

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 207
Judiciary Committee Substitute Adopted 3/23/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S207-PCS45445-RN-21

Short Title: Various Raise the Age Changes/JJAC Recs.

(Public)

Sponsors:

Referred to:

March 10, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE JUVENILE JUSTICE REINVESTMENT ACT BASED ON
3 LEGISLATIVE RECOMMENDATIONS OF THE JUVENILE JURISDICTION
4 ADVISORY COMMITTEE, TO MAKE RELATED CHANGES TO THE JUVENILE
5 CODE, AND TO PROVIDE FOR AN APPROPRIATE MENTAL HEALTH
6 ASSESSMENT TO BE PROVIDED FOR JUVENILES WHO HAVE BEEN
7 ADJUDICATED DELINQUENT.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. YOUTH DETENTION CENTERS COMMITMENT CHANGES**

11 **SECTION 1.(a)** G.S. 7B-2513 reads as rewritten:

12 **"§ 7B-2513. Commitment of delinquent juvenile to Division.**

13 ...

14 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
15 but less than 17 years of age, the term shall not ~~exceed~~ exceed:

16 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
17 the Division for an offense that would be first degree murder pursuant to
18 G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree
19 statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense
20 pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to
21 G.S. 14-27.29 if committed by an adult;

22 (2) The twentieth birthday of the juvenile if the juvenile has been committed to
23 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
24 committed by an adult, other than an offense set forth in subdivision (1) of
25 this subsection; or

26 (3) The juvenile's nineteenth birthday if the juvenile has been committed
27 to the Division for an offense other than an offense that would be a Class A,
28 B1, B2, C, D, or E felony if committed by an adult.

29 (a3) For an offense the juvenile committed while the juvenile was at least 17 years of age,
30 the term shall not ~~exceed~~ exceed:

31 (1) The twenty-first birthday of the juvenile if the juvenile has been committed to
32 the Division for an offense that would be a Class A, B1, B2, C, D, or E felony
33 if committed by an adult; or



(2) The juvenile's twentieth birthday-birthday 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.

...."

SECTION 1.(b) G.S. 7B-1601(b1) reads as rewritten:

"(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 ~~years-years~~, except as provided otherwise in this Article. If the offense was committed while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 ~~years-years~~, except as provided otherwise in this Article."

SECTION 1.(c) G.S. 7B-1602 reads as rewritten:

"§ 7B-1602. **Extended jurisdiction over a delinquent juvenile under certain circumstances.**

...

(b) When a juvenile is committed to the Division for placement in a youth development center for an offense committed under the age of 16 that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, whichever occurs first.

(c) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years, whichever occurs first.

(d) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while at least 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first."

SECTION 1.(d) G.S. 7B-2514(c) reads as rewritten:

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

(1) Completion of the juvenile's definite term of ~~commitment~~; or 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) ~~The juvenile's nineteenth birthday if~~ 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).~~ 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) ~~The juvenile's eighteenth birthday if~~ 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."

SECTION 1.(e) G.S. 7B-2516(c) reads as rewritten:

"(c) If the court revokes post-release supervision, the juvenile shall be returned to the Division for placement in a youth development center for an indefinite term of at least 90 days, provided, however, that no juvenile shall remain committed to the Division for placement in a youth development center ~~past~~ past the maximum term of commitment allowed pursuant to G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3).

- (1) ~~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.~~
- (2) ~~The juvenile's nineteenth birthday 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).~~
- (3) ~~The juvenile's eighteenth birthday 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."~~

SECTION 1.(f) G.S. 7B-2600 reads as rewritten:

"§ 7B-2600. Authority to modify or vacate.

...

(c) In any case where the court finds the juvenile to be ~~delinquent or undisciplined~~, the jurisdiction of the court to modify any order or disposition made in the case shall continue ~~(i)~~ during the minority of the juvenile, ~~(ii) until the juvenile reaches the age of 19 years if the juvenile has been adjudicated delinquent and 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), (iii) until the juvenile reaches the age of 21 years if the juvenile has been adjudicated delinquent and committed 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,~~ juvenile or ~~(iv) until terminated by order of the court.~~

(d) In any case where the court finds the juvenile to be delinquent, the jurisdiction of the court to modify any order or disposition made in the case shall continue until one of the following first occurs:

- (1) Unless subdivision (4) of this subsection applies, the juvenile reaches the age of 18 for an offense committed prior to the juvenile reaching the age of 16.
- (2) Unless subdivision (4) of this subsection applies, the juvenile reaches the age of 19 for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age.

- 1 (3) Unless subdivision (4) of this subsection applies, the juvenile reaches the age
2 of 20 for an offense committed while the juvenile was at least 17 years of age.
3 (4) The juvenile reaches the maximum term of commitment as authorized
4 pursuant to G.S. 7B-2513(a1), 7B-2513(a2), and 7B-2513(a3), if the juvenile
5 was committed to the Division for placement in a youth development center.
6 (5) Termination by order of the court."
7

8 **PART II. JUVENILE TRANSFER HOUSING CHANGES**

9 **SECTION 2.** G.S. 7B-2204(d) reads as rewritten:

10 "(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal
11 offense in superior court and receive an active sentence, then immediate transfer to the Division
12 of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered.
13 Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile
14 Justice of the Department of Public Safety, the juvenile may be detained in a holdover ~~facility.~~
15 ~~The juvenile may not be detained in a facility or detention facility pending transfer to approved~~
16 ~~by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety,~~
17 ~~unless the detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).Section."~~
18

19 **PART III. SECURE CUSTODY ORDER CHANGES**

20 **SECTION 3.(a)** G.S. 7A-271 is amended by adding a new subsection to read:

21 "(g) The superior court has jurisdiction to issue a secure custody order pursuant to
22 G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to
23 district court pursuant to G.S. 7B-2200.5(d)."
24

25 **SECTION 3.(b)** G.S. 7B-1902 reads as rewritten:

26 "**§ 7B-1902. Authority to issue custody orders; delegation.**

27 In the case of any juvenile alleged to be within the jurisdiction of the court, when the court
28 finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed
29 in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

30 Any district court judge may issue secure and nonsecure custody orders pursuant to
31 G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court
32 counselor or the chief court counselor's counseling staff by administrative order filed in the office
33 of the clerk of superior court. The administrative order shall specify which persons may be
34 contacted for approval of a secure or nonsecure custody order. The chief district court judge shall
35 not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to
36 G.S. 7B-1905 or G.S. 7B-2513.

37 Any superior court judge may issue a secure custody order pursuant to G.S. 7B-1903 when a
38 juvenile matter that has been transferred to superior court is remanded to district court pursuant
39 to G.S. 7B-2200.5(d)."

40 **SECTION 3.(c)** G.S. 7B-1906 is amended by adding a new subsection to read:

41 "(b2) A hearing to determine the need for continued secure custody shall be held no more
42 than 10 calendar days following the issuance of a secure custody order on remand of the matter
43 from superior court pursuant to G.S. 7B-2200.5(d). A hearing conducted under this subsection
44 may not be continued or waived. Subsequent hearings on the need for continued secure custody
45 shall be held pursuant to subsection (b1) of this section. The district court has authority to modify
46 any secure custody order pursuant to the provisions of this section following the issuance of that
47 order by the superior court."

48 **SECTION 3.(d)** G.S. 7B-2200.5(d) reads as rewritten:

49 "(d) In any case where jurisdiction over a juvenile has been transferred to superior court,
50 upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand
51 the case to district ~~court and court.~~ The prosecutor shall provide the chief court counselor or his
or her designee with a copy of the joint motion prior to submitting the motion to the court. The

1 superior court shall expunge the superior court record in accordance with
2 G.S. 15A-145.8.G.S. 15A-145.8 at the time of remand, and, if the juvenile meets the criteria
3 established in G.S. 7B-1903, may issue an order for secure custody upon the request of a
4 prosecutor. The prosecutor shall provide a copy of any secure custody order issued to the chief
5 court counselor or his or her designee, as soon as possible and no more than 24 hours after the
6 order is issued."

7
8 **PART IV. PROSECUTORIAL DISCRETION FOR E THROUGH G FELONIES FOR**
9 **JUVENILES**

10 **SECTION 4.** G.S. 7B-2200.5 reads as rewritten:

11 **"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

12 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
13 an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the
14 court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults
15 unless the prosecutor declines to prosecute in superior court as provided in subsection (a1) of this
16 section after either of the following:

- 17 (1) Notice to the juvenile and a finding by the court that a bill of indictment has
18 been returned against the juvenile charging the commission of an offense that
19 constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
20 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
21 an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if
22 committed by an adult.

23 (a1) The prosecutor may decline to prosecute in superior court a matter that would
24 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section if the juvenile
25 has allegedly committed an offense that would be a Class D, E, F, or G felony if committed by
26 an adult. If the prosecutor declines to prosecute the matter in superior court, jurisdiction over the
27 juvenile shall remain in juvenile court following a finding of probable cause pursuant to
28 G.S. 7B-2202. Prior to adjudication, the prosecutor may choose to transfer the matter pursuant
29 to subsection (a) of this section if the juvenile has allegedly committed an offense that would be
30 a Class D, E, F, or G felony if committed by an adult.

31"

32
33 **PART V. RAISE MINIMUM AGE OF A DELINQUENT JUVENILE AND AN**
34 **UNDISCIPLINED JUVENILE AND MODIFY MINIMUM AGE OF JUVENILE**
35 **JURISDICTION**

36 **SECTION 5.(a)** G.S. 7B-1501 reads as rewritten:

37 **"§ 7B-1501. Definitions.**

38 In this Subchapter, unless the context clearly requires otherwise, the following words have
39 the listed meanings. The singular includes the plural, unless otherwise specified:

40 ...

41 (3a) Child consultation. – Any child while less than 10 years of age but at least 6
42 years of age who is referred to the Division of Juvenile Justice because it is
43 deemed the child is in need of community resources or services. Services shall
44 be provided to the child and the child's parent, guardian, or custodian of a child
45 pursuant to G.S. 7B-1706.1. Child consultation cases are subject to
46 confidentiality laws provided in Subchapter III of this Chapter.

47 (3)(3b) Community-based program. – A program providing nonresidential or
48 residential treatment to a juvenile under the jurisdiction of the juvenile court
49 in the community where the juvenile's family lives. A community-based
50 program may include specialized foster care, family counseling, shelter care,
51 and other appropriate treatment.

1 (3c) Consultation complaint. – A complaint made against any child while less than
 2 10 years of age but at least 6 years of age alleged to have committed an offense
 3 that would be considered an undisciplined or delinquent offense if committed
 4 by a juvenile over the age of 10. These children shall be served by a juvenile
 5 court counselor as a child consultation.

6 ...
 7 (7) Delinquent juvenile. –
 8 a. Any juvenile who, while less than 16 years of age but at least ~~6~~10
 9 years of age, commits a crime or infraction under State law or under
 10 an ordinance of local government, including violation of the motor
 11 vehicle laws, or who commits indirect contempt by a juvenile as
 12 defined in G.S. 5A-31.
 13 b. Any juvenile who, while less than 18 years of age but at least 16 years
 14 of age, commits a crime or an infraction under State law or under an
 15 ordinance of local government, excluding all violations of the motor
 16 vehicle laws under Chapter 20 of the General Statutes, or who commits
 17 indirect contempt by a juvenile as defined in G.S. 5A-31.

18 ...
 19 (27) Undisciplined juvenile. –
 20 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years
 21 of age, is unlawfully absent from school; or is regularly disobedient to
 22 and beyond the disciplinary control of the juvenile's parent, guardian,
 23 or custodian; or is regularly found in places where it is unlawful for a
 24 juvenile to be; or has run away from home for a period of more than
 25 24 hours; or
 26 b. A juvenile who is 16 or 17 years of age and who is regularly
 27 disobedient to and beyond the disciplinary control of the juvenile's
 28 parent, guardian, or custodian; or is regularly found in places where it
 29 is unlawful for a juvenile to be; or has run away from home for a period
 30 of more than 24 hours.

31 "

32 **SECTION 5.(b)** G.S. 143B-805 reads as rewritten:

33 "**§ 143B-805. Definitions.**

34 In this Part, unless the context clearly requires otherwise, the following words have the listed
 35 meanings:

36 ...
 37 ~~(1)~~(1a) Chief court counselor. – The person responsible for administration and
 38 supervision of juvenile intake, probation, and post-release supervision in each
 39 judicial district, operating under the supervision of the Juvenile Justice Section
 40 of the Division of Adult Correction and Juvenile Justice of the Department of
 41 Public Safety.

42 (1b) Child consultation. – Any child while less than 10 years of age but at least 6
 43 years of age who is referred to the Division of Juvenile Justice because it is
 44 deemed the child is in need of community resources or services. Services shall
 45 be provided to the child and the child's parent, guardian, or custodian of a child
 46 pursuant to G.S. 7B-1706.1. Child consultation cases are subject to
 47 confidentiality laws provided in Subchapter III of Chapter 7B of the General
 48 Statutes.

49 ~~(2)~~(2a) Community-based program. – A program providing nonresidential or
 50 residential treatment to a juvenile under the jurisdiction of the juvenile court
 51 in the community where the juvenile's family lives. A community-based

1 program may include specialized foster care, family counseling, shelter care,
2 and other appropriate treatment.

3 (2b) Consultation complaint. – A complaint made against any child while less than
4 10 years of age but at least 6 years of age alleged to have committed an offense
5 that would be considered an undisciplined or delinquent offense if committed
6 by a juvenile over the age of 10. These children shall be served by a juvenile
7 court counselor as a child consultation.

8 ...

9 (6) Delinquent juvenile. –

10 a. Any juvenile who, while less than 16 years of age but at least ~~6-10~~
11 years of age, commits a crime or infraction under State law or under
12 an ordinance of local government, including violation of the motor
13 vehicle laws, or who commits indirect contempt by a juvenile as
14 defined in G.S. 5A-31.

15 b. Any juvenile who, while less than 18 years of age but at least 16 years
16 of age, commits a crime or an infraction under State law or under an
17 ordinance of local government, excluding all violations of the motor
18 vehicle laws under Chapter 20 of the General Statutes, or who commits
19 indirect contempt by a juvenile as defined in G.S. 5A-31.

20 ...

21 (20) Undisciplined juvenile. –

22 a. A juvenile who, while less than 16 years of age but at least ~~6-10~~
23 years of age, is unlawfully absent from school; or is regularly disobedient to
24 and beyond the disciplinary control of the juvenile's parent, guardian,
25 or custodian; or is regularly found in places where it is unlawful for a
26 juvenile to be; or has run away from home for a period of more than
27 24 hours; or

28 b. A juvenile who is 16 or 17 years of age and who is regularly
29 disobedient to and beyond the disciplinary control of the juvenile's
30 parent, guardian, or custodian; or is regularly found in places where it
31 is unlawful for a juvenile to be; or has run away from home for a period
32 of more than 24 hours.

33"

34 **SECTION 6.** G.S. 7B-2102 reads as rewritten:

35 "**§ 7B-2102. Fingerprinting and photographing juveniles.**

36 (a) A law enforcement officer or agency shall fingerprint and photograph a juvenile ~~who~~
37 ~~was 10 years of age or older~~ at the time the juvenile allegedly committed a nondivertible offense
38 as set forth in G.S. 7B-1701, when a complaint has been prepared for filing as a petition and the
39 juvenile is in physical custody of law enforcement or the Division.

40 ...

41 (b) If a law enforcement officer or agency does not take the fingerprints or a photograph
42 of the juvenile pursuant to subsection (a) of this section or the fingerprints or photograph have
43 been destroyed pursuant to subsection (e) of this section, a law enforcement officer or agency
44 shall fingerprint and photograph a juvenile who has been adjudicated delinquent ~~if the juvenile~~
45 ~~was 10 years of age or older~~ at the time the juvenile committed an offense that would be a felony
46 if committed by an adult.

47 (c) A law enforcement officer, facility, or agency who fingerprints or photographs a
48 juvenile pursuant to this section shall do so in a proper format for transfer to the State Bureau of
49 Investigation and the Federal Bureau of Investigation. After the ~~juvenile, who was 10 years of~~
50 ~~age or older at the time of the offense,~~ juvenile is adjudicated delinquent of an offense that would
51 be a felony if committed by an adult, fingerprints obtained pursuant to this section shall be

1 transferred to the State Bureau of Investigation and placed in the Automated Fingerprint
2 Identification System (AFIS) to be used for all investigative and comparison purposes, and may
3 be entered into a local fingerprint database for the same purposes, if the law enforcement agency
4 with jurisdiction is served by a secure crime laboratory facility that maintains a local fingerprint
5 database. Photographs obtained pursuant to this section shall be placed in a format approved by
6 the State Bureau of Investigation and may be used for all investigative or comparison purposes.
7 The State Bureau of Investigation shall release any photograph it receives pursuant to this section
8 to the Division, upon the Division's request. The duty of confidentiality in subsection (d) of this
9 section applies to the Division, except as provided in G.S. 7B-3102.

10"

11 **SECTION 7.** G.S. 7B-2513(a) reads as rewritten:

12 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
13 juvenile ~~who is at least 10 years of age~~ to the Division for placement in a youth development
14 center. Commitment shall be for an indefinite term of at least six months."

15 **SECTION 8.(a)** Article 3 of Chapter 7B of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 7B-308.1. Authority of juvenile court counselor.**

18 Any time a juvenile court counselor has cause to suspect, in the course of the provision and
19 coordination of multidisciplinary service referrals for children under the age of 10 pursuant to
20 G.S. 143B-831(17), that the child is abused, neglected, or dependent, the juvenile court counselor
21 shall make a report to the director as required by G.S. 7B-301. If the director decides not to file
22 a petition, the juvenile court counselor or the chief court counselor may ask the prosecutor to
23 review this decision according to the provisions of G.S. 7B-305 and G.S. 7B-306."

24 **SECTION 8.(b)** G.S. 7B-1701 reads as rewritten:

25 "**§ 7B-1701. Preliminary inquiry.**

26 When a complaint is received, the juvenile court counselor shall make a preliminary
27 determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or
28 undisciplined juvenile-juvenile or is under 10 and shall be served as a child consultation. If the
29 juvenile court counselor finds that the facts contained in the complaint do not state a case within
30 the jurisdiction of the court, that legal sufficiency has not been established, or that the matters
31 alleged are frivolous, the juvenile court counselor, without further inquiry, shall refuse
32 authorization to file the complaint as a ~~petition-juvenile petition~~, but may accept the complaint
33 as a child consultation for a child under the age of 10.

34 If a complaint against the juvenile has not been previously received, as determined by the
35 juvenile court counselor, the juvenile court counselor shall make reasonable efforts to meet with
36 the juvenile and the juvenile's parent, guardian, or custodian if the offense is divertable.

37 When requested by the juvenile court counselor, the prosecutor shall assist in determining
38 the sufficiency of evidence as it affects the quantum of proof and the elements of
39 ~~offenses-offenses~~ for a delinquent or undisciplined complaint.

40"

41 **SECTION 8.(c)** G.S. 7B-1703 reads as rewritten:

42 "**§ 7B-1703. Evaluation decision.**

43 (a) The juvenile court counselor shall complete evaluation of a complaint within 15 days
44 of receipt of the complaint, with an extension for a maximum of 15 additional days at the
45 discretion of the chief court counselor. The juvenile court counselor shall decide within this time
46 period whether a complaint shall be filed as a juvenile ~~petition-petition~~ or handled as a child
47 consultation complaint for a child under 10 years of age.

48 (b) Except as provided ~~for in G.S. 7B-1706,~~ G.S. 7B-1706 and G.S. 7B-1706.1, if the
49 juvenile court counselor determines that a complaint should be filed as a petition, the counselor
50 shall file the petition as soon as practicable, but in any event within 15 days after the complaint
51 is received, with an extension for a maximum of 15 additional days at the discretion of the chief

1 court counselor. The juvenile court counselor shall assist the complainant when necessary with
2 the preparation and filing of the petition, shall include on it the date and the words "Approved
3 for Filing", shall sign it, and shall transmit it to the clerk of superior court.

4 (c) ~~If~~ Except as provided for in G.S. 7B-1706.1, if the juvenile court counselor
5 determines that a petition should not be filed, the juvenile court counselor shall notify the
6 complainant and the victim, if the complainant is not the victim, immediately in writing with
7 specific reasons for the decision, whether or not legal sufficiency was found, and whether the
8 matter was closed or diverted and retained, and shall include notice of the complainant's and
9 victim's right to have the decision reviewed by the prosecutor. The juvenile court counselor shall
10 sign the complaint after indicating on it:

- 11 (1) The date of the determination;
- 12 (2) The words "Not Approved for Filing"; and
- 13 (3) Whether the matter is "Closed" or "Diverted and Retained".

14 Except as provided in G.S. 7B-1706, any complaint not approved for filing as a juvenile
15 petition shall be destroyed by the juvenile court counselor after holding the complaint for a
16 temporary period to allow review as provided in G.S. 7B-1705.

17 (d) If the juvenile court counselor determines that the child under age 10 shall proceed to
18 receiving a child consultation, the juvenile court counselor shall obtain referral information."

19 **SECTION 8.(d)** Article 17 of Chapter 7B of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 7B-1706.1. Child consultation services.**

22 For a child at least 6 but under 10 years of age, the juvenile court counselor shall serve the
23 child under a child consultation for up to six months providing case management services. An
24 extension of child consultation services may be made for up to three months at the approval of
25 the chief court counselor. As part of case management services, the juvenile court counselor shall
26 provide screenings, assessments, community resources, and programming to the child and the
27 parent, legal guardian, or custodian."

28 **SECTION 8.(e)** G.S. 7B-1806 reads as rewritten:

29 **"§ 7B-1806. Service of summons.**

30 ~~The~~ When a petition has been filed alleging that a juvenile is undisciplined or delinquent, the
31 summons and petition shall be personally served upon the parent, the guardian, or custodian and
32 the juvenile not less than five days prior to the date of the scheduled hearing. The time for service
33 may be waived in the discretion of the court.

34 If the parent, guardian, or custodian entitled to receive a summons cannot be found by a
35 diligent effort, the court may authorize service of the summons and petition by mail or by
36 publication. The cost of the service by publication shall be advanced by the petitioner and may
37 be charged as court costs as the court may direct.

38 The court may issue a show cause order for contempt against a parent, guardian, or custodian
39 who is personally served and fails without reasonable cause to appear ~~and~~ or to bring the juvenile
40 before the court.

41 The provisions of G.S. 15A-301(a), (c), (d), and (e) relating to criminal process apply to
42 juvenile process; provided the period of time for return of an unserved summons is 30 days."

43 **SECTION 8.(f)** Chapter 7B of the General Statutes is amended by adding a new
44 Article to read:

45 "Article 34A.

46 "Authority Over Parents, Guardians, or Custodians of Children Under 10 Years of Age Who
47 Are Receiving Child Consultation Services.

48 **"§ 7B-3405. Attend all scheduled meetings with juvenile court counselor.**

49 The parent, guardian, or custodian of a child being provided services through a child
50 consultation shall attend all scheduled meetings with the juvenile court counselor provided
51 sufficient notice of the meeting was given to the parent, guardian, or custodian.

1 **"§ 7B-3406. Attend parental responsibility classes.**

2 The juvenile court counselor may direct the parent, guardian, or custodian of a child who is
3 being provided services through a child consultation to attend parental responsibility classes if
4 those classes are available in the district in which the parent, guardian, or custodian resides.

5 **"§ 7B-3407. Medical, surgical, psychiatric, or psychological evaluation or treatment of**
6 **children under the age of 10 who are receiving child consultation services or**
7 **parents.**

8 (a) The juvenile court counselor shall work with the parent, guardian, or custodian of the
9 child receiving child consultation services to obtain for the child any medical, surgical,
10 psychiatric, psychological, or other evaluation or treatment as needed or recommended as part of
11 the child consultation process. The juvenile court counselor shall work with the parent, guardian,
12 or custodian of the child and other funding resources to find a means for paying for such services,
13 including helping the parent, guardian, or custodian of the child to apply for Health Choice and/or
14 Medicaid.

15 (b) The juvenile court counselor, with written recommendations of a qualified physician,
16 surgeon, or mental health provider, shall advise the parent, guardian, or custodian of the child
17 receiving child consultation services to be directly involved in the child's evaluation or treatment
18 and participate in medical, psychiatric, psychological, or other evaluation or treatment of the
19 child if it is determined to be in the best interests of the child.

20 (c) The juvenile court counselor may recommend the parent, guardian, or custodian of
21 the child receiving child consultation services to undergo psychiatric, psychological, or other
22 evaluation or treatment or counseling with written orders or recommendations from a qualified
23 mental or physical health provider directed toward remedying behaviors or conditions that led to
24 or contributed to the child's receipt of a child consultation.

25 (d) With written orders or recommendations from a qualified mental or physical health
26 provider, the juvenile court counselor may recommend the parent, guardian, or custodian of the
27 child receiving child consultation services to seek funding through the Division of Juvenile
28 Justice and/or the local management entity and managed care organization that serves the
29 catchment area to pay the cost of any evaluation or treatment recommended for the parent,
30 guardian, or custodian of the child.

31 **"§ 7B-3408. Compliance with recommendations of the juvenile court counselor for children**
32 **receiving child consultation services.**

33 (a) In cases in which the juvenile court counselor is providing child consultation services,
34 the juvenile court counselor may transport the parent, guardian, or custodian of a child receiving
35 child consultation services and the child receiving consultation services, to the extent the juvenile
36 court counselor is able to do so, to keep an appointment or to comply with the recommendations
37 of the juvenile court counselor.

38 (b) In all cases in which the juvenile court counselor is providing child consultation
39 services, the juvenile court counselor shall work collaboratively with the parent, guardian, or
40 custodian of the child, the Department of Social Services, the local management entity or
41 managed care organization, the local education authority, and all other community stakeholders
42 involved with the child and family. This will be identified as the Child and Family Team, and all
43 local community agencies involved with the child and family shall be invited to all meetings
44 scheduled with the child and parent, guardian, or custodian of the child.

45 (c) If a parent, guardian, or custodian of a child refuses to follow the recommendations
46 of the Child and Family Team, and this refusal puts the child at risk of abuse, neglect, or
47 dependency, the juvenile court counselor shall report to the Department of Social Services who
48 may file an abuse, neglect, or dependency petition pursuant to G.S. 7B-403."

49 **SECTION 8.(g)** G.S. 143B-806 reads as rewritten:

50 **"§ 143B-806. Duties and powers of the Juvenile Justice Section of the Division of Adult**
51 **Correction and Juvenile Justice of the Department of Public Safety.**

1 (a) Repealed by Session Laws 2013-289, s. 5, effective July 18, 2013.

2 (b) In addition to its other duties, the Juvenile Justice Section of the Division of Adult
3 Correction and Juvenile Justice shall have the following powers and duties:

4 (1) Give leadership to the implementation as appropriate of State policy that
5 requires that youth development centers be phased out as populations
6 diminish.

7 (2) Close a State youth development center when its operation is no longer
8 justified and transfer State funds appropriated for the operation of that youth
9 development center to fund community-based programs, to purchase care or
10 services for predelinquents, delinquents, or status offenders in
11 community-based or other appropriate programs, or to improve the efficiency
12 of existing youth development centers, after consultation with the Joint
13 Legislative Commission on Governmental Operations.

14 (3) Administer a sound admission or intake program for juvenile facilities,
15 including the requirement of a careful evaluation of the needs of each juvenile
16 prior to acceptance and placement.

17 (4) Operate juvenile facilities and implement programs that meet the needs of
18 juveniles receiving services and that assist them to become productive,
19 responsible citizens.

20 (5) Adopt rules to implement this Part and the responsibilities of the Secretary
21 and the Division under Chapter 7B of the General Statutes. The Secretary may
22 adopt rules applicable to local human services agencies providing juvenile
23 court and delinquency prevention services for the purpose of program
24 evaluation, fiscal audits, and collection of third-party payments.

25 (6) Ensure a statewide and uniform system of juvenile intake, protective
26 supervision, probation, and post-release supervision services in all district
27 court districts of the State. The system shall provide appropriate, adequate,
28 and uniform services to all juveniles who are alleged or found to be
29 undisciplined or delinquent.

30 (7) Establish procedures for substance abuse testing for juveniles adjudicated
31 delinquent for substance abuse offenses.

32 (8) Plan, develop, and coordinate comprehensive multidisciplinary services and
33 programs statewide for the prevention of juvenile delinquency, early
34 intervention, and rehabilitation of ~~juveniles~~ juveniles, including, but not
35 limited to, services for children under the age of 10 who are receiving child
36 consultation services.

37"

38 **SECTION 8.(h)** G.S. 143B-811 reads as rewritten:

39 **"§ 143B-811. Annual evaluation of intensive intervention services.**

40 The Department of Public Safety shall conduct an annual evaluation of intensive intervention
41 services. Intensive intervention services are evidence-based or research-supported
42 community-based or residential services that are necessary for a juvenile in order to (i) prevent
43 the juvenile's commitment to a youth development center or detention facility or (ii) facilitate the
44 juvenile's successful return to the community following ~~commitment~~ commitment or (iii)
45 prevent further involvement in the juvenile justice system. In conducting the evaluation, the
46 Department shall consider whether participation in intensive intervention services results in a
47 diversion from or reduction of court involvement among juveniles. The Department shall also
48 determine whether the programs are achieving the goals and objectives of the Juvenile Justice
49 Reform Act, S.L. 1998-202.

50 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
51 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of

1 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each
2 year."

3 **SECTION 8.(i)** G.S. 143B-831 reads as rewritten:

4 "**§ 143B-831. Duties and powers of juvenile court counselors.**

5 ...

6 ~~(17)~~(17a) Screen and evaluate a complaint alleging that a juvenile is delinquent or
7 undisciplined to determine whether the complaint should be filed as a petition.

8 (17b) Provide and coordinate multidisciplinary service referrals for the prevention
9 of juvenile delinquency and early intervention for juveniles, including, but not
10 limited to, children under the age of 10 who are in receipt of child consultation
11 services. If the juvenile court counselor has cause to suspect that a child under
12 the age of 10 who is receiving services pursuant to this subdivision is abused,
13 neglected, or dependent, the juvenile court counselor shall make a report to
14 the director of social services as required by G.S. 7B-308.1. If the juvenile
15 court counselor has cause to suspect that a juvenile age 10 or older who is
16 receiving services pursuant to this subdivision is abused, neglected, or
17 dependent, the juvenile court counselor shall make a report to the director of
18 social services as required by G.S. 7B-1700.1.

19"

20 **SECTION 8.(j)** G.S. 143B-851 reads as rewritten:

21 "**§ 143B-851. Powers and duties.**

22 (a) Each County Council shall review biennially the needs of juveniles in the county who
23 are at risk of ~~delinquency~~ delinquency, including, but not limited to, children who are under the
24 age of 10 who are receiving child consultation services, or who have been adjudicated
25 undisciplined or delinquent and the resources available to address those needs. In particular, each
26 County Council shall assess the needs of juveniles in the county who are at risk or who have been
27 associated with gangs or gang activity, and the local resources that are established to address
28 those needs. The Council shall develop and advertise a request for proposal process and submit
29 a written plan of action for the expenditure of juvenile sanction and prevention funds to the board
30 of county commissioners for its approval. Upon the county's authorization, the plan shall be
31 submitted to the Section for final approval and subsequent implementation.

32 (b) Each County Council shall ensure that appropriate intermediate dispositional options
33 are available and shall prioritize funding for dispositions of intermediate and community-level
34 sanctions for court-adjudicated juveniles under minimum standards adopted by the Section.

35 (c) On an ongoing basis, each County Council shall:

36 (1) Assess the needs of juveniles and children at risk of delinquency, including,
37 but not limited to, children who are under the age of 10 who receive child
38 consultation services, in the community, evaluate the adequacy of resources
39 available to meet those needs, and develop or propose ways to address unmet
40 needs.

41 (2) Evaluate the performance of juvenile services and programs in the
42 community. The Council shall evaluate each funded program as a condition
43 of continued funding.

44 (3) Increase public awareness of the causes of delinquency and of strategies to
45 reduce the problem.

46 (4) Develop strategies to intervene and appropriately respond to and treat the
47 needs of juveniles at risk of delinquency through appropriate risk assessment
48 instruments.

49 (5) Provide funds for services for treatment, counseling, or rehabilitation for
50 juveniles and children at risk for juvenile delinquency and their families.
51 These services may include court-ordered parenting responsibility classes.

- 1 (6) Plan for the establishment of a permanent funding stream for delinquency
2 prevention services.
- 3 (7) Develop strategies to intervene and appropriately respond to the needs of
4 juveniles who have been associated with gang activity or who are at risk of
5 becoming associated with gang activity.
- 6 (d) The Councils may examine the benefits of joint program development between
7 counties and judicial districts."

8 **SECTION 8.(k)** G.S. 143B-853 reads as rewritten:

9 **"§ 143B-853. Funding for programs.**

10 (a) Annually, the Division of Adult Correction and Juvenile Justice shall develop and
11 implement a funding mechanism for programs that meet the standards developed under this
12 Subpart. The Division shall ensure that the guidelines for the State and local partnership's funding
13 process include the following requirements:

- 14 (1) Fund effective programs. – The Division shall fund programs that it
15 determines to be effective in preventing delinquency and recidivism.
16 Programs that have proven to be ineffective shall not be funded.
- 17 (2) Use a formula for the distribution of funds. – A funding formula shall be
18 developed that ensures that even the smallest counties will be able to provide
19 the basic prevention and alternative services to juveniles in their communities.
- 20 (3) Allow and encourage local flexibility. – A vital component of the State and
21 local partnership established by this section is local flexibility to determine
22 how best to allocate prevention and alternative funds.
- 23 (4) Combine resources. – Counties shall be allowed and encouraged to combine
24 resources and services.
- 25 (5) Allow for a two-year funding cycle. – In the discretion of the Division, awards
26 may be provided in amounts that fund two years of services for programs that
27 meet the requirements of this section and have been awarded funds in a prior
28 funding cycle.

29 (b) The Division shall adopt rules to implement this section. The Division shall provide
30 technical assistance to County Councils and shall require them to evaluate all State-funded
31 programs and services on an ongoing and regular basis.

32 (c) The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice
33 of the Department of Public Safety shall report to the Senate and House of Representatives
34 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
35 annually thereafter, on the results of intensive intervention services. Intensive intervention
36 services are evidence-based or research-supported community-based or residential services that
37 are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a youth
38 development center or detention facility or (ii) facilitate the juvenile's successful return to the
39 community following ~~commitment~~ commitment or (iii) prevent deeper involvement in the
40 juvenile justice system. Specifically, the report shall provide a detailed description of each
41 intensive intervention service, including the numbers of juveniles served, their adjudication status
42 at the time of service, the services and treatments provided, the length of service, the total cost
43 per juvenile, and the six- and 12-month recidivism rates for the juveniles after the termination of
44 program services."

45 **SECTION 8.(l)** G.S. 7B-3100 reads as rewritten:

46 **"§ 7B-3100. Disclosure of information about juveniles.**

47 (a) The Division, after consultation with the Conference of Chief District Court Judges,
48 shall adopt rules designating certain local agencies that are authorized to share information
49 concerning juveniles and children in accordance with the provisions of this section. Agencies so
50 designated shall share with one another, upon request and to the extent permitted by federal law
51 and regulations, information that is in their possession that is relevant to any assessment of a

1 report of child abuse, neglect, or dependency or the provision or arrangement of protective
2 services in a child abuse, neglect, or dependency case by a local department of social services
3 pursuant to the authority granted under Chapter 7B of the General Statutes or to any case in which
4 a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or
5 ~~delinquent~~ delinquent or in any case in which a child under the age of 10 is receiving child
6 consultation services and shall continue to do so ~~until~~ until (i) the protective services case is
7 closed by the local department of social services, or services, (ii) if a petition is filed when filed,
8 until the juvenile is no longer subject to the jurisdiction of juvenile court, or (iii) if a child
9 is receiving consultation services, until child consultation services are closed. Agencies that may
10 be designated as "agencies authorized to share information" include local mental health facilities,
11 local health departments, local departments of social services, local law enforcement agencies,
12 local school administrative units, the district's district attorney's office, the Juvenile Justice
13 Section of the Division of Adult Correction and Juvenile Justice of the Department of Public
14 Safety, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts,
15 and, pursuant to the provisions of G.S. 7B-3000(e1), the Section of Community Corrections of
16 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Any
17 information shared among agencies pursuant to this section shall remain confidential, shall be
18 withheld from public inspection, and shall be used only for the protection of the juvenile or child
19 and others or to improve the educational opportunities of the ~~juvenile~~, juvenile or child, and shall
20 be released in accordance with the provisions of the Family Educational and Privacy Rights Act
21 as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall
22 preclude any other necessary sharing of information among agencies. Nothing herein shall be
23 deemed to require the disclosure or release of any information in the possession of a district
24 attorney.

25 (b) Disclosure of information concerning any juvenile under investigation or alleged to
26 be within the jurisdiction of the ~~court~~ court, or any child under the age of 10 receiving child
27 consultation services that would reveal the identity of that juvenile or child is prohibited except
28 that publication of pictures of runaways is permitted with the permission of the parents and except
29 as provided in Article 20A of this Chapter and G.S. 7B-3102.

30 (c) The juvenile's guardian ad litem attorney advocate appointed pursuant to G.S. 7B-601
31 may share confidential information about the juvenile with the juvenile's attorney appointed or
32 retained pursuant to G.S. 7B-2000."
33

34 PART VI. JUVENILE COURT MENTAL HEALTH ASSESSMENTS

35 **SECTION 9.(a)** G.S. 7B-1501 is amended by adding a new subdivision to read:

36 "(24a) Severe emotional disturbance. – A diagnosable mental, behavioral, or
37 emotional disorder of sufficient duration to meet diagnostic criteria specified
38 within the DSM-5 that resulted in functional impairment which substantially
39 interferes with or limits the child's role or functioning in family, school, or
40 community activities in a person who is under the age of 18."

41 **SECTION 9.(b)** G.S. 7B-2502 reads as rewritten:

42 "**§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.**

43 (a) In any case, the court may order that the juvenile be examined by a physician,
44 psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine
45 the needs of the juvenile.

46 (a1) In the case of a juvenile adjudicated delinquent for committing an offense that
47 involves the possession, use, sale, or delivery of alcohol or a controlled substance, the court shall
48 require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of
49 the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it
50 necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The
51 results of these initial tests conducted pursuant to this subsection shall be used for evaluation and

1 treatment purposes only. In placing a juvenile in out-of-home care under this section, the court
2 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's
3 community of residence.

4 (a2) In the case of a juvenile with a suspected mental illness, developmental disability, or
5 intellectual disability that has been adjudicated delinquent, the court shall order that the Juvenile
6 Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of
7 Public Safety make a referral for a comprehensive clinical assessment or equivalent mental
8 health assessment, unless the court finds a comprehensive clinical assessment or equivalent
9 mental health assessment has been conducted within the last 45 days before the adjudication
10 hearing. An assessment ordered by a court under this subsection shall evaluate the
11 developmental, emotional, behavioral, and mental health needs of the juvenile.

12 (a3) If an assessment is ordered by the court under subsection (a2) of this section, the court
13 shall review the assessment prior to the date of disposition in the case. If the court finds sufficient
14 evidence that the juvenile has severe emotional disturbance, as defined in G.S. 7B-1501(24a), or
15 a developmental disability, as defined in G.S. 122C-3(12a), or intellectual disability, as defined
16 in G.S. 122C-3(17a), that, in the court's discretion, substantially contributed to the juvenile's
17 delinquent behavior, and the juvenile is eligible for a Juvenile Justice Level 3 disposition and/or
18 is recommended for a Psychiatric Residential Treatment Facility (PRTF) placement, the court
19 shall order a care review team to be convened by the Juvenile Justice Section of the Division of
20 Adult Correction and Juvenile Justice of the Department of Public Safety and assigned to the
21 case.

22 (a4) If a care review team is assigned to a case by the court under subsection (a3) of this
23 section, the care review team shall develop a recommendation plan for appropriate services and
24 resources that address the identified needs of the juvenile. The care review team shall submit a
25 recommendation to the court within 30 calendar days of the date of the court order convening the
26 care review team. The court shall review the recommendation plan when determining the
27 juvenile's disposition in accordance with G.S. 7B-2501(c). A care review team shall consist of,
28 at a minimum, all of the following:

- 29 (1) The juvenile.
- 30 (2) The juvenile's parents, guardian, or custodian.
- 31 (3) Representatives from the Juvenile Justice Section of the Division of Adult
32 Correction and Juvenile Justice of the Department of Public Safety.
- 33 (4) A representative from the local management entity/managed care
34 organization, or prepaid health plan (PHP) in which they are enrolled.
- 35 (5) Representatives from any State agency or local department of social services
36 that is currently providing services to the juvenile or the juvenile's family.

37 ~~Upon completion of the examination, the~~ If the juvenile does not have health
38 insurance coverage for the recommended treatment, the court shall conduct a hearing to
39 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or
40 other evaluation or treatment and who should pay the cost of the assessment, evaluation or
41 treatment. ~~treatment pursuant to this section.~~ The county manager, or any other person who is
42 designated by the chair of the board of county commissioners, of the county of the juvenile's
43 residence shall be notified of the hearing, and allowed to be heard. If the court finds the juvenile
44 to be in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment,
45 ~~the~~ The court shall permit the parent, guardian, custodian, or other responsible persons to arrange
46 for evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make
47 necessary arrangements, the court may order the needed evaluation or treatment, surgery, or care,
48 and the court may order the parent to pay the cost of the care pursuant to Article 27 of this
49 Chapter. If the court finds the parent or funding from the Juvenile Justice Section of the Division
50 of Adult Correction and Juvenile Justice of the Department of Public Safety is unable to pay the
51 cost of evaluation or treatment, the court shall order the county to arrange for evaluation or

1 treatment of the juvenile and to pay for the cost of the evaluation or treatment. ~~The county~~
2 ~~department of social services shall recommend the facility that will provide the juvenile with~~
3 ~~evaluation or treatment.~~

4 (e) ~~If the court believes, or if there is evidence presented to the effect that the juvenile~~
5 ~~has a mental illness or a developmental disability, the court shall refer the juvenile to the area~~
6 ~~mental health, developmental disabilities, and substance abuse services director for appropriate~~
7 ~~action. A juvenile shall not be committed directly to a State hospital or State developmental~~
8 ~~center, and orders purporting to commit a juvenile directly to a State hospital or State~~
9 ~~developmental center, except for an examination to determine capacity to proceed, are void and~~
10 ~~of no effect. The area mental health, developmental disabilities, and substance abuse director is~~
11 ~~responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources~~
12 ~~to meet the juvenile's needs. If institutionalization is determined to be the best service for the~~
13 ~~juvenile, admission shall be with the voluntary consent of the parent, guardian, or custodian. If~~
14 ~~the parent, guardian, or custodian refuses to consent to institutionalization after it is~~
15 ~~recommended by the area mental health, developmental disabilities, and substance abuse~~
16 ~~director, the signature and consent of the court may be substituted for that purpose. In all cases~~
17 ~~in which a regional mental hospital refuses admission to a juvenile referred for admission by the~~
18 ~~court and an area mental health, developmental disabilities, and substance abuse director or~~
19 ~~discharges a juvenile previously admitted on court referral prior to completion of the juvenile's~~
20 ~~treatment, the hospital shall submit to the court a written report setting out the reasons for denial~~
21 ~~of admission or discharge and setting out the juvenile's diagnosis, indications of mental illness,~~
22 ~~indications of need for treatment, and a statement as to the location of any facility known to have~~
23 ~~a treatment program for the juvenile in question.~~

24 (c1) A juvenile shall not be committed directly to a State hospital or State developmental
25 center, and orders purporting to commit a juvenile directly to a State hospital or State
26 developmental center, except for an examination to determine capacity to proceed, are void and
27 of no effect."

28 **SECTION 9.(c)** This section becomes effective December 1, 2021, and applies to
29 petitions filed on or after that date.

30 **PART VII. EFFECTIVE DATE**

31 **SECTION 10.** Except as otherwise provided, this act becomes effective December
32 1, 2021, and applies to offenses committed on or after that date.
33