



# HOUSE BILL 261: Raise Min. Age/Juvenile Jurisdiction.

2021-2022 General Assembly

|                       |   |                     |                                 |
|-----------------------|---|---------------------|---------------------------------|
| <b>Committee:</b>     | House Families, Children, and Aging Policy. If favorable, re-refer to Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House | <b>Date:</b>        | March 30, 2021                  |
| <b>Introduced by:</b> | Reps. Morey, Hardister, Szoka, Clemmons   | <b>Prepared by:</b> | Jessica Boney<br>Staff Attorney |
| <b>Analysis of:</b>   | PCS to First Edition<br>H261-CSBP-3   |                     |                                 |

**OVERVIEW:** *House Bill 261 would raise the minimum age of a delinquent juvenile and an undisciplined juvenile from age 6 to age 10. In addition, the Proposed Committee Substitute would make various modifications to the minimum age of juvenile jurisdiction.*

**CURRENT LAW:** Under current law, the minimum age of a delinquent juvenile or an undisciplined juvenile is age 6.

**BILL ANALYSIS:**

**Section 1.(a) and Section 1.(b)** would create definitions for "Child Consultation" and "Consultation Complaint." It would raise the minimum age of a delinquent juvenile and an undisciplined juvenile from age 6 to age 10.

**Section 2** would remove references to being 10 years of age or older for fingerprinting and photographing of juveniles under G.S. 7B-2102.

**Section 3** would remove reference to being at least 10 years of age for commitment under G.S. 7B-2513(a).

**Section 4.(a)** would create a new section G.S. 7B-308.1 under Article 3 of Chapter 7B of the General Statutes requiring a juvenile court counselor to report to the director of social services the suspected abuse, neglect or dependency of a juvenile under the age of 10 receiving child consultation services.

**Section 4.(b)** would amend the duty to report abuse, neglect, or dependency under G.S. 7B-1700.1 to reference G.S. 7B-308.1 and require a juvenile court counselor to make a report to the county department of social services in the case of a juvenile under age 10 receiving child consultation services.

**Section 4.(c)** would direct a juvenile court counselor to determine when a complaint is received whether the juvenile is under age 10, and therefore shall be served as Child Consultation.

**Section 4.(d)** would make conforming changes to the evaluation decisions of juvenile court counselors and would require a juvenile court counselor to obtain referral information if proceeding to a Child Consultation.

**Section 4.(e)** would add a new section G.S. 7B-1706.1 under Article 17 of Chapter 7B of the General Statutes on child consultation services for children age 6 but under age 10. A juvenile court counselor would be required to provide various assessments and resources to the child and the parent, legal guardian, or custodian, for up to 6 months.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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**Section 4.(f)** would clarify the requirements for service of the summons and petition under G.S. 7B-1806 are triggered when a petition is filed alleging a juvenile is undisciplined or delinquent.

**Section 4.(g)** would create a new Article 34A under Chapter 7B of the General Statutes to do the following regarding the parent, guardian, or custodian of a juvenile under age 10:

- Require attendance at all scheduled meetings with the juvenile court counselor.
- Require attendance at research-supported parenting classes.
- Work with juvenile court counselor to coordinate medical services for the child or for the parent, guardian, or custodian.

It would direct the juvenile court counselor to provide transportation to the extent possible. It would also instruct the juvenile court counselor to work collaboratively with the various stakeholders involved with the child and family in the provision of child consultation services.

**Section 4.(h)** would make a conforming change to the duties and powers of the Juvenile Justice Section of the Division of Adult Correction (JJSDAC) and Juvenile Justice of the Department of Public Safety (JJDPS).

**Section 4.(i)** would direct the Department of Public Safety to evaluate intensive intervention services intended to prevent further involvement in the juvenile justice system.

**Section 4.(j)** would require juvenile court counselors to provide and coordinate service referrals for children under the age of 10 who receive child consultation services. It would also require reporting of suspected abuse or neglect of a juvenile to the director of social services under the appropriate statute.

**Section 4.(k)** would direct each County Council to review the needs of youth under the age of 10 and youth at risk of delinquency, and to provide funds for youth at risk for juvenile delinquency.

**Section 4.(l)** would add intensive intervention services to prevent deeper involvement in the juvenile justice system to the reporting requirement of JJSDAC and JJDPS.

**EFFECTIVE DATE:** This act would be effective December 1, 2021, and apply to offenses committed on or after that date.