

## **15.8 Post-Release Supervision**

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## **15.8 Post-Release Supervision**

### **A. Post-Release Planning Process**

The Division is required to begin formulating a post-release plan upon determining that the juvenile is ready for release from commitment. Written notice of the post-release supervision planning process must be given to the committing court. G.S. 7B-2514(a)(1).

A post-release planning conference is required by statute and must include the juvenile, the juvenile's parent, guardian, or custodian, juvenile court counselors who have supervised the juvenile on probation or who will supervise the juvenile after release, and the staff of the facility recommending release. G.S. 7B-2514(a).

There is no provision for notifying or involving the juvenile's attorney in this process.

### **B. Post-Release Plan Requirements**

Each post-release plan must be in writing and must provide for at least 90 days, but not more than one year, of post-release supervision. The plan must address both the needs of the juvenile and the protection of the public. G.S. 7B-2514(b). A juvenile court counselor must supervise the juvenile during post-release supervision. G.S. 7B-2514(g).

### **C. Date of Release**

Pursuant to G.S. 7B-2514(c), the Division is required to release the juvenile under a plan of post-release supervision at least 90 days prior to one of the following:

- completion of a definite term of commitment, which includes credit for time spent on post-release supervision under G.S. 7B-2514(f);
- the juvenile's 21st birthday if the juvenile was committed for an offense that would be first-degree murder, first-degree forcible rape, or first-degree forcible sexual offense if committed by an adult;
- the juvenile's 19th birthday if the juvenile was committed for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a) (first-degree murder, first-degree forcible rape, or first-degree forcible sexual offense if committed by an adult); or
- the juvenile's 18th birthday if the juvenile was committed for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

The release date is subject to the proviso that a juvenile under an indefinite commitment may be released to post-release supervision only after a commitment period of at least six months. G.S. 7B-2514(e). The Division may only extend commitment beyond the maximum adult sentence or beyond the juvenile's 18th birthday in limited circumstances. *See supra* § 15.6D, Extension of Commitment.

#### **D. Notification of Victim and Others of Release**

If a juvenile is committed to the Division for an offense that would have been a Class A or B1 felony if committed by an adult, the chief court counselor must notify the victim and members of the victim's immediate family that they may request in writing to be notified in advance of the juvenile's scheduled release date. G.S. 7B-2513(j). If a request for notification is received, the Division must notify the person filing the request at least 45 days in advance of the scheduled release. The notice must include the juvenile's name, offense, date of commitment, and the date of the proposed release. G.S. 7B-2514(d). There is no statutory provision for filing an objection to the release.

People who must be notified at least 45 days before release to post-release supervision of a juvenile who was committed for an offense that would be a Class A or B1 felony if committed by an adult are: the juvenile, the juvenile's parent, guardian, or custodian, the district attorney where the juvenile was adjudicated, and the head of the law enforcement agency that took the juvenile into custody. These persons are not required to request notification of release. The notice must contain the information provided in the notice to the victim and must also be sent to the clerk of court for placement in the juvenile court file. G.S. 7B-2514(d).

#### **E. Termination of Post-Release Supervision**

The maximum period of post-release supervision is one year. G.S. 7B-2514(b). Termination of post-release supervision is by order of the court. G.S. 7B-2514(g).