

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 207
Judiciary Committee Substitute Adopted 3/23/21
House Committee Substitute Favorable 6/30/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S207-PCS15323-SA-34

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

25 **"§ 7B-1902. Authority to issue custody orders; delegation.**

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

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

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

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

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

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

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

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"

33 **PART V. MODIFY MINIMUM AGE OF DELINQUENT AND UNDISCIPLINED** 34 **JUVENILES**

35 **SECTION 5.(a)** G.S. 7B-101 reads as rewritten:

36 **"§ 7B-101. Definitions.**

37 As used in this Subchapter, unless the context clearly requires otherwise, the following words
38 have the listed meanings:

39 ...

- 40 (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found
41 to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose
42 parent, guardian, custodian, or caretaker does not provide proper care,
43 supervision, or discipline; or who has been abandoned; or who is not provided
44 necessary medical care; or who is not provided necessary remedial care; or
45 whose parent, guardian, or custodian has refused to follow the
46 recommendations of the Juvenile and Family Team made pursuant to Article
47 27A of this Chapter; or who lives in an environment injurious to the juvenile's
48 welfare; or the custody of whom has been unlawfully transferred under
49 G.S. 14-321.2; or who has been placed for care or adoption in violation of law.
50 In determining whether a juvenile is a neglected juvenile, it is relevant whether
51 that juvenile lives in a home where another juvenile has died as a result of

1 suspected abuse or neglect or lives in a home where another juvenile has been
2 subjected to abuse or neglect by an adult who regularly lives in the home.

3 ...

4 The singular includes the plural, the masculine singular includes the feminine singular and
5 masculine and feminine plural unless otherwise specified."

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

7 "**§ 7B-1501. Definitions.**

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

10 ...

11 (1a) Juvenile consultation. – The provision of services to a vulnerable juvenile and
12 to the parent, guardian, or custodian of a vulnerable juvenile pursuant to
13 G.S. 7B-1706.1. Juvenile consultation cases are subject to confidentiality laws
14 provided in Subchapter III of this Chapter.

15 ...

16 (7) Delinquent juvenile. –

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

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

27 c. Any juvenile who, while less than 10 years of age but at least 8 years
28 of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State
29 law.

30 d. Any juvenile who, while less than 10 years of age but at least 8 years
31 of age, commits a crime or an infraction under State law or under an
32 ordinance of local government, including violation of the motor
33 vehicle laws, and has been previously adjudicated delinquent.

34 ...

35 (27) Undisciplined juvenile. –

36 a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years
37 of age, is unlawfully absent from school; or is regularly disobedient to
38 and beyond the disciplinary control of the juvenile's parent, guardian,
39 or custodian; or is regularly found in places where it is unlawful for a
40 juvenile to be; or has run away from home for a period of more than
41 24 hours; or

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

47 ...

48 (27b) Vulnerable juvenile. – Any juvenile who, while less than 10 years of age but
49 at least 6 years of age, commits a crime or infraction under State law or under
50 an ordinance of local government, including violation of the motor vehicle
51 laws, and is not a delinquent juvenile.

1 juvenile court counselor shall handle the complaint as a juvenile consultation for a vulnerable
2 juvenile.

3 **"§ 7B-1702. Evaluation.**

4 Upon a finding of legal sufficiency, except in cases involving nondivertible offenses set out
5 in ~~G.S. 7B-1701~~, G.S. 7B-1701(a), the juvenile court counselor shall determine whether a
6 complaint should be filed as a petition, the juvenile diverted pursuant to G.S. 7B-1706, or the
7 case resolved without further action. In making the decision, the counselor shall consider criteria
8 provided by the Department and shall conduct a gang assessment for juveniles who are 12 years
9 of age or older. The intake process shall include the following steps if practicable:

- 10 (1) Interviews with the complainant and the victim if someone other than the
11 complainant;
- 12 (2) Interviews with the juvenile and the juvenile's parent, guardian, or custodian;
- 13 (3) Interviews with persons known to have relevant information about the
14 juvenile or the juvenile's family.

15 Interviews required by this section shall be conducted in person unless it is necessary to conduct
16 them by telephone.

17 **"§ 7B-1703. Evaluation decision.**

18 (a) The juvenile court counselor shall complete evaluation of a complaint within 15 days
19 of receipt of the complaint, with an extension for a maximum of 15 additional days at the
20 discretion of the chief court counselor. The juvenile court counselor shall decide within this time
21 period whether a complaint shall be filed as a juvenile ~~petition~~, petition, handled as a juvenile
22 consultation for a vulnerable juvenile, or handled in some other manner authorized by this
23 Article.

24 (b) Except as provided in G.S. 7B-1706, if the juvenile court counselor determines that a
25 complaint should be filed as a petition, the counselor shall file the petition as soon as practicable,
26 but in any event within 15 days after the complaint is received, with an extension for a maximum
27 of 15 additional days at the discretion of the chief court counselor. The juvenile court counselor
28 shall assist the complainant when necessary with the preparation and filing of the petition, shall
29 include on it the date and the words "Approved for Filing", shall sign it, and shall transmit it to
30 the clerk of superior court.

31 (c) If the juvenile court counselor determines that a petition should not be ~~filed~~, filed or
32 the complaint handled as a juvenile consultation, the juvenile court counselor shall notify the
33 complainant and the victim, if the complainant is not the victim, immediately in writing with
34 specific reasons for the decision, whether or not legal sufficiency was found, and whether the
35 matter was closed or diverted and retained, and shall include notice of the complainant's and
36 victim's right to have the decision reviewed by the prosecutor. The juvenile court counselor shall
37 sign the complaint after indicating on it:

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

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

44 (d) If the juvenile court counselor determines that a complaint should be handled as a
45 juvenile consultation, the juvenile court counselor shall obtain referral information.

46 ...

47 **"§ 7B-1706. Diversion plans and referral.**

48 (a) Unless the offense is one in which a petition is required by ~~G.S. 7B-1701~~,
49 G.S. 7B-1701(a), upon a finding of legal sufficiency the juvenile court counselor may divert the
50 juvenile pursuant to a diversion plan, which may include referring the juvenile to any of the
51 following resources:

- 1 (1) An appropriate public or private resource;
- 2 (2) Restitution;
- 3 (3) Community service;
- 4 (4) Victim-offender mediation;
- 5 (5) Regimented physical training;
- 6 (6) Counseling;
- 7 (7) A teen court program, as set forth in subsection (c) of this section.

8 As part of a diversion plan, the juvenile court counselor may enter into a diversion contract
 9 with the juvenile and the juvenile's parent, guardian, or custodian.

10 (b) Unless the offense is one in which a petition is required by ~~G.S. 7B-1701,~~
 11 G.S. 7B-1701(a), upon a finding of legal sufficiency the juvenile court counselor may enter into
 12 a diversion contract with the juvenile and the parent, guardian, or custodian; provided, a diversion
 13 contract requires the consent of the juvenile and the juvenile's parent, guardian, or custodian. A
 14 diversion contract shall:

- 15 (1) State conditions by which the juvenile agrees to abide and any actions the
 16 juvenile agrees to take;
- 17 (2) State conditions by which the parent, guardian, or custodian agrees to abide
 18 and any actions the parent, guardian, or custodian agrees to take;
- 19 (3) Describe the role of the juvenile court counselor in relation to the juvenile and
 20 the parent, guardian, or custodian;
- 21 (4) Specify the length of the contract, which shall not exceed six months;
- 22 (5) Indicate that all parties understand and agree that:
 - 23 a. The juvenile's violation of the contract may result in the filing of the
 24 complaint as a petition; and
 - 25 b. The juvenile's successful completion of the contract shall preclude the
 26 filing of a petition.

27 After a diversion contract is signed by the parties, the juvenile court counselor shall provide
 28 copies of the contract to the juvenile and the juvenile's parent, guardian, or custodian. The
 29 juvenile court counselor shall notify any agency or other resource from which the juvenile or the
 30 juvenile's parent, guardian, or custodian will be seeking services or treatment pursuant to the
 31 terms of the contract. At any time during the term of the contract if the juvenile court counselor
 32 determines that the juvenile has failed to comply substantially with the terms of the contract, the
 33 juvenile court counselor may file the complaint as a petition. Unless the juvenile court counselor
 34 has filed the complaint as a petition, the juvenile court counselor shall close the juvenile's file in
 35 regard to the diverted matter within six months after the date of the contract.

36 ...

37 **"§ 7B-1706.1. Juvenile consultation services.**

38 A juvenile court counselor shall serve a vulnerable juvenile under a juvenile consultation for
 39 up to six months providing case management services. An extension of juvenile consultation
 40 services may be made for up to three months at the approval of the chief court counselor. As part
 41 of case management services, the juvenile court counselor shall provide screenings, assessments,
 42 community resources, and programming to the juvenile and the parent, legal guardian, or
 43 custodian.

44"

45 **SECTION 5.(d)** G.S. 7B-2102(a) reads as rewritten:

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

50 **SECTION 5.(e)** Chapter 7B of the General Statutes is amended by adding a new
 51 Article to read:

"Article 27A.

"Authority Over Parents, Guardians, or Custodians of Vulnerable Juveniles Who Are Receiving Juvenile Consultation Services.

"§ 7B-2710. Attend all scheduled meetings with juvenile court counselor.

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

"§ 7B-2711. Attend parental responsibility classes.

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

"§ 7B-2712. Medical, surgical, psychiatric, or psychological evaluation or treatment of vulnerable juveniles who are receiving juvenile consultation services or parents.

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

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

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

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

"§ 7B-2713. Compliance with recommendations of the juvenile court counselor for juveniles receiving juvenile consultation services.

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

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

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

5 **SECTION 5.(f)** G.S. 7B-3100 reads as rewritten:

6 **"§ 7B-3100. Disclosure of information about juveniles.**

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

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

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

44 **SECTION 6.(a)** G.S. 143B-805 reads as rewritten:

45 **"§ 143B-805. Definitions.**

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

48 ...

49 (1a) Juvenile consultation. – The provision of services to a vulnerable juvenile and
50 to the parent, guardian, or custodian of a vulnerable juvenile pursuant to

G.S. 7B-1706.1. Juvenile consultation cases are subject to confidentiality laws provided in Subchapter III of Chapter 7B of the General Statutes.

...

(6) Delinquent juvenile. –

- a. Any juvenile who, while less than 16 years of age but at least ~~6~~10 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
- b. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
- c. Any juvenile who, while less than 10 years of age but at least 8 years of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State law.
- d. Any juvenile who, while less than 10 years of age but at least 8 years of age, commits a crime or an infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and has been previously adjudicated delinquent.

...

(20) Undisciplined juvenile. –

- a. A juvenile who, while less than 16 years of age but at least ~~6~~10 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or
- b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

(20a) Vulnerable juvenile. – Any juvenile who, while less than 10 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, and is not a delinquent juvenile.

...."

SECTION 6.(b) G.S. 143B-806(b) reads as rewritten:

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

...

(8) Plan, develop, and coordinate comprehensive multidisciplinary services and programs statewide for the prevention of juvenile delinquency, early intervention, and rehabilitation of ~~juveniles~~juveniles, including services for vulnerable juveniles receiving juvenile consultation services.

...."

SECTION 6.(c) G.S. 143B-811 reads as rewritten:

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

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

11 The Department shall report the results of the evaluation to the Chairs of the Joint Legislative
12 Oversight Committee on Justice and Public Safety and the Chairs of the Senate and House of
13 Representatives Appropriations Subcommittees on Justice and Public Safety by March 1 of each
14 year."

15 **SECTION 6.(d)** G.S. 143B-831 reads as rewritten:

16 "**§ 143B-831. Duties and powers of juvenile court counselors.**

17 As the court or the chief court counselor may direct or require, all juvenile court counselors
18 shall have the following powers and duties:

19 ...

20 (17a) Provide and coordinate multidisciplinary service referrals for the prevention
21 of juvenile delinquency and early intervention for juveniles, including
22 vulnerable juveniles who are in receipt of juvenile consultation services. If the
23 juvenile court counselor has cause to suspect that a juvenile who is receiving
24 services pursuant to this subdivision is abused, neglected, or dependent, the
25 juvenile court counselor shall make a report to the director of social services
26 as required by G.S. 7B-1700.1.

27"

28 **SECTION 6.(e)** G.S. 143B-853(c) reads as rewritten:

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

42 **SECTION 7.** The Juvenile Justice Section of the Division of Adult Correction and
43 Juvenile Justice of the Department of Public Safety shall report to the Joint Legislative Oversight
44 Committee on Justice and Public Safety no later than March 1, 2023, and annually thereafter, on
45 all complaints filed against a juvenile less than 10 years of age, but at least 6 years of age. The
46 report shall include the following information about the complaints and the juveniles against
47 whom the complaints were made:

48 (1) A summary containing the following information about all complaints filed
49 since the last report:

50 (a) The total number of complaints.

51 (b) The offenses alleged in the complaints, organized by class of offense.

- 1 (c) The age of the juveniles at the time of the offense.
2 (d) The number of complaints that resulted in a juvenile consultation.
3 (e) The number of complaints that resulted in juvenile court jurisdiction
4 for delinquency, including a breakdown of the number of those
5 complaints that were handled through diversion and the number that
6 led to the filing of a delinquency petition.
7 (f) The number of juveniles receiving a juvenile consultation that have
8 previously received juvenile consultation services.
9 (2) A detailed listing of all complaints filed since the last report, with any
10 identifying information removed, containing the following information for
11 each complaint:
12 (a) The age of the juvenile.
13 (b) The offenses, including class of offense, allegedly committed by the
14 juvenile.
15 (c) The initial determination by the juvenile court counselor to treat the
16 complaint as a vulnerable juvenile complaint or a delinquent juvenile
17 complaint.
18 (d) If the juvenile is a vulnerable juvenile, whether the juvenile received
19 juvenile consultation services.
20 (e) If the juvenile is a vulnerable juvenile, whether the juvenile has
21 received juvenile consultation services for a previous complaint.
22 (f) If the juvenile is alleged delinquent, whether the juvenile was diverted
23 or a petition alleging delinquency was filed.
24

25 PART VI. JUVENILE COURT MENTAL HEALTH ASSESSMENTS

26 **SECTION 8.(a)** G.S. 7B-1501 is amended by adding a new subdivision to read:

27 "(24a) Severe emotional disturbance. – A diagnosable mental, behavioral, or
28 emotional disorder of sufficient duration to meet diagnostic criteria specified
29 within the DSM-5 that resulted in functional impairment which substantially
30 interferes with or limits the child's role or functioning in family, school, or
31 community activities in a person who is under the age of 18."

32 **SECTION 8.(b)** G.S. 7B-2502 reads as rewritten:

33 "§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.

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

37 (a1) In the case of a juvenile adjudicated delinquent for committing an offense that
38 involves the possession, use, sale, or delivery of alcohol or a controlled substance, the court shall
39 require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of
40 the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it
41 necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The
42 results of these initial tests conducted pursuant to this subsection shall be used for evaluation and
43 treatment purposes only. In placing a juvenile in out-of-home care under this section, the court
44 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's
45 community of residence.

46 (a2) In the case of a juvenile with a suspected mental illness, developmental disability, or
47 intellectual disability that has been adjudicated delinquent, the court shall order that the Juvenile
48 Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of
49 Public Safety make a referral for a comprehensive clinical assessment or equivalent mental
50 health assessment, unless the court finds a comprehensive clinical assessment or equivalent
51 mental health assessment has been conducted within the last 45 days before the adjudication

1 hearing. An assessment ordered by a court under this subsection shall evaluate the
2 developmental, emotional, behavioral, and mental health needs of the juvenile.

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

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

20 (1) The juvenile.

21 (2) The juvenile's parents, guardian, or custodian.

22 (3) Representatives from the Juvenile Justice Section of the Division of Adult
23 Correction and Juvenile Justice of the Department of Public Safety.

24 (4) A representative from the local management entity/managed care organization
25 or prepaid health plan (PHP) in which the juvenile is enrolled.

26 (5) Representatives from any State agency or local department of social services
27 that is currently providing services to the juvenile or the juvenile's family.

28 ~~(b) Upon completion of the examination, the~~ If the juvenile does not have health
29 insurance coverage for the recommended treatment, the court shall conduct a hearing to
30 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or
31 other evaluation or treatment and who should pay the cost of the assessment, evaluation or
32 treatment. ~~treatment pursuant to this section.~~ The county manager, or any other person who is
33 designated by the chair of the board of county commissioners, of the county of the juvenile's
34 residence shall be notified of the hearing, and allowed to be heard. If the court finds the juvenile
35 to be in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment,
36 the ~~The~~ court shall permit the parent, guardian, custodian, or other responsible persons to arrange
37 for evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make
38 necessary arrangements, the court may order the needed evaluation or treatment, surgery, or care,
39 and the court may order the parent to pay the cost of the care pursuant to Article 27 of this
40 Chapter. If the court finds the parent or funding from the Juvenile Justice Section of the Division
41 of Adult Correction and Juvenile Justice of the Department of Public Safety is unable to pay the
42 cost of evaluation or treatment, the court shall order the county to arrange for evaluation or
43 treatment of the juvenile and to pay for the cost of the evaluation or treatment. ~~The county~~
44 ~~department of social services shall recommend the facility that will provide the juvenile with~~
45 ~~evaluation or treatment.~~

46 ~~(c) If the court believes, or if there is evidence presented to the effect that the juvenile~~
47 ~~has a mental illness or a developmental disability, the court shall refer the juvenile to the area~~
48 ~~mental health, developmental disabilities, and substance abuse services director for appropriate~~
49 ~~action. A juvenile shall not be committed directly to a State hospital or State developmental~~
50 ~~center, and orders purporting to commit a juvenile directly to a State hospital or State~~
51 ~~developmental center, except for an examination to determine capacity to proceed, are void and~~

1 of no effect. The area mental health, developmental disabilities, and substance abuse director is
2 responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources
3 to meet the juvenile's needs. If institutionalization is determined to be the best service for the
4 juvenile, admission shall be with the voluntary consent of the parent, guardian, or custodian. If
5 the parent, guardian, or custodian refuses to consent to institutionalization after it is
6 recommended by the area mental health, developmental disabilities, and substance abuse
7 director, the signature and consent of the court may be substituted for that purpose. In all cases
8 in which a regional mental hospital refuses admission to a juvenile referred for admission by the
9 court and an area mental health, developmental disabilities, and substance abuse director or
10 discharges a juvenile previously admitted on court referral prior to completion of the juvenile's
11 treatment, the hospital shall submit to the court a written report setting out the reasons for denial
12 of admission or discharge and setting out the juvenile's diagnosis, indications of mental illness,
13 indications of need for treatment, and a statement as to the location of any facility known to have
14 a treatment program for the juvenile in question.

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

19 **SECTION 8.(c)** This section becomes effective December 1, 2021, and applies to
20 petitions filed on or after that date.

21 **PART VII. EFFECTIVE DATE**

22 **SECTION 9.** Except as otherwise provided, this act becomes effective December 1,
23 2021, and applies to offenses committed on or after that date.
24