

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 434
HOUSE BILL 605

AN ACT TO CLARIFY PROCEDURAL REQUIREMENTS FOR DISPOSITIONS
COMMITTING JUVENILES TO THE DIVISION OF YOUTH SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-651 is amended by adding a new subsection to read:

"(e) An order that commits a juvenile to the Division of Youth Services shall recite detailed findings that support commitment to the Division as the least restrictive alternative in light of the circumstances. These findings shall state that all alternatives to commitment prescribed in G.S. 7A-647, 7A-648, and 7A-649 have been attempted unsuccessfully or were considered and found to be inappropriate and that the juvenile's behavior constitutes a threat to persons or property in the community. These findings shall be supported by substantial evidence in the record that the judge determined the needs of the juvenile, determined the appropriate community resources required to meet those needs, and explored and exhausted or considered inappropriate those resources prior to committing the juvenile to the Division."

Sec. 2. G.S. 7A-652(e) reads as rewritten:

"(e) The Division of Youth Services shall accept all juveniles who have been committed for delinquency when the order of commitment appears on its face to contain the findings required by G.S. 7A-651(e) but may decline to do so otherwise. ~~if the Director finds that the criteria specified in this section have been met.~~—A commitment order accompanied by information requested by the Director shall be forwarded to the Division. The Director shall place the juvenile in the residential facility that would best provide for his needs and shall notify the committing court. The Secretary of the Department of Human Resources may assign a juvenile committed for delinquency to any institution or other program of the Department or licensed by the Department, which program is appropriate to the needs of the juvenile."

Sec. 3. G.S. 7A-652(a) reads as rewritten:

"(a) A delinquent juvenile 10 years of age or more may be committed to the Division of Youth Services for placement in one of the residential facilities operated by the Division if the judge finds that the alternatives to commitment as contained in G.S. 7A-647, 7A-648, and 7A-649 have been attempted unsuccessfully or ~~are~~ were considered and found to be inappropriate and that the juvenile's behavior constitutes a threat to persons or property in the community. These findings shall be supported by substantial evidence in the record that the judge determined the needs of the juvenile, determined the appropriate community resources required to meet those needs, and

explored and exhausted or considered inappropriate those resources prior to committing the juvenile to the Division."

Sec. 4. This act becomes effective October 1, 1991, and applies to commitments ordered on or after that date.

In the General Assembly read three times and ratified this the 27th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives