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Preface

In its landmark 1967 decision, *In re Gault*, the U.S. Supreme Court recognized the importance, indeed the necessity, of providing counsel to juveniles in delinquency proceedings.

A proceeding where the issue is whether the child will be found to be ‘delinquent’ and subjected to the loss of his liberty for years is comparable in seriousness to a felony prosecution. The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it. The child ‘requires the guiding hand of counsel at every step in the proceedings against him.’ . . . [W]e hold now that [the assistance of counsel] is . . . essential for the determination of delinquency, carrying with it the awesome prospect of incarceration in a state institution until the juvenile reaches the age of 21.

In re Gault, 387 U.S. 1, 36 (1967).

Juvenile delinquency representation is still a relatively new specialty, and states have struggled at times to provide the support and resources needed by juvenile defense counsel to be effective. We are excited to introduce the first-ever manual, specific to North Carolina law and practice, in this area. Our goal has been to provide a review of juvenile delinquency law and proceedings in North Carolina for the attorney new to practice in juvenile court, as well as to create a resource of statutory and case law for seasoned juvenile defenders. In our discussion of legal authority, we have attempted to incorporate practice suggestions at each stage of the proceedings. We hope the manual meets these goals. We also hope the manual will be a useful resource for others who need to understand this important area of law.

This manual would not have been possible without the support and assistance of many people. Thanks go to the members of the manual’s Advisory Board—Caitlin Fenhagen, Assistant Public Defender, Office of the Public Defender for District 15B, Orange and Chatham Counties, N.C.; Nelwyn Mpare, Clinical Supervising Attorney, North Carolina Central University School of Law, Durham, N.C.; Jon Myers, Attorney at Law, Lexington, N.C.; and Valerie Pearce, Managing Attorney, Center for Children’s Defense, Charlotte, N.C. They volunteered their time to review each chapter, offered their insights into the daily practice of representing juveniles, and endured long meetings to see this project to its conclusion. John Rubin, Professor of Public Law and Government at the UNC School of Government, supported the development of this manual in every possible way from conception to publication, reviewing multiple drafts of each chapter and providing input on the content and presentation. Thanks also go to Janet Mason, Gladys Hall Coates Professor of Public Law and Government at the UNC School of Government, for generously reviewing and commenting on the manual in its entirety and for sharing her vast knowledge of this area. We also want to acknowledge the National Juvenile Defender Center (NJDC)

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