

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 229  
Committee Substitute Favorable 3/7/94

Short Title: Detain Child Not In School-2.

(Public)

Sponsors:

Referred to:

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PERSONS HAVING TEMPORARY CUSTODY OF JUVENILES TO ESCORT A JUVENILE UNLAWFULLY ABSENT FROM SCHOOL TO THE JUVENILE'S SCHOOL OR A PLACE IN THE LOCAL SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-572(a) reads as rewritten:

"(a) A person who takes a juvenile into custody without a court order under G.S. 7A-571(1), (2), or (3) shall proceed as follows:

(1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of his right to be present with the juvenile until a determination is made as to the need for secure or nonsecure custody. Failure to notify the parent that the juvenile is in custody shall not be grounds for release of the juvenile;

(2) Release the juvenile to his parent, guardian, or custodian if the person having the juvenile in temporary custody decides that continued custody is unnecessary. In the case of a juvenile unlawfully absent from school, if continued custody is unnecessary, the person having temporary custody may deliver the juvenile to the juvenile's school or, if the local city or county government and the local school board adopt such a policy, to a place in the local school administrative unit.

- 1 (3) If the juvenile is not released under subsection (b), the person having  
2 temporary custody shall proceed as follows:  
3 a. In the case of a juvenile alleged to be delinquent or  
4 undisciplined, he shall request a petition be drawn pursuant to  
5 G.S. 7A-561 or if the clerk's office is closed, the magistrate  
6 pursuant to G.S. 7A-562. Once the petition has been drawn and  
7 verified, the person shall communicate with the intake  
8 counselor who shall consider prehearing diversion. If the  
9 decision is made to file a petition, the intake counselor shall  
10 contact the judge or person delegated authority pursuant to G.S.  
11 7A-573 if other than the intake counselor for a determination of  
12 the need for continued custody.  
13 b. In the case of a juvenile alleged to be abused, neglected, or  
14 dependent, he shall communicate with the Director of the  
15 Department of Social Services who shall consider prehearing  
16 diversion. If the decision is made to file a petition, the director  
17 shall contact the judge or person delegated authority pursuant to  
18 G.S. 7A-573 for a determination of the need for continued  
19 custody.
- 20 (4) A juvenile taken into temporary custody under this Article shall not be  
21 held for more than 12 hours unless:  
22 a. A petition or motion for review has been filed by an intake  
23 counselor or the Director of the Department of Social Services,  
24 and  
25 b. An order for secure or nonsecure custody has been entered by a  
26 judge."

27 Sec. 2. This act becomes effective July 1, 1994.