

# This Is The Law

By ROBERT E. LEE  
(Sponsored by the Lawyers of North Carolina)  
JUVENILE COURT TRIALS

Children in North Carolina under 16 years of age, other than those between the ages of 14 and 16 charged with serious felonies, cannot be indicted and convicted of any criminal offense.

Children of 14 years and over charged with serious felonies are subject to be prosecuted in the Superior Court in the same manner as adults.

If a child under 16 years not charged with serious felony violates a statute but merely a "juvenile delinquent" and efforts are made to rehabilitate him under a juvenile court system.

The juvenile court philosophy of the past has been rooted in social welfare philosophy rather than legal principles. An effort was made to create an informal and confidential atmosphere.

Recent United States Supreme Court decisions seem to be introducing a greater degree of order and regularity into juvenile court proceedings. The children therein are being allowed greater constitutional rights involving due process.

Adequate written notice must be afforded the child and his parents or guardian. Such notice must inform them "of the specific issues that they must meet" and must be given "at the earliest practicable time, and in any event sufficiently in advance of the hearing to permit preparation."

The child and his parents must be advised of their right to be represented by counsel and, if they are unable to afford counsel, that counsel be appointed for them. As a consequence, a 1967 statute was passed in North Carolina expressly providing for appointment of counsel for indigent children in delinquency proceedings.

The privilege against self-incrimination must now be observed in a juvenile court proceeding. The Federal Constitution guarantees this right not only to a hardened criminal but also to a child.

The highest court of the land said "Under our Constitution, the condition of being a boy does not justify a kangaroo court."

We now hold that absent a valid confession, a determination of delinquency and an order of commitment to a state institution cannot be sustained in the absence of sworn testimony subjected to the opportunity for cross-examination in accordance with our law and constitutional requirements.

In 1971 the United States Supreme Court held that a child is not entitled to a jury trial in a juvenile hearing on the issue of his delinquency.

### ONE MINUTE SPORTS QUIZ

1. What club finished second in the National League east last year?
2. Who manages the Cleveland Indians?
3. What is Vida Blue's salary?
4. How old is Muhammad Ali?
5. Who is Roger Nelson?

### Answers to Sports Quiz

1. Chicago Cubs.
2. Ken Aspromonte.
3. Estimated between \$50,000 and \$60,000.
4. 31.
5. Cincinnati Reds pitcher.

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**Palmolive Brand Soap** Reg. Size 8 Oz. Bar **14¢**

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**Lux Toilet Soap** Reg. Size 3 Ct. Pkg. **39¢**

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**Zest Complexion Soap** Regular Bar **17¢**

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**A&P Pink Liquid Detergent** Qt. **49¢**

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**Drive Laundry Detergent** 49 Oz. Pkg. **89¢**

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