

#### **14.4 Conditions of Probation**

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#### **14.4 Conditions of Probation**

This section describes statutorily authorized conditions of probation. Limitations on certain conditions of probation are discussed *infra* in § 14.5, Conditions of Probation: Case Law.

##### **A. Generally**

A juvenile court counselor has the authority to visit a juvenile’s residence if the juvenile is on probation. G.S. 7B-2510(a). In addition, the court may order a juvenile to comply with regular conditions of probation that are “related to the needs of the juvenile and that are reasonably necessary to ensure that the juvenile will lead a law-abiding life . . . .” G.S. 7B-2510(a). The statute lists 14 regular conditions that are specifically authorized. The court may order that a juvenile:

- remain on good behavior;
- not violate any laws;
- not violate any reasonable and lawful rules of a parent, guardian, or custodian;
- attend school regularly;
- maintain passing grades in up to four courses and cooperate with planning for such;
- not associate with specified people or be in specified places;
- refrain from use or possession of any controlled substance, refrain from use or possession of any alcoholic beverage, and submit to random drug testing;
- abide by a prescribed curfew;
- submit to a warrantless search at reasonable times;
- possess no firearm, explosive device, or other deadly weapon;
- report to a juvenile court counselor as required by the counselor;
- make specified financial restitution;
- be employed regularly if not attending school; and
- satisfy any other conditions determined appropriate by the court.

##### **B. As Directed by Chief Court Counselor: Generally**

The juvenile may also be ordered to comply with other conditions “if directed to comply by the chief court counselor.” G.S. 7B-2510(b). Under G.S. 7B-2510(b)(1)–(3), the juvenile may be required by the chief juvenile court counselor to:

- perform up to 20 hours of community service,
- submit to substance abuse monitoring and treatment, and
- participate in a life skills or educational skills program administered by the Division.

### **C. As Directed by Chief Court Counselor: Level 2**

Under G.S. 7B-2510(b)(4)–(5), a juvenile who is eligible for a Level 2 disposition may be ordered to comply with the following conditions at the direction of the chief court counselor:

- cooperate with electronic monitoring, and
- cooperate with intensive supervision.

**Electronic monitoring.** Electronic monitoring is a form of supervision over a juvenile that involves checking the juvenile’s location through an electronic monitoring device that is fastened to the juvenile’s body. *See* Number CS 13.1, “Electronic Monitoring Requirements and Procedures (R&P) Document,” Department of Juvenile Justice and Delinquency Prevention (Oct. 3, 2013). Electronic monitoring is not the same as a dispositional order for house arrest under G.S. 7B-2506(18). If the court orders electronic monitoring as part of probation, the juvenile court counselor must oversee the installation of electronic monitoring equipment in the juvenile’s residence. The juvenile court counselor must then establish exclusion and inclusion zones for the juvenile. Exclusion zones are geographic areas that the juvenile is prohibited from entering, such as a victim’s home or a particular neighborhood. Inclusion zones are geographic areas where the juvenile is required to be during specific time periods, such as a school or business where the juvenile works. The juvenile court counselor must monitor notifications from the electronic monitoring equipment and respond when there are alerts involving tampering with the electronic monitoring device or violations of exclusion or inclusion zones by the juvenile.

**Intensive supervision.** The requirements for intensive supervision are outlined by Division policy, but are not defined by statute. *See* Number CS 3.1, “Supervision,” Department of Juvenile Justice and Delinquency Prevention (Oct. 17, 2006). Under Division policy, a juvenile court counselor may supervise a maximum of 12 juveniles on intensive supervision. The counselor must contact the juvenile and the juvenile’s parent, guardian, or custodian immediately after the juvenile is assigned to intensive supervision. Face-to-face contact must be made by the counselor with the juvenile at least three times every seven days, with at least one contact to be on the weekend or outside of regular school hours. In addition, contact with the parent must be made in person at least once every seven days, with a visit to the juvenile’s residence at least every seven days. Finally, the counselor is required to make one contact per week with someone at the juvenile’s school, the juvenile’s work, or others involved significantly with the juvenile.

Contacts may gradually become less frequent with the approval of the chief court counselor. At a minimum, the counselor must have contact with the juvenile at least once every seven days, with the parent, guardian, or custodian every 14 days, and with school

personnel and others at least once every 21 calendar days. Counsel will generally have to ask the juvenile court counselor or review the juvenile court counselor's file to learn if less frequent contacts have been approved.