

**Chapter 7B.**  
**Juvenile Code.**  
**SUBCHAPTER I. ABUSE, NEGLECT, DEPENDENCY.**  
Article 1.  
Purposes; Definitions.

**§ 7B-100. Purpose.**

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

- (1) To provide procedures for the hearing of juvenile cases that assure fairness and equity and that protect the constitutional rights of juveniles and parents;
- (2) To develop a disposition in each juvenile case that reflects consideration of the facts, the needs and limitations of the juvenile, and the strengths and weaknesses of the family.
- (3) To provide for services for the protection of juveniles by means that respect both the right to family autonomy and the juveniles' needs for safety, continuity, and permanence; and
- (4) To provide standards for the removal, when necessary, of juveniles from their homes and for the return of juveniles to their homes consistent with preventing the unnecessary or inappropriate separation of juveniles from their parents.
- (5) To provide standards, consistent with the Adoption and Safe Families Act of 1997, P.L. 105-89, for ensuring that the best interests of the juvenile are of paramount consideration by the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within a reasonable amount of time. (1979, c. 815, s. 1; 1987 (Reg. Sess., 1988), c. 1090, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2003-140, s. 5.)

**§ 7B-101. Definitions.**

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

- (1) Abused juveniles. – Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:
  - a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
  - b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
  - c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
  - d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in G.S. 14-27.2; rape of a child by an adult offender, as provided in G.S. 14-27.2A; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense, as provided in G.S. 14-27.4; sexual offense with a child by an adult offender, as provided in G.S. 14-27.4A; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or

1 permitting the juvenile to assist in a violation of the obscenity laws as  
2 provided in G.S. 14-190.6; dissemination of obscene material to the  
3 juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying  
4 or disseminating material harmful to the juvenile as provided in G.S.  
5 14-190.14 and G.S. 14-190.15; first and second degree sexual  
6 exploitation of the juvenile as provided in G.S. 14-190.16 and G.S.  
7 14-190.17; promoting the prostitution of the juvenile as provided in  
8 G.S. 14-190.18; and taking indecent liberties with the juvenile, as  
9 provided in G.S. 14-202.1;

- 10 e. Creates or allows to be created serious emotional damage to the  
11 juvenile; serious emotional damage is evidenced by a juvenile's  
12 severe anxiety, depression, withdrawal, or aggressive behavior  
13 toward himself or others; or  
14 f. Encourages, directs, or approves of delinquent acts involving moral  
15 turpitude committed by the juvenile.
- 16 (2) Aggravated circumstances. – Any circumstance attending to the commission  
17 of an act of abuse or neglect which increases its enormity or adds to its  
18 injurious consequences, including, but not limited to, abandonment, torture,  
19 chronic abuse, or sexual abuse.
- 20 (3) Caretaker. – Any person other than a parent, guardian, or custodian who has  
21 responsibility for the health and welfare of a juvenile in a residential setting.  
22 A person responsible for a juvenile's health and welfare means a stepparent,  
23 foster parent, an adult member of the juvenile's household, an adult relative  
24 entrusted with the juvenile's care, any person such as a house parent or  
25 cottage parent who has primary responsibility for supervising a juvenile's  
26 health and welfare in a residential child care facility or residential  
27 educational facility, or any employee or volunteer of a division, institution,  
28 or school operated by the Department of Health and Human Services.  
29 "Caretaker" also means any person who has the responsibility for the care of  
30 a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the  
31 General Statutes and includes any person who has the approval of the care  
32 provider to assume responsibility for the juveniles under the care of the care  
33 provider. Nothing in this subdivision shall be construed to impose a legal  
34 duty of support under Chapter 50 or Chapter 110 of the General Statutes.  
35 The duty imposed upon a caretaker as defined in this subdivision shall be for  
36 the purpose of this Subchapter only.
- 37 (4) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy  
38 clerk.
- 39 (5) Community-based program. – A program providing nonresidential or  
40 residential treatment to a juvenile in the community where the juvenile's  
41 family lives. A community-based program may include specialized foster  
42 care, family counseling, shelter care, and other appropriate treatment.
- 43 (6) Court. – The district court division of the General Court of Justice.
- 44 (7) Court of competent jurisdiction. – A court having the power and authority of  
45 law to act at the time of acting over the subject matter of the cause.
- 46 (7a) Criminal history. – A local, State, or federal criminal history of conviction or  
47 pending indictment of a crime, whether a misdemeanor or a felony,  
48 involving violence against a person.
- 49 (8) Custodian. – The person or agency that has been awarded legal custody of a  
50 juvenile by a court or a person, other than parents or legal guardian, who has

1 assumed the status and obligation of a parent without being awarded the  
2 legal custody of a juvenile by a court.

- 3 (9) Dependent juvenile. – A juvenile in need of assistance or placement because  
4 the juvenile has no parent, guardian, or custodian responsible for the  
5 juvenile's care or supervision or whose parent, guardian, or custodian is  
6 unable to provide for the care or supervision and lacks an appropriate  
7 alternative child care arrangement.
- 8 (10) Director. – The director of the county department of social services in the  
9 county in which the juvenile resides or is found, or the director's  
10 representative as authorized in G.S. 108A-14.
- 11 (11) District. – Any district court district as established by G.S. 7A-133.
- 12 (11a) Family assessment response. – A response to selected reports of child  
13 neglect and dependency as determined by the Director using a  
14 family-centered approach that is protection and prevention oriented and that  
15 evaluates the strengths and needs of the juvenile's family, as well as the  
16 condition of the juvenile.
- 17 (11b) Investigative assessment response. – A response to reports of child abuse  
18 and selected reports of child neglect and dependency as determined by the  
19 Director using a formal information gathering process to determine whether  
20 a juvenile is abused, neglected, or dependent.
- 21 (12) Judge. – Any district court judge.
- 22 (13) Judicial district. – Any district court district as established by G.S. 7A-133.
- 23 (14) Juvenile. – A person who has not reached the person's eighteenth birthday  
24 and is not married, emancipated, or a member of the Armed Forces of the  
25 United States.
- 26 (15) Neglected juvenile. – A juvenile who does not receive proper care,  
27 supervision, or discipline from the juvenile's parent, guardian, custodian, or  
28 caretaker; or who has been abandoned; or who is not provided necessary  
29 medical care; or who is not provided necessary remedial care; or who lives  
30 in an environment injurious to the juvenile's welfare; or who has been placed  
31 for care or adoption in violation of law. In determining whether a juvenile is  
32 a neglected juvenile, it is relevant whether that juvenile lives in a home  
33 where another juvenile has died as a result of suspected abuse or neglect or  
34 lives in a home where another juvenile has been subjected to abuse or  
35 neglect by an adult who regularly lives in the home.
- 36 (16) Petitioner. – The individual who initiates court action, whether by the filing  
37 of a petition or of a motion for review alleging the matter for adjudication.
- 38 (17) Prosecutor. – The district attorney or assistant district attorney assigned by  
39 the district attorney to juvenile proceedings.
- 40 (18) Reasonable efforts. – The diligent use of preventive or reunification services  
41 by a department of social services when a juvenile's remaining at home or  
42 returning home is consistent with achieving a safe, permanent home for the  
43 juvenile within a reasonable period of time. If a court of competent  
44 jurisdiction determines that the juvenile is not to be returned home, then  
45 reasonable efforts means the diligent and timely use of permanency planning  
46 services by a department of social services to develop and implement a  
47 permanent plan for the juvenile.
- 48 (18a) Responsible individual. – A parent, guardian, custodian, or caretaker who  
49 abuses or seriously neglects a juvenile.
- 50 (19) Safe home. – A home in which the juvenile is not at substantial risk of  
51 physical or emotional abuse or neglect.

- 1 (19a) Serious neglect. – Conduct, behavior, or inaction of the juvenile's parent,  
2 guardian, custodian, or caretaker that evidences a disregard of consequences  
3 of such magnitude that the conduct, behavior, or inaction constitutes an  
4 unequivocal danger to the juvenile's health, welfare, or safety, but does not  
5 constitute abuse.
- 6 (20) Shelter care. – The temporary care of a juvenile in a physically unrestricting  
7 facility pending court disposition.
- 8 (21) Substantial evidence. – Relevant evidence a reasonable mind would accept  
9 as adequate to support a conclusion.
- 10 (22) Working day. – Any day other than a Saturday, Sunday, or a legal holiday  
11 when the courthouse is closed for transactions.

12 The singular includes the plural, the masculine singular includes the feminine singular and  
13 masculine and feminine plural unless otherwise specified. (1979, c. 815, s. 1; 1981, c. 336; c.  
14 359, s. 2; c. 469, ss. 1-3; c. 716, s. 1; 1985, c. 648; c. 757, s. 156(q); 1985 (Reg. Sess., 1986), c.  
15 852, s. 16; 1987, c. 162; c. 695; 1987 (Reg. Sess., 1988), c. 1037, ss. 36, 37; 1989 (Reg. Sess.,  
16 1990), c. 815, s. 1; 1991, c. 258, s. 3; c. 273, s. 11; 1991 (Reg. Sess., 1992), c. 1030, s. 3; 1993,  
17 c. 324, s. 1; c. 516, ss. 1-3; 1997-113, s. 1; 1997-390, s. 3; 1997-390, s. 3.2; 1997-443, s.  
18 11A.118(a); 1997-506, s. 30; 1998-202, s. 6; 1998-229, ss. 1, 18; 1999-190, s. 1; 1999-318, s.  
19 1; 1999-456, s. 60; 2005-55, s. 1; 2005-399, s. 1; 2009-38, s. 1; 2010-90, ss. 1, 2; 2011-183, s.  
20 2.)