

Local Rules Governing  
Juvenile Delinquency and Undisciplined  
Proceedings  
In The 26<sup>th</sup> Judicial District

Revised September 2024

**LOCAL RULES GOVERNING  
JUVENILE DELINQUENCY AND UNDISCIPLINED PROCEEDINGS  
IN THE 26<sup>TH</sup> JUDICIAL DISTRICT**

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**Rule 1.        Scope**

- (a) These Rules shall apply to all cases in which a petition is filed alleging that a juvenile is undisciplined or delinquent. They are promulgated in compliance with Chapter 7B of the North Carolina General Statute and Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior and District Courts.
- (b) These Rules supersede all previous local rules concerning Juvenile Delinquency and Undisciplined Proceedings.
- (c) These Rules, and all amendments hereafter, shall be filed with the Juvenile Court Clerk and may be cited accordingly as Local Rules Governing Juvenile Delinquency and Undisciplined Rules.
- (d) Where a form is specified to be used, parties must use that form.
- (e) The Delinquency Juvenile Court Coordinator shall maintain and make available to the public copies of these Rules and associated forms upon request.

**Rule 2.        Purpose**

- (a) These Rules establish procedures for delinquency and undisciplined proceedings.
- (b) These Rules are designed to help allocate appropriate rehabilitative services to juveniles who come under the Court's jurisdiction and to protect the public from acts of delinquency.
- (c) These Rules are designed to provide for oversight in case planning; to encourage the involvement of families and juveniles in the process; to help parties present issues and evidence to the court in an efficient manner; to eliminate unnecessary delays in court proceedings in order to reach dispositions in a timely manner; and, to otherwise ensure compliance with Chapter 7B of the North Carolina General Statutes.

**Rule 3.        Construction**

- (a) These Rules shall be liberally construed to accomplish the purposes set forth in Rule 2.

**Rule 4. Definitions**

- (a) For the purposes of these Rules, each term shall be defined consistently with the definitions set out in NCGS §7B-1501. In addition, the following terms are defined herein:
- a. ***Alternatives to Detention (ATD)***: a state-wide program administered by the Division of Juvenile Justice and Delinquency Prevention (DJJ) designed to implement alternatives to detention.
  - b. ***Council for Children’s Rights (CFCR)***: a nonprofit legal and advocacy agency for children that works primarily in the areas of special education, abuse/neglect/dependency, mental health, custody, and juvenile justice.
    - i. ***Children’s Defense Team***: a program of CFCR that is the specialized juvenile public defender program. The CFCR Children’s Defense Team represents all children in delinquency, undisciplined, mental health commitment hearings, and in any case where there is the potential for a deprivation of liberty.
  - c. ***Family Court***: a division of the 26<sup>th</sup> Judicial District having jurisdiction over all juvenile justice matters and over all claims involving familial rights, relationships, and obligations. District Court Judges specializing in such proceedings are assigned to hear these cases and, when possible, to hear all legal issues involving each family.
  - d. ***Family Court Administrator’s Office (FCA)***: all staff of the Family Court Administrator’s Office, including the Juvenile Court Coordinator.
  - e. ***Dual Jurisdiction Cases***: Juvenile Court proceedings involving juveniles who are concurrently under the jurisdiction of the Mecklenburg County abuse/neglect/dependency system and the juvenile justice system.
  - f. ***Rules***: as referenced herein refers to the Local Rules Governing Juvenile Delinquency and Undisciplined Proceedings.

**Rule 5. Calendaring and Monitoring of Delinquency & Undisciplined Cases**

- (a) The calendar for the disposition of delinquency and undisciplined cases shall be maintained by the Juvenile Court Clerk’s Office in accordance with these rules and the annual Juvenile Court Calendar, and under the supervision of the Chief District Court Judge.
- (b) The Presiding Judge shall reschedule all cases “not reached” or continued, and the Juvenile Court Clerk’s Office shall document the rescheduled date on the court calendar

and send notices of the rescheduled date to the juvenile and the juvenile's parent/custodian/guardian.

- (c) The number of cases scheduled shall be within the parameters set by the presiding juvenile judge.

**Rule 6. Dual Jurisdiction Cases**

- (a) Prior to delinquency disposition, DJJ, ADA, and the CFCR/appointed attorney shall be present for YFS proceedings in dual jurisdiction cases. Thereafter, the DA's office and DJJ shall only be present at YFS proceedings in dual jurisdiction cases if there are pending delinquency matters, or if requested by the judge. After disposition of the delinquency matters, it is encouraged that the CFCR attorney stay appointed in the YFS proceedings as the juvenile's express interest attorney, and that the appointed attorney be appointed as the juvenile's GAL in the YFS proceedings.

**Rule 7. Responsibilities of Attorneys**

- (a) The Juvenile Court Clerk shall appoint CFCR to represent all juveniles in delinquency proceedings. The Juvenile Court Clerk shall appoint CFCR to represent juveniles in undisciplined proceedings when there is the possibility for the child to be detained.
- (b) CFCR is responsible for maintaining the court appointment list for juvenile delinquency and mental health commitment cases. When CFCR determines that there is a conflict of interest in a case they shall appoint an attorney in accordance with the standards established by the Mecklenburg County Bar Indigent Representation Committee.
- (c) To be eligible for appointment to represent juveniles, attorneys must satisfy the standards established by the Mecklenburg County Bar Indigent Representation Committee, including a review of standards developed by the NC Juvenile Public Defender and Indigent Defense Services (IDS).
- (d) Leave of court for an attorney to withdraw from a case shall be granted only for compelling reasons.
- (e) An attorney who has a conflict in another court shall comply with the relevant Local Rules and North Carolina general statutes relating to priority, and when absent from

Juvenile Court because of a conflict, shall keep the courtroom Juvenile Court Clerk informed of his or her location at all times.

- (f) The attorney shall notify his/her client of any changes in case calendaring or in the Court's schedule.

**Rule 8. Discovery**

- (a) Discovery shall be automatically produced by the District Attorney's Office within a reasonable period of time and in accordance with NCGS §7B-2300.
- (b) If a juvenile's attorney fails to receive discovery within five calendar days prior to the juvenile's scheduled probable cause hearing or within three calendar days prior to the juvenile's scheduled arraignment hearing, the juvenile's attorney shall notify the assigned ADA and may move to compel discovery.
- (c) Upon receipt of discovery from the District Attorney's Office pursuant to subsection (a) above, the juvenile's attorney shall automatically provide the assigned ADA with reciprocal discovery in accordance with N.C.G.S. §7B-2301. The ADA may move to compel discovery should it not be provided in a timely fashion.

**Rule 9. Continuances/Extensions of Time & Add-Ons**

- (a) Continuances/Extensions of Time beyond the times specified by statute, court order, or these rules, shall be granted only for good cause, regardless of whether the parties agree.
- (b) If exigent circumstances require the addition of a case to a docket (add-on) outside of the regular scheduling procedures outlined herein, the party requesting the add-on shall obtain the approval of the assigned District Court Judge and immediately notify the Juvenile Court Clerk and all other interested parties of the date, time, and purpose of the hearing.

**Rule 10. Court Reports & Summaries**

- (a) DJJ shall distribute a written predisposition report pursuant to NCGS 7B-2413 not less than three business days before all dispositional hearings. The reports must be provided to the ADA and defense attorney. No predisposition report shall be submitted to or considered by the court prior to the completion of the adjudicatory hearing.
- (b) YFS shall provide YFS court summaries to CFCR/appointed attorneys in dual jurisdiction cases, consistent with the A/N/D Local Rules of delivery to GAL attorneys.

**Rule 11. Issuance of After-Hours Juvenile Petitions & Non-Secure Custody Orders**

- (a) The issuance of after-hours Juvenile Petitions and Custody Orders shall be done pursuant to the Mecklenburg County Administrative Order, file stamped June 30, 2023, In Re: Procedures for Filing Certain Juvenile Petitions After Hours and Delegation of Authority to Issue Secure and Non-Secure Custody Orders, effective July 3, 2023.

**Rule 12. Detention Review Hearings in Delinquency & Undisciplined Cases**

- (a) Once DJJ detains a juvenile, DJJ shall notify the ADA and the juvenile's attorney via email of juvenile's detention, the reason for the detention, and the initial detention hearing.
- (b) DJJ shall notify the juvenile and the juvenile's parent/guardian/custodian via phone and/or in-person, of the time and date of the Initial Detention hearing.
- (c) Where a violation of ATD is alleged, the procedures for nonsecure custody set out in NCGS 7B-1903 shall be followed.

**Rule 13. Preparation and Filing of Juvenile Delinquency Petitions**

- (a) The Juvenile Court Clerk's office shall assign the case to a Juvenile Court Judge by Geo-District, prepare a juvenile file, and calendar the case.
- (b) The Juvenile Court Clerk shall file an order to appoint counsel to represent the juvenile, in compliance with Rule 7.
  - a. CFCR shall be appointed to represent each juvenile in every juvenile delinquency case.
  - b. If CFCR determines that there is a conflict of interest in a case, they shall appoint an attorney in accordance with the standards established by the Mecklenburg County Bar Indigent Representation Committee. Appointments of qualifying attorneys shall be made in sequence. The conflict appointed attorney shall represent the juvenile in all proceedings through the resolution of the charges to which they were appointed. Conflict appointed attorneys must appear and represent the juvenile at their initial hearing after appointment without substitution of counsel.
- (c) The Juvenile Court Clerk shall file the petition, summons, and appointment order, and shall deliver them with notice of court appearance to the juvenile's attorney and to the Sheriff for service on the juvenile and the juvenile's parent/guardian/custodian.

**Rule 14. Assignment and Scheduling of Transfer Dispositions**

- (a) After receipt of a disposition transferred from another county, the Juvenile Court Clerk shall assign and schedule the matter to the Juvenile Court Judge by the Geo-District that the juvenile now resides in Mecklenburg County.

**Rule 15. First Appearances, Probable Causes, Return Indictments & Arraignments**

- (a) If scheduled at the time of filing the petition and summons, the Juvenile Court Clerk shall notify all parties of the first appearance hearing, including, the juvenile's parent/guardian/custodian, juvenile's attorney, and the District Attorney's Office.
- (b) Felony charges in which no transfer is sought shall be scheduled for arraignment following the first appearance and should be calendared as soon as there is availability in the assigned Geo-District. If transfer is sought, then felony charges shall be calendared for the probable cause hearing, and the return indictment if applicable.
- (c) The Juvenile Court Clerk shall schedule all pending misdemeanor charges for arraignment as soon as there is availability in the assigned Geo-District.

**Rule 16. Adjudication Pre-Trial Motions**

- (a) The moving party shall notify the Court and opposing counsel or unrepresented party of any motion(s) no later than ten days prior to the scheduled adjudicatory hearing date.
- (b) The court shall resolve all motions on the date of the adjudicatory hearing or may direct the Juvenile Court Clerk to schedule a separate hearing prior to the adjudicatory hearing at which the Court shall address all pre-trial motions.

**Rule 17. Motions for Review in Delinquency Cases**

- (a) At the time a Motion for Review (MFR) is filed, a copy of the MFR and Notice of Hearing shall be immediately provided to the juvenile's attorney and the ADA by the Juvenile Court Clerk via email.
- (b) The DJJ Court Counselor shall personally serve the juvenile and the juvenile's parent/guardian/custodian with the summons and MFR.



**Rule 18. Preparation and Filing of Undisciplined Petitions**

- (a) The Juvenile Court Clerk shall assign the case to a Juvenile Court Judge by Geo-District, prepare a juvenile file, and calendar the case during the assigned Judge's next available delinquency session.

**Rule 19. Adjudication Hearing on Undisciplined Petitions**

- (a) The Court Liaison for the Charlotte-Mecklenburg School System will be responsible for presenting evidence at the adjudication hearing that a juvenile has been unlawfully absent from school. Otherwise, the party that filed the petition shall be responsible for presenting evidence in support of the petition.

**Rule 20. Motions for Review in Undisciplined Cases**

- (a) At the time a Motion for Review is filed, a copy of the MFR and Notice of Hearing shall be immediately provided to defense counsel and the ADA by the Juvenile Court Clerk via email.
- (b) The DJJ Court Counselor shall personally serve the juvenile and parent with the summons and MFR.
- (c) The Juvenile Court Juvenile Court Clerk shall appoint CFCR to represent the juvenile pursuant to the Mecklenburg County Bar Indigent Representation Committee standards and Rule 7.

**Rule 21. Forensic Orders**

- (a) If the court orders a forensic evaluation, DJJ shall provide a copy of the order to the Mecklenburg County Forensic Evaluation Unit (FEU). Thereafter, DJJ shall obtain all required documents and provide to FEU.