

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 90

Short Title: Counseling for Delinquent Juveniles.

(Public)

Sponsors: Senators McKoy; Martin of Guilford, Davis and Carpenter.

Referred to: Appropriations.

January 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR EARLY INTERVENTION AND PREVENTION OF
2 JUVENILE CRIME BY PROVIDING FOR COUNSELING OF JUVENILES WHO
3 HAVE BEEN ADJUDICATED UNDISCIPLINED OR DELINQUENT FOR
4 CERTAIN OFFENSES FOR THE FIRST TIME.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-648 reads as rewritten:

8 "**§ 7A-648. Dispositional alternatives for delinquent or undisciplined juvenile.**

9 (a) In the case of any juvenile who is delinquent or undisciplined, the judge may:

10 (1) Continue the case for no more than six months in order to allow the
11 family an opportunity to meet the needs of the juvenile through more
12 adequate home supervision, through placement in a private or
13 specialized school or agency, through placement with a relative, or
14 through some other plan approved by the court;

15 (2) Place the juvenile under the protective supervision of a court counselor
16 for no more than one year so that the court counselor may assist the
17 juvenile in securing social, medical, and educational services and may
18 work with the family as a unit to insure the juvenile is provided proper
19 supervision and care;

1 (3) Excuse the juvenile from compliance with the compulsory school
2 attendance law when the judge finds that suitable alternative plans can
3 be arranged by the family through other community resources for one of
4 the following: an education related to the needs or abilities of the
5 juvenile including vocational education or special education; a suitable
6 plan of supervision or placement; or some other plan that the judge finds
7 to be in the best interest of the juvenile.

8 (b) In the case of a juvenile who has been adjudicated undisciplined or delinquent
9 for an offense that would be a misdemeanor or a Class H or I felony if committed by an
10 adult and has no prior adjudications as an undisciplined or delinquent juvenile, the court
11 shall order the juvenile to participate in a plan of counseling developed by the
12 Administrative Office of the Courts and approved by the court. The counseling shall be
13 directed toward remedying the behaviors or conditions that led to the adjudication and
14 educating the juvenile regarding the consequences of crime. The counseling may be
15 instituted in conjunction with an order for medical, psychiatric, psychological, or other
16 treatment of the juvenile pursuant to G.S. 7A-647(3). The juvenile's parent, guardian, or
17 custodian shall be ordered to participate with the juvenile in the juvenile's plan of
18 counseling and the failure of a parent who is personally served to participate in the
19 counseling may result in a civil proceeding for contempt. This subsection does not
20 preclude the judge from ordering additional dispositions of the juvenile."

21 Sec. 2. G.S. 7A-523(b) reads as rewritten:

22 "(b) The court shall have jurisdiction over the parent of a juvenile who has been
23 adjudicated delinquent, undisciplined, abused, neglected or dependent, as provided by ~~the~~
24 ~~special hearing prescribed by~~ G.S. 7A-648 and G.S. 7A-650, provided the parent has been
25 properly served with ~~notice of the special hearing.~~ notice."

26 Sec. 3. G.S. 7A-564 reads as rewritten:

27 "**§ 7A-564. Issuance of summons.**

28 (a) Immediately after a petition has been filed alleging that a juvenile is abused,
29 neglected, dependent, undisciplined, or delinquent, the clerk shall issue a summons to the
30 juvenile, to the parent, and to the guardian, custodian, or caretaker requiring them to
31 appear for a hearing at the time and place stated in the summons. A copy of the petition
32 shall be attached to each summons.

33 (b) A summons shall be on a printed form supplied by the Administrative Office
34 of the Courts and shall include:

35 (1) Notice of the nature of the proceeding;

36 (2) Notice of any right to counsel and information about how to seek the
37 appointment of counsel prior to a hearing; ~~and~~

38 (3) Notice that, if the court determines at the hearing that the allegations of
39 the petition are true, the court will conduct a dispositional hearing to
40 consider the needs of the juvenile and enter an order designed to meet
41 those needs and the objectives of the State, and that the dispositional
42 order may remove the juvenile from the custody of the parent, guardian,
43 or ~~eustodian.~~ custodian; and

1 (4) Notice that, if the juvenile is adjudicated undisciplined or delinquent for
2 an offense that would be a misdemeanor or a Class H or I felony if
3 committed by an adult and has not been adjudicated undisciplined or
4 delinquent previously, the juvenile shall be required to submit to a plan
5 of counseling and the parent, guardian, or custodian of the juvenile shall
6 be required to participate in the plan of counseling.

7 (c) The summons shall advise the parent that upon service, jurisdiction over him is
8 obtained and that failure of the parent to comply with any order of the court pursuant to
9 G.S. 7A-648 and G.S. 7A-650 may cause the court to issue a show cause order for
10 contempt.

11 (d) A summons shall be directed to the person summoned to appear and shall be
12 delivered to any person authorized to serve process."

13 Sec. 4. Of the funds available to the Administrative Office of the Courts, and
14 the Department of Human Resources, Division of Youth Services, the Administrative
15 Office of the Courts and the Division of Youth Services shall establish a counseling and
16 treatment program for juveniles who are adjudicated undisciplined or delinquent for the
17 first time. The program shall provide juveniles with a plan of counseling of at least 30
18 hours, to educate the juvenile about the consequences of crime and the alternatives and
19 options available to the juvenile and to assist the juvenile in becoming a productive
20 citizen, free from criminal activity. The parent, guardian, or custodian of the juvenile
21 shall be involved in the counseling and the counseling should also help the juvenile and
22 the juvenile's parent, guardian, or custodian remedy the conditions of the home and the
23 aspects of their relationship that led to the adjudication. The Administrative Office of the
24 Courts and the Division of Youth Services may work with local agencies and
25 organizations to provide counseling for and offer support to the juvenile and the
26 juvenile's parent through community-based services and other appropriate intervention.

27 Sec. 5. This act becomes effective October 1, 1995, and applies to offenses
28 committed on or after that date.