



Delinquency Dispositions: Procedure and Authority Over Parents

April 21, 2026



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Comprehensive Clinical Assessments (CCAs) and Disposition

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CCAs Before Disposition

- Required when youth has been identified with a suspected
 - mental illness (via GAIN-SS, YASI, or other evidence),
 - developmental disability, or
 - intellectual disability

G.S. 7B-2502(a2)

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CCAs Before Disposition

- Evidence of mental illness:
 - Mom's statement that the juvenile was diagnosed as manic-depressive and being treated with lithium (*In re Mosser*, 99 N.C.App. 523 (1990))
 - Risk and needs assessment documenting past mental health needs, need for additional mental health treatment, and diagnosis (*In re E.M.* 263 N.C.App. 476 (2019))
 - Clinical assessment diagnosing conduct disorder and recommending intensive outpatient services (*In re E.A.*, 267 N.C.App. 396 (2019))

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CCAs Before Disposition

Any disposition, including
disposition due to probation
violation

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Mandate for Court to Order CCA

- When no CCA within 90 days of disposition
- Order DJJ to make referral for a CCA (or its equivalent)
- Assessment must evaluate developmental, emotional, behavioral, and mental health needs of the juvenile

G.S. 7B-2502(a2)

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Order to Complete/Produce CCA

AOC-J-477

- Side 1: Complete and produce
- Side 2: Produce timely CCA

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Why?

2 requirements in 42 C.F.R. Part 2 that must be met *before* the court orders disclosure

1. The provider must have notice of the intent to disclose the record and an opportunity to object to that disclosure.
2. The court must make certain findings regarding good cause; must have the opportunity to review the necessity for disclosure of the CCA before authorizing disclosure

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Mandate for Court to Review CCA

**MUST review all CCA's
BEFORE disposition**

G.S. 7B-2502(a3)

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Mandate to Order Care Review Team

When court finds sufficient evidence that:

1. Juvenile has severe emotional disturbance, developmental disability, or intellectual disability, and
2. That condition substantially contributed to the delinquent behavior, and
3. Juvenile is eligible for a Level 3 disposition and/or recommended for a PRTF placement

G.S. 7B-2502(a3)

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Care Review Team Order

AOC-J-471 "Order to Disclose and Order on Review of Comprehensive Clinical Assessment or Equivalent Mental Health Assessment"

FINDINGS ON REVIEW OF ASSESSMENT
The Court, on review of the comprehensive clinical assessment or equivalent mental health assessment in this case, makes the following Findings of Fact:
1. The juvenile has been adjudicated delinquent and has a suspected mental illness, a developmental disability, or an intellectual disability.
2. A comprehensive clinical assessment or equivalent mental health assessment has been completed.
3. The juvenile is eligible for a Juvenile Justice Level 3 Disposition and/or is recommended for a Psychiatric Residential Treatment Facility (PRTF) placement.
4. The Court has reviewed the assessment and finds sufficient evidence that the juvenile:
☐ a. Has a severe emotional disturbance, as defined in G.S. 7B-1501(24a), a developmental disability, as defined in G.S. 122C-3(12a), or an intellectual disability, as defined in G.S. 122C-3(17a).
☐ b. Does not have a severe emotional disturbance, as defined in G.S. 7B-1501(24a), a developmental disability, as defined in G.S. 122C-3(12a), or an intellectual disability, as defined in G.S. 122C-3(17a).
☐ 5. In the Court's discretion, the Court finds that the juvenile's severe emotional disturbance, developmental disability, or intellectual disability ☐ did ☐ did not substantially contribute to the juvenile's delinquent behavior.
ORDER ON REVIEW OF ASSESSMENT
It is hereby ORDERED that:
☐ A care review team be convened by the Division of Juvenile Justice of the Department of Public Safety and assigned to the case. The care review team shall develop a recommendation plan for appropriate services and resources that address the identified needs of the juvenile and shall submit a recommendation to the Court at a hearing set for (specify date) _____ which the Court will consider in determining the juvenile's disposition.
NOTE TO COURT: Date set must be within 30 days of the date of this order.
☐ A care review team is not warranted.

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Orders

- 1. AOC-J-471
Complete and produce or just produce (if there is a timely CCA)
- 2. AOC-J-477
Disclose and order care review team (or not)

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Care Review Team

- Develop recommendation plan for appropriate services and resources that address juvenile's identified needs
- Submit to court within 30 calendar days of care review team order
- Court MUST review the recommendation plan when determining disposition
- Court is not bound by recommendation plan

G.S. 7B-2502(a4)

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Do You Have All the Information You Need?

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

G.S. 7B-2502(a)

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Maximum Commitment Period

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Mandate to Determine Maximum Commitment Period

"At the time of commitment to a youth development center, the court shall determine the maximum period of time the juvenile may remain committed..."

G.S. 7B-2513(a4)



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Maximum Commitment Period Defined

Length of time juvenile can remain committed before DJJ must either:

1. Release, or
2. Provide notice of extended commitment

G.S. 7B-2513(a4)



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Commitment Extensions are Required When

- Period lasts beyond 6-month minimum and beyond maximum term of imprisonment for an adult (prior record level VI for felony and prior conviction level III for misdemeanor)
- Committed based on Class A – E felony adjudication and extended beyond usual age for end of juvenile jurisdiction



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What Notice is Required

- When an extension would need to be filed to continue the commitment (beyond the adult maximum or as the result of a Class A – E adjudication)
- See the chart in blog *"What is the Maximum Commitment Period That Must be Noticed at Disposition in a Delinquency Case?"*



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Court Authority Over Parents/Guardians/Custodians

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Jurisdiction Over PGC

- Personal jurisdiction established via service of summons
- Defects in service are waived through appearance without raising an objection

G.S. 7B-1601(g)

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Effect of Being Under the Court's Jurisdiction

- Must attend all hearings unless excused (per G.S. 7B-2700)
- Responsible for bringing juvenile to court (G.S. 7B-1805(b)(5))
- Can be ordered to do certain things as provided in the Juvenile Code

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PGC Can be Ordered To

- attend available parental responsibility classes after the juvenile is adjudicated delinquent (G.S. 7B-2701)
- to the extent they are able, providing transportation for the juvenile to keep appointments with a juvenile court counselor or to comply with other court orders (G.S. 7B-2703(a))
- cooperate with and assist the juvenile in complying with the terms and conditions of probation or other court orders (G.S. 7B-2703(b))

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Parent Can Also be Ordered To

- Pay the cost of medical, surgical, psychiatric, psychological, or other evaluation or treatment ordered for the juvenile or the parent (G.S. 7B-2702(a), -2702(d))
- At or after the dispositional hearing,
 - if the court finds parental participation in evaluation or treatment of the juvenile is in the best interests of the juvenile,
 - participate in medical, psychiatric, psychological, or other evaluation and treatment of the juvenile (G.S. 7B02702(b))

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Parent Can Also be Ordered To

- At or after the dispositional hearing, comply with a plan of evaluation or treatment for the parent that is approved by the court.
 - may condition legal custody or physical placement of juvenile with the parent on the parent's compliance with these plans
 - court must find that the best interests of the juvenile require the parent to undergo psychiatric, psychological, or other evaluation, treatment, or counseling directed toward remedying (1) behaviors or conditions that led or contributed to the juvenile's adjudication or (2) the court's decision to remove custody of the juvenile from the parent

(G.S. 7B-2702, 2702(c))

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Parent Can Also be Ordered To

At or after the dispositional hearing, if court finds the parent is able

- Pay a reasonable sum that will cover in whole or in part the support of the juvenile (G.S. 7B-2704(1))
- Pay a fee for probation supervision or residential facility costs (G.S. 7B-2704(2))
- Assign private insurance coverage to cover medical costs while the juvenile is in secure detention, a youth development center, or other out-of-home placement (G.S. 7B-2704(3))
- Pay appointed attorneys' fees (G.S. 7B-2704(4))

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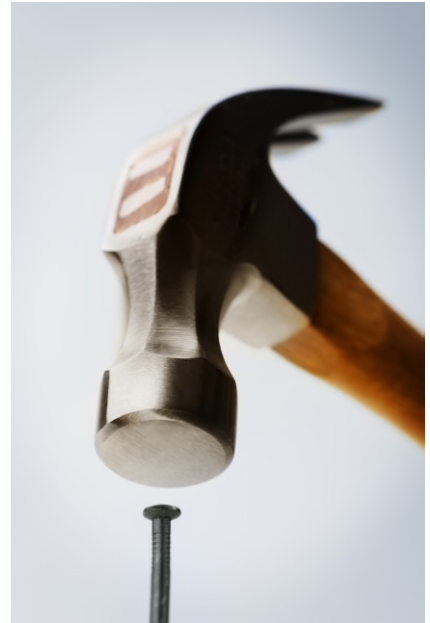
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Addressing Compliance

- Show cause
- Contempt under 5A
 - If the court issues a warrant for arrest, becomes criminal contempt
- Other approaches?



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