

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1216
Senate Judiciary I Committee Substitute Adopted 7/7/99

Short Title: Juvenile Justice Technical Corrections.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE JUVENILE JUSTICE REFORM ACT OF 1998.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7B-2512(h), as enacted by S.L. 1998-202 and renumbered as G.S. 7B-2513(h) by the Codifier of Statutes, reads as rewritten:

"(h) Pending placement of a juvenile with the Office, the court may house a juvenile who has been adjudicated ~~guilty of a delinquent act delinquent for an offense~~ that would be a Class A, B1, B2, C, D, or E felony if committed by an adult in a holdover facility up to 72 hours if the court, based on the information provided by the court counselor, determines that no acceptable alternative placement is available and the protection of the public requires that the juvenile be housed in a holdover facility."

Section 2. G.S. 7B-2603(a), as enacted by S.L. 1998-202, reads as rewritten:

"(a) Notwithstanding G.S. 7B-2602, any order transferring jurisdiction of the district court in a juvenile matter to the superior court may be appealed to the superior court for a hearing on the record. Notice of the appeal must be given in open court or in writing within 10 days after the transfer hearing in the district court. ~~A juvenile who fails to appeal the transfer order to the superior court waives the right to raise the issue of transfer before the Court of Appeals until final disposition of the matter in superior court.~~—The clerk of

1 superior court shall provide the district attorney with a copy of any written notice of
2 appeal filed by the attorney for the juvenile. Upon expiration of the 10 day period in
3 which an appeal may be entered, if an appeal has been entered and not withdrawn, the
4 clerk shall transfer the case to the superior court docket. The superior court shall, within
5 a reasonable time, review the record of the transfer hearing for abuse of discretion by the
6 juvenile court in the issue of transfer. The superior court shall not review the findings as
7 to probable cause for the underlying offense."

8 Section 3. G.S. 7B-3800, as enacted by S.L. 1998-202, reads as rewritten:

9 **"§ 7B-3800. Adoption of Compact.**

10 The Interstate Compact on the Placement of Children is hereby enacted into law and
11 entered into with all other jurisdictions legally joining therein in a form substantially as
12 contained in this Article. It is the intent of the General Assembly that ~~Article 4~~ Article 37
13 of this Chapter shall govern interstate placements of children between North Carolina and
14 any other jurisdictions not a party to this Compact. It is the intent of the General
15 Assembly that Chapter 48 of the General Statutes shall govern the adoption of children
16 within the boundaries of North Carolina.

17 **ARTICLE I. PURPOSE AND POLICY.**

18 It is the purpose and policy of the party states to cooperate with each other in the
19 interstate placement of children to the end that:

20 (a) Each child requiring placement shall receive the maximum opportunity to be
21 placed in a suitable environment and with persons or institutions having appropriate
22 qualifications and facilities to provide a necessary and desirable degree and type of care.

23 (b) The appropriate authorities in a state where a child is to be placed may have
24 full opportunity to ascertain the circumstances of the proposed placement, thereby
25 promoting full compliance with applicable requirements for the protection of the child.

26 (c) The proper authorities of the state from which the placement is made may
27 obtain the most complete information on the basis of which to evaluate a projected
28 placement before it is made.

29 (d) Appropriate jurisdictional arrangements for the care of children will be
30 promoted.

31 **ARTICLE II. DEFINITIONS.**

32 As used in this Compact:

33 (a) 'Child' means a person who, by reason of minority, is legally subject to
34 parental, guardianship or similar control.

35 (b) 'Sending agency' means a party state officer or employee thereof; a subdivision
36 of a party state, or officer or employee thereof; a court of a party state; a person,
37 corporation, association, charitable agency or other entity which sends, brings, or causes
38 to be sent or brought any child to another party state.

39 (c) 'Receiving state' means the state to which a child is sent, brought, or caused to
40 be sent or brought, whether by public authorities or private persons or agencies, and
41 whether for placement with state or local public authorities of [or] for placement with
42 private agencies or persons.

1 (d) 'Placement' means the arrangement for the care of a child in a family free or
2 boarding home or in a child-caring agency or institution but does not include any
3 institution caring for the mentally ill, mentally defective, or epileptic or any institution
4 primarily educational in character, and any hospital or other medical facility.

5 (e) 'Appropriate public authorities' as used in Article III shall, with reference to
6 this State, mean the Department of Health and Human Services and said agency shall
7 receive and act with reference to notices required by Article III.

8 (f) 'Appropriate authority in the receiving state' as used in paragraph (a) of Article
9 V shall, with reference to this State, means the Secretary.

10 (g) 'Executive head' as used in Article VII means the Governor.

11 **ARTICLE III. CONDITIONS FOR PLACEMENT.**

12 (a) No sending agency shall send, bring, or cause to be sent or brought into any
13 other party state any child for placement in foster care or as a preliminary to a possible
14 adoption unless the sending agency shall comply with each and every requirement set
15 forth in this Article and with the applicable laws of the receiving state governing the
16 placement of children therein.

17 (b) Prior to sending, bringing, or causing any child to be sent or brought into a
18 receiving state for placement in foster care or as a preliminary to a possible adoption, the
19 sending agency shall furnish the appropriate public authorities in the receiving state
20 written notice of the intention to send, bring, or place the child in the receiving state. The
21 notice shall contain:

22 (1) The name, date, and place of birth of the child.

23 (2) The identity and address or addresses of the parents or legal guardian.

24 (3) The name and address of the person, agency or institution to or with
25 which the sending agency proposes to send, bring, or place the child.

26 (4) A full statement of the reasons for such proposed action and evidence of
27 the authority pursuant to which the placement is proposed to be made.

28 (c) Any public officer or agency in a receiving state which is in receipt of a notice
29 pursuant to paragraph (b) of this Article may request of the sending agency, or any other
30 appropriate officer or agency of or in the sending agency's state, and shall be entitled to
31 receive therefrom, such supporting or additional information as it may deem necessary
32 under the circumstances to carry out the purpose and policy of this Compact.

33 (d) The child shall not be sent, brought, or caused to be sent or brought into the
34 receiving state until the appropriate public authorities in the receiving state shall notify
35 the sending agency, in writing, to the effect that the proposed placement does not appear
36 to be contrary to the interests of the child.

37 **ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT.**

38 The sending, bringing, or causing to be sent or brought into any receiving state of a
39 child in violation of the terms of this Compact shall constitute a violation of the laws
40 respecting the placement of children of both the state in which the sending agency is
41 located or from which it sends or brings the child and of the receiving state. Such
42 violation may be punished or subjected to penalty in either jurisdiction in accordance
43 with its laws. In addition to liability for any such punishment or penalty, any such

1 violation shall constitute full and sufficient grounds for the suspension or revocation of
2 any license, permit, or other legal authorization held by the sending agency which
3 empowers or allows it to place, or care for children.

4 **ARTICLE V. RETENTION OF JURISDICTION.**

5 (a) The sending agency shall retain jurisdiction over the child sufficient to
6 determine all matters in relation to the custody, supervision, care, treatment, and
7 disposition of the child which it would have had if the child had remained in the sending
8 agency's state, until the child is adopted, reaches majority, becomes self-supporting or is
9 discharged with the concurrence of the appropriate authority in the receiving state. Such
10 jurisdiction shall also include the power to effect or cause the return of the child or its
11 transfer to another location and custody pursuant to law. The sending agency shall
12 continue to have financial responsibility for support and maintenance of the child during
13 the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction
14 by a receiving state sufficient to deal with an act of delinquency or crime committed
15 therein.

16 (b) When the sending agency is a public agency, it may enter into an agreement
17 with an authorized public or private agency in the receiving state providing for the
18 performance of one or more services in respect of such case by the latter as agent for the
19 sending agency.

20 (c) Nothing in this Compact shall be construed to prevent a private charitable
21 agency authorized to place children in the receiving state from performing services or
22 acting as agent in that state for a private charitable agency of the sending state; nor to
23 prevent the agency in the receiving state from discharging financial responsibility for the
24 support and maintenance of a child who has been placed on behalf of the sending agency
25 without relieving the responsibility set forth in paragraph (a) hereof.

26 **ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN.**

27 A child adjudicated delinquent may be placed in an institution in another party
28 jurisdiction pursuant to this Compact, but no such placement shall be made unless the
29 child is given a court hearing on notice to the parent or guardian with opportunity to be
30 heard, prior to the child's being sent to such other party jurisdiction for institutional care
31 and the court finds that:

- 32 (1) Equivalent facilities for the child are not available in the sending
33 agency's jurisdiction; and
34 (2) Institutional care in the other jurisdiction is in the best interests of the
35 child and will not produce undue hardship.

36 **ARTICLE VII. COMPACT ADMINISTRATOR.**

37 The executive head of each jurisdiction party to this Compact shall designate an
38 officer who shall be general coordinator of activities under this Compact in the officer's
39 jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall
40 have power to promulgate rules and regulations to carry out more effectively the terms
41 and provisions of this Compact.

42 **ARTICLE VIII. LIMITATIONS.**

1 This Compact shall not apply to: (a) the sending or bringing of a child into a
2 receiving state by the child's parent, stepparent, grandparent, adult brother or sister, adult
3 uncle or aunt, or the child's guardian and leaving the child with any such relative or
4 nonagency guardian in the receiving state. (b) Any placement, sending or bringing of a
5 child into a receiving state pursuant to any other interstate compact to which both the
6 state from which the child is sent or brought and the receiving state are party, or to any
7 other agreement between said states which has the force of law.

8 **ARTICLE IX. ENACTMENT AND WITHDRAWAL.**

9 This Compact shall be open to joinder by any state, territory or possession of the
10 United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the
11 consent of Congress, the government of Canada or any province thereof. It shall become
12 effective with respect to any such jurisdiction when such jurisdiction has enacted the
13 same into law. Withdrawal from this Compact shall be by the enactment of a statute
14 repealing the same, but shall not take effect until two years after the effective date of such
15 statute and until written notice of the withdrawal has been given by the withdrawing state
16 to the governor of each other party jurisdiction. Withdrawal of a party state shall not
17 affect the rights, duties, and obligations under this Compact of any sending agency
18 therein with respect to a placement made prior to the effective date of withdrawal.

19 **ARTICLE X. CONSTRUCTION AND SEVERABILITY.**

20 The provisions of this Compact shall be liberally construed to effectuate the purposes
21 thereof. The provisions of this Compact shall be severable and if any phrase, clause,
22 sentence, or provision of this Compact is declared to be contrary to the constitution of
23 any party state or of the United States or the applicability thereof to any government,
24 agency, person, or circumstance is held invalid, the validity of the remainder of this
25 Compact and the applicability thereof to any government, agency, person, or
26 circumstance shall not be affected thereby. If this Compact shall be held contrary to the
27 constitution of any state party thereto, the Compact shall remain in full force and effect as
28 to the remaining states and in full force and effect as to the state affected as to all
29 severable matters."

30 Section 4. G.S. 95-241(a), as amended by Section 7 of S.L. 1998-202, reads as
31 rewritten:

32 "(a) No person shall discriminate or take any retaliatory action against an employee
33 because the employee in good faith does or threatens ~~to~~ to do any of the following:

- 34 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,
35 proceeding or other action, or testify or provide information to any
36 person with respect to any of the following:
- 37 a. Chapter 97 of the General Statutes.
 - 38 b. Article 2A or Article 16 of this Chapter.
 - 39 c. Article 2A of Chapter 74 of the General Statutes.
 - 40 d. G.S. 95-28.1.
 - 41 e. Article 16 of Chapter 127A of the General Statutes.
 - 42 f. G.S. 95-28.1A.

- 1 (2) Cause any of the activities listed in subdivision (1) of this subsection to
2 be initiated on an employee's behalf.
- 3 (3) Exercise any right on behalf of the employee or any other employee
4 afforded by Article 2A or Article 16 of this Chapter or by Article 2A of
5 Chapter 74 of the General Statutes.
- 6 (4) Comply with the provisions of Article 27 of Chapter 7B of the General
7 Statutes."

8 Section 5. G.S. 120-216(1) reads as rewritten:

9 "(1) Study the needs of children and youth. This study shall include, but is
10 not limited to:

- 11 a. Determining the adequacy and appropriateness of services:
12 1. To children and youth receiving child welfare services;
13 2. To children and youth in the juvenile court system; and
14 3. Provided by the Division of Social Services and ~~the~~
15 ~~Division of Youth Services of the Department of Health and~~
16 ~~Human Services.~~ the Office of Juvenile Justice.
- 17 b. Developing methods for identifying and providing services to
18 children and youth not receiving but in need of child welfare
19 services, children and youth at risk of entering the juvenile court
20 system, and children and youth exposed to domestic violence
21 situations.
- 22 c. Developing strategies for addressing the issues of school dropout,
23 teen suicide, and adolescent pregnancy.
- 24 d. Identifying and evaluating the impact on children and youth of
25 other economic and environmental issues.
- 26 e. Identifying obstacles to ensuring that children who are in secure
27 or nonsecure custody are placed in safe and permanent homes
28 within a reasonable period of time and recommending strategies
29 for overcoming those obstacles. The Commission shall consider
30 what, if anything, can be done to expedite the adjudication and
31 appeal of abuse and neglect charges against parents so that
32 decisions may be made about the safe and permanent placement
33 of their children as quickly as possible."

34 Section 6. G.S. 131D-10.4(3), as amended by Section 13(ii) of S.L. 1998-202,
35 reads as rewritten:

36 "(3) Secure detention facilities as specified in ~~Article 40 of Chapter 7B~~ Article
37 3C of Chapter 147 of the General Statutes;"

38 Section 7. G.S. 143B-261 reads as rewritten:

39 "**§ 143B-261. Department of Correction – duties.**

40 It shall be the duty of the Department to provide the necessary custody, supervision,
41 and treatment to control and rehabilitate criminal offenders ~~and juvenile delinquents~~ and
42 thereby to reduce the rate and cost of crime and delinquency."

43 Section 8. G.S. 143B-262 reads as rewritten:

1 **"§ 143B-262. Department of Correction – functions.**

2 (a) The functions of the Department of Correction shall comprise except as
3 otherwise expressly provided by the Executive Organization Act of 1973 or by the
4 Constitution of North Carolina all functions of the executive branch of the State in
5 relation to corrections and the rehabilitation of adult ~~offenders and juvenile delinquents~~
6 offenders, including detention, parole, and aftercare supervision, and further including
7 those prescribed powers, duties, and functions enumerated in Article 14 of Chapter 143A
8 of the General Statutes and other laws of this State.

9 (b) All such functions, powers, duties, and obligations heretofore vested in the
10 Department of Social Rehabilitation and Control and any agency enumerated in Article
11 14 of Chapter 143A of the General Statutes and laws of this State are hereby transferred
12 to and vested in the Department of Correction except as otherwise provided by the
13 Executive Organization Act of 1973. They shall include, by way of extension and not of
14 limitation, the functions of:

- 15 (1) The State Department of Correction and Commission of Correction,
16 ~~(2) The State Board of Youth Development,~~
17 (3) The State Probation Commission,
18 (4) The State Board of Paroles,
19 (5) The Interstate Agreement on Detainers, and
20 (6) The Uniform Act for Out-of-State Parolee Supervision.

21 (c) The Department shall establish within the Division of Adult Probation and
22 Parole a program of Intensive Supervision. This program shall provide intensive
23 supervision for probationers, post-release supervisees, and parolees who require close
24 supervision in order to remain in the community pursuant to a community penalties plan,
25 community work plan, community restitution plan, or other plan of rehabilitation. The
26 intensive supervision program shall be available to both felons and misdemeanants. Each
27 offender shall be required to comply with the rules adopted for the Program as well as the
28 requirements specified in G.S. 15A-1340.11(5).

29 (d) The Department shall establish a Substance Abuse Program. This Program
30 shall include an intensive term of inpatient treatment, normally four to six weeks, for
31 alcohol or drug addiction in independent, residential facilities for approximately 100
32 offenders per facility."

33 Section 9. G.S. 143B-150.6(e) reads as rewritten:

34 "(e) Inter-agency fund transfers: The Department may allow the Division of Social
35 ~~Services, the Division of Youth Services, Services~~ and the Division of Mental Health,
36 Developmental Disabilities, and Substance Abuse Services, to use funds available to each
37 Division to support family preservation services provided by the Division under the
38 Program; provided that such use does not violate federal regulations pertaining to, or
39 otherwise jeopardize the availability of federal funds."

40 Section 10. G.S. 143B-150.8(a)(1) reads as rewritten:

- 41 "(1) Provide guidance and advice to the Secretary in the development of a
42 plan for the statewide implementation of an inter-agency family
43 preservation services program whereby family-centered preservation

1 services are available to all counties by July 1, 1995, through the
2 coordinated efforts of the Division of Social ~~Services~~, ~~Division of Youth~~
3 ~~Services~~, Services and Division of Mental Health, Developmental
4 Disabilities, and Substance Abuse Services."

5 Section 11. G.S. 143B-478, as amended by Section 4(aa) of S.L. 1998-202,
6 reads as rewritten:

7 "**§ 143B-478. Governor's Crime Commission – creation; composition; terms;**
8 **meetings, etc.**

9 (a) There is hereby created the Governor's Crime Commission of the Department
10 of Crime Control and Public Safety. The Commission shall consist of ~~35~~36 voting
11 members and ~~five~~six nonvoting members. The composition of the Commission shall be
12 as follows:

13 (1) The voting members shall be:

- 14 a. The Governor, the Chief Justice of the Supreme Court of North
15 Carolina (or his alternate), the Attorney General, the Director of
16 the Administrative Office of the Courts, the Secretary of the
17 Department of Health and Human Services, the Secretary of the
18 Department of ~~Correction~~, Correction, the Director of the Office
19 of Juvenile Justice, and the Superintendent of Public Instruction;
20 b. A judge of superior court, a judge of district court specializing in
21 juvenile matters, a chief district court judge, a clerk of superior
22 court, and a district attorney;
23 c. A defense attorney, three sheriffs (one of whom shall be from a
24 'high crime area'), three police executives (one of whom shall be
25 from a 'high crime area'), six citizens (two with knowledge of
26 juvenile delinquency and the public school system, two of whom
27 shall be under the age of 21 at the time of their appointment, one
28 representative of a 'private juvenile delinquency program,' and
29 one in the discretion of the Governor), three county
30 commissioners or county officials, and three mayors or municipal
31 officials;
32 d. Two members of the North Carolina House of Representatives
33 and two members of the North Carolina Senate.

34 (2) The nonvoting members shall be the Director of the State Bureau of
35 Investigation, the Secretary of the Department of Crime Control and
36 Public ~~Safety~~, ~~a representative of the Office of Juvenile Justice~~, ~~Safety~~, the
37 Assistant Director of the Intervention/Prevention Bureau of the Office
38 of Juvenile Justice, the Assistant Director of the Detention Bureau of the
39 Office of Juvenile Justice, the Director of the Division of Prisons and
40 the Director of the Division of Adult Probation and Paroles.

41 (b) The membership of the Commission shall be selected as follows:

42 (1) The following members shall serve by virtue of their office: the
43 Governor, the Chief Justice of the Supreme Court, the Attorney General,

1 the Director of the Administrative Office of the Courts, the Secretary of
2 the Department of Health and Human Services, the Secretary of the
3 Department of Correction, the Director of the State Bureau of
4 Investigation, the Secretary of the Department of Crime Control and
5 Public Safety, the Director of the Division of Prisons, the Director of the
6 Division of Adult Probation and Parole, ~~the Director of the Division of~~
7 ~~Youth Services, the Administrator for Juvenile Services of the Administrative~~
8 ~~Office of the Courts, and the Superintendent of Public Instruction. the~~
9 Director of the Office of Juvenile Justice, the Assistant Director of the
10 Intervention/Prevention Bureau of the Office of Juvenile Justice, the
11 Assistant Director of the Detention Bureau of the Office of Juvenile
12 Justice, and the Superintendent of Public Instruction. Should the Chief
13 Justice of the Supreme Court choose not to serve, his alternate shall be
14 selected by the Governor from a list submitted by the Chief Justice
15 which list must contain no less than three nominees from the
16 membership of the Supreme Court.

17 (2) The following members shall be appointed by the Governor: a
18 representative of the Office of Juvenile Justice, the district attorney, the
19 defense attorney, the three sheriffs, the three police executives, the six
20 citizens, the three county commissioners or county officials, the three
21 mayors or municipal officials.

22 (3) The following members shall be appointed by the Governor from a list
23 submitted by the Chief Justice of the Supreme Court, which list shall
24 contain no less than three nominees for each position and which list
25 must be submitted within 30 days after the occurrence of any vacancy in
26 the judicial membership: the judge of superior court, the clerk of
27 superior court, the judge of district court specializing in juvenile
28 matters, and the chief district court judge.

29 (4) The two members of the House of Representatives provided by
30 subdivision (a)(1)d. of this section shall be appointed by the Speaker of
31 the House of Representatives and the two members of the Senate
32 provided by subdivision (a)(1)d. of this section shall be appointed by the
33 President Pro Tempore of the Senate. These members shall perform the
34 advisory review of the State plan for the General Assembly as permitted
35 by section 206 of the Crime Control Act of 1976 (Public Law 94-503).

36 (5) The Governor may serve as chairman, designating a vice-chairman to
37 serve at his pleasure, or he may designate a chairman and vice-chairman
38 both of whom shall serve at his pleasure.

39 (c) The initial members of the Commission shall be those appointed pursuant to
40 subsection (b) above, which appointments shall be made by March 1, 1977. The terms of
41 the present members of the Governor's Commission on Law and Order shall expire on
42 February 28, 1977. Effective March 1, 1977, the Governor shall appoint members, other
43 than those serving by virtue of their office, to serve staggered terms; seven shall be

1 appointed for one-year terms, seven for two-year terms, and seven for three-year terms.
2 At the end of their respective terms of office their successors shall be appointed for terms
3 of three years and until their successors are appointed and qualified. The Commission
4 members from the House and Senate shall serve two-year terms effective March 1, of
5 each odd-numbered year; and they shall not be disqualified from Commission
6 membership because of failure to seek or attain reelection to the General Assembly, but
7 resignation or removal from office as a member of the General Assembly shall constitute
8 resignation or removal from the Commission. Any other Commission member no longer
9 serving in the office from which he qualified for appointment shall be disqualified from
10 membership on the Commission. Any appointment to fill a vacancy on the Commission
11 created by the resignation, dismissal, death, disability, or disqualification of a member
12 shall be for the balance of the unexpired term.

13 (d) The Governor shall have the power to remove any member from the
14 Commission for misfeasance, malfeasance or nonfeasance.

15 (e) The Commission shall meet quarterly and at other times at the call of the
16 chairman or upon written request of at least eight of the members. A majority of the
17 voting members shall constitute a quorum for the transaction of business."

18 Section 12. G.S. 153A-221.1, as amended by Section 13(nn) of S.L. 1998-202,
19 reads as rewritten:

20 "**§ 153A-221.1. Standards and inspections.**

21 The legal responsibility of the Secretary of Health and Human Services and the Social
22 Services Commission for State services to county juvenile detention homes under this
23 Article is hereby confirmed and shall include the following: development of State
24 standards under the prescribed procedures; inspection; consultation; technical assistance;
25 and training. Further, ~~the legal responsibility of the Department of Health and Human Services~~
26 ~~is hereby expanded to give said Department the same legal responsibility as to the State-~~
27 ~~administered regional detention homes which shall be developed by the State Department of~~
28 ~~Correction as provided by G.S. 7B-4008.~~

29 ~~The Secretary of Health and Human Services~~ Director of the Office of Juvenile Justice
30 shall develop new standards which shall be applicable to county detention homes and
31 regional detention homes as defined by ~~Article 40 of Chapter 7B~~ Article 3C of Chapter 147
32 of the General Statutes in line with the recommendations of the report entitled Juvenile
33 Detention in North Carolina: A Study Report (January, 1973) where practicable, and such
34 new standards shall become effective not later than July 1, 1977.

35 The Secretary of Health and Human Services shall also develop standards under
36 which a local jail may be approved as a holdover facility for not more than five calendar
37 days pending placement in a juvenile detention home which meets State standards,
38 providing the local jail is so arranged that any child placed in the holdover facility cannot
39 converse with, see, or be seen by the adult population of the jail while in the holdover
40 facility. The personnel responsible for the administration of a jail with an approved
41 holdover facility shall provide close supervision of any child placed in the holdover
42 facility for the protection of the child."

43 Section 13. G.S. 7B-2413, as enacted by S.L. 1998-202, reads as rewritten:

"§ 7B-2413. Predisposition investigation and report.

The court shall proceed to the dispositional hearing upon receipt of the predisposition report. A risk and needs assessment, containing information regarding the juvenile's social, medical, psychiatric, psychological, and educational history, as well as any factors indicating the probability of the juvenile committing further delinquent acts, shall be conducted for the juvenile and shall be attached to the predisposition report. In cases where no predisposition report is available and the court makes a written finding that a report is not needed, the court may proceed with the dispositional hearing. No predisposition report or risk and needs assessment of any child alleged to be delinquent or undisciplined shall be made prior to an adjudication that the juvenile is within the juvenile jurisdiction of the court unless the juvenile, the juvenile's parent, guardian, or custodian, or the juvenile's attorney files a written statement with the court counselor granting permission and giving consent to the predisposition report or risk and needs assessment. No predisposition report shall be submitted to or considered by the court prior to the completion of the adjudicatory hearing. The court shall permit the juvenile to inspect any predisposition report, including any attached risk and needs assessment, to be considered by the court in making the disposition unless the court determines that disclosure would seriously harm the juvenile's treatment or rehabilitation or would violate a promise of confidentiality. Opportunity to offer evidence in rebuttal shall be afforded the juvenile and the juvenile's parent, guardian, or custodian at the dispositional hearing. The court may order counsel not to disclose parts of the report to the juvenile or the juvenile's parent, guardian, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the juvenile or would violate a promise of confidentiality given to a source of information."

Section 14. G.S. 7B-1905(a), as enacted by S.L. 1998-202, reads as rewritten:

"(a) A juvenile meeting the criteria set out in G.S. 7B-1903(a), may be placed in nonsecure custody with a department of social services or a person designated in the order for temporary residential placement in:

- (1) A licensed foster home or a home otherwise authorized by law to provide such care;
- (2) A facility operated by a department of social services; or
- (3) Any other home or facility approved by the court and designated in the order.

In placing a juvenile in nonsecure custody, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile. If the court finds that the relative is willing and able to provide proper care and supervision, the court shall order placement of the juvenile with the ~~relative~~ relative unless the court finds that placement with the relative would be contrary to the best interest of the juvenile. Placement of a juvenile outside of this State shall be in accordance with the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter."

Section 15. G.S. 147-33.62 reads as rewritten:

"§ 147-33.62. Terms of appointment.

1 Each member of a Juvenile Crime Prevention Council shall serve for a term of two
2 ~~years—years,~~ except for initial terms as provided in this section. Members may be
3 reappointed. ~~Terms—~~The initial terms of appointment shall begin January 1, 1999. All
4 subsequent terms of appointment shall begin on July 1. In order to provide for staggered
5 terms, persons appointed for the positions designated in subdivisions (9), (10), (12), (15),
6 (17), and (18) of G.S. 147-33.61(a) shall be appointed for an initial ~~one-year—term~~ ending
7 on June 30, 2000, and two-year terms thereafter. All other persons appointed to the
8 Council shall be appointed for an initial term ending on June 30, 2001, and two-year
9 terms thereafter."

10 Section 16. G.S. 147-33.64 reads as rewritten:

11 "**§ 147-33.64. Meetings; quorum.**

12 Councils shall meet at least ~~once per month,~~ bi-monthly, or more often if a meeting is
13 called by the chair.

14 A majority of members shall constitute a quorum."

15 Section 17. This act becomes effective July 1, 1999.