

## Extended YDC Commitments and the 30-Day Notice Requirement

Beginning at age 10, juveniles may be committed to the Division of Adult Correction and Juvenile Justice for placement in a youth development center (YDC), a locked residential facility that “provide[s] long-term treatment, education, and rehabilitative services” to delinquent youth. [G.S. 7B-1501\(29\)](#). When a district court judge commits a juvenile to a YDC, the judge must determine the maximum period of time the juvenile may remain committed before the Division must either release the juvenile or provide notice under [G.S. 7B-2515](#) of its decision to extend the juvenile’s commitment to continue rehabilitative efforts. This post explains how to determine a juvenile’s maximum commitment period and the requirements for extending the commitment beyond this period.

**Every commitment of a juvenile to a YDC must be for a minimum of six months.** Beyond the initial six-month period, most commitments continue indefinitely up to a maximum period of the juvenile’s 18th birthday but may be extended to the juvenile’s 19th or 21st birthday for certain violent offenses. Unless the juvenile qualifies for a definite commitment period under [G.S. 7B-2513\(b\)](#), the court cannot mandate that a juvenile remain committed for a specific length of time.

As a practical matter, juveniles who are subject to indefinite commitments remain committed until the Division determines that they are rehabilitated and ready to successfully transition back into their communities. According to the most recent [Youth Development Center Annual Report](#), the average length of a juvenile’s stay in a YDC is just over one year.

**Although the term is indefinite, a juvenile’s maximum commitment may never exceed:**

- the juvenile’s 21st birthday, if committed for first-degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sex offense, or first-degree statutory sex offense;
- the juvenile’s 19th birthday, if committed for any other Class B1 through E felony; or
- the juvenile’s 18th birthday, if committed for any other offense.

These absolute maximum possible terms apply with one caveat. Pursuant to [G.S. 7B-2513\(a\)](#), a juvenile’s maximum commitment period may not exceed the maximum adult sentence for the same offense, unless the Division determines that the commitment should be extended to continue a plan of care or treatment, as provided by G.S. 7B-2515. The maximum adult sentence in this context is the maximum possible sentence that *any* adult could receive for the same offense. [In re R.D.](#), \_\_ N.C. App. \_\_, 776 S.E. 2d 685 (2015).

For example, an adult convicted of felony breaking or entering a motor vehicle, a Class I felony,

could receive a maximum possible sentence of 24 months imprisonment. [G.S. 15A-1340.17\(c\) and \(d\)](#). Thus, a 14-year-old who is adjudicated delinquent for the same offense and committed to a YDC could receive an initial maximum commitment period of no longer than 24 months, before the juvenile must either be released or notified of an extended commitment. If the commitment is extended, the juvenile could remain committed until his or her 18th birthday.

For misdemeanor offenses that carry a maximum adult sentence of less than six months, a juvenile may not remain committed beyond the minimum six-month commitment period without notice of an extended commitment.

At the time of the commitment, the court must notify the juvenile of the initial maximum commitment period and mark the date on the *Level 3 Commitment Order* (see page 2 of [AOC-J-462](#)). This date serves as the juvenile's release date, unless the Division provides notice of an extended commitment.

**[G.S. 7B-2515](#) prohibits the extension of a juvenile's commitment beyond the maximum adult sentence or the juvenile's 18th birthday (whichever comes first) without prior written notice.** The Division must notify the juvenile and the juvenile's parent or guardian in writing at least 30 days before the end of the maximum commitment period or 30 days before the juvenile's 18th birthday. The 30-day written notice must include:

- the proposed additional commitment period,
- the basis for the proposed extended commitment, and
- a plan for future care or treatment.

The juvenile is also entitled to a review hearing on the proposed extension, which may be modified by the court. If no review is requested, however, the Division's proposed extension becomes the juvenile's new maximum commitment period. [G.S. 7B-2515\(c\)](#).

Because the 30-day written notice is designed to protect the juvenile's due process rights, the Division's failure to comply with [G.S. 7B-2515](#) is reversible error. [In re J.L.H.](#), 230 N.C. App. 214 (2013) (verbal notice of a proposed extension 30 days prior to the juvenile's scheduled release date was insufficient to comply with the statute's requirement of written notice).

**When a juvenile is returned to a YDC following the revocation of post-release supervision, the requirements of [G.S. 7B-2515](#) do not apply.** Upon release from a YDC, every juvenile must complete a term of post-release supervision of at least 90 days and no more than one year. [G.S. 7B-2514\(b\)](#). If a court revokes a juvenile's post-release supervision, the juvenile's return to a YDC is required by [G.S. 7B-2516](#).

Although the post-revocation commitment may cause the juvenile's maximum commitment period to exceed the maximum adult sentence or the juvenile's 18th birthday (if extension to age 19 or 21

is possible), the Juvenile Code does not make the requirements of G.S. 7B-2515 applicable to such commitments. [G.S. 7B-2516\(c\)](#) requires only that the commitment must be for an indefinite period of at least 90 days up to a maximum possible period that does not exceed the juvenile's 18th, 19th, or 21st birthday, depending on the offense. The *Level 3 Commitment Order (Based on Violation of Post-Release Supervision)* also does not indicate that the notice is required. (See page 2 of [AOC-J-467](#))

It is important to recognize that while the Division has considerable flexibility in determining when juveniles are released from a YDC, the district court maintains the authority to continually supervise the disposition of a juvenile committed to the Division and may review the Division's plans for release. See *In re Doe*, 329 N.C. 743 (1991); [In re J.S.W.](#), 211 N.C. App. 620 (2011).