



# State of North Carolina

**ROY COOPER**  
GOVERNOR

50<sup>th</sup> ANNIVERSARY OF IN RE GAULT

2017

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

## A PROCLAMATION

**WHEREAS**, in 1967 Gerald Gault, a 15-year-old boy, was taken into police custody without being advised of his Constitutional rights (including to appointed counsel) and without his parents being notified, and was sentenced to nearly six years in a state youth correctional agency for allegedly making a prank call; and

**WHEREAS**, the United States Supreme Court decision, *In re Gault*, 387 U.S. 1 (1967), found that the Constitutional guarantee of due process applies even when children are charged as delinquents; and

**WHEREAS**, children charged in delinquency court are entitled to legal representation because, as the court found, a child “requires the guiding hand of counsel at every step in the proceedings against him;” and

**WHEREAS**, children charged in delinquency court are entitled to a timely notification of charges, have the right against self-incrimination, and have the right to question witnesses; and

**WHEREAS**, North Carolina has created the Office of the Juvenile Defender in the Office of Indigent Defense Services to fulfill the promise of Gault to provide quality juvenile defense counsel; and

**WHEREAS**, North Carolina provides additional protections to juveniles such as the right to having a parent present during questioning, and the right to counsel immediately upon a petition being filed;

**WHEREAS**, the North Carolina Supreme Court declared in *In re T.E.F.* (2005): “Our courts have consistently recognized that the state has a greater duty to protect the rights of a respondent in a juvenile proceeding than in a criminal prosecution;” and

**WHEREAS**, North Carolina consistently holds high standards for attorneys and judges in delinquency court, including the North Carolina State Bar Specialization of Juvenile Delinquency Criminal Law and the University of North Carolina School of Government’s Juvenile Certification for District Court Judges; and

**WHEREAS**, North Carolina supports the community of lawyers and judges who engage youth in delinquency court through the North Carolina Bar Association Juvenile Justice and Children’s Rights Section and the North Carolina Advocates for Justice Juvenile Defense Section; and

**WHEREAS**, May 15, 2017 marks the 50<sup>th</sup> anniversary of the landmark decision of *In re Gault*;

**NOW, THEREFORE**, I, ROY COOPER, Governor of the State of North Carolina, do hereby proclaim May 15, 2017, as “50<sup>th</sup> ANNIVERSARY OF IN RE GAULT” in North Carolina, and commend its observance to all citizens.



  
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Roy Cooper  
Governor

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this first day of May in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred and forty-first.