

**Juvenile Delinquency Case Decided by the North Carolina Court of Appeals**  
November 5, 2013

**Notification of Extended Commitment; Mootness; Credit for Time Served**

*In the Matter of J.L.H.*, \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (November 5, 2013).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMy8xMy0zODUtMS5wZGY=>

**Facts:** Following adjudications of delinquency for possession of a firearm by a minor and carrying a concealed weapon, the trial court committed the juvenile to a youth development center (YDC) for a maximum period of six months. Approximately 30 days prior to the expiration of the juvenile's commitment period, the juvenile's treatment team notified his father by telephone of its plan to extend the juvenile's commitment. One week later, the Division of Juvenile Justice formally approved an extension of the juvenile's commitment period for up to six months and mailed written notice to the juvenile's parents. The juvenile filed a motion for release from his commitment based on the Division's failure to provide written notice of the proposed extension to the juvenile and his parents at least 30 days prior to the expiration of his scheduled release date, as required by G.S. 7B-2515. The trial court denied the motion, and the juvenile appealed.

**Held:** Reversed and Remanded

- The oral notice the Division provided to the juvenile's father was insufficient to comply with the plain language of G.S. 7B-2515(a), which "clearly and unambiguously" requires *written* notice be provided to the juvenile and his parents at least 30 days in advance of the juvenile's scheduled release date.
- The error was not harmless because the lack of sufficient notice directly impacted the juvenile's ability to contest the proposed extension of his commitment, as provided in G.S. 7B-2515(c).
- The juvenile's appeal was not rendered moot by his release from YDC during the pendency of the appeal because there were adverse collateral consequences, such as the fact that his release date and the commencement of his post-release supervision were delayed by several months.
- The court ordered that the juvenile be given credit toward his one-year period of post-release supervision for the additional time he was committed beyond his initial six-month maximum commitment.



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Appellate court opinions: <http://www.aoc.state.nc.us/www/public/html/opinions.htm>.

Earlier case summaries: <http://www.sog.unc.edu/node/513>.

Other juvenile law resources: <http://www.sog.unc.edu/node/1689>.