

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF

Name Of Juvenile

Juvenile's Date Of Birth

Age

ORDER APPOINTING
QUALIFIED FORENSIC EVALUATOR
(For Offenses Committed On Or After Jan. 1, 2025)

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 (*most serious offense*) ☐ felony ☐ misdemeanor if committed by an adult.
- ☐ 3. The juvenile challenges the determination made by a court-ordered evaluator and delivered to the Court on _____.
- ☐ 4. The Court finds the following good cause to extend the time for the provision of a forensic evaluation report to the Court:
5. Other:

ORDER

The Court Orders:

- ☐ 1. A forensic evaluation of the juvenile be completed.
- ☐ 2. An independent forensic evaluation of the juvenile be completed, this after the juvenile challenged the determination made by a court-ordered evaluator and delivered to the Court on _____.
- ☐ 3. An extension of time for the delivery of the forensic evaluation report for a previously-ordered forensic evaluation of the juvenile.
4. One or more qualified forensic evaluators of the Local Management Entity named on Side Two, certified by the Division of Mental Health, Developmental Disabilities, and Substance Use Services, and each possessing the minimum standards required to become a forensic evaluator of juveniles, shall evaluate the juvenile within 30 days of the Order and submit to the Court a completed forensic evaluation report within
 - ☐ (*if misdemeanor offense alleged*) ten (10) days
 - ☐ (*if felony offense alleged*) thirty (30) days
 - ☐ (*if independent evaluation ordered*) sixty (60) days
 - ☐ (*if extension of time granted*) _____ daysafter completing the evaluation.

The forensic evaluator 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 forensic evaluator 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 forensic evaluator 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 forensic evaluator.
- (5) State any clinical observations, findings, and opinions of the forensic evaluator on each issue referred to the forensic evaluator for evaluation by the court and specifically indicate any issues on which the forensic evaluator was unable to give an opinion.
- (6) Identify the sources of information used by the forensic evaluator and present the factual basis for any clinical observations, findings, and opinions of the forensic evaluator.
- (7) Address the following other issues ordered by the Court: _____

If the forensic evaluator 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 forensic evaluator 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.
5. The forensic evaluation shall be conducted in the least restrictive environment, considering the best interests of the juvenile and the safety of the public.
6. **The Area Director of the Local Management Entity shall cause the written forensic evaluation report to 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.
7. ☐ a. The Division of Juvenile Justice is Ordered to transport the juvenile and all relevant documents to the Certified Local Forensic Evaluator designated by the Local Management Entity and return the juvenile afterwards.
- ☐ b. The juvenile shall present himself/herself to the Certified Local Forensic Evaluator designated by the Local Management Entity for evaluation.
8. **Relevant confidential information pertaining to the juvenile shall be released to the Certified Local Forensic Evaluator designated by the Local Management Entity 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 Certified Local Forensic Evaluator designated by the Local Management Entity, 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 Forensic Evaluator. Nothing herein shall be construed to require record holders to release information in violation of relevant federal law.

Name And Address Of Local Management Entity

Date

Signature Of Judge

Email Address

Name Of Judge (type or print)