

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

IN THE MATTER OF

ORDER ON HEARING TO DETERMINE  
JUVENILE'S CAPACITY TO PROCEED  
(For Offenses Committed On Or After Jan. 1, 2025)

Name Of Juvenile

Juvenile's Date Of Birth

Age

Date Of Hearing

G.S. 7B-2401.2(h), -2401.4

This case was heard at a session for juvenile hearings for a hearing on the capacity of the above named juvenile to proceed. The following persons were present at the hearing:

Name	Relationship/Title

FINDINGS

From the hearing on the capacity of the above named juvenile to proceed, the Court finds as follows:

- 1. The Clerk of Superior Court provided notice of the hearing to the juvenile and the prosecutor in accordance with G.S. 7B-1807.
- 2. A motion questioning the juvenile's capacity to proceed was filed with this Court on (date)\_\_\_\_\_.
- 3. A forensic evaluation of the juvenile was completed by (name of Forensic Evaluator) \_\_\_\_\_  
and the forensic evaluation report was filed with this Court on (date)\_\_\_\_\_.
- A forensic evaluation of the juvenile was completed by (name of Forensic Evaluator) \_\_\_\_\_  
and the forensic evaluation report was filed with this Court on (date)\_\_\_\_\_.
- 4. The parties stipulate that the juvenile is capable to proceed.
- 5. (list out findings of fact to support the Court's determination of the juvenile's capacity to proceed)

CAPACITY DETERMINATION

Following a hearing under G.S. 7B-2401.2(h) and a review of the record in this case, including the forensic evaluation(s) of the juvenile, the Court has determined that (check one)

- 1. the juvenile is **ABLE** to understand the nature and object of the proceedings against the juvenile, to comprehend his/her own situation in reference to the proceedings, and to assist in the juvenile's own defense in a rational and reasonable manner. Accordingly, this matter shall proceed.
- 2. by a preponderance of evidence, by reason of mental disorder, intellectual disability, neurological disorder, traumatic or acquired brain injury, or developmental immaturity the juvenile is **UNABLE** to (check all that apply)
  - understand the nature and object of the proceedings against the juvenile
  - comprehend the juvenile's own situation in reference to the proceedings
  - assist in the juvenile's own defense in a rational or reasonable manner
and therefore the juvenile lacks capacity to proceed. The Court finds that the juvenile  is  is not substantially likely to attain capacity to proceed in the foreseeable future.

Date

Name Of Presiding Judge (type or print)

Signature Of Presiding Judge

**ORDER ON NEED FOR REMEDIATION SERVICES (if applicable)**

Having found the juvenile to be incapable to proceed and substantially likely to attain capacity to proceed in the foreseeable future, the Court Finds and Orders the following:

- 1. The juvenile does not need remediation services at this time.
- 2. The juvenile is in need of remediation services, to be based on the recommendations from the forensic evaluation.
  - a. Findings of fact regarding the least restrictive environment for remediation services, considering the best interests of the juvenile and the safety of the public: *(required, see G.S. 7B-2401.4(c) and (e)(1))*

b. Remediation services for the juvenile are limited in time as provided in G.S. 7B-2401.4(f) and shall not exceed:

- Thirty-six (36) months beyond the original finding of incapacity to proceed or the maximum jurisdiction of the court as provided in G.S. 7B-1601, whichever occurs sooner. *(check this block if the most serious offense alleged in the petition is first degree murder (G.S. 14-17), first-degree forcible rape (G.S. 14-27.21), first-degree statutory rape (G.S. 14-27.24), first-degree forcible sexual offense (G.S. 14-27.26), or first-degree statutory sexual offense (G.S. 14-27.29) if committed by an adult)*
- Twelve (12) months beyond the original finding of incapacity to proceed or the maximum jurisdiction of the court as provided in G.S. 7B-1601, whichever occurs sooner. This may be extended twelve months for good cause. *(check this block if the most serious offense alleged in the petition is a Class B1, B2, C, D, or E felony if committed by an adult, other than first-degree forcible rape (G.S. 14-27.21), first-degree statutory rape (G.S. 14-27.24), first-degree forcible sexual offense (G.S. 14-27.26), or first-degree statutory sexual offense (G.S. 14-27.29) if committed by an adult)*
- Six (6) months beyond the original finding of incapacity to proceed or the maximum jurisdiction of the court as provided in G.S. 7B-1601, whichever occurs sooner. This may be extended six months for good cause. *(check this block if the most serious offense alleged in the petition is a Class F, G, H, or I felony or any misdemeanor if committed by an adult)*

c. Remediation services for the juvenile shall be provided by the following service provider:

Name And Address Of Provider Of Remediation Services

d. The remediation service provider shall provide reports to the court at least every 90 days. Any report made to the court shall be forwarded to the clerk of superior court, addressed to the attention of the presiding judge. Each report shall include all of the following:

- (1) The dates of any services provided to the juvenile.
- (2) A summary of the juvenile's attendance and participation.
- (3) Information about the juvenile's progress in the areas that were found to be relevant to the juvenile's incapacity, including education regarding court procedures and stabilization or improvement of symptoms leading to functional impairments.

e. Other:

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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