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FOR IMMEDIATE STATEWIDE RELEASE

June 17, 2013

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Dual Jurisdiction – Combined Court Improves Communication for Delinquent Children Who have also Suffered Abuse

RALEIGH, N.C. – While the judicial system has developed courts for children who have been abused and neglected as well as for children who have committed a crime, these two courts rarely interact with each other.

However, the connection between abuse and crime is statistically clear. According to [a study conducted in King County, Washington](#), in 2006, approximately two-thirds of youth referred to juvenile justice for delinquency charges had some form of involvement with social services stemming from abuse, neglect or dependency. The statistics grow more dismal for children with multiple offenses – the King County study found that for youth with two or more prior offender referrals, 89% had some form of involvement with social services.

Yet, despite this correlation, few courtrooms merge abuse and neglect cases with juvenile delinquency cases since it is not required by statute. Combining these two court proceedings into one is often referred to as a dual jurisdiction court, but the model is still fairly novel, and mostly occurring as a pilot program in areas that are experimenting with it.

Under the supervision of the North Carolina Guardian ad Litem (GAL) Program, Durham County conducted a grant-funded pilot program for dual jurisdiction courts during 2011 – 2012. The pilot program was halted due to the grant's expiration. However, some courts, including Durham's, have incorporated the guidelines established by the dual jurisdiction court into their juvenile court proceedings. Other counties have been unable to adopt the program for various reasons, although some counties fortunately have such a low rate of crossover from abuse, neglect and dependency court to delinquency court that dual jurisdiction court is unnecessary.

While the pilots were still occurring, Judge Marcia Morey, chief district court judge for the 14th Judicial District of North Carolina, stated that the hardest challenge for any court wishing to implement a dual jurisdiction program is to get "people thinking outside of their closed boxes." Morey says, "They need to lift the lid and look inside. It's about the child, not the box. Throw out dockets and professional roles. Start with the foundation of how 'the system' helps the family."

Former dual jurisdiction coordinator for the Guardian ad Litem Program, Kelly Andrews, said that one of the most rewarding experiences of participating in dual jurisdiction court was watching youth learn "to speak up on their own behalf in court." Andrews said that the youth exhibited greater confidence in "the system" because of the experience.

According to both Morey and Andrews, some of the most prominent advantages of a dual court system include inter-agency collaboration, reduction in court time and consistency in court orders.

Shirley Harley-Smith, Guardian ad Litem district administrator for Durham County, said that GAL advocates appreciate the opportunity to weigh in on the case from both the delinquent perspective and the abuse and neglect perspective. "GALs love it; they love that the judge wants to know their opinion," she said.

Another advantage of the dual court model is that the children involved often understand their situation more clearly. One child in dual jurisdiction court in Durham County described it as different because "DSS [Department of Social Services] and DJJ [Department of Juvenile Justice] work together for me." Another child, when asked what she likes about dual jurisdiction court, responded that she liked it "because I get a chance to speak." Despite difficult pasts and current charges against them, many of the children in dual jurisdiction court express a desire to change. Another Durham County child said, "I am never going to give up. I am always going to try to do my best."

While dual jurisdiction courts are not yet part of North Carolina's judicial system, it is still important for Guardian ad Litem volunteer advocates, social workers, foster parents, biological parents, teachers, and other involved parties to understand both sides of a case, if a child they are working with finds themselves in both abuse, neglect and dependency court as well as juvenile delinquency court. When the courts are not merged, it is up to the child's advocates to ensure that communications and instructions from one court reach the other.

About North Carolina Guardian ad Litem

Established in 1983, the North Carolina Guardian ad Litem program provides trained, independent advocates to represent and promote the best interests of abused, neglected, and dependent children in the state court system. Guardian ad Litem is a partner with the National CASA Association. For more information, visit www.ncgal.org, www.facebook.com/ncguardianadlitem, or call 1-800-982-4041.

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