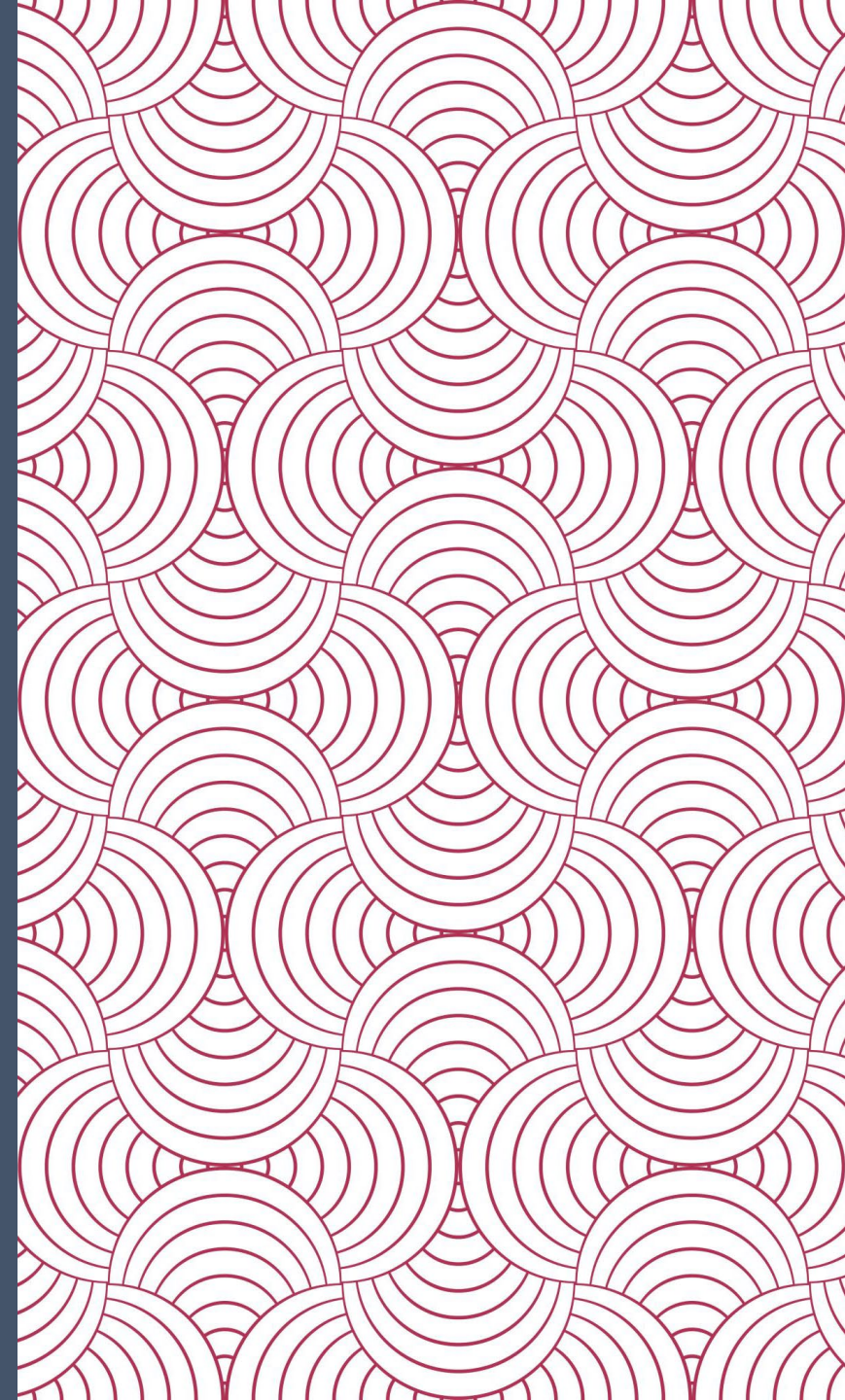


Delinquency Law Addressing Substance Use

February 5, 2024



Topics

Offenses and system processing

Juvenile evaluation and treatment

Parent evaluation and treatment

Disposition and substance use disorders

Offenses and
System
Processing







Nondivertible
Offenses

Article 5, Chapter 90 of
the General Statutes
that would constitute a
felony if committed by
an adult

Diversion
Restriction – Teen
Court Ineligibility

1. Impaired driving, driving after consuming, transporting an open container
2. Controlled substance offenses other than possession of Schedule VI drug or alcohol

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Juvenile Evaluation and Treatment

G.S. 7B-2502 (a) – discretion to order evaluation, hold hearing, and order treatment recommended

G.S. 7B-2502(a1) – mandatory initial drug test when adjudicated for drug offenses; discretion to order drug testing following any other adjudication. **ONLY** for evaluation and treatment purposes





Parent Involvement in Juvenile Evaluation and Treatment

At disposition or after, may order parental involvement in juvenile's evaluation and treatment on finding it is in the best interests of the juvenile

G.S. 7B-2702(b)

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Parent Evaluation and Treatment - G.S. 7B-2702(c)

- At dispositional or subsequent hearing
- Can order evaluation or treatment of parent when:
 - Required by best interests of the juvenile, and
 - Evaluation or treatment are (1) directed toward remedying behavior or conditions that led to or contributed to adjudication OR (2) the court's decision to remove custody from the parent
- May order compliance with court-approved evaluation or treatment plan
- May condition legal custody or physical placement of the juvenile with the parent on compliance with evaluation or treatment plan



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County

In The General Court Of Justice
District Court Division

IN THE MATTER OF

Name And Address Of Juvenile

JUVENILE LEVEL 2
DISPOSITION ORDER
(DELINQUENT)

Juvenile's Date Of Birth

Age

Date Of Hearing

G.S. 7B-2500, -2501, -2502, -2506 through -2510, -2512

The following persons were present at the hearing:

Name	Relationship/Title	Name	Relationship/Title

FINDINGS

The most serious offense before the Court today, which provides the basis for disposition, is:

Adjudication Date	Offense (with statute number)	F/M	Class

Based on the evidence presented, the Court makes the following Findings of Fact:

- The juvenile delinquency history level is low (0-1 point). medium (2-3 points). high (4+ points).
- The Court received and considered predisposition report risk assessment needs assessment and incorporates the contents of predisposition report risk assessment needs assessment by reference. (If the report is incorporated, a copy of the report **MUST** be attached to the order.)
- If ordered under G.S. 7B-2502(a2), the Court reviewed and considered a comprehensive clinical assessment or health assessment.
- If a care review team was ordered to convene under G.S. 7B-2502(a3), the Court has reviewed and considered the recommendation plan submitted by the care review team in determining the juvenile's disposition in accordance with G.S. 7B-2501(c).
- The Court finds beyond a reasonable doubt that the juvenile was adjudicated for an offense that was categorized as gang activity as defined in G.S. 7B-2508.1. As a result, the juvenile shall receive a disposition that is otherwise provided for the class of offense and delinquency history level. G.S. 7B-2508(g1).
- Other Findings: (continue on attached page(s) if necessary)

NOTE: State any findings regarding the seriousness of the offense(s); the need to hold the juvenile accountable to the public; the degree of the juvenile's culpability; the juvenile's rehabilitative and treatment needs; and use this space for any findings that are required to support a particular disposition, such as a finding that the juvenile is ordering restitution.

Substance Use Disorders and Disposition

Dispositional Alternatives

G.S. 7B-2506

Level 1

(3) Order the juvenile to cooperate with a community-based program, **an intensive substance abuse treatment program**, or a residential or nonresidential treatment program. Participation in the programs shall not exceed 12 months.

Level 2

(14) Order the juvenile to cooperate with placement in a residential treatment facility, an intensive nonresidential treatment program, **an intensive substance abuse program**, or in a group home other than a multipurpose group home operated by a State agency.



Probation Conditions

G.S. 7B-2510(a)(7)

- Conditions must be related to the needs of the juvenile and reasonably necessary to ensure the juvenile will lead a law-abiding life
- Can include:
 - Refrain from use or possession of controlled substances and/or alcoholic beverages
 - Random drug testing



Requiring substance abuse monitoring and treatment can be delegated to the chief court counselor as part of probation conditions

G.S. 7B-2510(b)(2)

YDC Commitment Mandatory Testing

- Initial drug test required
- For evaluation and treatment purposes only
- Results must be incorporated into plan of care for the juvenile

G.S. 7B-2513(i)

