

SUPREME COURT OF NEW HAMPSHIRE

In re Juvenile 2003-248

150 N.H. 751 (2004) · No. 2003-248 · Decided April 19, 2004

SUMMARY

The New Hampshire Supreme Court held that when a juvenile has consented to extended jurisdiction and validly revokes that consent, the court must close the case under RSA 169-B:4, IV. The court concluded that RSA 169-B:4, V, which permits retention of jurisdiction in certain circumstances, applies only in the circumstances governed by paragraph III and does not authorize continued jurisdiction after a valid revocation under paragraph IV.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Broderick, C.J.; Nadeau, J.; Dalianis, J.; Duggan, J.
JURISDICTION	New Hampshire
DECIDED	April 19, 2004
DOCKET	2003-248
DISPOSITION	reversed
PROCEDURAL POSTURE	The juvenile appealed the Littleton Family Division's order retaining jurisdiction over her after she revoked her consent to extended juvenile jurisdiction.
STANDARD OF REVIEW	The court independently interpreted the statute, treating statutory interpretation as a matter governed by the legislature's intent as expressed in the statutory text read as a whole.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Hampshire
PARTIES	Juvenile v. State

TOPICS

- statutory interpretation
- plain meaning rule
- legislative intent
- family law procedure
- appellate procedure

PRACTICE AREAS

- juvenile law
- family law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether RSA 169-B:4 permits a court that obtained extended jurisdiction through a juvenile's consent under paragraph II to retain jurisdiction under paragraph V after the juvenile validly revokes consent under paragraph IV.

HOLDINGS

1. When a court's extended jurisdiction rests on the juvenile's consent under RSA 169-B:4, II, closure of the case after a valid revocation of consent is controlled exclusively by RSA 169-B:4, IV. Because paragraph IV requires the court to close the case when the juvenile validly revokes consent, paragraph V does not authorize continued jurisdiction in that circumstance.

KEY QUOTATIONS

“The plain language of paragraph IV indicates that if a court retains jurisdiction over a case pursuant to a juvenile’s consent under paragraph II, closure of the case is controlled exclusively by paragraph IV.” (752)

“Therefore, in this case, the statute required the court to close the case once the juvenile validly revoked her consent.” (753)

FACTUAL BACKGROUND

On March 22, 2002, the juvenile entered true pleas to delinquency petitions alleging aggravated felonious sexual assault and simple assault. Two days before turning seventeen, she consented to the court's extended jurisdiction. At a March 17, 2003, review hearing, she revoked that consent, but the Family Division retained jurisdiction after finding that continued jurisdiction was necessary because she lacked employment and housing, needed continued services, and had admitted committing a violent crime.

PROCEDURAL HISTORY

The juvenile entered true pleas to delinquency petitions alleging aggravated felonious sexual assault and simple assault. After consenting to extended jurisdiction, she revoked that consent at a juvenile review hearing. The Littleton Family Division nevertheless retained jurisdiction under RSA 169-B:4, V, and the Supreme Court of New Hampshire reversed.

DISPOSITION

reversed

CASES CITED

- Comeau v. Vergato, 149 N.H. 508, 510 (2003)
- In re Eric C., 124 N.H. 222, 224 (1983)
- In re Russell C., 120 N.H. 260, 264 (1980)
- In re Russell C., 120 N.H. 260, 268 (1980)

