

Juvenile Court: A Quick Introduction



Janet Mason
June 3, 2005
Institute of Government
UNC at Chapel Hill

This is not
criminal court for young people!



How is Juvenile Court Different?

- Jurisdiction
- Participants
- Procedures
- Outcomes
- Purposes
- Language / terminology



1. JURISDICTION



“Juvenile”

- Someone under age 18 who is not married, emancipated, or in the armed services.

“Delinquent Juvenile”

- A juvenile who commits a crime or infraction when he or she is at least 6 years of age and not yet 16.



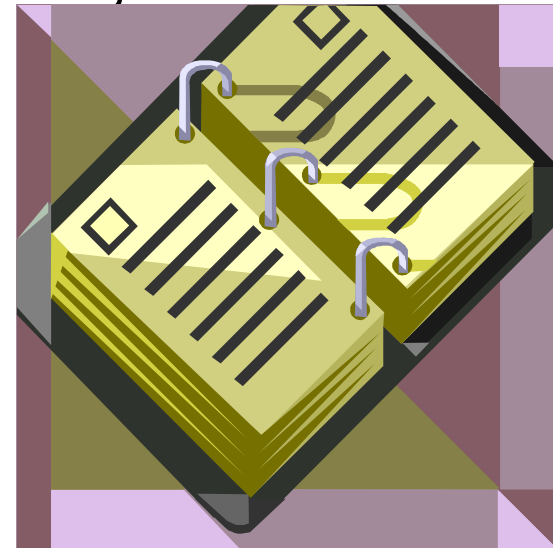
Initial jurisdiction

1. depends on age at the time of the offense.
2. requires an offense committed by a “juvenile” when s/he was at least 6 and not yet 16 (unless previously convicted as an adult).
3. lasts indefinitely for felonies.



Jurisdiction continues

1. even if the juvenile is emancipated after the offense.
2. for dispositional purposes,
 - a. to age 18 (may extend to 19 or 21), or
 - b. until terminated by court order,whichever occurs first.



When juvenile reaches age 18 before a felony case is initiated or completed in juvenile court, **jurisdiction is limited to**

1. probable cause hearing and
2. either dismissal or transfer to superior court.



2. PARTICIPANTS AND ROLES



Key Participants Determine Local Expectations and Practice

- District Court Judges
- Attorneys
- **Juvenile Court Counselors**
- Law Enforcement
- Juvenile Clerks
- Service Providers
- Juveniles
- Parents



Juvenile Court Counselors

- Receive & screen complaints
- Approve petitions for filing
- May divert cases unless “nondivertible”
- Make disposition recommendations
- Work with juveniles on probation and post-release supervision
- Initiate violation/review hearings



3. PROCEDURE



- Criminal and Delinquent Offenses – G.S. Chapter 14
- Juvenile Procedures – G.S. Chapter 7B



Petition

- Filing petition begins juvenile proceeding
- Must be approved for filing by court counselor
- Must be served with summons on juvenile and parent, guardian, or custodian
- After hours, is filed with magistrate



Secure Custody (Detention)

- Juvenile is not entitled to bond
- First order is usually “ex parte”
- Petition must be filed before order is issued
- Chief judge can delegate authority to court counselors
- Must have hearing within 5 calendar days, then every 10 days unless waived



Court Hearings

Judge may exclude the public, but:

1. Only for good cause,
2. Only if juvenile does not ask for an open hearing, and
3. Only after considering factors set out in statute



4. Outcomes



Disposition

A plan selected by the court from statutorily specified options, for an individual juvenile, designed to

1. hold the juvenile accountable, and
2. protect the public, and
3. address the juvenile's rehabilitative and treatment needs.



- Disposition may include imposing requirements on the juvenile's parent(s).
- Dispositions may be reviewed and modified.



5. Purposes



The primary goals of juvenile proceedings are:

- Protect the public
- Help juveniles become nonoffending, responsible, and productive members of the community

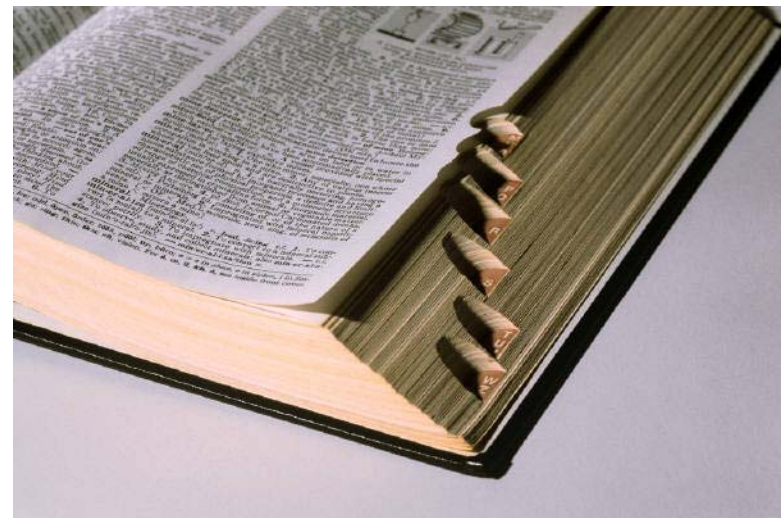


6. Language



The special language of juvenile court serves to remind all of the key participants and the public

1. that this is not just another version of criminal court, and
2. of the goals these proceedings should be trying to achieve.



In re Allison, 143 N.C. App. 586 (2001)
(citing and quoting from earlier cases)

- The purpose of the juvenile law is not for the punishment of offenders but for the salvation of children.
- Juveniles are in need of supervision and control due to their inability to protect themselves. In contrast, adults are regarded as self-sufficient.

In re Allison, 143 N.C. App. 586 (2001)

The Act treats delinquent children not as criminals, but as wards and undertakes to give them the control and environment that may lead to their reformation and enable them to become law-abiding and useful citizens, a support and not a hindrance to the commonwealth.