

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF

**ORDER COMMITTING JUVENILE TO STATE FACILITY
FOR EXAMINATION ON CAPACITY TO PROCEED
(For Offenses Committed On Or After Jan. 1, 2025)**

Name Of Juvenile

Juvenile's Date Of Birth

Age

G.S. 7B-2401.2, -2401.3

FINDINGS

A motion questioning the juvenile's capacity to proceed having been made and considered, the Court finds that:

1. The juvenile's capacity to proceed is in question.
2. The juvenile in this case is alleged to have committed an offense that would be a felony if committed by an adult.
3. The juvenile had has not had a forensic examination pursuant to G.S. 7B-2401.2(b) and the Court finds that an examination pursuant to G.S. 7B-2401.2(c) would be more appropriate to determine the juvenile's capacity.
4. Other:

ORDER

The Court Orders:

1. The juvenile be committed to the State Facility for the Mentally Ill identified below for a period not to exceed sixty (60) days for observation and treatment, pursuant to G.S. 7B-2401.2(c), to determine the juvenile's capacity to proceed. The Division of Juvenile Justice of the Department of Public Safety shall provide the Director of the State Facility with the juvenile's charging document(s) and any local forensic report on the juvenile. The Director of the State Facility must direct a written report describing the present state of the juvenile's mental health to the juvenile's attorney and to the Clerk of Superior Court for the above referenced county. The Division of Juvenile Justice shall transfer the juvenile and all relevant documents to the State Facility and shall return the juvenile to this county when notified that the evaluation has been completed.
2. One or more qualified professionals of the State Facility named below, each possessing the minimum standards required to become a forensic evaluator of juveniles, shall evaluate the juvenile and the Director of the State Facility shall submit to the Court a completed forensic evaluation report within thirty (30) days after completing the evaluation.

The State Facility shall consider all of the following as part of the forensic evaluation:

- (1) Whether the juvenile is capable to proceed, incapable to proceed, or incapable to proceed with an ability to attain capacity in the foreseeable future with remediation services.
- (2) The basis of the juvenile's incapacity, to include mental disorder, intellectual disability, neurological disorder, traumatic or acquired brain injury, or developmental immaturity.
- (3) The capacity of the juvenile to do any of the following:
 - a. Appreciate the allegations against the juvenile.
 - b. Appreciate the range and nature of allowable dispositions that may be imposed in the proceedings against the juvenile.
 - c. Understand the roles of the participants and the adversary nature of the legal process.
 - d. Disclose to counsel facts pertinent to the proceedings at issue.
 - e. Display appropriate courtroom behavior.
 - f. Testify regarding the relevant issues.
 - g. Make reasonable and rational decisions.
 - h. Assist in the juvenile's defense in a rational manner.
 - i. Any other factors that the State Facility deems to be relevant.

(Over)

ORDER (continued)

The written forensic evaluation report submitted to the court shall consist of and contain all of the following:

- (1) Identify the specific matters referred to the State Facility by the juvenile court for evaluation.
- (2) Include notification to the juvenile of the nature, purpose, and anticipated use or uses of the examination and applicable limits of confidentiality.
- (3) Describe the procedures, techniques, and tests used in the forensic evaluation of the juvenile and the purposes of each.
- (4) Describe the considerations considered by the State Facility.
- (5) State any clinical observations, findings, and opinions of the State Facility on each issue referred to the State Facility for evaluation by the court and specifically indicate any issues on which the State Facility was unable to give an opinion.
- (6) Identify the sources of information used by the State Facility and present the factual basis for any clinical observations, findings, and opinions of the State Facility.
- (7) Address the following other issues ordered by the Court: _____

If the State Facility is of the opinion that a juvenile is incapable to proceed, the written forensic report shall also contain:

- (1) Any recommended treatment or education needed for the juvenile to attain capacity, if any.
 - (2) The likelihood that the juvenile will attain capacity in the foreseeable future because of the recommended treatment or education.
 - (3) An assessment of the probable duration of the treatment or education required to attain capacity.
 - (4) If the State Facility recommends treatment for the juvenile to attain capacity, a recommendation as to the least restrictive environment in which services can be provided to the juvenile.
3. The forensic evaluation shall be conducted in the least restrictive environment, considering the best interests of the juvenile and the safety of the public.
4. The written forensic evaluation report shall be transmitted to the Court in the following manner:
- The report shall be forwarded to the clerk of superior court in a sealed envelope addressed to the attention of a presiding judge, with a covering statement to the clerk of the fact of the examination of the juvenile and any conclusion as to whether the juvenile has or lacks capacity to proceed.
 - If the juvenile is being held in the custody of the Division of Juvenile Justice, the clerk shall send a copy of the covering statement to the Division. The Division and any persons employed by the Division shall maintain the copy of the covering statement as a confidential record.
 - A copy of the full report shall be forwarded to the juvenile's counsel and to the prosecutor.
 - Until the question of the juvenile's capacity is raised, the full report to the court shall be kept under such conditions as are directed by the court, and its contents shall not be revealed except the report and the relevant confidential information previously ordered released under G.S. 7B-2401.3(c) shall be released to the program where the juvenile is receiving remediation services and as directed by the court. Any report made to the court pursuant to G.S. 7B-2401.2 shall be maintained as a confidential record.
5. Relevant confidential information pertaining to the juvenile shall be released to the Director of the State Facility named below.
- This includes the juvenile petition, orders for secure or nonsecure custody, the law enforcement incident report, the juvenile's delinquency history, detention records, and any prior medical and mental health records of the juvenile.
 - This also includes any school records of the juvenile after the juvenile is provided with reasonable notice and an opportunity to be heard and after a determination that the information is relevant and necessary to the hearing of the matter before the Court and unavailable from any other source.

Upon presentation of a copy of this Order by the Director of the State Facility, any physician or clinician, licensed health care facility, licensed health care provider, local management entity, area mental health care program, and the Division of Juvenile Justice of the Department of Public Safety is hereby authorized and required to furnish copies of all records, including records containing information relating to alcohol abuse, drug abuse and psychological or psychiatric conditions, concerning juvenile to the Director. Nothing herein shall be construed to require record holders to release information in violation of relevant federal law.

<i>Name And Address Of State Facility For The Mentally Ill</i>	<i>Date</i>
	<i>Signature Of Judge</i>
<i>Name Of Director Of State Facility For The Mentally Ill</i>	<i>Name Of Judge (type or print)</i>

RETURN OF SERVICE

I certify that this Order was received and served as follows:

- By transporting the juvenile to the State Facility.
 Other: (specify)

<i>Date Received</i>	<i>Signature Of Division Of Juvenile Justice Employee Making Return</i>	
<i>Date Served</i>	<i>Date Of Return</i>	<i>Name Of Division Of Juvenile Justice Employee Making Return (type or print)</i>