

Article 31.

Disclosure of Juvenile Information.

§ 7B-3100. Disclosure of information about juveniles.

(a) The Division of Juvenile Justice of the Department of Public Safety, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and regulations, information that is in their possession that is relevant to (i) any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case by a local department of social services pursuant to the authority granted under Chapter 7B of the General Statutes, (ii) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent, or (iii) any case in which a vulnerable juvenile is receiving juvenile consultation services. Agencies shall continue to share information until (i) the protective services case is closed by the local department of social services, (ii) if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court, or (iii) if a vulnerable juvenile is receiving juvenile consultation services, until the juvenile consultation is closed. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Division of Juvenile Justice of the Department of Public Safety, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts, and, pursuant to the provisions of G.S. 7B-3000(e1), the Division of Community Supervision and Reentry of the Department of Adult Correction. Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

(b) Disclosure of information concerning any juvenile under investigation, alleged to be within the jurisdiction of the court, or receiving juvenile consultation services that would reveal the identity of that juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parents and except as provided in Article 20A of this Chapter and G.S. 7B-3102.

(c) The juvenile's guardian ad litem attorney advocate appointed pursuant to G.S. 7B-601 may share confidential information about the juvenile with the juvenile's attorney appointed or retained pursuant to G.S. 7B-2000. (1979, c. 815, s. 1; 1987, c. 297; 1994, Ex. Sess., c. 7, s. 1; 1995, c. 462, s. 4; c. 509, s. 5; 1997-459, s. 2; 1998-202, s. 6; 2000-137, s. 3; 2006-205, s. 2; 2007-458, s. 4; 2009-372, s. 3; 2011-145, s. 19.1(h), (k), (l); 2017-186, s. 2(o); 2019-33, s. 16; 2019-216, s. 13; 2021-123, s. 5(f); 2021-180, s. 19C.9(gg).)

§ 7B-3101. Notification of schools when juveniles are alleged or found to be delinquent.

(a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and written notification of any of the following actions to the principal of the school that the juvenile attends:

- (1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense that would constitute a Class A, B1, B2, C, D, or E felony if committed by an adult. The principal of the school shall make an individualized decision related to the status of the student during the pendency of the matter and not have an automatic suspension policy.
- (2) The court transfers jurisdiction over a juvenile to the superior court under G.S. 7B-2200.5 or G.S. 7B-2200.
- (3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency for an offense that would be a felony if committed by an adult.
- (4) The court issues a dispositional order under Article 25 of Chapter 7B of the General Statutes including, but not limited to, an order of probation that requires school attendance, concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.
- (5) The court modifies or vacates any order or disposition under G.S. 7B-2600 concerning a juvenile alleged or found delinquent for an offense that would be a felony if committed by an adult.

Notification of the school principal in person or by telephone shall be made before the beginning of the next school day. Delivery shall be made as soon as practicable but at least within five days of the action. Delivery shall be made in person or by certified mail. Notification that a petition has been filed shall describe the nature of the offense. Notification of a dispositional order, a modified or vacated order, or a transfer to superior court shall describe the court's action and any applicable disposition requirements. As used in this subsection, the term "offense" does not include any offense under Chapter 20 of the General Statutes.

(b) If the principal of the school the juvenile attends returns any notification as required by G.S. 115C-404, and if the juvenile court counselor learns that the juvenile is transferring to another school, the juvenile court counselor shall deliver the notification to the principal of the school to which the juvenile is transferring. Delivery shall be made as soon as practicable and shall be made in person or by certified mail.

(c) Principals shall handle any notification delivered under this section in accordance with G.S. 115C-404.

(d) For the purpose of this section, "school" means any public or private school in the State that is authorized under Chapter 115C of the General Statutes. (1997-443, s. 8.29(e); 1998-202, s. 6; 2017-57, s. 16D.4(l); 2018-142, s. 23(b); 2019-177, s. 2; 2024-17, s. 4(a).)

§ 7B-3102. Disclosure of information about juveniles who escape.

(a) Notwithstanding G.S. 7B-2102(d) or any other law to the contrary, within 24 hours of the time a juvenile escapes from custody the Division shall release to the public the juvenile's first name, last initial, and photograph; the name and location of the institution from which the juvenile escaped, or if the juvenile's escape was not from an institution, the circumstances and location of the escape; and if deemed appropriate a statement, based on the juvenile's record, of the level of concern of the Division as to the juvenile's threat to self or to others, if the juvenile escapes from a detention facility, secure custody, or a youth development center and the juvenile has been adjudicated delinquent. The determination of the level of threat posed by a juvenile who escapes from custody shall be made by the Deputy Commissioner of Juvenile Justice or the Deputy Commissioner's designee.

(b) When a juvenile escapes from a detention facility or secure custody, the Division may release to the public within 24 hours the juvenile's first name, last initial, and photograph; the name and location of the institution from which the juvenile escaped, or if the juvenile's escape was not from an institution, the circumstances and location of the escape; and a statement, based on the juvenile's record, of the level of concern of the Division as to the juvenile's threat to self or to others if both of the following apply:

- (1) The juvenile is alleged to have committed an offense that would be a felony if committed by an adult.
- (2) The Division determines, based on the juvenile's record, that the juvenile presents a danger to self or others.

(c) If a juvenile subject to subsection (a) or (b) of this section is returned to custody before the disclosure required or permitted is made, the Division shall not make the disclosure.

(d) The Division shall maintain a photograph of every juvenile in its custody.

(e) Before information is released to the public under this section, the Division shall make a reasonable effort to notify a parent, legal guardian, or custodian of the juvenile, and shall also make a reasonable effort to provide notification to the victim in accordance with G.S. 7B-2055. (2007-458, s. 2; 2008-169, s. 1; 2011-145, s. 19.1(l); 2015-41, s. 1; 2019-216, s. 14.)

§ 7B-3103. Disclosure of information about juveniles for public safety reasons.

(a) Notwithstanding G.S. 7B-2102(d) or any other provision of law to the contrary, a court may order the Division or any law enforcement agency within the State to release to the public the information contained in subsection (b) of this section if a court makes all of the following findings in a written order:

- (1) A petition has been filed alleging that the juvenile has committed at least one offense that would subject the juvenile to transfer to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5.
- (2) There is a judicial determination, based on the juvenile's record or the nature of the alleged offense or offenses, that the juvenile presents a danger to self or others.
- (3) There is a judicial determination that good cause exists for the disclosure.

(b) The following information about a juvenile subject to a public disclosure under subsection (a) of this section may be released to the public:

- (1) The juvenile's first name, last name, and photograph.
- (2) Any offense in a juvenile petition alleged to have been committed by the juvenile.
- (3) Whether a secure custody order has been issued for the juvenile.
- (4) A statement, based on the juvenile's record or the nature of the alleged offense and the level of concern of the Division or law enforcement agency, as to the juvenile's threat to self or others.

(c) If a juvenile who is the subject of an order entered under subsection (a) of this section is taken into custody before the required disclosure is made to the public, the Division or law enforcement agency shall not make the disclosure. If the juvenile who is the subject of an order entered under subsection (a) of this section or a disclosure pursuant to subsection (e) of this section is taken into custody, then all released information must be removed from any publicly available law enforcement agency or Division website or social media account controlled by the law enforcement agency or Division.

(d) Before the information contained in subsection (b) of this section is released to the public, the Division or law enforcement agency shall make a reasonable effort to notify a parent, legal guardian, or custodian of the juvenile.

(e) Notwithstanding subsections (a) and (d) of this section, when exigent circumstances exist, the Division or any law enforcement agency within the State may release the information contained in subsection (b) of this section. If information is released pursuant to this subsection, the releasing party must seek an order as provided by subsection (a) of this section as soon as reasonably practicable, but no later than the first available session of a court in the county after the release of information. If a court does not issue an order as provided by subsection (a) of this section at the next available session of court, all released information must be removed from any publicly available law enforcement agency or Division website or social media account controlled by the law enforcement agency or Division. (2023-114, s. 2(a).)