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Special Issue

A Report On

The Domestic Relations Courts of North Carolina

The Juvenile Courts of North Carolina

The Juvenile Courts of Other States

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A REPORT ON THE DOMESTIC RELATIONS COURTS IN NORTH CAROLINA, THE JUVENILE COURTS IN NORTH CAROLINA, AND THE JUVENILE COURTS OF OTHER STATES

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THE COMMITTEE ON IMPROVING AND
EXPEDITING THE ADMINISTRATION OF JUSTICE
IN NORTH CAROLINA
OF
THE NORTH CAROLINA BAR ASSOCIATION

J. SPENCER BELL, CHAIRMAN
SUITE 1014, WACHOVIA BANK BUILDING
CHARLOTTE, NORTH CAROLINA

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June 2, 1958

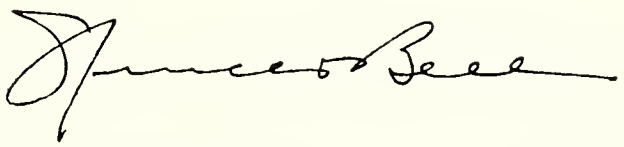
To the Lawyers of North Carolina:

This issue of *Popular Government* makes available to you the fourth major research report prepared for the Committee on Improving and Expediting the Administration of Justice in North Carolina.

The Committee has had the benefit of this report, and many others which will be distributed to you as fast as the mechanics of printing and distribution permit. The Committee has sought to act only upon facts, and not upon impressions drawn from individual limited experience.

We urge you to read this report carefully and give us the benefit of your thinking. If the Court Study Committee, the Bar, and the citizens of the State generally can start with a true picture of our court system as it is, we feel certain that we can arrive at conclusions and recommendations which will make a significant contribution toward improvement in the administration of justice in North Carolina.

Sincerely yours,



J. Spencer Bell

JSB mj

Introduction

by Albert Coates, Director of the Institute of Government
University of North Carolina
Chapel Hill

For those who have not read previous reports it should be said:

1. That at the request of the Governor of North Carolina the North Carolina Bar Association appointed a Committee on Improving and Expediting the Administration of Justice in North Carolina;

2. That with the aid of funds procured by the Governor this Committee of lawyers and laymen started the Institute of Government on a series of studies of the structure and working of the courts in North Carolina from colonial beginnings to the present day;

3. That the first of these studies outlined the evolution of the structure and jurisdiction of the courts and was published in a Special Issue of *Popular Government* in March 1958 under the heading of "The Courts of Yesterday, The Courts of Today, The Courts of Tomorrow;

4. That the second of these studies was a report on the developing and carrying out of the Civil Study Project, Congestion and Delay in the Superior Courts, and Some Causes of Congestion and Delay, and was published in a Special Issue of *Popular Government* in April 1958 under the heading of "Civil Litigation in North Carolina";

5. That the civil litigation study will continue with reports on;

   (1) The Costs of Litigation in the Superior Court,
   (2) Civil Litigation in Courts Below the Superior Court,
   (3) Analysis of Delay in the Superior Court,

6. That the third of these studies was a report on the developing and carrying out of the Study of Criminal Justice in North Carolina, Prosecution of the Criminal Dockets in North Carolina, Effect of Inferior Criminal Courts, Mayors Courts, and Justice of the Peace Courts on the Superior Court Criminal Dockets, and the Criminal Business of the Justice of the Peace in North Carolina, and was published in a Special Issue of *Popular Government* in May 1958 under the heading of "The Administration of Criminal Justice in North Carolina";

7. That the administration of criminal justice report will continue with reports on

   (1) Motor Vehicle Cases in the Superior and Inferior Courts of North Carolina,
   (2) Trial by Jury in the Inferior Courts in North Carolina,
   (3) Criminal Caseloads, Pleas, Dispositions, and Punishment in the Criminal Courts,
   (4) The Use of Bonds, Defense of Persons Accused of Crime, and Other Matters;

8. That the fourth of these studies is appearing in this issue of *Popular Government* under the heading of A Report On the Domestic Relations Courts in North Carolina, The Juvenile Courts in North Carolina, and The Juvenile Courts of Other States; and

9. That other studies in related areas will follow those listed above.

A REPORT ON
The Domestic Relations Courts In North Carolina, the Juvenile Courts In North Carolina, and the Juvenile Courts of Other States

By Roddey M. Ligon, Jr.
Assistant Director, Institute of Government

The author expresses his appreciation to the following persons and groups whose assistance helped to make this study possible: the judges and staffs of the domestic relations courts and the juvenile courts throughout the state; Dr. Ellen Winston, Commissioner of Public Welfare, and her staff; the National Parole and Probation Association; Frederick A. Babson, Jr., UNC law student and many others.

DOMESTIC RELATIONS COURTS IN NORTH CAROLINA

I. Historical Development

The act authorizing the establishment of domestic relations courts in North Carolina was originally enacted in 1929, and authorized their establishment only in counties having a county seat with a population of at least 25,000, and in cities having a population of at least 25,000. Eleven counties were expressly exempted from the original act. Those counties were: Buncombe, Forsyth, Guilford, Durham, Wake, Gaston, New Hanover, Pitt, Wayne, Nash and Edgecombe. According to the 1930 census, the only cities in North Carolina with a population in excess of 25,000 were Asheville, Charlotte, Durham, Greensboro, High Point, Raleigh, Wilmington, and Winston-Salem. Inasmuch as all of these cities except Charlotte were located in counties which were expressly exempted from the act, the act was applicable only to Mecklenburg County and the City of Charlotte at the time of its passage. Mecklenburg County and the City of Charlotte established a joint domestic relations court in 1929. In 1931, the 1929 act was amended to delete Forsyth from the list of counties expressly exempted. Thus, Forsyth County became the second county in the state and Winston-Salem the second city in the state to have authority to establish a domestic relations court. It is interesting to note, however, that neither has established such a court to date although they do have a city-county juvenile court (see Report on Juvenile Courts in North Carolina) and are considering establishing a joint domestic relations court. In 1941, the 1929 act was amended to delete the exemption of Buncombe and Wake Counties from its provisions, and a domestic relations court was established in Buncombe County in 1941 and in Wake County in 1948. In 1947, the 1929 act was amended to delete the exemption of New Hanover County, but a domestic relations court has never been established in that county. In 1949, the 1929 act was amended to delete the exemption of Durham, Guilford, and Gaston Counties. A Guilford County-Cities of Greensboro and High Point joint domestic relations court was established in 1954. Durham County has not established a domestic relations court, but does have a special juvenile court. Since Gaston County did not have a county seat with a population of 25,000, deleting that county from the exemption did not authorize the establishment of a court in that county; however, the 1949 amend-

ment also authorized any county with a population of 85,000 (as well as any county with a county seat with a population of 25,000, or any city with a population of 25,000) to establish a domestic relations court. According to the 1950 census, Gaston and Robeson Counties were the only two with a population in excess of 85,000 which did not have a county seat with a population of 25,000. They were, therefore, the only two counties made eligible by this part of the 1949 amendment. A Gaston County-City of Gastonia joint domestic relations court was authorized and was established in 1953. Robeson County has not established a domestic relations court to date. In 1951 the 1929 act was amended to authorize any county, and any city or town with a population of at least 5,000, to establish domestic relations courts. Thus, the requirement that the county seat have a population of at least 25,000 was deleted so that any county could establish such a court; and the requirement that cities have a population of at least 25,000 was reduced to 5,000 so that any city with a population of at least 5,000 could establish such a court, or join with the county or other similar cities in the formation of a joint domestic relations court. Pursuant to this amendment Cabarrus county became eligible to establish a domestic relations court and did so in 1954. The counties of Franklin, Henderson, and Transylvania were exempted from the 1951 amendment so that it would appear that the 25,000 requirement still applies to those counties and, since none of those counties has a city with a population of 25,000, they are still without authority to establish such a court. Adding these three to the counties originally exempted and whose exemption has not been deleted, it would appear that at the present time the following counties are not authorized to establish a domestic relations court: Edgecombe, Franklin, Henderson, Nash, Pitt, Transylvania and Wayne.

In 1955, the 1929 act was amended to authorize up to five counties with abutting boundaries, and cities with a population of at least 5,000 located in any of five cooperating counties with abutting boundaries, to establish joint domestic relations courts. Since this act was an amendment to the general laws first passed in 1929, it would appear that the counties of Edgecombe, Nash, Pitt, and Wayne could not participate in the establishment of a joint domestic relations court under its provisions. However, as to Franklin, Henderson and Transylvania Counties, since they were under the 1929 act and only exempted from the 25,000 population amendment of 1951, and since the 1955 amendment was an additional method of establishing joint domestic relations courts, it would appear that these counties could join with up to five abutting counties (or cities within the five or less abutting counties) in the formation of a joint domestic relations court.

II. Existing Domestic Relations Courts

The present statutes governing the creation and activities of domestic relations courts in North Carolina may be found in G.S. 7-101 through 7-111. They authorize the board of county commissioners (except in the exempted counties noted above) to establish a domestic relations court for the county; authorize the county commissioners and the governing body or bodies of any city or cities within the county to establish a joint city and county domestic relations court; authorize the governing body of any city (defined throughout as any incorporated city or town with a population of 5,000 or more according to latest decennial census) to establish a city domestic relations court; authorize the governing bodies of any two or more cities within a county to establish a joint domestic relations court; authorize the county commissioners of any group of counties, not exceeding five, with abutting boundaries to establish a domestic relations court; authorize the county commissioners and the governing bodies of any cities within not more than five abutting counties to form a joint domestic relations court; and, authorize the governing body of any cities within not more than five abutting or cooperating counties to establish a joint domestic relations court. The estabilshment of a joint city and county domestic relations court will not prevent another city within the county from establishing its own domestic relations court if it has a population in excess of 25,000.

Under this authority, six domestic relations courts have been established in North Carolina. Three of these are county domestic relations courts and three are joint city and county domestic relations courts. There are no city domestic relations courts, no joint county domestic relations courts, and no joint city domestic relations courts. The three county courts are: (1) the Buncombe County Domestic Relations Court, (2) the Cabarrus County Domestic Relations Court, and (3) the Wake County Domestic Relations Court. The City-County courts are: (1) the Gaston County-City of Gastonia Domestic Relations Court, (2) the Guilford County-Cities of Greensboro and High Point Domestic Relations Court, and (3) the Mecklenburg County-City of Charlotte Domestic Relations Court. Although only six counties have established domestic relations courts, more than one-fourth of the state's population resides in those counties.

Two problems of statutory construction arise in connection with the statutes authorizing the establishment of domestic relations courts. The

first involves the question of whether or not two or more cities in abutting counties may establish a domestic relations court for such cities, if the counties in which they are located do not join in the establishment of the court. G.S. 7-101 was amended in 1955 to provide: "The board of county commissioners of any of a group of counties, not exceeding five, with abutting boundaries, or the governing body of any incorporated city within the boundaries of the cooperating counties, shall have authority to establish a joint domestic relations court as provided in § 7-102 or a court for the counties cooperating in the establishment of such a court, or city or cities within such counties as may be determined by the governing bodies." Do the words "such counties" near the end of the sentence refer to counties with abutting boundaries or do they refer to cooperating counties? If they refer to counties with abutting boundaries, it would appear that the cities might form a joint domestic relations court even though the counties in which they are located do not participate; but, if they refer to cooperating counties, it would appear that the counties would have to be participating in the establishment of the court before the cities could join in. The statutes make it clear that cities within a county may join in the establishment of a domestic relations court without the county participating. Would this be desirable for cities in abutting counties?

The second question raised is whether or not the governing bodies of cities and towns must vote on the establishment of joint county domestic relations courts when the cities are not cooperating in the establishment of such court. The first paragraph of G.S. 7-102 provides that if a county and city join in the establishment of a joint county-city domestic relations court, the two governing bodies are to vote separately on the establishment of such court. A second paragraph which was added to this section in 1955 provides: "If two or more counties, not exceeding five, cooperate in the joint establishment of such court [such court apparently means a domestic relations court], the boards of commissioners of such cooperating counties and the governing authorities of cities and towns therein shall follow the same procedure for the establishment of such court as is provided in the preceding paragraph." Was it not the intent of the drafters of this statute to require the cities and towns to be *cooperating* cities and towns before they could vote on the establishment of the court? Without modifying the words "cities and towns" with the word "cooperating" or a similar word, is the section not subject to the interpretation that the governing bodies of all cities and towns in the cooperating counties must vote on the establishment of the court irrespective of their participation in the financing of such court? The same problem arises in connection with the election of the judge and the financing of the court which will be discussed subsequently under the section on personnel.

III. Jurisdiction

A. General

G.S. 7-103 sets out the jurisdiction of domestic relations courts. Domestic Relations Courts automatically assume all of the jurisdiction granted to juvenile courts (a report on juvenile courts in North Carolina will follow this report), and, in addition, are given "exclusive original jurisdiction" over the following classes of cases:

(a) All cases where an adult is charged with abandonment, nonsupport, or desertion of any minor child, or where either spouse is charged with abandonment, nonsupport, or desertion of the other;

(b) All cases involving voluntary desertion of any juvenile by its mother;

(c) All cases involving the custody of juveniles, including the authority to make orders concerning tuition and maintenance of said juveniles, except where the case is tried in Superior Court as a part of any divorce proceeding;

(d) All cases where assault, or assault and battery, on a juvenile is charged against an adult, or where husband or wife is charged with assault, or assault and battery, upon the other;

(e) All cases in which an adult is charged with causing or being responsible for delinquency, dependency, or neglect of a juvenile;

(f) All bastardy cases within said county;

(g) All cases wherein any person is charged with receiving stolen goods from any juvenile, knowing them to be stolen;

(h) All cases involving a violation of . . .laws relative to school attendance . . .;

(i) In an action for divorce where the pleadings show that there are minor children; if the pleadings also show that custody of said children is controverted, or if any judge of the Superior Court having jurisdiction to try said action so directs, it shall be the duty of the clerk of Superior Court to refer the case for investigation as to the child, or children, to the domestic relations court, and the judge of the domestic relations court shall make his recommendations to the judge of the Superior Court as to the disposition of the child, or children, for the consideration of the judge of the Superior Court in disposing of the custody of the said child or children.

(j) All cases in which an adult is charged with failure to support a parent;

(k) All cases where a husband and wife are charged with an affray between each other.

Also, Chapter 52A of the General Statutes of North Carolina requires that all actions under the Uniform Reciprocal Enforcement of Support Act in which this state is the initiating state be commenced in the Superior Court or domestic relations court. This act also defines "court" to mean any court of record in this state having jurisdiction to determine liability of persons for the support of dependents in any criminal proceedings, thereby giving the domestic relations courts jurisdiction when this state is the responding state.

B. Exclusiveness of Jurisdiction

As noted above, G.S. 7-103 grants the domestic relations courts "exclusive original jurisdiction" over the types of cases listed. This is the terminology used in the original act (1929) and it has remained unchanged. This section must be construed, however, in connection with other statutory provisions.

G.S. 7-64 provides: "In all cases in which by statute original jurisdiction of criminal actions has been, or may hereafter be, taken from the superior court and vested exclusively in courts of inferior jurisdiction, such exclusive jurisdiction is hereby divested and jurisdiction of such actions shall be concurrent and exercised by the court first taking cognizance thereof. The provisions of this section shall remain in full force and effect, unless expressly repealed by some subsequent act of the General Assembly, and shall not be repealed by implication or by general repealing clauses in any act of the General Assembly conferring exclusive jurisdiction on inferior courts in misdemeanor cases which may be hereafter enacted. Appeals shall be, as heretofore, to the superior court from all judgments of such inferior courts: Provided, that this section shall not apply to the counties of Alleghany, Cabarrus, Caswell, Cherokee, Clay, Craven, Currituck, Dare, Davidson, Edgecombe, Gates, Graham, Granville, Guilford, Harnett, Henderson, Hertford, Hyde, Iredell, Jones, Lenoir, New Hanover, Pamlico, Perquimans, Rockingham, Rutherford, Scotland, Union, Warren." Thus, in Cabarrus and Guilford counties the Superior Court does not have concurrent jurisdiction with the domestic relations court as to any of the offenses listed in G.S. 7-103; whereas, in Buncombe, Mecklenburg, Gaston, and Wake counties, the Superior Court does have concurrent jurisdiction with the domestic relations court over certain of those offenses. It should be noted that G.S. 7-64 operates only in cases where original jurisdiction of criminal actions has been taken from the Superior Court and vested exclusively in an inferior court. Thus, if the offense were punishable by a fine of not more than $50 or imprisonment for not more than 30 days at the time exclusive jurisdiction was purportedly given to the domestic relations court, the offense would not have been taken from the Superior Court, G.S. 7-64 would be inapplicable, and the Superior Court would not have concurrent jurisdiction as to that offense. The offenses which were taken from the Superior Court and placed in the domestic relations courts appear to be: (1) abandonment and nonsupport of wife or children; (2) assaults and affrays other than simple assaults as set out in G.S. 14-33; (3) contributing to the delinquency, dependency or neglect of a minor; (4) receiving stolen goods from a minor; and, (5) failure to support a needy parent. The other items of jurisdiction are (or were in 1929) civil in nature (custody, reciprocal support, and bastardy), or else within the justice of the peace jurisdiction (simple assault and violation of compulsory school attendance laws).

There appears to be another limitation on the "exclusive original jurisdiction" phrase which prevents it from meaning what it says, even in Cabarrus and Guilford counties where G.S. 7-64 is inapplicable. This limitation is the concurrent jurisdiction of the justices of the peace. G.S. 7-108 declares that all offenses for the trial of which the domestic relations court is given jurisdiction are petty misdemeanors punishable as now prescribed by law. Although there is dictum in our law indicating that all petty misdemeanors are punishable only by a fine of $50 or imprisonment for 30 days [see *State v. Myrick*, 202 N.C. 688 (1932)] which would cause all of the offenses cognizable by a domestic relations court to be subject to that limitation, the prevailing rule seems to be that the legislature may prescribe a punishment for an offense (short of that authorized for a felony) and then declare that offense to be a petty misdemeanor without changing the punishment. See *State v. Lylte*, 138 N.C. 738 (1905). This was apparently contemplated by the legislature, as G.S. 7-106 states that the punishments imposed in the domestic relations court are to be the same as those prescribed by law for courts having original jurisdiction over those offenses at the time of the establishment of the domestic relations court. Without regard to the definition of petty misdemeanor, it is questionable that the domestic relations courts have exclusive jurisdiction over such of the offenses listed in G.S. 7-103 as in fact carry a maximum punishment of a fine of $50 or imprisonment for 30 days (those being simple assault and violation of school attendance laws). As to these offenses, it would seem that the jurisdiction is concurrent with that of the justice of the peace rather than exclusive. The Supreme Court cases indicate that the legislature may give a city court exclusive jurisdiction over $50—30 days cases and thereby deprive the

justice of the peace of his jurisdiction within that city, but that they cannot give exclusive jurisdiction to a county court and deprive the justice of the peace of at least concurrent jurisdiction over such offenses. See *State v. Doster,* 157 N.C. 634 (1911); *State v. Brown,* 159 N.C. 467 (1912); *State v. Norman,* 237 N.C. 205 (1953).

In summary, it appears:

(1) that the purported grant of exclusive original jurisdiction to the domestic relations courts over certain offenses does not actually give them exclusive jurisdiction;

(2) that in Cabarrus and Guilford counties, the Superior Court does not have concurrent jurisdiction with the domestic relations court over any of the offenses listed in G.S. 7-103;

(3) that in Buncombe, Mecklenburg, Gaston, and Wake counties, the Superior Court does have concurrent jurisdiction with the domestic relations court over those offenses listed in G.S. 7-103 which were taken from the Superior Court and put within the jurisdiction of the domestic relations court upon its establishment;

(4) that in all of the counties with domestic relations courts the justices of the peace have concurrent jurisdiction with the domestic relations court over offenses listed in G.S. 7-103 in which the maximum authorized punishment is a fine of $50 or imprisonment for 30 days.

C. Discussion of Various Items of Jurisdiction

As noted above, a domestic relations court, upon its establishment, assumes all of the jurisdiction of the juvenile court. The six domestic relations courts received a combined total of approximately 4,727 official and unofficial juvenile case referrals during 1956. This jurisdiction is discussed in the report on the juvenile courts of North Carolina. The other items of jurisdiction will be discussed individually.

1. Abandonment and Nonsupport

The statutes provide that the domestic relations courts have jurisdiction over all cases in which an adult is charged with abandonment, nonsupport, or desertion of any minor child, or where either spouse is charged with abandonment, nonsupport, or desertion of the other. This provision was in the original act of 1929 except that it then referred to abandonment, etc. of a juvenile. The word "juvenile" was changed to "minor child" in 1943. The six domestic relations courts heard a combined total of approximately (the statistical information will be listed as approximate since calendar year 1956 figures were obtained from five of the courts and fiscal year 1956-57 figures were obtained from one of the courts) 4,161 cases concerning abandonment and failure to support (including bastardy cases and cases under the Uniform Reciprocal Enforcement of Support Act) during the calendar year 1956, and collected a combined total of approximately $1,149,960.80 support money during the same period (for a court-by-court breakdown of all statistical information, see the Appendices).

G.S. 14-322 (as amended by the 1957 General Assembly) makes it a misdemeanor for a husband wilfully to abandon his wife without providing her with adequate support, and a misdemeanor for a father or mother wilfully to neglect or refuse to provide adequate support for his or her children, whether or not he or she abandons said child or children [the 1957 amendment filled a gap in the law under which it was no crime for a husband, not living with his wife, to fail to provide adequate support for his children if he had not abandoned them; see *State v. Outlaw,* 242 N.C. 220 (1955)]. G.S. 14-325 makes it a misdemeanor for a husband, while living with his wife, to wilfully neglect to provide adequate support for such wife or the children he has begotten upon her. G.S. 14-326 makes it a misdemeanor for the mother of any child under 16 years of age, whether legitimate or illegitimate, to wilfully abandon such child. G.S. 14-325.1 declares that the offense of wilful neglect or refusal of a father to support his child or children, and the offense of wilful neglect or refusal to support and maintain one's illegitimate child, are deemed to have been committed in this state whenever the child is living in this state at the time of such wilful neglect or refusal to support.

All of the above listed offenses would fall within the abandonment and non-support jurisdiction of the domestic relations court. There does not appear to be, however, any substantive crime of a wife abandoning, failing to support, or deserting her husband, and thus there would be no crime for the courts to take cognizance of under this part of their jurisdiction.

2. Desertion of Juvenile by Mother

The statutes provide that the domestic relations courts have jurisdiction over all cases involving voluntary desertion of any juvenile by its mother. This provision was in the original act of 1929 and has remained unchanged. As noted above, G.S. 14-326 makes it a misdemeanor for a mother wilfuly to abandon her child or children, whether legitimate or illegitimate, if the child or children be under 16 years of age.

3. Custody of Juveniles

The statutes provide that the domestic relations courts have jurisdiction over all cases involving the custody of juveniles, including the authority to make orders concerning the tuition and maintenance of said juveniles, except where the case is

tried in Superior Court as a part of any divorce proceeding. This provision was in the original act, except for the part which was added by the 1957 General Assembly authorizing the court to make orders concerning the tuition and maintenance of said juveniles. The six domestic relations courts passed on a combined total of approximately 799 custody cases during the calendar year 1956.

There are several problems concerned with juvenile-custody jurisdiction. The first involves the fact that the word "juvenile" is not defined at any place in the article dealing with domestic relations courts, nor is it actually defined in Atricle 2, Chapter 110 of the General Statutes dealing with juvenile courts. That article defines a child as one under 16 years of age. In the absence of a specific definition, it is supposed that a juvenile would be considered as one subject to the jurisdiction of a juvenile court, which means one under 16 according to G.S. 110-23. Also, it would appear that the legislature did not intend the word juvenile here to mean any minor child since, in 1943, it changed the word juvenile to minor child in subsection 1 as noted above. Thus, it would appear that the jurisdiction of domestic relations courts over custody controversies is limited in any case to ones in which the individual whose custody is controverted is under 16 years of age.

Another, and probably more difficult problem, is a determination of how this grant of "exclusive original jurisdiction" ties in with the other grants of jurisdiction to determine custody controversies by other courts under other sections of the General Statutes. G.S. 50-13 authorizes the Superior Court hearing a divorce case to make a custody award. There is no difficulty here as the authority of the domestic relations court to make custody awards is expressly limited in those cases. But suppose the wife is seeking alimony without divorce in the Superior Court under G.S. 50-16, and she requests custody of the minor children of the marriage. G.S. 50-16, by amendment in 1953, authorized the court hearing the alimony without divorce action to enter custody orders. In this situation, does the domestic relations court have "exclusive original jurisdiction" or even concurrent jurisdiction to make the custody determination, or does the "alimony-without-divorce court" have jurisdiction (assuming the alimony-without-divorce action is being heard in a county which has a domestic relations court)? Did the part of the 1953 amendment to G.S. 50-16 which provided that "All laws and clauses of laws in conflict with this Act are hereby repealed" repeal the jurisdiction of the domestic relations court in such cases?

Suppose there is a custody controversy between parents separated but not divorced in a county having a domestic relations court. Does the domestic relations court have jurisdiction to hear the controversy, or must a habeas corpus action be brought in the Superior Court? G.S. 17-39 authorizes custody controversies between husband and wife, separated but not divorced, to be brought in the Superior Court by way of a habeas corpus proceeding. This provision was first enacted in 1859. Did the part of the 1929 domestic relations court bill, which provided that the domestic relations court was to have exclusive original jurisdiction in non-divorce custody cases, by implication repeal the applicability of G.S. 17-39 to counties having domestic relations courts (the 1929 act did not contain a general repealer clause)?

Suppose the custody controversy is between parties who were divorced outside of North Carolina, and the case arises in a county having a domestic relations court. Does the domestic relations court have jurisdiction to hear the case, or must it be heard by the Superior Court by way of a special proceeding under the provisions of G.S. 50-13? G.S. 50-13 was amended in 1939 to provide that custody of children of parents divorced outside of North Carolina may be determined in a special proceeding instituted by either parent (or the surviving parent if one be dead) in the Superior Court of the county in which the petitioner resides. Did the part of this amendment which provided that "All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed," by implication repeal the exclusive original jurisdiction of the domestic relations courts in such cases? And, if so, did the use of the permissive term "may be" in the 1939 amendment leave the domestic relations court with concurrent jurisdiction in such cases?

Suppose the controversy arises between a parent (who is the petitioner) and a non-parent in a county having a domestic relations court. Would the domestic relations court have jurisdiction, or would the proper procedure be a special proceeding in the Superior Court under the provisions of G.S. 50-13? G.S. 50-13 was further amended in 1949 to provide that controversies respecting the custody of children not provided for by this section (divorce cases and cases of parties divorced outside of North Carolina) or section 17-39 (habeas corpus) may be determined in a special proceeding instituted by either of said parents, or by the surviving parent if the other be dead, in the Superior Court of the county in which the petitioner or respondent or child resides. Did the terms of this amendment oust the authority of the domestic relations court to make custody determinations (there was no general repealer to the bill making this amendment)? Did the use of the permissive term

"may be" leave the domestic relations court with concurrent jurisdiction in cases in which the parent is the petitioner? [Note that the venue for the trial of those cases was changed in 1953 to place it only in the county in which the child resides.]

Suppose the custody controversy is between a non-parent (who is the petitioner) and a parent, or between two non-parents. Since the 1949 amendment to G.S. 50-13 uses the words "a special proceeding instituted by either of said parents, or by the surviving parent if the other be dead," it would appear that actions initiated by one other than a parent would not fall within this provision and would, therefore, fall within the jurisdiction of the domestic relations court where one exists.

In addition to the statutes discussed above dealing with custody, the 1957 General Assembly added G.S. 17-39.1 (effective May 7, 1957) to provide that the habeas corpus procedure may be used in any case (in the discretion of the judge) in which custody is in controversy, in addition to all other methods authorized by law. This would appear to eliminate the exclusiveness of the domestic relations court's jurisdiction in any case, and make that jurisdiction concurrent in cases which would otherwise have fallen within the jurisdiction of the domestic relations court.

With this mass of statutes dealing with jurisdiction to make custody determinations, just what jurisdiction do the domestic relations courts have? Although the extent of their jurisdiction is by no means clear, it would appear that the following rules could be considered a logical interpretation of the extent of their jurisdiction:

(a) that they have no jurisdiction to determine custody in any case in which the child whose custody is subject to controversy has reached his 16th birthday;

(b) that they have exclusive jurisdiction in no cases, as cases which might have fallen within their exclusive jurisdiction may now be heard by way of a habeas corpus proceeding in the Superior Court;

(c) that they have no jurisdiction to determine custody controversies between parents who have a divorce action pending in this state;

(d) that they have concurrent jurisdiction (with the Superior Court) to determine custody controversies in all other cases.

On the other hand, if the 1939 and 1949 amendments to G.S. 50-13 (which use the words "may be determined") are construed to be mandatory rather than permissive, it would appear that the domestic relations court has no jurisdiction except concurrent jurisdiction in cases in which the parents are separated but not divorced, and concurrent jurisdiction in cases in which the petitioner is a non-parent.

[All of the above discussion concerns jurisdiction in the sense of jurisdiction over the subject matter of the action; it assumes that the court has jurisdiction over the person, which normally means that the child is residing in this state].

Although a domestic relations court may have jurisdiction and may make a custody award, it appears that such award can be changed by the divorce court should an action for divorce subsequently arise. See *Robbins v. Robbins*, 229 N.C. 430 (1948).

With regard to the custody jurisdiction of the Superior Court in divorce cases, G.S. 7-103(i) provides that in any action for divorce where the pleadings show that there are minor children and that the custody of those children is controverted (or, if the judge of the divorce court so directs), it is the duty of the clerk of the divorce court to refer the case to the domestic relations court for investigation and recommendations. (Prior to 1955, it was mandatory that the referral be made in all divorce cases involving minor children.)

It should be noted that this section appears to authorize the referrral only when custody is controverted in divorce actions, and not when the Superior Court is determining custody under other circumstances (such as in connection with an alimony without divorce or habeas corpus action). If this is a desirable provision for divorce cases, is it not a desirable provision in other types of custody cases?

It should also be noted that although the Superior Court judge may refer the case to the domestic relations court under the circumstances set out above, he may not have an officer of the law (or presumably any other person) make a private investigation of the parties and base his findings and an adjudication in part on the secret information thus obtained. *In Re Custody of Gupton*, 238 N.C. 303 (1953). Nor may a judge determining a custody case confer with the minor in chambers in the absence of counsel and the parties unless they waive their right to be present. *Raper v. Berrier*, 246 N.C. 193 (1957); *In Re Gibbons*, 245 N.C. 24 (1956). Since these two cases are based upon constitutional grounds, the legality of a custody award based upon information obtained by the judge under G.S. 7-103(i) might be questionable.

4. Assault and Battery

The statutes provide that the domestic relations courts have jurisdiction over all cases in which assault or assault and battery on a juvenile is charged against an adult, or where husband or wife is charged with assault, or assault and battery, upon the other. This provision was in the original act

of 1929 and has remained unchanged. The six domestic relations courts heard a combined total of approximately 2,364 cases falling under this heading during the calendar year 1956.

G.S. 14-33 sets out the punishment authorized for assaults and assaults and batteries. It provides that the punishment is not to exceed a fine of $50 or imprisonment for 30 days when no deadly weapon has been used and no serious damage has been done except in cases of assault with intent to commit rape, assault with intent to kill, assault or assault and battery by any man or boy over 18 years of age on any female person, or cases in which the person committing the assault (excepting parents, school teachers, guardians or persons in loco parentis) is 18 years old or over and the person on whom the assault is committed is under the age of 12 years. In the excepted cases the punishment is a fine or imprisonment within the discretion of the court.

One problem connected with this grant of jurisdiction is a determination of what is meant by the terms used. It has previously been assumed that the word juvenile, although nowhere defined, means a child subject to the jurisdiction of a juvenile court (one under 16 years of age). But, what constitutes an adult? Does it mean one not a juvenile (that is, one 16 or over), or does it carry its ordinary meaning of one who has reached his 21st birthday? Suppose a case arises in which a person 17 years of age is charged with assaulting a person who is 14 years of age. Does the domestic relations court have jurisdiction over such a case? The term "adult" is defined in G.S. 110-23 (the Juvenile Courts Article of the Child Welfare Chapter of the General Statutes) as a person 16 years of age or older. Is that definition limited to the juvenile court article or does it carry over to the domestic relations court chapter? According to Black's Law Dictionary, at common law an adult was one who had reached the age of majority, generally 21 years of age. Thus, it may be that the domestic relations court would not have jurisdiction over the hypothetical case stated above.

A question might be raised as to whether or not an assault by an adult on a juvenile should be within the province of a domestic relations court. Is it a domestic relations matter? Does the fact that the person assauited is a juvenile cause it to be a domestic relations matter when the person doing the assaulting is not a member of the same family? If the conclusion is reached that it is properly within the province of the domestic relations court, would it be beneficial to clarify the law with repect to whether an assault by one 16 or over but under 21 (on one under 16) is within the jurisdiction of that court?

For a discussion of jurisdiction over cases of affrays between husband and wife (added by the 1957 General Assembly), see subsection 10 below.

It might be noted that the common law principle that a wife committing a criminal act in the presence of her husband is rebuttably presumed to have acted under the coercion of her husband still exists in North Carolina. *State v. Cauley,* 244 N.C. 701 (1956). Although this presumption may be inapplicable to cases of assault by a wife on her husband (and if applicable it could no doubt be easily rebutted), the fact that it still exists seems worthy of note.

5. Contributing to Delinquency or Neglect of Juveniles

The statutes provide that the domestic relations courts have jurisdiction over all cases in which an adult is charged with causing or being responsible for delinquency, dependency or neglect of a juvenile. This provision was in the original act of 1929 and has remained unchanged. The six domestic relations courts heard a combined total of approximately 186 cases falling under this heading during the calendar year 1956.

The same question arises here that was discussed above in connection with an assault by an adult on a juvenile; that is, what constiutes a juvenile and what constitutes an adult for this purpose. Again, if we assume that a juvenile is one subject to the jurisdiction of a juvenile court (one under 16 years of age), is an adult one who is not a juvenile (over 16 years of age), or does the common law definition of adult apply, in which case the defendand would have to be 21 in order to come within this jurisdiction?

G.S. 110-39, although one continuous sentence, appears to set out two crimes, one of neglect by parents or other persons having custody of a juvenile, and the other that of contributing to the delinquency, dependency, or neglect of a juvenile by a person having custody or by some other person. It provides that it is to be a misdemeanor for a parent, guardian, or other person having custody of a child to omit to exercise reasonable diligence in the care, protection or control of such child, causing it to be adjudged delinquent, neglected, or in need of the care, protection or discipline of the state, as provided in the juvenile court article, or who permits such child to associate with vicious, immoral or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation or any place where gambling is carried on, or to enter any place which may be injurious to the morals, health, or general welfare of such child. This section further provides that it is to be a misdemeanor for any person having custody of a child or any other

person to knowingly and wilfully be responsible for, encourage, aid, cause or connive at, or knowingly or wilfully do any act to produce, promote or contribute to the condition which causes a child to be adjudged delinquent, neglected, or in need of the care, protection or discipline of the state. [Note that this section uses the word child rather than juvenile. This article (the juvenile court article) defines a child as one under 16 years of age. It does not, however, expressly resolve the question of whether or not the commission of these crimes falls within the jurisdiction of the domestic relations court if the defendant is under 21 years of age.]

A question might be raised as to whether the second of these crimes should be within the jurisdiction of a domestic relations court, If the defendant is one other than a parent, guardian, or one with custody of the child, is it a domestic relations matter merely because the victim of the offense is a child? One consideration is that the child must have been actually adjudged delinquent, dependent, or neglected before the defendant can be convicted of contributing to such delinquency, dependency or neglect. *State v. Ferguson*, 191 N.C. 668 (1926). The adjudication of delinquency must be made by the domestic relations court or juvenile court (where there is no domestic relations court), and may not be made by the Superior Court which is trying the defendant under this section. *State v. Ferguson*, supra. Thus, it could be argued that the domestic relations court which makes the adjudication that the juvenile is delinquent, dependent, or neglected is best able to hear and determine the guilt or innocence of the defendant charged with contributing to that delinquency, dependency or neglect.

6. Bastardy

The statutes provide that the domestic relations courts have jurisdiction over "all bastardy cases in said county." This provision was in the original act of 1929 and has remained unchanged. The statistics re non-support cases set out in subsection 1 above include the bastardy cases. The statistics obtained from some of the domestic relations courts did not separate the bastardy cases from other non-support cases.

G.S. 49-2 makes it a misdemeanor for any parent wilfully to neglect or refuse to support and maintain his or her illegitimate child. It defines a child, for purposes of the bastardy article, as any person less than eighteen years of age and any person whom either parent might be required under the laws of North Carolina to support and maintain as if such child were the legitimate child of such parent.

G.S. 49-7 expressly excludes bastardy cases from the jurisdiction of justices of the peace and inferior courts whose criminal jurisdiction does not exceed that of justices of the peace.

A question might arise as to what is meant by jurisdiction over "all bastardy cases within said county." A logical assumption would seem to be that it means all bastardy cases which are triable in the county in which the domestic relations court is located, and not cases in which the act leading to the bastardy charge occurred in the county in which the domestic relations court is located. G.S. 49-5 provides that proceedings under the bastardy article may be brought by the mother or her personal representative, or, if the child is likely to become a public charge, the superintendent of public welfare in the county where the mother resides or the child is found. It further provides that indictments under the bastardy article may be returned in the county where the mother resides or is found, or in the county where the putative father resides or is found, or in the county where the child is found; and, that the fact that the child was born outside the state of North Carolina is not to be a bar to indictment of the putative father in any county where he resides or is found, or in the county where the mother resides or the child is found.

Suppose the domestic relations court is a city domestic relations court. Would it have jurisdiction over "all bastardy cases in said county" or only those within the city?

7. Receiving Stolen Goods from Juvenile

The statutes provide that the domestic relations courts have jurisdiction over all cases wherein any person is charged with receiving stolen goods from any juvenile, when he knows they are stolen. This provision was in the original act of 1929 and has remained unchanged. The six domestic relations courts heard a combined total of approximately 10 cases falling under this heading during the calendar year 1956.

Since this grant of jurisdiction refers to any person (rather than adult), the terminology problems discussed above are not applicable here (if it can be assumed that the word juvenile means one subject to the jurisdiction of a juvenile court). If the person charged with receiving stolen goods from a juvenile is himself a juvenile, the matter could be heard by the court under its juvenile jurisdiction rather than under this provision.

G.S. 14-71 provides that if any person shall receive any stolen goods he shall be guilty of a criminal offense, and may be indicted and convicted, whether the felon stealing the goods shall or shall not have been previously convicted, or shall or shall not be amenable to justice. This section further provides that such receiver may be tried (1) in any county in which he shall have, or shall have had, the stolen property in his possession, (2) in any coun-

ty in which the thief may be tried, or (3) in any county where he actually received the stolen goods. Thus, it would appear that if any of the above stated acts occurred in one of the counties having a domestic relations court, the domestic relations court would have jurisdiction to try the case (assuming, of course, that the receiving was from a juvenile, and that the receiver had knowledge that the goods were stolen).

In addition to the requirement that the receiver know that the goods were stolen, as specified by statute, it appears that the court must find that the receiving was with felonious intent before the receiver can be found guilty of this offense. See *State v. Brady*, 237 N.C. 675 (1953).

8. Violation of School Attendance Laws

The statutes provide that the domestic relations courts have jurisdiction over "all cases involving violation of the North Carolina School Attendance Law as set forth in Public Laws of North Carolina, 1919, chapter 100, and Public Laws of North Carolina, 1923, chapter 136; and in § § 115-302 to 115-312, inclusive; and such other laws relative to school attendance as may hereafter be enacted." This provision was in the original act of 1929. The six domestic relations courts heard a combined total of approximately 107 cases falling under this heading during calendar year 1956.

One wonders why the statutory references are considered necessary in this grant of jurisdiction. Would it not suffice and be simpler to say "all cases involving violation of the school attendance laws of this state?" This seems especially true since the 1919 and 1923 laws referred to were incorporated into § § 115-302 to 115-312, and these sections were incorporated into G.S. 115-166 to 115-169 when the chapter on education was rewritten in 1955.

G.S. 115-166 to 115-169 provide generally that it shall be unlawful for any parent, guardian, or other person in the state having charge of a child between the ages of seven and 16, to fail to cause such child to attend school (public or approved private) continuously for a period equal to the time which the public school to which the child is assigned and in which he is enrolled shall be in session. Provisions are made for excuses from attendance under certain circumstances. Violations are made a misdemeanor punishable by a fine of not less than $5 nor more than $25, and upon failure to pay such fine, the parent, guardian, or other person found guilty of violating these provisions is to be imprisoned for not more than 30 days in the county jail. Since the offense is failing to cause the child to attend school continuously for a period equal to the time the school is in session, it would appear that a parent desiring to violate this statute could pay an annual fine of not more than $25 and never send his child to school. The statute does not specify that it is a continuing offense nor that each day is to constitute a separate offense, and there have been no cases found so interpreting it. In fact, it appears that a reasonable argument could be made that once a parent has been convicted and paid a fine of not more than $25, he would forever be free from further prosecution as he has been convicted of failing to send his child to school continuously for a period equal to the time the school is in session. This raises the question as to whether the penalty provided for a violation of this statute is sufficient.

If the penalty provided by G.S. 115-169 is considered insufficient for aggravated cases of refusing to send a child to school, would it be possible to charge the parent, guardian, or person with custody with a violation of G.S. 110-39 (rather than G.S. 115-166) which makes it a general misdemeanor for such persons to permit a child to be an habitual truant from school?

It should be noted that the Special Session of the General Assembly of 1956 enacted legislation (which became effective on September 24, 1956) amending the compulsory school attendance statutes so as to exempt parents, guardians, etc., of a child which is assigned against the wishes of his parent or guardian to a public school attended by a child of another race and it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race, and it is not reasonable and practicable for such child to attend a private non-sectarian school (as defined in Art. 35 of Ch. 115).

If the parents make an affidavit to the effect that a child is not able to attend school because the child has to work to support himself or his family, the attendance officer is to investigate the matter and bring it to the attention of "some court allowed by law to act as a juvenile court" (this would be the domestic relations court in the counties having one). If the court finds that the parents are making a bona fide effort to comply with the compulsory school attendance law, and by reason of illness, lack of earning capacity, or other cause which the court may deem valid and sufficient, are unable to send the child to school, then the court is to find and state what help is needed for the family to enable the attendance law to be complied with. The court is to transmit its findings to the superintendent of public welfare of the county in which the case arises for the welfare officer's consideration and action. This statute (G.S. 115-171) does not state that the parents in such cases are exonerated from criminal liability but only that the findings

indicated are to be made and transmitted to the superintendent of public welfare.

G.S. 115-172 through G.S. 115-174 concern compulsory attendance of deaf and blind children in a state school for the deaf or blind. These sections make it a misdemeanor for a parent, guardian, or other person having custody or control of a blind or deaf child between the ages of six and 18 to fail to send such child to some school for the instruction of the blind or deaf. Certain exemptions and exceptions are set out. It is interesting to note that while the maximum punishment for failure to send a child to school under G.S. 115-166 is a fine of $25, the failure to send the blind or deaf child to school is punishable by a fine or imprisonment, within the discretion of the court, for each year the child is kept out of school.

9. Non-Support of Parent

The statutes provide that the domestic relations courts have jurisdiction over all cases in which an adult is charged with failure to support a parent. This provision was added by the 1957 General Assembly, and therefore there are no statistics available concerning it.

G.S. 14-326.1, enacted in 1955, makes it a misdemeanor punishable in the discretion of the court for any person of full age, and having sufficient income after reasonably providing for his or her own immediate family, to neglect to maintain and support his or her parents (if such parent or parents be sick or not able to work and without sufficient means or ability to maintain or support themselves) without reasonable cause. This section further provides that if more than one person is required by the above provisions to support the same parent or parents, they are to share equitably in the discharge of such duty.

Since this statute applies only to persons of full age, it would appear that the defendant must have reached his 21st birthday before the domestic relations court could take jurisdiction for a violation of this section no matter what means the defendant may have and no matter how destitute the parents may be.

10. Affray Between Husband and Wife

The statutes provide that the domestic relations courts have jurisdiction over all cases in which a husband and wife are charged with an affray between each other. This provision was added by the 1957 General Assembly, and therefore there are no statistics available concerning it (but see statistics re assaults within the jurisdiction of the domestic relations court set out above).

An affray is defined as the fighting of two or more persons in some public place. Black's Law Dictionary; *State v. Fritz,* 133 N.C. 725 (1903). In *State v. Griffin,* 125 N.C. 692 (1899), the court stated: "when the affray is charged to have been by fighting of two or more, there is no distinction between the law of affray, and that of assault and battery, by which it is committed." Since the domestic relations courts already had jurisdiction over cases in which a husband or wife is charged with assault or assault and battery upon the other, it may be that the only advantage derived from the addition of this item of jurisdiction is that it allows a single indictment against both the husband and wife, rather than requiring separte indictments for assault or assault and battery.

11. Reciprocal Enforcement of Support

The statutes [G.S. 52A-3(4)] provide that all actions under the Uniform Reciprocal Enforcement of Support Act in which North Carolina is the initiating state are to be commenced in the Superior Court or domestic relations court. The same section defines "court" to mean any court of record in this state having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding, thereby giving the domestic relations court jurisdiction when this state is the responding state. The Uniform Reciprocal Enforcement of Support Act was originally enacted in this state in 1951 but the domestic relations courts were not given jurisdiction, either as initiating or responding court, until 1955. The reciprocal support cases heard by the domestic relations courts during 1956 are included within the abandonment and non-support cases listed under subsection 1 above.

G.S. 52 A-10.1 makes it the duty of the official who prosecutes criminal actions for the state in the court acquiring jurisdiction to appear on behalf of the plaintiff in proceedings under the act when this state is the responding state. Four of our existing domestic relations courts have solicitors and two do not. The solicitor of the four that do have solicitors will, therefore, represent the plaintiff when his court is the responding court. But, who represents the plaintiff when the court has no solicitor? Does the plaintiff have no representation in those cases? Does the judge hearing the case represent the plaintiff? Would it be desirable to make some specific provision for representation in those cases?

IV. PERSONNEL

A. Judge

G.S. 7-104 makes it the duty of the board of county commissioners of each county and the governing body of each city with a domestic relations court to appoint the judge of said court. If the court is a joint court, the governing bodies acting jointly are to appoint the judge. The appointing authority or authorities are to fix the salary of the judge and

are to provide for the payment thereof. The term of office of the judge is two years and runs until the second Monday in July in each odd-numbered year and until his successor is elected and qualified. Vacancies occurring during the two years' term are to be filled for the unexpired term in the same manner and by the same bodies as is provided for the selection of the judge.

A 1955 amendment to this section provided that "when two or more counties cooperate in the establishment of such court, it shall be the duty of the boards of commissioners of such counties and the governing authorities of cities and towns within such counties, acting jointly, to elect a judge of such court and to fix his salary and provide for the payment of same, and his term of office shall be as provided in the preceding paragraph. The boards of commissioners of the said counties and the governing bodies of cities and towns shall determine the proportionate share of the salary of such judge and the other expenses of such court to be paid by the governmental units cooperating." A literal reading would indicate that when two counties cooperate in the establishment of a joint domestic relations court, the governing bodies of those two counties and the governing bodies of every city and town within those two counties (without regard to whether they are cooperating in the establishment and financing of the court) are to meet jointly and elect a judge, provide for the payment of his salary, and determine the proportionate share of the salary of such judge and the other expenses of the court which is to be paid by the governmental units cooperating (the two counties). Since the language of the statute does not seem to require that the cities and towns within the cooperating counties be cooperating in the establishment and financing of the court in order to act jointly with the counties in determining who the judge is to be and what proportion of the court expense each county is to pay, one wonders if this is what was intended.

The statutes do not specify any qualifications which a person must have in order to be appointed judge of the domestic relations court.

The statutes authorize the appointment of a substitute judge for a domestic relations court in the same manner as the regular judge of the court. The substitute judge is to serve during the absence, illness or other temporary disability of the regular judge, and while serving is to have the same power and authority as the regular judge. The substitute judge is to receive such compensation, on a per diem basis, as the governing body or bodies appointing him shall determine and provide. As is the case with the judge, no qualifications for the substitute judge are stated.

The 1957 General Assembly passed an act applicable to Guilford County only which authorizes the judge of that court to appoint one or more attorneys to act as additional substitute judges. The appointments are made by an order of appointment being filed with the clerk which must state the session or sessions at which the additional substitute judge is to serve. At such sessions the additional substitute judge has the powers of a judge of the court. The additional substitute judges are to receive such compensation on a per diem basis as the board of county commissioners shall determine.

Four of the existing domestic relations courts have judges who devote their full time to the work of the court. One has a judge who is available to the court full time but who does some law practice in addition to his work as judge of the court. The other court has as a judge an attorney who also practices law and who devotes two full days each week plus about half of his time on the other days to the work of the court. All of the judges are licensed attorneys.

All of the existing courts have a substitute judge or judge pro tem. All of the substitute judges are attorneys except one who carries the title of substitute judge-administrative assistant. Five of the substitute judges serve on a per diem pay basis while one receives a fixed salary.

B. Clerk

The statutes (G.S. 7-104) make it the duty of the judge of the domestic relations court to appoint a clerk for such court. The salary of the clerk is to be fixed and paid by the board of county commissioners in the case of a county domestic relations court, by the governing body of the city in the case of a city domestic relations court, and by the two, acting jointly, in the case of a joint city and county court. As no term of office is provided for the clerk, it would appear that he is to serve at the pleasure of the judge who is the appointing authority. No qualifications are stated for a person selected as clerk of the domestic relations court.

By local act applicable to Guilford County only, the 1957 General Assembly authorized the judge of the Guilford County Domestic Relations Court, with the approval of the board of county commissioners, to appoint an assistant clerk and such deputy clerks as are necessary. Such assistant clerk and deputy clerks are authorized to administer oaths and to issue warrants and other process in said court.

All of the existing courts have full-time clerks. One has persons designated as solicitor-clerk, assistant solicitor-clerk, and six deputy clerks. Two have persons designated as clerk and deputy clerk. One has persons designated as clerk and assistant clerk, and two have a person designated as clerk.

C. Probation Officers

G.S. 7-104 provides that "the probation officers of domestic relations court and their method of appointment shall be the same as now provided for in § 110-31, for probation officers of the juvenile court." G.S. 110-31 provides:

(A) The judge of the juvenile court in each county is to appoint one or more suitable persons as probation officers who shall serve under his direction. Such appointments must be approved by the State Board of Public Welfare.

(B) The county superintendent of public welfare is to be the chief probation officer of every juvenile court in his county and is to have supervision over the work of any additional probation officer who may be appointed.

(C) The judge appointing any probation officer may in his discretion determine that a suitable salary be paid and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determined and so approved shall be paid by the board of county commissioners; but no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Public Welfare.

(D) The State Board of Public Welfare is to establish rules and regulations pursuant to which appointments under this article shall be made, to the end that appointments shall be based upon merit only.

Construing G.S. 7-104 and 110-31 together several problems are raised. First when G.S. 7-104 provides that "the probation officers of domestic relations court and their method of appointment shall be the same as now provided in § 110-31, for probation officers of juvenile courts," does this mean that all of the provisions of § 110-31 apply or only so much of it as deals with the appointment of the probation officer? That is, does so much of § 110-31 as relates to the discharge of probation officers, the fixing of the salary of the probation officers, the serving under the direction of the judge, and the supervision of the work of the probation officers by the superintendent of public welfare, carry over and apply to probation officers of the domestic relations court?

If the provisions of § 110-31 concerning the fixing of the salary of the probation officers is applicable to domestic relations courts, which Superior Court judge approves the salary? Is it the resident Superior Court judge of the district in which the court is located? It is desirable to have the judge of the domestic relations court, with the approval of the Superior Court judge, fix the salary of the probation staff when the governing body fixes the salary of the judge and clerk and when the governing body is required to pay the salary? Clearly that part of § 110-31 requiring the board of county commissioners to pay the salary of the probation staff does not apply when it is a city domestic relations court or joint city and county court, as § 7-104 provides that the salaries of the probation officers (for the domestic relations court) is to be a charge upon the county and city jointly, or upon the county or city, if it is an independent court.

If all of the provisions of § 110-31 carry over to § 7-104 (except the payment of the salaries), the probation staff is to be under the direction of the judge, but their work is to be supervised by the county superintendent of public welfare.

G.S. 110-31.1, enacted in 1947, provides that by written agreement between the judge of the juvenile court and the county superintendent of public welfare, all probation officers of the juvenile court may be regular employees of the county department of public welfare, attached to the staff of the department and responsible directly to the county superintendent of public welfare as chief probation officer. When such agreements are entered into, probation officers are to be employed and compensated in the same manner as all other employees of the county department of public welfare. (In this connection, it should be observed that if the probation officers meet merit system requirements and are on the staff of the department of public welfare, a portion of their salary may come from federal funds.) Since this section refers only to juvenile courts, do the statutes authorize the judge of a domestic relations court to enter into such agreements? Since G.S. 7-104 makes only the provisions of §110-31 (and not §110-31.1) applicable to domestic relations courts, would an amendment to the statutes be necessary in order to give the judges of the domestic relations courts such authority; or does G.S. 7-106 or 7-103 make the provisions of § 110-31.1 apply also to domestic relations courts? G.S. 7-106 provides that "the procedure, practice, and punishments imposed in the domestic relations courts as established in this article shall be the same as now provided by law in courts now having original jurisdiction of the various offenses or causes enumerated in this article, and the judge of the said domestic relations court is hereby granted the power to prescribe such rules and fix such modes of procedure as, in his discretion, will best effect the purposes for which said court is created." Is this sufficiently broad to allow the judge to enter into such agreements with the superintendent of public welfare? Do such agreements fall within the terms "procedure, practice, or punishment"? Also, if they fall within the term "practice" (as opposed to "procedure" which the judge may prescribe rules governing), what is the effect of the use of

the words "as now provided by law" in the part of the sentence concerning practices in the domestic relations court? Does this mean that practice in the domestic relations court is to be the same as that existing in 1929 in courts which, at that time, had jurisdiction over the offenses listed? Or, do future amendments to the practices of the juvenile, recorder, and Superior Courts automatically change the practices in the domestic relations court? If the former is the correct interpretation, G.S. 110-31.1 would not apply to domestic relations courts as that section was not enacted until 1947, and was not "now provided by law" in 1929. The same problem is encountered when G.S. 7-103 is relied upon as making G.S. 110-31.1 applicable to domestic relations courts. It provides that the domestic relations court is to have all the power, authority, and jurisdiction heretofore vested by law in the juvenile courts of North Carolina. Does the word "heretofore" mean before 1929? If so, it would appear that G.S. 110-31.1, enacted in 1947, would not be carried over to the domestic relations article. Would it be desirable to clarify this?

A total of 35 probation officers work for the six domestic relations courts. The size of the probation staff of the existing courts ranges from 12 in one of the courts to one full-time plus one part-time worker in another. The probation officers are entirely on the court staff (except for the Superintendent of Public Welfare who is the chief probation officer) in three of the counties; are entirely on the Department of Public Welfare staff in one county; are employed by the Superintendent of Public Welfare and housed in the Department of Public Welfare building but work under the judge's direction and come within the court's budget in one county; and are on the court's staff except for the use of one child welfare caseworker on the staff of the Department of Public Welfare in one county. The probation staffs normally work with juveniles only, except for one of the courts which indicated that its probation staff worked routinely with both juveniles and adults.

D. Other Personnel

The statutes discuss the appointment of a judge, substitute judge, clerk, and probation officers. No other personnel are specifically provided for.

Should the domestic relations court have a solicitor? Do the statutes grant these courts authority to have a solicitor? Do the statutes require a solicitor? It could be argued that there is no authority as the domestic relations court statutes are completely silent concerning a solicitor. On the other hand, it could be argued that the statutes require a solicitor since they state that the practice and procedure is to be the same "as now provided by law in courts now having original jurisdiction of the various offenses or causes enumerated in this article." Since original jurisdiction over some of the offenses listed would fall within the Superior Court or recorder's court in which the practice and procedure is to have a solicitor represent the state, it could be argued that this was required of the domestic relations courts. The question of authority to employ a solicitor may still exist in most counties but it was resolved for Buncombe and Guilford Counties by the 1957 General Assembly. That legislature passed a local act applying to Buncombe County only which authorized the board of county commissioners of that county to appoint a counselor for their domestic relations court in the same manner and for the same term of office as the judge and assistant judge are appointed. The counselor so appointed is to receive such compensation as the commissioners may determine. His duties are to: (a) prepare and prosecute cases under the Uniform Reciprocal Enforcement of Support Act, (b) present the evidence in behalf of the State of North Carolina in any action in the court, and, (c) counsel with parties appearing in the court as defendants, prosecuting witnesses or other witnesses with a view of preventing parents from separating and of providing proper care for their child or children.

The same General Assembly authorized the judge of the Domestic Relations Court in Guilford County to assign the duties of counselor to the clerk and assistant clerk of that court. The duties of the clerk-counselor and assistant clerk-counselor are not specified as they are in the Buncombe Act.

One of the existing domestic relations courts has a full time counselor-clerk and a full time assistant counselor-clerk; three have a full time solicitor or counselor; and, two have no solicitor or counselor to represent the State in the prosecution of criminal cases.

The statutes authorize the judge and clerk of the domestic relations court to issue warrants and other process in said court. No specific reference is made to the authority of the court to employ process servers. The reference to the practice and procedures being the same as in courts having jurisdiction over these offenses implies that the process of the domestic relations court is to be served in the same manner as it is for the other criminal courts in the county. G.S. 7-105 makes it the duty of all officers of the county and cities to assist the domestic relations court in any and all ways in the line of their official duty as fully and to the same extent and in the same manner as they "heretofore" have been authorized and required to do in the case of all other courts.

Three of the existing courts have their process

served by members of regular law enforcement agencies normally, with members of their probation staff making service occasionally. One court uses the members of regular law enforcement agencies to serve process for adult cases and the probation officers to serve process for juvenile cases. Another court has two full-time process servers on its staff, and still another has one full-time and one part-time process server on its staff.

The statutes make no reference to the employment by the domestic relations courts of clerical help, bailiff, court reporter, etc. This authority may be assumed. Would it be desirable to have specific authority in the board of county commissioners to employ such personnel as may be necessary to properly carry out the purposes for which the court was created?

In addition to a judge, assistant judge, clerk, and probation personnel, personnel employed by existing courts include:

(1) A solicitor, psychologist, intake worker, office manager, bailiff, and three clerical personnel by the Mecklenburg court;

(2) intake officer, truant officer, and a stenographer by the Wake County court;

(3) a secretary by the Cabarrus County court;

(4) a solicitor, clerical worker, court reporter, and a stenographer by the Buncombe County court;

(5) a solicitor, assistant solicitor, intake officer, bookkeeping assistant, and stenographer by the Guilford County court; and

(6) a solicitor and a bookkeeper by the Gaston County Court.

V. Practices, Procedures, and Appeals

As noted previously, G.S. 7-106 provides that the procedure, practice and punishment imposed in the domestic relations court is to be the same as "now provided by law" in courts "now having" original jurisdiction of the various offenses or causes enumerated in this article. Again, this raises the question of whether or not "now provided by law" means the time of the passage of the domestic relations court act, thus making future changes in the procedure, practice, and punishment in the Superior Court and other courts that then had original jurisdiction over these domestic relations matters inapplicable to the practice, procedure, and punishment of the domestic relations court. To use a specific example, suppose a domestic relations court finds a defendant who is 21 years of age guilty of assaulting a boy 11 years of age. In 1929 the maximum punishment for this crime was imprisonment for 30 days or a fine of $50. In 1949, G.S. 14-33 was amended to make this a misdemeanor punishable in the discretion of the court. Could the domestic relations court sentence this defendant to imprisonment for two years or would thirty days be the maximum that could be imposed? Would it be desirable to clarify the language of G.S. 7-106?

G.S. 7-106 also provides that the judge of the domestic relations court has power to prescribe such rules and fix such modes of procedure, as, in his discretion, will best effect the purposes for which said court is created. Does this mean that he may prescribe such procedures so long as they are not in conflict with procedures provided by law (either presently or in 1929) for the courts that had original jurisdiction over these matters?

Since the practices and procedures of the juvenile courts authorize the judge of the juvenile court to exclude the general public from its hearings and to admit only such persons as have a direct interest in the case, it would appear that the judge of the domestic relations court would have the same authority when hearing juvenile cases. It would also appear that he must hear juvenile cases at a time other than the time for hearing adult cases, as that is the procedure which existed in the court having jurisdiction over juvenile matters in 1929.

As to his authority to exclude the public from the hearing of adult cases, it would appear that he is authorized to do so by prescribing that as a rule of procedure, unless it conflicts with a procedure established by law for courts having jurisdiction over these matters in 1929. Four of the existing domestic relations courts have a policy of excluding the public from its hearings (both adult and juvenile cases) and two have no policy of exclusion.

No jury trials are provided for in the domestic relations courts. G.S. 7-108 provides that all offenses over which the domestic relations court has jurisdiction are declared to be petty misdemeanors punishable as "now prescribed by law." (Note again the use of the word "now," indicating 1929.) Thus, if a jury is demanded, the case is to be transferred for trial to some criminal term of the Superior Court of the county in which the domestic relations court is located. Note that the statute specifically requires that the case be transferred to the Superior Court and not some other criminal court in the county which might provide for a jury trial.

G.S. 7-108 also provides that if, in the exercise of the jurisdiction conferred upon the domestic relations court, it appears that a felony has been committed, the court has authority to bind over the alleged felon (upon a finding of probable cause) to the Superior Court of the county (under proper bond and recognizances).

G.S. 7-107 provides that wherever in this article criminal jurisdiction is conferred upon the domestic

relations court there shall be the same right of appeal from the domestic relations court as from recorders' courts or other inferior criminal courts to the Superior Court, and the same rules and regulations of such appeals from inferior courts shall apply to appeals from the domestic relations courts, and in the Superior Court the trial shall be *de novo*. It is specified that the right to such appeal applies equally to cases involving custody of juveniles. Suppose the domestic relations court was hearing a non-criminal juvenile case other than a custody case. Since this statute specifies that appeals may be had in criminal and custody cases and does not specify any others, would the juvenile in the case be entitled to appeal from the domestic relations court to the Superior Court?

The judges of the six existing domestic relations courts indicated that there are very few appeals from their adult cases, and even fewer appeals from their juvenile cases. Their estimates indicated that not more than 3% of the adult cases and 1% of the juvenile cases were appealed.

VI. Court Finances

The appropriations for operation of the domestic relations courts (less costs, fines and forfeitures received) during fiscal year 1957-58 ranged from approximately $6,329.22 for Cabarrus County to approximately $158,738.35 for Mecklenburg County. The appropriation less costs, fines and forfeitures during fiscal year 1956-57 was approximately $80,000.00 in Guildford County; $44,921.00 in Wake County; $40,232.36 in Buncombe County; and, $26,757.43 in Gaston County. The average per capita appropriation less receipts in the six counties was $.33 The average per case cost of operation in the six counties is roughly $30. (For court-by-court breakdown of costs, see table in Appendix.)

VII. Discontinuance

G.S. 7-111 authorizes the authority establishing a domestic relations court, by resolution, to discontinue such court. There does not appear to have been any domestic relations courts established that have not continued to exist.

APPENDICES

Appendix A contains statistical, personnel, cost, and other pertinent information with respect to each of the existing domestic relations courts. Appendix B and Appendix C contain similar information in tabular form for comparative purposes. It should be kept in mind that there is not a uniform system of records and reports provided for these courts and that the value of this information for comparative purposes is, therefore, considerably reduced. Also, the information available does not cover the same period of time in some instances.

APPENDIX A

BUNCOMBE COUNTY DOMESTIC RELATIONS COURT

This court was established in 1941. Its present staff consists of: (1) a full-time judge; (2) an assistant judge, an attorney who serves on a stand-by basis and is paid on a per diem basis; (3) a solicitor; (4) a clerk; (5) a deputy clerk and bookkeeper; (6) a court reporter for adult cases; (7) a chief probation officer (male, white) plus one male probation and one female probation officer (by an informal cooperative arrangement with the County Department of Public Welfare, one Negro female probation officer is also used); also the County Superintendent of Public Welfare who is by statute the Chief Probation Officer; and (8) one clerical person. The usual court schedule is to hear adult cases on Monday, Tuesday, Wednesday and Friday, and to hear juvenile cases on Thursday.

The probation officers are on the staff of the court except for the County Superintendent of Public Welfare as chief probation officer, and one Negro female probation officer on the staff of the County Department of Public Welfare. The probation officers prepare written pre-hearing social reports for all juvenile cases to come before the court, and provide probation services to all juvenile cases placed on probation under the supervision of the court. The probation staff works primarily with juvenile cases and occasionally with adult cases. The court uses the regular law enforcement agencies for the service of process.

This court has a policy of excluding the public from the hearings of adult and juvenile cases.

The budget of this court for fiscal year 1956-57 was as follows:

Salaries	$36,600.00
Other operating expenses	4,540.00
TOTAL	$41,140.00

During this same period the court collected costs totaling $917.64. The court also collected and disbursed $129,430.43 support money during this period.

The following statistics covering calendar year 1956 and involving only adult cases well furnished by this court:

Adult Cases

Assault on female	215
Abandonment and non-support	301
Custody actions	64
Motions	24

Uniform Reciprocal Enforcement of Support Act	40
TOTAL	644

Public Welfare Statistics, April, 1957, a publication of the State Board of Public Welfare, lists the following statistical information concerning juvenile cases in Buncombe County during 1956:

Juvenile Cases (Official cases only)

Delinquency cases	103
Dependency and neglect cases	20
Special proceedings	121
TOTAL	244

Records of the State Board of Public Welfare also show that this court handled unofficially, during the same period, 22 delinquency and 2 dependency cases, for a total of 24 unofficial cases.

CABARRUS COUNTY DOMESTIC RELATIONS COURT

This court was established in October, 1954. Its present staff consists of: (1) a judge who is available to the court full time but who does some law practice in addition; (2) a substitute judge who serves on a per diem basis; (3) a clerk of court; (4) a caseworker who is on the staff of the County Department of Public Welfare (male white), and who serves as a probation officer for the court, and a part-time child welfare worker from the staff of the County Department of Public Welfare who works with neglected children cases; (5) the County Superintendent of Public Welfare who is by statute the Chief Probation Officer; and (6) a secretary.

The usual court schedule is as follows:

Monday . . Kannapolis . . Adult cases
Tuesday . . Concord . . Adult cases
Wednesday . . Concord . . Juvenile cases
Thursday . . Kannapolis . . Juvenile cases
Friday . . Concord . . Adult cases

The probation officers on the staff of the Department of Public Welfare work exclusively with juvenile cases. They prepare written pre-hearing social reports for all juveniles cases to come before the court, and provide probation services to juveniles placed on probation under the supervision of the court. The court uses the regular law enforcement agencies for the service of process.

The court has no policy of excluding the general public from the hearing of cases.

The tentative budget of this court for fiscal year 1957-58 is:

Salaries	$12,000.00
Operating expenses	2,945.50
TOTAL	$14,945.50

During fiscal year 1956-57, costs, fines, etc., paid into the court totaled $8,615.78. Also, a total of $80,655.21 support money was collected and disbursed through the court.

The following statistical information covering the calendar year 1956 was obtained from this court:

Adult Cases

Support cases	815
Assault cases	367
Abandonment of minor children	22
Violation of school attendance laws	4
Contributing to neglect of minor	20
Reciprocal enforcement of support cases	24
Probable cause hearings	8
TOTAL	1306

The court estimated that there were 6 appeals to the Superior Court.

Juvenile Cases

Delinquency cases	172
Custody cases	39
Neglected children cases	15
TOTAL	226

Juvenile Cases Disposition

Delinquency cases:	
Prayer for judgment continued	6
Committed to training school	29
Cases continued	49
Placed on probation	54
Dismissed from probation	18
Dismissed for lack of evidence	12
Order to training school revoked	4
Custody cases:	
Dismissed	7
Custody awarded father	1
Custody awarded grandmother	6
Custody awarded mother	7
Custody awarded aunt	3
Custody awarded brother	1
Custody awarded uncle	1
Custody divided between parents	2
Custody awarded Welfare Department	4
Cases continued	7
Neglected Children:	
Children adjudged neglected	6
Cases continued	7
Placed in care of welfare department	1
Prison sentence for mother	1

The court estimated that there were about 6 appeals.

GASTON COUNTY—CITY OF GASTONIA DOMESTIC RELATIONS AND JUVENILE COURT

This court was established in 1953. Its present staff consists of: (1) a judge who devotes two full days each week and approximately one-half of his other time to the work of the court; (2) a substitute

judge who is a practicing attorney and who serves on a per diem basis; (3) a full-time solicitor-counselor, an attorney who represents the State in criminal cases before the court, and who also serves as intake interviewer, issues warrants, prepares reciprocal enforcement of support forms, etc.; (4) a chief probation officer (Superintendent of the Gaston County Department of Public Welfare), a white male staff probation officer, and two white female probation officers with titles of case investigators; (5) a bailiff; (6) a clerk of court and court reporter; (7) a deputy clerk and bookkeeper; and, (8) a stenographer.

The usual court schedule is as follows:

Tuesday a.m.	Adult cases
Tuesday p.m.	Juvenile cases
Friday a.m.	Adult cases
Friday p.m.	Juvenile cases

The probation officers (except for the Superintendent of Public Welfare) are on the staff of the court and are paid from the court's budget. The probation staff prepares written pre-hearing social reports for all juvenile cases to come before the court, and provides probation services to all juvenile cases placed on probation under the supervision of the court. The court uses the regular law enforcement agencies for the service of process.

This court has no policy of excluding the public from adult or juvenile hearings. They do have an informal agreement with the press not to publish the names of juveniles before the court.

The budget of this court for fiscal year 1956-57 was:

Salaries	$29,545.63
Other expenses	2,150.00
TOTAL	$31,695.63

The court received, during the period May 1, 1956 through April 30, 1956, from fines $50, bonds $1,800, costs $3,058.20, and other $30, for a total of $4,938.20. During the same period, the court collected and disbursed support payments of $102,705.63 and restitution payments of $264.10.

The annual report of the court for the period May 1, 1955—April 30, 1956 gives the following statistical information:

Adult Cases

Abandonment and nonsupport	104
Inadequate support	345
Bastardy	101
Assault on female	423
Assault on male	9
Assault on minor	27
Contributing to delinquency of juvenile	9
Violation of school attendance laws	40
Contributing to neglect of juvenile	9
Abandonment of children	12
Peace Warrants	90
Miscellaneous	80
Reciprocal enforcement of support	25
TOTAL	1274

One hundred and seven jail sentences were imposed between the period May 1, 1956 to April 15, 1957. Twenty-three appeals were taken between the period January 7, 1957 to April 15, 1957.

Juvenile Cases (Official Cases)

Auto theft	13
Burglary or unlawful entry	33
Other theft	18
Truancy	19
Running away	10
Being ungovernable	11
Sex offense	4
Injury to person or property	10
Act of carelessness/mischief	4
Traffic violation	1
Other delinquent behavior	20
Dependent and neglected	17
Custody	27
TOTAL	187

Juvenile Court Disposition

Dismissed	14
Held open	6
Probation officer to supervise	79
Committed to training school	34
Committed to other institutions	3
To another court	3
To Department of Public Welfare	22
Other disposition	26
TOTAL	187

Juvenile Cases (Unofficial Cases)

Theft	17
Truancy	15
Running away	19
Sex offense	8
Injury to person or property	3
Act of carelessness/mischief	10
Other delinquent behavior	22
Dependent and neglect	50
Custody	4
TOTAL	148

There was no record of any appeals from the juvenile court hearings.

GUILFORD COUNTY—CITIES OF GREENSBORO AND HIGH POINT DOMESTIC RELATIONS COURT

This court was established and began its operations on May 1, 1954. Its present staff consists of: (1) a full-time judge; (2) a judge pro tem who serves in the absence of the judge and who is on a

per diem basis; (3) a solicitor-clerk, an attorney who represents the State in criminal cases in the Greensboro division of the court and serves as clerk of the court for the Greensboro division; (4) an assistant solicitor-clerk, an attorney who represents the State in criminal cases in the High Point division of the court and serves as clerk of the court for the High Point division; (5) an intake officer, an attorney who interviews complaining witnesses concerning the advisibility of having warrants issued, prepares warrants, makes referrals to other agencies, prepares reciprocal support forms, counsels with parties desiring counselling services, etc.; (6) a bailiff; (7) a chief probation officer, four white male probation officers, two Negro male probations officers, two white female probation officers, and one Negro female probation officer, all on the court staff and paid from the court budget; also the County Superintendent of Public Welfare who is by statute the Chief Probation Officer of the court; and (8) eight clerical persons (receptionist, bookkeeping, records, stenographer, etc.).

The usual court schedule is as follows:

Monday	Greensboro Division	Adult trials 9:30 to 5:00
Tuesday	High Point Division	Adult trials 9:30 to 5:00
Wednesday	Greensboro Division	Juvenile cases 9:30 to 5:00
Thursday	High Point Division	Adult trials 9:30 to 12:00 Juvenile cases 1:00 to 5:00
Friday	Greensboro Division	Adult trials 9:30 to 5:00

The probation staff of the court works with the juvenile cases almost exclusively. They prepare written pre-hearing social reports for all juvenile cases to come before the court, and provide probation services to all juvenile cases placed on probation under the supervision of the court. The court uses the regular law enforcement agencies for the service of process, except in emergency situations in which the probation staff makes the service.

This court has no policy of automatically excluding the public from the hearings of adult cases, but does encourage only persons with a direct interest in the case to attend. The court's policy is to exclude the public from juvenile hearings.

The appropriation of this court for fiscal year 1956-57 was as follows:

Salaries	$82,505.24
Operating expenses	14,575.00
Detention of children	9,500.00
Retirement and Reserve	8,400.00
TOTAL	$114,980.24

The court collected during the same period $20,373.12 from costs and fines and $9,057.63 from cash bonds for a total of $29,430.75. The court also collected and disbursed $282,543.05 support money.

The annual report of this court for calendar year 1956 gave the following statistical information:

Adult Cases

Assault actions	557—23.0%
Support actions (abandonment and non-support, inadequate support, and uniform reciprocal support actions)	518—21.4%
Paternity cases	117— 5.0%
All other crimes	131— 5.4%
Rehearings (capiases, motions, compliances)	1097—45.2%
TOTAL ALL HEARINGS	2420—100 %

Active jail sentences were imposed upon 203 persons (132 original jail sentences and 71 suspended sentences invoked). There were 63 appeals to the Superior Court.

Juvenile Cases

Delinquency referrals	
Acts against property	310
Acts against persons	79
Unruly or disobedient	109
Truancy	221
Total delinquency referrals	719—47%
Neglect referrals	315—21%
Abandoned children	11— 1%
Dependent children	48— 3%
Custody in controversy	275—18%
Divorce custody investigations	78— 5%
Social service requests	71— 5%
TOTAL	1,517—100%
Official court actions:	
Probation or conditional supervision	326—23%
Committed to Training Schools	52— 4%
Custody to Dept. of Public Welfare	137—10%
Custody to parent or guardian	178—13%
Complaint dismissed	486—34%
Dismissed for supervision	230—16%
TOTAL	1,409—100%
Unofficial court actions:	
Cases held open for counselling	345
Held in detention pending hearing	204
Superior court custody investigations	63
Social service requests completed	95
TOTAL	707

It was estimated that there were four or five appeals from the juvenile court to the Superior Court during this period.

MECKLENBURG COUNTY—CITY OF CHARLOTTE DOMESTIC RELATIONS COURT

This was the first domestic relations court to be established in North Carolina. It was established in 1929. Its present staff consists of: (1) a full-time judge; (2) a judge pro tem who serves in the absence of the regular judge and who is on a per diem basis; (3) a full-time court counselor, an attorney who represents the state in criminal cases and who also serves as intake screener for white persons, prepares reciprocal enforcement of support forms, etc.; (4) an intake interviewer for Negro persons; (5) a supervisor of probation counselors, six white male probation counselors, one Negro male probation counselor, three white female probation counselors, and one Negro female probation counselor, all of whom are under the court's budget and work under the direction of the judge but are employed and on the staff of the Department of the Public Welfare; also the County Superintendent of Public Welfare who is by statute the Chief Probation Officer; (6) a court clerk; (7) a bailiff, (8) an office manager; (9) two full-time process servers; and (10) three clerical persons.

The usual court schedule is as follows:

Monday through Friday . . . 8:45 a.m. to 10:00 a.m. . . . Juvenile cases

Monday through Friday . . . 10:00 a.m. through 5:00 p.m. . . . Adult cases

The probation counselors are employed by the Superintendent of Public Welfare, housed in the Department of Public Welfare, and on the staff of the Department of Public Welfare, but are paid from the court's budget and work under the direction of the judge of the court. They work almost exclusively with juvenile cases. They prepare pre-hearing social reports for all juvenile cases to come before the court, and provide probation services to all juvenile cases placed on probation under the supervision of the court. The court uses the two full-time process servers on its staff for the service of process rather than using the regular law enforcement agencies.

The court has a policy of excluding the public from the hearings of both adult and juvenile cases.

The budget of this court for fiscal year 1957-58 is $164,000.00

During 1956 the court received from fines $2-200.15, costs $2,230.00, jail fees $49.00, trip expense $10.00, and compliance bond $772.50 for a total of $5,261.65. During the same period, the court collected and disbursed $382,293.51 support money and $1,340.81 for restitution.

The following statistical information concerning adult cases was gathered from the records of the court, and supplied for juvenile cases by the Juvenile Court Social Work Division. The period covered is the calendar year 1956:

Adult Cases

Assault	247
Abandonment and nonsupport	328
Insufficient support	274
Reciprocal support	132
Bastardy	6
Nonsupport of illegitimate child	142
Contributing to delinquency of juvenile	16
Abandoning child	6
Neglecting child	30
Other neglect	3
Other	2
Finding of probable cause	8
Rehearings (capiases, hearings on summons, and scire facias)	320
TOTAL	1514

There were approximately 54 appeals during this time.

Juvenile Cases

Delinquency Referrals	
Automobile theft	30
Burglary or unlawful entry	127
Robbery	2
Other theft	344
Truancy	103
Running away	40
Being ungovernable	82
Sex offenses	39
Injury to person	57
Acts of carelessness or mischief	318
Traffic violations	22
Other delinquent behavior	18
Run-away children (out of county)	43
Total delinquency referrals	1226
Neglected, abandoned, and dependent children referrals	423
TOTAL	1649

The 423 neglect, abandonment, and dependent children cases involved 994 children.

Juvenile Cases—Disposition

Disposition of delinquency cases	
Committed to training school	65
Placed under supervision of probation officer	506
Placed under custody of Department of Public Welfare	16
Placed under custody of private agency	9
Placed in custody of relatives	70
Placed in custody of others	3
Dismissed after investigation	326
Referred to another court	10
Restitution	89
Prayer for judgment continued	40

Fined and/or cost of court	20
Run-aways returned to person responsible (out of county)	43
Disposition pending	29
Disposition of other juvenile cases	
Placed under supervision of probation officer	81
Dismissed after investigation	108
Placed under custody of Dept. of Public Welfare	22
Placed in custody of parents	2
Placed in custody of mother	3
Placed in custody of father	2
Placed in custody of grandparents	8
Placed in custody of other relatives	14
Placed in custody of private agencies	2
TOTAL DISPOSITIONS	1468
Juvenile cases involving custody controversies	
Petition withdrawn	40
Placed in custody of Dept. of Public Welfare	3
Placed in custody of parents	8
Placed in custody of mother	43
Placed in custody of father	23
Placed in custody of grandparents	9
Placed in custody of other relatives	10
Placed in custody of private agency	2
Dismissed after investigation	28
Disposition pending	15
TOTAL	181

WAKE COUNTY DOMESTIC RELATIONS COURT

This court was established in 1948. Its present staff consists of: (1) a full-time judge; (2) a full-time substitute judge and administrative assistant; (3) a white male probation counselor, a Negro male probation counselor, a white female probation counselor, and a Negro female probation counselor, all of whom work with both adult and juvenile cases; also, the County Superientendent of Public Welfare who is by statute the Chief Probation Officer; (4) an intake officer who interviews complaining parties, etc.; (5) a clerk and assistant clerk; (6) a stenographer; and, (7) a full-time and a part-time process service officer.

The court hears cases every day except Saturday and Sunday. Friday is normally reserved for juvenile cases but juvenile cases are also heard at other times during the week.

The probation staff is paid from the court's budget and is on the staff of the court. They work with both adult and juvenile cases. The probation staff always makes a pre-hearing report to the judge in both juvenile and adult cases.

The court employs a full-time and part-time process service officer to serve process. These persons are paid from the court's budget.

The court does not generally allow the public to hear adult cases unless a chronic offender is involved, or juvenile cases unless the juvenile has committed a felony and is a repeated offender.

The budget of this court for fiscal year 1956-57 was:

Salaries	$38,680.00
Other operating expenses	9,212.50
TOTAL	$47,892.50

Collections during the same period included $2,525.85 court costs, $285.65 jail costs, and $160.00 fines for a total of $2,971.50. The court also collected and disbursed $165,730.52 support money and $320.28 restitution money.

The following statistical information was furnished by this court and covers the fiscal year 1955-56:

Adult Cases	
Assault on spouse	358
Bastardy and non-support	222
Violation of school attendance laws	59
Abandonment and inadequate support	296
Inadequate support	381
Assault on minor	35
Neglect of children	39
Contributing to delinquency of minor	28
Abandonment of children	21
Capais	264
Re-hearings or modifications of judgment	207
TOTAL	1813
Juvenile Cases	
Automobile Theft	10
Burglary or unlawful entry	66
Robbery	9
Other theft	75
Truancy	47
Running away	14
Being ungovernable	39
Sex Offense	9
Act of Carelessness	45
Traffic Violation	27
Other Delinquency	36
Dependency and Neglect	14
Custody	291
Visiting arrangements	8
TOTAL	670

APPENDIX B

TABLE OF COMPARATIVE INFORMATION CONCERNING

THE SIX DOMESTIC RELATIONS COURTS IN NORTH CAROLINA[1]

County and Court Information	Buncombe	Cabarrus	Gaston	Guilford	Mecklenburg	Wake	Totals
Population (Est. by office of vital statistics)	134,184	66,527	125,398	214,270	225,326	153,262	918,967
Cost of operating court[2]	$41,140.00[4]	$14,945.50[5]	$31,695.63[4]	$114,980.24[4]	$164,000.00[5]	$47,892.50[4]	$414,653.87
Non-Appropriated income of court	$917.64	$8,615.78	$4,938.20	$29,430.75	$5,261.15	$2,971.50	$52,135.02
Support money collected and disbursed by court	$129,430.43	$80,655.21	$102,705.63	$282,543.04	$399,895.97	$165,730.52	$1,149,960.80
Has solicitor	Yes	No	Yes	Yes	Yes	No	
Size of probation staff	4	1[3]	4	10	12	4	35
ADULT CASES							
Assault cases	215	367	459	557	248	393	2239
Support cases	341	861	635	518	888	918	4161
All other (including motions and rehearings)	88	32	228	1128	378	502	2356
Appeals	25	6			54	30	178
JUVENILE CASES				89			
Delinquency cases	103	172	236	719	1226	357	2813
All others	165	54	161	798	423	313	1914

[1] The statistical information for the Gaston County court covers fiscal year May 1, 1955-April 30,1956. The information for the Wake County court covers fiscal year July 1,1955- June 30, 1956. The information for the other four courts covers calendar year 1956 unless otherwise specified.

[2] Amounts appropriated for operation of court.

[3] Plus one part-time from staff of Department of Public Welfare.

[4] Fiscal year 1956-57.

[5] Fiscal year 1957-58.

APPENDIX C

APPROPRIATIONS FOR OPERATION OF DOMESTIC RELATIONS COURTS[1]

Court	Salaries	Other costs of operation	Total	Receipts from fines, costs, etc.	Net cost of operation	Population	Per capita cost
Buncombe	$36,600.00	$ 4,540.00	$ 41,140.00	$ 917.64	$ 40,222.36	134,184	$ .30
Cabarrus	12,000.00	2,945.00	14,945.00	8,615.78	6,329.22	66,527	.10
Gaston	29,545.63	2,150.00	31,695.63	4,938.20	26,757.43	125,398	.21
Guilford	82,505.24	32,475.00	114,980.24	29,430.75	85,549.49	214,270	.40
Mecklenburg			164,000.00	5,261.65	158,738.35	225,326	.70
Wake	38,680.00	9,212.50	47,892.50	2,971.50	44,921.00	153,262	.29
Totals			$415,653.37	$52,135.52	$362,517.85	918,967	$ .33[2]

[1] Figures are for fiscal year 1957-58 for Cabarrus and Mecklenburg counties and for fiscal year 1956-57 for Buncombe, Gaston, Guilford and Wake Counties.

[2] Average.

JUVENILE COURTS IN NORTH CAROLINA

I. Historical Background

In 1915 the General Assembly enacted a statute entitled "An Act to Provide for the Reclamation and Training of Juvenile Delinquents, Youthful Violators of the Law, their Proper Custody and the Probation System." This was the first statute in this state to provide specifically for the handling of a youthful violator of the laws in a different manner from which adult violators are handled. It placed jurisdiction over delinquent or dependent children under nineteen years of age in the recorders' courts where they had been created, in like courts in other cities where recorders' courts had not been established, and in the Superior Courts. It provided that the court, after consulation with proper persons, was to appoint some volunteer or paid probation officer who was to have charge of the delinquent or dependent children brought before the court. The court was given authority to suspend the sentence of children found to be delinquent and to place such children on probation for specified periods. The statute provided that the courts wth jurisdiction over such children were, insofar as practicable, to hold separate trials for the children. It also provided that no child under fifteen years of age was to be placed in any jail or prison where such child would be the companion of older and more hardened criminals, except where the charge or conviction was for a felony, or where the child was a known incorrigible or habitual offender. The statute made it a misdemeanor for the parent, guardian, or person controlling or employing any child under nineteen years of age knowingly to cause or permit such child to become delinquent.

In 1919 the General Assembly enacted Chapter 97, P.L. 1919 (present G.S. 110-21 thru 110-44) which repealed and replaced the above discussed statutes. It established in each county of the state a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of that chapter. Such part of the Superior Court was entitled "The Juvenile Court of ————County." The act appointed the clerk of the Superior Court in each county as judge of the juvenile court for the hearing of cases coming within the provisions of the juvenile court act. In addition, every city in North Carolina where the population was 10,000 or more according to the 1910 census was required to establish and maintain a juvenile court (unless the county agreed to handle the juvenile court work for the entire county). The city juvenile courts were to conduct their business in the same manner as the county juvenile courts. The act placed the duty upon the governing bodies of the cities to make provisions for juvenile courts and to bear the expense thereof, either by requiring the recorder to act as a juvenile judge or by the appointing of a separate judge. The chief probation officer of the county juvenile court was made the chief probation officer of the city juvenile court as well. Cities were authorized to attempt to enter into agreements with the county whereby the county would conduct the total juvenile court business within the county, but if the county commissioners did not agree the cities were required to establish a juvenile court. In addition, any town with a population of 5,000 or more which was not a county seat, and in which there was a recorder's court, was authorized to establish a juvenile court within the territorial jurisdiction of such recorder's court.

Thus each county in the state had a juvenile court, and the following cities, by virtue of having a population of 10,000 or more, were required to have a juvenile court (unless the county agreed to handle all of the juvenile court work in the county): Asheville, Charlotte, Durham, Greensboro, Raleigh, Wilmington, and Winston-Salem. The number of county seats with a recorder's court and with a population in 1910 of 5,000 but less than 10,000 is not known, butsuch cities were authorized to establish a city juvenile court.

In 1920, the 1919 act was amended to authorize any county with a county seat having a population of 25,000 or more to join with the county seat in the election of a judge who was to serve as a judge of the juvenile court for both the county and the city.

In 1923, the 1919 act was amended to require a city juvenile court in any city with a population of 10,000 according to the 1920 (rather than 1910) census. This amendment made it mandatory (unless the county agreed to handle all of the juvenile court work for the county) that the cities of Gastonia, Goldsboro, High Point, New Bern, Rocky Mount, Salisbury, and Wilson maintain a city juvenile court inasmuch as these cities did not have a population of 10,000 according to the 1910 census but did have a population of 10,000 according to the 1920 census.

In 1935, the provisions of the 1919 act insofar as they applied to Buncombe County were repealed and a special juvenile court was created for Buncombe County. It provided for the appointment of a judge by the joint action of the board of county commissioners of Buncombe County and the city council of the City of Asheville. The jurisdiction of the court was the same as that provided in the 1919 act.

In 1943, the provision of the 1919 act making it mandatory that cities with a population of 10,000 have a city juvenile court (unless such city could arrange with the county commissioners for the county juvenile court to serve both the county and the city) was amended to provide that if the county and city could agree that the county juvenile court would serve both, the governing bodies could elect a judge and an assistant judge for the combined court who could be persons other than the clerk of the Superior Court. Such judge and assistant judge were to serve for a term of one year, and were to perform all the duties and possess all the powers and jurisdiction conferred upon the clerk of the Superior Court under the 1919 act.

In 1945, the 1919 act was amended to strike out the mandatory requirement that cities with a population of 10,000 maintain a juvenile court, and to make the establishment of such courts permissive. This amendment also struck out the reference to a population of 10,000 according to the 1920 census and changed it to the latest federal census report. In addition, the provision authorizing a county seat having a population of 25,000 or more to join with the county in electing a judge for the joint county-city court was amended to delete the 25,000 population requirement.

In 1955, the General Assembly amended the 1919 act to provide that the board of county commissioners of each county shall appoint the clerk of the Superior Court of each county, or some other competent and qualified individual, as judge of the juvenile court. If one other than the clerk of the Superior Court were appointed, his term was to run concurrent with the term of the clerk of the Superior Court, or the remainder of such term. This amendment did not apply to the following counties: Brunswick, Buncombe, Burke, Caswell, Catawba, Davie, Forsyth, Franklin, Graham, Guilford, Halifax, Haywood, Jones, Lenoir, Macon, Madison, McDowell, Nash, Onslow, Person, Pitt, Randolph, Transylvania, Vance, Warren and Watauga.

The 1957 General Assembly provided that the clerk of Superior Court is to serve as judge of the juvenile court unless the board of county commissioners appoints some other qualified person. This amendment also validated the acts of the clerk of the Superior Court serving as judge of a juvenile court from the time of the 1955 amendment. (These amendments are discussed further under the section on Personnel-Judges).

II. Existing Juvenile Courts

The present statutes governing the creation and operation of juvenile courts in North Carolina may be found in G.S. 110-21 through 110-44. They provide that the Superior Courts are to have exclusive original jurisdiction over children less than sixteen years of age residing in or being at the time within their respective districts who come within the jurisdictional provisions specified. They then establish in each county of the state a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of the juvenile court act. The clerk of the Superior Court is to serve as judge of the juvenile court unless such clerk requests or consents in writing to the appointment by the board of county commissioners of some other qualified individual.

G.S. 110-44 provides that every city in North Carolina with a population according to the last federal census of 10,000 or more may maintain a juvenile court with the same powers and duties within their territorial boundaries as the county juvenile court exercises. The governing bodies of such cities are to appoint the judge for such courts and are to bear the expenses thereof. In addition, the governing bodies of such cities and the board of county commissioners are authorized to enter into an agreement whereby the county juvenile court shall also conduct the business of the city juvenile court in which case the governing bodies of the city and county are to elect a judge and an assistant judge of the combined court. Such judge and assistant judge may be one other than the clerk of the Superior Court. Such judge is to serve for a term of one year (except in Durham County which has a special act authorizing the judge to serve for a term of two years). Such judge and assistant judge are to perform all the duties and possess all the powers and jurisdiction conferred upon the clerk of the Superior Court and the judge of a city juvenile court as provided by the juvenile court act. In addition, any town with a population of 5,000, which is not a county seat, and which has a recorder's court, may establish a juvenile court to serve the same area as is being served by the recorder's court.

There are at the present time in North Carolina six counties (Buncombe, Cabarrus, Gaston, Guilford, Mecklenburg, and Wake) with a domestic relations court (which court automatically assumes all of the jurisdiction of a juvenile court—see Report on Domestic Relations Courts in North Carolina), two counties (Durham and Richmond) with a juvenile court with a person other than the clerk of Superior Court as judge, one joint city-county juvenile court (Winston-Salem and Forsyth County), and six city juvenile courts (Burlington, Hendersonville, Hickory, Mount Airy, Rocky Mount, and Wilmington). In the other 91 counties,

the clerk of Superior Court is judge of the existing juvenile court. The cities of Burlington, Hickory, Rocky Mount and Wilmington are authorized to have a city juvenile court by virtue of the fact that they have a population according to the latest census in excess of 10,000. Mount Airy is authorized to have a city juvenile court by virtue of the fact that it has a population in excess of 5,000 according to the latest federal census, is not the county seat, and does have a recorder's court. The City of Hendersonville does not have a population of 10,000, and is the county seat, and therefore is not eligible for a juvenile court under either of the general law provisions, but does have a special act making the mayor of the City of Hendersonville judge of the juvenile court for that city.

Questions which might be raised as a result of the present statutory provisions concerning the establishment of juvenile courts include:

1. What is the actual effect and value of the provision to the effect that the Superior Court has exclusive original jurisdiction over cases falling within the juvenile court article, and the provision that there is established in each county a separate part of the Superior Court for the hearing of cases coming under the article? When a city has a juvenile court, is that court a separate part of the Superior Court? When a city with a population of 5,000 which is not the county seat and which does have a recorder's court establishes a juvenile court with the recorder as judge, is that judge sitting as a separate part of the Superior Court when he hears a juvenile case? Does the provision making the juvenile court a separate part of the Superior Court make G. S. 7-64 (which provides that statutes taking original jurisdiction of criminal actions from the Superior Court and placing such jurisdiction in an inferior court does not oust the concurrent jurisdiction of the Superior Court) inapplicable to juvenile cases on the theory that jurisdiction has not been taken away from the Superior Court but remains in the Superior Court?

2. Should there be more than one juvenile court authorized within a single county? If so, do the present statutes provide a proper basis for determining what area within a county should be authorized to have a separate juvenile court? For example, should a non-county-seat city with a population of 5,000 and without a recorder's court not be authorized to have a juvenile court when a similar city with a recorder's court is authorized to have a juvenile court? Or should a county seat with a population of 5,000 and with a recorder's court not be authorized to establish a juvenile court when a similar city which is not a county seat is authorized to establish a juvenile court?

III. Jurisdiction

The juvenile court statutes grant exclusive original jurisdiction to the Superior Courts (acting through the juvenile court as a separate part of the Superior Court) over "any case of a child less than sixteen years of age residing in or being at the time within their respective districts:

1. Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or

2. Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be and for permitting which an adult may be punished by law, or who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child; or

3. Who is dependent upon public support or who is destitute, homeless, or abandoned, or whose custody is subject to controversy."

In addition, since 1949, the juvenile courts have jurisdiction over persons under 16 years of age who violate any of the motor vehicle laws (prior to that time the domestic relations and juvenile courts had no jurisdiction over such persons).

The 1957 General Assembly amended the juvenile court statutes so as to include express authority to make a determination as to whether or not a child is an abandoned child within the meaning of Chapter 48 of the General Statutes for adoption purposes.

G.S. 110-29 (dealing with the disposition of children found to be delinquent, dependent, or neglected, and in need of the care, protection, or discipline of the State) provides in subsection 6: "If a child of fourteen years of age be charged with a felony for which the punishment as now fixed by law cannot be more than ten years in prison his case shall be investigated by the probation officer and the judge of the juvenile court as provided in this article, unless it appears to the judge of the juvenile court that the case should be brought to the attention of the judge of the Superior Court, in which case the child shall be held in custody or bound to the Superior Court as now provided by law." This section was interpreted in *State v. Burnett*, 179 N.C. 735 (1920) to mean: (1) if a child 14 years of age (but under 16 is charged with the commission of a felony for which the punishment cannot exceed ten years, the judge of the juvenile court may bind such child over to the Superior Court for trial; (2) if a child 14 years of age or upwards is charged with

the commission of a felony for which the punishment may exceed ten years, the juvenile court has no jurisdiction and such child must be tried by the Superior Court; and, (3) if a child is under 14 years of age, he is not indictable as a criminal but is to be committed to the juvenile court.

As to the jurisdiction of juvenile courts over adults, the Attorney General has expressed the opinion that a juvenile court may not try an adult for contributing to the delinquency of a minor (G.S. 110-39), but that such offense is triable in criminal courts as other misdemeanors; but, that an adult refusing to obey a summons issued by the juvenile court to appear before that court may be proceeded against by the juvenile court as for contempt. The contempt situation seems to be the only one in which a juvenile court has jurisdiction over one 16 or over except in cases where jurisdiction is acquired because of an offense committed prior to the child's 16th birthday and there is no commitment to a State institution nor a revocation of the court's order. In that situation, the juvenile court retains jurisdiction until the child becomes 21.

The courts exercising juvenile jurisdiction held a total of 6,191 official juvenile hearings during 1956. There were 3,824 delinquency hearings, 1,300 dependency and neglect hearings, and 1,067 special proceedings. In addition, 14 non-clerk-of-court juvenile courts reported handling 1,013 delinquency, 407 dependency and neglect, and 161 special proceeding unofficial (no hearing involved) cases. The other 92 juvenile courts did not report unofficial cases.

Questions which might be raised concerning the present grant of jurisdiction to juvenile courts include:

1. Should the jurisdictional provisions be reworded for greater clarity? For example, would a child 15 years of age who has a daily newspaper route be subject to the jurisdiction of the juvenile court under the provisions of G.S. 110-21 (2) which provides, in part, that one under 16 years of age who engages in any occupation, calling, or exhibition, is subject to such jurisdiction? Would a 14 year old girl giving a piano recital or a 13 year old boy playing little league baseball be engaging in an exhibition and thereby subject to the jurisdiction of a juvenile court?

2. To what extent do the juvenile courts have jurisdiction to determine custody controversies? The statutory grant of jurisdiction to the juvenile courts to decide custody controversies, although apparently unlimited, must be interpreted in light of G.S. 50-13. G.S. 50-13 provides, in part, that controversies respecting the custody of children not provided for by this section (authorizing the divorce court to make a custody determination) or section 17-39 (authorizing custody controversies to be decided by habeas corpus) of the General Statutes of North Carolina, may be determined in a special proceeding instituted by either of said parents, or by the surviving parent if the other be dead, in the Superior Court of the county wherein the child, at the time of the signing of the said petition, is a resident. G.S. 50-13 could mean that the juvenile court has jurisdiction to hear custody controversies only when the petition is filed by one other than a parent; or since the word *may* is used, it could mean that the Superior Court and juvenile court have concurrent jurisdiction when the petitioner is a parent. The case of *In Re Cranford*, 231 N.C. 91 (1949) indicates that only the Superior Court has jurisdiction in such cases, in spite of the use of the word "may." Even in cases where the petition is filed by one other than a parent, the jurisdiction of the juvenile court would be only concurrent with that of the Superior Court in light of the 1957 amendment to the habeas corpus statutes (G.S. 17-39.1). That amendment authorizes any Superior Court judge with authority to determine matters in chambers to issue habeas corpus for any minor child whose custody is in dispute, and authorizes such judge to award custody in such cases. Thus, it would appear that the juvenile court and the Superior Court have concurrent jurisdiction if the petitioner is a non-parent, and that the Superior Court has exclusive jurisdiction in all other cases.

3. Should the age of persons over which the juvenile court has jurisdiction be raised, lowered, or remain as it is at the present time?

With respect to the age of persons subject to the jurisdiction of the juvenile court, the case of *State v. Coble*, 181 N.C. 554 (1921) held that if the child were under 16 years of age at the time of the commission of an offence he was subject to the jurisdiction of the juvenile court (rather than the Superior Court) even though he became 16 before the date of the hearing. In the case of *State v. Bowser*, 230 N. C. 330 (1949) the court held that where a defendant is over 16 years of age during the time he is charged with wilfully neglecting or refusing to support his illegitimate child, the Superior Court and not the juvenile court has jurisdiction even though the conception of the child occurred prior to the defendant's 16th birthday. G.S. 110-23 defines "child" as any minor less than 16 years of age. Although, in defining child, that section does not state that it is being so defined for purposes of the juvenile court article only, that would seem to be the logical interpretation. Thus the juvenile court age in North Carolina is "up to sixteen" except for certain felonies in which case it is "under fourteen." All of the states

except five have a higher juvenile court age than "up to sixteen." Should the age be changed for North Carolina?

G.S. 110-21 provides that "when jurisdiction has been obtained in the case of any child, unless a court order shall be issued to the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this article during the minority of the child." This seems to mean that if one under 16 is delinquent, dependent, or neglected, and found to be subject to the jurisdiction of the juvenile court, he will remain subject to the jurisdiction of the juvenile court (unless committed to a state institution or the court enters an order to the contrary) until he becomes 21. Does this mean that if a child under 16 years of age is adjudged delinquent and placed on probation by the juvenile court and such child commits a crime after reaching his 16th birthday (but before becoming 21 years of age), the criminal courts of the state would have no jurisdiction to try such child for the commission of the crime on the grounds that the juvenile court still has jurisdiction (assuming the probation order has not been revoked by the juvenile court prior to the commission of the crime)? Although no case specifically passing on this point has been found in this state, the cases of *State v. Coble*, 181 N.C. 554 (1921) and *In Re Blaylock*, 233 N.C. 492 (1951) tend to indicate that juvenile court may make a disposition of a child subject to its jurisdiction even though the child is over 16 at the time the disposition is made, and that only the juvenile court (and not some other court) may modify its order so as to release the child from the jurisdiction of the juvenile court. It could be argued from these cases that the answer to the above question is that the criminal courts would have no jurisdiction in that case.

If the answer is that the criminal courts would have no jurisdiction as the juvenile courts have exclusive jurisdiction, are children over 16 years of age who have been adjudged delinquent receiving an undue advantage over children over 16 years of age who have not previously been adjudged delinquent? For example, suppose A and B are both 15 years of age. A is adjudged delinquent by the juvenile court because of certain misconduct on his part and is placed on probation by the court. B is a model of good behavior and has never committed any act subjecting him to the jurisdiction of a juvenile court. Both reach the age of 18 with the probation order against A still in full force. While 18, they both commit a misdemeanor. Is A, who has been guilty of prior misconduct, to receive the benefits of the juvenile court procedures whereas B, who has been guilty of no prior misconduct, must be tried by a criminal court without the benefits of the juvenile court procedures? Should the statutes in this respect be clarified?

4. Should the law with respect to venue be clarified? G.S. 110-21 grants exclusive original jurisdiction to juvenile courts over any case of a child less than 16 years of age "residing in or being at the time within their respective districts" who are delinquent, dependent, or neglected. Suppose a child residing in County X goes into County Y, commits a misdemeanor, and returns to County X. Does the juvenile court of County X, County Y, or both Counties X and Y have jurisdiction? It would appear that only County X would have jurisdiction although the offense occurred in County Y. Would it be desirable for County Y to have jurisdiction in such cases? If County Y were given jurisdiction, the statutes would probably need to be amended to authorize also the issuance of process by a juvenile court in one county to process servers in another county. The Attorney General has stated his opinion (in a ruling dated 21 May 1946) to be that, under the present statutes, there is no authority for the issuance of process from a juvenile court in one county to process officers in another county.

IV. Personnel

A. Judge

The 1919 act made the clerk of the Superior Court the judge of the juvenile court in his county. It also authorized the governing body of any city with the population of 10,000 to appoint a judge for the juvenile court which said city was required to establish. In 1943, G.S. 110-44 was amended to authorize a city and county forming a joint city-county juvenile court to appoint as a judge some one other than the clerk of the Superior Court. In 1955, G.S. 110-22 was amended to provide that the board of county commissioners of each county in the state shall appoint the clerk of the Superior Court of such county, or some other competent and qualified individual, to act as judge of the juvenile court. The following counties were expressly exempted from this 1955 amendment: Brunswick, Buncombe, Burke, Caswell, Catawba, Davie, Forsyth, Franklin, Graham, Guilford, Halifax, Haywood, Jones, Lenoir, Macon, Madison, McDowell, Nash, Onslow, Person, Pitt, Randolph, Transylvania, Vance, Warren, and Watauga.

Since the 1955 statute required affirmative action on the part of the board of county commissioners before the clerk of court became judge of the juvenile court, there is some question as to validity of those acts of the clerk while serving as judge of the juvenile court when the board of county commissioners had failed to take some affirmative action to appoint the clerk as judge. This question was

resolved, however, by the 1957 General Assembly which passed an act validating all of the acts of the clerk as judge of the juvenile court from the effective date of the 1955 act.

The 1957 General Assembly further amended G.S. 110-22 so that the present law reads: "The clerk of the superior court of each county in the State shall serve ex-officio as judge of the juvenile court in the hearing of cases coming within the provisions of this article, in which cases the child or children concerned therein reside in or are at the time within such county: Provided, that with the consent in writing or upon the request in writing of the clerk of the superior court of any county in the State, the board of county commissioners of such county shall have the right in its discretion at any time to appoint some other competent and qualified individual to serve as judge of the juvenile court in lieu of the clerk of the superior court. The judge so appointed shall serve for a term to run concurrent with the term of the clerk of the superior court, or the remainder of such term, and the county shall pay said judge such sum as the county commissioners of said county shall deem just and proper." Thus, at the present time, the clerk of the Superior Court is automatically the judge of the juvenile court unless he agrees or requests in writing that the county commissioners appoint some other person in which case the board of county commissioners may (but are not required) appoint some other person. This raises a question as to whether or not the clerk of the Superior Court should be required to agree or request that the commissioners appoint some other qualified person as judge before the commissioners would have that authority.

Does this 1957 amendment apply to the 26 counties exempted from the 1955 amendment? That is, in those 26 counties, may the board of county commissioners appoint someone other than the clerk of the Superior Court as judge of the county juvenile court when the clerk requests or consents to such appointment? Although the 1957 legislature may have intended to give this authority to the board of county commissioners of all counties, there is some doubt as to whether or not this was acomplished. Since those counties were exempted from the 1955 amendment, the pre-1955 statute (requiring the clerk to be the judge) still applied to them. The 1957 amendment struck out what had been added in 1955 and substituted new language but did not strike out the pre-1955 language which still applied to the 26 counties exempted from the 1955 amendment. Thus, it may be that the clerk is still required, irrespective of his wishes and the wishes of the board of county commissioners, to serve as judge of the juvenile court in those 26 counties. Should this be clarified?

In six of the counties the judge exercising juvenile jurisdiction is the judge of the domestic relations court. Each of the judges of the domestic relation courts is a licensed attorney. In three counties there are non-clerk-of-court juvenile judges who are attorneys. In 91 of the counties the judge of the juvenile court is the clerk of the Superior Court. Few of the clerks are licensed attorneys. The question might be raised as to whether or not the clerk of the Superior Court, who in most instances is not an attorney, and who has many other duties to perform, is the best person to serve as judge of the juvenile court. On page 16 of *A System of Family Courts for North Carolina*, a report based upon a survey made by the National Probation and Parole Association, it is stated ". . . the majority of the clerks of superior court contacted, either in person or by questionnaire, during the course of this study indicated that their other duties have become so heavy that they are unable to devote a sufficient amount of time or attention to their duties as juvenile judge. In addition (and many of those contacted emphasized this point), a man may be well qualified to serve as clerk of the superior court, and may be elected to that office because the people of his county feel he is so qualified, yet not be suited by temperament, training, or past experience to serve as a juvenile judge. This does not mean that many of these clerks of superior court have not served devotedly and conscientiously as juvenile judges. On the contary, the very ones who have apparently done the best job as juvenile judges are the ones most concerned that their other duties and past experience prevent their doing what they would consider an adequate job in the performance of that particular function." There are others who feel that the clerks as a whole have done an outstanding job as judges of the juvenile courts.

G.S. 110-23 which defines certain terms defines "judge" as the clerk of the Superior Court acting as judge of the juvenile court, or the other appointed judge, or the judge of the joint city and county juvenile court elected as provided in Section 110-22. This definition may not be broad enough to cover the judge of a city juvenile court established for a city with a population of 5,000 which is not the county seat and which does have a recorder's court. Should this definition be clarified?

As to assistant judges of the juvenile courts, G.S. 110-44 provides for the appointment of an assistant judge for a joint city-county juvenile court established under that section. This is the only reference in the present statutes to an assistant judge for

the juvenile court. This section further provides that the assistant judge provided for by this section shall only perform the functions of judge of the combined juvenile court when the regular judge is unavoidably absent, or sick, and no order shall be entered by him except in such cases. This still leaves open the question as to whether or not the clerk of the Superior Court may have an assistant perform the functions of judge of a county juvenile court. This question has been raised with the Attorney General, whose opinion is that an assistant clerk of the Superior Court is authorized to perform the duties of judge of the juvenile court to the same extent as the clerk is authorized to perform such duties.

As to the compensation of judges, G.S. 110-41 provides that the judge of the juvenile court is to be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners is to be charged against the public funds of the county. This compensation shall be independent of any compensation which may come to him as clerk of the Superior Court. G.S. 110-44 provides for the compensation of a judge appointed for a joint city-county juvenile court. It provides that the compensation of the judge and of the assistant judge authorized by this section is to be determined by the county commissioners and paid by the county. It then states that the part of said salary that shall be paid by the city shall be determined by agreement between the governing bodies of the two units.

There are no provisions concerning a judge, assistant judge, or compensation of the judge for a juvenile court established for a town with a population of 5,000 which is not a county seat and which does have a recorder's court, except that the provisions and procedures with respect to the juvenile court for towns with a population of 10,000 shall apply. For towns of 10,000 which establish a juvenile court, there is authority for the governing body to make provision for such court and bear the expenses thereof either by requiring the recorder to act as a juvenile judge or by the appointment of a separate judge. The salary of the juvenile court judge for cities with a population of 10,000 is to be fixed and paid by the governing body of the city and such governing body is given authority to expend such sums from the public funds of the city as may be required to carry the article into effect.

B. Probation Officers

(1) Appointment

G.S. 110-31 provides: (1) that the county superintendent of public welfare is to be the chief probation officer of every juvenile court in his county and is to have supervision over the work of any additional probation officer which may be appointed; (2) that the judge of the juvenile court in each county is to appoint one or more suitable persons as probation officers to serve under his direction; and (3) that the appointment of such probation officers must be approved by the State Board of Public Welfare. The State Board of Public Welfare is required to establish rules and regulations pursuant to which appointments under this article are to be made, to the end that such appointments shall be based upon merit only. By agreement between the judge of the juvenile court and the county superientendent of public welfare, all probation officers of the juvenile court may be regular employees of the county department of public welfare, attached to the staff of the department and responsible directly to the county superintendent of public welfare as chief probation officer of the county. If such agreement is entered into, and there is a subsequent election or appointment to the juvenile court of a judge who is not a party to such agreement, a new agreement may be entered into by the new judge and the county superintendent of public welfare. When such agreements have been entered into, probation officers are to be employed and compensated in the same manner as are all other employees of the county department of public welfare. It should be noted that if the probation officers are employees of the department of public welfare, thereby meeting merit system standards, they may receive some federal funds toward the payment of their salaries.

(2) Compensation

G.S. 110-31 provides that the judge appointing any probation officer may in his discretion determine that a suitable salary be paid and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary is to be paid by the board of county commissioners; but no person is to be paid a salary as probation officer without a certificate of qualification from the State Board of Public Welfare. Is it the resident Superior Court judge of the district who is to approve the salary determined by the judge of the juvenile court? Is this the most desirable method of determining the salary of probation officers, or should their salary be determined as well as paid by the board of county commissioners? Since the only reference to the salary of probation officers is that contained in G.S. 110-31 discussed above, are the boards of county commissioners to pay the salaries of probation officers for city juvenile courts? Should this be clarified?

(3) Powers and Duties

When the court places any child or adult on probation as authorized by the juvenile court article, the court is to determine the conditions of

probation which may be modified or revoked by the court at any time. A child is to remain on probation for such period as the court shall determine during the minority of such child. An adult is to remain on probation for such period as the court shall determine, not to exceed five years. The conditions of probation shall be such as the court shall prescribe.

It is the duty of the probation officer to make such investigations before, during, or after the hearing of any case coming before the juvenile court as the juvenile court shall direct, and to report thereon in writing. The probation officer is to take charge of any child before or after the hearing when so directed by the court. The probation officer is to furnish to each person released on probation under his supervision a written statement of the conditions of probation and he is to instruct the probationer and other persons responsible for the welfare of the probationer regarding the conditions of probation. He is to enforce all of the conditions of probation. He is to keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring of reports, and in other ways, and is to report upon the progress of each case under his supervision at least monthly to the court. He is to use all suitable methods not inconsistent with the conditions imposed by the court to aid and encourage persons on probation and to bring about improvement in their conduct and condition. He is to make such reports to the State Board of Public Welfare as it may from time to time require, and he is to perform such other duties as the court under whose direction he is serving shall direct.

(4) Discharge

The judge appointing a probation officer may discharge such officer for cause after serving such officer with a written notice, but no probation officer may be discharged without the approval of the State Board of Public Welfare.

C. Other Personnel

The statutes make no specific provision for any other personnel. G.S. 110-42 does provide that it shall be the duty of every state, county, or municipal official or department to render such assistance and co-operation within his or its jurisdiction or power as shall further the objects of the juvenile court article. Would it be helpful for the statutes to provide that the board of county commissioners, or the governing bodies in the case of city juvenile courts, shall have authority to employ such additional personnel as may be necessary properly to carry out the purposes for which the court was established?

V. Practices and Procedures

A. Pre-hearing Procedures

G.S. 110-25 provides that any person having knowledge or information that a child is within the provisions of the juvenile court article and subject to the jurisdiction of the juvenile court may file with the court a petition, verified by affidavit, stating the alleged facts which bring such child within the jurisdiction of the juvenile court. The petition is to set forth the name and residence of the child and of the parents, guardian, or other person having custody or supervision of the child if they are known, and if they are unknown the petition must so state.

On the filing of the petition or upon the taking of a child into custody, the court may forthwith, or after an investigation by a probation officer, cause to be issued a summons to be signed by the judge or the clerk of the court. The summons is to be directed to the child (unless the child has been taken into custody) and to the parent, guardian, or other person having the custody or supervision of the child requiring them to appear with the child at the time and place stated in the summons to show cause why the child should not be dealt with under the provisions of the juvenile court article. If it appears from the petition that the child has committed a delinquent act or is in such conditions or surroundings that his welfare requires that his custody be immediately assumed, the court may endorse on the summons that the officer serving the same shall at once take such child into custody. Having taken the child into custody, the court may release such child to the custody of a parent or other person having charge of the child or to the custody of a probation officer or other person appointed by the court, to be brought before the court at the time designated. Any child coming within the provisions of this article may be admitted to bail as provided by law. If a child whose custody is assumed is not released, such child, pending the hearing of the case, shall be detained in such place of detention as is authorized by the juvenile court article.

Service of summons is to be made personally by reading to, and leaving with, the person summoned a true copy thereof. Provisions are made for service by registered mail or by publication or otherwise in such manner as the judge shall determine where personal service is deemed impractical or has been found unsuccessful. If the person summoned fails without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as for contempt of court. The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed

by the court, but the papers may be served by any person delegated by the court for that purpose.

B. Sessions of Court

Sessions of the court are to be held at such times and in such places within the county as the judge shall from time to time determine. The general public may be excluded from the hearing of juvenile cases and only such persons admitted to the hearings as have a direct interest in the case. Sessions of the court are not to be held in conjunction with any other business of the Superior Court, and children's cases are not to be heard at the same time as those against adults. The court is to maintain a full and complete record of all cases brought before it. Such records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such records shall be open to inspection by the parents, guardian, or other authorized representative of the child concerned.

On return of the summons or other process or after the child has been taken into custody, at the time set for the hearing, the court is to proceed to hear and determine the case in a summary manner. The court may adjourn the hearing from time to time to make an investigation so as to enable the court to render such order or judgment as will best conserve the welfare of the child and carry out the purposes of the juvenile court article. The nature of the proceedings is to be explained to the child and to the parents or other persons having custody or supervision of the child. The court may appoint a suitable person to be the guardian *ad litem* of the child for the purposes of the proceeding.

C. Disposition of Child

If the court is satisfied that the child is in need of the care, protection, or discipline of the State, the court may so adjudicate, and may find the child to be delinquent, neglected, or in need of more suitable guardianship. Following such finding the court may:

1. place the child on probation subject to certain conditions; or
2. commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court, to the supervision of a probation officer and the further orders of the court; or
3. commit the child to the custody of the State Board of Public Welfare, to be placed by the Board in a suitable institution, society or association, or in a suitable family home; or
4. commit the child to a suitable institution maintained by the State or any sub-division thereof, or at any suitable private institution, society or association incorporated under laws of the State and approved by the State Board of Public Welfare as authorized to care for children, or to place them in suitable family homes; or
5. render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

A total of 654 of the 3,824 official delinquency cases (17.1%) heard during 1956 resulted in commitment of the child to a public institution for delinquent children.

As noted under the section on jurisdiction, if the child is 14 years of age but under 16 years of age and commits a felony for which the punishment "as now fixed by law" cannot be more than ten years in prison, the judge of the juvenile court may treat the case as one for the juvenile court or may determine that the child should be bound over to the next term of the Superior Court for trial by the Superior Court. The question is raised as to whether or not changes in the criminal statutes which increase the punishment from below ten years to above ten years affect this section since this section says "as now fixed by law." That is, is the amount of punishment authorized for the crime involved to be determined by the statutes existing in 1919 (the date of the passage of this provision) or the subsequent date when the punishment might be changed? Should this be clarified?

G.S. 110-34 provides that whenever any child is committed by the court to the custody of an institution or to persons other than its parent or guardian, compensation for the care of such child (when approved by the order of the court) is to be a charge upon the county (but the court may issue an order to show cause on the parent or other person having the duty to support such child and adjudge that such parent or other person is to pay in such manner as the court directs such sum as will cover in whole or in part the support of the child, and wilful failure to pay such sum may be punished as a contempt of court). Does this mean that it is a charge upon the county if the commitment is made by a city juvenile court?

In committing a child to an institution or agency other than one supported and controlled by the state, or in placing the child under the guardianship of one other than its natural parent, the court is to select insofar as practicable an agency or person of like religious belief as that of the parents of the child.

The order of the court may be modified from time to time as the court may consider to be necessary for the welfare of the child, except that a child committed to an institution supported and con-

trolled by the State may be released or discharged only by the governing board or officer of such institution. Provisions are made whereby a parent, guardian, or next friend who has applied to an institution other than a State institution for the release of a child committed by the court to that institution and such application has been denied, may apply to the court for the release of such child at which time the court may make an investigation and a determination as to whether or not the child should be released. The court may follow the same procedure when a petition and affidavit indicate that the institution has failed to act upon an application within a reasonable time.

The court is authorized to appoint a guardian of the person or guardian of the property for any child within the jurisdiction of the court if the court determines that the welfare of the child would be promoted by doing so.

A procedure is established whereby the court may have a child examined and then make a determination as to whether such child is mentally defective, feeble-minded, or epileptic. Following this determination, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feeble-minded or epileptic children, as the case may be. Also, whenever a child within the jurisdiction of the court and under the provisions of the juvenile court article appears to be in need of medical or surgical care, a suitable order may be made for the treatment of such child in a hospital or otherwise, with the expense thereof being a charge upon the county or adjudged by the court to be paid by the parents or other persons having the duty under the laws to support such child.

The Attorney General has expressed the opinion that a juvenile court is authorized, under G.S. 110-39, as one of the conditions of probation, to require a child to make restitution or reparation to aggrieved parties for actual damages or losses caused by an offense, but that the juvenile court may not compel the parents of the child to make restitution.

D. Appeals

The 1919 act provided for an appeal from the juvenile court to the Superior Court "in the manner provided for appeals to the superior court." This was amended and the appeal procedure further spelled out in 1949. G.S. 110-40 now provides that an appeal may be taken from any judgment or order of the juvenile court to the Superior Court having jurisdiction in the county. The appeal may be taken by the parent, or in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in G.S. 110-38 (which section deals with the medical examination of the child and the commitment of a mentally defective, feeble-minded, or epileptic child to an institution) or G.S. 110-39 (which makes it a misdemeanor for a parent or other person having custody of a child to fail to exercise reasonable diligence in the care, protection and control of such child causing it to be adjudged delinquent, neglected, or in need of the care or protection or discipline of the State or to otherwise contribute to the delinquency of a child) on behalf of any child whose case has been heard in a juvenile court. Written notice of appeal must be filed with the juvenile court within five days after the issuance of the judgment or order of such court. On receipt of the notice of appeal, the judge of the juvenile court is to prepare a statement of the case on appeal which he must exhibit to the parties or their attorneys upon request. If either party objects or excepts to the statement as being partial, inadequate, or erroneous, he must put his objections in writing and file them with the judge of the juvenile court within ten days of the filing by the judge of the statement of the case on appeal. The judge of the juvenile court must then transmit his statement of the case on appeal and any exceptions and objections thereto to the resident judge of the district or to the judge holding the courts of the districts. The judge of the Superior Court, when receiving such statements from the juvenile court, is to hear and determine the questions of law or legal inference and is to deliver his order or judgment to the clerk of the Superior Court in the county in which the action or proceedings is pending his order or judgment. The clerk of the Superior Court is to notify immediately the judge of the juvenile court of the order or judgment. Where the appeal is to the Superior Court upon issues of fact, either party may demand that the same be tried at the first term of said court after the appeal is docketed in said court and the trial shall have precedence over all other cases except cases involving exceptions to homesteads, cases of summary ejectment, and such other cases as the presiding judge may take up for trial in advance on the grounds that the rights of the parties require it. Although not specified in the juvenile court article, it would appear that an appeal may be taken from the Superior Court to the Supreme Court.

The question has been raised with the Attorney General as to whether an appeal from an order of the juvenile court affecting custody of a child stays execution of the custody order. It is the opinion of the Attorney General that the appeal does not stay exception of the order. He points out that this is the rule in the majority of the American jurisdictions and is based upon the well established proposition that in any contest concerning the custody of a minor child, the best interests and

welfare of the child are matters of chief importance and will prevail over any mere preponderance of legal rights. Should this be clarified by statute?

E. Rules of Procedure

G.S. 110-43 authorizes the court to publish rules regulating the procedure for cases coming within the provisions of the juvenile court article, and for the conduct of all probation and other officers of the court. It is assumed that this authority is to publish such rules so long as they are not inconsistent with the provisions of the juvenile court article.

VI. Detention Facilities

G.S. 110-30 provides that no child coming within the provisions of this article shall be placed in any penal institution, jail, lock-up, or other place where said child can come in contact at any time or in any manner with any adult convicted of a crime and committed or under arrest and charged with a crime. Provisions must be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purpose of the juvenile court article, but the judge may arrange for the boarding of such children temporarily in a private home in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society, or association maintaining a suitable place for detention of children for the use thereof as a temporary detention home.

If a detention home is established as an agency of the court, it is to be furnished and carried on in so far as possible as a family home in charge of a superintendent or a matron who will reside therein. The judge is authorized, with the approval of the State Board of Public Welfare, to appoint a matron or superintendent or both and other necessary employees for such a home in the same manner as probation officers are appointed. Salaries of such persons are to be fixed and paid in the same manner as the salaries of probation officers.

In case the judge arranges for the boarding of children temporarily in private homes, a reasonable sum for such service is to be paid by the county in which the child resides or is found.

If the judge arranges to have an incorporated institution, society or association for use as a detention home, he is to enter an order which shall be effectual for that purpose and a reasonable sum is to be appropriated by the county commissioners for the compensation of such agency for the care of any child residing of found within the county who may be detained therein.

VII. Statistical Information

G.S. 110-33 requires probation officers of the juvenile courts to make such reports to the State Board of Public Welfare as it may from time to time require. The State Board of Public Welfare receives statistical information concerning official (hearing held) juvenile cases from all of the courts exercising juvenile jurisdiction in the state, and unofficial (no hearing held) juvenile cases from the six domestic relations courts, the Forsyth and Durham Counties special juvenile courts, and the six city juvenile courts.

The following is a reprint from the April, 1957 issue of "North Carolina Public Welfare Statistics" published by the State Board of Public Welfare. Permission to make this reprint is gratefully acknowledged.

JUVENILE COURT CASES—1956
Official Cases

There were 6,191 official cases reported by the 14 special and 92 regular domestic relations and juvenile courts in North Carolina for the year 1956. Of these cases, 3,824 involved juvenile delinquency, 1,300 were dependency and neglect hearings, and 1,067 were custody hearings.

Less than one per cent of the North Carolina children in the most susceptible age group became involved in official delinquency hearings last year. The 3,824 cases of delinquency produced a rate of only 8.9 per 1,000 children in the population 11 through 15 years of age. The actual rate of children involved in hearings would be somewhat lower than this figure, since there is a certain amount of duplication of children included: children who committed a number of offenses may have been counted as delinquency cases several times during the year.

It is recognized, however, that the figures given here represent only a fraction of the children in the State with behavior difficulties, who need protective and preventive services. There are many children with behavior problems who are given constructive help through the child welfare services of the departments of public welfare without need to be brought before the court. There are also probably many others whose problems are handled by ministers, school teachers, or the police working with the respective children's parents. In addition, there are many 16 and 17 year olds who in most other states would have been treated and reported as juvenile delinquents, but who in North Carolina must face trial as adult criminals, since the authority of the juvenile court in this State extends only to the 16th birthday.

Tables A through H which follow contain a variety of data pertinent to the official cases. Some

of the facts demonstrated by these statistics are the following:

1. Eighty-one per cent of the delinquent children were boys and 19 per cent were girls.
2. The children involved in delinquency hearings were distributed as follows according to race: 60.5 per cent white, 38.9 per cent Negro, and 0.6 per cent other races.
3. The majority of the children in delinquency cases were 14 years of age or over, including 53 per cent of the boys and 60 per cent of the girls. The median age of all delinquent children was 14.2 years.
4. The children involved in other types of cases tended to be much younger than those involved in delinquency hearings. The median age of children in dependency and neglect cases was 7.2 years, and that of children in special proceedings was 6.7 years.
5. The most frequent reasons for referring boys were "other theft," for which 25.5 per cent of the boys were referred; "burglary or unlawful entry," 22.6 per cent; "act of carelessness or mischief," 15.3 per cent; and "truancy," 12.0 per cent. Most frequent reasons for referring delinquent girls were "being ungovernable," 24.4 per cent; "truancy," 24.3 per cent; running away," 15.9 per cent; and "other theft," 12.1 per cent.
6. There was no overnight detention pending hearings in the case of 78 per cent of the delinquent children. Most of the other children were held in approved detention or boarding facilities pending their hearings. However, there was an unfortunately large number of children —241 reported—who were held in jails or police stations.
7. Sixteen per cent of the boys and 24 per cent of the girls involved in delinquency hearings were committed to the State training schools. Forty-seven per cent of the delinquent children were placed under the supervision of probation officers or the public welfare departments; 18 per cent were dismissed with or without warning or adjustment; and 12 per cent of the cases were held open without further action.
8. A high percentage of the delinquent children came from broken homes, including 46 per cent of the boys and 55 per cent of the girls.

Unofficial Cases

There were 1,581 unofficial cases reported by the 14 special juvenile and domestic relations courts during 1956. These included 1,013 delinquency cases, 407 cases involving dependency and neglect, and 161 custody cases. This reporting was first made in 1955 and was known to have been far more complete in 1956. Unofficial juvenile court cases are those for which it is found not to be essential to hold formal hearings, and which are handled on an informal basis by probation officers on the staff of the court.

Tables I through O present data with reference to the children involved in unofficial cases during the year. A basic difference between official and unofficial cases is shown in Table N on the disposition of the unofficial delinquency cases. None of these children were committed to institutions as a formal court hearing is necessary for such a commitment; 78 per cent of these children were dismissed with or without warning or adjustment, and most of the remainder were referred to probation officers, departments of public welfare, or other agencies for supervision.

Futher comparison between official and unofficial cases indicates some of the reasons these children were handled unofficially. The children in unofficial cases tended to be younger than those in official cases; a higher percentage were girls; a lower proportion came from broken homes, and they tended to be referred for less serious offenses; higher percentages of the unofficial cases were referred for "acts of carelessness or mischief" and "truancy," while lower percentages were referred for most types of theft.

CHILDREN INVOLVED IN JUVENILE COURT CASES: 1956

TABLE A

OFFICIAL CASES: TYPE OF HEARING BY RACE OF CHILDREN

Race	Total Cases	Delinquency		Dependency and Neglect	Special Proceedings
		Boys	Girls		
Total	6,191	3,093	731	1,300	1,067
White	3,971	1,878	432	897	764
Negro	2,145	1,194	292	373	286
Other	60	16	6	21	17
Not reported	15	5	1	9	—

TABLE B

OFFICIAL CASES: SEX OF CHILDREN INVOLVED IN DELINQUENCY HEARINGS, BY AGE

Age in Years	Number			Per Cent		
	Total	Boys	Girls	Total	Boys	Girls
Total	3,824	3,093	731	100.0	100.0	100.0
Under 8	23	20	3	0.6	0.8	0.4
8	74	66	8	1.9	2.1	1.1
9	117	111	6	3.1	3.6	0.8
10	166	149	17	4.4	4.8	2.3
11	234	208	26	6.1	6.7	3.6
12	415	355	60	10.9	11.5	8.2
13	691	520	171	18.1	16.8	23.4
14	954	733	221	24.9	23.6	30.2
15	1,030	831	199	26.9	26.8	27.2
16 and over	97	81	16	2.5	2.7	2.2
Not specified	23	19	4	0.6	0.6	0.6

TABLE C

OFFCIAL CASES: CHILDREN INVOLVED IN OTHER TYPES OF HEARINGS, BY AGE

Age in Years	Total	Dependency and Neglect	Special Proceedings
Total	2,367	1,300	1,067
Under 2	355	199	156
2	170	79	91

3	177	92	85
4	159	83	76
5	157	81	76
6	155	88	67
7	155	86	69
8	138	84	54
9	155	85	70
10	132	65	67
11	129	78	51
12	126	67	59
13	131	82	49
14	83	44	39
15	90	60	30
16 and over	31	12	19
Not specified	24	15	9

TABLE D

OFFICIAL CASES: SEX OF CHILDREN INVOLVED IN DELINQUENCY HEARINGS, BY REASON FOR REFERRAL

Reason for Referral	Number			Per Cent*		
	Total	Boys	Girls	Total	Boys	Girls
Total	3,824	3,093	731	100.0	100.0	100.0
Automobile theft	157	154	3	4.3	5.1	0.4
Burglary or unlawful entry	693	676	17	18.8	22.6	2.4
Robbery	83	71	12	2.2	2.4	1.7
Other theft	847	763	84	23.0	25.5	12.1
Truancy	528	359	169	14.3	12.0	24.3
Running away	178	67	111	4.8	2.2	15.9
Being ungovernable	321	151	170	8.7	5.0	24.4
Sex offense	101	56	45	2.7	1.9	6.5
Injury to person	146	121	25	4.0	4.0	3.6
Act of carelessness or mischief	486	457	29	13.2	15.3	4.2
Traffic violation	150	118	32	4.1	3.9	4.6
Delinquent behavior not specified above	134	100	34	—	—	—

* Excluding those referred for "delinquent behavior not specified above."

TABLE E

OFFICIAL CASES: TYPE OF HEARING BY PLACE OF CARE PENDING HEARING OR DISPOSITION

Place of Care	Total Cases	Delinquency		Dependency and Neglect	Special Proceedings
		Boys	Girls		
Total	6,191	3,093	731	1,300	1,067
No detention or shelter care overnight	4,836	2,495	505	920	916
Detention or shelter care overnight or longer in: jail or police station	241	190	49	1	1
Detention home	566	377	151	34	4
Boarding home	299	19	15	204	61
Other place	249	12	11	141	85

TABLE F

OFFICIAL CASES: SEX OF CHILDREN IN DELINQUENCY HEARINGS BY DISPOSITION OF CASE

Disposition of Case	Number			Per Cent		
	Total	Boys	Girls	Total	Boys	Girls
Total	3,824	3,093	731	100.0	100.0	100.0
Dismissed with or without warning or adjustment	692	578	114	18.1	18.6	15.6
Held open without further action	444	359	85	11.6	11.6	11.6
Probation officer to supervise	1,293	1,078	215	33.8	34.8	29.4
Committed or referred to: Public institution for delinquent children	654	482	172	17.1	15.6	23.5
Other public institution	14	8	6	0.4	0.3	0.8
Other court	38	35	3	1.0	1.1	0.4
Public Welfare Department	496	401	95	13.0	13.0	13.0
Private agency or institution	21	14	7	0.5	0.5	1.0
Other disposition	172	138	34	4.5	4.5	4.7

TABLE G

OFFICIAL CASES: TYPE OF HEARING BY MARITAL STATUS OF NATURAL PARENTS OF CHILDREN

Marital Status	Total Cases	Delinquency		Dependency and Neglect	Special Proceedings
		Boys	Girls		
Total	6,191	3,093	731	1,300	1,067
Parents living together	2,477	1,580	312	448	137
Parents divorced, separated or deserted	2,123	730	171	525	697
Parents not married to each other	511	215	69	128	99
Both parents dead	61	20	6	17	18
Father dead	509	287	83	79	60
Mother dead	303	103	52	96	52
Not reported	207	158	38	7	4

TABLE H

OFFICIAL JUVENILE COURT CASES DURING 1956, BY COUNTY AND TYPE OF HEARING

Counties	Total Cases	Delinquency		Dependency and Neglect	Special Proceedings
		Boys	Girls		
Total	6,191	3,093	731	1,300	1,067
Alamance	96	56	11	21	8
Alexander	3	3	—	—	—
Alleghany	5	5	—	—	—
Anson	14	8	5	1	—
Ashe	11	11	—	—	—
Avery	18	9	1	8	—
Beaufort	30	30	—	—	—
Bertie	3	3	—	—	—
Bladen	36	9	3	22	2
Brunswick	11	8	3	—	—
Buncombe	244	76	27	20	121
Burke	57	30	18	7	2
Cabarrus	95	72	18	5	—
Caldwell	56	38	11	4	3
Camden	3	2	1	—	—
Carteret	28	25	3	—	—
Caswell	9	5	—	4	—
Catawba	72	52	9	—	11
Chatham	15	8	1	5	1
Cherokee	17	10	1	6	—
Chowan	19	11	8	—	—
Clay	5	4	1	—	—
Cleveland	1	1	—	—	—
Columbus	26	12	7	7	—
Craven	27	24	1	—	2
Cumberland	253	127	14	97	15
Currituck	1	1	—	—	—
Dare	—	—	—	—	—
Davidson	58	36	7	14	1
Davie	8	6	2	—	—
Duplin	39	19	4	1	15
Durham	103	28	13	28	34
Edgecombe	90	68	18	3	1
Forsyth	566	191	70	259	46
Franklin	26	8	3	9	6
Gaston	287	108	16	98	65
Gates	1	—	1	—	—
Graham	8	7	—	1	—
Granville	8	4	1	3	—
Greene	6	2	2	2	—
Guilford	671	232	71	209	159
Halifax	36	25	10	1	—
Harnett	67	33	18	13	3
Haywood	35	13	2	15	5
Henderson	116	81	23	10	2
Hertford	5	5	—	—	—
Hoke	12	—	1	1	10
Hyde	—	—	—	—	—

TABLE H (continued)

OFFICIAL JUVENILE COURT CASES DURING 1956, BY COUNTY AND TYPE OF HEARING

Counties	Total Cases	Delinquency Boys	Delinquency Girls	Dependency and Neglect	Special Proceedings
Iredell	31	29	2	—	—
Jackson	10	4	3	3	—
Johnston	112	33	12	40	27
Jones	—	—	—	—	—
Lee	62	43	6	7	6
Lenoir	43	35	3	—	5
Lincoln	31	18	5	—	8
Macon	3	2	—	1	—
Madison	13	3	2	8	—
Martin	20	19	1	—	—
McDowell	48	29	7	12	—
Mecklenburg	713	399	65	89	160
Mitchell	3	3	—	—	—
Montgomery	18	11	2	—	5
Moore	28	16	1	3	8
Nash	78	61	11	6	—
New Hanover	230	107	15	108	—
Northampton	5	4	1	—	—
Onslow	18	7	3	—	8
Orange	16	13	3	—	—
Pamlico	14	14	—	—	—
Pasquotank	39	36	1	2	—
Pender	1	1	—	—	—
Perquimans	4	3	1	—	—
Person	2	—	2	—	—
Pitt	37	25	6	6	—
Polk	3	3	—	—	—
Randolph	57	44	6	7	—
Richmond	96	56	9	15	16
Robeson	65	15	10	23	17
Rockingham	32	17	2	13	—
Rowan	35	20	9	4	2
Rutherford	59	51	8	—	—
Sampson	7	4	1	1	1
Scotland	45	23	5	14	3
Stanly	9	8	1	—	—
Stokes	13	2	—	2	9
Surry	21	12	—	7	2
Swain	8	5	3	—	—
Transylvania	14	11	3	—	—
Tyrrell	4	4	—	—	—
Union	42	29	6	1	6
Vance	39	30	3	—	6
Wake	554	204	81	6	263
Warren	3	3	—	—	—
Washington	10	9	1	—	—
Watauga	3	1	—	2	—
Wayne	73	55	14	3	1
Wilkes	89	36	10	43	—
Wilson	8	8	—	—	—
Yadkin	19	16	1	—	2
Yancey	7	6	1	—	—

TABLE I

UNOFFICIAL CASES: TYPE OF CASE BY RACE OF CHILDREN

Race	Total Cases	Delinquency Boys	Delinquency Girls	Dependency and Neglect	Special Proceedings
Total	1,581	775	238	407	161
White	1,046	460	143	318	125
Negro	534	314	95	89	36
Other	1	1	—	—	—

TABLE J

UNOFFICIAL CASES: SEX OF CHILDREN INVOLVED IN DELINQUENCY CASES, BY AGE

Age in Years	Number Total	Number Boys	Number Girls	Per Cent Total	Per Cent Boys	Per Cent Girls
Total	1,013	775	238	100.0	100.0	100.0
Under 8	20	15	5	2.0	1.9	2.1
8	48	41	7	4.7	5.3	2.9
9	54	50	4	5.3	6.5	1.7
10	56	41	15	5.5	5.3	6.3
11	86	71	15	8.5	9.2	6.3
12	108	87	21	10.7	11.2	8.8
13	163	120	43	16.1	15.5	18.1
14	229	164	65	22.6	21.2	27.3
15	216	166	50	21.3	21.4	21.0
16 and over	24	15	9	2.4	1.9	3.8
Not specified	9	5	4	0.9	0.6	1.7

TABLE K

UNOFFICIAL CASES: CHILDREN INVOLVED IN OTHER TYPES OF CASES, BY AGE

Age in Years	Total	Dependency and Neglect	Special Proceedings
Total	568	407	161
Under 2	104	72	32
2	45	30	15
3	49	28	21
4	43	32	11
5	52	35	17
6	35	27	8
7	38	25	13
8	37	30	7
9	38	30	8
10	13	11	2
11	30	22	8
12	20	16	4
13	23	18	5
14	10	5	5
15	18	17	1
Not specified	13	9	4

TABLE L

UNOFFICIAL CASES: SEX OF CHILDREN INVOLVED IN DELINQUENCY CASES, BY REASON FOR REFERRAL

Reason for Referral	Number Total	Number Boys	Number Girls	Per Cent* Total	Per Cent* Boys	Per Cent* Girls
Total	1,013	775	238	100.0	100.0	100.0
Automobile theft	19	19	—	2.0	2.5	—
Burglary or unlawful entry	67	60	7	6.9	8.0	3.1
Robbery	6	5	1	0.6	0.7	0.4
Other theft	259	237	22	26.6	31.6	9.9
Truancy	158	94	64	16.3	12.5	28.7
Running away	71	29	42	7.3	3.9	18.8
Being ungovernable	71	31	40	7.3	4.1	17.9
Sex offense	21	11	10	2.2	1.5	4.5
Injury to person	38	30	8	3.9	4.0	3.6
Act of carelessness or mischief	237	211	26	24.4	28.2	11.7
Traffic violation	25	22	3	2.6	2.9	1.3
Delinquent behavior not specified above	41	26	15	—	—	—

*Excluding those referred for "delinquent behavior not specified above."

TABLE M

UNOFFICIAL CASES: TYPE OF CASE BY PLACE OF CARE PENDING DISPOSITION

	Total Cases	Delinquency Boys	Delinquency Girls	Dependency and Neglect	Special Proceedings
Total	1,581	775	238	407	161
No detention or shelter care overnight	1,461	726	208	368	159
Detention or shelter care overnight or longer in:					
Jail or police station	23	14	9	—	—
Detention home	57	34	19	4	—
Boarding home	6	—	—	6	—
Other place	34	1	2	29	2

TABLE N

UNOFFICIAL CASES: SEX OF CHILDREN IN DELINQUENCY CASES BY DISPOSITION OF CASE

Disposition of Case	Number			Per Cent		
	Total	Boys	Girls	Total	Boys	Girls
Total	1,013	775	238	100.0	100.0	100.0
Dismissed with or without warning or adjustment	792	616	176	78.2	79.5	73.9
Held open without further action	44	31	13	4.3	4.0	5.5
Pobation officer to supervise	90	66	24	8.9	8.5	10.1
Referred to:						
Other court	10	8	2	1.0	1.0	0.8
Department of Public Welfare	11	6	5	1.1	0.8	2.1
Private agency or institution	29	15	14	2.9	1.9	5.9
Other disposition	37	33	4	3.7	4.3	1.7

TABLE O

UNOFFICIAL CASES: TYPE OF CASE BY MARITAL STATUS OF NATURAL PARENTS OF CHILDREN

Marital Status	Total Cases	Delinquency		Dependency and Neglect	Special Proceedings
		Boys	Girls		
Total	1,581	775	238	407	161
Parents living together	835	490	115	192	38
Parents divorced, separated, or deserted	503	163	59	171	110
Parents not married to each other	85	27	20	30	8
Both parents dead	6	4	2	—	—
Father dead	82	53	19	8	2
Mother dead	34	16	13	3	2
Not reported	36	22	10	3	1

JUVENILE COURTS OF OTHER STATES

Introduction

This report contains information regarding the structure, jurisdiction, and operation of the various courts exercising juvenile jurisdiction in each of the forty-eight states and the District of Columbia. The information contained in this report was obtained from the statutes of the various states.

The report is divided into two parts. The first part contains a narrative summary of the information obtained and the second part a tabular breakdown, state by state, of this information. Certain provisions appeared in the juvenile court laws of the states with sufficient frequency that they could readily be included in a table for comparison purposes. These include the statutory provisions as to court structure, judge, the juvenile age limits, jurisdiction, the selection of probation officers, separate detention of juveniles, juvenile hearings, privacy of court records, and authority to transfer juvenile cases from the juvenile courts to the regular criminal courts for trial. Other provisions which appeared in the various statutes less frequently are noted in the narrative summary portion of this report.

For further comparison, the North Carolina statutory provisions are noted at the end of the summary of each of the various aspects of juvenile court operation discussed.

I. Court Structure

An examination of the statutes indicates that in six jurisdictions the courts with juvenile jurisdiction are completely independent of all other courts (that is, they have no jurisdiction other than juvenile or domestic relations jurisdiction); in nineteen states the courts with juvenile jurisdiction are a combination of independent courts plus non-independent courts (that is, some of the courts in these states exercise non-juvenile or domestic relations jurisdiction in addition to juvenile or domestic relations jurisdiction, whereas there are existing or authorized in these states separate juvenile or domestic relations courts); and, in twenty-four states the courts exercising juvenile jurisdiction consist entirely of courts having jurisdiction other than juvenile or domestic relations jurisdiction (referred to herein as non-independent courts).

The six jurisdictions having only courts which are independent or separately constituted are Connecticut, Delaware, District of Columbia, Rhode Island, Utah, and Virigina. Connecticut has a juvenile court for the state which sits in each of three districts which cover the state; Rhode Island also has a juvenile court of the state which sits at least one day of each calendar month in every county in the state; Utah has a juvenile court in each judicial district of the state, or in such juvenile court districts as the Public Welfare Commission, with the approval of the Governor, may establish; Delaware has a family court in each of the three counties of the state (county supported except that the City of Wilmington contributes); there is a separate juvenile court for the District of Columbia; and, the Virginia statutes provide for a juvenile and domestic relations court in every county and in every city in the state.

The nineteen states which have a combination of independent juvenile courts and non-independent juvenile courts are Alabama, Colorado, Florida, Georgia, Indiana, Louisiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Oklahoma,

Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin. North Carolina also falls into this group. The non-independent courts exercising juvenile jurisdiction in these states include the probate court in Alabama, Ohio, and apparently South Carolina; the county court in Florida, New Jersey, Oklahoma, Tennessee, and apparently Colorado; the superior court in Georgia; the circuit court in Indiana, Maryland, and West Virginia; the district court plus city courts in Louisiana; the district court in Massachusetts; and, the court of quarter sessions in Pennsylvania. Juvenile jurisdiction is exercised by the Domestic Relations Court of the City of New York in the City of New York, and by a separate children's court in the other counties of the state except in those counties which certify that the judicial business does not justify a separate children's court. The Texas statutes provide that either a district, county, or criminal court in each county (as designated by the judges of these courts) exercises juvenile jurisdiction; and, the Wisconsin statutes provide that the judges of the courts of record in each county designate one or more of the courts in the county to exercise juvenile jurisdiction.

North Carolina

The twenty-four states in which the juvenile jurisdiction is exercised entirely by non-independent courts (courts which exercise jurisdiction other than juvenile jurisdiction) are Arizona, Arkansas, California, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, South Dakota, Vermont, Washington, and Wyoming. The only courts exercising juvenile jurisdiction in these states include the superior court in Arizona, Washington, and California; the county court in Arkansas, Kentucky, South Dakota, and Oregon; the probate court in Idaho, Kansas, and Michigan; the circuit court in Missouri; the district court in Iowa, Montana, Nevada, New Mexico, North Dakota, and Wyoming; the municipal court in Maine and New Hampshire; the circuit court and county court in Illinois; the district court and probate court in Minnesota; the county court and chancery court in Mississippi; the district court, county court and police court in Nebraska; and, the municipal court and justice of the peace court in Vermont.

Thus twenty-four states use non-independent courts exclusively, and forty-two states at least partially, to exercise juvenile jurisdiction. Six jurisdictions use independent courts exclusively, and twenty-five at least partially, to exercise juvenile jurisdiction.

North Carolina falls into the category of independent and non-independent courts exercising juvenile jurisdiction. In six counties (Buncombe, Cabarrus, Gaston, Guilford, Mecklenburg, and Wake), a domestic relations court exercises juvenile jurisdiction; whereas, the statutes provide that in all other counties the juvenile court is a separate part of the Superior Court (with the clerk of court or some other competent and qualified individual appointed as judge). Our statutes also authorize city juvenile courts in cities with a population of 10,000 or more (there are six at present).

II. Judges

In each of the twenty-four states in which the only court exercising juvenile jurisdiction is a non-independent court, the judge of the non-independent court is also judge of the juvenile court. Thus, in Arizona, Washington, and California, the judge of the superior court is judge of the juvenile court (in California the superior court judges in each county designate one of their number to be judge of the juvenile court); in Arkansas, Kentucky, South Dakota, and Oregon, the judge of the county court is judge of the juvenile court; in Idaho, Kansas, and Michigan, the judge of the probate court is judge of the juvenile court; in Missouri, the judge of the circuit court is judge of the juvenile court; in Iowa, Montana, Nevada, New Mexico, North Dakota, and Wyoming the judge of the district court is judge of the juvenile court (in Iowa the district court judges name one of their number or may name a superior of municipal court judge within the county as juvenile court judge); in Maine and New Hampshire, the judge of the municipal court is judge of the juvenile court; in Illinois, the judge of the county court is judge of the juvenile court except in counties with a population in excess of 500,000 in which case the circuit court judges name one of their number to be juvenile court judge; in Minnesota, the judge of the probate court is judge of the juvenile court in most counties with a population of less than 100,000 and the judge of the district court is judge of the juvenile court in most of the counties with a population in excess of 100,000; in Mississippi, the judge of the county court (if there be one and of the chancery court if none) is judge of the juvenile court; in Nebraska, the judge of the district, county, or police court (in cities with a population of 40,000 or more) is judge of the juvenile court; and, in Vermont, the judge of the municipal court is judge of the juvenile court if there is a municipal court in the county, and if there is not one, the Governor designates a justice of the peace in the county to serve as judge of the juvenile court.

Likewise, the judges of the non-independent

courts in those states which have a combination of independent and non-independent courts exercising juvenile jurisdiction are judge of the juvenile court to the extent that the non-independent court exercises juvenile jurisdiction (with the exception of North Carolina which is noted below). In three of these states, they are the judges of the probate courts; in five, they are the judges of the county courts; in three, they are the judges of the circuit courts; in one, they are the judges of the superior courts; in one, they are the judges of the district courts; in one, they are the judges of the court of quarter sessions; in one, they are the judges of either the district court or city court; and in three, they are the judges of any one of two or three courts.

The judges of the juvenile courts in the six jurisdictions which have only independent juvenile courts, and the judges of the independent courts exercising juvenile jurisdiction in those states having a combination of independent and non-independent courts exercising juvenile jurisdiction, are selected in various ways. The judges in the six jurisdictions having only independent courts exercising juvenile jurisdiction are all appointed. They are appointed by the President in the District of Columbia; by the Governor in Connecticut, Rhode Island,, and Delaware; by the Public Welfare Commission in Utah; and, by the judge of the circuit court for the counties in Virgina, and by the judge of the hustings or corporations court for the cities (if no hustings or corporation court, the appointment is made by the judge of the circuit court). The statutes of some of these states specify that the appointment requires Senate confirmation. Most of them require that the judge be an attorney and that he devote full time to his duties as judge of the court. Some of them specify that the judge is to be selected with regard to his interest, experience, or understanding of child welfare matters. Some of the judges of the independent courts exercising juvenile jurisdiction in the combination states are appointed and others are elected; most of them are required to be attorneys (some for as long as five years) ; and, some of them are required to have special qualifications (such as being experienced in child welfare matters).

North Carolina

North Carolina is one of the combination states. The judges of the six independent courts exercising juvenile jurisdiction (domestic relations courts) are apponted by the board of county commissioners when it is a county domestic relations court and by the board of county commissioners and governing body of the city (acting jointly) in the case of a city-county domestic relations court. They serve two-year terms. The statutes do not require that they devote full time to the duties as judge of the court, and the statutes do not specify any qualifications for the holder of this office.

As to the non-independent courts exercising juvenile jurisdiction in North Carolina, the statutes provide that the juvenile court is to be a separate part of the Superior Court, but the judge of the Superior Court is not judge of the juvenile court. The clerk of the Superior Court is automatically judge of the juvenile court unless he agrees or requests in writing that the county commissioners appoint some other person in which case the board of county commissioners may, if they so desire, appoint some other person. At the present time, the clerk of the Superior Court is judge of the juvenile court in ninety-one of the counties, and there is an appointed judge in three of the counties. The judges of the six city juvenile courts are all appointed by the governing body of their respective cities.

III. Juvenile Age Limits

In twenty-seven states and the District of Columbia, children under 18 years of age are subject to the jurisdiction of the juvenile court. These states are: Arizona, Delaware, Idaho. Indiana, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In six states, children under 17 years of age are subject to the jurisdiction of the juvenile court. These states are Florida, Georgia, Louisiana, Maine, Massachusetts, and Missouri.

In five states, children under 16 years of age are subject to the jurisdiction of the juvenile court. These states are Alabama, Kansas, New York (with a limited amount of jurisdiction over physically handicapped children under 21), North Carolina, and Vermont.

In three states, children under 21 years of age are subject to the jurisdiction of the juvenile court. These states are Arkansas, California, and Colorado.

Seven states have special provisions concerning the age at which children are subject to the jurisdiction of the juvenile courts. These are as follows: in Connecticut the juvenile age is under 16 unless the case is transferred from a town, city, police or borough court in which case it is under 18; in Illinois the juvenile court has jurisdiction over dependent and neglected children under 18, over delinquent males under 17, and over delinquent females under 18; in Michigan the juvenile court has exclusive jurisdiction over children under 17 who commit certain delinquent acts, and con-

current jurisdiction over children between 17 and 19 who commit other specified acts of delinquency; in New Mexico the juvenile court has jurisdiction over delinquent children under 18 and over dependent and neglected children under 16; in South Carolina the juvenile age limit is under 16 in a domestic relations court and under 18 in a juvenile domestic relations court; in South Dakota, the juvenile court has jurisdiction over delinquent children under 18 and over dependent and neglected children under 21; and, in Texas the juvenile court has jurisdiction over dependent and neglected children under 16 and over delinquent females who are over 10 but under 18 and over delinquent males over 10 and under 17.

A few states thus provide a minimum age as well as a maximum age (for example, Texas has a minimum age of over 10 for delinquency purposes). A few states use a different maximum age for males and females (for example, Illinois sets the maximum age for delinquent males at 17 and delinquent females at 18). The statutes of several states expressly provide that the age at the time of the commission of an offense, and not the age at the time of the trial, determines whether or not the child is within the jurisdiction of the juvenile court. Also, the statutes of many states provide that once a child comes within the jurisdiction of a juvenile court, the court continues to have jurisdiction over that child until he becomes 21.

The authority of the juvenile court to transfer juveniles to the criminal courts for trial is discussed in section IX below.

North Carolina

The juvenile age limit in North Carolina is under 16. Our statutes provide that once jurisdiction is obtained over a juvenile, that jurisdiction continues until the child is 21 unless he is committed to a State institution or the court issues an order to the contrary. Our Supreme Court has held that the age at the time of the commission of the act determines whether or not the child is subject to the jurisdiction of the juvenile court. *State v. Coble*, 181 N.C. 554 (1921).

IV. Jurisdiction

Practically all states give their juvenile courts jurisdiction over delinquent, dependent, and neglected children. The statutes of some states define these terms in great detail whereas the language used by other states is very general in nature. For example, the statutes of one state provide that a delinquent child is one who violates any law of the state, or is incorrigible, or who knowingly associates with thieves, vicious or immoral persons; or who without just cause and without the consent of his parents or guardian absents himself from his home; or is growing up in idleness or crime; or knowingly frequents a house of ill-repute, gambling place, saloon, or public pool room; or wanders about the streets in the night without being on lawful business or occupation; or habitually wanders around railroad tracks or yards, or jumps or attempts to jump a moving train; or uses vile or obscene language in a public place or about any school house; or engages in other indecent or lascivious conduct. An example of the more general form is the West Virginia provision which gives the court jurisdiction over: "any minor who is crippled or any minor under 18 years of age who because of lack of home, inadequate care, neglect, illegitimate birth, mental or physical disability or undesirable or delinquent conduct is in need of services, protection, or care."

To the delinquent, dependent, and neglected categories are added: wayward or incorrigible children by several states; mentally defective children by at least six states; physically defective children by at least three states; appointment of guardians by at least three states; custody jurisdiction by at least thirteen states; adoption jurisdiction by at least five states; and, abandonment and non-support (including bastary actions) by least ten states. A few of the independent courts in the combination states are given general family jurisdiction. The Nebraska statutes grant the juvenile court jurisdiction in divorce and alimony proceedings; the South Carolina Domestic Relations and Juvenile Domestic Relations Courts have concurrent jurisdiction over divorce actions; and, the Ohio Juvenile Court has discretionary concurrent jurisdiction over divorce and alimony actions involving the custody of children. In addition, a few states grant the juvenile courts jurisdiction over violations of the child labor regulations, proceedings regarding child marriages, violations of school attendance laws, violations of laws regarding the employment of children, offenses by one member of a family against another member of the family, and actions causing or contributing to the disruption of marital relations or a home. Some of the states exclude violations of the motor vehicle laws from the jurisdiction of the juvenile courts.

Practically all states have statutes making it a crime for an adult to contribute to the delinquency, dependency, or neglect of a minor. Some of the statutes grant the juvenile courts jurisdiction to try such violations and others place this jurisdiction in the regular criminal courts. In Tennessee, the juvenile court has jurisdiction over these offenses if the accused pleads guilty but must transfer the case to the criminal courts if he pleads not guilty.

North Carolina

The North Carolina statutes grant the juvenile courts jurisdiction over delinquent, dependent, and neglected children (with these terms defined in some detail), and jurisdiction to make custody determinations. Our statutes also grant the juvenile courts jurisdiction to make a determination as to whether or not a child is an abandoned child for adoption purposes.

The domestic relations courts, which exercise juvenile jurisdiction in the six counties where they exist, also have jurisdiction over abandonment and non-support actions; limited custody jurisdiction; assaults by adults on juveniles or by one member of a family on another; contributing to the delinquency, dependency, or neglect of a minor; bastardy cases; receiving stolen goods from a minor; violations of the school attendance laws; failure of adult to support a parent; cases of affrays between husband and wife; and, cases under the Uniform Reciprocal Enforcement of Support Act.

V. Probation Officers

The statutes of all of the states but three (Colorado, New Hampshire, and Massachusetts) specifically provide for the appointment of probation officers to serve the juvenile courts. The great majority of the states place the appointing authority in the judge, with a few requiring the approval of some body such as the board of county commissioners.

In fourteen states (Arkansas, Delaware, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maryland, New Jersey, New Mexico, Ohio, Pennsylvania, and South Carolina), the statutes provide for the appointment of the probation officers without any qualifications being specified. In four others (Kansas, Missouri, Montana, and Washington) the statutes merely add that the persons appointed must be discreet persons of good character.

The statutes of twelve states and the District of Columbia provide for the appointment by the judge but in addition specify certain qualifications for appointment; and, the provisions of the statutes of twelve other states are sufficiently different to be noted separately. The qualifications required in the thirteen jurisdictions which have statutory standards are as follows: in Alabama, the appointment must be from candidates certified by the State Department of Public Welfare (State Department of Public Welfare is to prescribe reasonable standards of training and experience); in Arizona, persons appointed in counties with a population of more than 50,000 must pass an examination; in California, the judge makes appointments from persons recommended by a seven member probation committee appointed by the judge; in Connecticut, the judge makes appointments from a list of persons certified as qualified by the state personnel agency (which examines applicants); in the District of Columbia, the judge appoints a director of social work and probation officers from a civil service list; in Florida, the judge appoints a counselor who selects an assistant, both of whom must have a bachelor's degree, or have been a court counselor in Florida previously, or have four years' experience in children's work; in Illinois, the person appointed as Chief Probation Officer must have had one year's social work experience; in Michigan, the judge is to appoint one or more persons of good character who are qualified by training and experience; in Nevada, the judge makes the appointments with the advice of a five member probation committee appointed by the court; in New York, the judge appoints pursuant to civil service law and the rules of the Civil Service Commission; in Oklahoma, the judge appoints from a list of eligible persons established by a Citizens Advisory Committee; in Utah, the judge appoints from a list of eligible persons established by the Public Welfare Commission (also, appointments must be with the consent of the Public Welfare Commission); and, in Virginia, the judge appoints from a list of eligible persons.

In the twelve states with statutes for the appointment of probation officers sufficiently different to be noted separately, the following provisions are found: in Maine, the court may appoint "special probation officers" to care for offenders under 17 (they are to be reimbursed for actual expenses); in Minnesota, the judge may appoint probation officers but if none is provided in a county, the county welfare board may, on request of the judge, provide a probation officer; in Mississippi, the court may appoint one or more court counselors from the state merit system list, or may designate the county department of public welfare to furnish them; in Nebraska, the judge appoints and one must be a woman; in Oregon, the court may appoint, for counties with a population in excess of 200,000, as ex-officio probation officers certain employees of the Department of Public Safety or certain attendance officers of the public schools (in addition to authority to appoint persons of good moral character as counselors of the juvenile department of the county); in Rhode Island, the court appoints a chief intake supervisor and two assistant intake supervisors, and the administrator of probation and parole assigns, with the approval of the chief judge, probation counselors to serve the court; in South Dakota, for counties with a population in excess of 15,000, the court may appoint a chief probation officer and the county com-

missioners may hire and pay others upon the judge's recommendation; in Tennessee, the court may appoint, but if none is appointed, the court may refer the case to the department of public welfare for probation services; in Vermont, the Commissioner of Social Welfare is to have prehearing reports prepared for the court; in West Virginia, the county director of the state department of public assistance is ex-officio probation officer of the juvenile court and he may, with the court's approval, designate assistants from the county council; in Wisconsin, the county board of supervisors provides one or more court workers for counties under 500,000, and the county board establishes a probation department for counties over 500,000, with the judge appointing the probation officers in the latter case; and. in Wyoming, the judge is authorized to request the services of the county department of public welfare for probation purposes.

The statutes of several states (including Alabama, Georgia, Kentucky, and Michigan) authorize the appointment of voluntary, non-paid (expenses authorized in some cases) probation officers. The statutes of North Dakota seem to contemplate only the use of such voluntary probation officers.

The statutes of several states expressly require that a pre-hearing report be prepared for the judge by the probation staff. Many states give the probation officers powers of a police officer or school attendance officer or child labor inspector. Many states provide that the probation officers have authority to serve process. Most states authorize the removal of a probation officer by the judge, some specifying that it must be for cause Most states provide that the probation officers are to prepare such reports and perform such functions as the county may direct.

North Carolina

The North Carolina statutes provide: (1) that the county superintendent of public welfare is to be the chief probation officer of every juvenile court in his county and is to have superivsion over the work of any additional probation officers which might be appointed; (2) that the judge of the juvenile court in each county is to appoint one or more suitable persons as probation officers to serve under his direction; and (3) that the appointment of such probation officers must be approved by the State Board of Public Welfare. The State Board of Public Welfare is required to establish rules and regulations pursuant to which appointments are to be made, to the end that such appointments are to be based upon merit only. By agreement between the judge and the county superintendent of public welfare, all probation officers for the juvenile court may be regular employees of the county department of public welfare, attached to the staff of the department and responsible directly to the county superintendent as chief probation officer of the county.

VI. Hearings

The statutes of at least 23 states specifically provide that the juvenile hearings are to be informal. The statutes of most states provide that the court may establish rules of procedure, but there are some which provide otherwise. The latter include the statutes of Florida which provide that the equity rules of evidence are to apply to juvenile hearings; the statutes of Missouri which provide that the practice and procedure for the conduct of criminal cases are to be followed when a child is charged with a violation of the criminal statutes; the statutes of New Mexico and Wyoming which provide that the rules of evidence in civil cases shall apply to juvenile hearings; the statutes of Vermont which provide that the court is to hear and dispose of juvenile cases in a summary manner; and, the statutes of Wisconsin which provide that the hearings may be formal or informal within the discretion of the judge. A few states provide for an annual conference of the juvenile judges for the purpose of discussing rules of procedure and other practices in the interest of efficiency and economy.

The statutes of at least 32 states provide that the general public is to be excluded from the hearing of juvenile cases. No statutes were found in which it was specifically provided that the general public was not to be excluded from such hearings.

The statutes of at least 29 states provide that the juvenile cases are to be heard separately from adult cases, with several of these requiring that the juvenile cases be heard either in the judge's chambers or in a room separate from that in which regular court is held. The Connecticut statutes provide that the juvenile court is to hold hearings at such towns in the district as the business of the court requires.

The statutes of at least 15 states authorize a jury hearing in juvenile cases. Most of these make the jury optional by providing that there is to be a jury hearing upon demand of the juvenile or his representative or upon order of the court. The jury authorization is usually limited to cases in which the juvenile is charged with delinquency. Still other states authorize a jury for cases in which adults are being tried by the juvenile or domestic relations court. The statutes of at least 27 other states provide that there is not to be a jury for the hearing of juvenile cases.

The statutes of at least 15 states provide for the appointment and use of referees by the juvenile courts. Most of these state that the report of the referee is to become the order of the court, upon approval by the court, unless the juvenile or his representative requests a hearing before the court. Arizona authorizes the use of referees in all cases other than those in which a juvenile is charged with a criminal law violation; California requires that if the case involves a female, a female referee is to be appointed if possible; and, Indiana authorizes the appointment of at least three referees and specifies that one is to be a woman and one must be appointed from the element of the population which provides the greatest per capita case load of the court.

Many of the states specify that any person with knowledge of any act or conduct which would subject a juvenile to the jurisdiction of the court is to file a petition with the court, upon which process is to be issued to bring the juvenile and his parents or guardian before the court. Some states specify that a hearing is to be held without unreasonable delay after the filing of the petition. Some specify that no stenographic notes are to be taken unless the judge so orders. Some provide that the court may order a physical or mental examination of the child. Some provide that no fingerprints or photographs are to be taken of any juvenile brought before the court. Some specify that the court may appoint a guardian *ad litem* or legal counsel for any juvenile, and that a solicitor may be appointed to represent the State. Others provide that a probation officer is to be present at the hearings to represent the interests of the child. Practically all of the states specifically provide for appeals from juvenile hearings (normally to a court of general jurisdiction such as our Superior Court, but in a few states the appeal is to the Supreme Court). Most states also provide that an adjudication by the juvenile courts is not to be termed a conviction; it is not to impose any civil disabilities upon the juvenile; and it may not be used against the juvenile in any subsequent court proceedings. A few states provide that the court may compel a child to testify as to the facts alleged; some others provide that the child's presence may be waived by the court at any time.

North Carolina

The North Carolina statutes provide for the filing of a petition and the issuance of summons to bring the juvenile and his parents or guardian before the court. The hearings are to be held at such times and places within the county as the judge desires, and the general public may be excluded from the hearings. The hearings are to be separate from other business of the court and separate from adult hearings. The judge is to hear and determine the case in a summary manner. The court may appoint a guardian *ad litem* to represent the interests of the child. No jury trials are provided for. Appeals may be had to the Superior Court.

VII. Segregation of Juveniles From Adult Criminals

The statutes of about 43 states have provisions designed to keep juveniles who must be detained or confined separated from adult criminals. At least 20 of these states provide simply that juveniles are not to be detained or confined with adult criminals. Sometimes the age at which there is a prohibition against detention or confinement with adults is lower than the general juvenile age for the particular state. For example, the juvenile court of California has jurisdiction over children under 21 but the statutes provide that juveniles under 18 are not to be confined in any jail unless no other facility is available, in which case they are to be confined separately from adults. A few states provide a different age for detention purposes, as between males and females.

The statutes of at least five states absolutely prohibit any child under a specified age from being placed in jail (Illinois, under 12; Missouri, under 14; Oklahoma, under 16; South Dakota, under 15; and, Utah, under 18). The statutes of at least nine other states provide that a child may not be confined in jail unless no other facility is available or unless the child's conduct constitutes a menace to others or unless the court so orders, and then the confinement is to be separate from adults. The Kansas statutes prohibit any child other than one charged with committing a felony from being placed in jail, and the Massachusetts statutes prohibit one under 17 from being detained in a lock-up pending hearing unless he is charged with an offense punishable by death or life imprisonment.

The statutes of three states (Alabama, Ohio, and South Dakota in the case of children 15 or over) authorize confinement or detention in such manner as the judge may order.

The statutes of several states provide that the governing body of the county is to provide suitable detention facilities. The Connecticut statutes provide that the judge may find a suitable place of detention if one is not made available by local authorities.

The statutes of a few states are sufficiently different to be noted separately. Arkansas provides that dependent and neglected children are to be segregated from delinquent children and adult criminals; Massachusetts provides that children between 14 and 16 may be committed to jail, but

must be kept separate from other prisoners except when attending religious exercises or receiving medical attention; Nebraska provides that when a child under 16 is sentenced to confinement in an adult institution, he is not to be confined in the same building with an adult; Tennessee provides that no child is to be held more than 48 hours before being taken before the court; and West Virginia provides that no child under 16 may be committed to jail, except that one 14 or over committed to a correctional institution may be held in the juvenile department of a jail while awaiting transportation to such institution.

Some of the states which prohibit juveniles from being detained with adult criminals expressly extend this to include transporation in the same vehicle or any other kinds of assocation.

The statutes of a few states do not appear to contain any provisions as to detention of juveniles separately from adults.

The statutes of at least six states expressly forbid the taking of fingerprints or photographs of juveniles to be brought before the court. The Idaho statutes forbid the taking of fingerprints or photographs unless a peace officer determines that it is necessary for the detection of unknown offenders.

North Carolina

G.S. 110-30 provides, in part, "No child coming within the provisions of this article shall be placed in any penal institution, jail, lockup, or other place where such child can come in contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provisions shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purposes of this article, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home."

VIII. Status of Court Records

At least 35 states have statutes expressly providing that the juvenile court records are to be withheld from indiscriminate public inspection. Many of these do provide that they may be examined by the parents, guardian, or legal representative of the juvenile, or by others with legitimate interest, upon order of the court.

At least eight of these states have statutes expressly providing that there is not to be any publicity concerning, or that newspapers are not to publish the name of, any child involved in juvenile court proceedings. New Hampshire provides that such publication shall constitute contempt of court.

The statutes of a few states provide that the case records concerning a juvenile are to be destroyed after a specified period of time. Florida provides that the record on appeal is not to contain the name of the child but only his initials and juvenile court number; Massachusetts provides that records in the case of wayward or delinquent (omitting dependent or neglected) children are to be withheld from public inspection; Michigan provides that the names of adults coming before the juvenile court are not to be released for publicity unless such adult is adjudged in contempt; and, New Mexico provides that the court's case records are to be public except for the probation officer's report. Some states expressly authorize the use of case records for statistical and like purposes.

The statutes of a few states appear to be silent as to the status of the court's records.

North Carolina

The North Carolina statutes provide that the juvenile court shall maintain a full and complete record of all cases brought before it, to be known as the juvenile record; and that all records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but that the records shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned.

IX. Transfer of Cases

A few of the states have statutes providing for the mandatory transfer of juveniles to the regular criminal courts in certain instances, and the great majority have statutes authorizing permissive transfers under certain circumstances.

The statutes of Vermont require mandatory transfer if the juvenile is charged with a crime punishable by death; Florida requires transfer if the crime charged is punishable by death and the child is 16; Louisiana requires transfer if the child is 15 or over and charged with a crime punishable by death or with aggravated rape; Colorado and Mississippi require transfer if the child is charged with a crime punishable by death or life imprisonment; and, Arizona and Arkansas require transfer if the child is 15 or over and charged with a felony. The Georgia and Tennessee statutes provide that if a child 15 or over is committed to a training school and proves uncontrollable there, he may be returned for trial by the criminal courts.

The statutes of at least 21 states authorize permissive transfer to the criminal courts of

any child (with minimum ages specified in some instances) charged with the commission of any crime. Most of these states authorize such transfer only after an investigation by the juvenile court and some of them require that the juvenile court find that the juvenile is not a fit subject for consideration under the juvenile act, or find that such transfer is in the best interest of the child or the public.

At least 14 other states authorize transfer to the criminal courts (with minimum age limits specified in some instances) of any juvenile charged with the commission of a felony (a few specify a crime of a heinous nature). Again, the juvenile court is usually required to make an investigation before authorizing such transfer.

In Wyoming, the juvenile procedure appears to be alternate rather than exclusive so that any cases could be transferred. Although the juvenile age is under 16 in Connecticut, a city, town, or borough court may transfer children between 16 and 18 to the juvenile court. A few states expressly provide for a transfer of juvenile cases from one juvenile court to another juvenile court when it is in the best interest of the child and both judges agree to the transfer. At least one state (New Jersey) provides that a child who is 16 or 17 and charged with delinquency may demand a presentment and trial by jury in which case he is to be referred to the prosecutor of the criminal court for trial. A few states have no provisions concerning the transfer of juvenile cases to criminal courts for trial.

North Carolina

Our Supreme Court has interpreted our juvenile court statutes to mean that: (1) if a child 14 years of age (but under 16) is charged with the commission of a felony for which the punishment cannot exceed ten years, the judge of the juvenile court may bind such child over to the Superior Court for trial; (2) if a child 14 years of age or over is charged with the commission of a felony for which the punishment may exceed ten years, the juvenile court has no jurisdiction, and such child must be tried by the Superior Court; and (3) if a chld is under 14 years of age, he is not indictable as a criminal but is to be committed to the juvenile court. *State v. Burnett,* 179 N.C. 735 (1920).

X. Disposition of Cases

The judges of practically all of the juvenile courts are given wide discretion as to the disposition of cases, ranging from dismissal to probation to commitment to institutions. The statutes of several states specify that the judges are to take such action as is deemed necessary in the best interest of the child. Broad powers as to modification of their orders are possessed by the judges. Their authority to impose various conditions on probation are similarly broad.

The statutes of some states provde that the judge may require: the juvenile or his parents to make restitution for property damage; order the parents of a juvenile coming before the court to pay the costs; order parents to pay for the support of a child committed to an agency or institution; order medical treatment for a juvenile; hold adults in contempt of court for failure to comply with process of the court or abide the orders of a court; or, enter a variety of other orders.

Most states provide that a commitment to an institution terminates when the child becomes 21 (20 in one state). A few states provide that a child committed to an agency institution is to be sent to one where his religious preference will be protected insofar as possible. Most states provide that an adjudication under the juvenile court act is not to be considered a conviction, is not to impose any civil disabilities upon the juvenile, and may not be used against him in any future court proceedings. At least one state provides that the server of commitment process is not to wear a uniform or the badge of a policeman.

North Carolina

Our statutes authorize a juvenile judge who finds a child to be delinquent, neglected, or in need of more suitable guardianship (and to be in need of the care, protection, or discipline of the state) to: (1) place the child on probation subject to certain conditions; or (2) commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court, to the superivision of a probation officer and the further orders of the court; or (3) commit the child to the custody of the State Board of Public Welfare, to be placed by such Board in a suitable institution, society or association, or in a suitable family home; or (4) commit the child to a suitable institution maintained by the State or any subdivision thereof, or at any suitable private institution, society or association incorporated under laws of the State and approved by the State Board of Public Welfare as authorized to care for children, or to place them in suitable family homes; or (5) render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

Our statutes provide that in committing a child to an institution or agency other than one supported and controlled by the State, or in placing the child under the guardianship of one other than its natural parent, the court is to select insofar as practicable an agency or person of like religious belief as that of the parents of such child.

The order of the court may be modified from time to time as the court may consider to be necessary for the welfare of the child, except that a child committed to an institution supported and controlled by the State may be released or discharged only by the governing board or officer of such institution.

Our court is authorized to appoint a guardian of the person or guardian of the property for any child within the jurisdiction of the court if the court determines that the welfare of the child would be promoted by doing so.

A procedure is established whereby the court may have a child examined and then make a determination as to whether such child is mentally defective, feeble-minded, or epileptic. Following this determination, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feeble-minded or epileptic children, as the case may be. Also, whenever a child within the jurisdiction of the court and under the provisions of the juvenile court article appears to be in need of medical or surgical care, a suitable order may be made for the treatment of such child in a hospital or otherwise, with the expense thereof being a charge upon the county or adjudged by the court to be paid by the parents or other persons having the duty under the laws to support such child.

Our Attorney General has expressed that opinion that juvenile court is authorized, under G.S. 110-39, as one of the conditions of probation, to require a child to make restitution or reparation to aggrieved parties for actual damages or losses caused by an offense, but that the juvenile court may not compel the parents of the child to make restitution.

The following table contains a brief digest of certain provisions of the juvenile court statutes of each of the states (other than North Carolina) and the District of Columbia.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Alabama Ala. Code, Title 13, § 350 et. seq.	The probate court of each county (unless a special court is established with jurisdiction over juvenile cases), has jurisdiction over juvenile cases, and when so acting is known as the juvenile court. The judge of the probate court is judge of the juvenile court.	Under 16	The juvenile court has exclusive original jurisdiction over juveniles who are delinquent, dependent, or neglected, and whose custody is subject to controversy in certain instances. It has no jurisdiction over property rights of children. It has jurisdiction over persons contributing to the delinquency, dependency, or neglect of a juvenile (misdemeanor) and may enjoin such activities. The court may require parents to contribute to the support of children committed by the court to an agency or institution (also the child's estate, if any, may be required to contribute).	The court may appoint probation officers from candidates certified by the State Department of Public Welfare. The State Department is to prescribe reasonable standards of training and experience for certification. The court is also authorized to appoint voluntary probation officers to serve under the supervision of paid probation officers and without compensation except actual expenses.
Arizona Ariz. Code, § 8-201 et. seq.	The superior court has jurisdiction over juvenile cases and when exercising such jurisdiction is known as the juvenile court. The judge of the superior court is judge of the juvenile court.	Under 18	The juvenile court has exclusive, original jurisdiction over neglected, dependent incorrigible, and delinquent juveniles.	The judge appoints the probation officers. In counties with a population in excess of 50,000, the appointee must pass an examination.
Arkansas Ark. Stat., § 45-202 et. seq.	A juvenile court is established in every county with the judge of the county court as judge of the juvenile court.	Under 21 (or anyone under 10 who begs on the streets or plays musical instrument for gain)	The juvenile court has original jurisdiction over dependent, delinquent, and neglected juveniles.	Probation officers are appointed by the court.
California California Welfare and Institutions Code, § 550 et. seq.	The superior court exercises jurisdiction over juveniles and when so acting is designated as the juvenile court. The superior court judges in each county designate one of their number to hear all juvenile cases.	Under 21	The juvenile court has jurisdiction over dependent, neglected, and delinquent juveniles (with each of these terms defined in detail).	The court's probation officers are appointed by the judge upon recommendation of a seven-man probation committee appointed by the judge.
Colorado Colo. Rev. Stats., Chap. 37	There is established in each county, and in each city with a population in excess of 100,000, a juvenile court which may also be called a family court. The judge for such court is elected, and must meet the same qualifications as the district court judges. The judge may not hold any other office or practice law while judge of such court. The county judge may substitute for the juvenile judge when requested.	Under 21	The juvenile court has exclusive jurisdiction over dependent, neglected, and delinquent children, or persons who contribute thereto. It also has jurisdiction over adoption and custody cases. The court's jurisdiction is concurrent with the county and district courts in criminal cases against children under 21.	The judge appoints the officers of the court.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
Alleged delinquents may be detained in such manner as the judge may order pending hearing.	Hearings may be in the judge's chambers or in some other appropriate room. The court may exclude the general public. Hearings are to be held at different times from other cases. It is the duty of the judge "to so conduct the hearings as to disarm the fears of the child and to win its respect and confidence." The judge may appoint a probation officer or some other person as referee to hear cases and submit a report. The report is final upon approval by the judge unless the child or guardian requests a hearing before the judge. The court may establish rules of procedure.	The records of the court are to be withheld from indiscriminate public inspection.	If a child is under 16 and is taken before a court other than the juvenile court, his case is to be transferred to the juvenile court. If a child over 14 but under 16 commits a delinquent act and the juvenile court, after investigation, determines that such child can't be properly disciplined and made to lead a correct life, the child may be transferred to a criminal court (in which case he may be committed to jail). Transfers between juvenile courts are authorized when it is in the interest of the child, if both judges agree to such transfer.
Children are to be segregated from adults accused or convicted of a crime. The county board of supervisors is to provide child detention homes.	The hearing is to be informal and in the judge's chambers. There is not to be a jury. Referees are authorized to hear juvenile cases except when the juvenile is charged with a criminal law violation. A hearing may be had on the referee's report at the request of the child or his guardian.	The court's records are not open to public inspection except on order of the court. No newspaper is to publish the name of any child charged in the juvenile court as being delinquent, neglected, or dependent.	A trial court may transfer a case involving a felony charge against a child under 15 to the juvenile court. This would indicate that if the child commits a felony, his case may be transferred to the criminal courts if he is under 15 and must be transferred to the criminal courts if he is 15 or above.
Dependent and neglected juveniles must be detained separate from delinquent juveniles or adult criminals. If the county has a detention home, females under 18 or males under 17 cannot be confined in jail. If there is no county detention home, juveniles may be committed to jail but separate from adult criminals.	Juvenile hearings are to be held without a jury.	The name of the child involved in juvenile proceedings is not to be published.	If a child under 15 is charged with a felony, the circuit court may transfer the case to the juvenile court. This would indicate that the juvenile court has concurrent jurisdiction over children charged with a felony who are under 15 and that the criminal courts have exclusive jurisdiction over children charged with a felony who are over 15.
Juveniles under 18 are not to be confined in any jail unless no other facilities are available in which case they are to be confined separately from adults.	Juvenile hearings are to be held at special sessions of the superior court. No person other than the juvenile and witnesses is to be present. The judge may appoint referees (if the juvenile is a female, a female referee is to be appointed if possible). A jury trial is authorized when the juvenile is entitled thereto.	The court's records are not open to public inspection. No person can read such records without the approval of the judge or probation officer.	The juvenile court judge may transfer to the criminal courts any juvenile over 16 who is accused of a crime and is not considered a fit subject for consideration under the juvenile act. The juvenile court does not have jurisdiction over violations punishable by death or life imprisonment. The court may waive jurisdiction where the act constitutes a felony.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Connecticut Conn. Gen. Stats., Title 19, Chap. 126	There is a juvenile court for the State of Connecticut which sits in each of three districts which cover the state. The juvenile judge must be an attorney and must devote full time to his duties as juvenile court judge. He is appointed for a six-year term upon nomination of the Governor, in the same manner as the superior court judges are selected.	Under 16, and between 16 and 18 if transferred from the jurisdiction of a town, city, police, or borough court to the juvenile court.	The juvenile court has exclusive original jurisdiction over neglected, dependent, and delinquent children (matters concerning guardianship, adoption, and matters affecting the property rights of juveniles are within the jurisdiction of the probate court).	The judge appoints the probation officers from a list of those certified as qualified by the state personnel agency, which agency examines applicants. The probation officers are paid by the state.
Delaware Del. Code Ann., Title 10, Chap. 9	There is a family court in each of the three counties of the state. The court is county financed except that the City of Wilmington contributes. There are two judges for each court, and they may hold court separately, jointly, or concurrently. The judges are appointed by the Governor on Senate approval. They must be of different political parties; must be attorneys but are not allowed to practice while serving as judge; are to be selected with regard to their interest and understanding of family and child welfare matters. They serve 12-year terms.	Under 18, if not charged with a capital felony.	The family court has exclusive, original jurisdiction over cases of neglected, dependent, and delinquent children. They also have jurisdiction over family offenses which are not felonies; violations of laws regulating child labor; special jurisdiction in proceedings by or against non-residents; equitable powers in civil actions for support and maintenance; and may order parents to pay the cost of the child's board pending a hearing.	The judge appoints such probation officers as he deems necessary. They hold office at the discretion of the judge.
District of Columbia D. C. Code, Title 11, Chap. 9	There is a juvenile court for the District of Columbia. The judge is appointed for a six-year term by the President, with the consent of the Senate. He must be an attorney with knowledge of child psychology and social problems.	Under 18	The juvenile court has exclusive, original jurisdiction over dependent, neglected, and delinquent children and over adults charged with causing a child to come within the juvenile act. The court also has concurrent jurisdiction over bastardy proceedings and non-support cases.	The judge appoints a director of social work and necessary probation officers from a civil service list.
Florida Fla. Stat. Ann., Chap. 39	The county court has juvenile jurisdiction, except that each county may establish a separate juvenile court if it so desires. (Eight special county juvenile courts are established by statute.) The juvenile judges are elected for four-year terms and must be attorneys or former juvenile judges. They must be not less than 25 years old, and their salary is to be paid by the county.	Under 17	The juvenile court has exclusive, original jurisdiction over dependent and delinquent children. If the child is 16, and charged with a capital felony, such child must be transferred to the criminal court. If the grand jury indicts for the capital offense, the juvenile court shall waive jurisdiction irrespective of age.	The judge appoints a Counselor, who selects an assistant. Both must have a bachelor's degree, or have been court counselors in Florida, or have four years experience at children's work. The counselor hires other employees with the judge's approval.
Georgia Ga. Code. Ann., Title 24	There are separate juvenile courts in counties of 50,000 or more population, and also in smaller counties if two successive grand juries so recommend. Otherwise, the judge of the superior court sits as juvenile judge under the juvenile court act. The judges of county superior court circuit appoint the juvenile judge for six years, and fix his salary. He must be an attorney with three years practice, plus experience with juvenile delinquency, family, and child welfare problems.	Under 17	The juvenile court has exclusive original jurisdiction over delinquent, dependent, and neglected children. The Georgia Constitution provides that nothing can prevent trial or conviction of a child 15 years of age or older who is charged with a felony.	The judge appoints theprobation officers whose salaries are paid by the county. The court may also appoint voluntary probation officers.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
The judge may find a suitable place of detention if one is not made available by local authorities.	The court may exclude from the hearing anyone whose presence is unnecesary in the judge's opinion. There is no provision for a jury trial. The hearing room is not to be regularly used to transact criminal business. The court may hold hearings at such towns in the respective districts as the business of the court requires.		The town, city, police, or borough courts may transfer children between the ages of 16 and 18 to the juvenile court.
Except on specific orders of the judge, no child is to be confined in a jail, workhouse, or police station. Also, a child is not to be photographed or fingerprinted.	The hearings are to be informal. They are to be private in the judge's discretion, and are to be separate from hearings of family offenses and crimes. No jury is provided for.		The court has jurisdiction of cases transferred from other courts.
The juveniles are to be detained in separate facilities from convicted or accused adult criminals. The hearings are to be informal.	Persons other than interested parties may be excluded. A right to a jury trial is provided if demand is made for such.		If the child is 16 or over, the juvenile court may waive jurisdiction to the general criminal court when such child is charged with a felony.
The juveniles are to be detained separate from adults, even in vehicles, except when the adult was involved in the same transaction with the child. No fingerprints or photographs are authorized to be taken except by order of the judge.	The hearings are to be held without unreasonable delay after the petition is filed, and are to be informal. The judge may exclude other than interested parties and those parties requested. The equity rules of evidence apply. There is no provision concerning jury trial.	The juvenile court's records are deemed to be private records. A record on appeal is not to contain the child's name, only his initials and juvenile court number.	If the child is over 14 and charged with a felony, the juvenile court may transfer the case to the criminal court, and may also transfer it if the child requests. If the child is 16 and charged with a capital offense, the juvenile court must transfer it to the criminal court; but if no criminal charge is brought by the end of the next term, jurisdiction reverts to the juvenile court.
Juveniles may be detained, but only when separate from adults.	The hearings are to be informal with the general public excluded. No stenographic notes to be taken unless the judge so orders. There are no provisions for a jury trial. The judge may appoint a referee or referees to hear a case or class of cases. An appeal may be had from the referee to the judge; otherwise, the referee's report becomes the order of the court.	The records of the court are deemed to be private records.	The juvenile court may transfer a child 15 years of age charged with a crime to the criminal court if it is deemed in the best interest of the child and public. Also, if a child 15 or over proves uncontrollable in a training school, he may be returned to the juvenile court and be transferred to the criminal court.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Idaho Code Idaho Code Ann., Chap. 18.	The probate court has jurisdiction over juvenile cases. The judge of the probate court is judge of the juvenile court.	Under 18	The juvenile court has exclusive jurisdiction over delinqunt, dependent, and neglected children; and, concurrent jurisdiction over juvenile traffic violators; where the charge is a felony the prosecutor may proceed as against an adult. Any person causing a child to come within the provisions of the juvenile act is guilty of a misdemeanor and punishable by the probate court.	The probation officers are appointed by the court with the approval of the county commissioners.
Illinois Ill. Stat. Ann., Chap. 23.	The circuit and county courts have juvenile jurisdiction and when exercising such jurisdiction are known as a family court. The county court judge is judge of the family court except in counties of over 500-000 population, in which case the circuit court judges designate one or more of their number to hear cases under the family court act.	Under 18 in cases of dependent or neglected children; under 17 in cases of delinquent males; and under 18 in cases of delinquent females.	The family court has exclusive, original jurisdiction over dependent, neglected and delinquent children. The court also has jurisdiction over adults contributing to the delinquency, neglect, and dependency of juveniles.	The court is to appoint one or more discreet persons of good character as probation officers. The chief probation officer must have had one year experience in social welfare.
Indiana Ind. Stat. Ann. Title 9, Chap. 28.	There is a separate juvenile court in every county with a population of 250,000 or more. In smaller counties, the circuit court and judge thereof exercise the powers of juvenile court and juvenile judge. The judge of the separate juvenile court is originally appointed by the Governor, and is thereafter elected for four-year terms. He must have been a practicing attorney or a judge for a period of five years previously.	Under 18	The juvenile court has exclusive jurisdiction over delinquent, dependent, neglected and delinover paternity proceedings and support proceedings incident thereto. The juvenile court has no jurisdiction over capital offenses and traffic violations when the juvenile involved is over 16 years of age.	The judge appoints the probation officers. A probation officer must be at each hearing in the interest of the child.
Iowa Iowa Code Ann., Chap. 231	A juvenile court is established in each county of the state. The district court judges may name one of their number to act as juvenile judge, or may name a superior or municipal judge within the county to act as juvenile court judge.	Under 18	The juvenile court has jurisdiction over delinquent, dependent, and neglected children unless accused of a capital crime, or unless feeble-minded.	The judge appoints the probation officers. Their salary varies according to the population of the county.
Kansas Gen. Stat. of Kan., § 38-401 et. seq.	A juvenile court is established in each county of the state. The judge of the probate court is judge of the juvenile court.	Under 16	Court has exclusive jurisdiction over delinquent, dependent, and neglected children. The court also has jurisdiction over persons contributing to such delinquency, dependency, or neglect.	The court appoints one or more discreet persons as probation officers. Compensation depends upon the size of the county.
Kentucky Ky. R.S. Ann., Chap. 208	The county court in each county holds juvenile sessions. The county judge is judge of the juvenile court.	Under 18	The juvenile court has exclusive jurisdiction over children neglected, dependent, or charged with a crime. Other courts still maintain jurisdiction to determine guardianship, custody, adoption, and termination of parental rights. The juvenile court has jurisdiction over persons encouraging delinquency or neglect.	The county judge appoints a chief probation officer and assistants. He may also appoint voluntary probation officers without pay.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
Juveniles are not to be detained in jail or prison except on a court order. No photographs or fingerprints are to be taken unless a peace officer determines it necessary for detection of unknown offenders.	The children's cases are to be heard separately from adult cases; the public is to be excluded; no stenographic notes are to be taken; and no jury trial is provided for.	The records of the juvenile court are open to inspection unless the judge orders in writing to the contrary in each case.	Where the juvenile is under 18 at the time of the offense, and the offense charged is a felony, the juvenile court may transfer jurisdiction to the criminal court.
No child under 12 may be put in jail. When a child is sentenced to confinement, he is to be separated from adult convicts.	A special courtroom is to be set aside for the family court. Adults charged with contributing to the delinquency of a minor are entitled to a common law jury. In all other trials, any person interested therein may demand a six man jury, or the judge may so order on his own motion.		The family court has discretion in case of any delinquent juvenile to permit criminal process against him.
Juveniles are not to be confined with adults.	The hearings are to be informal; must be in the judge's chambers or a separate juvenile courtroom. The judge may exclude from the hearing those persons whose presence is not necessary. No jury is provided for. The judge may appoint at least three referees, one of whom must be a woman. They hold office during the pleasure of the judge. One of the referees must be appointed from the element of the population which provides the greatest per capita case load of the court.	The court may order the records of the court open to persons having a legitimate interest therein. Otherwise, such records are not subject to inspection.	The court may waive jurisdiction over crimes committed by any child 16 or over.
	The court may exclude unnecessary persons from the hearings of juvenile cases. No jury trial is provided for.		After investigation, the court may cause a child to be charged with an indictable offense and held for preliminary hearing, or try the child on information if the offense is not indictable. In this case, there is a 12-man jury trial.
No child, except one committing a felony, may be jailed.		The court is to dispose of juvenile cases in a "summary manner."	A child committing a felony may be transferred to the district or county court for trial.
The judge may order a juvenile confined in jail pending his hearing, but such confinement must be separate from adults.	Separate hearings must be provided for juvenile cases; a separate courtroom must be provided; the general public is to be excluded; and, no jury trial is provided for.		When a child over 16 is charged with a felony, or a child under 16 is charged with murder or rape, the juvenile court may transfer the case to the circuit court for a criminal trial.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Louisiana La. Const. Art. 7, § 52 and 53. La. Rev. Stat. Ann. 13:1561.	The Louisiana Constitution establishes juvenile courts in two parishes and a family court in a third parish. By statute, for the other parishes in the state, the district court judge is judge ex-officio of the juvenile court and may conduct it in chambers irrespective of term time; the same power is vested in the city court judges within the cities. The judges are elected, and must be learned in the law and must have practiced law in Louisiana for five years.	Under 17	The juvenile court has jurisdiction over delinquent, dependent, and neglected children. The juvenile court has no jurisdiction over children 15 or over charged with a capital crime or charged with assault with intent to commit aggravated rape. The juvenile court also has jurisdiction over persons contributing to the delinquency, dependency, or neglect of children within the court's jurisdiction; non-support of children; adoptions; non-support of wife; and, commitment of the mentally disordered.	The court appoints probation officers.
Maine Me. R.S., Chap. 146.	The judges of the municipal courts have exclusive, original jurisdiction within their respective municipalities and when exercising such jurisdiction shall be known as the juvenile court.	Under 17	The juvenile court has jurisdiction over all offenses committed by juveniles except those punishable by life imprisonment and those former capital crimes now punishable by "any term of years."	The court may appoint special probation officers to care for offenders under 17. They are to be reimbursed by the county for actual expenses.
Maryland Md. Code Ann., Art. 26, § 50 et. seq.	The circuit court for each county sits as juvenile court. (The 1955 legislature created a separate juvenile court for Montgomery County, with a judge appointed by the judicial council.)	Under 18	The juvenile court has exclusive, original jurisdiction over any delinquent, dependent, neglected, or feeble-minded child. The court also has jurisdiction to determine paternity. The court does not have any jurisdiction over offenses under the motor vehicle laws other than manslaughter by automobile, unauthorized use or occupancy of a motor vehicle, or operating a motor vehicle under the influence.	The judge may appoint suitable persons to act as probation officers.
Massachusetts Mass. Laws Ann., Chap. 119; Chap. 218	A separate juvenile court exists in the City of Boston. District courts elsewhere in the state exercise juvenile jurisdiction, except that the superior courts exercise concurrent jurisdiction with district courts over felonies committed by children under 17 when not punishable by life imprisonment or death. The Boston juvenile court has one justice and two special justices, appointed by the Governor.	Under 17	The juvenile court has jurisdiction over wayward and delinquent children between the ages of 7 and 17; and over dependent and neglected children under 17. The juvenile court also has concurrent jurisdiction over adults contributing to the waywardness or delinquency of children.	
Michigan Mich. Stat. Ann., § 27.3178 et. seq.	The probate court of each county has a juvenile division to exercise juvenile jurisdiction. The judge of the probate court is judge of the juvenile division of such court.	Under 17, generally. The court may order any adult to refrain from conduct tending to cause a child to come within the juvenile act.	The juvenile court has exclusive, original jurisdiction over children under 17 who commit specified acts of delinquency; jurisdiction over neglected children, and over children under 19 when waived by the court of chancery in custody proceedings incident to divorce. The juvenile court has concurrent jurisdiction when the child is between 17 and 19 and commits other specified acts of delinquency (such as highly immoral conduct).	The probate judge appoints one or more suitable persons of good character and qualified by training and experience to be probation officers. The judge may also appoint non-paid probation officers.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
Juveniles are not to be confined or transported with adult criminals.	The children's cases are to be heard separately from adult cases. The hearings are to be informal and no stenographic notes are to be taken unless the court so orders. The general public may be excluded. No provision is made for a jury trial.	The records of the court are private except to statistical information and information of a general nature.	The juvenile court has no jurisdiction over capital crimes or attempted aggravated rapes committed by minors 15 or older.
	The juvenile hearings are to be held at such times and places within the court's jurisdiction as the court may determine. The general public is to be excluded. No provisions are made for a jury trial.	The records of the court are not to be opened for public inspection except by court permission.	The juvenile court may hold any child for the grand jury, and if such child is indicted, the superior court may try him or may file the indictment or make such other disposition of the case as it deems desirable.
The child is not to be detained in association with criminal, vicious, or dissolute persons.	The juvenile hearings are to be held separate from adult cases; are to be informal; may be held in chambers; and, no stenographer is to be used unless the judge so orders. Only necessary or desirable parties are to be present. No provision is made for a jury.		The juvenile court judge may waive juvenile jurisdiction in the cases of either misdemeanors or felonies.
No child under 17 may be detained in a lockup pending the hearing except when charged with an offense punishable by death or life imprisonment. The court may commit a child between 14 and 17 to jail, but such child must be kept separate from other prisoners except when attending religious exercises or receiving medical attention.	No minor shall be allowed at any hearing unless his presence is necessary as a party or as a witness. The general public is excluded.	The records in cases of wayward or delinquent children are to be withheld from public inspection.	The juvenile court may waive jurisdiction over a criminal offense charged against a child between 13 and 17, after a hearing on the complaint.
No child under 17 may be jailed or mingled with adult criminals, unless such child is over 15 and is a menace to other children in which case he may be jailed but separately from adults.	The hearings are to be informal. The public may be excluded. Any interested person may demand a jury of six, or the judge may order a jury trial on his own motion. The judge may appoint a referee. If the parties in interest do not object, a probation officer may be the referee.	The court records are open for inspection, only upon court order, to those who have a legitimate interest. The names of adults coming before the court are not to be released for publicity unless such adult is adjudged in contempt.	The juvenile court may, upon motion of the prosecuting attorney, and after examination of the case and notice to the parents, waive jurisdiction over a child 15 years of age or older charged with a felony.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Minnesota Minn. Stat. Ann., § 260 et seq.	In counties with a population in excess of 100,000 and in certain designated counties with a population in excess of 45,000, the district courts have jurisdiction over juvenile cases. In the remaining counties under 100,000 population the probate court has juvenile jurisdiction. In most of the counties over 45,000, the district court judges assign one of their number to hear juvenile cases. In two of these districts, the judge is elected.	Under 18	The juvenile court has jurisdiction over delinquent, dependent, and neglected children.	The court appoints one or more persons of good character to serve as probation officer. In counties where no probation officers are provided, the county welfare board may on request of the judge provide a probation officer.
Mississippi Miss. Code. Ann., § 7185 et seq.	A youth court division is created as a part of the county court of each county having a county court, and is a part of the chancery court in each county in which there is no county court.	Under 18	The youth court has exclusive, original jurisdiction over delinquent children not less than 10 years old, and neglected children in the county. The youth court has no jurisdiction where a child 13 years of age or older is charged with a capital crime. The court may order any person contributing to the delinquency or neglect of a child to do or to refrain from doing any act, subject to contempt proceedings.	The court, with the approval of the board of supervisors, appoints one or more court counselors from the State Merit System list, or the court may designate the County Department of Public Welfare to furnish court counselors.
Missouri Mo. Stat. Ann. § 211.010 et. seq.	The circuit courts in counties of the first and second class and the City of St. Louis have exclusive jurisdiction over juvenile cases. The Cape Girardeau court of common pleas and all circuit courts in counties of less than 50,000 population have original jurisdiction over juvenile cases.	Under 17	The juvenile court has jurisdiction over neglected. dependent, and delinquent children.	The court is to appoint discreet persons of good character who are not less than 25 years of age as probation officers. The court may also appoint deputy probation officers.
Montana Mont. Rev. Code, § 10-603.	The district court in each county has exclusive juvenile jurisdiction and shall be called the juvenile court when exercising such jurisdiction. The judge of the district court is judge of the juvenile court.	Under 18 in some cases and 21 in others.	The juvenile court has exclusive, original jurisdiction over delinquent children under 18; over any person who is under 21 charged with violating any state law other than specified major crimes; and over any child charged with violating a city or town ordinance. The juvenile court has jurisdiction over parents who wilfully and knowingly fail to provide their children with proper food, clothing, medical attention, and an opportunity to attend school. The juvenile court also has jurisdiction over contributing to the delinquency of a minor (which includes negligence in the care, custody, or guidance of a child).	The judge is to appoint a discreet person with good moral character to serve as probation officer. The judge may appoint one or more deputy probation officers.
Nebraska Neb. Rev. Stat., § 43-201 et. seq.	The district and county courts have concurrent jurisdiction over juvenile cases except that county courts in counties with a population in excess of 50,000 are not to exercise jurisdiction except in the absence of a district court judge. In cities with a population in excess of 40,000, the police judge has concurrent jurisdiction with the county judge within the city limits.	Under 18	The juvenile court has jurisdiction over dependent, neglected, or delinquent children. In addition, the juvenile court has jurisdiction in cases of divorce, alimony, and cases involving the custody of children.	The district judge is to appoint two or more persons of good character, one of which must be a woman, as probation officers. In counties over 200,000 there is to be one chief probation officer and five assistant probation officers.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
	The courts shall exclude the general public from juvenile hearings. Jury trials may be had in the district courts in juvenile cases, and upon appeal from a probate court in juvenile cases.	The juvenile court records may be withheld from indiscriminate public inspection in the discretion of the court.	The juvenile court has discretion to order the county attorney to prosecute cases involving children over 12 years of age in the criminal courts.
Juveniles are not to be placed in jail unless their habits or conduct constitutes a menace to others, and then to be separated from adults.	The hearings are to be informal with the general public excluded. They are to be held at any place the judge deems suitable but separate from adults. A jury trial is provided for. The chancery clerk or any other suitable person may be appointed by the judge as referee.		If the child is 14 years of age or more and is charged with a felony, he may, after investigation, be certified to the criminal courts. If he is charged with a crime punishable by life imprisonment or death, the criminal courts have exclusive jurisdiction. The youth court may order any child charged with a misdemeanor to be prosecuted in the J. P. or municipal court.
No child under 14 years of age is to be incarcerated in any common jail or lockup. Children may not be confined with adult criminals.	A special courtroom to be called juvenile court must be provided. The practice and procedures for the conduct of criminal cases shall be followed when the child is charged with a violation of the criminal statutes, and the child or his parents may demand a jury trial.		The juvenile court has discretion to allow a delinquent child to be prosecuted in the criminal courts in any case.
Juveniles are not to be confined with adult criminals.	Juvenile hearings are to be informal and the general public is to be excluded. The children's cases are to be held separate from adult trials. The child, parent or other interested party may demand a jury trial. The judge may call a special jury.	There is not to be any publicity concerning a child charged with, or found to be, delinquent.	
No child under 16 is to be confined in the same building with an adult.	A special juvenile courtroom must be provided. Whenever a delinquent child is charged with a crime, any interested person or the judge may require a jury trial.		

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Nevada Nev. Comp. L. § 1038.1 et. seq.	The district courts have jurisdiction over juveniles and when so acting shall be known as the juvenile court.	Under 18	The juvenile court has exclusive, original jurisdiction over dependent, neglected, or delinquent children.	The judge appoints, with the advice of a five-member probation committee appointed by the court, and with the consent of the county commissioners, probation officers for the court.
New Hampshire New Hamp. Rev. Stat. 169:1 et. seq.	The municipal court in each county exercises juvenile jurisdiction.	Under 18	The juvenile court has exclusive, original jurisdiction over neglected and delinquent children (except where violations of motor vehicles or aeronautical laws are charged).	
New Jersey N. J. Stat. Ann., 2a, Chap. 4.	The judge of the county court is judge of the juvenile court; however, in counties with a population of 600,000 or more, and (in discretion of the Governor with consent of the Senate) in each county with not less than 305,000 nor more than 370,000, and in and county or combination of counties upon petition of 5% of the registered voters or upon resolution by the board or boards of chosen freeholders and a majority vote by the voters, a separate juvenile and domestic relations court may be created. The judge of a separate juvenile or domestic relations court is appointed for 5 years by the Governor. He must be an attorney, and must not practice law while judge if in a county of 800,000 or more.	Under 18	The juvenile court has jurisdiction over delinquent children. In addition, the juvenile and domestic relations courts have general family court jurisdiction. The juvenile courts have no jurisdiction over violations of motor vehicle laws against children who are 17 years of age or older and hold an operator's license; and juveniles of 16 or 17 years of age who demand presentment and jury trial. The juvenile court has jurisdiction over adults neglecting, cruelly treating, abandoning or contributing to the delinquency of a minor.	The judge appoints necessary employees of the court.
New Mexico New Mex. Stat. 13-8-5 et. seq.	There is a juvenile court in each judicial district of the state. The judge of the district court is the juvenile court judge.	Under 18 in case of delinquency, and under 16 in case of dependency or neglect.	The juvenile court has jurisdiction over delinquent, dependent and neglected children.	The judge appoints probation officers and other employees of the court.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
No juvenile is to be confined in jail unless no other place is available and then he must be separated from adult criminals.	Juvenile cases are to be heard separate from adult cases; are to be informal, and the general public may be excluded. No jury trial is provided for. The court may appoint any person qualified by experience, training, and demonstrated interest in youth welfare as a referee, whose decision is final unless appealed to the judge.	The court records are to be opened only upon a court order to a person with a legitimate interest.	Whenever a person over 18 and under 21 is accused of a non-capital felony, the district court may order disposition of the case under provisions relating to children under 18, if the child consents. If a child 16 or over is charged with a felony, the juvenile court has discretion to transfer the case to criminal court for criminal proceedings.
Juveniles are not to be committed to jail unless found to be a menace, and then they must be separated from adult criminals.	Hearings are to be informal and separate from adult cases, and in a different room where possible. The general public is to be excluded.	The court records are not to be open to public inspection. The publication of information with respect to a delinquent or the proceedings of the court constitutes contempt of court.	The court has discretion to certify to the superior court any case constituting a felony for criminal trial.
Juveniles are not to be confined with adult criminals.	Children's cases are to be heard without a jury. The judge may appoint a probation officer or some other suitable person to act as a referee, without compensation.		The juvenile court may waive jurisdiction over delinquents who are 16 or 17 years of age, either because they are habitual offenders or because they are charged with an offense of a heinous nature. A child who is 16 or 17 and charged with delinquency may demand presentment and trial by jury in which case he is to be referred to the prosecutor of the criminal court for criminal trial.
No juvenile is to be detained in a jail without the approval of the judge, and then separately from adult criminals.	Separate hearings are to be provided for juvenile cases. The rules of evidence in civil cases shall apply to juvenile hearings, and no jury is provided for. In the case of dependent and neglected children, the court is to appoint one or more J. P.'s attorneys, or a notary public to act as referees.	The court's case records are public, except for the probation officer's report.	A child 14 or over charged with a felony may be bound over to the criminal court on a finding that he is not a proper subject for reformation or rehabilitation.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
New York N. Y. Const. Art. 6, Sec. 18; Children's Court Act, Dom. Rel. Court Act, and N. Y. Crim. Code.	The domestic relations court of the City of New York holds sessions in each of the five counties of the city. Such court has a children's court division and a family court division. There is a children's court in the other counties of the state, except in those counties certifying that judicial business does not justify election of separate judges of the respective children's courts. The county children's court judges are elected for a 6-year term. They must be licensed attorneys and may not practice law while holding the office of judge of the children's court.	See next column.	The county children's court has exclusive jurisdiction over delinquent, neglected, abandoned, and mentally defective children under 16; physically handicapped children under 21, only for education, care, and treatment with regard to such children between 16 and 21. The court has jurisdiction over support proceedings when the welfare of a child is involved; jurisdiction over cases involving children born out of wedlock; and jurisdiction over cases involving education laws in certain counties. They also have concurrent jurisdiction over adoption and guardianship matters. The children's court also has jurisdiction over cases below a felony in which an adult is charged with contributing with the delinquency or neglect of a juvenile.	The judge appoints, pursuant to civil service law and regulations, such probation officers as the board of supervisors authorizes.
North Dakota No. Dak. Rev. Code, § 27-1601 ed. seq.	The district courts of the counties have original jurisdiction in all cases under the juvenile court act.	Under 18	The juvenile court has jurisdiction over delinquent and neglected children under 18, and persons under 21 who violated a law before becoming 18. The juvenile court has concurrent jurisdiction over persons between 18 and 21 alleged to have violated a law, and over mentally defectives.	The judge appoints juvenile officers to serve without compensation except for expenses.
Ohio Ohio Rev. Code, § 2151.01 et. seq.	There is within the probate court a juvenile court presided over by the probate judge. Juvenile court powers are also conferred upon exisiting independently created juvenile courts and domestic relations courts.	Under 18	The court has exclusive original jurisdiction over any child who is delinquent, neglected, dependent, crippled, or otherwise physically handicapped; custody cases; concurrent jurisdiction over bastardy cases; exclusive jurisdiction over aduts contributing to delinquency of minors or failing to support juveniles; discretionary jurisdiction over divorce and alimony actions involving custody of children.	The judge appoints and fixes the salary of probation officers.
Oklahoma Okla. Stat. Ann., Title 20, § 771 et. seq.	There is created in each county with a population between 100-000 and 300,000 a juvenile court. The president of the county bar association is to appoint a committee of five attorneys and two laymen to nominate three attorneys in each county as judge, with the governor appointing one of the three. The judge receives the same salary as a county judge. The statutes also provide for a family court in every county with a population over 90,000, and provides that it has concurrent juvenile jurisdiction with the county court. Thus it would appear that the county courts have juvenile jurisdiction in counties of less than 90,000.	Under 18	The juvenile court has exclusive, original jurisdiction over dependent, delinquent, and neglected children; concurrent jurisdiction with the county court over custody and adoption proceedings; judicial consent to marry (when required by statute); commitment of mentally defective or disordered child. The juvenile court has concurrent jurisdiction over adults charged with contributing to the dependency, neglect, or delinquency of a child; paternity cases; and abandonment and non-support cases.	A court director and other technical and professional employees are appointed by the judge from a list of eligible persons established by a Citizens Advisory Commission.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
Juveniles are not to be confined with adults.	Juvenile hearings are to be held separately from adult cases and the general public must be excluded. The court may hear or determine the case with or without a jury within the discretion of the judge. If there is a jury, it is to be a 6-man jury.	The court records may be withheld from indiscriminate public inspection.	
	The hearings are to be informal with the general public excluded. There are no provisions for a jury trial. The court is to appoint not more than two discreet persons with good moral character as juvenile commissioners, each to have the power of referees. At juvenile hearings, the judge receives the report of the commissioners the same as other evidence.	Juvenile court records are to be private, except by court order. No newspaper is to publish a child's name, except as it appears in the court process and published by the order of the court.	When a child 14 years of age or older is charged with the commission of an offense, the juvenile court may permit him to be tried criminally.
Juveniles may be detained in such places as the juvenile judge orders. They may not be photographed or fingerprinted without the consent of the judge.	Juvenile hearings are to be informal with the general public excluded. They are to be separate from adult hearings. There are not to be jury trials for children's cases, but adults may get a jury trial on demand. The judge may appoint referees to make recommendations to the judge.	Records of the court are to be private, except that they may be examined by a parent and next of kin (if parent deceased).	The juvenile court may transfer any child charged with a felony, after investigation, to the common pleas court for criminal trial.
If the child is under 16, he may not be detained in a jail or lockup. If he is 16 or 17, he may be detained in a jail or lockup with adult criminals, but must be separated from such adult criminals.	The juvenile hearings are to be informal and the general public shall be excluded. No provisions for a jury trial are made. Provisions are made for the appointment of referees by the judge as a result of competitive examinations. The referee may hear cases and make recommendations to the judge, such recommendations to be followed if the judge approves same unless a hearing before the judge is requested by the child or his representative.	Records of the court are to be private, except upon court order.	The court has discretion, after investigation, to transfer to the criminal court any child charged with an act which would be a crime if committed by an adult.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Oregon Ore. Rev. Stat., § 419. 502 et. seq.	The county courts have juvenile jurisdiction, with the judge of the county court serving as juvenile court judge.	Under 18	The juvenile court has jurisdiction over delinquent, dependent, and neglected children.	In counties with more than 200-000 population, the judge may appoint as ex-officio probation officers certain employees of the Department of Public Safety and attendance officers of the public schools. The judge is to appoint persons of good moral character as counselors of the juvenile department of the county.
Pennsylvania Purdon's Pa. Stat. Ann., Title 11, § 243 et. seq.	The juvenile courts are the county court in Allegheny County, municipal court in Philadelphia County, and the court of quarter sessions in all other counties. The judge of juvenile court in Allegheny County is elected for a term of 10 years. He must be learned in law.	Under 18	The juvenile court has exclusive jurisdiction in proceedings affecting delinquent, dependent, or neglected children; and cases of adults contributing to the delinquency, dependency, or neglect of a child, or committing an act with respect to a child which is in violation of the law.	The judge appoints the probation officers and fixes their salary and expenses.
Rhode Island R. I. Pub. Laws 1949, Chap. 2351.	The juvenile court of the state sits at least one day in every calendar month in each county of the state. There are two judges appointed by the Governor with the advice and consent of the Senate for ten-year terms. The judge must devote full time to his judicial duties and must be a member of the Bar.	Under 18	The juvenile court has exclusive jurisdiction over delinquent, dependent, neglected, wayward, and mentally defective or disordered children; adoption; paternity and support proceedings; proceedings relating to child marriages; adults contributing to delinquency, waywardness, or neglect of a child; abandonment and non-support of a child; and neglect to send a child to school.	The court appoints a child intake supervisor and two assistant intake supervisors to serve at the pleasure of the judge. The administrator of probation and parole assigns, with approval of the chief judge, probation counselors to serve in the court.
South Carolina S. C. Code, Title 15, § 15 - 1101 through 15 - 1276.	A domestic relations court is established in every county containing a city with a population in excess of 70,000, and a juvenile domestic relations court in every county containing a city of between 60,000 and 70,000 population. Each of these courts has a children's court division and a family court division. By special act, there is a special domestic relations and juvenile court for Greenville County, Sumter County, Spartanburg County, and Laurens County. The judges must be attorneys and are appointed either by a board or upon recommendation of the board. They serve terms of from one to seven years. It appears that in counties with a population under 60,000, the probate court may have juvenile jurisdiction as the statutes grant the probate judge jurisdiction "in business appertaining to minors."	Under 16 in a domestic relations court; under 18 in a juvenile domestic relations court.	These courts have jurisdiction over delinquent, physically handicapped, material witness, mentally defective and neglected children; adoption; custody; support proceedings; and guardianship proceedings. This court also has concurrent jurisdiction as to separation matters and divorce proceedings.	The judge appoints probation officers of the court.

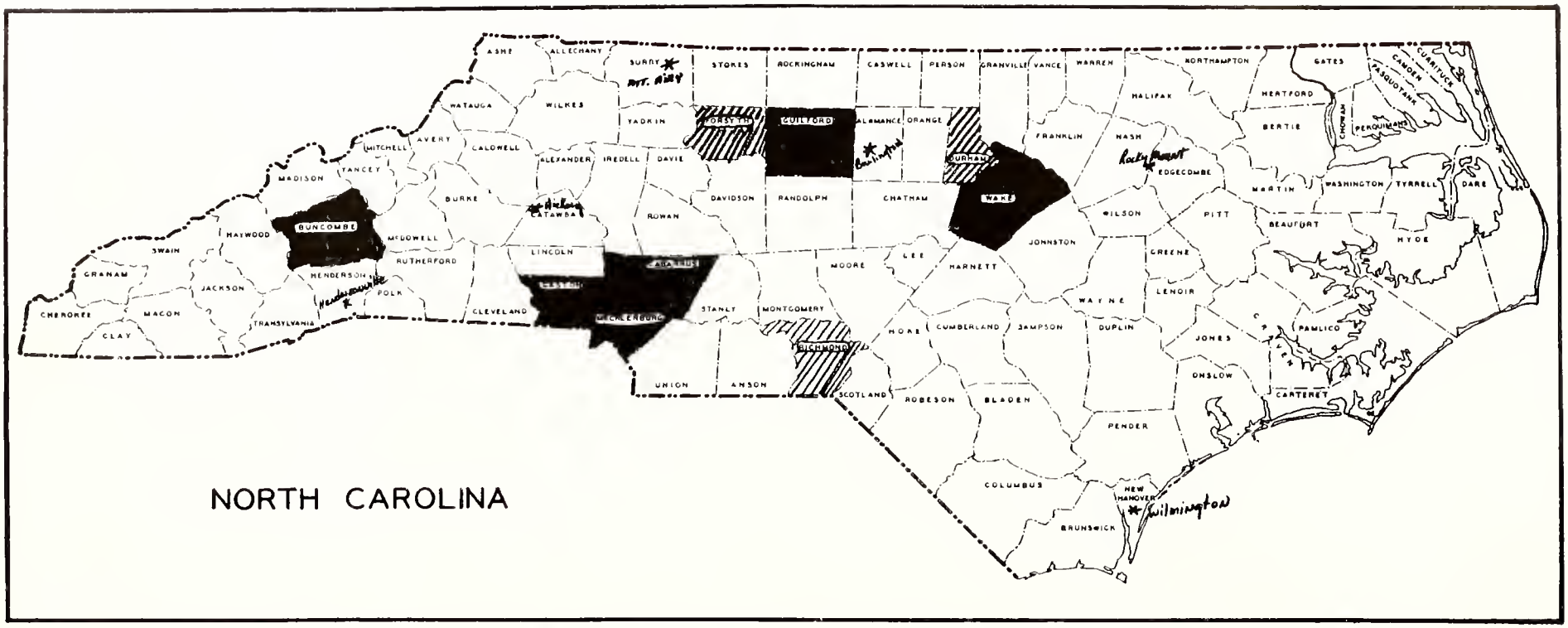
Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
Children under 14 years of age may not be confined with adult criminals.	The court designated to hear juvenile cases is to have special sessions for juvenile cases only.	Juvenile court proceedings are not to be given to anyone to use against the child.	Any child committing a misdemeanor or felony, who before or after commitment is found to be incorrigible, an habitual criminal, or to have committed such a felony as shows great depravity of mind, may be transferred to the criminal courts for trial.
Children under 16 may not be confined with adults, or allowed in adult's courtroom except to testify. The county commissioners are to provide separate rooms for juveniles under 18 awaiting hearings in court.	The juvenile court sessions are to be separate and apart from courts for criminal cases and other business. There are no jury trials in childrens cases; if adults demand a jury trial, the case is to be transferred to a proper court for trial.	Juvenile court records are not to be opened to indiscriminate public inspection, but are open to those with a legitimate interest.	If a child is over 14 years of age and commits a crime (other than murder) punishable by imprisonment in state's prison, the judge of the juvenile court may transfer the case to the district attorney for criminal trial. If one under 16 commits a crime other than murder, the criminal court must transfer the case to the juvenile court. If the child is over 16 but under 18, the criminal court has discretion as to the transfer.
A child may not be confined or allowed to associate with criminal, vicious, or dissolute people.	The juvenile hearings are to be informal and must be held separate from adult cases. No jury trial is provided for juvenile cases, but a jury trial may be had in adult cases unless waived.	The records of the court are to be private, except on order of the court persons having a justifiable grounds for inquiry may see such records.	If a child between 16 and 18 years of age commits an indictable offense, or if an adult commits an act within the jurisdiction of the juvenile court, the case may be transferred to the regular courts.
When a juvenile is taken to a police station or county jail, he must be kept separate from adults confined therein. Special provisions are made for these special courts.	The juvenile hearings are to be separate from adult hearings, are to be informal, and are to be held without a jury.	The records of the court are private except upon order of the court, and except as to parent, guardian, next of kin, or attorney of child.	The children's court may refer to any magistrate or to the court of general sessions any delinquent child or any adult contributing to the delinquency of a minor. Special provisions are made for the special courts.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
South Dakota S. D. Code, § 43.0301 et. seq.	The county court has jurisdiction over juvenile cases and when exercising such jurisdiction is known as the juvenile court.	Under 21 as to dependent and neglected children; under 18 as to delinquent children.	The juvenile court has jurisdiction over dependent, neglected, and delinquent (one who violates any law, smokes, or is found alone in a secluded place with one of the opposite sex) children.	The court appoints any number of discreet persons to serve without compensation as probation officers. In counties of over 15,000 population, the court may appoint a head probation officer and the county commissioners may hire and pay others upon the judge's recommendation.
Tennessee Tenn. Code Ann., § 37-242 et. seq.	The juvenile court means a county judge or chairman of the county court in all counties except those in which juvenile courts are specifically provided for. (It is a misdemeanor for a city recorder or J.P. to take any action in any cause concerning a child within the jurisdiction of the juvenile court.)	Under 18	The juvenile court has original jurisdiction over delinquent, dependent, and neglected children; appointment of guardians; abandonment of child; and proceedings to establish paternity and provide for support of illegitimates. If the charge is rape or murder in the first or second degree, the juvenile court has no jurisdiction. It is a misdemeanor for an adult to contribute to the delinquency or neglect of a minor. Such adults are called before the juvenile court and the juvenile court may impose sentence if they plead guilty, or may transfer the case to the criminal court if they plead not guilty.	The judge appoints one or more probation officers whose salaries are fixed by the county court. If none are appointed, the court may refer the case to the Department of Public Welfare.
Texas Texas Civil Stats., Title 43, Art. 2338-1 et. seq.	Either a district, county, or criminal court in each county is to be designated by the judges of those courts as the juvenile court. By special act, the counties of Potter, Lubbock, Harris, and Starr have a domestic relations court.	Females over 10 and under 18; males over 10 and under 17.	The juvenile court has jurisdiction over delinquent, dependent, and neglected children.	The statutes refer to the probation officer of the county without specifying in the juvenile court article who is to appoint such probation officer.
Utah Utah Code Ann. Title 55, Chap. 10	A juvenile court is established in each judicial district of the state, or in such juvenile court districts as the Public Welfare Commission with the approval of the Governor may establish. The judges are appointed by the Public Welfare Commission for terms of six years. They must be a member of the Utah State Bar and specially qualified for juvenile court work.	Under 18	The juvenile court has exclusive jurisdiction over neglected, dependent, and delinquent children; custody; guardianship; and employment of children. The juvenile court also has jurisdiction over misdemeanors committed by adults relating to custody, abuse, detention, guardianship, employment, probation, neglect, dependency, delinquency and care of children.	The judge of the juvenile court, with the consent of the Public Welfare Commission, appoints a chief and assistant probation officers. The appointment is from a list of eligibles published by the Public Welfare Commission.
Vermont Vt. Stats., § 9883 et. seq.	Juvenile jurisdiction is vested in the municipal courts, and where there is none in a justice of the peace in the county designated by the Governor. Such justices of the peace receive $5.00 per day plus necessary expenses.	Under 16	The juvenile court has original jurisdiction over delinquent, dependent, and neglected children.	The Commissioner of Social Welfare is to have pre-hearing reports prepared for the court.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
No child under 15 is to be locked in any jail or police station under any circumstances; if 15 or over the detention is within the discretion of the court.	The juvenile hearings are to be informal and the courts shall exclude the general public. The court may order a 6-man jury to hear the case.	The records of the juvenile court are not open to the public. It is unlawful for any newspaper to publish the name of the child without a written order of the court.	The juvenile court may, in its discretion, commit any child to be prosecuted criminally.
Pending disposition, a child is not to be confined in any enclosure with adult prisoners; not to be held over 48 hours without being taken to the juvenile court; and is not to be fingerprinted or photographed between the time of apprehension and the time of being taken before the court.	The public is to be excluded from the hearing of juvenile cases.	The records of the court are not open to public inspection.	If a child 16 or 17 is adjudged delinquent and committed to an institution, and thereafter commits a felony, the juvenile court may transfer the case to the criminal court for trial.
	The juvenile hearings are to be informal with the public excluded. A jury trial may be demanded or the court may order one. Juvenile hearings are to be held separate from adult hearings.	The court records may be inspected only upon order of the court.	
A child may not be committed or detained in a jail, lockup, or police cell used for ordinary criminals or persons charged with crimes.	The juvenile hearings are to be informal and the general public may be excluded. The court may compel children to testify concerning the facts alleged. The court may not sit at the premises used for ordinary criminal trials. The judge may appoint a probation officer or other person as referee to hold office during the pleasure of the court. The court may refer a case or class of cases to a referee.	The records are to be withheld from indiscriminate public inspection. Probation records may not be inspected except by consent of the court.	If a child 14 years of age or older commits a felony, the juvenile court may hear the case or may in its discretion, bind the child over to the district court. If a child 14 years of age or over is charged with a felony before a district court, such court may bind the child over for criminal prosecution or order the case transferred to the juvenile court.
	The court is to hear and dispose of juvenile cases in a summary manner.		If a child under 16 is charged with a crime not punishable by death, he is to be transferred by any other court to the juvenile court.

State	Court Structure—Judge	Juvenile Age Limit	Jurisdiction	Probation Officers
Virginia Va. Code, § 16.1-139	In every county and in every city in the state there is a juvenile and domestic relations court. Judges for the county are appointed by the judge of the circuit court; for the cities by the judge of Hustings or corporation court if any, or by the judge of the circuit court. In cities with a population of 25-000 or more, the judge must be licensed to practice law.	Under 18	The juvenile court has exclusive jurisdiction over delinquent, dependent, neglected, and mentally defective children under 18; and, custody or support of such children. The court also has exclusive jurisdiction over an adult charged with abandonment or non-support of a child; abuse or contributing to the delinquency, dependency, or neglect of a child; offenses (except murder and manslaughter) committed by one menber of a family against another member of a family (if felony, jurisdiction limited to committing magistrate); and, violations causing or contributing to disruption of marital relations of a home.	The judge appoints a probation officer from a list of eligibles. The judge may remove such officers for cause.
Washington Wash. Rev. Code, § 13.04.010 et. seq.	The superior courts of the several counties have all juvenile jurisdiction. Special sessions to be designated "juvenile court sessions" are to be held.	Under 18	The juvenile court has jurisdiction over delinquent and dependent children; and any person who contributes to the delinquency or dependency of a child.	A juvenile court is to appoint one or more persons of good character to serve as probation officers during the pleasure of the court; compensation is provided for those in counties of more thau 20,000 population only.
West Virginia W. Va. Code, § 4904(1) et. seq.	The circuit court of the county is given juvenile jurisdiction unless a separate court is established with juvenile jurisdiction in which case the appeals are to the circuit court. Special act domestic relations courts for Cabell and Jamawha Counties are established.	Under 18	The juvenile court has jurisdiction over any child who is crippled or who, because of a lack of a home, inadequate care, neglect, illegitimate birth, mental or physical disability, or undesirable or delinquent conduct is in need of services, protection, or care.	The County Director of the State Department of Public Assistance is ex-oficio probation officer of the juvenile court, and, with the court's approval, may designate one or more of his assistants or employees of the county council to assist him in his duties as probation officer.
Wisconsin Wis. Stats. § 48.01 et. seq.	The judges of the courts of record in each county annually designate one or more of the courts in the county to hear juvenile cases and such court or courts are known as juvenile courts when hearing such cases. In counties with a population of over 500,000 a separate children's court is established. There is a full-time elected judge for a six-year term. He must have been a licensed attorney for at least five years.	Under 18	The juvenile court has exclusive jurisdiction over children alleged to be delinquent, dependent, or neglected; also jurisdiction over the appointment of a guardian in certain cases and jurisdiction to make custody determination in certain cases. The juvenile court has exclusive jurisdictior over persons contributing to the delinquency and neglect of a child.	In counties with a population under 500,000, the county board is to provide one or more juvenile court workers. In counties over 500,000 population, the county board is to establish a probation department for the children's court with the judge appointing the probation officers.
Wyoming Wyo. Cons. Stats., § 1-701 et. seq.	A juvenile court is established in each county in the state; the district judges of the state are the judge of the juvenile courts in the counties within their respective districts.	Under 18	The juvenile court has jurisdiction over children who are delinquent, abandoned, beyond the control of parents, lack parental care, or whose condition endangers his welfare; also jurisdiction over custody and guardianship matters in certain cases The court also has jurisdiction to enter orders respecting persons contributing to the condition causing the child to be before the court.	The judge is authoried to request the services of the County Department of Public Welfare.

Segregation of Juveniles From Adult Criminals	Hearings	Status of Court Records	Transfer of Cases
A child may not be transported or detained in association with criminal, vicious, or dissolute persons; except that a child 14 or over may with the consent of the judge be placed in a place of detention for adults, but in a room or ward separate from adults.	The trial of juvenile cases are to be at different times from the trial of adults. The general public is to be excluded. If a parent or person in loco parenties is not in court at the time of the hearing, the judge is to appoint a guardian ad litem for the child. The procedure for adult cases is to be the same as in the children's cases when not inconsistent with laws relating to the conduct of adult cases. The judge in a city with a population of 200,000 or more may appoint referees, whose findings and recommendations, when approved by the court, become the judgment of the court.	The records of the court are to be withheld from public inspection.	If a child 14 years of age or over commits an act punishable by confinement in the penitentiary, the juvenile court may certify such child to the criminal court; if charged with a crime punishable by death, life imprisonment, or 20 years imprisonment, and the juvenile court does not certify the case to the criminal court, the Commonwealth's Attorney may present the case to the Grand Jury and if a true bill is returned, the juvenile court loses jurisdiction.
No fingerprints or photographs may be taken of a child taken into custody, without consent of the court.	Juvenile hearings are to be summary; are to be conducted in any room provided in the courthouse; are not to be, in so far as practicable, heard in conjunction with other court business. The court may exclude the general public from the hearings, and the child, parents, or person in loco parentis may request a private hearing.	Juvenile court records and probation reports are not open to public inspection.	The juvenile court, in its discretion, may order any child arrested for committing a crime turned over to proper officials for trial under the criminal code.
A child under 16 may not be committed to a jail or police station, except that a child over 14 who has been committed to an industrial home or correctional institution may be held in the juvenile department of a jail while awaiting transportation to such institution.	Any interested person may demand, or the judge on his own may order, a jury of twelve to try questions of fact in juvenile hearings.	The name of a child involved in a juvenile hearing may not be published in the newspaper without written consent of the court.	If a child 16 years of age or over is charged with the commission of an offense, the juvenile court may refuse to take jurisdiction and permit the child to be proceeded against in the regular criminal courts.
Juveniles must be jailed separately from adults.	The hearings may be formal or informal as the judge considers desirable; the general public may be excluded; and a jury trial may be had if demanded.	The court records may be disclosed only upon an order of the court.	If the case involves a child 16 years of age or over and the juvenile court considers it contrary to the best interest of the child or of the public to hear the case, the court may waive jurisdiction to the criminal courts.
When the child's conduct endangers his or others' welfare, he may be placed in segregated quarters in an adult detention facility by order of the judge. No child under 13 shall be placed in jail, except for the duration of the night when he has been taken into custody.	The juvenile hearings are to be conducted according to civil procedures, but shall not be open to the public. The child may have a jury upon request by himself or his guardian.	The records of the court concerning children are not open to the public inspection, nor may they be used by the newspapers.	The juvenile procedure is made an alternate rather than an exclusive procedure. The district courts may transfer cases commenced before it to the juvenile court.



COUNTIES SELECTED FOR DOMESTIC RELATIONS AND JUVENILE COURT STUDY

Legend:

Solid Black—Counties with a Domestic Relations Court.

Shaded—Counties with one other than the Clerk of the Superior Court as Judge of the Juvenile Court.

Solid White—Counties with the Clerk of the Superior Court as Judge of the Juvenile Court.

Asterisk (*)—Cities with a City Juvenile Court.