

## 12.6 Order of Adjudication

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If the court does not find that the allegations in the petition have been proved beyond a reasonable doubt, it must dismiss the petition with prejudice. G.S. 7B-2411. The juvenile must be released if in custody. *Id.*

If the court finds that the allegations have been proved beyond a reasonable doubt, it must state this in a written adjudication order. G.S. 7B-2409, 7B-2411. If the court fails to apply the reasonable doubt standard or it is unclear which standard the court applied, the adjudication order is subject to reversal. *See In re C.B.*, 187 N.C. App. 803, 807 (2007) (reversing adjudication order that applied both the reasonable doubt and clear, cogent, and convincing standards to the evidence); *In re Eades*, 143 N.C. App. 712, 714 (2001) (remanding adjudication because the trial court failed to state that the allegations in the petition were proven beyond a reasonable doubt).

Before 2009, courts were not required to issue written adjudication orders. *In re Rikard*, 161 N.C. App. 150, 154 (2003). Based on 2009 amendments, adjudication orders must now be in writing. G.S. 7B-2411. The written order must include the offense date, misdemeanor or felony classification of the offense, and the date of adjudication. In *In re J.V.J.*, 209 N.C. App. 737, 740–41 (2011), the Court of Appeals reversed an adjudication order in which although the trial court found beyond a reasonable doubt that the juvenile was “responsible,” the order did not address the allegations and stated only “through a fragmentary collection of words and numbers” that the offense described in the petition occurred. In contrast, in *In re K.C.*, 226 N.C. App. 452, 461 (2013), the Court upheld an adjudication order because the order “provide[d] the date of the offense, the fact that the assault is a class 2 misdemeanor, the date of the adjudication, and clearly state[d] that the court considered the evidence and adjudicated [the juvenile] delinquent as to the petition’s allegation of simple assault beyond a reasonable doubt.”

Counsel should review the written order to ensure that it is consistent with the oral order announced in open court and, if inconsistencies exist, move that the trial court make appropriate modifications.