

**Tenth Judicial District
Local Rules for
Juvenile Delinquency & Undisciplined Proceedings**

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Tenth Judicial District Local Rules for Juvenile Delinquency & Undisciplined Proceedings

Rule 1. Scope

1.1 These rules shall apply to all cases in which a petition is filed alleging that a juvenile is Delinquent or Undisciplined as defined in N.C.G.S. 7B-1501, and/or related motions.

1.2 These rules are promulgated in compliance with Rule 2 of the General Rules of Practice for the Superior and District Courts and are in accordance with N.C.G.S. 7A-146.

1.3 These rules supersede all other local rules governing Juvenile Delinquency and Undisciplined proceedings in the Tenth Judicial District.

1.4 It is recognized that these rules are not exhaustive and will not cover every possible situation that may arise. In the event that a situation or matter arises that is not covered by these rules, all parties shall act in accordance with the orders of the Chief District Court Judge or the assigned Delinquency Court Judge.

1.5 These rules and all amendments hereafter shall be filed with the Clerk of Superior Court for Wake County and may be cited accordingly as the Tenth Judicial District Local Rules for Juvenile Delinquency and Undisciplined Proceedings.

Rule 2. Purpose

The purpose of these rules is to establish procedures for cases in which a petition or motion is filed in Delinquency Court. These rules are intended to fulfill the purposes of Juvenile Delinquency Court and the North Carolina Juvenile Code, particularly as set forth in N.C.G.S. 7B-1500, and to provide for the orderly, prompt, and just disposition of Juvenile Delinquency and Undisciplined matters.

Rule 3. Construction

These Rules shall, at all times, be construed in such manner as to promote justice and accomplish the purposes set forth in Rule 2.

Rule 4. Qualification Requirements for Appointed Counsel

4.1 Maintenance of Delinquency Appointment List. Pursuant to Article IX, B of the “Regulations for Appointment of Counsel in the 10th Judicial District in Cases under the Indigent Defense Services Act,” (the Regulations) the Chief Public Defender shall maintain in his or her office the master lists of attorneys eligible to be appointed to represent juveniles alleged to be Delinquent or Undisciplined. The three lists shall be designated as list:

- 4A for misdemeanors and contempt matters
- 4B for Class F through I felonies;
- 4C for Major felonies (A-E), 16 & 17 year old Class A-G felonies, and Transfer matters.

4.2 Request for Inclusion on List. Any attorney who wishes to represent juveniles in Delinquency Court in Wake County must submit a request using the appropriate local form [WAKE-JUV(D&U)-01] to the Juvenile Chief of the Wake County Public Defender's Office. Once the Juvenile Chief certifies that the attorney has met the requirements set forth in the Regulations, the request will be forwarded to the Administrator of the Regulations for consideration by the Wake County Committee on Indigent Appointments for inclusion on the appropriate list(s) 4A, 4B, and/or 4C.

4.3 Request for Inclusion on List 4C. Any attorney who wishes to be appointed to represent juveniles who are at least 13 years old at the time of the offense and charged with an A-E felony or any juvenile who is 16 or 17 years old and charged with an A-G felony, shall request inclusion on List 4C: Major Juvenile/Transfer List and shall comply with the procedures and requirements as contained in Rule 4.2 herein. To be included on the Major Juvenile/Transfer List the attorney must also satisfy the requirements to be included on List 3 as set forth in Article IX of the Regulations and be approved for inclusion on List 3 by the Committee on Indigent Appointments. An attorney who is approved for List 4C Major Juvenile/Transfer List may also serve on List 4A and 4B for Delinquency Cases, but is not required to do so.

4.4 Removal from Lists. If an attorney for a juvenile does not wish to remain on the qualified court appointed list(s) for Juvenile Delinquency proceedings, the attorney shall comply with the requirements of Article VIII, A, 2 of the Regulations. If the attorney for a juvenile has cases pending, the attorney should make every effort to continue representation through the dispositional stage. If the attorney for a juvenile has cases pending but is unable to continue representation, the attorney shall notify the Wake County Public Defender's Office Juvenile Unit immediately so that new counsel may be assigned. The attorney may make recommendations for consideration as to who would be an appropriate replacement counsel based on the attorney's knowledge of the case. The attorney shall provide a complete copy of the case file to the new assigned counsel, or to the Wake County Public Defender's Office Juvenile Unit for forwarding to the new counsel.

4.5 Withdrawal from Representation. An attorney for a juvenile is not relieved of the responsibility to represent a juvenile until such time as a Delinquency Court Judge enters an order allowing the attorney to withdraw or until the Wake County Public Defender's Office has assigned new counsel.

4.6 Judge's Inherent Authority. Nothing in these Rules shall inhibit the inherent power of an individual Judge presiding in Juvenile Delinquency Court to remove an attorney for a juvenile and appoint a new attorney.

Rule 5. Appointment of Counsel

5.1 Filing of Petition. When any petition or motion is filed in Wake County against any juvenile, the Wake County Juvenile Court Counselor's Office (JCC) shall generate a case log notifying the Wake County District Attorney's Office Juvenile Unit (DA) and the Wake County Public Defender's Office Juvenile Unit (PD) and the Wake Clerk of Court's Office Juvenile Delinquency Unit (clerk). The DA shall assign court dates. The PD shall assign an attorney pursuant to the Regulations. The clerk shall assign JB file numbers, unless the juvenile has a pre-existing JB file number.

5.2 Case Logs. One case log should be generated by 2:00 pm each working day by the Juvenile Court Counselor's Office (JCC) with all petitions filed on that day. The daily case log and all petitions shall be routed to the Juvenile Delinquency Clerk's Office for personal service of summons/notice of hearing on the juveniles and parent(s)/guardian(s). Copies of all petitions (with attached summons) shall then be forwarded to the Juvenile Units of the DA's Office and the PD's office. Occasionally an extra case log may be necessary for juveniles who have been taken into custody and need immediate assignments.

5.3 Assignment of Counsel. The Wake County Public Defender's Office Juvenile Unit shall determine whether to assign the matter to the Public Defender's Office or to private counsel. Subject to standards approved by the Office of Indigent Defense Services, the Public Defender may assign cases to private counsel based on, among other factors, the caseloads of Assistant Public Defenders in his or her office and known conflicts. When the matter is assigned to private counsel, the Wake County Public Defender's Office Juvenile Unit shall place the petition(s), summons and an Order of Assignment in the Wake County Justice Center box of the attorney. It is the responsibility of each attorney on the Delinquency lists to check their WCJC box regularly.

5.4 Order of Assignment. The Public Defender's Office Juvenile Unit shall assign attorneys according to the appropriate list and in the sequence in which they appear on the juvenile list except as permitted by the Regulations. The Public Defender may appoint an attorney who is not next in sequence on the list if an attorney is unavailable, is ineligible for that particular offense, an attorney has a conflict, another attorney is already representing the particular juvenile, or the interests of justice require that a specific attorney be appointed rather than the next available attorney. If the Public Defender passes over the name of an attorney for a reason other than the attorney's unavailability or ineligibility, the reason shall be noted and the Public Defender shall return to that attorney for the next appointment. No appointment shall be made by the Public Defender of an attorney whose name does not appear on one of the master lists on file, except for good cause shown and in the interest of justice.

5.5 Multiple Petitions. When a juvenile has multiple petitions and some offenses would warrant appointment of an attorney from List 4C Major Juvenile/Transfer and other offenses would warrant appointment of an attorney from List 4A or 4B, the Wake County Public Defender's Office shall appoint an attorney from the List 4C to represent the juvenile in all of the pending cases. If a juvenile who is currently represented by an attorney on list 4A or 4B receives a new petition alleging a high felony or transferrable offense, the juvenile shall be re-assigned to a new attorney from list 4C to represent all of the juvenile's matters.

5.6 Parental Orders to Show Cause. When a Show Cause order that has been issued and served on any parent appears on the calendar, the Wake County Public Defender's Office Juvenile Chief or designee will meet with the parent in court to explain right to counsel and obtain an Affidavit of Indigency or Waiver of Court Appointed Counsel for the Court's consideration. If the parent qualifies and the Court authorizes appointment of counsel, the PD will assign an attorney from Wake List 4A, 4B or 4C, who have agreed to represent parents. In the absence of a representative from Wake County Public Defender's Office, the presiding Judge in Juvenile Delinquency Court will instruct the parent and assign the attorney.

5.7 Judge's Inherent Authority. Nothing in these Rules shall inhibit the inherent authority of the judge presiding in Juvenile Delinquency Court to issues Show Causes and appoint attorneys.

Rule 6. Responsibilities of Attorneys

6.1 Calendar Call. An attorney who represents a party in a matter scheduled on the Juvenile Delinquency Court Docket shall appear at calendar call for the session in which the matter is docketed unless excused by the Judge presiding in Juvenile Delinquency Court or by agreement of all the parties.

6.2 Priority of Juvenile Court. An attorney who has a conflict in another court shall comply with the relevant rules relating to priority, and it shall be the responsibility of the attorney to keep the courtroom Juvenile Delinquency Court Clerk and/or the Wake County Public Defender's Office Juvenile Chief informed of his or her location at all times. Attorneys shall follow Rule 3.1 "Guidelines for Resolving Scheduling Conflicts" of the North Carolina General Rules of Practice for the Superior and District Courts. In resolving court conflicts, Juvenile Court shall take priority over all other District Court matters. Abuse/Neglect/Dependency and Juvenile Delinquency/Undisciplined cases have equal priority.

6.3 Attorney Coverage. Any attorney who is unable to be present in court for some extenuating circumstance such as vacation, illness, or court conflict shall be responsible for notifying the courtroom Juvenile Delinquency Court Clerk and/or the Wake County Public Defender's Office Juvenile Chief in advance and either: (1) resolve the conflict with the assigned Assistant District Attorney prior to the scheduled court date, (2) secure a qualified replacement attorney from the approved Juvenile Delinquency list or (3) request the Wake County Public Defender's Office Juvenile Chief to either continue or handle the matter. If the attorney chooses the second or third options and locates a replacement attorney, the assigned attorney shall provide sufficient background information about the case to enable the replacement attorney to effectively represent the juvenile. Nothing in these rules may require a juvenile to waive his or her right to be represented by their assigned counsel.

6.4 Notification of Contact Information/Changes. Any attorney who makes an appearance in a Delinquency or Undisciplined proceeding shall provide the courtroom Juvenile Delinquency Court Clerk with a cell phone number or other mechanism for contacting the attorney when his or her presence is needed in court. All attorneys on List 4A, 4B or 4C shall notify the Wake

County Public Defender's Office Juvenile Unit, the Juvenile Delinquency Clerk, and the Wake County District Attorney's Office Juvenile Unit of any changes in his or her contact information (i.e., office telephone number, facsimile number, cell phone number, mailing address, email address, and changes in law firm memberships which could result in conflicts in appointments).

6.5 Continued Representation. An attorney who enters an appearance or who accepts an appointment in a Juvenile Delinquency, Undisciplined or Emancipation case shall continue to represent the juvenile throughout all stages of the proceedings (including but not limited to: first appearances, secured custody reviews, probable cause hearings, transfer hearings, adjudication, disposition, probation violations, motions for review, etc.) as long as the juvenile continues under the jurisdiction of the Court unless allowed to withdraw by the Court or unless the juvenile is assigned a new attorney by the Public Defender's office.

6.6 Withdrawal of Representation. A Motion to Withdraw from representation in a case shall only be granted for compelling reasons. When a Motion to Withdraw is granted by the court, the Wake County Public Defender's Office shall appoint a new attorney from the Juvenile Delinquency Appointment list in accordance with Rule 5 herein.

6.7 Retained Attorney. When an attorney is privately retained, the retained attorney shall immediately notify appointed counsel, the District Attorney's Office Juvenile Unit and the Juvenile Delinquency Court Clerk of his or her appearance in the case. Notice to the Delinquency Court Clerk shall be in writing using the appropriate approved local form [WAKE-JUV(D&U)-02]. The Notice document shall be placed in and become a part of the juvenile's court file.

6.8 Fee Applications. All attorneys submitting fee applications for court appointed cases in Juvenile Delinquency Court shall comply with the following provisions:

- A. Fee applications (AOC-J-411) shall be filled out completely.
- B. Fee applications shall be submitted only at the conclusion of the Adjudication/Disposition hearing and after each subsequent hearing, unless the attorney is released; and
- C. Fee applications shall be submitted within 120 days of the date of the Adjudication/Disposition hearing or any subsequent hearing, or upon release of counsel; and
- D. Fee applications for time in excess of 4.0 hours shall include a typed affidavit of work on the case, including, but not limited to, date, activity, and amount of time spent; and
- E. Fee applications shall be in accordance with any rules and/policies of the North Carolina Office of Indigent Defense Services and shall include the Order of Assignment.

6.9 Attendance at Court Proceedings. Failure of an appointed attorney to attend court proceedings could jeopardize further appointments and/or result in removal from List 4A, 4B and/or 4C pursuant to Article VIII, C, of the Regulations.

6.10 Secured Leave. Pursuant to Rule 26 of the General Rules of Practice, attorneys may from time to time designate and enjoy one or more secure leave periods each year as provided therein. The following procedure supplements the requirement of Rule 26 of the General Rules of Practice for attorneys appearing in cases pending before the Juvenile Delinquency Court of Wake County.

- A. Submission of Notice. The Notice of Secure Leave that is required to be submitted to the Court pursuant to Rule 26 must be submitted to the Wake County District Attorney Juvenile Unit and the Wake County Public Defender Juvenile Unit.
- B. No Filing with the Clerk. Secure leave designations are not filed in the court files and should not contain a case number.
- C. Extraordinary Circumstances. The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

6.11 Contact with Client. An attorney shall make diligent efforts to maintain sufficient contact with his or her client in order to provide effective representation. If a juvenile is in Secured Custody, the assigned counsel shall make diligent efforts to meet with the juvenile within 3 business days of assignment or of the juvenile being placed in detention.

6.12 Minimum Performance Standards. Court appointed attorneys are expected to provide quality representation for all clients. Attorneys shall be held to the minimum performance standards of representation pursuant to Article X of the Regulations. Failure to comply with these standards could result in removal from the court appointed list pursuant to Article VIII, C. of the Regulations.

Rule 7. Service of Summons and Petitions

7.1 Service by Clerk. Upon the filing of a petition alleging a juvenile to be Delinquent or Undisciplined and/or related motions, the Delinquency Court Clerk shall issue a Juvenile Summons, and Notice of Hearing. For Delinquent and Undisciplined Cases form AOC-J-340 shall be used. For Motions for Review, and Dispositional Hearings form AOC-J-240A (delinquent) and AOC-J-240B (undisciplined) shall be used. If the case log indicates that the juvenile and/or family requires a Spanish Interpreter, the clerk should use both the English and the Spanish version of these AOC forms. The summons shall comply with N.C.G.S. 7B-1805. The summons and a copy of the petition shall be personally served on both the juvenile and the juvenile's parent(s), guardian or custodian in accordance with N.C.G.S. 7B-1806.

7.2 Unserved Petitions. When a matter appears on the printed docket and it is determined that service of a Delinquent Summons, Undisciplined Summons or Show Cause Order on a

parent or juvenile was unsuccessful for reasons such as, but not limited to, the following: vacant address, incomplete address (no apartment #), false information given, juvenile resides outside of Wake County, etc. the matter will be removed from the calendar and the assigned Juvenile Court Counselor shall notify the petitioner (investigating officer, school social worker, etc.) of the need for a valid service address. The matter will not be re-calendared until such time as adequate information is obtained to enable law enforcement to accomplish service. It shall be the petitioner's responsibility to provide this information as expeditiously as possible to the assigned Juvenile Court Counselor, who shall then notify the Juvenile Delinquency Court Clerk and the Wake County District Attorney Juvenile Unit, at which point a new court date will be obtained from the DA and a new summons issued by the Clerk.

7.3 Post-DSS-Placement Reviews. This provision shall ONLY apply to a juvenile who has been placed into the custody of Department of Social Services (Wake County Human Services) from a Juvenile Delinquency Court disposition hearing pursuant to N.C.G.S. 7B-2503(1)(c) for Undisciplined youth or N.C.G.S. 7B-2506(1)(c) for Delinquent youth. Any child who was placed into DSS custody pursuant to Juvenile Abuse/Neglect/Dependency Court will continue to have their permanency planning reviews conducted in the appropriate Juvenile Abuse/Neglect/Dependency Court.

Pursuant to N.C.G.S. 7B-906.1, the clerk shall issue a Notice of Hearing (AOC-J-240A or B) providing 15 days notice to the juvenile, the juvenile's parent or guardian and to the Department of Social Services (Wake County Human Services). The appropriate box shall be checked indicating that the purpose of the hearing is for a Post-DSS-Placement review.

In a Post-DSS-Placement Review, an indigent parent or guardian has a right to a court appointed attorney. The parent/guardian can either execute a Waiver of this attorney (AOC-J-143) or complete an Affidavit of Indigency (AOC-J-226) and request an attorney to be appointed. The Judge shall determine if the parent is eligible and either assign or deny an attorney (AOC-J-144).

Rule 8. Hearing Schedules

8.1 Regular Hearings. Juvenile matters involving Delinquent and Undisciplined juveniles, Emancipations and Show Cause Orders on parents under the jurisdiction of Wake County Juvenile Delinquency Court shall be regularly scheduled to be heard on Mondays, Tuesdays, Wednesdays, and Thursdays. Any variance from this regular hearing schedule may occur for good cause shown upon Order of the Chief District Court Judge, or his designee.

8.2 Special Hearings. The Tuesday afternoon court schedule shall be reserved for special settings of contested matters, sensitive sex offense hearings, multiple companion cases, and other matters determined to be appropriate by the presiding Juvenile Delinquency Court Judge and as calendared by the Assistant District Attorney.

8.3 Secured Custody Hearings. The initial Secured Custody Review (SCR) shall be set within five calendar days of when the Secured Custody Order is issued by the District Court Judge. When the initial Secured Custody Order is issued by an official exercising delegated authority pursuant to N.C.G.S. 7B-1902, the SCR shall be set on the next regularly scheduled

session of District Court. Subsequent Secured Custody Reviews may be set on any date or session as determined by the parties in court at the initial SCR.

8.4 Calendar Call. The assigned Assistant District Attorney shall conduct a calendar call each day and determine the order of cases to be heard.

Rule 9. Establishing the Trial Calendar

9.1 Calendaring Timelines. All petitions in Delinquency Court shall be calendared pursuant to a schedule promulgated by the Chief District Court Judge, which adheres to the time requirements of Chapter 7B of the North Carolina General Statutes (see Rule 11 below). In addition, matters involving a juvenile's petition for emancipation or for expunction of a record and petitions for Show Cause against a juvenile's parent or guardian shall be calendared on this schedule.

9.2 District Attorney Calendaring. The Juvenile Delinquency Court calendar shall be established and maintained by the District Attorney's Office Juvenile Unit. Initial court dates shall be set by the District Attorney's Office Juvenile Unit according to Rule 5.1 and 5.2. The District Attorney's Office shall distribute the calendar for each week of Juvenile Delinquency Court on the Friday before the scheduled week. The calendar shall be distributed to the Delinquency clerks, the Delinquency Judges, each Public Defender assigned to handle Delinquency matters and each private attorney on the approved Delinquency Court Appointment list. The Juvenile Delinquency Court calendar is not a public document and shall not be posted for public view in the courthouse.

9.3 First Appearances. As to juvenile petitions alleging an offense that would be a felony if committed by an adult:

- A. All petitions shall be set for a First Appearance within ten (10) days of the filing of the petition in accordance with N.C.G.S 7B-1808.
- B. Appointed counsel, the juvenile, the juvenile's parent(s) or guardian, and the Assistant District Attorney shall be present at the hearing.
- C. At the First Appearance hearing the Court shall ascertain the age of the juvenile. Any juvenile who was charged for a date of offense occurring on or after their 16th birthday shall be designated a Youthful Offender, as specific statutes and procedures will differ from those youth age 15 and under.
 - 1) If the juvenile was 13 to 15 years of age at the time the alleged offense was committed, a Probable Cause hearing will be set within fifteen (15) days unless the 15 day requirement is waived by the juvenile through the juvenile's attorney, pursuant to N.C.G.S. 7B-2202.

- 2) If the juvenile was 16 years of age or older at the time the alleged offense was committed and is designated a Youthful Offender, the Probable Cause hearing will be set within ninety (90) days, pursuant to N.C.G.S. 7B-2200.5.

9.4 Misdemeanor Calendaring. As to juvenile petitions alleging misdemeanors or undisciplined petitions, the matter shall be set out at least four (4) weeks from the time of the filing of the petition to allow for proper service.

9.5 Probation Violations & Motions for Review. If the juvenile petition alleges a Violation of Probation or requests a Motion for Review, the matter shall be set out at least one week from the time of filing to allow for the statutory 5 day notice, pursuant to N.C.G.S. 7B-1807.

9.6 Additional Petitions. If the juvenile has a court date already scheduled, every attempt should be made to schedule new petitions on the same date.

9.7 Probable Cause Hearings. Probable Cause hearings may be set before any Judge presiding in Juvenile Delinquency Court without regard to judicial assignment. The Juvenile Delinquency Court Judge who hears the Probable Cause hearing should not preside over the adjudication hearing without advising the juvenile's attorney that he or she presided over the PC hearing.

Rule 10. Time Standards

Absent extenuating circumstances, all Juvenile Delinquency and Undisciplined proceedings shall adhere to the time standards adopted by the North Carolina Family Court Advisory Committee and the Tenth Judicial District Delinquency Court Advisory Committee as set forth below. Unless otherwise specified, "days" are calendar days and are counted from the date the petition is served on the juvenile. These time frames represent maximum time limits that are "goals," not mandates. In every case, the best interest of the juvenile is the paramount goal.

In extenuating circumstances and for certain complex cases and/or transfer cases, the Court may allow deviation from these time frames for hearings, pre-trial motions, evaluations, etc.

Adjudication of Misdemeanors:

Adjudicatory Order entered in 90% of cases within 60 days of service of the petition.

Adjudicatory Order entered in 100% of cases within 90 days of service of the petition.

Adjudication of Class F - I Felonies:

Adjudicatory Order entered in 70% of cases within 60 days of service of the petition.

Adjudicatory Order entered in 90% of cases within 90 days of service of the petition.

Adjudicatory Order entered in 100% of cases within 120 days of service of the petition.

Adjudication of Class A – E Felonies:

Adjudicatory Order entered in 70% of cases within 120 days of service of the petition.

Adjudicatory Order entered in 90% of cases within 150 days of service of the petition.

Adjudicatory Order entered in 100% of cases within 180 days of service of the petition.

Probable Cause Hearing of Class A -G for 16 & 17 year olds (Youthful Offenders):

Probable Cause may be scheduled for 90 days out from first appearance to allow time for both parties to review need for transfer. Continuance past 90 days may be allowed by the Court for good cause shown.

Disposition:

Dispositional Order entered in 70% of cases within 30 days of adjudication.

Dispositional Order entered in 100% of cases within 60 days of adjudication.

Unless Disposition is continued by the Court pursuant to N.C.G.S 7B-2501(d).

906.1 Post-DSS Placement Reviews:

Review hearings for any juvenile placed in DSS custody pursuant to a Delinquency Court matter shall be conducted pursuant to N.C.G.S. 7B-906.1. First review shall be conducted within 90 days of initial disposition ordering DSS custody. Further reviews shall be conducted every 6 months until Juvenile Delinquency Court has terminated DSS custody or terminated juvenile jurisdiction or until the juvenile reaches the age limit for termination of juvenile jurisdiction.

Rule 11. Pretrial Conferences & Predisposition

11.1 Pretrial Conference. In all Juvenile Delinquency and Undisciplined proceedings, counsel for the juvenile and the Assistant District Attorney assigned to prosecute the case should conduct a pretrial conference no later than the Friday prior to the week the case is scheduled for adjudication. The purpose of the pretrial conference is to finalize discovery, discuss possible plea offers, determine if the case will be disposed of by admission or contested hearing, identify if contested what issues may be resolved by stipulation or judicial notice, discuss appropriate dispositions for the juvenile, determine if an interpreter will be needed, arrive at a reasonable forecast of the time needed to hear the matter, and identify any other issues or needs that must be addressed to aid in the timely disposition of the case. While pretrial conferences are not mandatory prior to probable cause hearings they are strongly encouraged.

11.2 Predisposition Reports. The Juvenile Court Counselor shall prepare a written predisposition report in accordance with N.C.G.S. 7B-2413 and the standards as set forth by the North Carolina Department of Public Safety Juvenile Justice Division to be presented to the Court after adjudication and prior to disposition in all Delinquency and Undisciplined proceedings. No predisposition report shall be submitted to, or considered by, the Court or the Assistant District Attorney prior to adjudication. The defense may share pre-disposition information with the ADA with consent of the juvenile.

11.3 Predisposition Report Timeline. The predisposition report shall be made available to counsel for the juvenile for review no later than five (5) calendar days prior to the date the case is scheduled for adjudication. The dispositional **recommendations** contained within the predisposition report shall be made available to both the Assistant District Attorney and counsel for the juvenile no later than seven (7) calendar days prior to the date the case is scheduled for adjudication. The Chief Court Counselor shall designate a central location for defense attorneys to access predisposition reports.

11.4 Consent for Predisposition Report. In accordance with N.C.G.S. 7B-2413, no predisposition report or risk and needs assessment of any juvenile shall be prepared prior to adjudication unless the juvenile, the juvenile's parent(s), guardian, or custodian, or the juvenile's attorney files a written statement with the Juvenile Court Counselor granting permission to prepare the assessment and report. This consent may be revoked in writing by the juvenile, the juvenile's parent(s), guardian, or custodian or the juvenile's attorney.

Rule 12. Continuances

12.1 Good Cause. Attorneys shall make all reasonable efforts to avoid continuances. Pursuant to N.C.G.S. 7B-2406, "*the court for good cause shown may continue any hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile.*" What constitutes good cause and extraordinary circumstances is in the sound discretion of the judge to whom a motion to continue is presented.

12.2 Pre-hearing Date Continuances. Motions made in advance of the scheduled court date must be made in writing using the local form [WAKE-JUV(D&U)-03] designated for such purpose with all of the pertinent information contained therein and the reason for the request clearly stated. The Juvenile Delinquency Court Clerks shall maintain a supply of local continuance motion forms that shall be readily available to attorneys in the Delinquency Court Courtroom. This form is also available under Wake County tab of the www.nccourts.gov/ web site.

12.3 Notification of Continuance. All motions to continue shall be made as soon as the need for a continuance is identified so as to avoid unnecessary inconvenience of the witnesses and allow for more efficient use of court time. Opposing counsel must be notified of the motion prior to the motion being made to the appropriate judge. In the event that a case is ordered continued in advance of the scheduled court date, the moving party shall immediately notify the Juvenile Delinquency Court Clerk and provide a signed copy of the Continuance Order including the new court date. Counsel shall notify the juvenile, the juvenile's parent, guardian, or custodian, and any witnesses subpoenaed by the juvenile of the continuance and the new court date. The Assistant District Attorney shall notify the victim, the Juvenile Court Counselor, law enforcement officer or any other witnesses subpoenaed by the State of the continuance and the new court date.

12.4 Objections to Motion to Continue. Both the State and the Defense shall have an opportunity to be heard on a motion to continue.

12.5 Appropriate Court Official. All motions for continuance prior to the court date shall be made to the District Court Judge presiding over the session of Juvenile Delinquency Court for which the case is calendared. If the trial judge is not known at the time the request is made, or is unavailable, the motion shall be made to one of the following in order of sequence: (1) to the

District Court Judge presiding in Juvenile Delinquency Court at the time the motion is made, (2) to any judge regularly assigned to Juvenile Court for Delinquency and Undisciplined matters, or (3) to the Chief District Court Judge. On the scheduled court date no one except the presiding Juvenile Delinquency Court Judge is authorized to continue a matter. All motions for continuances on the scheduled court date must be directed to and ruled upon by the presiding judge.

Rule 13. Courtroom Procedures

13.1 Protocol for Juveniles Brought to Court from Secured Custody.

NCDPS Transportation Team: Juveniles who are in the custody of the Department of Public Safety and being transported from a juvenile detention facility or youth development center or some other secure/non-secure facility shall remain in the custody of the NC Department of Public Safety (NCDPS) Transportation staff until reaching the holding cells adjacent to courtrooms 4B and 4C of the Wake County Courthouse. While being transported, it shall be the primary responsibility of the transportation staff to respond to disturbances caused by juveniles in their custody, in accordance with the policies adopted by NCDPS.

Court Counselors: Once a juvenile is placed into one of the holding cells adjacent to courtrooms 4B and 4C of the Wake County Courthouse, Court Counselors shall have the primary responsibility for responding to disruptive behavior by juveniles in the holding cell area. Court Counselors shall have the responsibility of escorting the juvenile into the courtroom and shall have the primary responsibility of responding to disruptive behavior by the juvenile while they are in the courtroom. Court Counselors shall be responsible for escorting the juvenile back into the holding cell area once they are excused from the courtroom and shall have the primary responsibility of responding to disruptive behavior by the juvenile while leaving the courtroom and once back into the holding cell area.

Deputy Sheriff: At the request of the NCDPS Transportation team or a Court Counselor or at the direction of the Juvenile Delinquency Court Judge, courtroom deputies are authorized to assist in responding to disruptive behavior by juveniles that occur in the courtroom and/or holding cell area adjacent to courtrooms 4B and 4C of the Wake County Courthouse.

13.2 Protocol for Juveniles Placed into Custody from Courtroom.

Court Counselors: When a juvenile is placed into the custody of the NC Department of Public Safety after appearing in court, it shall be the primary responsibility of the Court Counselors to escort the juvenile into the holding cell area adjacent to courtrooms 4B and 4C of the Wake County Courthouse and secure the juvenile into a holding cell. It shall be the primary responsibility of Court Counselors to respond to disruptive behavior caused by the juvenile while the juvenile is in the holding cell area.

Transportation Staff: The transportation staff shall have the primary responsibility of responding to disruptive behavior by juveniles placed into the custody of NCDPS once the

juveniles are released from the holding cells and placed into their care to be transported from the courthouse.

Deputy Sheriff: At the request of a Court Counselor or transportation staff or at the direction of the Juvenile Delinquency Court Judge, courtroom deputies are authorized to assist the Court Counselors and/or transportation staff in responding to disruptive behavior by juveniles being placed into the custody of NCDPS, whether the disruption begins in court or in the holding cell area.

13.3 Protocol for Juvenile not in Custody.

Deputy Sheriff: The courtroom deputy shall have the primary authority to respond to disruptive behavior caused by juveniles appearing in court who have not been placed into the custody of the NCDPS. This includes disruptive behavior occurring while the juvenile is before the court and while the juvenile is awaiting their case being called.

Court Counselors: At the direction of the presiding Juvenile Delinquency Court Judge or at the request of the courtroom deputy, Court Counselors are authorized to assist the courtroom deputy in responding to any disturbances caused by juveniles not in the custody of DPSDJJ that may occur inside or outside of the courtroom.

13.4 Protocol for Non-Juveniles in the Courtroom.

Nothing in these rules regarding Delinquency Court courtroom safety shall be construed to limit the authority of the courtroom deputy to respond to disturbances caused by persons who are present during juvenile court proceedings or any other authority otherwise provided them to maintain courthouse security outside of the juvenile delinquency courtroom or the holding cell area adjacent to courtrooms 4B and 4C of the Wake County Courthouse.

Rule 14. Recordation of Hearing

Hearings shall be recorded pursuant to N.C.G.S. 7B 2410. In addition to the statutorily mandated recordation, all Juvenile Delinquency Court proceedings will be recorded. A transcript of any hearing may be requested by the filing a Request and Order for Authorizing Transcript of Confidential Proceeding [AOC-G-115] with the Juvenile Delinquency Clerk.

Rule 15. Preparation and Entry of Orders

15.1 Preparation of Orders. In all adjudication, disposition, motions for review, and probation violation hearings, the Juvenile Delinquency Clerk shall prepare the orders, unless otherwise provided herein or instructed by the presiding judge. In pre-trial motions hearings, unless otherwise instructed by the presiding judge, the prevailing party is expected to prepare the order and have it reviewed by the opposing party prior to being signed by the judge.

15.2 Time Standards for Entry of Order. All orders must be entered within 15 days following the conclusion of a hearing. A Judge may allow additional time to file an order in complex cases but in no event should it be entered later than 30 days following the hearing.

15.3 Distribution of Orders. Once orders are signed and filed, the Juvenile Delinquency Clerk will copy all adjudication, disposition, motions for review, probation violations, transfer to Superior Court and supplemental orders and place in Wake County Public Defender's Juvenile Unit basket and the Wake County District Attorney's Juvenile Court Basket in the Delinquency courtroom. The Wake County Public Defender's Office Juvenile Unit will distribute each set of orders to the juvenile's attorney.

15.4 Secured Custody Orders. Pursuant to N.C.G.S. 7B-1904, all secured custody orders are to be returned to the Juvenile Delinquency Clerk's office for formal file stamp and filing as soon as practical following service, but not later than the next business day following service.

15.5 Parental Show Cause Orders. The Conditions of Release/Release Order form (AOC-CR-200 - the "blue sheet") shall be immediately returned to the Juvenile Clerk's file once an Order for Arrest for Failure to Appear on a Show Cause has been served on a parent. In the event that a parent satisfies the conditions of release and is released from custody, a copy of the parent's Release Order ("blue sheet") shall be immediately forwarded to the Juvenile Clerk's office and placed in the Juvenile file.

15.6 Post-DSS Placement Review Orders (906.1 orders)

All orders following a "906.1" DSS Custody Review hearing must be in writing, signed by the judge and entered within 30 days of the hearing.

Rule 16. Interpreters

16.1 Court Interpreters. Only certified interpreters or interpreters approved by the North Carolina Administrative Office of Courts Office of Language Access Services are permitted to interpret for the Court. Court-appointed interpreters are to be used for courtroom hearings only. Parties are responsible for obtaining their own interpreters for other interpretation needs they may have while in court (such as their private discussions with clients and witnesses).

16.2 Spanish Interpreters. If the juvenile, parent or any witness needs a Spanish interpreter, the requesting party shall notify the clerk to call for the Wake County Language Access Coordinator for Spanish interpreters. If a juvenile's attorney or the assistant district attorney believes that a case will require services of a Spanish interpreter for an adjudication hearing or other extended hearing for more than one hour during any one day, that defense attorney or Assistant District Attorney shall file the appropriate request form with the Wake County Spanish Language Access Coordinator at least 10 days prior to the hearing. This form may be found at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>.

16.3 Other Languages. If the juvenile, parent or any witness needs a non-Spanish Language interpreter, the attorney for the party needing services shall request such interpreter at least 10 days in advance of the court date. This request is to be submitted to the Office of Language

Access Services through the NCCOURTS website at <https://www.nccourts.gov/request-for-spoken-foreign-language-court-interpreter>. The requesting party shall provide in the request an estimated amount of time for which the services will be needed. If a party needs to cancel the request for an interpreter for any reason, they should notify the Office of Language Access Services as soon as they become aware of the need to cancel.

16.4 American Sign Language. If the juvenile, parent or any witness needs an ASL interpreter, the attorney for the party needing the services shall request such an interpreter at least 10 days prior to the court date. This request is submitted to the Wake County District Court Judges' office legal assistant staff. The requesting party shall provide in the request an estimated amount of time for which the services will be needed. If a party needs to cancel the request for an ASL interpreter for any reason, they should notify the legal assistant in the Wake County District Court Judges' office as soon as they become aware of the need to cancel.

Rule 17. Forms

Local forms for use by counsel in accordance with these rules are available for downloading on the Wake County tab of the website of the Administrative Office of the Courts at: <https://www.nccourts.gov/> and are subject to change as legislation or policy dictates. Many of these local forms are also available in the Juvenile Delinquency courtroom.

Rule 18. Enforcement

The Court may impose sanctions for failure to comply with these Rules; however, no rule shall be construed, applied, or enforced in a manner that will endanger or harm a juvenile or prejudice the rights of any juvenile.

Rule 19. Establish of Delinquency Court Advisory Committee

The Chief District Court Judge shall establish a Juvenile Delinquency Court Advisory Committee whose function shall be to periodically review these Local Rules, to review Raise the Age law and plan for its implementation in Wake County, to develop and assist in the maintenance of a School-Justice Partnership, to address issues and concerns related to Juvenile Delinquency Court, and to advise the Chief District Court Judge on policies and procedures for the most effective operation of Juvenile Delinquency Court. The Juvenile Delinquency Court Advisory Committee shall meet at such dates and times as needed and at a site selected by the Chief District Court Judge.

The Juvenile Delinquency Court Advisory Committee shall consist of the following individuals:

- The Chief District Court Judge
- Such Family Court judge(s) as the Chief District Court designates
- The Chief Juvenile Court Counselor, or designee.
- The Chief Juvenile Prosecutor from the Wake County District Attorney's Office, or designee.

- The Chief Juvenile Defender from the Wake County Public Defender's Office, or designee.

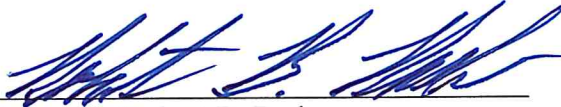
Additional members may be added as deemed necessary.

Rule 20. Amendments and Modifications

These Rules are subject to amendment or modification as experience dictates and requires.

ADOPTED BY THE COURT, effective December 1, 2019.

Signed this the 27th day of November, 2019.



The Honorable Robert B. Rader
Chief District Court Judge
Tenth Judicial District

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