

Beyond a Reasonable Doubt: Findings Required in Delinquency Adjudication Orders

Last month the Court of Appeals held in [In re J.A.D., 2022-NCCOA-259](#), that the findings in an adjudication order were deficient because they did not include an affirmative statement by the court, beyond the pre-printed language on the form, that the allegations in the petition were proven beyond a reasonable doubt. Given the minimal legal requirements for delinquency adjudication orders, drafting them can sometimes feel like a largely ministerial duty. However, this appellate decision is a good reminder that adjudication orders in delinquency cases must contain certain essential findings of fact.

Statutory Requirements in Adjudication Orders

[G.S. 7B-2411](#) provides the requirements for adjudication orders in delinquency cases. It states that

[i]f the court finds that the allegations in the petition have been proved as provided in G.S. 7B-2409, the court shall so state in a written order of adjudication, which shall include, but not be limited to, the date of the offense, the misdemeanor or felony classification of the offense, and the date of adjudication.

[G.S. 7B-2409](#) requires that allegations in a delinquency petition be proven beyond a reasonable doubt in order to adjudicate a juvenile delinquent. Therefore, the Juvenile Code requires that adjudication orders contain:

- a finding that the allegations in the petition have been proven beyond a reasonable doubt,
- the offense date,
- the misdemeanor or felony classification of the offense, and
- the date of adjudication.

Findings of Fact that Support Each Element of the Offense are Not Necessary

Specific findings of fact regarding the elements of the offense are not statutorily required to be included in delinquency adjudication orders. The North Carolina Court of Appeals recognized this in [In re J.V.J., 209 N.C.App. 737, 740 \(2011\)](#), noting that section 7B–2411 does not require the trial court to delineate each element of an offense and state in writing the evidence which satisfies each element, and we recognize that [section 7B–2411](#) does not specifically require that an adjudication order contain appropriate findings of fact. (citations and internal quotation and editing omitted)

There Must be Other Findings in Adjudication Orders

While findings of fact to support the elements of the offense are not required in delinquency adjudication orders, these orders must still have other written findings that comply with the statute. In 2011 the North Carolina Court of Appeals held that an adjudication order with nothing in the blank area where the trial court is to write the findings of fact which it has found to be proven beyond a reasonable doubt did not meet the statutorily required standard. [In re J.J., Jr., 216 N.C.App. 366 \(2011\)](#).

The Court Must Affirmatively State the Burden of Proof in Its Written Findings

The burden of proof is one of the required components of a delinquency adjudication order under the statute. This means that the findings must include that the allegation in the petition was proven beyond a reasonable doubt. The holding in *J.A.D.* makes clear that relying on pre-printed language in a form order is not sufficient for making that finding.

The adjudication order in *J.A.D.* included pre-printed language that stated “The following facts have been proven beyond a reasonable doubt: . . .” *In re J.A.D.*, 2022-NCCOA-259 at ¶ 45. The court wrote the following in the blank box that followed this pre-printed language:

“[a]t the hearing before the judge, the juvenile was found to be responsible for extortion in violation of 14-118.4.”

While the decision in *J.A.D.* does not detail whether this order was on [AOC-J-460](#) (Juvenile Adjudication Order (Delinquent)), this is the same format used in that AOC form order. The Court of Appeals held that this was insufficient to meet the statutory requirement that the trial court affirmatively state the burden of proof in the written findings. *In re J.A.D.*, 2022-NCCOA-259 at ¶ 47. Pre-printed language that states the burden of proof is not sufficient. The court must affirmatively write on the form order that it finds the allegations were proven beyond a reasonable doubt.

The Adjudication Order Must Contain Findings that Address the Allegations in the Petition

The Court of Appeals found the findings in the adjudication order in *In re J.V.J.*, 209 N.C.App. 737 (2011), insufficient as well. That adjudication order stated:

Based on the evidence presented[,]the following facts have been proven beyond a reasonable doubt:

The court finds that [Joseph] is responsible.

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The Court of Appeals held that these findings were insufficient, as they failed to address the allegations in the petition. The court noted that “[r]ather than addressing the allegations in the petition in the blank area, the court used the space to (1) indicate, through a fragmentary collection of words and numbers, that an offense occurred and (2) state that Joseph was “responsible,” which, as the trial court noted at the close of the adjudication hearing, is a verdict and may more properly be characterized as a conclusion of law rather than a finding of fact.” *In re J.V.J.*, 209 N.C.App. 737, 740-741 (2011).

Examples of Sufficient Written Findings in Delinquency Adjudication Orders

The North Carolina Court of Appeals has upheld three different versions of written findings regarding delinquency adjudications. They include:

- An order that included a chart with the offense date, offense, the date the petition was filed, the felony or misdemeanor classification, the offense class, and status (with the delinquency hearing box checked). This order also included language that stated, “The following facts have been proven beyond a reasonable doubt: ... After hearing all testimony in this matter the court finds beyond a reasonable doubt that the juvenile committed the offense of Sexual Battery and Simple Assault and he is ADJUDICATED DELINQUENT.” [In re K.C., 226 N.C.App. 452 \(2013\)](#).
- An order finding that the following had been proven beyond a reasonable doubt: “[t]hat on or about the date of 10–16–2013, the juvenile did unlawfully and willfully steal, take, and carry away a White Apple [iP]hone with a pink and gray otter box case, the personal property of [Ms.] Nguyen having a value of \$300.00.” [In re K.M.M., 242 N.C.App. 25 \(2015\)](#).
- Use of an arraignment order and transcript of admission by juvenile form. The court wrote, ““BASED UPON THE JUVENILE’S ADMISSION AND THE EVIDENCE PRESENTED BY THE DA, THE COURT FINDS BEYOND A REASONABLE DOUBT THAT THE JUVENILE[] IS ADJUDICATED DELINQUENT.” [In re W.M.C.M., 2021-NCCOA-139](#).

Essential Take Aways

It can be challenging to reconcile these various holdings. They seem to boil down to at least that:

- the court must make written findings in delinquency adjudication orders,

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- those findings must include an affirmative statement (beyond the pre-printed language) that the allegations were proven beyond a reasonable doubt,
- the findings must connect to the allegations, and
- orders must include the offense date, the felony or misdemeanor classification, and the adjudication date.