

8.4 Release

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Many juveniles are released into the custody of parents soon after the initiation of delinquency proceedings. If the court releases the juvenile, it may impose the following conditions:

1. release on the written promise of the juvenile's parent, guardian, or custodian to produce the juvenile in court for subsequent proceedings;
2. release into the care of a responsible person or organization;
3. release conditioned on restrictions on activities, associations, residence, or travel if reasonably related to securing the juvenile's presence in court; or
4. any other conditions reasonably related to securing the juvenile's presence in court.

G.S. 7B-1906(f). Some judges will impose electronic house arrest or curfew as conditions of release. If the court imposes conditions, counsel should object to any conditions that are not reasonably related to securing the juvenile's presence in court.

Sometimes the juvenile's parent may refuse to take custody of the juvenile out of frustration with the juvenile's behavior. If the parent is unwilling to take custody of the juvenile, the court may release the juvenile into the custody of a "responsible adult." G.S. 7B-1903(a). Counsel should determine whether the parent is willing to take custody of the juvenile. If the parent is not willing to take custody of the juvenile, counsel should determine whether another adult would be willing to do so and be prepared to offer the court an alternative adult to whom it can release the juvenile. Counsel should also ensure that the person who is willing to accept custody of the juvenile appears in court in order for the judge to confirm that the adult is ready, willing, and able to take custody of the juvenile.