

2.7 Right to an Open Hearing

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Juvenile hearings are open by statute, although a hearing may be closed to the public for good cause on motion of a party or the court *unless* the juvenile requests that it be open. In ruling on a motion to close a hearing, the court must consider the allegations against the juvenile, the age and maturity of the juvenile, the benefit of confidentiality to the juvenile, and the possibility of breach of confidentiality of the juvenile court file and weigh these factors against the benefit to the public of an open hearing. G.S. 7B-2402. It is within the court's discretion whether to close the hearing, and the court's ruling must be upheld unless it is shown to be arbitrary or manifestly unsupported by reason. *In re K.T.L.*, 177 N.C. App. 365, 370 (2006) (court did not abuse discretion in denying motions of State and juvenile for hearing to be closed where testimony, findings of fact, and conclusions of law supported court's decision). Important factors in *K.T.L.* were the publicity the case had already received and the widespread knowledge within the community of the allegations and the juvenile's identity. *Id.* at 370–71.

The juvenile's interest is most often served by closing the hearing to the public, thereby preserving the confidentiality of the proceedings. For instance, confidentiality would particularly benefit the juvenile in cases involving allegations of sexual activity or discussions of the juvenile's mental health. When the hearing is closed, the juvenile is not subjected to potential emotional or psychological damage resulting from public knowledge of the allegations and evidence. The juvenile may also feel more at ease without additional people in the courtroom. A closed hearing may also be important in cases that draw the attention of the media or that involve gang-related activities, as the juvenile might be subjected to unwanted public reaction or reprisals. Counsel should consult with the juvenile before determining whether to move for a closed hearing.

In some districts, delinquency cases may be heard in a court session that includes other kinds of cases. In these instances, counsel must make a motion to close the hearing before it starts. If the motion is granted, the court must issue an order closing the hearing, requiring all persons not directly involved in the case to leave the courtroom. Counsel should request that a deputy be stationed at the courtroom door, or that a sign be posted stating that the court is in closed session, to prevent others from entering during the proceeding.