

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 277
Committee Substitute Favorable 3/21/01

Short Title: Juvenile Extended Commitment Procedure-AB.

(Public)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE JUVENILES TO SUBMIT REQUESTS FOR REVIEW OF
EXTENDED COMMITMENT DECISIONS WITHIN FIFTEEN DAYS OF
RECEIPT OF THE NOTIFICATION OF EXTENDED COMMITMENT AND TO
REQUIRE THE JOINT LEGISLATIVE CORRECTIONS AND CRIME
CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES IN THE JUVENILE
CODE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-2515 reads as rewritten:

"§ 7B-2515. Notification of extended commitment; plan of treatment.

(a) In determining whether a juvenile should be released before the juvenile's 18th birthday, the Department shall consider the protection of the public and the likelihood that continued placement will lead to further rehabilitation. If the Department does not intend to release the juvenile prior to the juvenile's eighteenth birthday, or if the Department determines that the juvenile's commitment should be continued beyond the maximum commitment period as set forth in G.S. 7B-2513(a), the Department shall notify the juvenile and the juvenile's parent, guardian, or custodian in ~~writing~~ writing, by certified mail, at least 30 days in advance of the juvenile's eighteenth birthday or the end of the maximum commitment period, of the additional specific commitment period proposed by the Department, the basis for extending the commitment period, and the plan for future care or treatment.

(b) The Department shall modify the plan of care or treatment developed pursuant to G.S. 7B-2513(f) to specify (i) the specific goals and outcomes that require additional time for care or treatment of the juvenile; (ii) the specific course of treatment or care that will be implemented to achieve the established goals and outcomes; and (iii) the efforts that will be taken to assist the juvenile's family in creating an environment that will increase the likelihood that the efforts to treat and rehabilitate the juvenile will be successful upon release. If appropriate, the Department may place the juvenile in a setting other than a training school.

1 (c) The juvenile and the juvenile's parent, guardian, or custodian may request a
2 review by the court of the Department's decision to extend the juvenile's commitment
3 beyond the juvenile's eighteenth birthday or maximum commitment ~~period, in which~~
4 ~~ease the court shall conduct a review hearing.~~ period. The juvenile and the juvenile's
5 parent, guardian, or custodian must make the request for review within 15 days of
6 receipt of the written notification required under subsection (a) of this section. The court
7 shall conduct a review hearing upon receipt of a request for review made in compliance
8 with this subsection. The court may modify the Department's decision and the juvenile's
9 maximum commitment period. If the juvenile or the juvenile's parent, guardian, or
10 custodian does not request a review of the Department's decision, the Department's
11 decision shall become the juvenile's new maximum commitment period."

12 **SECTION 2.** The Joint Legislative Corrections and Crime Control
13 Oversight Committee shall study the juvenile commitment procedures and any other
14 issues related to Subchapter II and Subchapter III of Chapter 7B of the General Statutes.
15 In studying these issues, the Committee shall consult with the Department of Juvenile
16 Justice and Delinquency Prevention. The Joint Legislative Corrections and Crime
17 Control Oversight Committee shall report its findings and any legislative
18 recommendations to the General Assembly on or before April 1, 2002.

19 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
20 decisions of the Department of Juvenile Justice and Delinquency Prevention to extend
21 commitment noticed on or after that date.