

Appendix

This Appendix consists of Rule 12, “Juvenile,” of the eCourts Rules of Recordkeeping for Clerks of Superior Court, dated December 2025. These rules are issued by the North Carolina Administrative Office of the Courts and replace the former Rules of Recordkeeping for Clerks of Superior Court following the implementation of eCourts statewide.

12. Juvenile

See also: [Rule 1.4: Court Filings](#)

[Rule 1.5: Inspection of Records](#)

[Rule 1.6: Destruction or Transfers of Records](#)

[Rule 1.7: Evidence](#)

[Rule 1.8: Redaction of PII and VAWA Restrictions on Internet Publication](#)

[Rule 1.9: Case Numbers](#)

[Rule 1.10: Case Transfers](#)

[Rule 1.11 Date Stamps on Filings](#)

[Rule 1.12: Indexing](#)

[Rule 1.13: Party Records](#)

[Rule 1.14: Calendars](#)

[Rule 1.15: Dispositions](#)

[Rule 1.16: Notices to State Bar](#)

[Rule 1.17: Sealing](#)

[Rule 1.18: Court-Appointed Attorneys' Fee Applications](#)

[Rule 1.19: Document Naming Standards](#)

[Rule 1.20: Interpreter Documentation](#)

Rule 12.1: Case Established

Although legacy cases from J Wise are converted as one case per juvenile per county, for new cases created in the ICMS, the clerk shall establish a new case for each petition or order to remove case from superior court filed. The data entered into the ICMS shall be prescribed by the QRGs provided by the NCAOC and will automatically create an index entry for each case. Examples of actions include:

1. An abuse, neglect, or dependency proceeding (G.S. 7B-1000 through -1004)
2. A proceeding under the Interstate Compact on the Placement of Children. (G.S. 7B-3800 through -3806) (e.g., placing a child from another state into foster care within this state)
3. A proceeding involving judicial consent for emergency surgical or medical treatment (G.S. 7B-3600)
4. A proceeding to review a voluntary foster care placement (G.S. 7B-910)
5. A proceeding in which a person is alleged to have obstructed or interfered with an investigation of abuse, neglect, or dependency (G.S. 7B-303)
6. A proceeding to review an agency's plan for the placement of a child when one or both parents have surrendered the child for adoption or when a child returns to foster care after an adoption is dismissed or withdrawn (G.S. 7B-909)
7. A delinquency or undisciplined juvenile proceeding (G.S. 7B-1500 through -2706)
8. A proceeding under the Interstate Compact on Juveniles (G.S. 7B-4000 through -4002)
9. A termination of parental rights (TPR) proceeding initiated by petition (G.S. 7B-1100 through -1112). **NOTE:** TPRs initiated as motions will be filed in the existing JA case. Motions to reinstate the rights of a parent whose parental rights have been previously terminated (G.S. 7B-1114) will be filed in the corresponding case where the TPR order was entered.
10. An emancipation proceeding (G.S. 7B-3500 through -3509)
11. A proceeding to review a voluntary foster care placement for a young adult (G.S. 7B-910.1). A young adult may leave and re-enter a voluntary foster care placement such that the court



conducts additional reviews of the placement of the young adult pursuant to G.S. 7B-910.1. If the young adult re-enters a placement, any additional filings for the G.S. 7B-910.1 review shall be attached to the existing juvenile case of the young adult, maintaining the existing case number.

12. Juvenile judicial sterilization proceeding (G.S. 90 Article 19)
13. Application for an ex parte order finding infant has been safely surrendered and confirming the county DSS has legal custody (G.S. 7B-525)
14. A proceeding to expunge the name of a person from the responsible individuals list pursuant to G.S. 7B-325

NOTES:

- If a juvenile petition names several juveniles, each juvenile shall have a separate case. Any petition, order, or other document that involves multiple juveniles should be attached to each juvenile's case.
- A TPR petition should never be filed as a civil action. TPR should be initiated only by the filing of:
 1. a juvenile petition; or,
 2. a motion in the cause in a pending abuse, neglect, or dependency proceeding.
- Normally, TPR documents should be attached to a juvenile case. If the Court does allow a party to pursue a TPR in a domestic relations or other civil case, these documents are considered evidence and shall be sealed.
- Fingerprint cards should not be accepted for filing. If these cards are submitted to the clerk, the clerk should return them to the agency responsible for taking the fingerprints (G.S. 7B-2102(d)).
- Where a parent, guardian, custodian, or caretaker in a juvenile case is cited for or found in criminal contempt of court, that criminal contempt becomes a new criminal case with the contemnor as the named defendant (G.S. 7B-904 and 7B-2706).
 - If a show cause order directs that the alleged contemnor show cause why he/she not be held in "criminal" contempt with no reference to possible civil contempt, the clerk shall establish a CR case for the contempt action upon the issue of the show cause order. Only the show cause order, contempt adjudication, and filings that are specific to the contempt action shall be attached to the CR case. Any identifying references to the juvenile in the documents filed in the CR case shall be redacted; the original unredacted document shall be retained in the juvenile case.
 - If the court adjudicates a contemnor to be in criminal contempt without previously having issued a show cause order for that contempt, e.g., after a summary proceeding for direct criminal contempt, G.S. 5A-14, the clerk shall establish a CR case for the contempt adjudication. (See form AOC-CR-390 Direct Criminal Contempt/Summary Proceedings/Findings and Order.) Any identifying references to the juvenile in the documents filed in the CR case shall be redacted; the original unredacted document shall be retained in the juvenile case.
 - If a show cause order directs the alleged contemnor to show cause why he/she not be held in "civil or criminal" contempt or simply "contempt" (without specifying either civil or criminal), the show cause order shall be maintained in any underlying juvenile case for the action from which the contempt action arose. (See forms AOC-J-155 Motion and Order to Show Cause and AOC-J-344 Motion and Order to Show Cause)
 - If the court subsequently enters an adjudication of criminal contempt, the motions and orders to show cause, contempt orders, and filings that are specific to the contempt action shall be attached to the juvenile case. The clerk shall also establish a CR case for the contempt action and include in it copies of the motion and show cause order, the



contempt adjudication, and any filings that are specific to the contempt action and distinct from the original action (e.g., an appointment or denial of appointed counsel). All identifying references to the juvenile on the public facing documents (CR case) shall be redacted; the original unredacted documents shall be retained in the juvenile case. (See forms AOC-J-155, AOC-J-156, AOC-J-344, and AOC-J-345)

- If the court subsequently enters an adjudication of civil contempt or does not find the person to be in contempt, all documents specific to the contempt action shall remain in the case of the original juvenile action.
- When a probation violation is filed in a JB case that has previously been destroyed (pursuant to RRS No. 7.6D. or 7.6E), the clerk shall use the index information for the case that was converted from J Wise into the ICMS and attach an order to this legacy case.

Rule 12.2: Access to Cases

Pursuant to G.S. 7B-2901(a), abuse, neglect, and dependency cases are confidential and not open to public inspection. The record includes the summons, petition, any custody order, court order, written motion, electronic or mechanical recording of the hearing, and other papers filed in the proceeding. Only the following persons may examine the juvenile's record and obtain copies of the written parts of the record without a court order.

These persons, if identified as an active party in Odyssey, may review the specific case(s) to which they have been assigned in Odyssey after being granted elevated access through Portal:

- An attorney of record who represents a juvenile, including a guardian ad litem (GAL) attorney advocate or an attorney for the mother, father (father-legal or father-putative), guardian, or custodian;
- County Department of Social Services social worker of record assigned to a juvenile case;
- GAL program volunteer of record appointed to a juvenile case.

These persons may review the specific case(s) to which they are assigned as an Odyssey party after being granted elevated access through Portal. The Party ID must first be obtained from the clerk and submitted with the elevated access request.

- The person named in the petition as the juvenile;
- The juvenile's parent, guardian, or custodian of record who is an active party in Odyssey.

Pursuant to G.S. 7B-3000(b), undisciplined and delinquency cases are confidential and not open to public inspection. The record includes the summons and petition, any secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any written motions, orders or papers filed in the proceedings. In undisciplined and delinquency cases, only the following persons may examine the juvenile's record and obtain copies of written parts of the record without a court order. The prosecutor will have access to the case through the ICMS.

These persons, if identified as an active party in Odyssey, may review the specific cases(s) to which they have been assigned in Odyssey after having been granted elevated access on Portal:

- An attorney of record who represents a juvenile, including the attorney for the mother, father (father-legal or father-putative), guardian, or custodian; and
- A juvenile court counselor (JCC) of record assigned to a juvenile case.



STATE OF NORTH CAROLINA eCourts Rules of Recordkeeping	Records of the Clerks of Superior Court 12. Juvenile
---	---

These persons may review the specific case(s) to which they are assigned as an Odyssey party after being granted elevated access through Portal. The Party ID must first be obtained from the clerk and submitted with the elevated access request.

- The person named in the petition as the juvenile;
- The juvenile’s parent, guardian, or custodian of record as identified in Odyssey.

Some access will be provided via secured method through by the clerk’s office upon written request by an authorized party:

- Probation officers in the Section of Community Corrections of the Division of Juvenile Justice and Delinquency Prevention, as provided by G.S. 7B-3000(e1);
- An authorized representative of the juvenile’s parent, guardian, or custodian; and
- An attorney who represents a juvenile whose case is transferred to Superior Court.

NOTES:

- The court may direct the clerk to “seal” any portion of the juvenile’s record. The clerk shall secure any sealed portion of a juvenile’s record by applying the Security Group Sealed. The sealed information may be examined only by court order. (See G.S. 7B-3000 (c).)
- Pursuant to G.S. 7B-3000, any review of delinquency cases by law enforcement officers will be provided by the prosecutor.
- An electronic recording of the juvenile proceedings shall only be transcribed when notice of appeal has been timely given or by order of the court. The electronic recording can only be copied electronically or mechanically by order of the court (G.S. 7B-3000(d), G.S. 7B-806, and 7B-2410). (See [Rule 18](#) for Webex recording requirements.)
- Entry of a TPR changes the legal relationship between a parent and child. The parent should not have access to documents filed subsequent to the TPR, even if the TPR is on appeal, unless the court has stayed the TPR order on appeal. When a parent’s rights are terminated, the clerk shall remove the parent as a party to the case, which will remove the parent’s elevated access to the case records. (See G.S. 7B-908(b)(1).)
- See also Orders Determining Parentage in Juvenile Proceedings ([Rule 12.11](#))

Rule 12.3: Expunction of Records⁴⁵

Certain records of juvenile delinquency/undisciplined proceedings can be expunged upon an order from the juvenile court in which the adjudication or proceeding occurred. G.S. 7B-3200 provides for expunction of these records:

- subsection (a): adjudications of undisciplined status
- subsection (b): certain adjudications of delinquency
- subsection (h): dismissed allegations of delinquency or undisciplined status

- A. Filing: An expunction petition for juvenile records is to be attached to the “JB” case containing the records of the allegation/adjudication addressed by the petition.
- B. Expunction Order Appealed: If the court’s order granting or denying the expunction is appealed, retain all documentation related to the petition until final resolution of the appeal. If the order was granted and appealed by the State, treat the order as granted while the appeal is pending. The clerk

⁴⁵ This rule covers only the basics of filing and disposing of juvenile expunction petitions. For detailed procedures to carry out this rule, see the *Expunction Guide for Clerks* available on Juno. See [Rule 9.4](#) for definition of “confidential agency file.”



shall accept the filing and let the court make the determination as to the court’s authority to proceed.

- C. Petition Denied: If the proceeding results in a denial of the petition, attach the denial order to the JB case, but obsolete all supporting documents (e.g., affidavits of good character).
- D. Petition Granted: (**NOTE:** Detailed procedures for each of the steps below are provided in the *Expunction Guide for Clerks.*)
 - 1. Pursuant to G.S. 7B-3202, provide written notice of the granted order to the juvenile by sending a certified copy to the juvenile’s last known address. If the petition was filed on the AOC-J-909 for dismissed allegations of undisciplined status or delinquency, notice of the granted petition may be given on the same form. If the petition was filed in any other format, use AOC-J-906 to provide notice to the juvenile.
 - 2. Expunge only the allegations/adjudications specified in the expunction order.
 - a. If records of other delinquency/undisciplined proceedings exist in the petitioner’s JB case, follow the directions for partial expunctions in [Rule 9.4](#).
 - b. If the JB case is expunged and constituted the petitioner’s only juvenile proceeding for the county, when you attach the expunction order to the ICMS case, the case will be transferred to the NCAOC Expunction Node.
 - i. Do not expunge civil records arising from the juvenile proceeding, such as civil judgments for attorney fees against a parent or guardian. (See [Rule 12.9](#))
 - ii. Notify State and local law enforcement agencies as directed in the “Expunction Guide for Clerks.”
 - iii. If the expunction was for a dismissed allegation of delinquency or undisciplined status, provide a certified copy to the court counselor.
 - iv. See the *Expunction Guide for Clerks* for “Other Cases & Special Situations” in juvenile expunction proceedings, such as juveniles whose names are recorded on the former, manual index to juvenile actions (the “green book”), expunging the verbatim recording of juvenile proceedings, and cases in which there was a change of venue to another county.

NOTES:

- The NCAOC provides template forms for juvenile expunction proceedings. See AOC-J-903, J-904, J-906, and J-909. While parties are not required to use NCAOC forms for these proceedings, the forms cover all of the components of the expunction proceeding, so clerks should encourage petitioners to use them.
- As custodian of the record, the clerk’s function in the expunction process is to receive petitions for filing, schedule the petitions for hearing when required, and then file and carry out any order entered by the court. Questions such as whether a particular juvenile case qualifies for expunction, whether the correct form has been used, and whether any affidavits or other materials required by the expunction statute have been included are not of concern to the clerk’s office. The court before which the petition is heard must determine any questions of its adequacy. Occasionally, a court may enter an order for expunction that appears questionable on its face. When such an order has been entered (e.g., expunction of adjudication of a Class A - E felony, which is prohibited by G.S. 7B-3200(b)), the clerk may wish to confirm with the judge who entered the order that the order is what the court intended. If the judge indicates that the order is as intended, then the clerk should carry the order out.
- Records of juvenile expunctions are not included in NCAOC record checks.



Rule 12.4: Transfer of a Case to Superior Court

A. Transfer of a Case to Superior Court (date of offense prior to December 1, 2024)

1. Transfer to Superior Court upon a Finding of Probable Cause

When the offense committed before December 1, 2024, is a Class A felony committed by a juvenile who is 13 or older or a Class A-G felony committed by a juvenile at age 16 or 17, transfer to superior court is mandatory if the court finds probable cause. In such cases, form AOC-J-343, Juvenile Order – Probable Cause Hearing, is the initiating document in the superior court file. When transfer to superior court is ordered based on a transfer hearing for a non-mandatory transfer, form AOC-J-442, Juvenile Order Transfer Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Juvenile-Transfer to Superior case security to maintain the confidentiality of the case until the expiration of the 10-day appeal period. The juvenile clerk will dispose of that case as Transfer to Superior Court.

The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court. The initiating document, either form AOC-J-442 or AOC-J-343, is the only document from the juvenile case that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile's superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.]. The initiating document (AOC-J-442 or AOC-J-343) and any other documents made part of the record after transfer should be attached to the criminal case. When the 10-day appeal period has expired, the superior court clerk shall change the case security to Public.

Appeals of a transfer: When a transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile's attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title "In the Matter of 06JB1492" and listing only the issue of "Appeal of Transfer." The offense or the juvenile's name may not be entered on the calendar. The clerk completing the case transfer shall change the case security to Public only after the superior court judge denies the transfer appeal. If the transfer order is appealed successfully, the criminal clerk will delete the case pending under the Juvenile-Transfer to Superior security type, and jurisdiction shall be retained by the juvenile district court.

2. Transfer to Superior Court upon Notice of the Return of a True Bill of Indictment

When the offense committed before December 1, 2024, is a Class A felony committed by a juvenile who is 13 or older or a Class A-G felony committed at age 16 or 17, transfer to superior court is mandatory upon notice to the juvenile of the return of a true bill of indictment as provided in G.S. 15A-630. When transfer to superior court is based on notice of the return of a bill of indictment, form AOC-J-444, Juvenile Order – Transfer After Bill of Indictment, is the initiating document in the superior court file.



The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court; the clerk shall change the case status to Transferred to Superior Court. The initiating document, form AOC-J-444, is the only document from the juvenile file that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile’s superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.] Form AOC-J-444 and any other documents made part of the record after transfer should be attached to the juvenile case. Do not create a criminal case in the Superior Court node or enter additional information in the ICMS for 10 days after entry of the transfer in order to allow opportunity for appeal. **NOTE:** The court may enter a transfer order based on the return of a bill of indictment without a hearing. If form AOC-J-444 is entered without a hearing, the prosecutor or judge should forward the order to the juvenile clerk to process the transfer.

When a transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile’s attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title “In the Matter of 06JB1492” and listing only the issue of “Appeal of Transfer.” The offense or the juvenile’s name may not be entered on the calendar. The clerk completing the case transfer shall add the case into the ICMS only when the superior court judge denies the transfer appeal. If the appeal is granted, and thus the transfer does not move forward, all related documents shall be attached to the juvenile case, and no new criminal case is created in the Superior Court node.

3. Remand to Juvenile Court

For an offense committed before December 1, 2024, upon the joint motion of the prosecutor and the juvenile’s attorney, the superior court must remand the charges back to district court for juvenile adjudication and order the expunction of the superior court charges. The superior court judge should use form AOC-CR-291, Motion and Order to Remand Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remand the case and expunge the superior court charges. (See also [Rule 9.4: Expunctions](#) and [Rule 9.15: Remand of Juvenile Case to District Court and Expunction of Superior Court Charges.](#))

If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent) and check the box “On Remand from Superior Court” in the caption. The criminal clerk should forward a copy of the AOC-CR-291, along with the original transfer order (i.e., AOC-J-343, AOC-J-442 or AOC-J-444), the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for attachment to the JB case. (See [Rule 1.10.D.](#))

Upon receipt of the AOC-CR-291, the juvenile clerk shall calendar the case for adjudication, unless otherwise instructed by the prosecutor or juvenile court counselor and send notice of the



hearing to all parties using form AOC-J-240A, Notice of Hearing in Juvenile Proceeding (Delinquent). The hearing shall be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

B. Transfer of a Case to Superior Court (date of offense on or after December 1, 2024)

1. Transfer to Superior Court upon a Finding of Probable Cause

When the offense committed on or after December 1, 2024, is a Class A felony committed by a juvenile who is 13, 14, or 15 or a Class F-G felony committed by a juvenile at age 16 or 17, transfer to superior court is mandatory if the court finds probable cause. In such cases, form AOC-J-343, Juvenile Order – Probable Cause Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Public case security because no interlocutory appeal of the transfer is allowed. When transfer to superior court is ordered based on a transfer hearing for a non-mandatory transfer, form AOC-J-442, Juvenile Order Transfer Hearing, is the initiating document in the superior court file. The juvenile clerk will forward this initiating document to the criminal clerk, who shall create a case in the Superior Court node with Juvenile-Transfer to Superior case security to maintain the confidentiality of the case until the expiration of the 10-day appeal period. The juvenile clerk will dispose of that case as Transfer to Superior Court.

The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court. The initiating document, either form AOC-J-442 or AOC-J-343, is the only document from the juvenile case that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile’s superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.]. The initiating document (AOC-J-442 or AOC-J-343) and any other documents made part of the record after transfer should be attached to the criminal case. When the 10-day appeal period has expired in a non-mandatory transfer case, the superior court clerk shall change the case security to Public.

Appeals of a non-mandatory transfer: When a non-mandatory transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. The clerk shall also provide a copy of the written notice of appeal filed by the juvenile’s attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title “In the Matter of 06JB1492” and listing only the issue of “Appeal of Transfer.” The offense or the juvenile’s name may not be entered on the calendar. The clerk completing the case transfer shall change the case security to Public only after the superior court judge denies the transfer appeal. If the transfer order is appealed successfully, the criminal clerk will delete the case pending under the Juvenile-Transfer to Superior security type, and jurisdiction shall be retained by the juvenile district court.



Appeals of a mandatory transfer: For offenses committed on or after December 1, 2024, there is no interlocutory appeal in a mandatory transfer case; the issue of transfer may only be appealed to the Court of Appeals if the juvenile is convicted in superior court (G.S. 7B-2603).

2. Transfer to Superior Court upon Notice of the Return of a True Bill of Indictment

When the offense committed on or after December 1, 2024, is a Class A felony committed by a juvenile who is 13, 14, or 15 or a Class F-G felony committed at age 16 or 17, transfer to superior court is mandatory upon notice to the juvenile of the return of a true bill of indictment as provided in G.S. 15A-630. When transfer to superior court is based on notice of the return of a bill of indictment, form AOC-J-444, Juvenile Order – Transfer After Bill of Indictment, is the initiating document in the superior court file.

The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court; the clerk shall change the case status to Transferred to Superior Court. The initiating document, form AOC-J-444, is the only document from the juvenile file that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer, which includes form AOC-CR-922, Release Order for Juvenile Transferred to Superior Court for Trial. [If the district court addresses the appointment or waiver of counsel for the juvenile’s superior court proceeding, i.e., AOC-CR-226 (Affidavit of Indigency) and AOC-CR-224 (Order of Assignment or Denial of Counsel) or AOC-CR-227 (Waiver of Counsel), all documents related to that counsel determination should also become part of the public record of the superior court proceedings.] Form AOC-J-444 and any other documents made part of the record after transfer should be attached to the juvenile case. When transfer is based on a mandatory transfer after bill of indictment order, the clerk shall create a case in the Superior Court node with Public case security because no interlocutory appeal of the transfer is allowed. **NOTE:** For offenses committed on or after December 1, 2024, the court may not enter a transfer order based on the return of a bill of indictment without a hearing.

For offenses committed on or after December 1, 2024, there is no interlocutory appeal in a mandatory transfer case; the issue of transfer may only be appealed to the Court of Appeals if the juvenile is convicted in superior court (G.S. 7B-2603). The clerk completing the case transfer shall add the case into the ICMS in the Superior Court node upon the execution of the mandatory transfer order.

3. Remand to Juvenile Court

For an offense committed on or after December 1, 2024, upon the joint motion of the prosecutor and the juvenile’s attorney, the superior court must remand the charges back to district court for juvenile adjudication and order the expunction of the superior court charges. The superior court judge should use form AOC-CR-291, Motion and Order to Remand Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remand the case and expunge the superior court charges. (See also [Rule 9.4: Expunctions](#) and [Rule 9.15: Remand of Juvenile Case to District Court and Expunction of Superior Court Charges.](#))

If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent) and check the box “On Remand



STATE OF NORTH CAROLINA	Records of the Clerks of Superior Court
eCourts Rules of Recordkeeping	12. Juvenile

from Superior Court” in the caption. The criminal clerk should forward a copy of the AOC-CR-291, along with the original transfer order (i.e., AOC-J-343, AOC-J-442 or AOC-J-444), the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for attachment to the JB case. (See [Rule 1.10.D.](#))

Upon receipt of the AOC-CR-291, the juvenile clerk shall calendar the case for adjudication, unless otherwise instructed by the prosecutor or juvenile court counselor and send notice of the hearing to all parties using form AOC-J-240A, Notice of Hearing in Juvenile Proceeding (Delinquent). The hearing shall be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

4. Removal of 16- and 17-year-old Juveniles Charged with Class A-E Felony Offenses to District Court

For an offense committed on or after December 1, 2024, upon the joint motion of the prosecutor and the juvenile’s attorney, the superior court must remove the charges to district court for juvenile adjudication and order the expunction of the superior court record. The superior court judge should use form AOC-CR-299, Motion and Order to Remove Case from Superior Court to District Court and Order of Expunction under G.S. 15A-145.8, to both remove the case and expunge the superior court record. If the superior court judge issues a secure custody order, the judge should use form AOC-J-440, Order for Secure Custody/Detention (Undisciplined/Delinquent), and check the box “On Removal from Superior Court” in the caption. The criminal clerk should forward a copy of the AOC-CR-299, along with the indictment or criminal information, the AOC-J-440 if executed, and any order assigning counsel for the juvenile, to the juvenile clerk for creation of the JB file.

Upon the subsequent filing of a juvenile petition by the court counselor, the juvenile clerk should issue the juvenile summons and notice of hearing, using form AOC-J-340, calendar the case for first appearance within 10 days of the filing of the petition, and send notice to all other parties using form AOC-J-240A. The first appearance should be scheduled for a date that provides the parties with at least 5 days written notice, as required by G.S. 7B-1807.

Rule 12.5: Notification of Appointed Attorney

Where an attorney is appointed by the court to represent a juvenile or parent(s) in a juvenile proceeding, the clerk shall send the Notice of Appointment to the attorney by secure method. (**NOTE:** You may also place the sealed envelope in the attorney’s mailbox located within the courthouse, if this is the established practice in your county.)

- Court-appointed attorneys may be appointed by either a District Court Judge or the clerk. If an abuse, neglect, or dependency petition is filed, the clerk must appoint provisional counsel at the time of filing.
- An attorney should not be appointed for a juvenile alleged to be undisciplined.
- A juvenile does not need to prove indigence to receive a court-appointed attorney. However, parents seeking court-appointed representation must go through the indigence screening process.
- When the parents are eligible for court-appointed attorneys, separate attorneys should be appointed for each parent.



- In all TPR cases, a parent who is indigent is entitled to an appointed attorney unless the parent waives the right to counsel. (**NOTE:** It does not matter whether the petition to terminate was filed by DSS or a private petitioner.)
- When a juvenile in a delinquency or undisciplined action is placed in the custody or placement responsibility of DSS, a parent who is indigent is entitled to an appointed attorney for representation in hearings conducted pursuant to G.S. 7B-906.1 (review of placement), unless the parent waives the right to counsel. The court should address the issue of counsel with the juvenile’s parent(s) at the dispositional hearing in which the juvenile is placed in custody to ensure that court-appointed counsel is assigned prior to the G.S. 7B-906.1 hearing. If counsel is appointed to represent a parent, the clerk shall provide notice to the attorney.

Rule 12.6: Emancipation Orders

The certificate of emancipation shall be filed as a Registration and treated as any other filing of that type. See [Rule 15.2](#).

NOTE: Only the certificate of emancipation order shall be filed as a Registration. The petition and all other supporting documents shall remain in the juvenile case. Emancipation proceedings are as confidential, as is any other juvenile proceeding. However, where an order of emancipation has been entered, the juvenile may receive a Form AOC-J-902M, Certificate Of Emancipation, at any time to verify that status.

Rule 12.7: Recording Juvenile Hearings

All adjudicatory, dispositional, probable cause, and transfer to superior court hearings shall be recorded. The court may also order that other hearings be recorded because any hearing in a juvenile matter can be appealed to the Court of Appeals, for which a transcript is needed, so all case types shall be recorded. (See [Rule 18](#) for Webex recording requirements.)

NOTES:

- The log of what is recorded shall be filed with the recording.
- When a case is heard out-of-county but venue remains in the originating county, the recording should be sent to the originating county. When the venue of a case is transferred to another county, the juvenile’s case is sent to the transfer county, and the recording will remain in the hearing county.
- If a case is later appealed, the clerk in the county where a recording exists must submit the recording to a transcriptionist. The juvenile clerk in the county where notice of appeal is given must notify the clerk in any other county with a recording that the case has been appealed. The clerk must provide the name and contact information for the assigned transcriptionist to the clerk in any other county with a recording.

Rule 12.8: Responsible Individuals List (RIL): Petitions for Judicial Review and Petitions for Expungement

The clerk shall establish a case file for each petition filed under G.S. 7B-323 seeking judicial review of a determination that the petitioner is a responsible individual (JRI). The clerk shall maintain a separate docket for petitions seeking judicial review.



Pursuant to G.S. 7B-325, the clerk shall establish a JRI case file for each petition filed for expungement of a person's name from the responsible individuals list. The clerk shall maintain a separate docket for expungement actions.

Each JRI hearing shall be recorded to a CD with no other cases or hearings on the same CD. (See RRS No. 7.11.1 for retention requirements and see [Rule 18](#) for Webex recording requirements.)

Rule 12.9: Processing Fee Applications with Judgment Ordered

(Replaced by [Rule 1.18](#) October 2023)

Rule 12.10: Notification to the Person Providing Care for the Juvenile

Pursuant to G.S. 7B-906.1, the person providing care for a juvenile must be given 15 days' notice of all review hearings. The Department of Social Services must provide written documentation to the clerk that the person providing care for the juvenile was sent notice of the hearing or must provide the clerk with the name and address of the person providing care for the juvenile. If the clerk sends the notice, the clerk should not include the name and address of the person providing care for the juvenile on the notice sent to the juvenile's biological parents.

Rule 12.11: Orders Determining Parentage in Juvenile Proceedings

A juvenile proceeding may involve an adjudication affecting a child's parentage. When a judicial determination of parentage is entered in a juvenile proceeding, the court may issue a stand-alone order that addresses the juvenile's parentage. The stand-alone order should be placed in a new civil case in the District Court node and also retained in the juvenile file. (See [Rule 1.10.D](#) and [Rule 3.1](#))

Rule 12.12: Victim's Rights Motion in Delinquency Cases

In some delinquency cases, a victim (or a person acting on behalf of a victim) may assert his or her rights by filing a motion with the clerk of superior court in the same juvenile action that gave rise to the rights in question pursuant to G.S. 7B-2058. Upon request, the clerk of superior court in each county shall provide form AOC-J-380, Motion and Order to Enforce Rights of Juvenile Delinquency Victim, to a person who seeks to file a victims' rights motion in a delinquency case. There are no filing fees for this motion.

Upon the filing of form AOC-J-380 with the clerk's office, the clerk shall forward via task queue the motion to the prosecutor (if the prosecutor is not the elected district attorney), the elected district attorney, and the judge involved in the proceeding that gave rise to the rights in question. Upon receipt of the motion, the judge must review the motion in a timely manner. At the conclusion of this review, the judge must dispose of the motion or set it for a hearing.

If the judge sets the motion for a hearing, the clerk shall provide notice of the hearing to the person who filed the motion and the prosecutor (if the prosecutor is not the person filing the motion). The notice of hearing for this motion is included on side two of form AOC-J-380.

NOTE: A victim in a delinquency case is not entitled to examine or obtain copies of confidential juvenile records (see G.S. 7B-2057). When providing form AOC-J-380 to a victim, the clerk shall not acknowledge the existence of the juvenile's case or disclose any information from the confidential juvenile record, including the case number. The clerk should refer the victim to an attorney for any questions about the case or assistance completing the form. Once the motion is



STATE OF NORTH CAROLINA	Records of the Clerks of Superior Court
eCourts Rules of Recordkeeping	12. Juvenile

filed with the clerk, it becomes part of the juvenile’s confidential record, and the clerk cannot provide a copy to the victim, unless ordered to do so by the court to provide notice of a hearing on the motion.

Rule 12.13: Processing Search Warrants and Nontestimonial Identification Orders in Delinquency Cases

Search warrants and Nontestimonial Identification Orders filed in juvenile cases are confidential records. Upon issuance of a search warrant in a juvenile matter, the judicial official shall forward the court record copy of these documents to the juvenile clerk. The clerk shall create a Search Warrant-Juvenile case in the Civil node of the ICMS and attached the search warrant. If a petition is ever filed on the juvenile, this civil search warrant case shall be related to the Juvenile-Delinquency/Undisciplined case in the ICMS. Upon issuance of a Nontestimonial Identification Order in a juvenile matter, the judicial official shall forward the court copy of these documents to the juvenile clerk. The juvenile clerk shall attach this document to the case that contains the pending juvenile petition. Where there is no pending petition, the clerk shall create a Search Warrant-Juvenile case, add an Event of Search Warrant Issued or Nontestimonial Identification Order, and attach the document. When the original warrant or order is returned to the clerk, it shall be attached to the case that contains the juvenile petition. If no petition is ever filed, the original warrant or order shall be made obsolete in the ICMS pursuant to RRS No. 7.8.< of the Retention Schedule.

Rule 12.14: Juvenile Capacity to Proceed

For offenses occurring on or after January 1, 2025, the prosecutor, the juvenile, the juvenile’s attorney, and the court may raise the question of the juvenile’s capacity to proceed at any time. AOC-J-260, Motion Questioning Juvenile’s Capacity to Proceed, should be used. The presiding judge may order a forensic evaluation be conducted using either AOC-CR-261, Order Appointing Qualified Forensic Evaluator, or AOC-J-262, Order Committing Juvenile to State Facility for Examination on Capacity to Proceed. Once the forensic evaluation report is returned, a capacity hearing must be held. The Court may use AOC-J-263, Order on Hearing to Determine Juvenile’s Capacity to Proceed, to memorialize findings of fact, make its determination, and order remediation services if appropriate. These documents are part of the juvenile file. Where a juvenile is found incapable of proceeding, the judge may issue a custody order pursuant to G.S. 7B-2401.5 to initiate an involuntary commitment under G.S. Chapter 122C using AOC-J-265, Findings and Custody Order Involuntary Commitment; this form is the initiating document for the SPC file. (See [Rule 8.5](#) for additional guidance on handling an associated SPC case.) The JB case remains a pending case either until the court determines the juvenile has attained capacity and the case is resolved as a typical juvenile case or until the court or DA takes further action to close the case.

