to juveniles adjudicated on or after that date.

APPENDIX A

Current Statutes Authorizing and Regulating the Juvenile Law
Study Commission.

§ 7A-733 ART. 58. JUVENILE LAW STUDY COMMISSION § 7A-740

A judge's authorization for treatment under this Article, shall have the same effect as parental consent for treatment.

Following a judge's authorization for treatment and after giving notice to the juvenile's parent, the judge shall conduct a hearing in order to provide for payment for the treatment rendered. The judge may order the parent or other responsible parties to pay the cost of such treatment. If the judge finds the parent is unable to pay the cost of treatment, such cost shall be a charge upon the county when so ordered.

This Article shall operate as a remedy in addition to the provisions in G.S. 7A-647(3). (1979, c. 815, s. 1.)

Legal Periodicals. — For article on family and State, see 4 Campbell L. Rev. rights and interests of parent, child, 85 (1981).

§§ 7A-733 to 7A-739: Reserved for future codification purposes.

★ ARTICLE 58.

Juvenile Law Study Commission.

§ 7A-740. Creation; members; terms; qualifications; vacancies.

The Juvenile Law Study Commission is hereby created. It shall consist of 18 voting members, 14 to be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives. The members appointed by the President of the Senate shall be members of the Senate at the time of their appointment; the members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives at the time of their appointment. Of the members appointed by the Governor, two shall be district court judges, one from an urban district, one from a rural. Three shall be a chief court counselor and two court counselors representing the Intake Division, one from an urban district, one from a rural. Two shall be from Social Services, one from the State level and one from the county. One shall be from the Division of Youth Services. One shall be from a local facility of Community Based Alternatives. Two shall be persons under the age of 21 at the time of their appointment. One shall be from Law Enforcement. One shall be from the North Carolina Juvenile Detention Association. One shall be the member of the Juvenile Justice Planning Committee of the Governor's Crime Commission recommended for appointment by the Juvenile Justice Planning Committee and shall serve for three years. The district court judges and the Social Services members shall serve for three years. The chief court counselor and the court counselors shall serve for two years. The representatives from the Division of Youth Services, Law Enforcement, Community Based Alternatives, and the Juvenile Detention Association shall serve for one year. The legislative members shall serve for two-year terms. All initial terms shall begin July 1, 1980. A vacancy in membership shall be

§ 7A-741

CH. 7A. JUDICIAL DEPARTMENT

§ 7A-742

filled by the appointing authority who made the initial appointment. When the members' terms expire, their successors shall serve for the same length of time their predecessors served. A member whose term expires may be reappointed. If, when a term expires, the appointing authority has not filled the vacancy, the member whose term has expired shall continue to serve until the appointment is made. (1979, 2nd Sess., c. 1283, s. 1; 1981 (Reg. Sess., 1982), c. 1189, s. 1; 1985, c. 669, ss. 1-4; 1985 (Reg. Sess., 1986), c. 898.)

Editor's Note. — Session Laws 1985, c. 669, s. 5 makes the act effective upon ratification and applicable to appointments made on and after that date. Section 5 further provides that s. 1, which inserted the present third sentence, and s. 4, which rewrote the present sixteenth sentence, shall apply only to legislative members appointed on and after that date. The act was ratified July 10, 1985.

Effect of Amendments. — The 1985 amendment, effective July 10, 1985, substituted "18 voting members" for "17

voting members" and substituted "14 to be appointed" for "13 to be appointed" in the second sentence, inserted the present third sentence, inserted the present twelfth sentence and rewrote the present sixteenth sentence, which read "Two of the legislative members shall serve for four-year terms; two shall serve for two years."

The 1985 (Reg. Sess., 1986) amendment, effective July 3, 1986, added the last sentence.

§ 7A-741. Duties.

It shall be the duty of the Commission to make continuing studies of the law, both statutory and judicial, as it pertains to juveniles, of agency services available to juveniles and their families, and of any other matters the Commission identifies as being of importance to State consideration of juveniles. The Commission shall report to the Governor and the General Assembly on or before the first day of each full session. The report shall be in writing and shall set forth the Commission's findings, conclusions, and recommendations including any proposed legislation. (1979, 2nd Sess., c. 1283, s. 1.)

§ 7A-742. Chairman; meetings; compensation of members.

The Governor shall appoint a chairman. The term of the chairman is two years and he may be reappointed. The Commission shall meet at such times and places as the chairman shall designate. The facilities of the State Legislative Building shall be available to the Commission, subject to approval of the Legislative Services Commission. Legislative members of the Commission shall be reimbursed for subsistence and travel expenses at the rates set out in G.S. 120-3.1. Members of the Commission who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6. (1979, 2nd Sess., c. 1283, s. 1.)

§ 7A-743 ART. 60. O

§ 7A-743: Reserv

§ 7A-744. Supp

The Commission assistance and clerical the materials and se Legislative Services tive Services Comm without cost except f (1979, 2nd Sess., c.

§§ 7A-745 to 7A
poses.

SUBCHAPTER 2

Office o

§ 7A-750. Creat

There is created an of Administrative J agency under Article dance with Article IV powers as may be rea plishment of the pu Administrative Hear pendent hearing offi thereby prevent the c tial functions in the dockets and records o all administrative r

Editor's Note. — Sessio c. 746, s. 1⁹ makes this A upon notification. The ac July 12, 1985. Section 1⁹ vides that the act shall r tested cases commenced 1986.

§ 7A-743 ART. 60. OFFICE OF ADMINISTRATIVE HEARINGS § 7A-750

§ 7A-743: Reserved for future codification purposes.

§ 7A-744. Supporting services.

The Commission may solicit, employ, or contract for technical assistance and clerical assistance, and may purchase or contract for the materials and services it needs. Subject to the approval of the Legislative Services Commission, the staff resources of the Legislative Services Commission shall be available to this Commission without cost except for travel, subsistence, supplies, and materials. (1979, 2nd Sess., c. 1283, s. 1.)

ARTICLE 59.

§§ 7A-745 to 7A-749: Reserved for future codification purposes.

SUBCHAPTER XII. ADMINISTRATIVE HEARINGS.

ARTICLE 60.

Office of Administrative Hearings.

§ 7A-750. Creation; status; purpose.

There is created an Office of Administrative Hearings. The Office of Administrative Hearings is an independent, quasi-judicial agency under Article III, Sec. 11 of the Constitution and, in accordance with Article IV, Sec. 3 of the Constitution, has such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which it is created. The Office of Administrative Hearings is established to provide a source of independent hearing officers to preside in administrative cases and thereby prevent the commingling of legislative, executive, and judicial functions in the administrative process. It shall also maintain dockets and records of contested cases and shall codify and publish all administrative rules. (1985, c. 746, s. 2.)

Editor's Note. — Session Laws 1985, c. 746, s. 19 makes this Article effective upon notification. The act was ratified July 12, 1985. Section 19 further provides that the act shall not affect contested cases commenced before Jan. 1, 1986.

In addition, s. 19 of Session Laws 1985, c. 746 provides that the act shall expire Jan. 1, 1992, and shall not be effective on or after that date.

Session Laws 1985, c. 746, s. 12 is a severability clause.

APPENDIX B

Juvenile Law Study Commission Membership: 1985-1986.

JUVENILE LAW STUDY COMMISSION

January 1985

Rep. Anne C. Barnes, Chair
313 Severin Street
Chapel Hill, NC 27514

Judge Lota Greenlee
206 North Madison Street
Marion, NC 28752

Rev. Joseph C. Brown
6608 Cushing Drive
Fayetteville, NC 28301

Rosa Jones
9718 Feldbank Drive
Charlotte, NC 28216

Judge Gilbert Burnett
Chief District Judge
Suite 519
New Hanover Courthouse
4th and Princess Streets
Wilmington, NC 28401

Michael J. McGee
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Raleigh, NC 27604

Charles B. Casper
1238 Nealy Drive
Asheboro, NC 27203

Mr. Joseph Parks
4210 No. 72 Brownsboro Road
Winston-Salem, NC 27106

Janet Crisp-Lacy
3008 W. Sedgefield Drive
Greensboro, NC 27407

Nancy Patteson
1111 Laurel Lane
Wilson, NC 27893

Lee Crites
Route 2, Box 113-A
Sylva, NC 27954

Rankin Whittington
Route 3, Box 30-A
Wadesboro, NC 28170

Rep. Charles D. Evans
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Steve Williams
1212 Mitchell Street
Raleigh, NC 27607

Sue Glasby
P.O. Box 672
Lillington, NC 27654

Thomas Younce
P.O. Box 10
Wilson, NC 27893

Juvenile Law Study CommissionMembership ListSeptember, 1986

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David Byron Lopp
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118 N. Washington Street
Wadesboro, NC 28170

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Madison, NC 27025

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Rep. Charles Evans
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Staff Attorney
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Suite 100
Raleigh, NC 27611

Judge Lota Greenlee
206 North Madison Street
Marion, NC 28752

Committee Clerk
Randy L. Brantley
P.O. 2621
Chapel Hill, NC 27514

Sheriff W.R. Hall
P.O. Box 827
Dobson, NC 27017

Sen. Charles Hipps
505 N. Main Street
Waynesville, NC 28786

Rosa Jones
9718 Feldbank Drive
Charlotte, NC 28216

APPENDIX C

Legislation Initiated or Rewritten by the Juvenile Law Study
Commission: 1985-1986.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985
RATIFIED BILL

CHAPTER 113
HOUSE BILL 124

AN ACT TO MAKE DOMESTIC VIOLENCE REMEDIES APPLICABLE TO CHILDREN.
The General Assembly of North Carolina enacts:

Section 1. G.S. 50B-1 is amended by adding before the colon on line 4 the following:

", or between one of such persons and a minor child who is in the custody of or residing with the other person".

Sec. 2. G.S. 50B-2(a) is amended by rewriting the first sentence to read as follows:

"A person residing in this State may seek relief under this Chapter by filing a civil action alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person."

Sec. 3. G.S. 50B-2(b) is amended by adding before the period at the end of the first sentence the following:

"or a minor child".

Sec. 4. G.S. 50B-4(b) is amended by adding to line 6, between the words "victim" and "presents", the following:

", or someone acting on the victim's behalf,".

Sec. 5. G.S. 50B-5(a) is amended by rewriting the first sentence to read as follows:

"A person who alleges that he or she or a minor child has been the victim of domestic violence may request the assistance of a local law enforcement agency."

Sec. 6. G.S. 50B-6 is amended by adding the following sentence at the end:

"This Chapter shall not be construed as relieving any person or institution of the duty to report to the department of social services, as required by G.S. 7A-543, if the person or institution has cause to suspect that a juvenile is abused or neglected."

Sec. 7. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 22nd day of April, 1985.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

Legislative Services Office. The Commission may utilize the staff of the Department of Insurance.

Sec. 8.4. The Commission shall submit a final report to the 1987 General Assembly on its convening date.

Sec. 8.5. There is appropriated from the General Fund to the Legislative Services Commission for fiscal year 1985-86 the sum of seventeen thousand dollars (\$17,000) to carry out the provisions of this Part.

PART VIII.-----JUVENILE LAW STUDY COMMISSION.

Sec. 9. There is appropriated from the General Fund to the Department of Administration the sum of ten thousand dollars (\$10,000) for the fiscal year 1985-86, and the sum of ten thousand dollars (\$10,000) for the fiscal year 1986-87, for the Juvenile Law Study Commission, to enable the Commission to carry out its legislative mandate as defined in G.S. 7A-740.

PART IX.-----MENTAL HEALTH STUDY COMMISSION.

Sec. 10.1. Section 2 of Resolution 80, Session Laws of 1973, as amended by Chapter 806, Session Laws of 1973, and Section 2 of Chapter 184, Session Laws of 1977, is rewritten to read:

"Sec. 2. Appointment of Members. The Commission shall consist of 24 members. The Speaker of the House shall appoint eight members at least six of whom at the time of their appointment are members of the House, and one of those six shall be Chairman of the Mental Health Committee of the House of Representatives. The President of the Senate shall appoint eight members at least six of whom at the time of their appointment are members of the Senate, and one of those six shall be Chairman of the Senate Human Resources Committee. The Governor shall appoint eight members, two of whom at the time of their appointment shall be county commissioners taken from a list of four candidates nominated by the North Carolina Association of County Commissioners. If that Association fails to make nominations by September 1, 1985, the Governor may appoint any two county commissioners."

Sec. 10.2. The first two sentences of Section 3 of Resolution 80, Session Laws of 1973, are deleted and the following sentence is inserted in lieu thereof:

"The President of the Senate and the Speaker of the House of Representatives shall appoint a cochairman each from the Commission's membership."

Sec. 10.3. Section 4 of Resolution 80, Session Laws of 1983, is amended by deleting "and ex officio members" all three times those words appear.

Sec. 10.4. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws, and Chapter 268, Session Laws of 1983, as amended by this Part, is revived and authorized to continue in existence until July 1, 1987.

Sec. 10.5. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study,

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985
RATIFIED BILL

CHAPTER 669
HOUSE BILL 193

AN ACT TO MAKE CERTAIN CHANGES IN THE MEMBERSHIP OF THE JUVENILE LAW STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-740 is amended by inserting a new sentence between the second and third to read: "The members appointed by the President of the Senate shall be members of the Senate at the time of their appointment; the members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives at the time of their appointment."

Sec. 2. G.S. 7A-740 is further amended in the second sentence by deleting the figures "17" and "13" and by substituting the figures "18" and "14" respectively.

Sec. 3. G.S. 7A-740 is further amended by inserting a new sentence between the 10th and 11th to read: "One shall be the member of the Juvenile Justice Planning Committee of the Governor's Crime Commission recommended for appointment by the Juvenile Justice Planning Committee and shall serve for three years."

Sec. 4. G.S. 7A-740 is amended by deleting the 14th sentence and by substituting the following: "The legislative members shall serve for two-year terms."

Sec. 5. This act shall become effective upon ratification, and applies to appointments made on and after this date. Sections 1 and 4 of this act apply only to legislative members appointed on and after this date.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985
RATIFIED BILL

CHAPTER 297
HOUSE BILL 558

AN ACT TO CHANGE REPORTING REQUIREMENTS OF COMPULSORY SCHOOL ATTENDANCE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-378 is amended by adding the following sentence at the end of the first paragraph:

"The parent, guardian, or custodian of a child shall notify the school of the reason for each known absence of the child, in accordance with local school policy."; and by replacing the first sentence of the fourth paragraph with the following:

"The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year. After not more than six unexcused absences, the principal shall notify the parent, guardian, or custodian by mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education."; and by replacing the first two sentences of the fifth paragraph of the section with the following:

"After 10 accumulated unexcused absences in a school year the principal shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and his parent, guardian, or custodian if possible to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal determines that parent, guardian, or custodian has not, he shall notify the district attorney. If he determines that parent, guardian, or custodian has, he may file a complaint with the juvenile intake counselor under G.S. 7A-561 that the child is habitually absent from school without a valid excuse."; and by deleting the number "30" as it appears in the last sentence of the section and replacing it with the number "10".

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985



HOUSE BILL 568

Short Title: Comm. Colleges Entrance Amendment..

(Public)

Sponsors: Representative Barnes.

Referred to: Higher Education.

April 16, 1985

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE ENTRANCE REQUIREMENTS OF COMMUNITY COLLEGES.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 115D-1 is amended by deleting the
5 following from the second sentence of the section: "have been
6 legally excused from compulsory attendance requirements and".
7 Sec. 2. This act shall become effective upon
8 ratification.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985



HOUSE BILL 569

Short Title: Chronic Status Offenders..

(Public)

Sponsors: Representatives Barnes; Fitch..

Referred to: Judiciary III.

April 16, 1985

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN INTER-DISCIPLINARY COMMITTEE TO ASSIST THE
3 COURT IN DEVELOPING ALTERNATIVES FOR STATUS OFFENDERS AND TO
4 ALLOW SECURE CUSTODY IN RESPONSE TO VIOLATION OF THE TERMS OF A
5 VALID PROTECTIVE CUSTODY COURT ORDER..

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-517 is amended by adding a new
8 subsection (29) to read:

9 "(29) Inter-disciplinary Committee.. A committee appointed by
10 the chief district court judge consisting of at least five
11 members and including representatives of at least the following
12 agencies: county department of social services, area mental
13 health authority, court counselor's staff, public school system,
14 and law enforcement.. The role of the committee shall be to
15 assist the court, on the court's request, in developing
16 appropriate dispositions for undisciplined juveniles who engage
17 in repeated undisciplined behavior.. They shall report on the
18 main reasons for the juvenile's undisciplined behavior, previous
19 and present efforts to meet the juvenile's needs through

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1 community resources, and the likely effects of dispositional
2 alternative."

3 Sec. 2. G.S. 7A-574(b) is amended by deleting the
4 period at the end of the subdivision (7) and replacing it with
5 the following: "; or" and by adding the following subdivision
6 (8):

7 "(8) That the juvenile is a chronic status offender in that
8 the juvenile has been adjudicated undisciplined three times; or
9 has twice been adjudicated undisciplined and is subject to an
10 order of protective supervision, and has violated one of the
11 terms of protective supervision; so that the juvenile is subject
12 to placement in secure custody for five or 10 or 15 days as
13 provided by G.S. 7A-648.3 and G.S. 7A-648.4."

14 Sec. 3. Chapter 7A of the General Statutes is amended
15 by adding the following new sections:

16 "§ 7A-648.1. Dispositional alternative for undisciplined
17 juvenile.--In the case of a juvenile who is undisciplined, the
18 judge may place the juvenile under an order of protective
19 supervision for a period up to one year which regulates the
20 future conduct of the juvenile by specified terms of protective
21 supervision which are related to the needs of the juvenile. The
22 judge may request a written report from the inter-disciplinary
23 committee as defined by G.S. 7A-517(18) which shall identify the
24 needs of the juvenile and include recommendations for the
25 disposition of the case. The judge shall carefully explain the
26 conditions of protective supervision in the hearing and shall
27 give the juvenile an adequate and fair warning of the
28 consequences of violating the order or committing further

1 undisciplined acts. The judge shall provide the juvenile, his
2 parents or guardian, and his attorney with a copy of the order of
3 protective supervision which shall include the terms of
4 protective supervision and the consequences of violation of said
5 order.

6 "§ 7A-648.2. Second hearing for undisciplined acts or
7 violations of the court order.--If the juvenile violates the
8 terms of protective supervision or commits further undisciplined
9 acts while under the protective supervision of the court, the
10 court may conduct a second hearing after the proper notice.
11 After hearing the evidence, the court may adjudicate the juvenile
12 to be undisciplined or enter a finding that the juvenile violated
13 a condition of the order of protective supervision. If the
14 juvenile has twice been adjudicated undisciplined, the judge
15 shall notify the juvenile, his parents or guardian, and his
16 attorney that the juvenile will be subject to loss of freedom by
17 being placed in secure custody if he commits further
18 undisciplined acts or violates the term of protective
19 supervision.

20 "§ 7A-648.3. Third hearing for undisciplined acts or
21 violations of the court order.--If a juvenile commits a third
22 undisciplined act or violates the terms of protective supervision
23 after having twice been adjudicated undisciplined, the court may
24 conduct a third hearing after notice. In this hearing, the
25 juvenile has the following due process rights: the right to
26 counsel at State expense if the juvenile does not have counsel;
27 the right to present witnesses and to confront witnesses who
28 appear against him; the right to a transcript or record of the

1 proceedings, and the right to appeal. If the court adjudicates
2 the juvenile undisciplined or finds the juvenile has violated a
3 term of protective supervision after having been twice
4 adjudicated undisciplined, the judge may place the juvenile in
5 secure custody for up to five days, provided the judge has
6 considered a report on the needs of the juvenile from an inter-
7 disciplinary committee as defined by G.S. 7A-517(18) and provided
8 the judge finds that secure custody is the least restrictive
9 alternative available appropriate to the child and the community.

10 "§ 7A-648.4. Subsequent hearings for undisciplined acts or
11 violations of the court order.--If the juvenile commits further
12 undisciplined acts or again violates the terms of protective
13 supervision after having been in secure custody for up to five
14 days, the court may conduct further hearings after notice. If
15 the court adjudicates the juvenile undisciplined or finds the
16 juvenile has violated the terms of protective supervision the
17 judge may order a second placement in secure custody for 10 days
18 and a third or subsequent placement in secure custody for up to
19 15 days."

20 Sec. 4. This act shall become effective October 1,
21 1985, and shall apply to juveniles adjudicated undisciplined on
22 or after that date.

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permitting technical colleges to convert to community colleges; and

- (6) Whether tuition for college transfer courses should be comparable to tuition charged by the constituent institutions of The University of North Carolina.

The State Board of Community Colleges shall report the findings of this study to the chairmen of the Appropriations Base and Expansion Budget Committees of the Senate and the House of Representatives and to the Fiscal Research Division, 30 days prior to the convening of the Regular 1986 Session of the 1985 General Assembly.

(b) The State Board of Community Colleges shall use up to one hundred thousand dollars (\$100,000) of the funds appropriated to it for a reserve by Section 2 of this act for this study.

-----TUITION WAIVER FOR CERTAIN STUDENTS

Sec. 67. The third sentence of G.S. 115D-5(b) is amended by adding before the language "and prison inmates" the language "students in Human Resources Development Programs, juveniles of any age committed to the Division of Youth Services of the Department of Human Resources by a court of competent jurisdiction,".

-----ATTENDANCE/TRAINING SCHOOL STUDENT

Sec. 68. The second sentence of G.S. 115D-1 is amended by adding immediately before the period the following language:

" , provided, juveniles of any age committed to the Division of Youth Services of the Department of Human Resources by a court of competent jurisdiction may, if approved by the director of the training school to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission".

PART VIII. -----UNIVERSITIES

-----MILITARY AND MILITARY DEPENDENT TUITION

Sec. 69. (a) G.S. 116-143.3(b) is rewritten to read:
 "(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a) (3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate, provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds the sum of the in-State tuition rate plus any amounts payable to the institution or the service member from the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty."

(b) G.S. 116-143.3(c) is amended by inserting between the word "services" and the word "as" the phrase "who is abiding in this State incident to active military duty,"; and is further amended by deleting the phrase "shall be accorded the benefit available to that member pursuant to subsection (b) above" and by substituting the phrase "shall be eligible to be charged the in-State tuition rate".

(c) G.S. 116-143.3(e) is amended by deleting the phrase "receiving the in-State tuition benefit" and by substituting the phrase "charged less than the out-of-State tuition rate".

C-11
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985



HOUSE BILL 654

Short Title: Division of Youth Services.

(Public)

Sponsors: Representative Barnes.

Referred to: Judiciary III.

April 16, 1985

1 A BILL TO BE ENTITLED

2 AN ACT TO ESTABLISH THE DIVISION OF YOUTH SERVICES. .

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 134A of the General Statutes is
5 amended by inserting a new Article 1A to read:

6 "ARTICLE 1A. .

7 "DIVISION OF YOUTH SERVICES IN

8 THE DEPARTMENT OF HUMAN RESOURCES. .

9 "§ 134A-9.1. Legislative intent and purpose. --The General
10 Assembly hereby creates the Division of Youth Services within the
11 Department of Human Resources which shall manage and
12 administratively control the training schools, community-based
13 alternative programs, regional detention programs, and other
14 youth service programs as may be provided for by the General
15 Assembly or directed by the Secretary of Human Resources in
16 accordance with the powers and duties granted by the legislative
17 act to the Secretary. .

18 The services provided by the Division of Youth Services shall
19 be intended to prevent youth from future involvement in the

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1 criminal justice system and to enhance their ability to be
2 productive citizens.

3 "§ 134A-9.2. . . Definitions. -- The following terms or phrases
4 shall be defined as follows in this Chapter unless the context or
5 subject matter otherwise requires:

6 (1) 'Child' is any person who has not reached his 16th
7 birthday.

8 (2) 'County detention home' means one of the existing
9 county-supported detention homes for juveniles or
10 one which may be established by a county or other
11 unit of local government in the future.

12 (3) 'Delinquent child' includes any child subject to
13 the juvenile jurisdiction of the juvenile court as
14 defined by G.S. 7A-517(12) who is subject to
15 commitment to an institution for delinquents under
16 G.S. 7A-652.

17 (4) 'Department' means the Department of Human
18 Resources as defined under Chapter 143B, the
19 Executive Organization Act of 1973.

20 (5) 'Institution' means a school, training school, or
21 institution for committed delinquents heretofore
22 operated by the Division of Youth Services.

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24 (6) 'Juvenile detention' refers to detention of a child
25 alleged to be undisciplined or delinquent before or
26 after a juvenile hearing as authorized by G.S. 7A-
27 574(b).

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1 (7) 'Regional detention home' means a State-supported
2 and administered regional facility providing
3 detention care as recommended by the report..

4 (8) 'Secretary' means the Secretary of Human Resources,
5 established by G.S. 143B-139..

6 (9) 'Youth services program' means any type of
7 residential or nonresidential program or service
8 for youth that may be developed by the Secretary as
9 authorized by this Chapter..

10 "§ 130A-9.3. Powers and duties of Secretary of Human
11 Resources. --The Secretary shall have the following powers and
12 duties:

13 (1) To give leadership to the implementation as
14 appropriate of State policy which requires that
15 training schools be phased out or redesigned as
16 populations change or diminish;

17 (2) To close a State training school when its operation
18 is no longer justified and to transfer State funds
19 appropriated for the operation of any training
20 school which is closed to fund community-based
21 programs or to purchase care or service for
22 predelinquents, delinquents, or status offenders in
23 community-based or other to improve the efficiency
24 of existing training schools, provided such actions
25 are approved by the Advisory Budget Commission;

26 (3) To develop a sound admission or intake program to
27 youth services institutions, including the
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- 1 requirement of a careful evaluation of the needs of
2 each child prior to acceptance and placement;
- 3 (4) To assure quality programs in youth services
4 institutions or youth services programs which shall
5 be designed to meet the needs of children in care
6 or receiving services;
- 7 (5) To provide a quality educational program in each
8 training school, including vocational education,
9 which is realistic in relation to available jobs,
10 and to administer this educational system;
- 11 (6) To have all the other powers of a secretary in
12 relation to a division of youth services or youth
13 services institutions or youth services programs as
14 provided by the Executive Organization Act of 1973
15 as amended and codified in Chapter 143B or as
16 provided by any other appropriate State law;
- 17 (7) To promulgate rules and regulations to implement
18 the provisions of this Chapter and the
19 responsibilities of the Secretary and the
20 Department of Human Resources under Chapter 7A;
- 21 (8) The functions of management as defined in G.S.
22 143B-10(e), which includes planning, organizing,
23 staffing, directing, coordinating, reporting, and
24 budgeting for Youth Services;
- 25 (9) The responsibility for the administration of the
26 institutions, community-based alternative programs,
27 statewide regional detention programs, and other
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1 youth services programs directed by legislative act
2 or the Secretary;

3 (10) To appoint or remove the head of each institution
4 or youth services program according to State
5 personnel policies and other laws relative to State
6 personnel;

7 (11) To hire such staff for the central office as may
8 be necessary for the effective administration of
9 the program, in accordance with State personnel and
10 fiscal policies;

11 (12) The authority to delegate to the head of each
12 institution (or head of other youth services
13 program) the responsibility for appointment and
14 discharge of subordinate personnel in said
15 institution or said youth services program with the
16 approval of the Director and according to State
17 personnel policies;

18 (13) The authority to require bonds for administrative
19 heads and budget officers;

20 (14) The authority to provide necessary medical or
21 surgical care as defined in G.S. 134A-21;

22 (15) The authority to compensate children in care as
23 defined in G.S. 134A-22;

24 (16) The authority to encourage visits by parents and
25 responsible relatives of children under care and to
26 arrange a suitable program of home visits for
27 children in care as per G.S. 134A-26;

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1 (17) The enforcement of juvenile detention standards
2 and personnel training for juvenile detention
3 facilities;

4 (18) The development and administration of regional
5 detention homes and coordination of regional
6 detention services through existing county
7 detention homes as provided in G.S. 134A;

8 (19) Authority to promulgate rules, issue declaratory
9 rulings, appoint hearing officers, and make final
10 agency decisions under G.S. 150A, the
11 Administrative Procedures Act."

12 Sec. 2. Article 1 of G.S. 134A is repealed.

13 Sec. 3. Chapter 134A of the General Statutes is amended
14 by inserting a new Article 2A to read:

15 "ARTICLE 2A.

16 "DIRECTOR OF YOUTH SERVICES.

17 "§ 134A-15. Powers and duties of Director of Youth Services.--

18 The Secretary is hereby authorized and empowered to employ a
19 Director of Youth Services who shall serve all schools,
20 institutions, and agencies covered by this Article and shall
21 perform such functions and responsibilities as delegated by the
22 Secretary."

23 Sec. 4. Chapter 134A of the General Statutes is amended
24 by inserting a new section 19.1 to read:

25 "§ 134A-19.1. Purpose of training schools.--It shall be the
26 purpose of the training schools of the Division of Youth Services
27 to serve as a component of the State's system of services for
28 those delinquent youth who have committed offenses that would be

1 criminal offenses if they were adults, have not or cannot be
2 served effectively by local community-based services, are in need
3 of containment, and have been committed by the district court.
4 These services shall include assessment and programs designed to
5 meet the physical, psychological, and educational needs of
6 delinquent youth and to provide emphasis on services designed to
7 enhance the socialization and vocational skills of delinquent
8 youth."

9 Sec. 5. This act shall become effective July 1, 1985..

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1985

HOUSE BILL 925

Short Title: Juvenile Rights Clarification..

(Public)

Sponsors: Representative Evans..

Referred to: Judiciary IV.

May 13, 1985

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE APPLICATION OF THE JUVENILE CODE TO YOUTH
2 ACCUSED OF CRIMES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 7A-571(1) is amended by inserting
5 between the word "juvenile" and the word "may" the words
6 "reasonably believed to be delinquent".

7 Sec. 2. G.S. 7A-574(b) is amended by inserting between
8 the word "juvenile" and the word "actually" the words "who is
9 alleged to be within the juvenile jurisdiction of the court".

10 Sec. 3. G.S. 7A-577(a) is amended in the first sentence
11 by inserting between the word "juvenile" and the word "shall" the
12 words "alleged to be within the juvenile jurisdiction of the
13 court".

14 Sec. 4. G.S. 7A-584(b) is amended by inserting between
15 the word "juvenile" and the word "shall" the words "alleged to be
16 within the juvenile jurisdiction of the court".

17 Sec. 5. G.S. 7A-585 is amended in the first sentence by
18 inserting between the word "juvenile" and the word "or" the words
19 "alleged to be within the juvenile jurisdiction of the court".
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Sec. 6. G.S. 7A-594 is amended by inserting between the word "juvenile" and the word "into" the words "who is alleged to be delinquent".

Sec. 7. G.S. 7A-595(a) is amended by inserting between the word "custody" and the word "must" the words "who is alleged to be delinquent".

Sec. 8. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

HOUSE BILL 987

Short Title: Def. Terms for Certain Juveniles.

(Public)

Sponsors: Representative Barnes.

Referred to: Judiciary III.

May 14, 1985

A BILL TO BE ENTITLED

AN ACT TO PROVIDE JUDICIAL DISCRETION FOR DEFINITE TERMS OF
COMMITMENT FOR CERTAIN ACTS BY JUVENILES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-652(b)(2) is rewritten to read:

"(2) A definite term:

- a. Not less than one year nor more than a maximum term of commitment that an adult could receive for the same offense or until the juvenile's eighteenth birthday, whichever is the lesser period of time, if the judge finds as a fact that the juvenile is 14 years of age or older, and has been adjudicated delinquent for an act that constitutes an offense listed in G.S. 7A-531; or
- b. Not to exceed two years if the judge finds that the juvenile is 14 years of age or older, has been previously adjudicated delinquent for two or more felony offenses, and has been previously committed to a residential facility operated by the Division of Youth Services.

1 The Division of Youth Services may reduce the duration of the
2 definite commitment by an amount not to exceed fifty percent
3 (50%) if the juvenile has not committed any major infractions of
4 the regulations of any facility to which he is assigned, and the
5 Division of Youth Services may petition the court for a reduction
6 of more than fifty percent (50%) pursuant to G.S. 7A-664."

7 Sec. 2. This act shall become effective October 1,
8 1985, and applies to juveniles committed on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1985

HOUSE BILL 988
Second Edition Engrossed 6/6/85



Short Title: Short-Term Juv. Commitments.

(Public)

Sponsors: Representative Barnes.

Referred to: Judiciary III.

May 14, 1985

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR SHORT-TERM COMMITMENTS OF JUVENILES TO LOCAL APPROVED FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-652(c) is rewritten to read:

"(c) In no event shall commitment [H-of a delinquent juvenile] be for a period of time in excess of that period for which an adult could be committed for the same act. Any juvenile committed for 30 days or less shall be assigned to a local detention home as defined by G.S. 7A-517(15) or a regional detention home as defined by G.S. 7A-517(26)."

Sec. 2. This act shall become effective October 1, 1985, and applies to juveniles committed on and after that date.

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GENERAL ASSEMBLY OF NORTH CAROLINA

1985 SESSION (REGULAR SESSION, 1986)

RATIFIED BILL

CHAPTER 898
HOUSE BILL 1544

AN ACT TO ALLOW MEMBERS OF THE JUVENILE LAW STUDY COMMISSION TO
SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-740 is amended by adding a new
sentence to the end to read:

"If, when a term expires, the appointing authority has not
filled the vacancy, the member whose term has expired shall
continue to serve until the appointment is made."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified,
this the 3rd day of July, 1986.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

HOUSE BILL 1954

Short Title: Dist. Judge Juvenile Training Funds. . . (Public)

Sponsors: Representatives Barnes; Evans. . .

Referred to: Appropriations.

June 19, 1986

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR TRAINING DISTRICT COURT JUDGES
3 CERTIFIED IN JUVENILE COURT. .

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Juvenile Services Division, Administrative Office of the
7 Courts, Judicial Department, the sum of forty-three thousand six
8 hundred dollars (\$43,600) to provide funds to train the 60
9 district court judges who have completed the certification
10 process for juvenile court judges, at the National College of
11 Juvenile Justice in North Carolina, to continue certification
12 training of judges seeking certification, and to continue
13 updating the certification training. .

14 Sec. 2. This act shall become effective July 1, 1986. .
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APPENDIX D

Juvenile Law Study Commission Agendas: 1985-1986.

AGENDA

JUVENILE LAW STUDY COMMISSION

Monday, February 11, 1985 at 10:00 a.m.

626 Legislative Office Building

1. Meeting called to order.
2. Approval of the minutes.
3. Day Care Bills.
4. Chronic Status Offender Package
 1. Contempt Proceedings
 2. Compulsory Attendance Changes
5. Changes to the Membership of the Juvenile Law Study Commission.
6. Bills introduced in the 1985 Legislative Session.
 - Missing and Exploited Children's Center
7. Directions to Staff

AGENDA

JUVENILE LAW STUDY COMMISSION

Monday, April 22, 1985, 10:00 a.m.

612 Legislative Office Building

1. Meeting called to order
2. Approval of the minutes
3. Programs for Juveniles in Training Schools and for Young Adults in Prison
4. Other Bills
 1. SB 243 (Copies are enclosed with members' agendas)
 2. Vocational Training for Training School Students
 3. An Act to Change Entrance Requirements to Community Colleges
 4. Chronic Status Offender
 5. Compulsory School Attendance
 6. Other
5. Status Report on:
 1. Access to Juvenile Records
 2. HB 146
 3. SB 71

AGENDA

JUVENILE LAW STUDY COMMISSION

Monday, May 13, 1985, 10:00 a.m.

612 Legislative Office Building

1. Meeting called to order
2. Approval of the minutes
3. Two Proposed Bills
 1. An Act To Provide Short Term Commitments Of Juveniles To Local Approved Facilities
 2. An Act To Amend G.S. 7A-652 To Provide Judicial Discretion For Definite Terms Of Commitment For Certain Acts By Juveniles
4. Substitute for HB 146 - Changing the juvenile age from 16 to 18 (you have already received copies of the bill)
5. Endangered Child Law Changes
6. Abuse or Neglect Investigation
7. Status Report on:
 1. Compulsory School Attendance
 2. Chronic Status Offender
 3. Vocational Training For Training School Students
 4. Community College Entrance Amendment

AGENDA

JUVENILE LAW STUDY COMMISSION

Monday, June 17, 1985, 10:00 a.m.

612 Legislative Office Building

1. Meeting called to order
2. Approval of the minutes
3. Endangered Child Law Changes
4. Youth Assistance Funds
5. New Bills
 1. Training School Closing Study
 2. Emancipated Minors/Marry
 3. Child Protection Study
 4. CBA Funds
6. Status report on:
 1. Neglected Juvenile/Protective Services
 2. Others

AGENDA

JUVENILE LAW STUDY COMMISSION

Monday, September 9, 1985, 10:00 a.m.

612 Legislative Office Building

1. Meeting called to order
2. Approval of the minutes
3. Budget Report on the Juvenile Law Study Commission
4. Introduction of Mr. Alfred Boyles, the new Director of the Division of Youth Services
5. Review of the Endangered Child Law
6. Summary of Bills
7. Fiscal Research Report
8. Southern Legislative Conference Announcement
9. Other Business

JUVENILE LAW STUDY COMMISSION

AGENDA

November 4, 1985; 10:00 A.M.

Room 612, Legislative Office Building

1. Approval of Minutes.
2. Introduction of Al Boyles, Director, Division of Youth Services, Department of Human Resources.
3. Update on Willie M Program, Mike Pedneau, Special Deputy, Willie M Program, Division of Mental Health, Mental Retardation, and Substance Abuse Services, Department of Human Resources.
4. Mental Health Services to Juveniles:
 - Mental Health Study Commission, Gary Macbeth,
 - Division of Youth Services:
 - Gwenn Chunn, Deputy Director, Institutions and Treatment,
 - Dr. Helen Crist, Chief of Treatment,
 - Division of Prisons:
 - Alan Harrop, Assistant Director, Mental Health Services.
5. Lunch and informal discussion on future agenda.
6. Other issues.
7. Agenda for future meetings.
8. Adjournment.

AGENDA

Juvenile Law Study Commission

Monday; February 10, 1986; 10:00 A. M.

Room 612; Legislative Office Building

Approval of Minutes

Presentation of Perspectives on Juvenile Status Offenders: A Report to the Governor's Crime Commission; Stevens Clarke, Institute of Government. [A copy is enclosed.]

Presentation of amendment to Chronic Status Offender Bill; Staff Commission Action on Amendment

Lunch

Presentation of General Overview of Detention Facilities; Wiley Teal, Chief of Detention Services, Division of Youth Services; Department of Human Resources

Presentation of State Auditor's Office Remarks on Operational Audit of Correction Department and Its Impact on Training Schools

Presentation of Report on Effort to Accredite Training Schools; Steve Williams

A G E N D A

Juvenile Law Study Commission

Monday, March 10, 1986; 10:00 A. M.

Room 612, Legislative Office Building

Approval of Minutes

Endangered Child Legislation Presentation:

- (1) Janet Mason, Institute of Government
- (2) Andrew Little, Contract Attorney for Orange County
Department of Social Services

Report on February Conference, Rankin Whittington

Lunch

Runaway Detention Compliance Information Presentation:

Vicky Church, Juvenile Justice Coordinator,
Governor's Crime Commission

Directions to Staff

Reception honoring Representatives Anne Barnes and Charles Evans,
home of Steve Williams, Donna Routh, 220 Hillcrest, Cameron Park,
Raleigh

JUVENILE LAW STUDY COMMISSION AGENDA

Monday, April 14, 1986, 10:00 a.m; Room 612, Legislative Office
Building

Approval of minutes

Proposal appropriating money for salary supplement for district
court judges certified in juvenile law:

- (1) Draft legislation
- (2) Response by Franklin Freeman, Administrative Officer of
the Courts.

Presentation of Endangered Child legislation alternatives:

- (1) Staff draft
- (2) Subcommittee draft
- (3) Subcommittee presentation; staff presentation
- (4) Commission action

Lunch

Agency requests for '86 Session Commission endorsement or
sponserhip:

- (1) Franklin Freeman, Administrative Officer of the Courts
- (2) Gwen Chun, Deputy Director, Institutional Services; Ken
Foster, Deputy Director, Community Services, Division of Youth
Services, Department of Human Resources
- (3) Joan Holland, Chief of Family Services, Division of
Social Services, Department of Human Resources

Other issues for '86 Session

Adjournment

A G E N D A

Juvenile Law Study Commission

May 12, 1986; 10:00 a. m.

Room 612, Legislative Office Building

Approval of last two meetings' minutes

Foster home licensing appeals change: Joan Holland,
Division of Social Services, Department of Human Resources

Accessing DYS records: Vicky Church,
Governor's Crime Commission
Susan Sabre

Training school recommendations: Ruth Starnes,
State Auditor's Office

Legislation extending Commission members' terms

Additional items for 1986 Legislative Session

- (1) Changes recommended by Administrative Office of
the Courts, Bob Atkinson
- (2) Changes recommended by Mental Health Study
Commission

Counseling chronic status offenders in detention: Ken Foster,
Division of Youth Services, Department of Human Resources

A G E N D A

Juvenile Law Study Commission

Monday; September 8, 1986; 10:00 A.M.
Room 612, Legislative Office Building

- I. Approval of minutes of previous meeting.
- II. *Forms - Randy*
Welcome to and introduction of new members.
- III. Introduction of visitors.
- IV. Orientation:
 - Susan Sabre, Committee Counsel - Background of
Juvenile Law Revision and of Commission
 - Judge Gilbert Burnett - District Court Judges
 - Nancy Patteson - Court Counsellors
 - Steve Williams - Division of Youth Services
 - Rankin Whittington - local Departments of Social
Services
 - Representative Anne Barnes - Summation
- V. Announcement of 1986 Children and Youth Conference.
- VI. Update on the 1986 Legislative Session:
 - Susan Sabre, committee counsel
- VII. Lunch
- VIII. Subcommittee work on agenda-setting.
- IX. Report of subcommittees.
- X. Agenda for next meeting and directions to staff.

A G E N D A
Juvenile Law Study Commission
Monday; October 13, 1986
612 Legislative Office Building

Approval of Minutes

Registration for Conference on Children and Youth

Results of Study

Discussion of Chronic Status Offender Issue:

I. Legislative proposal to establish an interdisciplinary committee to assist the court in developing alternatives for status offenders and to allow protective custody in response to violation of the terms of a valid protective supervision order.

II. Presentations on programs that affect the status offender problem:

- (1) Ed Taylor, Assistant Administrator,
Juvenile Services Division, Administrative Office
of the Courts:
Update on Intensive Probation Program;
- (2) Ken Foster, Deputy Director for Community
Services, Division of Youth Services, Department
of Human Resources: Community Programs;
- (3) Carolyn Biggerstaff, Executive Director,
Youth and Family Community Services:
Crimes Alternative Program;
- (4) Vicky Church, Juvenile Justice Coordinator,
Governor's Crime Commission:
Juvenile Justice and Delinquency Prevention
Programs.

LUNCH

Presentation on Willie M. Programs:

Mike Pedneau, Special Deputy for Willie M. Programs,
Department of Human Resources.

A G E N D A

Juvenile Law Study Commission

Monday, November 10, 1986

Room 612, Legislative Office Building

Approval of Minutes

Presentation on Transportation of Juveniles - Gwen Chunn,
Division of Youth Services, Department of Human Resources.

Presentation on Placement, Pending Trial, of Juveniles Bound over
to Superior Court - Bob Atkinson, Juvenile Services Division,
Administrative Office of the Courts.

Presentation of Draft Letters on "Willie M." Issues.

Proposals for Consideration:

- (1) Chronic Status Offender Legislation;
and/or
Chronic Status Offender Alternative Programs:
 - (i) in-school pilot program;
 - (ii) Intensive supervision for chronic status offenders;
 - (iii) alternative centers (alternatives to detention facilities).
- (2) Secure Temporary Custody for Assaultive Misdemeanors;
- (3) Definite Commitments;
- (4) Short-term Detention Commitments.

APPENDIX E

Juvenile Law Study Commission Minutes: 1985-1986.

JUVENILE LAW STUDY COMMISSION

January 14, 1985

10:00 a.m. - Room 626 Legislative Office Building

The Juvenile Law Study Commission met January 14, 1985, at 10:00 a.m. in Room 626 of the Legislative Office Building.

Commission members present were:

Rep. Anne C. Barnes, Chair

Judge Gilbert Burnett

Mr. Charles B. Casper

Ms. Janet Crisp-Lacy

Mr. Lee Crites

Rep. Charles D. Evans

Ms. Sue Glasby

Judge Lota Greenlee

Ms. Rosa M. Jones

Mr. Michael J. McGee

Ms. Nancy Patteson

Mr. Rankin Whittenton

Mr. Steve Williams

The meeting was called to order by Rep. Barnes, Chair, who presided. A visitor registration list is attached to official minutes.

Rep. Barnes welcomed a new member of the Commission, Steve Williams of the Youth Services Division of the Department of Human Resources. She noted that Don Pagett was no longer a member due to his changing jobs and leaving the category of membership. Mr. Pagett continued to chair the subcommittee that has been dealing with the Escapee Confidentiality Question. He was present in that

capacity at the meeting. Rep. Barnes paid tribute to Mr. Pagett for his very able and conscientious service to the Commission during his tenure.

The minutes of the Juvenile Law Study Commission meeting held November 19, 1984, were presented. It was noted that there was one correction to the minutes. Judge Burnett was present at the meeting but his name was omitted from the list of members. His name is to be added to the minutes. Mr. Whittenton moved that these minutes be adopted as amended and the motion was seconded by Mr. Crites. Motion carried.

Commission members were informed that Ms. Ada Edwards would not be able to continue as clerk to the Commission due to her additional responsibilities during the coming Session. Rep. Barnes stated that final arrangements have not been made to hire a new clerk, but a search is under way. Ms. Virginia Currie, Rep. Barnes' legislative secretary, took the minutes of the meeting.

Rep. Barnes noted that many subjects were on the agenda. These subjects have been discussed for many months and the Commission has explored various alternatives. It has heard many reports and different points of view. Action needs to be taken as to whether or not the views of the Commission should be put before the General Assembly.

The Training School Escapee Confidentiality Question issue had been referred to a subcommittee chaired by Don Pagett with Janet Crisp-Lacy, Mike McGee and Bob Atkinson. They were asked to look more thoroughly into the issue and to bring some recommendations or a report. Mr. Pagett noted that they have finished their work and had a recommendation. The top paragraph of the attached proposal is

current law on confidentiality. The subcommittee unanimously agreed that the necessary change it recommended makes law what has been a practical reality for some time. When an individual absconds from training school the training school personnel most often do contact law enforcement and police information networks and contact municipal police and or the sheriff's office. The subcommittee's proposal makes that past procedural reality a law. It also recognizes the role of law enforcement in the protection of communities. It strengthens the role of the training schools in terms of working with law enforcement to protect the communities. This proposal is a modest appropriate beginning step - possibly later on opening up wider communication.

The subcommittee was unanimous in its approval of this proposal. The Division of Youth Services is comfortable with it. It was recommended to the Commission for its approval. After some discussion the Commission agreed to amend the statute to allow for local or county operated or owned facilities to have the same authority. Mr. Casper made the amending motion. Mr. Whittenton seconded. The motion carried. Rep. Barnes stated that this will be a bill drafted from the Commission and introduced by the Commission's legislative members.

The issue of the right for children to have rights and warnings, including the right to have adult persons with them when they are interrogated by the police, was introduced and discussed by Vicky Church of the Governor's Crime Commission. The Commission was asked to look at a bill that focuses on the age at commission of the crime. If the child is then subject to "juvenile court" proceedings because of the age of commission, then the child should be given the full set

of juvenile rights and warnings. If the child is 16 or 17 ~~when~~ the crime is committed, then he would be given adult rights and warnings. This issue was debated both in the Crime Commission and in the Attorney General's office. Several juvenile court judges stated that they would prefer, if the juvenile matter was coming into their court, that the child be given the juvenile Miranda warnings. Several law enforcement officials testified that certainly was needed. Mr. Phil Lyons of the Attorney General's office stated that he had discussed this legislation with Attorney General Lacy Thornburg and that he supports this legislation without reservation. He would like to include it in his recommendations to the General Assembly.

Rep. Anne Barnes reminded the members that at a former meeting members of the Governors' Youth Advocacy Council spoke in opposition to this change. The Council's arguments were that 16 and 17 year-olds were still in the age category of individuals who needed the full opportunity to have parents or guardians present to assist or to counsel them and that they were still juveniles emotionally whether or not they were "juveniles" according to the law.

Rep. Barnes asked Ms. Church and Mr. Lyons to go over again the difference between the juvenile rights and warning and the adult rights and Miranda warning, when a person is in the police station after having been apprehended. Ms. Church said that the basic difference is that they would be extended more rights under the juvenile set, in particular that they have the right to have their parents present.

Judge Burnett moved that the Commission recommend this proposal to the Governor. If the Governor does not introduce it in the

Legislature then some other method shall be chosen to introduce it. Mr. Crites seconded the motion. The motion carried. Rep. Evans then suggested that in the communication coming from this Commission a statement be inserted that it is the sense of the Commission that the proposal contains what was the 1979 juvenile recodification. That motion also carried.

Ms. Vicky Church gave a very informative presentation on the Chronic Status Offender Package. The first set of proposals in the package deals with elective procedure, chronicity, due process, assessment, and consequences for willful violation. The second major proposal, the Compulsory Attendance Bill, deals with parents' notification, schools, informal and formal notification and action taken.

A long and very thorough discussion took place on each of these concerns. Judge Burnett explained that "chronicity" has reference to the child who has had at least two separate adjudications of status offense behaviors and either a third adjudication of a status offense or a willful violation of a valid court order.

Jim Johnson of the Fiscal Research Division raised some questions about the costs connected with these proposals. Any increase in the population of confinement facilities would be bound to have a fiscal impact. These costs depend on (1) the number of children, (2) the composition of the status offender population, (3) the cost of counsel, and (4) transportation costs. Mr. Tim Brotherton, also of the Fiscal Research Division, was present for this discussion. Rep. Barnes thanked Mr. Johnson and Mr. Brotherton for giving their views.

At this point, Rep. Barnes suggested a lunch break. After lunch the Compulsory School Attendance Bill was discussed again at great

length. All of the members joined in this discussion and gave many instances of their individual experiences with this question and its problems.

Rep. Barnes asked the group if it wished to introduce any legislation on this problem. Rep. Evans stated that he felt that the current law needs clarifying and strengthening. He said that the Commission should express support without taking any specific action on this bill. It was noted that the North Carolina Bar Association is dealing with the same issue. Mr. Williams asked if it was workable to state a position on what Ms. Church had brought and discussed at this time.

Mr. Whittenton made a motion that the Commission go on record as supporting the concept of increasing requirements for non-attendance but that this Commission does not support the amendments that were put before it today. The motion was seconded and voted on. The motion carried. Rep. Barnes then asked if there was a consensus to bring back this subject at the next meeting. Rep. Evans asked that the minutes show exactly what was said about this issue. Rep. Barnes proposed that she, Mr. Mason Thomas, Rep. Evans and Ms. Sabre get together and come up with something to recommend to the Crime Commission and to the Governor. Rep. Barnes said this issue would be taken up again at the next meeting of the Commission.

Mr. Williams made a motion that the members contemplate some favorable action at the next meeting on the information that was "foraged" today regarding the chronic status offender package when the Commission has had an opportunity to review a new proposed draft taking into account the concerns that were deliberated upon

today. Rep. Evans seconded the motion. Motion carried.

Rep. Barnes next introduced Ms. Virginia Weisz who explained proposed legislation expanding the law on domestic violence to protect minor children more appropriately. A discussion followed this presentation. Mr. Williams made a motion to introduce the legislation in the General Assembly. Ms. Patteson seconded. The motion carried. It was further recommended that the legislators on this Commission offer their support and assistance to the legislation when it is introduced in the General Assembly.

Rep. Barnes requested that the remaining items on today's agenda be moved to the agenda for the February meeting. The bill to provide funds for this Commission to continue its work was read. A motion to introduce this in the Legislature was made and seconded. The motion carried.

Rep. Barnes concluded the day's work by stating that the statute establishing the Commission needed to be amended in order to have an additional seat on the Juvenile Law Study Commission. This seat should be designated for a member of the Juvenile Justice Planning Committee of the Governor's Crime Commission. A member of the Commission is, similarly, to become a member of the Juvenile Justice Planning Committee. This exchange will provide liaison between the two groups. Rep. Evans suggested that the two members appointed by the Speaker of the House of Representatives and the two appointed by the President of the Senate be specified as needing to be members of the General Assembly. Mrs. Barnes asked Ms. Sabre to draft a bill to reflect these changes and to present this draft at the next meeting.

The next meeting of the Juvenile Law Study Commission is scheduled for February 11, 1985.

There being no further discussion, the meeting adjourned at 5:00 p.m.

Anne Barnes

Rep. Anne C. Barnes
Chair

Virginia A. Currie

Virginia S. Currie
Temporary Committee Clerk

JUVENILE LAW STUDY COMMISSION

February 11, 1985

10:00 a.m. Room 626 Legislative Office Building

The Juvenile Law Study Commission met February 11, 1985, at 10:00 a.m. in Room 626 of the Legislative Office Building.

Commission members present were:

Rep. Anne. Barnes, Chair

Judge Gilbert Burnett

Rep. Charles Evans

Ms. Nancy Patteson

Mr. Rankin Whittington

Ms. Sue Glasby

Mr. Thomas Younce

The meeting was called to order by Rep. Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The commission's first order of business was addressing two Day Care Bills left over from the previous meeting in January. The bills discussed were, Mandate Day Care Abuse Report and Caretaker Definition Change. Rep. Barnes informed the commission that both bills had been filed and sent to committee. Judge Burnett made a motion that the Mandate Day Care Abuse Report Bill be approved. Ms. Nancy Patteson seconded the motion. The motion carried.

The next bill discussed was the Caretaker Definition Change. Ms. Nancy Patteson moved that the commission adopt the bill. The motion was seconded by Mr. Rankin Whittington. The motion carried.

The next item on the agenda was the Chronic Status Offender Package. The two bills discussed were the Chronic Status Offender (Contempt Proceedings) and Compulsory School Attendance.

The commission had some discussion on the exact language of the Chronic Status Offender Bill. Judge Burnett made three motions to change some of the language in the bill.

The first motion was to insert that; a judge may permit the inter-disciplinary committee to continue after the third and subsequent hearings. The motion was seconded by Mr. Whittington. The motion carried.

Judge Burnett made a second motion to insert wherever appropriate the words: third and subsequent. The motion was seconded by Mr. Whittington. The motion carried.

Judge Burnett made a third motion so that the last sentence in Section 1 (S-7A-648.3) would read as follows:

If the court adjudicates the juvenile undisciplined or finds the juvenile has violated a condition of protective services after having been twice adjudicated undisciplined, and after consideration of a report on the needs of the juvenile from an inter-disciplinary committee as defined in G.S.

7A-517(18) the judge may place the juvenile in secure custody up to five days if the judge finds where secure custody is the most rational and appropriate alternative available to the child and community.

The motion was seconded by Mr. Whittington. The motion carried.

A motion was made by Judge Burnett that the commission adopt the bill. The motion was seconded by Mr. Whittington. The motion carried.

Mr. Whittington made a motion that the Juvenile Law Study Commission write a letter in support of the Crime Commission's bill regarding the Chronic Status Offender. This letter would be sent to the Governor and at the appropriate time, chair people of committees in the House and Senate where the bill is filed. The motion was seconded by Judge Burnett. The motion carried.

Rep. Charles Evans made a friendly amendment to this proposal. He recommended that a copy of the letter be sent to the Crime Commission. The amendment was accepted.

The next item on the agenda was the Compulsory School Attendance Bill. Rep. Barnes told the commission that copies of this bill had been sent to different concerned and related organizations. Rep. Barnes said she would try to have a compiled report on these responses for the next meeting in March.

Rep. Barnes also informed the commission that the Crime Commission Package had not yet been sent to the Governor. Rep. Barnes felt that the package would not reach the General Assembly before the next commission meeting in March.

Vicky Church, of the Governor's Crime Commission, gave a brief report on the Compulsory School Attendance Bill. Following this report, Mr. Whittington made a motion that the bill be approved. Judge Burnett seconded the motion. The motion carried.

Mr. Whittington also made a motion that the commission send a letter in support of the Compulsory School Attendance Bill to the Governor and the Crime Commission. The motion was seconded by Judge Burnett. The motion carried.

The next bill for discussion was the Change For the Membership of the Juvenile Law Study Commission. Rep. Charles Evans made a motion that the bill be adopted. The motion was seconded by Mr. Thomas Younce. The motion carried.

The final item on the agenda was discussion of a bill to be introduced in the 1985 Legislative Assembly. Staff attorney, Susan Sabre gave a report on the Missing Childrens Center Bill. After some discussion from the members, Mr. Thomas Younce made a motion that the commission endorse the concept of the bill. Included in this motion was to let the bill author, Senator Higgs, know the concern of the Juvenile Law Study

Commission. The motion was seconded by Ms. Patteson. The motion carried.

Ms. Church invited everyone at the meeting to attend the Fifth Annual North Carolina Conference on Delinquency Prevention. The conference will take place in Raleigh on March 11-13, 1985 at the Mission Valley Inn.

There being no further discussion, the meeting adjourned at 2:15.

Anne Barnes

Rep. Anne Barnes

Chair

Randy L. Brantley

Randy L. Brantley

Committee Clerk

JUVENILE LAW STUDY COMMISSION

March 11, 1985

10:00 a.m. Room 612 Legislative Office Building

The Juvenile Law Study Commission met March 11, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members present were:

Rep. Anne Barnes, Chair

Judge Gilbert Burnett

Ms. Nancy Patteson

Rep. Charles Evans

Ms. Sue Glasby

Mr. Steve Williams

Ms. Rosa Jones

Mr. Lee Crites

Mr. Michael McGee

Mr. Rankin Whittington

The meeting was called to order by Rep. Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The commission's first order of business was addressing the "Undisciplined Juvenile" Redefined Bill, sponsored by Representative Charles Beall. Also included in the first order of business, was discussion of the Amend Delinquent/Undisciplined Bill, sponsored by Senator Charles Hipps.

After a lengthy discussion, the commission made a motion that the Chair send a letter to both Representative Beall and Senator Hipps in regard to each sponsor's bill.

The letter would include the commission's concern that more study was needed for each of these bills because of the impact each would involve. The commission also made a motion that both bill authors be invited to the next Juvenile Law Study Commission meeting for discussion.

The next item discussed were three Crime Commission Bills. Rep. Barnes noted that Governor Martin would receive the Crime Commission Package on March 15.

The first Crime Commission Bill discussed was the Opening of Juvenile Records Bill. Mr. Lee Crites made a motion that a letter be sent to Governor Martin asking that he not send this bill to the General Assembly. The motion was seconded by Ms. Rosa Jones. The motion carried.

The next Crime Commission bill discussed was the Chronic States Offender. Rep. Barnes said that she had sent a letter of support from the commission to Governor Martin. Rep. Barnes also told the commission that the Governor's Crime Commission had received the amendments made by the Juvenile Law Study Commission to this bill. Rep. Barnes said that all amendments were accepted except the least restrictive language amendment. Rep. Barnes said that the Governor's Crime Commission Attorney, Tom Haverner, had communicated to her that this amendment could not be accepted due to federal regulation.

Judge Gilbert Burnett was interested in obtaining a copy of the bill as it now reads. Staff Attorney, Susan Sabre, agreed to send current copies of the bill to each

commission member.

The next bill addressed was the Compulsory School Attendance Changes. Rep. Barnes stated that all the amendments made by the Juvenile Law Study Commission were incorporated into the bill.

Next, was the discussion of Changing Membership of the Juvenile Justice Planning Commission Bill. Rep. Barnes told the commission that a lawyer from the Crime Commission had told her that changes in the Planning Commission would have to be made by executive order and not legislation. Rep. Barnes said she would request that Governor Martin include this in his executive order.

Reports on responses regarding the Compulsory School Attendance Bill were the next item of business. Rep. Barnes told the commission that the only response so far, had been from the N.C. Bar Association. Rep. Barnes said that the N.C. Bar Association stated that it had no position on this bill.

For the remainder of the agenda, Rep. Barnes gave a brief status report on several bills.

1. Domestic Violence/Children - The bill was ready for its third reading in the House.
2. Juvenile Law Study Commission Funds - it is now in sub-committee (budget appropriations).
3. Changes in the Membership of the Juvenile Law Study Commission - in J-III of the House. Rep. Barnes said she would ask that this bill stay there until the executive order had been issued.

4. Mandate Day Care Abuse Report - still in committee of both the House and Senate.
5. Caretaker Definition Change - in Judiciary I in both the House and Senate.
6. Missing Children Center - Rep. Barnes said that the Crime Commission had included several bills in its package that deal with missing children.

Rep. Barnes told the commission that the Blue Ribbon Committee on Juvenile Facilities had its report given for consideration in budget appropriation. Rep. Barnes noted that although a lot more had been asked for, only twelve positions (so far as fiscal research) had been included in the budget at this time.

There being no further discussion, the meeting adjourned at 2:30.

Anne Barnes
Rep. Anne Barnes
Chair

Randy L. Brantley
Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, March 25, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met March 25, 1985 at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members present were:

Representative Anne Barnes
Judge Gilbert Burnett
Ms. Nancy Patteson
Representative Charles Evans
Mr. Steve Williams
Ms. Sue Glasby
Mr. Mike McGee
Ms. Rosa Jones
Mr. Lee Crites
Mr. Rankin Whittington
Mr. Joseph Brown

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

Representative Barnes informed the Commission that neither Representative Beall nor Senator Hipps would be able to attend the meeting. Representative Barnes told the Commission that Mr. Howard Sparks from the Haywood County Department of Social Services was present to represent Representative Beall. Representative Barnes added that Tomi White, an intern, was present to represent Senator Hipps.

Mr. Sparks was the first speaker to address raising the juvenile jurisdictional age (HB 146-SB 71). Mr. Sparks began his presentation with several case studies from his agency. He reported to the Commission several cases that involved children under 16 who were doing well in school, but indicated they would quit school at the age of 16. Mr. Sparks added that he was concerned that the present law allowed such individuals to drop out of school at age 16.

Next, Mr. Sparks stated that many children under 16 have had limited exposure and were not able to make life choices at this age. He said the extra two years would allow time for choices to be made.

Mr. Sparks stated that he realized changing the present law would be a great cost, but added that the cost was already great. He felt constructive involvement up front would help and urged the Commission to adopt House Bill 146.

Mr. Rankin Whittington asked for a copy of the cases Mr. Sparks presented. Representative Barnes asked Mr. Sparks to leave copies with the committee clerk, who would forward copies to the Commission members.

The second speaker was John Niblock from the Child Advocacy Institute. Mr. Niblock presented two reasons why the Board of Directors at the Child Advocacy Institute thought the juvenile age should be raised to 18. Mr. Niblock stated the first reason to raise the age was to eliminate confusion. He said the current law sets up various age limits for adulthood. He reported that there was a confusion among young people, parents, professionals and law officers.

In addition to being confusing, Mr. Niblock said that inequities were also involved. He cited an example where a young person could be

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arrested as an adult criminal at age 16 or 17, but did not receive such adult privilege as voting or entering a contract.

Also, Mr. Niblock said that the correctional center was inappropriate for young people. He felt that the centers were mostly a custodial type of operation and were not equipped for treatment and rehabilitation, such as training schools.

Mr. Niblock pointed out that most states currently use 18 for juvenile court jurisdiction. He said there was ample evidence that raising the juvenile age could be done. He felt there was a need for more appropriate treatment of 16- and 17-year-olds.

The third speaker was Ms. Jennifer Beam from the State Youth Council. Ms. Beam presented a resolution to the commission that was adopted by the Youth Legislative Assembly. The resolution supported the intent of Senate Bill 71.

Ms. Beam stated that parents, teachers, employees and the community expected 16- and 17-year-olds to act like adults, but in many cases did not treat them as adults. She added that many young people saw 16 as an age where they could leave home or quit school. She felt that if the juvenile age was increased it may help in diminishing crime and runaways.

Ms. Beam stated that more services were needed for 16- and 17-year-olds. She concluded that many 16- and 17-year-olds were not prepared to go out into the world on their own, and asked that House Bill 146 be amended.

The fourth speaker was Dr. Tom Danek, a Juvenile Service Administrator from the Administrative Office of the Courts. He presented a preliminary report on intake and probation alternatives.

Dr. Danek stated that changing the law would have many implications. He noted that in 1984, there was a conviction of over 31,000 16- and 17-year-olds involved in traffic violations.

Further, Dr. Danek pointed out that raising the age would create a major impact on intake. He said in order to accommodate the increase, more intake counselors would be needed. He stated at the present case load an additional 198 counselors would be needed.

Dr. Danek estimated the cost for hiring the additional counselors would be over 3 million dollars. He explained that this figure did not include supervisors, secretaries, office space, office equipment and travel expenses. He added that county governments would be responsible for providing office space and furniture for additional intake counselors.

Another area Dr. Danek discussed was probation and after care. He projected that probation and after care counselors would have to deal with approximately 5,100 additional cases if the juvenile age was raised to 18.

Furthermore, Dr. Danek reported that during 1984, the average case load for an after care counselor was 31.2. He noted that this compares with the 25 maximum recommended by the American Correctional Association. He stated that his agency felt strongly that a counselor's average daily load should not exceed the low thirties.

The fifth speaker was Mr. Dan Stanickey, a superintendent at Western Correctional Center. Mr. Stanickey gave a summary of the two facilities in the Division of Prisons that house individuals 17 years of age. Mr. Stanickey reported that Western Correction Center was a primary prison, 16 stories tall, with five guard towers. He noted that it was an adult prison but did contain juveniles ranging 14 through 17 years of age. He

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pointed out that Western had a number of contained resources including a medical facility, gymnasium, kitchen bakery, a six-acre recreational field, vocational and academic schools.

Burke Youth Center was the second facility Mr. Stankey discussed. He informed the commission that Burke Youth Center was a 50 man advancement center that housed individuals under 18 years of age. He explained that the programs at Burke allowed prison residents to go into the Burke County community daily.

The sixth speaker was Mr. Bill Windley, Director of the Division of Youth Services, Department of Human Resources. Mr. Windley presented information regarding the fiscal impact of raising the juvenile age.

Mr. Windley stated that there would be a need for additional attorneys, psychological and psychiatric services. He explained that if 16- and 17-year-olds were transferred to his agency, there would be a need to increase therapy vocational programs, substance abuse counselors, and a good basic education program.

In addition, Mr. Windley told the Commission that two new secure facilities would be needed to house 16- and 17-year-olds. He felt it would not be wise to mix the 16 and 17 year old age group with the 13- and 14-year-olds. Mr. Windley estimated that building, staffing, and equipment for the two facilities would cost nearly 40 million dollars.

The seventh speaker was Mr. Bob Atkinson, Assistant Director of Institutional Services, Department of Human Resources. He told the Commission there would be a need for more than 90 additional detention beds if the juvenile age was raised.

Furthermore, Mr. Atkinson informed the Commission that there were currently 181 secure detention beds in operation. He pointed out that

in 1984, the average length of stay for a juvenile in secure detention was seven days. He reported that in the month of January, 1985, 58 percent of the detention beds were utilized. He added that some facilities had a utilization rate of more than 100 percent while others only had a 35 percent utilization rate.

The eighth speaker was Mr. R. E. Cansler, Assistant Attorney General from the State Attorney General's Office. Mr. Cansler presented a memorandum to the commission outlining some of the implications raising the juvenile age could create.

Mr. Cansler informed the Commission that the current law prohibits conducting a non-testimonial identification procedure without a court order. He noted that in adult cases the procedure could be conducted with the adult's consent. He added in the case of juveniles a court order must be obtained or the evidence would be inadmissible.

Another example Mr. Cansler cited was in the case of a criminal offense. He stated that the current statute limited the law enforcement in taking and keeping a juvenile suspect. He said the law allowed the juvenile to be taken under the same situations as an adult.

In addition, Mr. Cansler informed the commission that another part of the statute limited detainment to 12 hours for a juvenile but referred to a reasonable amount of time for adults. He felt that in urban areas 12 hours may be reasonable but stated that in rural areas (where 24-hour magistrates may not be on duty) problems would be created.

Mr. Cansler stated that there were misconceptions about laws dealing with undisciplined juveniles. He reported that young people were subject to parental control until age 18, except in the cases of emancipation, marriage, or entering the armed forces. Likewise, in the case of a

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runaway, Mr. Cansler explained that parents could file civil action in a district court to regain their child. He said this procedure involved an order issued by a judge that directed a sheriff to pick up a child for a court hearing.

Mr. Cansler stated that there was a good chance to change pre-teens and early teens. He felt the possibility of change was reduced at age 16 through 18 because behavior patterns had been established longer. He concluded that the Commission must decide where to put resources and look at how effective the change might be.

The ninth and final speaker was Mason Thomas from the Institute of Government. Mr. Thomas stated that he was not for or against the bill but wanted to summarize a few points. Mr. Thomas reported that many states use age 18 for the juvenile jurisdictional age. He felt this was the collective judgment of the country. On the other hand, he pointed out that some states were considering a reduction in the juvenile age.

Another point Mr. Thomas discussed was the issue of fairness. He wanted the Commission to consider if it was fair to hold a 16- or 17-year-old accountable of crimes but not allow them many adult privileges.

After some discussion, the consensus of the Commission was for Representative Barnes and Representative Evans to meet with Senator Higgs and Representative Beall. The Commission asked that Representative Barnes and Representative Evans express the concerns, suggestions and alternatives the Juvenile law study Commission had discussed.

The next item of discussion was a brief status report on several bills, given by Representative Barnes:

1. Domestic/Violence: passed the House and is now in Senate Committee.
2. Missing Children: passed the Senate and is now in the House Committee on Children and Youth.
3. Mandate Day Care and Caretaker Definition Change: Representative Barnes reported that all Day Care bills have been accepted by the subcommittee and are now in full committee.

The meeting adjourned at 3:30.

Anne Barnes
Representative Anne Barnes
Chair

Randy L. Brantley
Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, April 22, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met April 22, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members present were:

Representative Anne Barnes, Chair

Judge Gilbert Burnett

Ms. Rosa Jones

Mr. Lee Crites

Ms. Nancy Patteson

Representative Charles Evans

Ms. Sue Glasby

Mr. Charles Casper

Ms. Janet Crisp-Lacy

Mr. Rankin Whittington

Mr. Steve Williams

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

Representative Barnes introduced Ms. Ruth McGaw, a Wake Forest law graduate, to the Commission. Representative Barnes informed the Commission that she and Senator Wilma Woodard had hired Ms. McGaw as a Legislative Aide. Representative Barnes added that Ms. McGaw would be assisting her with bill drafting and other research.

The first item the Commission discussed was the Vocational Training for Training School Students Bill. After some discussion, the Commission agreed to make several amendments to the bill.

Representative Evans made a motion that the language 15 years of age and younger be amended to read "below the age of sixteen." The motion was seconded by Judge Gilbert Burnett. The motion carried.

Mr. Charles Casper made a motion to insert the phrase "at the request of the Department of Human Resources" after the word may on line ten page one. Mr. Steve Williams seconded the motion. The motion carried.

Representative Evans made a motion that the Commission endorse the bill as amended. The motion was seconded by Mr. Steve Williams. The motion carried.

The next item of discussion was the Endangered Child Law Bill. Senator Helen Marvin, bill sponsor, came to speak on behalf of the bill. Senator Marvin told the Commission that the bill made several changes in the North Carolina Juvenile Code. Senator Marvin added that the bill reorganizes and changes provisions relating to disposition and review hearings.

Janet Mason from the Institute of Government and Ginny Weisz from the Administrative Office of the Courts also spoke on behalf of the Endangered Child Law Bill. Ms. Mason gave a detailed presentation that included an explanation of the current statutes and laws the bill would affect.

The Commission had several questions and concerns regarding the bill. The Commission decided due to the length and implications of the bill there was a need for future discussion. The Commission asked that the Endangered Child Law Bill be placed on the agenda of the next Juvenile Law Study Commission meeting.

Next, the Commission discussed the Compulsory School Attendance Bill. Mr. Rankin Whittington made a motion to insert on line eight page one, "in accordance with local school policy." The motion was seconded by Mr. Steve Williams. The motion carried.

Also, Mr. Whittington made a motion to drop the word personally from line 11 page one so that it will read as follows:

The principal or his designee shall notify the parent, guardian, or custodian of his child's excessive absences after the child has accumulated three unexcused absences in a school year.

The motion was seconded by Mr. Charles Casper. The motion carried.

Mr. Charles Casper made a motion that the words "not more than" be inserted on line 14 page one so that it will read as follows:

After not more than six unexcused absences, the principal shall notify the parent, guardian or custodian by certified mail that he may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education.

The motion was seconded by Mr. Rankin Whittington. The motion carried.

The next item of discussion was the Chronic Status Offender Bill. After a lengthy discussion the Commission decided to make several amendments to the bill.

Mr. Rankin Whittington made a motion to add the words written report to line six page four. Mr. Charles Casper seconded the motion. The motion carried.

Ms. Nancy Patteson made a motion to add the definition of the interdisciplinary committee to line 19 page three. The motion was seconded by Mr. Rankin Whittington. The motion carried.

Mr. Steve Williams made a motion to remove the words protective supervision from page one line five (title) and replace them with; "Any Court Order Arising Out Of Adjudication For Undisciplined Conduct." The motion was defeated.

Mr. Williams also made a motion to delete section two, page two. The motion was accepted and approved.

Mr. Williams also made a motion to delete the words secure custody from line 17 page three, lines eight, 13 and 17 from page four and replace them with "in confinement in an approved facility." The motion was seconded by Nancy Patteson. The motion carried.

The final item was discussion of the HB 146 Substitute. Mr. Robert Cansler from the Attorney General's Office gave a presentation of the bill. Due to the late hour of the meeting the Commission decided to further discuss the bill at the next Juvenile Law Study Commission meeting.

The meeting adjourned at 4:30.

Anne C. Barnes
Representative Anne Barnes
Chair

Randy L. Brantley
Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

May 13, 1985

10:00 a.m. Room 612 Legislative Office Building

The Juvenile Law Study Commission met May 13, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building.

Commission members present were:

Representative Anne Barnes, Chair

Judge Gilbert Burnett

Ms. Rosa Jones

Mr. Lee Crites

Ms. Nancy Patteson

Mr. Rankin Whittington

Ms. Janet Crisp-Lacy

Mr. Mike McGee

Mr. Steve Williams

Mr. Thomas Younce

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The first item the commission discussed was HB 146 (substitute). Mr. Robert Cansler from the Attorney General's Office gave a brief synopsis of the bill. Mr. Cansler pointed out that this bill would update the current law and make it more accessible for the general public.

Representative Barnes stated that the bill sponsor, Representative Charles Beall was comfortable with the committee substitute. Representative Barnes added that Representative Beall expressed thanks to the commission and the Attorney General's Office in helping to prepare the bill.

Judge Burnett made a motion that the commission endorse HB 146. The motion was seconded by Mr. Steve Williams. The motion carried.

The next items of discussion were two bills, An Act to Provide For Short-Term Commitments of Juveniles to Local Approved Facilities and An Act To Amend G.S. 7A-652 To Provide For Greater Judicial Discretion In Confining Certain Adjudicated Juveniles For Definite Terms of Commitment. Representative Barnes told the commission that both bills were endorsed by the Division of Youth Services. Representative Barnes noted that both bills did not reach her in enough time to be filed as agency bills. Representative Barnes added that she could file the bills from the Juvenile Law Study Commission if the commission members wanted her to.

Mr. Steve Williams gave a presentation on each of the bills. Mr. Williams' first presentation was on the Short Term Commitment Bill. Mr. Williams stated that this bill would allow the Division of Youth Services the opportunity to make use of local detention centers in instances where young people were committed for 30 days or less. Mr. Williams added that the

Division of Youth Services wanted to make the best use of this time (30 days or less) and felt this bill would aid the Division in doing so. Mr. Lee Crites made a motion to endorse the bill as written. Ms. Nancy Patteson seconded the motion. The motion carried.

The second bill Mr. Williams presented was the Definite Terms of Commitment Bill. Mr. Williams stated that this bill would allow for an indefinite commitment (as we now have) and also for a definite commitment of juveniles. Mr. Williams pointed out that the bill would allow for a different type of commitment for those young people over 14 who have been adjudicated for serious crimes. Mr. Williams added that lines 13 and 17 should read may instead of shall.

Mr. Rankin Whittington made a motion to support the bill as amended. Mr. Steve Williams seconded the motion. The motion carried.

Mr. Rankin Whittington made a second motion in regards to this bill. Mr. Whittington asked that the Chair express to the Division of Youth Services the Juvenile Law Study Commission's interest in the operation of the Division's training school system. Mr. Whittington also asked that the Chair communicate to the Division of Youth Services the Commission's interest in the Division's reasoning for commitment when deciding on the length of stay for an indefinite period. The motion was seconded by Judge Gilbert Burnett. The motion carried.

Next, Representative Barnes gave a status report on several bills:

1. Compulsory School Attendance - The bill passed the House (91-6) and is now in the Senate Education Committee.
 2. Vocational Training For Training School Students - cleared the J-III Committee and is now in Appropriations.
 3. Community College Entrance Amendment - is in the House Committee on Higher Education.
 4. Chronic Status Offender - in the J-III Committee.
- Representative Barnes stated that she had requested the Chairperson of the J-III Committee, Representative Martin Lancaster, to hold a public hearing for this bill on May 21.

The next item of discussion was the Endangered Child/Law Bill. Ms. Ginny Weisz from the Administrative Office of the Courts presented a brief version of the bill. Ms. Weisz stated that the main purpose of the bill was to create a better method of assuring children are protected under the abuse and neglect laws.

After a lengthy discussion, the consensus of the commission was to continue further discussion of this bill at the next Juvenile Law Study Commission meeting. The commission


asked that SB 243 be placed on the morning agenda in order to have more time for discussion.

The next item of discussion was HB 197 - Requiring Parental Consent For An Abortion. After a brief discussion the commission decided to take action on the bill.

Mr. Rankin Whittington made a motion that the Commission not support the bill and asked that this commission's action be communicated to the J-III Committee. The motion was seconded by Ms. Janet Crisp-Lacy. Judge Gilbert Burnett made a friendly amendment to the motion requesting that the reasons the commission voted against the bill be expressed to the J-III Committee. (The list of reasons included: question of incest, time delay, increase in court cases, financial risk, criteria for the judges decision, does not address care of the child, puts entire responsibility on the female). The amendment was accepted. The motion carried.

Representative Barnes thanked the commission members for their improvement in attendance and input. Representative Barnes told the commission members that they had been very helpful to her during this legislative session. The commission responded by thanking Representative Barnes for all of her work during this session.

The meeting adjourned at 3:30.


Representative Anne Barnes
Chair


Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, June 3, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met June 3, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members present were:

Representative Anne Barnes, Chair

Judge Gilbert Burnett

Ms. Rosa Jones

Ms. Nancy Patteson

Mr. Steve Williams

Mr. Lee Crites

Mr. Mike McGee

Representative Charles Evans

Mr. Thomas Younce

Ms. Sue Glasby

Mr. Rankin Whittington

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The first item of discussion was the Endangered Child Law Changes Bill (Proposed Committee Substitute). Ms. Janet Mason, from the Institute of Government, gave a summary of the changes made in the bill. The summary outlined changes in the following areas: jurisdiction, screening of abuse and neglect complaints, summons, temporary custody (secure and

non-secure), custody hearings, hearing procedures, dispositions, review hearings and termination of parental rights.

Next, Ms. Joan Holland from the Department of Social Services spoke on behalf of the Committee Substitute Bill. Ms. Holland stated that the Department of Social Services had opposed the original bill because the Department felt the bill would have made it too difficult to remove children from homes in endangered circumstances. Ms. Holland added that another major problem the Department had with the original bill was the standard of removal and returning the child to the home. Ms. Holland concluded the Department was in support of the Committee Substitute.

The next item of discussion was the Parents Notified of Birth Control Bill. After some discussion, Mr. Mike McGee made a motion that the Commission not support the bill. Mr. McGee asked that a letter be sent to the J-IV Committee expressing the Commission's reasons for not endorsing the bill. The reasons were as follows: children in the Division of Youth Services will not report to parents, juveniles having children causes problems, sex discrimination for female contraception, difficulty in finding parents' address, physicians' liability for failure to comply and the matter of confidentiality. The motion was seconded by Mr. Rankin Whittington. The motion carried. Mr. Steve Williams abstained.

The next item discussed was the Missing Child Photos Bill. Mr. Thomas Younce made a motion that the Commission not endorse the bill due to mechanical problems. Instead, Mr. Younce asked that the Commission endorse the concept of the bill. Mr. Younce also asked that a letter explaining the Commission's action be sent to the bill sponsors. Judge Gilbert Burnett seconded the motion. The motion carried.

The item discussed next was the Assault On A Child/Age of Defendant Bill. The Commission concluded that it could not endorse the changes the bill would entail. Representative Barnes made a motion that the Commission not support the bill. The motion was seconded by Mr. Rankin Whittington. The motion carried.

The Juvenile Rights Clarification Bill was the next item of discussion. Representative Barnes pointed out that the Commission had already endorsed the bill. Representative Barnes added that she had sent a letter to the Governor expressing the Commission's support of the bill. Representative Evans requested that a copy of the letter be sent to the J-IV Committee.

The next item discussed was the Youth Assistance Funds Bill. The Commission was interested in talking to the bill sponsor, Representative Dan Blue. The Commission asked that Representative Blue be invited to the next meeting to further discuss the bill.

The next item addressed was the Court Voluntary Placement Review Bill. The area of discussion included the following:

1. already doing this as a matter of policy;
2. codifying policy;
3. federal funds - foster care;
4. problem addressed in Endangered Child Law Bill.

The Commission took no action on the bill.

The Neglected Juvenile/Protective Services Bill was the next item discussed. Representative Barnes stated that the bill had already passed the second reading in the House and was likely to pass the third reading. After a lengthy discussion, the Commission asked that the bill be brought back before them once it had reached the Senate.

The next item addressed was the No Death Penalty For Minors Bill.

The Commission had a very brief discussion on the bill but took no action.

Next, Representative Barnes gave a status report on several bills.

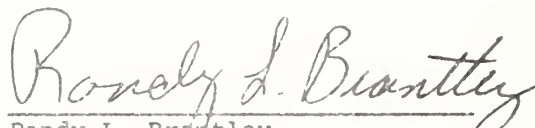
They were as follows:

1. Compulsory School Attendance: Ratified.
2. Chronic Status Offender: A public hearing was held. The bill will be voted on in the J-III Committee.
3. Vocational Training for Training School Students: It is in Appropriations.
4. Community College Entrance Amendment: Representative Barnes stated that the Department of Community Colleges was not in support of the bill. Representative Barnes added that she would ask that the bill be killed.
5. Some Juveniles Get Definite Terms: In J-III.
6. Juvenile Local Short-Term Detention: In J-III.
7. Unemancipated Minor's Abortion: Representative Barnes stated that she had written a letter to the J-I Committee expressing the Commission's opposition to the bill.

Mr. Rankin Whittington asked that an article from the "Journal of Public Welfare" be distributed to each Commission member. Mr. Whittington felt that the article concerning the dilemma of child protection would further help the Commission in understanding the issue.

The meeting adjourned at 3:30.


Representative Anne Barnes
Chair


Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, June 17, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on June 17, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members, present were:

Representative Anne Barnes, Chair

Ms. Nancy Patteson

Mr. Rankin Whittington

Ms. Sue Glasby

Ms. Rosa Jones

Mr. Mike McGee

Mr. Charles Casper

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The first item of discussion was the Training School Closing Study Bill. Mr. Bill Windley from the Division of Youth Services spoke on behalf of the bill. Mr. Windley stated that he was not in favor of closing a training school, but was in favor of the bill. Mr. Windley felt that the study would enable legislators to see the types of children and problems the Division of Youth Services must deal with.

Mr. Charles Casper made a motion that the Commission endorse the concept of the bill. Mr. Casper asked that a letter be sent to the

bill sponsor and other appropriate persons stating the Commission's concerns with the bill. The areas of concern included the following:

1. The research from the Blue Ribbon Committee to Assess the Needs of North Carolina Training Schools be used as an additional focal point.
2. The Willie M. program as it relates to other juveniles (revolving door effect).
3. Time frame.
4. Distance of travel for court counselors.

The motion was seconded by Ms. Sue Glasby. The motion carried.

Mr. Windley informed the commission that he was retiring on June 30, 1985. Mr. Windley praised the Commission members for the work, and stated he was pleased to have been of help.

The next item of discussion was the Endangered Child Law Bill. Mr. Charles Casper made a motion that the Commission endorse the concept embodied in the bill. Mr. Casper asked that a letter be sent to the appropriate persons explaining the Commission's concern that refinement was needed. Mr. Casper asked that a memorandum written by Mr. Andy Little, from the North Carolina Association of Social Services Attorneys, be attached to the letter. The motion was seconded by Ms. Sue Glasby. The motion carried.

Next, the Commission discussed the Youth Assistance Funds Bill. Representative Barnes informed the Commission that she had invited the bill sponsor, Representative Dan Blue, to the meeting, but he was not able to attend. Mr. Rankin Whittington made a motion to support the concept of the bill. Mr. Whittington asked that the bill sponsor be made aware of the Commission's eagerness to hear more detail on the bill. The motion was seconded by Ms. Nancy Patteson. The motion carried.

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The next item of discussion was the Emancipated Minors/Marry Bill. Representative Barnes informed the Commission that the bill had passed the House. Mr. Rankin Whittington made a motion that the Commission endorse the bill. The motion carried.

The Child Protection Study Bill was the next item of discussion. The Commission was concerned with the goals of the study and felt that they were not outlined in the bill. Mr. Charles Casper made a motion for the Commission to take no action on the bill. The motion was seconded by Ms. Rosa Jones. The motion passed (three in favor, two opposed, one abstention). Following the motion, the Commission asked that the bill be brought back before them after the Legislative Session.

The next item of discussion was the CBA Funds Bill. The Commission took no action on the bill.

For the remainder of the meeting, Representative Barnes gave a brief status report on several bills. They were as follows:

1. Neglected Juvenile/Protective Services: passed the House and is in the Senate Children and Youth Committee.
2. Miranda Warning Bill: in J-IV.
3. Chronic Status Offender: in Appropriations.
4. Community College Training School: in Appropriations.
5. Parents' Notified of Birth Control: Representative Barnes informed the Commission that she had sent their letter of opposition to the J-IV Committee members.
6. Parental Consent for an Abortion: passed the J-II Committee.
7. Short-Term Detention: passed the House and is now in the Senate.
8. Some Juveniles get Definite Terms: passed the J-III Committee.

The meeting adjourned at 2:00.

Anne Barnes
Representative Anne Barnes
Chair

Randy L. Brantley
Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, September 9, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on September 9, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. Commission members present were:

Representative Anne Barnes, Chair

Representative Charles Evans

Ms. Rosa Jones

Judge Gilbert Burnett

Mr. Joseph Brown

Ms. Sue Glasby

Mr. Steve Williams

Ms. Nancy Patteson

Mr. Steve Younce

Mr. Rankin Whittington

The meeting was called to order by Representative Anne Barnes, Chair, who presided. A visitor registration list is attached to the official minutes.

The first item of discussion was the approval of the June 17, 1985, Juvenile Law Study Commission minutes. Ms. Nancy Patteson made a motion for the Commission to approve the minutes. The motion was seconded by Mr. Steve Williams. The motion carried.

Next, Representative Barnes told the Commission that Mr. Alfred Boyles, the new Director of the Division of Youth Services, would not

be able to attend the meeting. Representative Barnes added that she had invited Mr. Boyles to the next Juvenile Law Study Commission meeting.

The Endangered Child Law, Senate Bill 243, was the next item of discussion. Ms. Janet Mason from the Institute of Government presented a summary of the bill. The summary outlined amendments in the following areas:

1. Juvenile Code.
2. Definitional Section.
3. Jurisdictional Provision.
4. Termination Statute.

Ms. Mason reported that the bill was currently in the House Appropriations Committee and would be eligible for further consideration in the 1986 Short Legislative Session.

Following the summary, the Commission had a brief discussion on the bill. The Commission reached a consensus to discuss the bill at a future meeting.

Ms. Susan Sabre, Staff Attorney, gave a brief summary of the 1985 legislative action affecting juvenile law. Ms. Sabre reported on approximately twenty-two pieces of legislation that were introduced during the 1985 General Assembly.

The next item on the agenda was a summary of the 1985 legislative action affecting juvenile programs. The summary was presented by Mr. Manuel Marbet and Ms. Carolyn Wyland from the Fiscal Research Division. The summary included the following programs:

1. Division of Youth Services.
2. Training School Students to Community Colleges.
3. Eckerd Wilderness Therapeutic Camp.
4. Community Based Alternative Fund.

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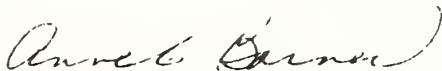
5. Intensive Juvenile Probation Funds.
6. Capital Improvements/General Fund.

The next order of business was an announcement by Representative Barnes concerning the Annual Southern Legislative Conference. Representative Barnes informed the Commission that the conference will be held on November 10-13 in Asheville, N.C. Representative Barnes stated that she had been invited to the conference to give a report on the work of the Juvenile Law Study Commission. Representative Barnes encouraged all members to attend the conference.

The final order of business involved discussion of goals the Commission would like to accomplish during the next year. Representative Barnes asked the Commission to discuss some topics that could be put on the next Juvenile Law Study Commission meeting agenda. The topics included the following:

1. Close examination of the Division of Youth Services facilities and the Correction Department facilities.
2. Compare agenda with the Juvenile Justice Planning Commission.
3. Child abuse and delinquency.
4. Programs and matching needs of children.
5. Look at what the agenda for the 1986 Short Legislative Session may have.

The meeting adjourned at 3:00.



Representative Anne Barnes
Chair



Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, November 4, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on November 4, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. The following Commission members were present:

Representative Anne Barnes, Chair

Judge Gilbert Burnett

Ms. Nancy Patteson

Mr. Rankin Whittington

Ms. Sue Glasby

Ms. Rosa Jones

Mr. Lee Crites

Mr. Steve Williams

Mr. Joseph Brown

Mr. Charles Casper

The first item on the agenda was the approval of the minutes for the September 9, 1985, Juvenile Law Study Commission meeting. Representative Barnes asked the Commission to adopt the minutes. The Commission approved.

The next items on the agenda consisted of several guest speakers from various state agencies.

The first guest speaker was Mr. Al Boyles, Director of Youth Services, Department of Human Resources. Mr. Boyles stated several goals that the Division of Youth Services was interested in developing and managing. The goals stated were as follows:

1. Each child should feel good about getting up in the morning.
2. Develop programs to help children in academics and day-to-day life.
3. Try to help each child to develop his or her own special ability.
4. Increase emphasis on the chaplain and spiritual base program.
5. Develop program to help sex offenders.
6. Develop program for children who smoke (smoking will not be allowed).
7. Will be strict when children use abusive language.

The second guest speaker was Ms. Gwenn Chunn, Deputy Director, Institutions and Treatment in the Division of Youth Services. Ms. Chunn stated that she was appreciative of the Commission's work during the past legislative session, and was looking forward to the Commission's continued help.

Ms. Chunn reported that her department had several goals concerning which the Commission may want to offer assistance or make recommendations.

The goals included the following:

1. Focus on the child's future behavior and not past behavior.
2. Increase collaboration among the human service agencies.
3. Develop more constructive activities for children; decrease the amount of "dead time."
4. Gain accreditation for the academic programs.
5. Improve safety and security programs.
6. Look at special emphasis programs for children who are
 - a. sexual offenders;
 - b. assaulted youths (not classified as Willie M); and/or
 - c. children who do not respect the property of others.
7. May need to look at spending more time with each child.
8. Have psychological evaluations in hand when a child comes to the facilities, enabling treatment process to begin sooner.

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Dr. Helen Crisp, Chief of Treatment, Division of Youth Services, was the third guest speaker. Dr. Crisp stated that her division wanted each child to assume responsibility for his or her own behavior when they leave the training school. She added that her division emphasized the need for children to make better choices for themselves once they have left the training school facilities.

Dr. Crisp reported that there were several areas in treatment services which she had been working to improve. These areas included the following:

1. Revising the Structured Therapeutic Environment Program.
2. Continuing the summer camp program for the emotionally handicapped.
3. Providing more quality assurance at the Dillion facility.

The fourth guest speaker was Mr. Alan Harrop, Assistant Director, Mental Health Services, Division of Prisons. Mr. Harrop provided the Commission with a list of statistics from the Department of Corrections. The list included the following items:

1. All males under 18 are sent to Western Correctional Center.
2. There are 479 residents at Western.
3. Of that 479, 80 to 90 are 18 years old.
4. The average resident age is 17.

Mr. Harrop stated that when youngsters arrive at the facility, they are given a series of tests. The tests include an intellectual ability test, personality test, and an educational test. He reported that the tests help in making treatment plans for each individual.

The fifth guest speaker was Mr. Gary MacBeth from the Mental Health Study Commission. Mr. MacBeth gave a presentation on the mental health services as related to juveniles in North Carolina.

Mr. MacBeth reported that the state deals with approximately 30,000 children each year who have mental health problems. He added that these children receive help from four psychiatric institutions, two special schools, and 41 area mental health programs.

Next, Mr. MacBeth presented an overview of areas the Juvenile Law Study Commission may want to examine. These areas were:

1. Services:
 - a. Planning services.
 - b. Family and treatment services.
 - c. Monitoring services.
2. Make better use of resources; share with different agencies staff and money.
3. Help reduce duplication of services.
4. Increase funding to community services.
5. Changes in law regarding psychological evaluations.
6. Provide more community support systems for a child when he or she leaves a treatment facility.

Mr. MacBeth said that the Mental Health Study Commission was working on two major projects. The first project involves examining the funding of state mental health services. The second project involves a task force examination of mental health laws and a child's right to treatment, and ways to improve services.

The sixth and final guest speaker was Mr. Mike Pedneau, Special Deputy, Willie M. Program. Mr. Pedneau provided data that included the following:

1. 1047 active certified eligible children for the Willie M. class.
2. Of the 1047, there are:
 - a. 15 in psychiatric hospitals;

- b. 13 in mental retardation centers;
 - c. 3 in Eckerd Wilderness Camp; and
 - d. 16 in Whitaker School.
3. There are 1080 to 1090 active class members a year. During the year there is a gain of 250 to 275 children. There is a loss of about 250 children a year due to aging out.
 4. A difficulty in current program is dealing with multi-handicapped children.
 5. Class makeup is:
 - a. 80% male;
 - b. 20% female;
 - c. 52% white; and
 - d. 48% minority.
 6. There is a reduction of youths in programs in Mecklenburg, Wake, Lee, and Harnett counties. The others zones have an increase in youths.

Representative Barnes left the meeting after lunch to attend a Mental Health Study Commission meeting. Judge Burnett Presided over the remainder of the meeting.

Judge Burnett asked the Commission to formulate a list of issues that could be discussed during some of the Commission's future meetings. Staff Attorney, Susan Sabre, was asked to make a list of the Commission's concerns.

The items were:

1. Bills still alive for the 1986 Legislative Session.
2. Status of the membership sharing with the Juvenile Justice Planning Committee.
3. Presentation by Mason Thomas on training school staff: child ratio issue.
4. Request by letter to all district court judges, chief court counsellors, district attorneys, and county departments of social services to share complaints and suggestions directly with the Commission.

5. Relationship of federal law mandating a formal hearing prior to revealing any information on parents' or custodians' history of alcohol and drug abuse to efficient and fair handling of child abuse and neglect cases.
6. Tracking of the intensive probation program.
7. Problems of juvenile detention centers, either local or state administered.
8. Issue of whether intensive counselling to, or intensive evaluation of, chronic status offenders is what is really needed.
9. Potential for transfer from adult criminal court to juvenile court.
10. Issue of making mandatory the certification of "juvenile" judges, presentation of training programs; discussion of what "preventative" training is available; discussion of preventative emphasis of new federal law.
11. Final presentation of the Status Offender Report.

The meeting adjourned at 3:00.

Anne Barnes
Representative Anne Barnes
Chair

Randy L. Brantley
Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, December 9, 1985

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on December 9, 1985, at 10:00 a.m. in Room 612 of the Legislative Office Building. The following Commission members were present:

Representative Anne Barnes, Chair

Ms. Rosa Jones

Mr. Rankin Whittington

Ms. Nancy Patteson

Judge Gilbert Burnett

Mr. Charles Casper

Mr. Thomas Younce

Ms. Sue Glasby

The first item of business was the approval of the November 4, 1985, Juvenile Law Study Commission minutes. The minutes were approved.

The second item of business was establishing future meeting dates for the Commission. The consensus of the Commission was to continue to meet on the second Monday of each month. The scheduled meeting dates for 1986 are as follows:

January 13

April 14

February 10

May 12

March 10

June 9

Mr. Rankin Whittington informed the Commission that he would be attending the National Conference on Juvenile Justice to be held in New

Orleans during February. Mr. Whittington reported that his agency was paying for one-half of the trip (total cost \$862), and asked if the Commission would pay for the other half of the trip.

Judge Burnett made a motion for the Commission to pay for one-half of the trip cost. Mr. Charles Casper seconded the motion. The motion passed.

The next item of discussion was a report on the Southern Legislative Conference held in Asheville, N.C. Representative Barnes asked several of the Commission members who attended the conference to share their impressions of the event. The comments were as follows:

1. Judge Burnett stated that the conference was one of the best he ever attended. Judge Burnett thought the conference was well planned and he enjoyed the various skits.
2. Ms. Rosa Jones stated that the conference was an uplifting event. Ms. Jones felt that the conference was well planned and she was pleased with the theme of teamwork.
3. Staff Counsel, Susan Sabre, stated that the conference gave a good idea of what the problems were, but did not offer a lot of solutions. Overall, she felt the conference was very productive.
4. Representative Barnes stated that she enjoyed the conference. Representative Barnes added that it gave people an opportunity to share ideas with other states on how to deal with various problems. Representative Barnes asked several states to send her information on the programs they offer. Representative Barnes informed the Commission that she would compile the data at a later date and share it with the Commission.

Representative Barnes felt that one of the central themes of the conference was on how to coordinate state agency services to families and children. Representative Barnes added that it was important for the state to continue to work on solving this problem.

Next, Representative Barnes asked the Commission to form four groups to discuss future goals and agenda-setting ideas. Representative Barnes asked the Commission to prioritize goals and make recommendations during

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a 45-minute discussion. Visitors were also asked to be a part of the discussion groups. Each group was asked to make a presentation following the discussion. The four groups and members were as follows:

Group I - Commission Bills Pending for 1986:

Nancy Patteson, Vicky Church, Representative Barnes

Group II - Other Bills:

Rankin Whittington, Sue Glasby, Loretta Shara

Group III - Proposed Bills for the 1986 Session:

Judge Burnett, Rosa Jones, Mason Thomas, Alfred Boyles

Group IV - Issues for Future Study:

Charles Casper, Thomas Younce, Bob Atkinson

The first report was given by Mr. Charles Casper, Chair of Group IV.

Mr. Casper reported that the concern of the group included the following:

1. To study the overall juvenile detention program and facilities.
2. Need for shift of facilities toward the Eastern part of the state.
3. Look into the institutionalization of juveniles--the possibility of closing some training schools.
4. Potential for transfer of youths from adult to juvenile court.
5. Letters of request: be cautious concerning to whom they are sent; need to observe protocol.

The second report was given by Ms. Nancy Patteson, Chair of Group I.

Ms. Patteson stated that the group discussed the following:

1. Discussion centered on what should be done with the Chronic Status Offender Bill. There may be three alternatives to pursue instead of asking for a new appropriation:
 - a. Find out if there is currently money in the Department of Human Resources budget that could be used to meet the bill's call for intensive counseling.
 - b. If there is no money in DHR, see if there is money appropriated in CBA. Each county gets CBA funds, but each county does not have a detention facility.
 - c. Look at money appropriated for detention homes. See if this money could be used.

2. Ask for support from the Juvenile Justice Planning Committee.
3. Help solve some detention problems and cut cost by reducing from 72 to 24 hours the time a runaway can spend in detention. This would also help put the state in line with the federal law.

In addition, Representative Barnes reported the three reasons for proposing an amendment to the Chronic Status Offender Bill included the following:

1. Free up some money.
2. Perhaps counseling staff would have more time to increase intensive counseling.
3. Neutralize some opposition to the bill.

After some discussion, Mr. Rankin Whittington made a motion stating that, "Counsel should draft an amendment for potential recommendation for sponsorship by the Commission that would encompass recommendations that were previously made in regards to the Chronic Status Offender Bill." Ms. Nancy Patteson seconded the motion. The motion passed.

The third report was given by Mr. Rankin Whittington, Chair of Group II.

Mr. Rankin stated that the group discussed the following:

1. SB 243 Endangered Child: propose there be two presentations to the Commission.
 - a. A presentation from the Department of Social Services (John Seary).
 - b. A presentation from the Child Advocacy Institute (John Niblock).
2. Each of these presentations should address the following:
 - a. What the current data involves--does this support the need of the endangered child?
 - b. What will the bill correct?
3. Invite Mr. Andy Little from the N.C. Association of Social Service Attorneys, and representatives from some of the County Departments of Social Services, to speak at a Commission meeting.

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4. HB 1203 Neglected Infant Protective Services Child Support: before the Session begins, invite Representative Sizemore and Mr. Bob Dillard (who represents the Pediatric Society) to speak to the Commission.

The fourth report was given by Judge Burnett, Chair of Group III.

Judge Burnett stated that the group discussed the following:

1. Training School Staff: Mason Thomas would get copies of the federal regulations and present them at a future meeting.
2. Intensive Probation: Ask Dr. Thomas Danek or someone from his office (Administrative Office of the Courts), to explain how this will be implemented.
3. Certification of Juvenile Court Judges: Consensus of the group was that what we currently have is probably the most "workable."
4. Increase the Pay of Certified Judges: Should increase. Gives more clout and status. Would like Counsel to draw up a bill for this. (Judge Burnett did not vote on this topic.)
5. Supplying Counseling to Families: Invite someone to give a presentation to the Commission on what is currently being done.
6. Concern about Training School Closings: Invite Senator Russell Walker, Representative Dan Blue, and Senator Joseph Johnson to a Commission meeting. (All three serve on the Governmental Operations Committee.)

Following the group presentations, there was a brief discussion about the Chronic Status Offender Bill. Mr. Rankin Whittington stated that he felt there was a need to take a closer look at the bill. Judge Burnett added that he felt a presentation concerning the bill from Dr. Thomas Danek, Mr. Stevens Clarke, and Mr. Jay Williams would be helpful to the Commission.

The Commission meeting adjourned at 2:15.

Anne Barnes

Representative Anne Barnes
Chair

Randy L. Brantley

Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, February 10, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, February 10, 1986, at 10:00 a.m. in Room 612 of the Legislative Office Building. The Commission members present were:

Representative Anne Barnes

Judge Gilbert Burnett

Mr. Lee Crites

Representative Charles Evans

Ms. Sue Glasby

Ms. Rosa Jones

Ms. Nancy Patteson

Mr. Steve Williams

The first order of business was the approval of the December 10, 1985, Commission meeting minutes. The minutes were approved.

Next, Mr. Stevens Clarke, from the Institute of Government, gave a presentation of Perspective on Juvenile Status Offenders: A Report to the Governor's Crime Commission. Mr. Clarke reiterated information provided in the report including such topics as: (a) recent history of court jurisdiction of juvenile status offenders in North Carolina; (b) distribution of undisciplined and delinquency petitions by county in North Carolina; (c) analysis of North Carolina district court data concerning juvenile status offenders; (d) interviews with juvenile service professionals; and (e) review of the literature concerning status offenders.

The next item of discussion was a presentation of an amendment to the Chronic Status Offender Bill. Representative Barnes informed the Commission that the amendment called for a change in the time a runaway could be detained (from 72 to 24 hours). Representative Barnes stated that this amendment would bring the state in compliance with the federal law. Also, Representative Barnes stated that the Juvenile Justice Planning Commission's federal funding was in jeopardy because the state was in violation of the federal law.

Furthermore, Representative Barnes reported that Ms. Vicky Church, from the Governor's Crime Commission, had informed her that the state had committed 606 (state and federal violations) in regards to detention. Representative Barnes noted that the amount of violations were far beyond what the federal law called for.

After some discussion, the consensus of the Commission was to further discuss the amendment at a future meeting. The Commission decided there were several areas of concern that still needed to be looked at before making a final decision on the amendment. The concerns included the following:

1. Would like to know how other states comply with the federal law.
2. Idea of not detaining a runaway (could have a presentation from an agency that advocates this policy).
3. Federal exceptions to the law.
4. Concerns that 24 hours may not give the court enough time to establish problem (need time for medical and psychiatric treatment).
5. A look at violations that would have been beyond 72 hours.
6. Would like to hear from Vicky Church--to discuss federal funds the state receives.

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Next, a presentation of the general overview of the Detention Facilities was given by Mr. Wiley Teal, Chief of Detention Services, Division of Youth Services. Mr. Teal informed the Commission that the Division of Youth Services provided services in the following areas:

1. Operation of Centers
2. Inspection of Centers
3. Consultation
4. Technical Assistance
5. Promulgation of minimum standards
6. Provision of subsidy to regional centers
7. Training of detention personnel
8. Inspection and monitoring of programs standards
9. Transportation.

Mr. Teal pointed out that each state facility had the following:

1. An education program that operates the entire year;
2. Residents have a secure private sleeping room and are responsible for up-keep of the room;
3. Recreation programs;
4. Group and individual counseling services offered daily;
5. Each facility uses services of volunteers;
6. All detention staff have appropriate training and are experienced and competent in their jobs.

Mr. Teal stated that staff for each of the state facilities included one director, one education specialist, one secretary, two social workers, and the remainder were cottage parents, technicians, attendants or volunteers. Mr. Teal noted that the average length of stay for a juvenile was 10 days, and the utilization rate varied from 25 to 90 percent. In addition, Mr. Teal stated that during the past year there were 3875 people kept in juvenile detention facilities in North Carolina.

Following the presentation, the Commission had a lengthy discussion in regards to the Chronic Status Offender Bill's implication on the ~~deten-~~ services. The Commission was concerned about the request of the written

report on the need of the juvenile. The Commission asked Staff Attorney, Susan Sabre, to draft an amendment that would allow the judge to send forward information about the juvenile (to assist in counseling).

The next presentation was given by Mr. Ray Mazingo, from the State Auditor's Office. Mr. Mazingo gave a report on the operational audit of the Correction Department and its impact on training schools. Mr. Mazingo stated that the audit would be presented to the State Auditor, Mr. Ed Renfrow, in May.

In addition, Mr. Mazingo stated that specific items of the audit would include the following:

1. Identifying the prison population (education level, crime, age);
2. Determine the cost of prison by custody level and by each individual unit (there are 84 units in the state);
3. Identify per inmate, per cost, per day;
4. Identify cost of construction;
5. Advantages and disadvantages of privatization;
6. Alternatives to incarceration in North Carolina and other states;
7. The effect of the Fair Sentencing Act on the prison population;
8. Make projection on future crime rates and the prison population;
9. Identify existing facilities that can be converted into various kinds of prison units; and
10. Currently North Carolina adult prisons have no guidelines. Will look at national and federal guidelines.

Mr. Mazingo informed the Commission that the audit would also identify existing facilities that could be converted to possible prison units (along with Representatives Barnes' request to look at training school facilities).

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In regard to the training schools, Mr. Mazingo said that the audit would have two primary objectives. These objectives were:

1. Should we close one of the existing training schools? and
2. What effect would closing a school have on accreditation?

Mr. Mazingo reported that in 1985, the population at training schools averaged 85 percent of capacity and if the schools' "workable" capacity were used, the population was 88-89 percent. Mr. Mazingo stated that there had been a lot of strong arguments against closing the training schools. He added that the office would not make a recommendation to close a school at the cost of accreditation.

The final presentation topic was on an effort to accredit training schools and was given by Mr. Steve Williams. Mr. Williams stated that the Division of Youth Services was pursuing accreditation to: (a) improve the system; (b) have better management opportunity; (c) opportunity to have effective standards for each school; and (d) can help avoid what the adult system is facing in regard to litigation.

Mr. Williams informed the commission that in order to receive accreditation the state must meet 90 percent of the non-mandatory standards and 100 percent of the mandatory standards. He added that the state must also have an action plan on meeting the 10 percent of the non-mandatory standards in a given time period.

Mr. Williams stated that there were 400 (American Correctional Association) standards that an institution must meet in order to become and remain accredited. Mr. Williams noted that these standards included such things as temperature of the bathing water, how long a youth stays in a room, and the availability of postage.

Mr. Williams pointed out that the standard for maximum population for a training school was 100. He noted that the state currently went beyond this standard in some training schools. Mr. Williams felt that any attempt to close a training school and transfer juveniles would have a major impact on accreditation.


Likewise, Mr. Williams stated that there were several areas the Division of Youth Services would have to improve in order to get accreditation. Some of these areas included the following:

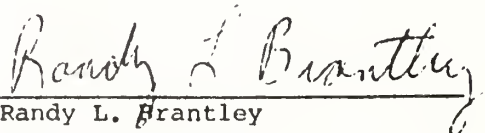
1. Do not have the resources to adequately train staff on an "on-going" basis;
2. Have problem with respect to written procedures; and
3. Physical Plants--
 - a. each room should have a toilet--all schools do not have this; and
 - b. all training schools do not have a fire alarm system.

Mr. Williams stated that his agency was moving to correct these problems and was working toward the goal of accreditation for each of the training schools.

Furthermore, Mr. Williams stated that he felt accreditation brought about a challenge to provide good treatment. He concluded that the Division of Youth Services' charge was to treat children like children and give them the respect they command.

The meeting adjourned at 3:15.


Representative Anne Barnes
Chair


Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, March 10, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, March 10, 1986, at 10:00 a.m. in Room 612 of the Legislative Office Building. The Commission members present were:

Representative Anne Barnes

Mr. Steve Williams

Ms. Rosa Jones

Judge Gilbert Burnett

Ms. Sue Glasby

Mr. Rankin Whittington

Ms. Nancy Patteson

Mr. Lee Crites

The first order of business was the approval of the February 10, 1986, Commission meeting minutes. The minutes were approved.

The next item of discussion was the Endangered Child Law Bill. Ms. Janet Mason from the Institute of Government presented a draft of the bill. Ms. Mason pointed out that her draft simplified the bill and also took out things that were dealt with in the 1985 session. Ms. Mason added that the biggest change in her draft was the way the term endangerment was dealt with. Ms. Mason stated that the draft uses endangerment purely as a standard for the removal of a child from a home.

Next Mr. Andy Little, from the N.C. Association of Social Service Attorneys, presented a draft of the bill. Mr. Little stated that his

proposal included the following:

1. takes out an early section of what a petition must contain.
2. talks about the definition of abuse, neglect, and dependency.
3. leaving endangerment as a dispositional concept that comes after the adjudication of abuse, neglect or dependency.

Ms. Virginia Weisz, from the Administrative Office of the Courts, was the next person to speak about the Endangered Child Law Bill. Ms. Weisz stated that she thought both drafts presented were good, but she had not had enough time to consider them thoroughly.

After some discussion, Mr. Rankin Whittington made a motion that the staff draft a bill that would include "reasonable efforts and the interference of the investigation concept and present it to the Commission at a future meeting." Ms. Rosa Jones seconded the motion. The motion passed (5 in favor, 1 opposed).

Mr. Steve Williams made a motion that the Chair "appoint a working committee, composed of any members interested to review the rationale behind the establishment of the Endangered Child Law Bill and further to review the technical changes that have been offered by all the presentations and report back to the Commission one final time any findings or recommendations to the: a) necessity of the Endangered Child Law Bill. b) any compromise they have reached on the technical amendments they have discussed." The motion passed (4 in favor, 1 opposed).

The next item of discussion was the proposal to change the hours of detaining a runaway from 72 to 24 hours. Ms. Vicky Church, from the Governor's Crime Commission, provided information regarding this topic.

Ms. Church stated that the 1986 funds for North Carolina were frozen. She added that the compliance report sent to the federal government last

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year had a ten-month delay due to a technical error. Ms. Church stated that her agency thought they were in compliance, but when the report was recalculated, they found out they were not in compliance. Ms. Church pointed out that if they had known this earlier, they could have asked for legislative action during the long session.

Ms. Church stated that two centers accounted for most of the non-compliance. She added that these centers were in Cumberland and Forsyth counties. Ms. Church pointed out that there were 606 federal violations and 7 state violations in North Carolina last year.

Following a lengthy discussion, Mr. Rankin Whittington made a motion for the staff to draft a bill changing the length of time of detainment from 72 to 24 hours and to include those exceptional days in the federal law. The motion failed (4 opposed, 1 in favor).

Mr. Lee Crites made a motion for the staff to draft a bill that would, in effect, make the first order on a runaway a nonsecure custody order. The motion failed (4 opposed, 1 in favor).

Following these motions, the consensus of the Commission was to take no action on changing the hours of detainment from 72 to 24 hours.

The final item of discussion was a report given by Mr. Rankin Whittington on the Fourteenth National Conference on Juvenile Justice. Mr. Whittington stated that a main theme he left the conference with was that "there were not a lot of answers, but a lot of guessing when dealing with juveniles." Mr. Whittington invited the Commission to look over the materials and tapes he brought back with him from the conference.

The meeting adjourned at 4:00.

Anne Barnes

Representative Anne Barnes
Chair

Randy L. Brantley

Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, April 14, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, April 14, 1986, at 10:00 a.m. in Room 612 of the Legislative Office Building. The Commission members present were:

Representative Anne Barnes

Judge Gilbert Burnett

Mr. Lee Crites

Ms. Sue Glasby

Mr. Charles Casper

Mr. Steve Williams

Ms. Nancy Patteson

Ms. Rosa Jones

Mr. Rankin Whittington

The first agenda item discussed was a draft bill that would increase the salaries of district court judges certified in juvenile law. Staff Attorney, Susan Sabre, presented the draft which called for a five percent salary adjustment for certified judges.

Following Ms. Sabre's presentation, Mr. Franklin Freeman from the Administrative Office of the Courts spoke to the Commission. Mr. Freeman shared information about the district court level. Mr. Freeman stated the following statistics:

1. There are 146 district court judges.
2. 95 of those judges hear juvenile matters in some degree.

1. 60 of the 95 are certified in juvenile law.
4. An additional 9 have started the certification course.
5. 77 of the 95 judges hearing juvenile matters have either completed the program or are in the process of being certified.
6. Only 2 or 3 of the 95 judges hearing juvenile matters have been judges for less than three years.

Mr. Freeman stated that he was for better pay for judges, but felt the best way to solve the problem was to raise the pay for all district court judges. Mr. Freeman felt that if judges were segregated in a class, a "no ending" point would develop.

Mr. Freeman pointed out that all of these judges were elected officials. He stated that it would be bureaucrats and not the General Assembly that would be setting judges' salaries. Mr. Freeman added that these bureaucrats would also be "administering the test and then telling the judges if they have passed the test or not."

Furthermore, Mr. Freeman made suggestions that included the following:

1. Should look at district court judges in general. Look at expanding the numbers of judges who are certified.
2. If people feel they do not have a qualified judge, they can make it an election issue.
3. Should strengthen training in areas that are weak.
4. There is a national college for juvenile court judges. This program could be transplanted to North Carolina.
5. Funding to bring training programs to North Carolina is currently being pursued.

Mr. Freeman concluded his presentation by saying that there were more applicants for the National Judicial College than money available. He pointed out that five percent of a district court judge's base salary was \$2,400.00, and this was "equal to the cost of a judge being sent to the college."

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Again, Mr. Freeman stated that there should be better pay for all district court judges. He felt if we establish a differential for one group of judges, "there would be a ripple effect throughout this century."

The Commission's discussion following the presentation centered on the importance of the District Attorney having experience in the juvenile court. The Commission members felt that special training in juvenile law would be helpful for District Attorneys and Assistant District Attorneys,

After the discussion, the consensus of the Commission was for Staff Attorney, Susan Sabre, to work with Mr. Franklin Freeman in getting some "realistic cost figures to improve training." This would include training for judges and district attorneys.

The Commission also wanted cost figures on bringing a training certification school or program in North Carolina. The Commission asked that this data be brought before the Commission at a future meeting.

Next, the Commission listened to some presentations concerning the Endangered Child Legislation Alternative. Ms. Susan Sabre gave a brief presentation which outlined technical changes in the bill.

Ms. Sue Glasby gave a detailed presentation on the subcommittee draft of the Endangered Child Law Bill. Ms. Glasby informed the Commission that the subcommittee met on April 10, 1986, from 10:30 to 4:30 in the Albermarle Building. The subcommittee was composed of Mr. Rankin Whittington, Mr. Steve Williams, Mr. Andy Little, Ms. Virginia Weiz, Ms. Joan Holland and Ms. Janet Mason. Ms. Glasby outlined several changes and revisions made in the Endangered Child Law Bill.

After some discussion, Mr. Rankin Whittington made a motion that the Commission endorse the committee substitute for the Endangered Child Law Bill. Mr. Whittington asked that the bill include, "children will not

be removed from a home because of poverty." Mr. Steve Williams seconded the motion. The motion passed.

The next items of discussion were various agency requests for the 1986 session. The first agency request was from Mr. Franklin Freeman, Administrative Office of the Courts. Mr. Freeman outlined several requests that included the following:

1. Will ask the General Assembly for additional funds to reduce each court counselor's case load;
2. Concerned about opening of juvenile records;
3. AOC has endorsed HB-569, Chronic Status Offender;
4. Concerned about raising the juvenile age from 16 to 18 for undisciplined matters;
5. Concerned about reducing the statutory limit for detaining status offenders from 72 to 24 hours in North Carolina;
6. Training of court counselors: currently unable to provide the best training. Need additional funds for family and therapeutic management training, as well as transportation of children.

Representative Barnes informed Mr. Freeman that the Commission had previously acted on several areas of his request. The areas included the following:

1. The Commission has endorsed HB-569, Chronic Status Offender.
2. The Commission did not endorse raising the juvenile age to 18.
3. The Commission took no action on reducing detainment from 72 to 24 hours.
4. The Commission planned to further discuss the idea of opening juvenile records.
5. The Commission had endorsed a draft legislation of the Endangered Child Law Bill.

Representative Barnes asked the Commission to take action on the remainder of Mr. Freeman's request. The Commission agreed to endorse the following:

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1. Increase funding for court counselors. This would include a letter of endorsement to the appropriate committees.
2. The Commission also sees a need in increasing money for clerks, judges, and magistrates in the implementation to expedite the process of child support collection.
3. Increase funding for the training of court counselors.

The next agency request was from Mr. Al Boyles, Director of Youth Services, Department of Human Resources. Mr. Boyles stated that there was a need for a Chief of Chaplain position. Mr. Boyles said that some type of Chaplain program was needed in each juvenile facility.

Ms. Gwen Chunn, Deputy Director, Institutions and Treatment in the Department of Youth Services, was the next person to make an agency request. Ms. Chunn told the Commission that funds were needed for the sex offender program.

Mr. Steve Williams made a motion that the Commission endorse both requests. The Commission agreed to endorse funding for a Chief of Chaplain position and asked that letters of endorsement be sent to the appropriate committees. The second motion, to endorse funding for the sex offender program, also passed with 4 in favor and 3 against the endorsement.

Next, Mr. Ken Foster from the Department of Social Services told the Commission that he was concerned about HB-569, Chronic Status Offender. Mr. Foster stated that he was concerned about the implications of an amendment to the bill which asked for intensive counseling of juveniles. Mr. Foster asked the Commission for suggestions and ideas on dealing with this possible problem.

Ms. Joan Holland from the Department of Social Services told the Commission that she was concerned about the licensure of foster families.

Ms. Holland stated that there was a need for an exception to the current legislation in regards to the appeal process.

Mr. Rankin Whittington made a motion that the Commission further discuss this topic at the next meeting. The motion passed.

The final speaker was Ms. Vicky Church from the Governor's Crime Commission. Ms. Church stated that her agency was interested in the opening of training school records. Ms. Church said she would like an amendment that would allow access to juvenile records be drafted. The Commission recommended that Ms. Church work with Staff Attorney, Susan Sabre, in drafting an amendment. The Commission asked that the amendment be presented at a future meeting.

The meeting adjourned at 4:45.


Representative Anne Barnes
Chair


Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, May 12, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, May 12, 1986, at 10:00 a.m. in Room 612 of the Legislative Office Building. The Commission members present were:

Representative Anne Barnes

Judge Gilbert Burnett

Mr. Lee Crites

Ms. Rosa Jones

Ms. Sue Glasby

Mr. Steve Williams

The first order of business was approval of the minutes from the last two meetings. These meetings were held on March 10 and April 14, 1986. The minutes were approved.

The first speaker was Ms. Joan Holland from the Department of Social Services. Ms. Holland made a presentation to the Commission concerning foster home licensing appeals change.

Ms. Holland stated that her agency proposed that General Statute 131D-10.9 be amended to exempt licensing decisions for certain Family Foster Homes from being governed by the provision of Chapter 150A of the Administrative Procedures Act. Ms. Holland also stated that with the change in 150A, the Commission for Social Services would make rules governing the appeals decisions (the Commission for Social Services would not go into full discovery).

In addition, Ms. Holland stated that there were three main reasons the amendment was needed. The reasons included the following:

1. The appeals decision has no impact on continual use of the house by a child placing agency.
2. Do not believe this is a good experience for the child.
 - a. increases trauma for the child to be called as a witness in a hearing; and
 - b. may not be in the best interest of the child for the record to be made public.
3. The State has responsibility and liability in care. This is a sensitive issue because of confidentiality.

After a lengthy discussion, Ms. Sue Glasby made a motion that the Commission support the proposal and urged the Commission to introduce the bill. The motion failed (2 in favor, 3 opposed).

Next, Representative Barnes told the Commission that Ms. Janet Mason from the Institute of Government would serve as legal staff during the Legislative Short Session. Representative Barnes pointed out that the ^{Legislative} ~~Legal~~ Service Commission adopted a rule that Legislative staff (such as Staff Counsel Susan Sabre) would not be available for the Commission during the session.

The second speaker on the agenda was Ms. Vicky Church from the Governor's Crime Commission. Ms. Church made a presentation concerning accessing the Division of Youth Service records. Ms. Church stated that DYS had made a request to access the training school commitment records for a research project. Ms. Church added that the request was forwarded to the Attorney General's Office.

Furthermore, Ms. Church reported that the Attorney General stated that the request did not qualify for exemption from the confidentiality provision. Ms. Church said that the Attorney General's Office suggested that it

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would take a legislative change to have access to the records. Ms. Church ended her presentation by stating that the proposed bill was drafted to provide an exclusion allowing access to the training school data for research projects.

Following Ms. Church's presentation, the Commission asked Ms. Church to continue to work on this bill with Staff Attorney, Susan Sabre. The Commission also asked that Ms. Church further discuss this idea at the next Commission meeting.

The third speaker was Ms. Ruth Starnes from the State Auditor's Office, who gave a report on training school recommendations. The recommendations presented included the following:

1. The Leonard Cottage at Dobbs School be re-opened and adequately staffed;
2. The transfer of excess population to Dobbs in order to maintain single occupancy in single rooms;
3. The construction of two 50-bed cottages at Jackson constructed in compliance with ACA standards;
4. Retaining the present five training schools and that DYS continue its efforts toward accreditation.

Additional recommendations made by Ms. Starnes included the following:

1. Power generators for all schools;
2. Radios for all four schools;
3. Emergency lights in cottages at Dillon;
4. Emergency lights in all buildings used at night on all four campuses;
5. Adequate number of desks and chairs (specifically chairs designed for places of incarceration);
6. Security screens where lacking;
7. Private personal storage space which can be locked where it is not already in use (one school uses combination-type padlocks).

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The fourth speaker was Mr. Ken Foster from the Division of Youth Services. Mr. Foster gave a presentation on counseling chronic status offenders in detention. Mr. Foster stated that there were several areas his agency would be working on; these areas included the following:

1. Will work closely with the interagency screening committee. Will make sure DYS gets a copy of the recommendations made to the judges;
2. An extra attempt will be made to get families in contact with the DYS staff.
3. We will initiate contact and followup.

The fifth speaker was Mr. Gary MacBeth from the Mental Health Study Commission. Mr. MacBeth stated that the Mental Health Commission had noted an inconsistency between G.S. 122C-221 and G.S. 90-21.5. Mr. MacBeth told the Commission that 122 allows minors to admit themselves for treatment to mental health and substance abuse facilities consistent with Chapter 90. Mr. MacBeth added that the language on commitment in Chapter 90 appeared to have been written back when the only viable 24-hour facilities in existence were psychiatric hospitals.

Mr. MacBeth informed the Commission that the Mental Health Commission had proposed an amendment to Chapter 90 that would bring it into consistency with Chapter 122C. Mr. MacBeth concluded his presentation by stating that the proposed bill would allow a minor to continue to be allowed to admit him/herself for treatment in non-24-hour facilities, but will be required to be admitted by his/her parent(s) in the case of 24-hour facilities (except in an emergency).

The consensus of the Commission was to support the proposed amendment change Mr. MacBeth presented.

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The sixth speaker was Mr. Bob Atkinson from the Administrative Office of the Courts who gave a presentation on the jurisdiction of a juvenile. Ms. Susan Sabre, from Bill Drafting, assisted Mr. Atkinson in the presentation.

Ms. Sabre stated that there were two policy issues involved in this matter: (a) at what point do you want to consider a juvenile an adult in regards to detention options; and (b) the judge's option in regard to when and when not to sentence. Mr. Atkinson informed the Commission that there were no set procedures regarding this area and the additional changes in the statute could clear up some problems.

Following some discussion, Mr. Lee Crites made a motion that a juvenile is considered a juvenile for detention purposes prior to his or her trial (pre-Superior Court hearing). The motion failed (1 in favor, 4 opposed).

The consensus of the Commission was to put this issue back on the agenda after the Short Session of the Legislature.

The final item of discussion was extending the current Commission members' terms. Representative Barnes told the Commission the Governor appoints 14 of the members. She pointed out that there were currently seven positions that had been vacant for over a year. Representative Barnes stated that the Governor had recently appointed several people to fill the vacant positions.

Representative Barnes informed the Commission that most of the current members' terms would expire in June. She stated that this would create a problem because the Commission would have seven new members (who would need to be familiarized with the Commission's work) and seven vacant seats. Representative Barnes felt that this would cripple the work of the Commission.

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Representative Barnes stated that one solution would be to introduce legislation that would extend the present members' terms for one year. Representative Barnes felt this would give a year of continuity for the Commission and would also give the Governor's Office enough time to make the appointments.

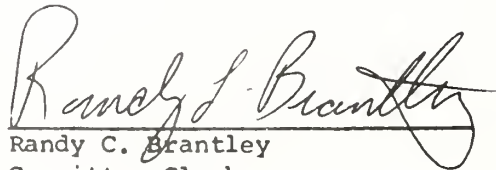
Ms. Sue Glasby suggested another alternative would be to extend the current members' term until the Governor makes the new appointments or re-appointments. Ms. Glasby added that this would give the Governor time to make the appointments and also appear less confrontational.

Judge Burnett made a motion that both suggestions be incorporated into a bill and presented in the Short Session. The motion passed. (Mr. Steve Williams abstained.)

The meeting adjourned at 3:30.



Representative Anne Barnes
Chair



Randy C. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, September 8, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, September 8, 1986, at 10:00 a.m. in Room 612 of the Legislative Office Building. The Commission members present were:

Representative Anne Barnes, Chair

Judge Gilbert Burnett

Mr. Charles Casper

Ms. Ann Dalton

Ms. Sue Glasby

Senator Charles Hipps

Mr. David Lopp

Ms. Nancy Patteson

Mr. Robert Wesley, Jr.

Mr. Rankin Whittington

Mr. Steve Williams

Mr. Clayton Yates

The first order of business was approval of the May 12, 1986, minutes. The minutes were approved.

Next, Representative Barnes welcomed all of the new members to the Commission. She then asked that all members and guests introduce themselves.

The next portion of the meeting was devoted to an orientation for the new members. The Commission listened to six presentations beginning with Susan Sabre, Staff Attorney. Ms. Sabre gave a presentation on the background of the Juvenile Law Revision and the Juvenile Law Study Commission.

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Ms. Sabre reported that the 1977 General Assembly created the Juvenile Code Revision Committee. She stated that the Committee was authorized to study all existing laws and services affecting juveniles. She added that the Committee was to propose a new code for district court jurisdiction in regards to delinquent/dependent and neglected children.

Furthermore, Ms. Sabre stated that prior to 1979, each agency had its own set of statutes. She said that the Supreme Court issued an opinion on the rights of juveniles, but did not give a whole view on how to handle juveniles. She reported that everyone involved was interested in helping children but that there was fragmentation in the statutes (and among various agencies).

Ms. Sabre stated that the Code Revision Committee held public hearings across the state for a period of two years. She said that it took two additional years to complete the report that was presented to the Governor. She added that the Governor presented the report to the 1977 General Assembly.

In addition, Ms. Sabre said that agreement on the jurisdictional age of undisciplined status offenders has been a frequently recurring issue. She pointed out that the juvenile code was originally adopted because of the status offender problem.

Ms. Sabre added that there were a number of legislators who had not been able to grasp all of the laws dealing with juveniles. She said that the legislature depended on the Commission to help them in understanding the problems facing juveniles.

The second speaker in the orientation program was Judge Gilbert Burnett. Judge Burnett discussed the role of the District Court Judge. He stated that we have a relatively new court system called the General Court of Justice. He pointed out that the system had been in existence

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for about 18 years. He added that the system included a District Court, Superior Court, Court of Appeals and Supreme Court. He further stated that the District Court had four divisions. The divisions included the following: Civil, Domestic, Criminal, and Juvenile.

Judge Burnett told a brief story of how a youth could become involved in each area of the court system. He concluded his presentation by saying that the Commission's work was primarily involved with the care of a child.

The third speaker in the orientation program was Ms. Nancy Patteson. Ms. Patteson gave a summary on the role of the Court Counselor. She informed the Commission that Court Counselors are employees of the Juvenile Service Division of the Administrative Office of the Courts. She stated that the Counselor's primary role is involved with juvenile probation and aftercare. In addition, she said the Counselor's role also includes understanding and carrying out the legislative intent of the juvenile code.

The fourth speaker in the orientation program was Mr. Steve Williams. Mr. Williams gave a report on the Division of Youth Services. He stated that DYS was a part of state government that deals with children who are in trouble with the law. He said that DYS helps in promoting the best interests of children. He reported that the agency operated on a \$37 million budget.

Mr. Williams told the Commission that DYS runs a number of detention centers throughout North Carolina. He said that the detention centers provide youths housing pending their trial or court appearance. He stated that the centers provide medical evaluation, schooling, and counseling.

Also, Mr. Williams stated that DYS operates by contract a number of Eckerd Wilderness Camping programs. He felt that the program was one of the agency's most successful because youths are kept for a period of time

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(12 month limitation). He felt the program allowed a youth to build character and self-esteem.

Similarly, Mr. Williams said the agency runs five training schools with a budget of \$20 million. He stated that in recent years the agency had shifted away from the philosophy of operating schools by region. He added that DYS had worked on having specialty schools. The schools are: (a) C.A. Dillion; (b) Dobbs; (c) Juvenile Evaluation Center; (d) Jackson; and (e) Samarkand.

Mr. Williams stated that the DYS assisted in administering and offering guidance to the Community Based Alternative Program. He concluded his presentation by stating that there were several other areas the agency was trying to improve. These areas included the following:

1. Promoting more accountability of CBA programs;
2. Involved in integrating youths in DYS programs with the rest of society;
3. Safety and security issues at training schools;
4. Involved in an effort to get accreditation for the training schools.

The fifth speaker in the orientation program was Mr. Rankin Whittington. Mr. Whittington gave a presentation on the local Departments of Social Services. Mr. Whittington reported that the Department of Social Services was a division of the Department of Human Resources (which helps in supervising the local county departments). He added that the county director of Social Services was responsible for county programs and personnel.

Mr. Whittington stated that his agency was divided into two areas: (1) Public Assistance, which includes Aid to Families with Dependent Children, food stamps, and Medicaid; and (2) Social services, which can begin "prior to birth and extend beyond death (and everywhere in between)."

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Mr. Whittington stated that the agency primarily became involved with juvenile law when "children have done something bad or something bad is done to them." He said the agency often becomes a legal custodian for children (and then becomes responsible for them). He added that the agency gets custody of children upon petition from the court if the child is found to be neglected, abused, or delinquent/dependent. He stated that his agency was the only child placement resource found in every county in the state.

Further, Mr. Whittington stated that after his agency gets custody of a child the agency must decide where the best place is to put them. He said that children can be placed in a licensed foster home, with relatives, group homes, child care institutions, special treatment facilities, boarding school, relatives outside of the state (Interstate Social Program), and adoption.

Mr. Whittington said that his agency operated under the philosophy that is called permanency planning. He stated that his agency feels children need a permanent home. He reported that Social Services worked with a careful plan in finding a child a home (when the home has been disrupted).

In addition, Mr. Whittington said that his agency operates on a federal grant that was the basis for Social Services. He added that the county provides additional funds for services. He stated that large counties (with a larger tax base), were able to provide more services to the community. Likewise, he stated that smaller counties rely more on the federal grant for services. He concluded that in recent years there have been major cuts in the budgets which had created some additional problems in being able to provide services.

Representative Anne Barnes was the sixth and final speaker in the orientation program. Representative Barnes explained that after listening

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to the various presentations it was easier to understand "how the different pieces of the picture puzzle fit together." She added that it was desirable to have such a group as the Commission to pull all the resources together.

Representative Barnes stated that the Commission was the only group in North Carolina that met at least once a month (sometimes twice a month during Session) to make sure "no piece of the picture puzzle ~~does not~~ get S out of place." She said that the Commission tries to bring all the experts together to look at areas that are not functioning well. In addition, she stated that the Commission looks at new needs and ways to coordinate with each other.

Representative Barnes concluded her presentation by stating that the Commission allows the opportunity for agencies dealing with children to openly discuss issues with each other. She felt these discussions allowed the Commission to affect problems and help the system as a whole.

The next area of discussion was the announcement of the Southern Legislative Conference on Children and Youth. Representative Barnes announced that the conference would be held in Nashville, Tennessee, on November 16-19, 1986. She informed the Commission that Senator Charles Hipps would be a part of the program.

Following the announcement, Representative Barnes introduced Mr. Bob Atkinson to the Commission. Mr. Atkinson told the Commission that he worked with the Juvenile Service Division of the Administrative Office of the Courts. He stated that he was an Assistant Administrator in charge of eight juvenile districts. He added that he was in charge of supervising juvenile intake and aftercare services.

Also, Mr. Atkinson announced that Ms. Nancy Patteson had recently received the Outstanding Service Award from the N.C. Juvenile Correctional

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Association. He stated that the Association began the annual award program in 1970 in recognition of the outstanding service of people working with juveniles.

The next item of discussion was an update on some of the 1986 legislation dealing with juveniles. Ms. Susan Sabre presented a brief outline on some of the legislation. Ms. Sabre stated that Representative Barnes had introduced HB 1544 extending the current Commission members' terms. She reported that the bill had been introduced to give continuity to the Commission. Also, she stated that there were several bills dealing with child support law that had passed (briefly outlined in an earlier mailing).

Ms. Sabre pointed out that two bills, the Chronic Status Offender and the Endangered Child Law Bill did not pass in the recent Short Session. She added that Representative Barnes had introduced legislation appropriating \$43,600 for a training program for District Court judges. She reported that the bill did not pass, but money was provided in the Juvenile Services Budget for the program.

Ms. Sabre stated that there were two other bills--Definite Terms for Some Juveniles and Short Term Commitment for Juveniles--that did not pass. Representative Barnes (who introduced both bills) stated that she selected not to push the bills through because of the lack of time in the Short Session. Representative Barnes also pointed out that the Parental Consent to Abortion bill that Representative Soles introduced did not pass.

Ms. Sue Glasby added that there were two other pieces of legislation that passed during the Short Session that the Commission would be interested in. These were: (a) and increase in money for the AFDC emergency program; and (b) an increase of money for the child medical program.

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The next item of discussion was a list of items the Commission would like to put on the future agenda. Representative Barnes asked each member to discuss briefly some of the issues they would like to address. Some of the issues included the following:

1. Juvenile jurisdictional age;
2. Endangered Child Law;
3. Money for training school facilities;
4. Availability of juvenile records for research purposes;
5. Willie M program (and funding);
6. Transportation to and from training schools;
7. Runaway detention (72 or 24 hours);
8. Chronic Status Offender;
9. Children legally excused from compulsory attendance if they are attending a community college; and
10. Victimization programs.

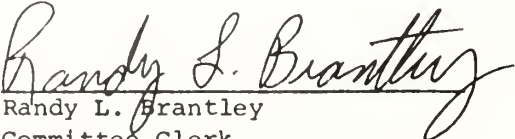
The consensus of the Commission was for the staff to compile the mentioned list (plus additional items) and mail them to each member. The Commission agreed to rank the items in order of preference (and mail them back to the staff). The items receiving the most votes would be discussed at the next meeting.

The final item of discussion was setting up the Commission's fall schedule of meetings. The Commission agreed to meet on the following dates:

1. Monday, October 13, 10:00 a.m.
2. Monday, November 10, 10:00 a.m.
3. Monday, December 8, 10:00 a.m.

The meeting adjourned at 3:45 p.m.


Representative Anne Barnes
Chair


Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, October 13, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on Monday, October 13, 1986. The meeting was held in Room 612 of the Legislative Office Building at 10:00 a.m. The Commission members present were:

Representative Anne Barnes
Judge Gilbert Burnett
Mr. Lee Crites
Ms. Ann F. Dalton
Ms. Sue Glasby
Ms. Rosa Jones
Ms. Nancy Patteson
Mr. Rankin Whittington
Mr. Steve Williams
Mr. Clayton Yates

The first order of business was approval of the September 8, 1986 minutes. The minutes were approved.

The meeting focused primarily on the issue of the chronic status offender. There were several presentations given on programs that affect the status offender problem. Mr. Ed Taylor, from the Administrative Office of the Courts, was the first speaker.

Mr. Taylor gave an update on the Intensive Probation Program. Mr. Taylor stated that the General Assembly funded a two-year pilot program for intensive probation. He pointed out that an evaluation component was built into the program (Mr. Stevens Clarke from the Institute of Government is gathering the information). He told the Commission that the program was put in four locations. The locations are: Wilson, Lumberton, Raleigh, and Greensboro.

Mr. Taylor stated that the program was designed so that there is a limited number of cases each counselor deals with (maximum load is set

at 10). He added that the program works with the child, family and school. He pointed out that the case load counselor must see the child a minimum of three times a week and the family and school must be seen at least once a week. He pointed out that there were presently 60 children in the program.

In addition, Mr. Taylor stated that there was a selection committee that reviewed each case (before they go into intensive probation). He said that the selection committee consists of a chief court counselor, intensive probation counselor, and the counselor making the recommendation (or another person making the recommendation). He told the commission that the period a child will be in the program is 3 to 12 months. He added that at the end of the present period a two-month step-down phase is used. He pointed out that this phase allows the child to be re-integrated into a regular caseload (and not to be dropped suddenly).

Mr. Taylor concluded his presentation by saying that the selection committee process was critical in identifying the likelihood a child will go to training school. He stated that he feels positive about the work the program has done so far.

The second speaker was Mr. Ken Foster from the Division of Youth Services. Mr. Foster talked about the Community Based Alternative Programs.

Mr. Foster stated that for 1985-86 the CBA funding source included the following: (a) \$7.2 million (state); (b) \$3.7 million (local); and (c) \$3.7 million (federal/other). He added that there were 251 CBA programs and 8,731 youths served. He pointed out that all of the programs were a potential resource in providing services for the chronic status offender.

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Furthermore, Mr. Foster stated that his staff had recently had a "brainstorming session" in which the CSO problem was discussed. He told the Commission that there was an idea developed for program treatment. The idea included four elements: (a) program design; (b) training component; (c) funding plan; and (d) implementation. He added that the Juvenile Law Study Commission or another commission would need to study the plan, develop a package, and sell it to the legislature.

Likewise, Mr. Foster stated that a main element in the treatment program would be a family involvement counselor (structured family therapy). He stated that the counselor would work with no more than eight to ten families. He added that the counselor would develop an individual family plan for treatment and submit a monthly progress report (on the family) to the court counselor.

Mr. Foster said that these ideas and others were being put together by his staff. He stated that the information would be forwarded to the Commission upon completion.

The third speaker was Ms. Carolyn Biggerstaff, Executive Director, Youth and Family Community Services. Ms. Biggerstaff, along with Mr. Bob Carl, gave a presentation on the Grimes Alternative Program.

Ms. Biggerstaff informed the Commission that the pilot project attempts to mesh school work and family counseling. Ms. Biggerstaff stated that the class targets status offenders. She added that the 12 students enrolled in the class had shown improvement in many areas such as truancy and test scores.

Ms. Biggerstaff stated that the student's family must agree to participate in counseling sessions before the student can be included in the alternative class. She added that one aspect of the family counseling

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was that the teacher was aware of what was happening in the child's home.

Ms. Biggerstaff pointed out that signs of the success of the program included improvement in students' ability to work with others and dramatically improved attendance records. She concluded that the success of this program would have a bearing on whether or not other programs (of this nature) were implemented across the state.

The fourth speaker was Ms. Vicky Church from the Governor's Crime Commission. Ms. Church gave a presentation on Juvenile Justice and Delinquency Prevention Programs.

Ms. Church stated that her agency had provided funding for a study of restructuring caseloads. She informed the Commission that the study had reviewed 600 court cases and found the following five risk factor predictors (for delinquency): (1) marital status of the parents; (2) educational status of the mother; (3) school--retained or academic failure; (4) established truancy factor; and (5) peer groups.

Further, Ms. Church added that there were a variety of programs that involved CBA funding and Juvenile Justice and Delinquency Prevention funds. Some of these programs included the following:

- (1) Home Remedy Project;
- (2) Family Dispute Project; and
- (3) Intensive Day Treatment Program.

Also, Ms. Church pointed out that her agency was working on the runaway detention problem (72-24 hours). She stated that the 1984 data on this issue was re-evaluated and the statute was found to be in compliance. She added that the two counties (Cumberland and Forsyth) that had the most runaway problems were receiving some additional help.

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The fifth and final speaker was Mr. Mike Pedneau, Special Deputy for the Willie M. Program, Department of Human Resources. Mr. Pedneau gave a presentation on the Willie M. Program.

Mr. Pedneau stated that the Willie M. Program has multiple evaluation components already in place. He stated that the Court Review Panel monitors the implementation of the federal court order. He said that the panel meets publicly each month. He added that an annual report was presented to the Governor and legislature.

Next, Mr. Pedneau told the Commission that the budget for the Willie M. Program was \$26 million. He stated that costs for each child were about \$20,600. Mr. Pedneau reported that the projected number of youths in the program for the next fiscal year included:

- (1) 1300 children will be served;
- (2) 200 will age out;
- (3) There will be 275 new members.

(See attached handout for further details.)

After a lengthy discussion of the Willie M. Program, the consensus of the Commission was to write a letter to the Chair of the Court Review Panel, Dr. Bill Clements. The letter would express two concerns of the Commission in regards to Willie M. These concerns were (1) termination of cases at training schools; and (2) amount of funding for Willie M. and its priorities. Further, the letter would include an invitation for Dr. Clements to speak to the Commission. The Commission asked that a draft of the letter be presented at the next Commission meeting.

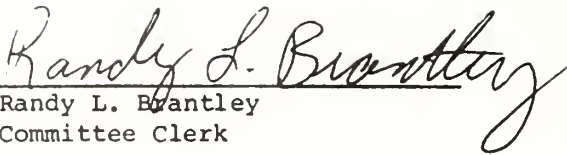
Representative Barnes stated that she would need to talk to the Attorney General's Office about the letter. She stated that she would give a report of her discussion at the next meeting.

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The meeting adjourned at 4:15.



Representative Anne Barnes
Chair



Randy L. Brantley
Committee Clerk

Juvenile Law Study Commission

Monday, November 10, 1986

10:00 a.m.

Room 612, Legislative Office Building

The Juvenile Law Study Commission met on November 10, 1986. The meeting was held in Room 612 of the Legislative Office Building at 10:00 a.m. The Commission members present were:

Representative Anne Barnes
Judge Gilbert Burnett
Ms. Sue Glasby
Ms. Rosa Jones
Mr. David Bryon Lopp
Ms. Nancy Patteson
Mr. Steve Williams
Mr. Clayton Yates.

The first order of business was approval of the October 13, 1986 minutes. The minutes were approved. (Please note that Jacquelyn Hamby served as a substitute clerk during the meeting.)

The second item of discussion was a presentation by Mr. Bob Atkinson from the Administrative Office of the Courts. Mr. Atkinson presented a memorandum to the Commission that discussed the subject of juveniles bound to Superior Court. He pointed out that G.S. 7A-611 states

. . . the judge may order that the juvenile be detained in a detention home or a separate section of a local jail provided in G.S. 7A-576.

He said research of G.S. 7A-576 reveals that the provision for the use of a local jail for secure custody of juveniles expired on June 30, 1984. He added that it appeared that such detention of juveniles may be in violation of the current statute. Mr. Atkinson felt that the state should take a clear position on the point at which a juvenile may be detained in a secure detention center (or in an adult jail when bound over to superior court). Mr. Atkinson recommended that G.S. 7A-611 be rewritten to read as follows:

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Once the order of transfer has been entered, the juvenile has then the right to pretrial release as provided in G.S. 15A-533 and 15A-534. Pending release under this Article, the judge may order that the juvenile be detained in a juvenile detention center while awaiting trial. Should the juvenile be found guilty, enter a plea of guilty or no contest, to criminal offenses in superior court then detention in a jail may be ordered.

After a lengthy discussion, the Commission took some action on the recommended rewrite. In the area of the pre-trial issue, Mr. Steve Williams made a motion to delete the word may (line four) and replace it with shall (the judge shall order that a juvenile be detained in a juvenile detention center while awaiting trial) and add to the end of the sentence "except for the following reasons" (a list will be provided). The motion passed. In the issue of after conviction, Judge Burnett made a motion that the last sentence's language in the rewrite remain the same. The motion failed.

Following this second motion, Mr. Williams moved that the language in the second part of the rewrite (G.S. 7A-611) have the substance of the following quote "should a juvenile be found guilty or enter a plea of guilty or no contest to the criminal offence in a superior court, then the person may not be detained in a local juvenile detention center pending transfer to the Department of Correction is not a possibility. The transfer from the jail to the Department of Correction will be made as expeditiously as possible." Mr. Williams asked that the Counsel draft legislation appropriate to the motion's language. The motion passed.

The third agenda item discussed was a presentation on transportation of juveniles given by Ms. Gwen Chunn from the Division of Youth Services. Ms. Chunn gave an update on the pilot program of transferring juveniles in the Western part of the state. Ms. Chunn presented the following information:

1. In FY 83-85, \$1.2 million was received to set up the pilot program in the eleven most western counties of N.C.

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2. In FY 83-84 the program received \$57,542 for the Buncombe County Pilot Project. A vehicle was purchased and equipment for transportation.
3. In FY 84-85 \$36,640 was received to maintain the program.
4. In addition, \$109,182 was requested for a transportation program in the East (in response to not having facilities in the eastern part of the state).
5. In FY 85-87, DYS pushed to take the program to the rest of the state. The state will be divided into six regions which entail the following: Northwest, Southwest, Eastern Piedmont and Southeast. It will take \$350,000 to begin the program across the state and an additional \$200,000 to get the program going.

Ms. Chunn stated that if these programs were funded the transportation system would be a statewide system. She was concerned that this would alter some of the responsibility of the court counselor (who accompanies the juveniles in some regions of the state). She felt that there was a need to define the responsibility of who should transfer the juvenile to detention. Also, Ms. Chunn stated that the court counselor typically would bring important documents and verbal reports (in the transfer process) that were important in helping the juvenile. She felt that these issues should be addressed in a bill.

Following some discussion the consensus of the Commission was to have the Counsel draft legislation in support of Ms. Chunn's idea. Further, the Commission asked that legislation be drafted regarding appropriations to extend the program and appropriations to continue the existing program.

The fourth agenda item discussed was the Chronic Status Offender Bill. The Commission held a long discussion about the bill and took two points of action. First, Judge Burnett made a motion to adopt the original bill. This would delete two amendments: (1) accumulation of 30-day stay time; and (2) the sunset provision. The motion passed. Second, Ms. Nancy Patteson

made a motion that the Counsel draft legislation that would provide a concept of guidelines for the pilot project on intensive probation (and in-home service). Ms. Patteson also asked that special appropriations language be drafted for a pilot project similar to the intensive probation program (would be along the lines of in-home service [cost, positions, etc.]).

The fifth agenda item discussed was a presentation by Ms. Nancy Patteson concerning detention for assaultive behavior. Ms. Patteson stated that the current Juvenile Code provides in G.S. 7A-574

. . . that a juvenile may be placed in secure custody if there is reasonable, factual basis to believe that the juvenile actually committed the offenses as charged in the petition and is presently charged with a felony, and has demonstrated that he is a danger to property or person.

Ms. Patteson pointed out that there were a lot of misdemeanors which are a danger to a person but the juvenile cannot be detained. The offenses include the following:

1. assault inflicting serious injury;
2. assault with a deadly weapon;
3. assault on a law enforcement officer;
4. assault on a judicial officer;
5. assault on a schoolteacher or administrator; and
6. assault by pointing a gun.

Ms. Patteson asked that the Commission recommend that a bill entitled Secure Custody Change be introduced in the 1987 General Assembly. The bill would revise additional stipulations for secure custody (specifically under G.S. 7A-578). The Commission passed a motion to adopt Ms. Patteson's recommendation.

The sixth and seventh items of discussion were HB987, Definite Terms for Certain Juveniles and HB988, Short Term Juvenile Commitments. Ms. Nancy Patteson made a motion that Representative Barnes introduce the HB987 in the 1987 Legislative Session. The motion passed. Also, Mr.

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Steve Williams made a motion that Representative Barnes introduce HB988 in the 1987 Legislative Session. The motion passed.

The final item of discussion was a draft letter concerning the "Willie M" program. Representative Barnes informed the Commission that the letter would be sent to the Willie M panel and Secretary of Human Resources, Mr. Phil Kirk. She asked that the members take the letters home for review and bring them back to the next meeting for discussion.

The meeting adjourned at 4:30 p.m.



Representative Anne Barnes
Chair



Randy L. Brantley
Committee Clerk

APPENDIX F

Correspondence from the Juvenile Law Study Commission: 1985-1986.



JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

February 5, 1985

The Honorable James Martin
Governor of North Carolina
Raleigh, North Carolina 27611

Dear Governor Martin:

It is my understanding that the Governor's Crime Commission submits its proposed legislative package to you, and awaits your action regarding those proposals which you wish to pursue.

Meanwhile, the Juvenile Law Study Commission, in accordance with its charge, is reviewing those portions of that package which affect juveniles.

As of this writing, the Juvenile Law Study Commission has endorsed the bill tentatively entitled "An Act to Clarify the Application of the Juvenile Code to Youth Accused of Crimes" regarding delinquent juveniles' rights and warnings), and has requested that you be informed of this action. The members would like you to know that they endorse the bill because they believe it encompasses the original intent of our "predecessor", the Juvenile Code Revision Committee.

We are currently reviewing other Crime Commission proposals which affect juveniles, and hope that you will give us the opportunity to report our findings to you before you take action on these proposals.

When your schedule permits, I would welcome the opportunity to meet with you to discuss the history and work of the Juvenile Law Study Commission, and to present to you a report of the Commission's work during the past year.

Best wishes,

Anne Barnes

AB:vc

111 copy



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

February 12, 1985

Senator Charles W. Hipps, Chair
Senate Committee on Children and Youth
Room 525
Legislative Office Building

Dear Charles:

As Chair of the Juvenile Law Study Commission, I wish to convey to you the Commission's full endorsement of the concept of Senate Bill 18 establishing the North Carolina Center of Missing and Exploited Children.

The Commission did wish me to express to you several concerns it has with the bill as drafted.

(1) The language in subdivision (6) of proposed §143B-495, stating that the Center will coordinate all State activities in the areas of child protection and prevention of child abduction and exploitation with the National Center might be overbroad. Does the bill intend, for example, that all the juvenile and protective services functions of the State Division of Social Services in these areas be coordinated by the Center, specifically in those areas involving exploitation, or sexual abuse of juveniles? If there is no such intent, could the bill's language be clarified to avoid unnecessary duplication of these services? The Commission does not know how closely the Task Force or the existing Center has worked with the State Division of Social Services or how carefully either has considered whether either's efforts might overlap with the Division's duties and services. In addition, the Commission has some concern over the bill's possible conflict with the juvenile law regarding "runaway" undisciplined juveniles.

(2) The Commission is also concerned that the duties imposed upon the Division of Social Services, on county departments of social services and on other persons (parents, caretakers, or whomever) be adequately considered. In Section 3, the bill mandates that parents and caretakers immediately report missing children to local law enforcement. G.S. 7A-543 mandates that any person or institution that has cause to suspect that any juvenile is abused or neglected shall report the

Senator Charles W. Hipps

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February 12, 1985

case to the county department of social services. All cases of child abuse or neglect that also involve possible exploitation, kidnapping or abduction, might also be categorized as "missing and exploited children." Will it be confusing and possibly duplicative to mandate two separate reports to two separate agencies in these cases? What is the legal definition of "exploitation" as used in SB 18?

(3) The Commission strongly recommends that Section 3, once the concerns expressed above are addressed, be codified in the General Statutes in an appropriate place and that penalties for violation of the mandates be included, to ensure that the "mandates" are really more than mere precatory statements.

We believe these concerns can be addressed satisfactorily in the language of your bill. The Commission will be glad to be of any service it can.

Sincerely,

Anne Barnes
Chair
Juvenile Law Study Commission



JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

February 18, 1985

Representative Ruth Easterling, Chair
House Committee on Children and Youth
Legislative Building

Dear Ruth:

At its last meeting, the Juvenile Law Study Commission reviewed and unanimously endorsed two bills which deal with juvenile law and child abuse. These bills have now been referred to your committee. They are: HB 37, A BILL TO BE ENTITLED AN ACT TO EXPAND THE JUVENILE LAW DEFINITION OF CARETAKER, and HB 46, A BILL TO BE ENTITLED AN ACT TO MANDATE THAT DEPARTMENT OF SOCIAL SERVICES REPORT REPORTS OF CHILD ABUSE AND NEGLECT IN DAY CARE TO THE LICENSING COMMISSION.

As you may know, the membership of the Juvenile Law Study Commission includes legislators, district court judges, court counselors, social workers, youth members, representatives from the Division of Youth Services, CBA's, Law Enforcement and Juvenile Detention--a broad-based and knowledgeable group. It is our statutory duty (G.S. 7A-741) to make continuing studies of the law as it pertains to juveniles, of agency services available to juveniles and their families, and of other matters of importance to State consideration of juveniles.

The Commission has asked me, as its Chair, to convey its enthusiastic approval of these two bills, and its willingness to be of any assistance it can to you in the important tasks you have before you this session.

Best wishes,

A handwritten signature in cursive script that reads "Anne".

Anne Barnes

AB:vc

CC: Members of the Committee on Children and Youth
Members of the Juvenile Law Study Commission



JUVENILE LAW STUDY COMMISSION
 STATE LEGISLATIVE BUILDING
 RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

March 1, 1985

The Honorable James G. Martin
 Governor of North Carolina
 Raleigh, North Carolina 27611

Dear Governor Martin:

This letter is to inform you of recent actions taken by the Juvenile Law Study Commission in regard to two bills which are included in the recommendations of the Governor's Crime Commission.

The bills are entitled AN ACT TO CHANGE REPORTING REQUIREMENTS OF COMPULSORY SCHOOL ATTENDANCE LAW and AN ACT TO AMEND THE LAW AFFECTING CHRONIC STATUS OFFENDERS. These bills are the result of many months of study and work by the Juvenile Justice Planning Committee of the Crime Commission. I am happy to report that our commission has been given the opportunity to work closely with the Juvenile Justice Planning Committee in the preparation of these bills. Many of the changes suggested by our commission to the Planning Committee have been incorporated into the bills.

At its last meeting the Juvenile Law Study Commission unanimously endorsed these two bills with several minor amendments. We commend them to you and I hope that you will lend them your support.

Best wishes,

Anne

Anne Barnes

AB:vc

CC: Members of the Juvenile Law Study Commission
 Ms. Michelle Rippon, Executive Director, Governor's Crime Commission
 Ms. Vicky Church, Governor's Crime Commission
 Mr. Drew Pledger, 1519 Woodcroft Drive, Raleigh, NC 27609



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

March 18, 1985

Senator Charles Hipps
Legislative Office Building, Room 525
Raleigh, N. C. 27611

Dear Charles:

The Juvenile Law Study Commission is statutorily required "to make continuing studies of the law, both statutory and judicial, as it pertains to juveniles, of agency services available to juveniles and their families, and of any other matters the Commission identifies as being of importance to State consideration of juveniles." At its meeting on Monday, March 11, the Commission reviewed SB 71.

Since the Commission's creation in 1979, the issue of raising the juvenile age has been one of its major topics of discussion. The Commission has consistently recommended to make no change in the present law's age because, in its judgment, the problems and disadvantages created by such a change could outweigh the advantages.

However, the Commission is in complete sympathy with the concerns your bill seeks to address, and would appreciate the opportunity to discuss the issues with you before your bill is voted on in committee.

Could you meet with us on Monday, March 25, Room 612, LOB? Our meeting begins at 10:00 a.m. We can start the meeting with this item, or can schedule it for a little later in the morning if that is more convenient for you.

Please let me, or my secretary, Virginia Currie (733-5607), or Susan Sabre (733-6660) know whether you can come.

Many thanks.

Best wishes,

Anne

Anne Barnes

AB:vc



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

March 18, 1985

REPRESENTATIVE ANNE BARNES, CHAIR

Rep. Charles Beall
Legislative Office Building, Room 530
Raleigh, N. C. 27611

Dear Charles:

The Juvenile Law Study Commission is statutorily required "to make continuing studies of the law, both statutory and judicial, as it pertains to juveniles, of agency services available to juveniles and their families, and of any other matters the Commission identifies as being of importance to State consideration of juveniles." At its meeting on Monday, March 11, the Commission reviewed HB 146.

Since the Commission's creation in 1979, the issue of raising the juvenile age has been one of its major topics of discussion. The Commission has consistently recommended to make no change in the present law's age because, in its judgment, the problems and disadvantages created by such a change could outweigh the advantages.

However, the Commission is in complete sympathy with the concerns your bill seeks to address, and would appreciate the opportunity to discuss the issues with you before your bill is voted on in committee.

Could you meet with us on Monday, March 25, Room 612, LOB? Our meeting begins at 10:00 a.m. We can start the meeting with this item, or can schedule it for a little later in the morning if that is more convenient for you.

Please let me, or my secretary, Virginia Currie (733-5607), or Susan Sabre (733-6660) know whether you can come.

Many thanks.

Best wishes,

Anne

Anne Barnes

AB:vc



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

March 25, 1985

The Honorable James G. Martin
Governor of North Carolina
Raleigh, North Carolina 27611

Dear Governor Martin:

On several occasions I have written to you on behalf of the Juvenile Law Study Commission expressing support for several proposed bills included in the 1985 Legislative Program of the Governor's Crime Commission. Our members are very pleased with the cooperation we have received from the Crime Commission staff as we reviewed those bills affecting juveniles in accordance with our statutory responsibility.

At its last meeting the Commission did review one bill which it felt should not be submitted to the Legislature. The bill is entitled "AN ACT TO ALLOW INCLUSION OF CERTAIN JUVENILE RECORDS IN PRESENTENCE REPORTS." As a matter of record, this same bill was introduced in the 1983 session and was defeated.

In the course of our review, we learned that the law already allows other judges access to these records by requesting them from the juvenile court. The Commission feels that the current process is preferable and that the proposed change is unnecessary.

Therefore, we respectfully request that you consider our point of view on this particular proposal. It is our hope that it will not be submitted to the Legislature.

Thank you for your attention.

Best wishes,

Anne Barnes

Anne Barnes

CC: Mr. Joseph Dean, Sec., Dept. of Crime Control and Public Safety
Mr. Bill Phillips, Dept. of Crime Control and Public Safety
Ms. Michelle Rippon, Exec. Dir., Governor's Crime Commission
Members of the Juvenile Law Study Commission



North Carolina General Assembly
 House of Representatives
 State Legislative Building
 Raleigh 27611

REP. ANNE C. BARNES
 24TH DISTRICT

HOME ADDRESS: 313 SEVERIN STREET
 CHAPEL HILL, N. C. 27514
 919-967-7610

RALEIGH OFFICE: 919-733-5607

COMMITTEES

CORRECTIONS, CHAIRMAN
 MANUFACTURERS AND LABOR, VICE CHAIRMAN
 MENTAL HEALTH, VICE CHAIRMAN
 AGRICULTURE
 APPROPRIATIONS
 SUB-COMMITTEE ON EDUCATION
 ELECTION LAWS
 HEALTH
 JUDICIARY III
 LOCAL GOVERNMENT I
 STATE PERSONNEL

May 27, 1985

The Honorable James G. Martin
 Governor of North Carolina
 Raleigh, North Carolina 27611

Dear Governor Martin:

Last fall, Mr. Drew Pledger (then Chairman of the Juvenile Justice Planning Committee of the Crime Commission) and I (as chair of the Juvenile Law Study Commission) met to discuss ways to promote a stronger liaison between these two groups. The attached bill (H 193) is one result of our discussions.

This bill enables the Governor to appoint a member of the Juvenile Justice Planning Committee to serve on the Juvenile Law Study Commission. The other half of the liaison arrangement would be for the Governor to include a member of the Juvenile Law Study Commission on the Juvenile Justice Planning Committee. The latter must be accomplished by Executive Order when the committee is re-constituted.

Attached is a copy of a letter I wrote to Mr. Art Pope on April 3 regarding this matter. To date, I have not received a response.

I would greatly appreciate your looking into this matter and informing me in regard to your receptivity to formalizing this liaison proposal. I hope you will decide to include a member of our Commission among your appointees to the Juvenile Justice Planning Committee.

The Honorable James G. Martin -2-

May 27, 1985

I would appreciate a prompt reply.

Best wishes,



Anne Barnes

AB:vc

Enclosures



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27611

JAMES G. MARTIN
GOVERNOR

April 15, 1985

The Honorable Anne Barnes, Chair
Juvenile Law Study Commission
State Legislative Building
Raleigh, North Carolina 27611

Dear Mrs. Barnes:

Thank you for your letter of March 25, 1985. I am forwarding a copy of your letter to Mr. Charles Hughes, my Research Director, regarding "AN ACT TO ALLOW INCLUSION OF CERTAIN JUVENILE RECORDS IN PRESENTENCE REPORTS."

Please rest assured your point of view will receive every consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jim Martin".
James G. Martin

df



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

April 3, 1985

REPRESENTATIVE ANNE BARNES, CHAIR

Mr. Art Pope
Office of the Governor

Dear Art:

To follow up on our conversation, I am enclosing a copy of HB 193 which adds a member of the Juvenile Justice Planning Committee of the Crime Commission to the Juvenile Law Study Commission.

As we discussed, our Commission would appreciate a reciprocal arrangement whereby a member of our Commission would be included in the membership of the Juvenile Justice Planning Committee when it is reconstituted by Executive Order.

Thank you for your consideration.

Best wishes,

A handwritten signature in cursive script that reads "Anne".

Anne Barnes

AB:vc

Enclosure

CC: Members of the Juvenile Law Study Commission
Mr. Drew Pledger
Ms. Michelle Rippon



JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

MEMORANDUM

TO: Speaker Liston Ramsey
Lt. Governor Robert Jordan

FROM: Rep. Anne Barnes, Chair *AB*
Juvenile Law Study Commission

DATE: August 23, 1985

SUBJECT: LRC Child Protection Study

The Juvenile Law Study Commission would like you to know of its keen interest in the Child Protection Study Committee authorized in the Legislative Research Commission bill.

The Commission believes it would be beneficial for one of its members to be appointed to serve on this new study committee to provide an effective liaison between the two groups. We feel that such a move could help to coordinate the efforts of the two groups.

As you know, the Juvenile Law Study Commission has provided oversight of the juvenile justice system and related services for a number of years. We certainly want to share the experience and information we have gained with LRC Committee in those areas regarding the juvenile code and juvenile services.

I am attaching a copy of our membership roster and hope that you will consider including one or more of our members on the committee.

Should the LRC decide not to appoint the committee, the Juvenile Law Study Commission stands ready to study any specific issues you may assign to it, in addition to our current agenda.

AB:rb

Enclosure

Juvenile Law Study Commission Membership Roster

JUVENILE LAW STUDY COMMISSIONJanuary 1985

Rep. Anne C. Barnes, Chairman Judge Lota Greenlee
 313 Severin Street 206 North Madison Street
 Chapel Hill, North Carolina 27514 Marion, North Carolina 28752

Rev. Joseph C. Brown Ms. Rosa M. Jones
 812 McIntosh Street 9718 Feldbank Drive
 Sanford, North Carolina 27330 Charlotte, North Carolina 28216

Judge Gilbert Burnett ~~**Mr. Michael J. McGee~~
 Chief District Judge ~~3900 Southall Road~~
 Suite 519 ~~Raleigh, North Carolina 27604~~
 New Hanover Courthouse
 4th and Princess Streets
 Wilmington, North Carolina 28401

Mr. Charles B. Casper ~~**Mr. Joseph Parks~~
 1238 Nealy Drive ~~4210 No. 72 Brownsboro Road~~
 Asheboro, North Carolina 27203 ~~Winston-Salem, North Carolina 27106~~

~~**Ms. Janet Crisp Lacy~~ Ms. Nancy Patteson
~~3008 W. Sedgfield Drive~~ 1111 Laurel Lane
~~Greensboro, North Carolina 27407~~ Wilson, North Carolina 27893

Mr. Lee Crites Mr. Rankin Whittington
 Route 2, Box 113-A Route 3, Box 30-A
 Sylva, North Carolina 28779 Wadesboro, North Carolina 28170

Rep. Charles D. Evans ~~**Mr. Steve Williams~~
 P. O. Box 189 ~~1212 Mitchell Street~~
 Manteo, North Carolina 27954 ~~Raleigh, North Carolina 17607~~

Ms. Sue Glasby Mr. Thomas Younce
 P. O. Box 672 P. O. Box 10
 Lillington, North Carolina 27654 Wilson, North Carolina 27893

**New Appointment By Governor Pending



JUVENILE LAW STUDY COMMISSION
 STATE LEGISLATIVE BUILDING
 RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

June 13, 1985

M E M O R A N D U M

TO: Members of House Judiciary IV
 FROM: Rep. Anne Barnes, *the* Chair, Juvenile Law Study Commission
 DATE: June 10, 1985
 SUBJECT: HB 1317, "Parents Notified of Birth Control"

At its June 3rd meeting, the Juvenile Law Study Commission requested that I inform you of its action regarding HB 1317.

THE COMMISSION VOTED (WITHOUT DISSENSION) IN OPPOSITION TO THIS BILL.

Some reasons stated for opposing the bill include:

- 1) Passage of this legislation would increase the incidence of pregnancy among juveniles.
- 2) Unwanted pregnancies are already an enormous problem for minors.
- 3) "Children having children" can lead to abuse, neglect, poor health care, emotional trauma, children in poverty, and other serious problems.
- 4) The legislation would present serious problems for health care professionals, including inability to locate parents or ascertain their addresses, violation of doctor-patient confidentiality (doctors are not required to notify parents of any other prescriptions written for minors), physician's liability for failure to comply.
- 5) The bill discriminates against females by focusing only on female contraceptive methods.

The Commission respectfully requests your consideration of these concerns in regard to the detrimental consequences of this legislation.

CC: Rep. Larry Etheridge, Bill Sponsor



JUVENILE LAW STUDY COMMISSION
 STATE LEGISLATIVE BUILDING
 RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

TO : SENATOR HELEN MARVIN
 FROM : REPRESENTATIVE ANNE BARNES, CHAIR, JUVENILE LAW STUDY COMMISSION
 RE : SENATE BILL 243, "ENDANGERED CHILD"
 DATE : JUNE 24, 1985

The Juvenile Law Study Commission reviewed the Committee substitute for Senate Bill 243, "Endangered Child", at its June 17, 1985 meeting.

The Commission voted to support the concepts embodied in the bill, and expressed its hope that the bill would be further refined in a House Committee when it passes the Senate.

Attached is a letter from the N.C. Association of Social Services Attorneys which indicates several areas of concern.

If the commission can be of assistance, please let me know.

cc: Chairmen of Appropriations Committees
 Senator Tony Rand
 Senator Aaron Plyler
 Rep. Billy Watkins
 Rep. Bob Etheridge



JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

TO: SENATOR OLLIE HARRIS
FROM: REPRESENTATIVE ANNE BARNES, ^{AB} CHAIR, JUVENILE LAW STUDY COMMISSION
RE: SENATE BILL 780, "TRAINING SCHOOL CLOSING STUDY"
DATE: JUNE 24, 1985

At its June 17, 1985 meeting, the Juvenile Law Study Commission discussed SB 780, and voted to support its passage.

The members asked me to pass along to you the following suggestions:

- 1) That the findings and recommendations of the Blue Ribbon Commission on Training Schools, Chaired by former Representative Margaret Tennille, would be a valuable resource for the study group.
- 2) That the Blue Ribbon recommendations regarding age and **geographic** groups be given careful consideration.
- 3) That the revolving-door aspects of Willie M'S in training schools be given a closer review.
- 4) That the needs of training school juveniles be placed ahead of the economics of relieving overcrowding in the adult prisons.

We thank you for considering our comments. If the Commission can be of assistance, please call on us.



JUVENILE LAW STUDY COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

TO: SENATOR CHARLES HIPPS
FROM: REPRESENTATIVE ANNE BARNES, CHAIR, JUVENILE LAW STUDY COMMISSION
RE: SENATE BILL 802 "CHILD PROTECTION STUDY"
DATE: JUNE 24, 1985

Dear Charles,

The Juvenile Law Study Commission considered Senate Bill 802 "Child Protection Study" in its meeting on June 17, 1985.

The bill itself does not outline the goals of the study. Therefore, the Commission was unable to take a position on the bill.

If the study is approved, the Commission stands ready to be of assistance, if needed. Our members have many years of experience in this area.

Anne



JUVENILE LAW STUDY COMMISSION

STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611

REPRESENTATIVE ANNE BARNES, CHAIR

December 15, 1986

The Honorable Phil J. Kirk, Jr.
Department of Human Resources
325 North Salisbury Street
Raleigh, North Carolina 27611

Dear Mr. Kirk:

The Juvenile Law Study Commission has for a long time been very interested in and concerned with the Willie M. program and its impact on juvenile services. The Commission has been kept up to date on the program by Mike Pedneau, and is very appreciative of his fine management of this very complicated program.

The Commission is especially concerned with the relationship of the program to training school services. Over the last two years, the Commission has been actively supportive of the Division of Youth Services' attempts to increase the funding for training schools, to enable the facilities to be brought up to safety code standards, and to improve their programs generally. The Commission is concerned that the training schools, which need all the funds they can get properly to serve their youth, do not receive Willie M. funds when Willie M. juveniles are committed to training schools. The Commission wishes to know if the funds do not follow the juveniles because the juveniles are dropped from the Willie M. class when they go into training schools, and if they are so dropped, or declassified, why this declassification must be done.

The Commission thanks you for your consideration of these issues and looks forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Anne".

Representative Anne Barnes

AB/no
N26-77

APPENDIX G

Juvenile Law Study Commission Witnesses: 1985-1986.

Juvenile Law Study Commission
 Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk

NAME

FIRM OR STATE AGENCY AND ADDRESS

Bobby Church	Governor's Crime Commission
Bill Windley	Division of Youth Services
John Niblock	N.C. Child Advocacy Institute
Clay Knight	Dept. of ...
Madison Thomas	Institute of Government
Bob Atkinson	Division of Youth Services

May 13, 1985
Date

Juvenile Law Study Commission
Name of Committee

VISITORS: Please sign below and return to Committee Clerk

NAME	FIRM OR STATE AGENCY AND ADDRESS
B. J. Morris	Greensboro Police Dept.
B. E. Dodge	Guilford County Sheriff Dept.
Clay Knight	Dept. of Community Colleges
R. E. Casler	Assistant Attorney General
Bill Windley	Division of Youth Services
Ed Taylor	AOC - Juv. Services Div -
Peter Penny	Rockingham Co. DSS
Carmy W. [unclear]	AOC GDL
Janet Mason	106 Cl Hill
Judith Ennis	106 Cl Hill

6-17-85

Juvenile Law Study Commission
Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk

NAME

FIRM OR STATE AGENCY AND ADDRESS

SUSAN S. WITTE (later) Governor's Child Commission

Phil Henry Youth Advocacy & Involvement Office

Macon Thomas Institute of Government

Anna Window CRAVER Chrm., Child Advocacy Comm., NC Bar Assoc.

Bill Wendley Youth Services

December 9, 1985

Juvenile Law Study Commission
Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk

NAME

FIRM OR STATE AGENCY AND ADDRESS

Loretta Shaia	Child Advocacy Institute
Coury Macbeill	Mental Health Study Commission
Zlany Wilson	Dept. of Public Education
Al Boyle	Div. of Youth Service
Bob Atkinson	Juvenile Services Division ACC
Mason Thomas	Institute of Government
Joy Chew	Governor's Crime Commission
Eliza Cathay	Retiree Mecklenburg Co.

[Handwritten mark]

Juvenile Law Study Commission
Name of Committee

Dec 10 1986
Date

VISITORS: Please sign below and return to Committee Clerk

NAME FIRM OR STATE AGENCY AND ADDRESS

Ruth Sparnes	Auditor's Office - ROB
David Jones	Governor's Crime Commission - Rob's Bldg
Steve Clarke	Institute of Government
Gay Mackett	Mental Health Study Commission - Alameda Bldg
Sally Jacobs	News Observer
Michelle Nelson	FRI
Janice Cannon	Administrative Office of the Courts - Justice Bldg.
Wiley Neal	Division of Youth Services, Raleigh, NC
Stan Wilson	NC Dept. of Public Education
John Hublock	NC Child Advocacy Institute

Juvenile Law Study Commission
Name of Committee

March 10, 1986
Date

VISITORS: Please sign below and return to Committee Clerk

NAME FIRM OR STATE AGENCY AND ADDRESS

Janet Mason	ADG
Jean Heland	DHR - DSS
Gonnie Lee	North Carolina Child Advocacy
Sherril Watson	DYS - Admin. ^{Structure} Service Center
Matt Zingoff	NCSU RALEIGH
Zary Wilson	DPI
Judith Cannon	Admin. Office of the Courts
Cindy Little	NC Association of Social Service Attorneys
Jeff Chur	GCC
Ann Cunningham	Juv. Court, Charlotte, N.C.
Bonnie Alford	Div of Social Services, DHR
Mason Thomas	Institute of Government

April 14, 1980

Juvenile Law Study Commission
Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk

NAME

FIRM OR STATE AGENCY AND ADDRESS

John Niblock	N.C. Child Advocacy Institute	Box 78114 Rd. 276
Mary Lee Anderson	Dir. of Social Services	
Kanda F. Rouse	Division of Social Services	
Bob Atkinson	Juvenile Services Division of A.O.C.	
Larry Wilson	N.C. Dept. of Public Instruction	
Bernie Allied	Dept. of Human Resources, Social Services	
Pat Bullard	NC Social Services Association	
Steve Church	Governor's Crime Commission	
Jean Hallane	D.C. Division of Social Services - DHR	
Ernest Thomas	Institute of Government	
Andy Little	N.C. Association of Social Service Attorneys	
Janel Mason	ADG	
Virginia H. Wain	AOC GAL program	

Sept. 8, 1986
Date

Juvenile Law Study Commission
Name of Committee

VISITORS: Please sign below and return to Committee Clerk

NAME	FIRM OR STATE AGENCY AND ADDRESS
ZLAWY Wilson	Dept. of Public Education
Leslie H. Davis	General Assembly - Research Division
Vicky Church	Governor's Crime Commission
GROVER BURTNEY	Gen'l Assen. - Research Div
MARIBETH Graham	Governor's Liaison Office
Zell Adkins	Coley & Kellum
Bob Atkinson	Juvenile Services Division of A.O.C.

Juvenile Law Study Commission
Name of Committee

November 10, 1986
Date

VISITORS: Please sign below and return to Committee Clerk

NAME FIRM OR STATE AGENCY AND ADDRESS

Jennie Cannon Admin. Office of the Courts - Justice Bldg.

Bob Atkinson " " " " " " " "

Larry Wilson Dept. of Public Education

Jeff Chung Govt Crime Commissioner

Jennie Lee AC Child Advocacy Institute

