

§ 7B-2514. Post-release supervision planning; release.

(a) The Division shall be responsible for evaluation of the progress of each juvenile at least once every six months as long as the juvenile remains in the care of the Division. Any determination that the juvenile should remain in the care of the Division for an additional period of time shall be based on the Division's determination that the juvenile requires additional treatment or rehabilitation pursuant to G.S. 7B-2515. If the Division determines that a juvenile is ready for release, the Division shall initiate a post-release supervision planning process. The post-release supervision planning process shall be defined by rules and regulations of the Division, but shall include the following:

- (1) Written notification shall be given to the court that ordered commitment.
- (2) A post-release supervision planning conference shall be held involving as many as possible of the following: the juvenile, the juvenile's parent, guardian, or custodian, juvenile court counselors who have supervised the juvenile on probation or will supervise the juvenile on post-release supervision, and staff of the facility that found the juvenile ready for release. The planning conference shall include personal contact and evaluation rather than telephonic notification.
- (3) The planning conference participants shall consider, based on the individual needs of the juvenile and pursuant to rules adopted by the Division, placement of the juvenile in any program under the auspices of the Division, including the juvenile court services programs that, in the judgment of the Division, would be appropriate transitional placement, pending release under G.S. 7B-2513.

(b) The Division shall develop the plan in writing and base the terms on the needs of the juvenile and the protection of the public. Every plan shall require the juvenile to complete at least 90 days, but not more than one year, of post-release supervision.

(c) The Division shall release a juvenile under a plan of post-release supervision at least 90 days prior to one of the following:

- (1) Completion of the juvenile's definite term of commitment.
- (2) The juvenile's twenty-first birthday if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult.
- (3) If the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a):
 - a. The juvenile's nineteenth birthday, if the juvenile committed the offense prior to reaching the age of 16 years.
 - b. The juvenile's twentieth birthday, if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17 years of age.
 - c. The juvenile's twenty-first birthday, if the juvenile committed the offense while the juvenile was at least 17 years of age.
- (4) If the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult:
 - a. The eighteenth birthday of the juvenile, if the juvenile committed the offense prior to reaching the age of 16 years.

- b. The nineteenth birthday of the juvenile, if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17 years of age.
- c. The twentieth birthday of the juvenile, if the juvenile committed the offense while the juvenile was at least 17 years of age.

(d) Notwithstanding Articles 30 and 31 of Subchapter III of this Chapter, and in addition to any notice to the victim required pursuant to G.S. 7B-2055, at least 45 days before releasing to post-release supervision a juvenile who was committed for a Class A or B1 felony, the Division shall notify by first-class mail at the last known address all of the following:

- (1) The juvenile.
- (2) The juvenile's parent, guardian, or custodian.
- (3) The district attorney of the district where the juvenile was adjudicated.
- (4) The head of the enforcement agency that took the juvenile into custody.
- (5) Repealed by Session Laws 2019-216, s. 11, effective August 31, 2019, and applicable to offenses and acts of delinquency committed on or after that date.

The notification shall include only the juvenile's name, offense, date of commitment, and date proposed for release. A copy of the notice shall be sent to the appropriate clerk of superior court for placement in the juvenile's court file.

(e) The Division may release a juvenile under an indefinite commitment to post-release supervision only after the juvenile has been committed to the Division for placement in a youth development center for a period of at least six months.

(f) A juvenile committed to the Division for placement in a youth development center for a definite term shall receive credit toward that term for the time the juvenile spends on post-release supervision.

(g) A juvenile on post-release supervision shall be supervised by a juvenile court counselor. Post-release supervision shall be terminated by order of the court. (1979, c. 815, s. 1; 1983, c. 133, s. 1; c. 276, s. 1; 1989, c. 235; 1996, 2nd Ex. Sess., c. 18, s. 23.2(e); 1998-202, s. 6; 2000-137, s. 3; 2001-95, s. 5; 2001-490, ss. 2.27, 2.28; 2011-145, s. 19(1); 2015-181, s. 28; 2019-216, s. 11; 2021-123, s. 1(d).)