

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 1180
SENATE BILL 736

AN ACT TO CLARIFY CERTAIN MATTERS PERTAINING TO JUVENILE CASES IN
DISTRICT COURT.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of the fourth paragraph of G.S. 7A-286 is rewritten to read as follows:

"The following alternatives for disposition shall be available to any judge exercising juvenile jurisdiction, and the judge may combine any two of the applicable alternatives when he finds such disposition to be in the best interest of the child:"

Sec. 2. G.S. 7A-286(4) is rewritten to read as follows:

- "(4) In the case of any child who is delinquent or undisciplined, the court may:
- a. Place the child on probation for whatever period of time the court may specify, and subject to such conditions of probation as the court finds are related to the needs of the child and which the court shall specify, under the supervision of the juvenile probation officer or family counselor; or
 - b. Continue the case in order to allow the family an opportunity to meet the needs of the child through more adequate supervision, or placement in a private or specialized school, or placement with a relative, or through some other plan approved by the court.
- (5) In the case of any child who is delinquent, the court may commit the child to the care of the North Carolina Board of Juvenile Correction to be assigned to whatever facility operated by such Board as the Board or its administrative personnel may find to be in the best interest of the child. Said commitment shall be for an indefinite term, not to extend beyond the eighteenth birthday of the child, as the Board or its administrative personnel may find to be in the best interest of the child, provided that if a child is engaged in a vocational training program when he becomes eighteen years of age, the Board may extend the indefinite term of such child beyond the eighteenth birthday until the vocational training program is completed. The Board or its administrative personnel shall have final authority to determine when any child who has been admitted to any facility operated by the Board has sufficiently benefitted from the program as to be ready for release. At the end of any term, the Board shall notify the court that the child is ready for release and shall plan for the return of the child to the community in cooperation with the juvenile probation officer or the family counselor or such other appropriate personnel as may be available. If the Board finds that any child committed to its care is not suitable for the program of any facility operated by the Board, or that further court action is needed to protect the best interest of a child at the end of his term, the Board shall make a motion in the cause so that the court may enter an appropriate order."

Sec. 3. G.S. 7A-286(5) is renumbered as 7A-286(6) and the fourth and fifth sentences thereof are rewritten to read as follows:

"If the court finds the child to be in need of evaluation for mental disorder, mental retardation, or other mental impairment, the court may order the area mental health director or local mental health director to arrange an interdisciplinary evaluation of the child and make recommendations to the court. If such evaluation shows the child to be in need of residential care and treatment for mental impairment, the court may cause the mental health director to arrange admission or commit the child to the appropriate state or local facility."

Sec. 4. G.S. 7A-286(6) is renumbered as 7A-286(7).

Sec. 5. G.S. 14-316.1 is rewritten to read as follows:

"§ 14-316.1. Contributing to delinquency and neglect by parents and others. — (a) Any parent, guardian, or other person acting in loco parentis to a child under 16 years of age who fails to exercise reasonable diligence in the care, protection, or control of such child, or who knowingly or willfully permits such child to associate with immoral persons, or to beg, or to solicit funds, or to be unlawfully absent from school, or to engage in sexual intercourse, or to enter any place which may be injurious to the morals, health, or general welfare of such child shall be guilty of a misdemeanor.

(b) Any person who knowingly or willfully causes, encourages, or aids any child under 16 years of age to be in a place or condition, or to commit an act whereby such child could be adjudicated delinquent, undisciplined or neglected as defined by G.S. 7A-278 or who engages in sexual intercourse with such child shall be guilty of a misdemeanor.

(c) It shall not be necessary for a district court exercising juvenile jurisdiction to make an adjudication that any child is delinquent, undisciplined or neglected in order to prosecute a parent or any other person under this section. An adjudication that a child is delinquent, undisciplined or neglected shall not preclude a subsequent prosecution of a parent or any other person who contributes to the delinquent, undisciplined or neglected condition of any child."

Sec. 6. The third sentence of the second paragraph of G.S. 110-22 is rewritten to read as follows:

"If a child violates the conditions of his probation, such child, after notice, may be required to appear before the court, and the court may make any disposition of the matter authorized by G.S. 7A-286."

Sec. 7. This act shall be effective September 1, 1971.

In the General Assembly read three times and ratified, this the 21st day of July, 1971.