



CHAPTER 7B

ARTICLE 19 - TEMPORARY CUSTODY; SECURE AND NONSECURE CUSTODY; CUSTODY HEARINGS

N.C.G.S. § 7B-1903.

Criteria for secure or nonsecure custody.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-54, s. 10(a) — sixteenth act in the lineage	21 September 2026, 04:13 UTC	f091e435ab0c0228b453c265 - fac18d5e8ee604191ab17ded - 2df104cf4ed780c0

§ 7B-1903(a)

When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition, indictment, or information are true, and that either of the following circumstances exists:

- (1) The juvenile is a runaway and consents to nonsecure custody.
- (2) The juvenile meets one or more of the criteria for secure custody, but the court finds it in the best interests of the juvenile that the juvenile be placed in a nonsecure placement.

§ 7B-1903(b)

When a request is made for secure custody, the court may order secure custody only where the court finds there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition, indictment, or information, and that one of the following circumstances exists:

- (1) The juvenile is charged with a felony and has demonstrated that the juvenile is a danger to property or persons.
- (2) The juvenile has demonstrated that the juvenile is a danger to persons and is charged with either (i) a misdemeanor at least one element of which is assault on a person or (ii) a misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.
- (2a) The juvenile has demonstrated that the juvenile is a danger to persons and is charged with a violation of G.S. 20-138.1 or G.S. 20-138.3.

- (3) The juvenile has willfully failed to appear on a pending delinquency or criminal charge or on charges of violation of probation or post-release supervision, providing the juvenile was properly notified.
- (4) A delinquency or criminal charge is pending against the juvenile, and there is reasonable cause to believe the juvenile will not appear in court.
- (5) The juvenile is an absconder from (i) any residential facility operated by the Division or any detention facility in this State or (ii) any comparable facility in another state.
- (6) There is reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury. In such case, the juvenile must have been refused admission by one appropriate hospital, and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization. If the juvenile is placed in secure custody, the juvenile shall receive continuous supervision and a physician shall be notified immediately.
- (7) The juvenile is alleged to be undisciplined by virtue of the juvenile's being a runaway and is inappropriate for nonsecure custody placement or refuses nonsecure custody, and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.
- (8) The juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice; the juvenile shall be brought to court as soon as possible and in no event should be held more than 24 hours, excluding Saturdays, Sundays, and State holidays.

§ 7B-1903(c)

When a juvenile has been adjudicated delinquent, the court may order secure custody pending the dispositional hearing or pending placement of the juvenile pursuant to G.S. 7B-2506. As long as the juvenile remains in secure custody, further hearings to determine the need for continued secure custody shall be held at intervals of no more than 10 calendar days but may be waived for no more than 30 calendar days only with the consent of the juvenile, through counsel for the juvenile, either orally in open court or in writing. The order for continued secure custody shall be in writing with appropriate findings of fact.

§ 7B-1903(d)

The court may order secure custody for a juvenile who is alleged to have violated the conditions of the juvenile's probation or post-release supervision, but only if the juvenile is alleged to have committed acts that damage property or injure persons.

§ 7B-1903(e)

If the criteria for secure custody as set out in subsection (b), (c), or (d) of this section are met, the court may enter an order directing an officer or other authorized person to assume custody of the juvenile and to take the juvenile to the place designated in the order. If, pursuant to the criteria in subsection (b) of this section, secure custody is ordered for any person 18 years of age or older who falls within the jurisdiction of the court, pursuant to G.S. 7B-1601(d) or G.S. 7B-1601(d1), the order may designate that the person be temporarily detained in the county jail where the charges arose.

§ 7B-1903(f)

If the court finds that there is a need for an evaluation of a juvenile for medical or psychiatric treatment pursuant to subsection (b) of this section and that juvenile is under 10 years of age and does not have a pending delinquency charge, the law enforcement officer or other authorized person assuming custody of the juvenile shall not use physical restraints during the transport of the juvenile to the place designated in the order, unless in the discretion of the officer or other authorized person, the restraints are reasonably necessary for the safety of the officer, authorized person, or the juvenile.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
16 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1979	c. 815, s. 1	ENACTED
02	1981	c. 426, ss. 1-4	AMENDED
03	1981	c. 526	AMENDED
04	1983	c. 590, ss. 2-6	AMENDED
05	1987	c. 101	AMENDED

06	1987	1987 (Reg. Sess., 1988), c. 1090, s. 3	AMENDED
07	1989	c. 550	AMENDED
08	1998	S.L. 1998-202, s. 6	AMENDED
09	2000	S.L. 2000-137, s. 3	AMENDED
10	2001	S.L. 2001-158, s. 1	AMENDED
11	2007	S.L. 2007-493, s. 31	AMENDED
12	2011	S.L. 2011-145, s. 19.1(l)	AMENDED
13	2012	S.L. 2012-172, s. 3	AMENDED
14	2015	S.L. 2015-58, s. 3.1	AMENDED
15	2019	S.L. 2019-186, s. 5	AMENDED
16	2025	S.L. 2025-54, s. 10(a)	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 20-138.1	(b)(2a)	<i>"is charged with a violation of"</i>
G.S. 20-138.3	(b)(2a)	<i>"a violation of G.S. 20-138.1 or"</i>
G.S. 7B-2506	(c)	<i>"placement of the juvenile pursuant to"</i>
G.S. 7B-1601(d)	(e)	<i>"jurisdiction of the court, pursuant to"</i>
G.S. 7B-1601(d1)	(e)	<i>"court, pursuant to G.S. 7B-1601(d) or"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 7B-1903 (2025).

PINPOINT
N.C. Gen. Stat. § 7B-1903(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1979, c. 815, s. 1; 1981, c. 426, ss. 1-4; c. 526; 1983, c. 590, ss. 2-6; 1987, c. 101; 1987 (Reg. Sess., 1988), c. 1090, s. 3; 1989, c. 550; 1998-202, s. 6; 2000-137, s. 3; 2001-158, s. 1; 2007-493, s. 31; 2011-145, s. 19.1(l); 2012-172, s. 3; 2015-58, s. 3.1; 2019-186, s. 5; 2025-54, s. 10(a).)

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