

# Juvenile Justice Law Update

October 8, 2026



School of  
Government

**1. DJJ Information Sharing**

**2. Juvenile Forensic Evaluations**





# DJJ Statutory Role

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“The juvenile court counselor shall not engage in field investigations to substantiate complaints or to produce supplementary evidence but may refer complainants to law enforcement agencies for those purposes.”

G.S. 7B-1700



# Statutory Role of Juvenile Court Counselors

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- Providing and coordinating multidisciplinary service referrals for prevention of delinquency and for early intervention, including vulnerable juveniles;
- Screening and evaluating complaints;
- Securing or arranging for information the court may require concerning a case before, during, or after the hearing;
- Preparing written reports for court use and appearing and testifying at court;
- Providing a written statement of probation conditions to the juvenile and their parent, keeping informed of the juvenile's progress on probation, seeing that the juvenile complies with probation conditions or bringing violations of probation to the court's attention, and making periodic reports to the court concerning the adjustment of any juvenile on probation;



# Statutory Role of Juvenile Court Counselors

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- Keeping records of the juvenile's work as required by the court and accounting for all funds collected from the juvenile;
- Serving necessary court documents pertaining to delinquency matters and assuming custody of juveniles who are under the jurisdiction of the court under certain circumstances;
- Supervising juveniles who are transferred from another court or state and, when requested by DJJ, supervising juveniles who are released from an institution;
- Assisting in the implementation of any order issued as a result of contempt committed by a juvenile; and
- Assisting in the development of post-release supervision and the supervision of the juvenile.
- any other duties as the court or DJJ may direct



# Limited DJJ Authority to File Motions in JB Matter

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- Motion to review the progress of any juvenile on probation at any time during the period of probation or at the end of probation. G.S. 7B-2510(d).
- Motion by to review the progress of the juvenile on post-release supervision at any time during the period of post-release supervision. G.S. 7B-2516(a).
- Motion regarding the parent's willful failure to comply with an order of the court. G.S. 7B-2706.



# Prosecutor's Role

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- Represent the State in “contested delinquency hearings” (G.S. 7B-2404(a))
  - Including first appearance, detention, probable cause, transfer, adjudicatory, dispositional, probation revocation, post-release supervision, and extended jurisdiction hearings
- May dismiss any allegations stated in a juvenile petition with or without leave (G.S. 7B-2404(b))



# Prosecutor's Role

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- Hearings on need for continued custody: “[t]he State shall bear the burden at every stage of the proceedings to provide clear and convincing evidence that restraints on the juvenile's liberty are necessary and that no less intrusive alternative will suffice.” (G.S. 7B-1906(d))
- “The question of capacity of the juvenile to proceed may be raised at any time on motion by the prosecutor...” (G.S. 7B-2401.2)
- Accepting an admission:
  - “By inquiring of the prosecutor, the juvenile's attorney, and the juvenile personally, the court shall determine whether there were any prior discussions involving admissions...” (G.S. 7B-2407(b))
  - Factual basis for admission may be based on statement of the facts by the prosecutor (or other methods – NOT DJJ statement of facts unless is sworn testimony)(G.S. 7B-2407(c))



# Big Picture Roles

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## DJJ

- Intake
- Reports re juvenile
- Supervision
- Cannot practice law

## Prosecutor

- Represents the State
- Practices law
- Offers evidence, cross examines, etc.





# Access to Otherwise Confidential Juvenile Records

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## Law Enforcement records

G.S. 7B-3001(b)

Access without a court order:

- juvenile or the juvenile's attorney;
- juvenile's parent, guardian, custodian, or their authorized representative;
- **prosecutor;**
- juvenile court counselors;
- law enforcement officers sworn in NC

## DJJ records

G.S. 7B-3001(c)

Access without a court order:

- juvenile or the juvenile's attorney;
- juvenile's parent, guardian, custodian, or their authorized representative;
- professionals in DJJ who are directly involved in the juvenile's case
- Juvenile court counselors

# Access to Otherwise Confidential Juvenile Records

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## Juvenile Court Records

G.S. 7B-3000(b)

Access without a court order:

- juvenile or the juvenile's attorney;
- juvenile's parent, guardian, custodian, or their authorized representative;
- **prosecutor;**
- juvenile court counselors;
- DAC probation officers for limited purposes



# Access to Predisposition Report and Intake Info

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“No predisposition report shall be submitted to or considered by the court prior to the completion of the adjudicatory hearing.”  
(G.S. 7B-2413)

“no statement made by a juvenile to the juvenile court counselor during the preliminary inquiry and evaluation process shall be admissible prior to the dispositional hearing.”  
(G.S. 7B-2408)



# Limited Local Interagency Information Sharing Allowed

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- Between agencies listed in 7B-3100 and any added by local administrative order
- Includes DJJ and DA's office
- Only when petition is filed and jurisdiction remains
- Only for
  1. protection of juvenile and others or
  2. to improve the educational opportunities of the juvenile
- Information remains confidential
- Subject to applicable federal confidentiality law



# Forensic Evaluators - Appointment

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- Currently, must appoint someone qualified by DHHS to conduct juvenile forensic evaluations

<https://www.ncdhhs.gov/divisions/state-operated-healthcare-facilities/forensic-services#JuvenileCapacityEvaluationsandRemediation-10509>

- Evaluators appointed on or after 12/1/26 must **also** be employed by or under contract with an LME/MCO



# Payment for Forensic Evaluators

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- Currently: determined by court in accordance with AOC guidelines (that do not exist)
  - AOC-J-485 and AOC-J-486 have worked in practice to obtain payment
- Beginning with forensic evaluators appointed on or after 12/1/26:
  - Paid by LME/MCO



# AOC-J-261

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- Order appointing qualified forensic evaluator
- Names LME, not specific evaluator
- One or more qualified forensic evaluators of the LME, certified by DHHS, must conduct the evaluation
- LME responsible for submitting report to the court
- Form was revised to reflect this structure in 5/25; law takes effect 12/2/26





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