

## **16.6 Disposition Following Resolution of Appeal**

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If the appellate court upholds the adjudicatory or dispositional order, the juvenile court has authority to modify the original order of adjudication or disposition. The court may make changes found to be in the best interest of the juvenile “to reflect any adjustment made by the juvenile or change in circumstances during the period of time the appeal was pending.” G.S. 7B-2606. The statute makes provision for this order to be entered ex parte, with notice given to interested parties to show cause within 10 days why the modifying order should be vacated or altered.

Several due process issues are raised by this statute, and it is therefore unlikely to be used. Counsel should object to a modification that imposes a more onerous disposition absent a subsequent adjudication and should request an opportunity to be heard. The statute provides counsel opportunity to inform the court of progress made by the juvenile during the appellate process that warrants a more favorable adjudication or disposition.