



CHAPTER 7B

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

N.C.G.S. § 7B-1906.

Secure or nonsecure custody hearings.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-17, ss. 2(b), 5 — fifteenth act in the lineage	21 September 2026, 03:31 UTC	7ea26cacf1cd58d78fd79662 - 78c0e96075e4e29dea4c1ba4 - 3f968d49ac18e79d

§ 7B-1906(a) No juvenile shall be held under a secure custody order for more than five calendar days or under a nonsecure custody order for more than seven calendar days without a hearing on the merits or an initial hearing to determine the need for continued custody. A hearing conducted under this subsection may not be continued or waived. In every case in which an order has been entered by an official exercising authority delegated pursuant to G.S. 7B-1902, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered if the session precedes the expiration of the applicable time period set forth in this subsection. If the session does not precede the expiration of the time period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered.

§ 7B-1906(b) Except as otherwise provided in this section, as long as the juvenile remains in secure or nonsecure custody, further hearings to determine the need for continued secure custody shall be held at intervals of no more than 30 calendar days unless any party requests, or the court orders, an earlier hearing in which case the court shall schedule a hearing within 10 calendar days of the request. A subsequent hearing on continued nonsecure custody shall be held within seven business days, excluding Saturdays, Sundays, and legal holidays when the courthouse is closed for transactions, of the initial hearing required in subsection (a) of this section and hearings thereafter shall be held at intervals of no more than 30 calendar days. In the case of a juvenile alleged to be delinquent, further hearings may be waived only with the consent of the juvenile, through counsel for the juvenile.

§ 7B-1906(b1)

CLASS A FELONY

Further hearings to determine the need for secure custody shall be held at intervals of no more than 30 calendar days for a juvenile who satisfies either of the following criteria:

- (1) Was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
- (2) Was 13, 14, or 15 years of age at the time the juvenile allegedly committed an offense that would be a Class A felony if committed by an adult.

Further hearings may be waived only with the consent of the juvenile, through counsel for the juvenile. Upon request of the juvenile, through counsel for the juvenile, and for good cause as determined by the court, further hearings to determine the need for secure custody may be held at intervals of 10 days.

§ 7B-1906(b2)

A hearing to determine the need for continued secure custody shall be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court pursuant to G.S. 7B-2200.5(d) or on removal of the matter from superior court pursuant to G.S. 15A-960. A hearing conducted under this subsection may not be continued or waived. Subsequent hearings on the need for continued secure custody shall be held pursuant to subsection (b1) of this section. The district court has authority to modify any secure custody order pursuant to the provisions of this section following the issuance of that order by the superior court.

§ 7B-1906(b3)

When the capacity of the juvenile to proceed is questioned pursuant to G.S. 7B-2401.2(a), further hearings to determine the need for secure custody shall be held at intervals of no more than 30 calendar days from the date of the motion. Further hearings may be waived only with the consent of the juvenile through counsel for the juvenile. Upon request of the juvenile, through counsel for the juvenile, and for good cause as determined by the court, further hearings to determine the need for secure custody may be held at intervals of 10 days.

§ 7B-1906(c)

The court shall determine whether a juvenile who is alleged to be delinquent has retained counsel or has been assigned counsel; if the juvenile is not represented by counsel, counsel for the juvenile shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

§ 7B-1906(d)

At a hearing to determine the need for continued custody, the court shall receive testimony and shall allow the juvenile and the juvenile's parent, guardian, or custodian an opportunity to introduce evidence, to be heard in their own behalf, and to examine witnesses. The State shall bear the burden at every stage of the proceedings to provide clear and convincing evidence that restraints on the juvenile's liberty are necessary and that no less intrusive alternative will suffice. The court shall not be bound by the usual rules of evidence at the hearings.

§ 7B-1906(e) The court shall be bound by criteria set forth in G.S. 7B-1903 in determining whether continued custody is warranted.

§ 7B-1906(f) The court may impose appropriate restrictions on the liberty of a juvenile who is released from secure custody, including:

- (1) Release on the written promise of the juvenile's parent, guardian, or custodian to produce the juvenile in court for subsequent proceedings;
- (2) Release into the care of a responsible person or organization;
- (3) Release conditioned on restrictions on activities, associations, residence, or travel if reasonably related to securing the juvenile's presence in court; or
- (4) Any other conditions reasonably related to securing the juvenile's presence in court.

§ 7B-1906(g) If the court determines that the juvenile meets the criteria in G.S. 7B-1903 and should continue in custody, the court shall issue an order to that effect. The order shall be in writing with appropriate findings of fact. The findings of fact shall include the evidence relied upon in reaching the decision and the purposes which continued custody is to achieve.

§ 7B-1906(h) Repealed by Session Laws 2021-47, s. 10(a), effective June 18, 2021, and applicable to proceedings occurring on or after that date.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
15 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. 469, s. 13	AMENDED
03	1981	1987 (Reg. Sess., 1988), c. 1090, s. 4	AMENDED
04	1994	Ex. Sess., c. 27, s. 1	AMENDED
05	1997	S.L. 1997-390, ss. 5, 6	AMENDED
06	1998	S.L. 1998-202, s. 6	AMENDED
07	1998	S.L. 1998-229, s. 4	AMENDED
08	2000	S.L. 2000-144, s. 21	AMENDED
09	2003	S.L. 2003-337, s. 10	AMENDED
10	2019	S.L. 2019-186, s. 7	AMENDED
11	2021	S.L. 2021-47, s. 10(a)	AMENDED
12	2021	S.L. 2021-123, s. 3(c)	AMENDED
13	2023	S.L. 2023-75, s. 1(a)	AMENDED
14	2023	S.L. 2023-114, s. 5(c)	AMENDED
15	2024	S.L. 2024-17, ss. 2(b), 5	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. 7B-1902	(a)	"official exercising authority delegated pursuant to"
G.S. 7B-2200.5(d)	(b2)	"matter from superior court pursuant to"
G.S. 15A-960	(b2)	"matter from superior court pursuant to"
G.S. 7B-2401.2(a)	(b3)	"to proceed is questioned pursuant to"
G.S. 7B-1903	(e)	"bound by criteria set forth in"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 7B-1906 (2024).

PINPOINT
N.C. Gen. Stat. § 7B-1906(a) (2024).

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. 469, s. 13; 1987 (Reg. Sess., 1988), c. 1090, s. 4; 1994, Ex. Sess., c. 27, s. 1; 1997-390, ss. 5, 6; 1998-202, s. 6; 1998-229, s. 4; 2000-144, s. 21; 2003-337, s. 10; 2019-186, s. 7; 2021-47, s. 10(a); 2021-123, s. 3(c); 2023-75, s. 1(a); 2023-114, s. 5(c); 2024-17, ss. 2(b), 5.)

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