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# Juvenile Delinquency



Find information about juvenile court, filing a complaint, court process, and more.

## General Information

### What is juvenile court?


Juvenile court is the court system that handles complaints against children who are alleged to be delinquent or undisciplined. When children engage in conduct that would be considered a crime if committed by an adult, the behavior is referred to as a “delinquent act.” When they engage in conduct that is inappropriate for minors but does not amount to a crime, such as running away from home or skipping school, they are considered to be “undisciplined.” Juvenile courts can adjudicate children as being delinquent or undisciplined and impose consequences that seek to rehabilitate rather than punish them. The proceedings are intended to be more informal and protective than a criminal trial. Thus, an adjudication that a juvenile is delinquent or undisciplined is not a public record and may not be disclosed to the public without a court order.

“Juvenile court” also can refer to the court that handles child welfare cases. For more information about child welfare cases, see the Abuse, Neglect, and Dependency Help Topic.

### Who is a “juvenile?”

North Carolina law defines a “juvenile” as any person under the age of 18 who is not married, emancipated, or in the military. However, the juvenile court only has jurisdiction over juveniles who are alleged to be delinquent or undisciplined. A “delinquent juvenile” is defined as a child who is at least 6 but less than 18 years of age who commits an offense that would be a crime if committed by an adult, excluding 16- and 17-year-olds who commit motor vehicle offenses. An “undisciplined juvenile” is defined as a child who is at least 6 but less than 18 years of age who is beyond the disciplinary control of the child’s parent or guardian, regularly found in places where it is unlawful for children to be, or has runaway from home for more than 24 hours. A child who is under the age of 16 also may be considered an “undisciplined juvenile,” if the child is unlawfully absent from school. Therefore, most cases involving allegations against children between the ages of 6 and 17 are within the original jurisdiction of juvenile court.

### **When can juveniles be charged as adults?**

Juveniles are automatically charged as adults for any crime they allegedly commit at age 18 or older. Also, a 16- or 17-year-old who commits a motor vehicle offense, such as a speeding violation, must be charged as an adult. Although less common, juveniles who are under the age of 18 must be charged as adults if they are emancipated or have a prior criminal conviction in adult court for certain offenses. 

Some juveniles are criminally prosecuted as adults through a process called “transfer.” At age 13 or older, a juvenile may be “transferred” to adult criminal court, if a juvenile court judge finds probable cause that the juvenile committed a felony offense and conducts a transfer hearing.

In certain situations, transfer to adult court is mandatory. If a juvenile court judge finds probable cause that a juvenile who is 13 or older committed a Class A felony, such as first-degree murder, the judge must transfer the case to adult criminal court without a transfer hearing. Additionally, a 16- or 17-year-old, who is alleged to have committed a Class A, B1, B2, C, D, E, F, or G felony, must be transferred to adult criminal court without a transfer hearing, if either of the following occurs: (1) a juvenile court judge finds probable cause for the offense; or (2) a prosecutor obtains an indictment.

### **Is an adjudication of delinquency the same as a criminal conviction?**

No. An adjudication of delinquency in juvenile court is not a conviction of a crime nor does it cause the juvenile to forfeit any citizenship rights. Also, unlike a criminal conviction, an adjudication of delinquency is not a public record.

### **Do juveniles have the right to an attorney?**

Yes. All juveniles have the right to be represented by an attorney in juvenile court proceedings, whether alleged to be undisciplined or delinquent. However, only juveniles who are alleged to be delinquent are entitled to a court-appointed attorney paid for by the State. Parents who can afford to pay may be ordered to reimburse the State for the attorney's fees. Parents also may choose to hire a private attorney to represent their child in juvenile court.

### **What can a juvenile expect from his or her attorney?**

The attorney will explain the court process and options to the juvenile. The attorney will assist the juvenile in deciding how to handle the case, but the juvenile must decide whether to admit responsibility, request a hearing, or testify at a hearing. The attorney follows the direction of the juvenile (not the parent) in handling the case and is required to keep the juvenile's communications with him or her confidential. For this reason, attorneys generally meet with juvenile clients without a parent or guardian present.

### **Does the court have jurisdiction over the juvenile's parents or guardians?**



Yes. A juvenile's parent or guardian is required to appear in court with the juvenile and bring the juvenile to all scheduled hearings. The court may order a parent or guardian to provide transportation to meetings, take parental responsibility classes, pay for treatment or services for the juvenile, and pay the attorney's fees for the juvenile. The court also may order a parent or guardian to obtain a mental health or substance abuse evaluation and comply with any recommended treatment. A parent or guardian may be held in contempt of court for not complying with orders of the court.

### **Is juvenile court open to the public?**

Yes. All juvenile court hearings are open to the public. However, a judge may close the courtroom, for good cause, to protect sensitive information about the juvenile, the juvenile's family, or victims from public disclosure. If a judge closes the courtroom to the public, the judge may allow any victim, family members of a victim, law enforcement officers, witnesses, and others who are directly involved in the case to remain in the courtroom.

### **Are juvenile court records confidential?**

Yes. Juvenile court hearings are open to the public, but the records of these proceedings are confidential. In order to protect the privacy of children who are involved in these proceedings, juvenile court records may be accessed only by authorized persons, such as the juvenile, the juvenile's parent or guardian, the juvenile's attorney, prosecutors, juvenile court counselors, and some probation officers. Public disclosure of juvenile records is prohibited without a court order.

## What are some frequently used terms in juvenile court?

Some of the most commonly used juvenile court terms are defined below:

- **Adjudication:** An adjudication is a finding by a judge, following an adjudicatory hearing, that a juvenile committed a delinquent act or is undisciplined.
- **Adjudicatory Hearing:** An adjudicatory hearing is a court proceeding, similar to a criminal trial, in which a judge determines whether a juvenile is delinquent or undisciplined.
- **Admission:** An admission occurs when a juvenile admits the allegations in the petition. Juveniles do not plead “guilty” or “not guilty” in juvenile court; they either admit or deny responsibility.
- **Complaint:** A complaint is a written allegation that a juvenile is delinquent or undisciplined, which is submitted to a juvenile court counselor for evaluation.
- **Delinquent Juvenile:** A juvenile who is at least 6 but less than 18 years of age who commits an offense that would be a crime or infraction if committed by an adult, excluding 16- and 17-year-olds who commit motor vehicle offenses. Motor vehicle offenses committed by 16- and 17-year-olds are prosecuted in adult criminal court.
- **Detention Center:** A detention center is a locked facility for juveniles, similar to a jail, where juveniles can be held while waiting for a court hearing or when ordered by the court to serve a period of secure confinement for a delinquent act.
- **Dismissal:** A dismissal is the process by which a prosecutor or a judge decides not to proceed with a petition against a juvenile.
- **Disposition:** A disposition is an order entered by the court at the conclusion of a disposition hearing that provides a plan to address the juvenile’s needs and provide accountability for the juvenile’s actions.
- **Disposition Hearing:** A disposition hearing is a court proceeding in which a judge considers written reports and other evidence concerning the juvenile’s needs to determine an appropriate disposition. It is similar to the sentencing portion of a criminal trial.
- **Diversion:** A diversion is the referral of a juvenile to a community based program or service, prior to the filing of a juvenile petition, which provides an alternative to court.
- **Felony:** See the [Criminal Cases Help Topic \(/help-topics/criminal-law/criminal-cases\)](/help-topics/criminal-law/criminal-cases) for a definition of this term.
- **Intake Evaluation:** An intake evaluation involves the screening and evaluation of a complaint by a juvenile court counselor to determine whether a juvenile petition should be filed.
- **Juvenile Court Counselor:** A juvenile court counselor accepts juvenile complaints for evaluation, supervises juveniles who are on probation or protective supervision, and works closely with juveniles and their families as they navigate the juvenile court process.



- **Misdemeanor:** See the [Criminal Cases Help Topic \(/help-topics/criminal-law/criminal-cases\)](/help-topics/criminal-law/criminal-cases) for a definition of this term.
- **Non-Secure Custody:** Non-secure custody is the temporary placement of a juvenile in the care of a responsible adult, other than the juvenile's parent or guardian, such as a relative, licensed foster home, or other residential placement.
- **Petition:** A petition is the formal pleading that initiates a juvenile court case, which must be filed by a juvenile court counselor.
- **Probation:** Probation is a dispositional option for delinquent juveniles that requires the juvenile to be supervised by a juvenile court counselor and follow specific terms or conditions ordered by the court.
- **Protective Supervision:** Protective supervision is a dispositional option for undisciplined juveniles that requires the juvenile to be supervised by a juvenile court counselor and follow specific terms or conditions ordered by the court.
- **Secure Custody:** Secure custody is the placement of a juvenile in a locked facility, such as a detention center.
- **Undisciplined Juvenile:** A juvenile who is at least 6 but less than 18 may be adjudicated as undisciplined if the juvenile is regularly disobedient to his or her parent or guardian, regularly found in places where it is unlawful for a juvenile to be, or has run away from home for more than 24 hours. A juvenile who is at least 6 but less than 16 also may be adjudicated undisciplined for being unlawfully absent from school.
- **Youth Development Center:** A youth development center (YDC) is a secure residential facility that provides long-term treatment, education, and rehabilitation for youth who have been adjudicated delinquent.



## What is family court?

Family court is available in some districts / counties in North Carolina. A major goal of family court is to consolidate and assign a family's legal issues before a single district court judge or team of judges. Parent education programs also may be available. Together, the dedicated family court judges and staff implement policies that promote prompt and just resolution of family law issues. [Learn more \(https://www.nccourts.gov/courts/family-court\)](https://www.nccourts.gov/courts/family-court).

## Filing a Juvenile Complaint

### How can I file a juvenile complaint?

A juvenile complaint must be filed with a juvenile court counselor in the county where the alleged delinquent or undisciplined act occurred. Any person can submit a complaint to a juvenile court counselor. However, delinquency complaints typically are filed by law enforcement officers or school officials, and undisciplined complaints typically are filed by the juvenile's parent or guardian. County specific contact information for juvenile justice officials within the N.C. Department of Public Safety is available [here \(https://www.ncdps.gov/Juvenile-Justice/Juvenile-Court-Services/Services-by-County\)](https://www.ncdps.gov/Juvenile-Justice/Juvenile-Court-Services/Services-by-County).

## **What happens when a juvenile court counselor receives a complaint?**

When a complaint is received, a juvenile court counselor must complete an intake evaluation to review the complaint and determine whether to file a juvenile petition or resolve the matter without referring the juvenile to court. During the intake evaluation, the counselor will review available evidence, consider information about the juvenile's background, and conduct interviews with the complainant, any victims, the juvenile, and the juvenile's parent or guardian to determine an appropriate course of action. At the conclusion of the intake evaluation, which must be completed within 30 days, the counselor has three options: (1) file a juvenile petition to initiate court action, (2) offer the juvenile a diversion, or (3) close the complaint without further action.



## **What is a diversion?**

A diversion is an alternative to court that involves a direct referral of the juvenile to a community based program or service for up to six months. If authorized, a juvenile court counselor can offer a diversion to the juvenile and the juvenile's parents that requires the juvenile to participate in a community based program or service, remain on good behavior, and abide by any other agreed upon terms or conditions. Examples of common diversion programs include community service or restitution programs, victim-offender mediation, counseling, and teen court. If a juvenile successfully completes a diversion, the complaint will be closed without further action. If the juvenile does not comply with a diversion, the juvenile court counselor may file a petition and refer the matter to court.

## **Is diversion an available option in every case?**

No. Certain felonies are "nondivertible," which means that a juvenile court counselor must file a petition and refer the matter to court, if there are reasonable grounds to support the allegations. Nondivertible offenses include murder, first-degree and second-degree rape, first-degree and second-degree sexual offense, arson, felony drug offenses, first-degree burglary, crime against nature, and any felony that results in serious bodily injury to another person or was committed by use of a deadly weapon.

## **Can the complainant or victim request review of the juvenile court counselor's decision not to file a petition?**

Yes. If a juvenile court counselor decides not to file a juvenile petition, the counselor must send a letter to the complainant and victim explaining why a petition was not filed, specifying how the matter was resolved, and notifying the person of the right to have a prosecutor review the counselor's decision. A complainant or victim must request review by the prosecutor within five calendar days of receiving notice of the counselor's decision. If review is requested, the prosecutor will contact the complainant and victim to conduct the review, and upon completion, the prosecutor will either uphold the juvenile court counselor's decision or direct the counselor to file a petition.

## Juvenile Court Process

### **What are the steps in the juvenile court process?**

The exact procedures in a particular case will vary depending on factors, such as whether the juvenile is alleged to be delinquent or undisciplined, whether the juvenile is in secure or nonsecure custody, and whether the juvenile is charged with a felony or misdemeanor, if alleged to be delinquent. Juveniles with questions about how their cases will proceed should consult with their attorneys for advice.



### **What happens at the adjudicatory hearing?**

The adjudicatory hearing is the "trial" in the juvenile court process. The court will hear evidence presented by the parties to determine whether the facts alleged in the petition are true. Unless the juvenile enters an admission, the State has the burden of proof at the adjudicatory hearing. If the juvenile is alleged to be delinquent, the facts must be proven beyond a reasonable doubt. If the juvenile is alleged to be undisciplined, the facts must be proven by clear and convincing evidence. During the adjudicatory hearing, juveniles are entitled to several due process rights, including the right to written notice of the allegations, the right to counsel, the right to confront and cross-examine witnesses, the right to remain silent, and the right to discovery. The juvenile should consult his or her attorney to discuss any specific questions about the adjudicatory hearing or how to assert these rights.

### **What happens at the disposition hearing?**

The disposition hearing is similar to the sentencing phase of a criminal trial. However, a juvenile disposition is not a sentence. It is an individualized plan for a particular juvenile, designed to rehabilitate the juvenile but also hold him or her accountable for the delinquent or undisciplined behavior. The disposition hearing is less formal than the adjudicatory hearing, and the judge may receive any written reports or evidence that will help the judge determine the juvenile's needs. The juvenile and the juvenile's parents or guardians have the right to present evidence and advise the

court regarding the disposition they believe to be in the juvenile's best interests. Examples of information the court might consider at the disposition hearing include reports from juvenile court counselors, school records, mental health records, victim statements, and recommendations from the prosecutor or the juvenile's attorney.

### **What dispositional options are available for delinquent juveniles?**

When a juvenile is adjudicated delinquent, the judge can impose a range of dispositional options to meet the juvenile's needs and hold him or her accountable for the delinquent act. The dispositional options authorized for a particular juvenile will depend on the juvenile's delinquency history and the seriousness of the delinquent act (i.e., the misdemeanor or felony classification of the offense), but may include probation supervision, evaluation and treatment, community service, restitution, and confinement in a detention center or youth development center. You can read more about dispositional options for delinquent juveniles in [G.S. 7B-2502](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2502.pdf) ([https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2502.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2502.pdf)) and [G.S. 7B-2506](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2506.pdf) ([https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2506.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2506.pdf)).



### **What dispositional options are available for undisciplined juveniles?**

When a juvenile is adjudicated undisciplined, the judge can impose a limited range of dispositional options to meet the juvenile's needs and hold him or her accountable for the undisciplined act. Some of those options include placing the juvenile on protective supervision, ordering the juvenile to comply with evaluation and treatment, and placing the juvenile in the custody of a county department of social services or another agency. You can read more about dispositional options for undisciplined juveniles in [G.S. 7B-2502](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2502.pdf) ([https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2502.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2502.pdf)) and [G.S. 7B-2503](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2503.pdf) ([https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-2503.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-2503.pdf)).

### **When does the juvenile's case end?**

When a juvenile successfully completes the disposition, including any term of probation or protective supervision, the juvenile court counselor will recommend that the judge end the court process. A judge may terminate a juvenile's supervision and/or the jurisdiction of the court without a hearing. If a juvenile completes all the required conditions of probation or protective supervision and remains on good behavior, the judge may allow probation or protective supervision to end early. Conversely, if a juvenile fails to comply with the required conditions, the judge may find the juvenile to be in violation of the juvenile's probation or protective supervision and may extend the supervision for a longer period of time.