

TERMINOLOGY

Adult Criminal System Terminology	Juvenile Justice Terminology
Defendant	Juvenile or Respondent
Crime	Delinquent Act
Arrest	Take into Custody Temporary Custody
Order for Arrest	Secure Custody Order
Warrant or Indictment	Petition
Trial	Adjudicatory Hearing
Convict (verb)	Adjudicate Delinquent
Conviction	Adjudication
Guilty	Responsible
Guilty Plea	Admission (of Responsibility)
Not Guilty Plea	Denial (of Responsibility)
Plea Transcript	Transcript of Admission
Prior Conviction	Prior Adjudication
Prior Record Level	Delinquency History Level
Sentencing Hearing	Dispositional Hearing
Pre-Sentencing Report	Predisposition Report
Sentence	Disposition
Sentencing Grid	Dispositional Chart
Probation Officer	Juvenile Court Counselor
Extradition	Proceeding under the Interstate Compact on Juveniles
Motion for Appropriate Relief	Motion for Review
Jail	Detention Facility
Prison	Youth Development Center

Parties & Stakeholders

Judge: Presides over matters in juvenile court; acts as jury in juvenile hearings; makes capacity, transfer, adjudication, and disposition determinations.

Juvenile Defender: Represents expressed interests of juvenile; may be assigned or retained attorney, contract attorney, or public defender

Assistant District Attorney: Represents interests of the State

Juvenile (Respondent): Client, charged with offense that would be a felony, misdemeanor, or infraction if committed by an adult

Juvenile's Parent(s)/Guardian(s): Required party, court has jurisdiction over parent/guardian in delinquency proceedings

Petitioner: The person/entity swearing out the charges against the juvenile, can be law enforcement, court counselor, victim, etc.

Juvenile Court Counselor: employed by Department of Juvenile Justice (DJJ), responsible for intake, diversion, processing complaints, assessments and referrals, recommendations to court, case management, and supervision

Law Enforcement: Investigation and enforcement of laws, affiant on some petitions

Service Providers: Entities providing pre- and post-disposition services to juvenile and juvenile's family including mental health, placement services, community services and support

QUESTIONS

For more information, contact the North Carolina Office of the Juvenile Defender at 919-890-1650.

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OFFICE OF THE JUVENILE DEFENDER

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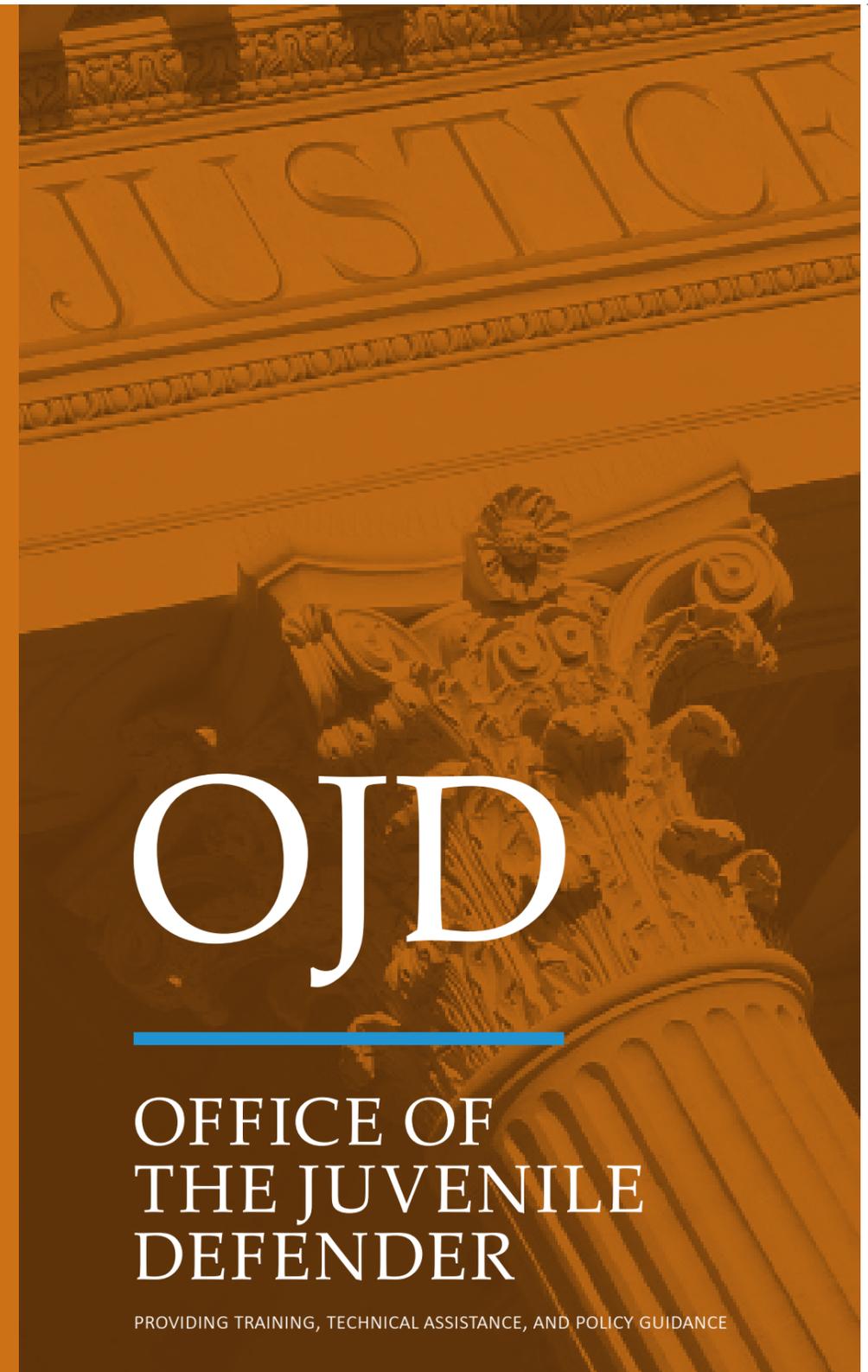
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OFFICE OF THE JUVENILE DEFENDER

PROVIDING TRAINING, TECHNICAL ASSISTANCE, AND POLICY GUIDANCE

JUVENILE DELINQUENCY 101 QUICK GUIDE

THIS GUIDE IS INTENDED AS A REFERENCE. DEFENDERS ARE ENCOURAGED TO READ FULL STATUTES, CASE LAW AND NOTE LEGISLATIVE CHANGES

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PURPOSE

N.C.G.S. §7B-1500

1. Protect the public
2. Deter delinquency
 - a. Accountability
 - b. Rehabilitation
3. Intake, screening, resources
4. Fairness, equity, protection, and speed

N.C.G.S. § 7B-2412

NOT a criminal proceeding or a conviction

N.C.G.S. §7B-2500

The purpose of dispositions in juvenile actions is to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction, including the protection of the public. .

SCOPE OF REPRESENTATION

Right to Counsel

Youth require the assistance of counsel “to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of proceedings, and to ascertain whether he has a defense and to prepare and submit it.” *In Re Gault*, 387 U.S. 1 (1967); N.C.G.S. §7B-2000

Presumption of Indigence

All juveniles shall be conclusively presumed to be indigent, and it shall not be necessary for the court to receive from any juvenile an affidavit of indigency. N.C.G.S. §7B-2000

Expressed Interest Advocacy

An attorney in a juvenile delinquency proceeding shall be the juvenile’s voice to the court, representing the expressed interests of the juvenile at every stage of the proceedings. The attorney owes the same duties to the juvenile under the Rules of Professional Conduct, including the duties of loyalty and confidentiality, as an attorney owes to an adult criminal defendant. The attorney for a juvenile is bound to advocate the expressed interests of the juvenile. In addition, the attorney has a responsibility to counsel the juvenile, recommend to the juvenile actions consistent with the juvenile’s interest, and advise the juvenile as to potential outcomes of various courses of action.

See OJD’s Statement on the Role of Defense Counsel:
<https://bit.ly/OJDRole>

JUVENILE DELINQUENCY 101

TYPES OF JUVENILES

Delinquent Juvenile

A child who, on the alleged date of offense, is:

- at least 10 but less than 18 years of age, charged with an offense that would be a crime if committed by an adult (except 16- and 17-year-olds who commit certain motor vehicle offenses); or
- at least 8 but less than 10 years of age, charged with Class A1 – G felonies or has been previously adjudicated delinquent

Delinquent juveniles are entitled to representation by counsel in all proceedings, and because they are presumed indigent, are entitled to appointed representation in accordance with rules adopted by the Office of Indigent Defense Services. N.C.G.S. §7B-2000.

There are other types of juveniles in the court systems, but these juveniles are not provided a juvenile defender and do not have the same rights to legal representation:

Vulnerable Juvenile

A child who is less than 10 years of age but at least 6 years of age, who commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and is not a delinquent juvenile.

Undisciplined Juvenile

A child who is at least 10 but less than 18 years of age who is beyond the disciplinary control of the child’s parent or guardian.

Abuse, Neglect, and Dependency

Upon receipt and screening of reports of suspected child abuse and neglect, Child Protective Services seeks court action to protect children when necessary. A case can be opened with CPS or in juvenile court if a parent, guardian, custodian, or caretaker of a child is allegedly responsible for the abuse, neglect, or dependency of that child.

JURISDICTION

District Court

Original jurisdiction for all juvenile delinquency petitions lies in District Court (unless the motor vehicle or “once an adult always an adult” exceptions are triggered – see the Raise the Age Quick Guide).

Transfer to Superior Court

Certain felony offenses for juveniles ages 13 and above may trigger mandatory or discretionary transfer of the matters to Superior Court. If a matter is transferred to Superior Court, the court will proceed as if the juvenile is an adult under the NC rules of Criminal Procedure. (See the Transfer Quick Guide)

Termination of Jurisdiction

Because termination of jurisdiction is not automatic, counsel should request an order terminating jurisdiction when court ordered supervision ends. N.C.G.S. §7B-1601 (See Raise the Age Quick Guide for details)

Appeals

Appeals from juvenile court are heard in the NC Court of Appeals (N.C.G.S. §7B-2602) and appeals from transfer hearings are heard in Superior Court (N.C.G.S. §7B-2603).

JUVENILE PROCEEDINGS

Pre-Adjudication	<p>Law Enforcement, Intake, and Diversion (N.C.G.S. §7B-1700 et al.)</p> <p>Petition (N.C.G.S. §7B-1800 et al.) (AOC-J-310 through AOC-J-337)</p> <p>Secure Custody (N.C.G.S. §7B-1700 et al.)</p> <ul style="list-style-type: none"> • Be familiar with the criteria for custody (N.C.G.S. §7B-1903) and timing of secured custody review hearings (N.C.G.S. §7B-1906) • See Secure Custody Quick Guide <p>First Appearance for Felonies (N.C.G.S. §7B-1808) (AOC-J-342)</p> <p>Probable Cause for Felonies (N.C.G.S. §7B-2202) (AOC-J-343)</p> <p>Transfer Hearing (N.C.G.S. §7B-2200 et al.) (AOC-J-442, AOC-J-444)</p> <ul style="list-style-type: none"> • See Transfer Quick Guide
Adjudication	<p>Adjudicatory Hearing</p> <ul style="list-style-type: none"> • See Suppression Quick Guide for issues unique to juveniles • See Capacity Quick Guide • Admission or Hearing • Transcript of Admission (AOC-J-410) • Adjudication Order (AOC-J-460)
Disposition	<p>Dispositional Hearing</p> <ul style="list-style-type: none"> • See Disposition Advocacy Quick Guide • Predisposition Report from Court Counselor • Disposition Order (AOC-J-461)
Post-Disposition	<p>Post Dispositional Hearing(s)</p> <ul style="list-style-type: none"> • See Probation & Post Supervision Quick Guide