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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-24

Filed: 5 July 2016

Forsyth County, No. 15 JB 28

IN THE MATTER OF: N.J.D.

Appeal by juvenile from orders entered 17 September 2015 by Judge Denise S. Hartsfield in Forsyth County District Court. Heard in the Court of Appeals 20 June 2016.

*Attorney General Roy Cooper, by Assistant Attorney General Vanessa N. Totten, for the State.*

*Mary McCullers Reece, for juvenile-appellant.*

DIETZ, Judge.

Nina,<sup>1</sup> the juvenile appellant in this case, challenges orders of adjudication and disposition entered 17 September 2015. Nina argues that the trial court's dispositional order does not contain any findings showing that the court considered the dispositional factors set forth in N.C. Gen. Stat. § 7B-2501(c). The State concedes on appeal that the trial court committed reversible error by failing to make necessary findings. As explained below, we agree with the parties. We therefore vacate the trial court's dispositional order and remand for further proceedings.

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<sup>1</sup> The pseudonym "Nina" is used throughout to protect the identity of the juvenile.

### **Facts and Procedural History**

On 3 February 2015, the State alleged that Nina was a delinquent juvenile because she committed misdemeanor assault. After a hearing on 15 September 2015, the trial court entered an adjudicatory order concluding Nina was a delinquent juvenile as alleged in the petition. The court entered a Level 1 dispositional order that placed Nina on supervised probation for six months and ordered her to pay \$500.00 in restitution. Nina timely appealed the trial court's orders.

### **Analysis**

Nina's sole argument on appeal is that that the trial court failed to make findings of fact in its dispositional order that are required under N.C. Gen. Stat. § 7B-2501(c). The State concedes that the trial court committed reversible error and we agree.

The North Carolina Juvenile Code provides:

[A trial] court shall select a disposition that is designed to protect the public and to meet the needs and best interests of the juvenile, based upon:

- (1) The seriousness of the offense;
- (2) The need to hold the juvenile accountable;
- (3) The importance of protecting the public safety;
- (4) The degree of culpability indicated by the circumstances of the particular case; and
- (5) The rehabilitative and treatment needs of the juvenile

indicated by a risk and needs assessment.

N.C. Gen. Stat. § 7B–2501(c). This Court repeatedly has held that “the trial court is required to make findings demonstrating that it considered the N.C.G.S. § 7B–2501(c) factors in a dispositional order entered in a juvenile delinquency matter.” *In re V.M.*, 211 N.C. App. 389, 391–92, 712 S.E.2d 213, 215 (2011).

Here, the trial court made no specific written findings addressing the factors set forth in section 7B-2501(c) in its dispositional order. The court incorporated into its order the predisposition report, risk assessment, and needs assessment prepared in this case. However, the incorporated documents only provide written findings of fact that address Nina’s rehabilitative and treatment needs, and are silent as to the other four factors of § 7B–2501(c). Accordingly, we are constrained to vacate the dispositional order and remand for further proceedings. *In re V.M.*, 211 N.C. App. at 392, 712 S.E.2d at 216. Nina has not challenged the trial court’s adjudication order, and that portion of the trial court’s judgment is affirmed.

### **Conclusion**

For the reasons discussed above, we affirm the trial court’s adjudication order and vacate and remand the trial court’s dispositional order.

**AFFIRMED IN PART; VACATED AND REMANDED IN PART.**

Judges ELMORE and DAVIS concur.

Report per Rule 30(e).