

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 89\*

Short Title: Juv. Probation/School Notification.

(Public)

Sponsors: Representatives Preston, Grady, Black, McMahan, Owens, Rogers, Wood; Capps, Culp, Davis, Dockham, Moore, Morris, Mosley, Sexton, Shubert, Sutton, Warner, Watson, and Yongue.

Referred to: Education, if favorable, Judiciary I.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY BUILDING PRINCIPAL IN CERTAIN CASES WHEN A JUVENILE IS ADJUDICATED DELINQUENT AND IS ORDERED TO ATTEND SCHOOL AS A CONDITION OF PROBATION, AND TO PROVIDE FOR THE MAINTENANCE OF THE NOTIFICATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-649 reads as rewritten:

"§ 7A-649. Dispositional alternatives for delinquent juvenile.

In the case of any juvenile who is delinquent, the judge ~~may~~ may do one or more of the following:

(1) Suspend imposition of a more severe, statutorily permissible disposition with the provision that the juvenile meet certain conditions agreed to by ~~him~~ the juvenile and specified in the dispositional order. The conditions shall not exceed the maximum criminal sanction permissible for the ~~offense~~ offense.

(2) Require restitution, full or partial, payable within a 12-month period to any person who has suffered loss or damage as a result of the offense

1 committed by the juvenile. The judge may determine the amount, terms,  
2 and conditions of the restitution. If the juvenile participated with another  
3 person or persons, all participants should be jointly and severally  
4 responsible for the payment of restitution; however, the judge shall not  
5 require the juvenile to make restitution if the juvenile satisfies the court  
6 that ~~he~~the juvenile does not have, and could not reasonably acquire, the  
7 means to make ~~restitution;~~restitution.

8 (3) Impose a fine related to the seriousness of the juvenile's offense. If the  
9 juvenile has the ability to pay the fine, it shall not exceed the maximum  
10 fine for the offense if committed by an ~~adult;~~adult.

11 (4) Order the juvenile to perform supervised community service consistent  
12 with the juvenile's age, skill, and ability, specifying the nature of the  
13 work and the number of hours required. The work shall be related to the  
14 seriousness of the juvenile's offense and in no event may the obligation  
15 to work exceed 12 ~~months;~~months.

16 (5) Order the juvenile to a supervised day program, requiring ~~him~~the  
17 juvenile to be present at a specified place for all or part of every day or  
18 of certain days. The judge also may require the juvenile to comply with  
19 any other reasonable conditions specified in the dispositional order that  
20 are designed to facilitate ~~supervision;~~supervision.

21 (6) Order the juvenile to a community-based program of academic or  
22 vocational education or to a professional residential or nonresidential  
23 treatment program. Participation in the programs shall not exceed 12  
24 ~~months;~~months.

25 (7) Impose confinement on an intermittent basis in an approved detention  
26 facility. Confinement shall be limited to not more than five 24-hour  
27 periods, the timing of which is determined by the court in its discretion.  
28 Confinement in such a case shall be completed within a period of 90  
29 days from the date of ~~disposition;~~disposition.

30 (8) Place the juvenile on probation under the supervision of a court  
31 counselor. In any case where a juvenile is placed on probation, the court  
32 counselor shall have the authority to visit the juvenile where ~~he~~the  
33 juvenile resides. The judge shall specify conditions of probation that are  
34 related to the needs of the juvenile including any of the following:

35 a. That the juvenile shall remain on good behavior and not violate  
36 any ~~laws;~~laws.

37 b. That the juvenile attend school ~~regularly;~~regularly. If the  
38 adjudication of delinquency is for an offense involving a threat to  
39 the safety of the juvenile or others and school attendance is a  
40 condition of probation, the judge shall order the juvenile court  
41 counselor to notify the principal of the juvenile's school within  
42 five days or before the juvenile begins to attend school,  
43 whichever occurs first. This notification shall be in writing and

1 shall describe the nature of the offense and the probation  
2 requirements related to school attendance. The principal shall  
3 handle the notification from the court in accordance with G.S.  
4 115C-404.

5 b1. That the juvenile maintain passing grades in up to four courses  
6 during each grading period and meet with the court counselor  
7 and a representative of the school to make a plan for how to  
8 maintain those passing ~~grades;~~ grades.

9 c. That the juvenile not associate with specified persons or be in  
10 specified ~~places;~~ places.

11 d. That the juvenile report to a court counselor as often as required  
12 by a court ~~counselor;~~ counselor.

13 e. That the juvenile make specified financial restitution or pay a  
14 fine in accordance with subdivisions (2) and ~~(3);~~ (3) of this  
15 section.

16 f. That the juvenile be employed regularly if not attending school.

17 An order of probation shall remain in force for a period not to exceed  
18 one year from the date entered. Prior to expiration of an order of  
19 probation, the judge may extend it for an additional period of one year  
20 after a hearing if he finds that the extension is necessary to protect the  
21 community or to safeguard the welfare of the ~~juvenile;~~ juvenile.

22 (9) Order that the juvenile shall not be licensed to operate a motor vehicle  
23 in the State of North Carolina for as long as the court retains jurisdiction  
24 over the juvenile or for any shorter period of ~~time;~~ time.

25 (10) Commit the juvenile to the Division of Youth Services in accordance  
26 with G.S. 7A-652."

27 Section 2. Article 29 of Chapter 115C of the General Statutes is amended by  
28 adding a new section to read:

29 **"§ 115C-404. Use of juvenile court information.**

30 The written notification of a student's probation received from a juvenile court  
31 counselor in accordance with G.S. 7A-649(8) is a confidential record, is not a public  
32 record as defined under G.S. 132-1, and shall not be made part of the student's official  
33 record under G.S. 115C-402. Immediately upon receipt, the principal shall maintain this  
34 notification in a safe, locked record storage that is separate from the student's other  
35 school records. The principal shall maintain this notification for the period of the  
36 student's probation, after which the principal shall shred or burn the notification to protect  
37 the confidentiality of this information. In no case shall the principal make a copy of the  
38 notification.

39 Upon receipt of this notification, the principal shall share the notification with  
40 appropriate staff members in a conference at which the staff members shall indicate in  
41 writing that they have read the notification and that they agree to maintain its  
42 confidentiality. For the purposes of this section, 'appropriate staff members' are those  
43 individuals who have direct guidance, teaching, or supervisory responsibility for the

1 student, or who have a specific need to know in order to protect the safety of the student  
2 or others.

3 If the student withdraws from school, is suspended for 10 or more days, is expelled, or  
4 transfers to another school, the principal shall return the notification to the juvenile court  
5 counselor and, if applicable, shall provide the counselor with the name and address of the  
6 school to which the student is transferring."

7 Section 3. This act is effective when it becomes law.