

NORTH CAROLINA ADMINISTRATIVE CODE
TITLE 28
CHAPTER 04 – JUVENILE COURT
SUBCHAPTER 04A - JUVENILE COURT SERVICES
SECTION .0100 - GENERAL PROVISIONS

28 NCAC 04A .0101 DEFINITIONS

In this Subchapter the following term has the listed meaning: Complaint. A written allegation that a juvenile is delinquent or undisciplined with a signature verifying that the allegation is true. A complaint initiates the intake process.

*History Note: Authority G.S. 7B-1701; 143B-516(b)(5); 143B-516(b)(6);
Eff. April 1, 2003.*

28 NCAC 04A .0102 INTAKE

(a) Complaints - Complaints alleging that a juvenile is undisciplined or delinquent are accepted by a juvenile court counselor for evaluation. All complaints shall be in writing and must contain the following:

- (1) The juvenile's name;
- (2) The juvenile's age and date of birth;
- (3) The name of the juvenile's parents, guardians, or custodians;
- (4) The juvenile's home address;
- (5) The facts supporting any allegation that a juvenile is undisciplined or delinquent;
- (6) The date the complaint is received by the court counselor;
- (7) The complainant's name, address, and telephone number; and
- (8) The complainant's signature, verified before an official authorized to administer oaths.

(b) Intake evaluation - In order to determine whether a complaint shall be filed as a petition, the juvenile court counselor in the best interest of the juvenile shall consider the following factors:

- (1) Protection of the community;
- (2) The seriousness of the offense;
- (3) The juvenile's previous record of involvement in the legal system including previous diversions;
- (4) The ability of the juvenile and the juvenile's family to use community resources;
- (5) Consideration of the victim;
- (6) The juvenile's age; and
- (7) The juvenile's culpability in the alleged complaint.

(c) Diverted and retained complaints:

- (1) The juvenile court counselor shall retain a complaint and develop a diversion plan with the juvenile and the juvenile's parents, guardians or custodians if it is determined that intervention related to the offense is needed and may be accomplished without court involvement.
- (2) A diversion plan may include a diversion contract as set out in G.S. 7B-1706.
- (3) The complaint including a diversion plan or contract must be resolved within six months after a decision to divert and retain a complaint is made; and
 - (A) Written notice of the diversion plan is provided to the juvenile and the juvenile's parents, guardians or custodians; or
 - (B) A diversion contact has been entered.
- (4) If the juvenile agrees to pay damages or restitution as part of a diversion plan or contact, payment shall be made directly to the victim or through a program set up to account for payment of such damages or restitution.

*History Note: Authority G.S. 143B-516(b)(50); 143B-516(b)(6); 7B-1701;
Eff. April 1, 2003.*

28 NCAC 04A .0103 SERVICES TO THE COURT

(a) The Department shall provide information and assistance concerning a juvenile case before, during or after a hearing as the court may require, including the preparation of written reports for the court, completion of risk and needs assessments to be used by the court at disposition and assistance in secure and non-secure custody matters.

(b) Secure and Non-secure custody - The Department shall assist in secure and non-secure custody matters regarding alleged or adjudicated delinquent and undisciplined juveniles in accordance with any administrative order entered in the judicial district or court order entered by a judge. The Department may transport any juvenile in secure custody to and from any placement facility.

*History Note: Authority G.S. 143B-536; 7B-2413; 7B-1803; 7B-1900; 7B-1902; 7B-1903(e); 7B-1906(f);
Eff. April 1, 2003.*

28 NCAC 04A .0104 COMMITMENT TO THE DEPARTMENT

(a) Juvenile court counselors shall provide services to juveniles committed to the Department and their families during the commitment which includes:

- (1) Serving as a liaison between the Department staff, the juvenile, and his family, community agencies and the court;
- (2) Assisting in treatment planning during the commitment; and
- (3) Participating in planning for post-release supervision.

(b) When a juvenile is committed to the Department for an offense that would have been a Class A or B1 felony if committed by an adult, the chief court counselor shall notify the victim or the victim's immediate family that they may request in writing to be notified in advance of the juvenile's schedule release date. The chief court counselor shall provide the victim or the victim's immediate family:

- (1) The name of the juvenile; and
- (2) The name, address and telephone number of the chief court counselor who is to receive the request to be notified.

*History Note: Authority G.S. 7B-2513;
Eff. April 1, 2003.*

28 NCAC 04A .0105 POST-RELEASE SUPERVISION

(a) Juvenile Court counselors shall provide post-release supervision services for any juvenile released from a youth development center.

(b) A needs assessment shall be completed by the court counselor to determine the social, medical and educational needs of the juvenile and make proper referrals and provide services during the post-release supervision period.

(c) The chief court counselor or designee shall determine the appropriate level of supervision for the juvenile and shall assign the case to a court counselor for supervision.

(d) Juvenile court counselors shall document the level of supervision in the juvenile's file.

*History Note: Authority G.S. 7B-2514;
Eff. April 1, 2003.*

28 NCAC 04A .0106 SUBSTANCE ABUSE TESTING

(a) The Department shall contract for testing services and shall provide supplies for testing juveniles for use of alcohol and controlled substances.

(b) Alternate drug and alcohol testing services may be used for individual juveniles at the expense of the parent or another agency if approved by the court.

(c) Other entities may be used to provide alcohol or drug testing services in a district if the chief court counselor submits a plan to the Department insuring that testing services that are at least equal to the services provided through the Department are readily available to the court for juveniles under the court's jurisdiction.

(d) Juvenile court counselors shall administer drug and alcohol tests only if ordered by the court.

*History Note: Authority G.S. 143B-516(b)(7);
Eff. April 1, 2003.*

TITLE 28 – JUVENILE JUSTICE AND DELINQUENCY PREVENTION
CHAPTER 1 – DEPARTMENTAL RULES
SUBCHAPTER 01A – DEPARTMENTAL MANDATES
SECTION .0100 – GENERAL PROVISIONS
SECTION .0300 - INFORMATION SHARING

28 NCAC 01A .0301 DESIGNATED AGENCIES AUTHORIZED TO SHARE INFORMATION

The following agencies shall share with one another upon request, information in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined or delinquent:

- (a) The Department of Juvenile Justice & Delinquency Prevention;
- (b) The Office of Guardian Ad Litem Services of the Administrative Office of the Courts;
- (c) County Departments of Social Services;
- (d) Area mental health developmental disability and substance abuse authorities;
- (e) Local law enforcement agencies;
- (f) District attorneys' offices as authorized by G.S. 7B-3100;
- (g) County mental health facilities, developmental disabilities and substance abuse programs;
- (h) Local school administrative units;
- (i) Local health departments; and
- (j) A local agency designated by an administrative order issued by the chief district court judge of the district court district in which the agency is located, as an agency authorized to share information pursuant to these Rules and the standards set forth in G.S. 7B-3100.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003.*

28 NCAC 01A .0302 INFORMATION SHARING AMONG AGENCIES

- (a) Any agency that receives information disclosed pursuant to G.S. 7B-3100 and shares such information with another authorized agency, shall document the name of the agency to which the information was provided and the date the information was provided.
- (b) When the disclosure of requested information is prohibited or restricted by federal law or regulations, a designated agency shall share the information only in conformity with the applicable federal law and regulations. At the request of the initiating designated agency, the designated agency refusing the request shall inform that agency of the specific law or regulation that is the basis for the refusal.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003.*