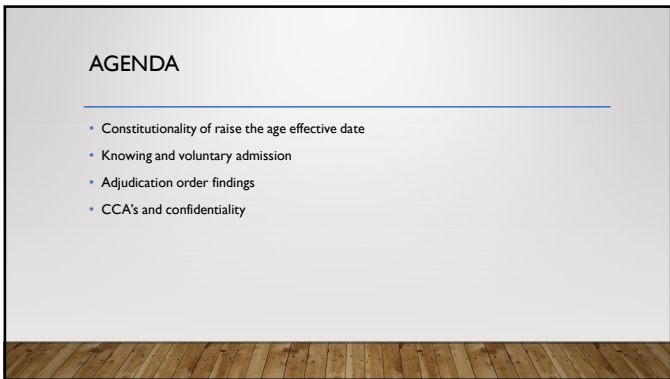


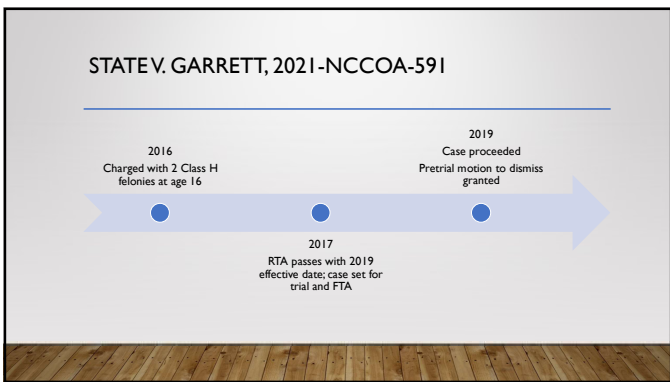
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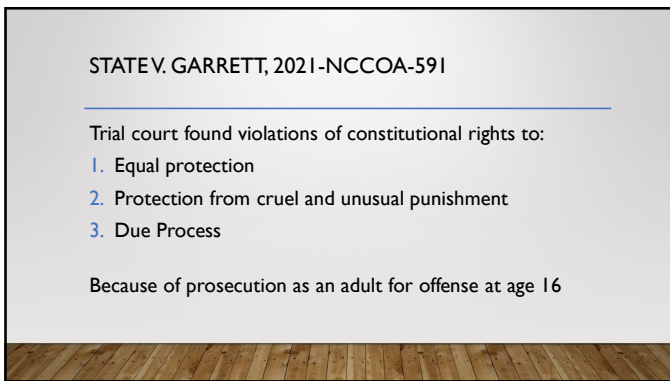
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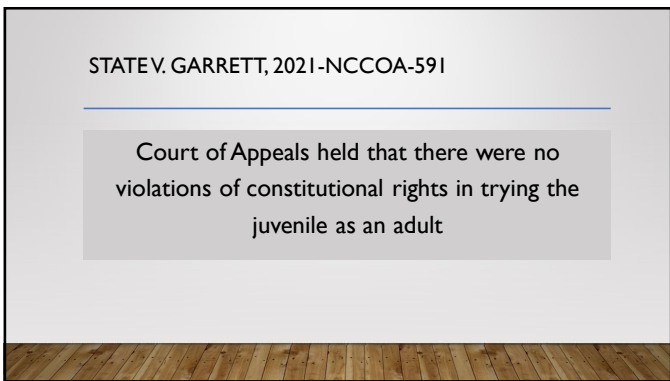
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6

EQUAL PROTECTION

No classification created between different groups

Treating the same group of people differently at a different time

7

CRUEL AND UNUSUAL PUNISHMENT

Eighth Amendment limits on what can be made criminal are not implicated by trying the juvenile as an adult

Trying the juvenile as an adult does not criminalize a status; does not address substance of what is made criminal

8

DUE PROCESS

- ✓ No fundamental right in being tried as a juvenile
- ✓ *Kent v. U.S.* is not controlling; different statutory structure
- ✓ There is a rational basis for using the statutory scheme in place at the time of the offense – State has legitimate interest in clear criminal statutes enforced consistently with their contemporaneous statutory scheme

9

KNOWING AND VOLUNTARY ADMISSION

10

G.S. 7B-2407(a)

The court may accept an admission from a juvenile only after first addressing the juvenile personally and:

...(6) Informing the juvenile of the most restrictive disposition on the charge

11

IN RE J.G., 2021-NCCOA-613



12

IN RE J.G., 2021-NCCOA-613

When the court plans to impose a disposition level higher than the level contained in the transcript of admission, the juvenile must be given the chance to withdraw the plea and be granted a continuance

13

ADJUDICATION ORDER FINDINGS

14

IN RE J.A.D., 2022-NCCOA-259

Extortion issues:

- Petition was not fatally defect in not naming the victim
 - Need only 1) wrongful demand made with 2) intent to demand something of value
- Not required to prove threat of unlawful physical violence
- No fatal variance between petition and evidence, precise identification of thing of value not required (doing homework v. obtaining cafeteria food)

15

IN RE J.A.D., 2022-NCCOA-259

Written findings in adjudication order must include that allegations were proven “beyond a reasonable doubt”

16

3. The following facts have been proven beyond a reasonable doubt: (attach additional sheets if necessary).

CONCLUSIONS OF LAW

- The Court concludes as a matter of law that, in regard to the allegations in the petition(s) before the Court, the:
- 1. Juvenile is not a delinquent juvenile.
 - 2. Juvenile is within the jurisdiction of the Court as a delinquent juvenile and is subject to the Court's dispositional authority for having committed an offense classified under G.S. 7B-250(b) as: (check most serious offense adjudicated on this date)

PRE-PRINTED LANGUAGE IS NOT ENOUGH

17

Otherwise be provided for the class of offense and delinquency history level: G.S. 7B-250(d)(1)

6. Other Findings: (continue on attached pages if necessary)

NOTE: State any findings regarding the seriousness of the offense(s); the need to hold the juvenile accountable; the importance of public safety; the degree of the juvenile's culpability; the juvenile's rehabilitative and treatment needs; and available and appropriate restorative justice options for any findings that are required to support a particular disposition, such as a finding of the juvenile's ability to pay or ordering restitution.

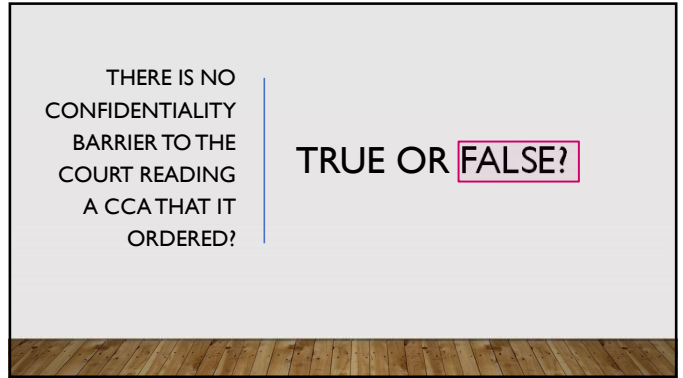
ADJ-4176 Rev. 10/21
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DISPOSITIONAL ORDER MUST INCLUDE WRITTEN FINDINGS REGARDING ALL 5 FACTORS IN G.S. 7B-2501(C)

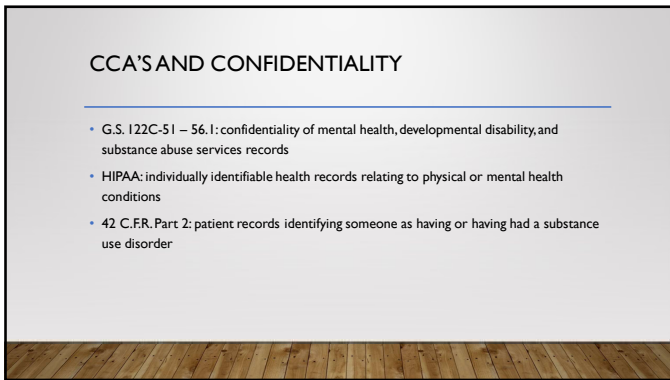
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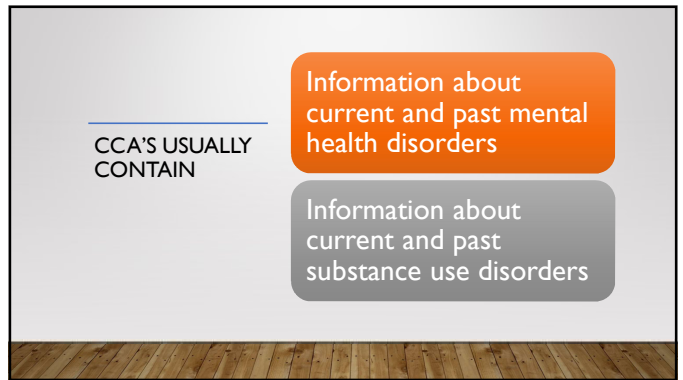
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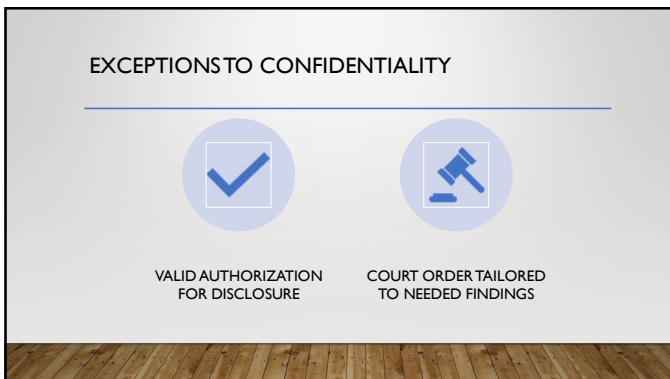
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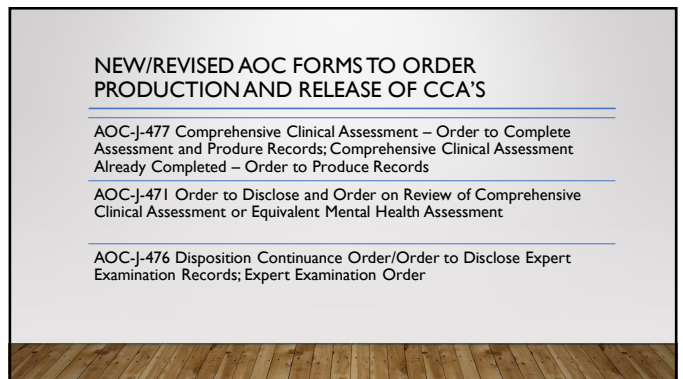
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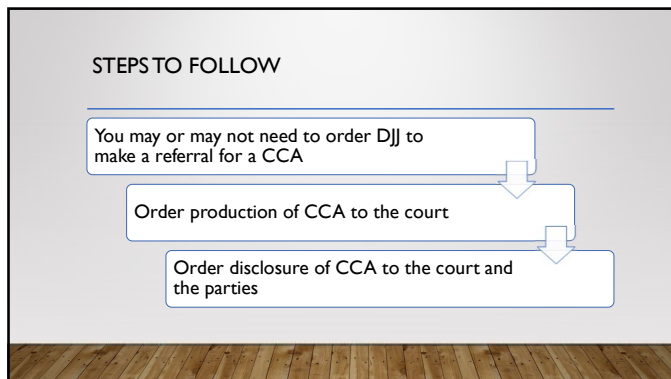
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25

1. ORDER DJJ TO MAKE A REFERRAL FOR A CCA (OR ITS EQUIVALENT)
AOC-J-477

IF:

- The juvenile has been adjudicated delinquent
- The juvenile has a suspected mental illness, developmental disability, or intellectual disability

AND

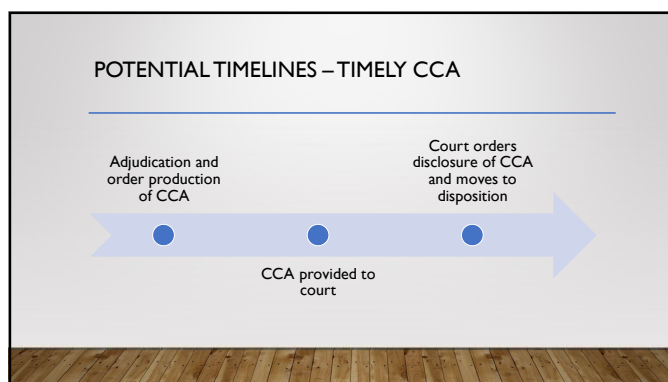
- There is no CCA that was completed within 45 days of the adjudication hearing

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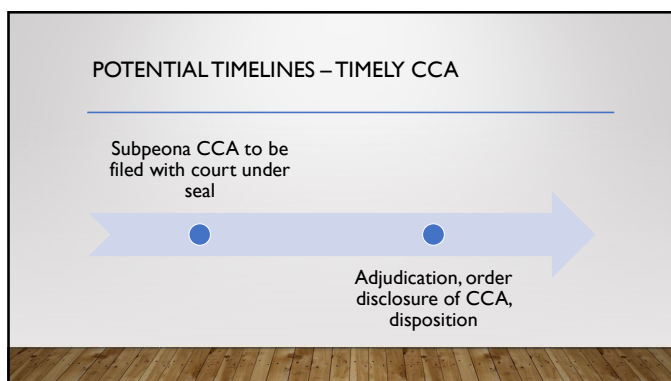
2. ORDER PRODUCTION OF CCA TO THE COURT
AOC-J-477

- Order provider who completes assessment to provide a written copy to the court under seal
- Order serves as notice to provider and juvenile of intent to disclose records for review by the court
- Allows provider and juvenile opportunity to file written objections to disclosure
- Set hearing date to determine whether to convene care review team
- Side 1 when ordering DJJ to refer for a CAA
- Side 2 when timely CCA exists

27



28



29

3. ORDER DISCLOSURE OF CCA TO THE COURT AND PARTIES
AOC-J-471

Must find:

- The court has authority to order disclosure of the confidential information
- Juvenile and provider were given notice and opportunity to be heard
- Good cause exists for disclosure because 1) other ways of obtaining the information are not available or would not be effective; and 2) the public interest and need for the disclosure outweigh the potential injury to the patient, the physician-patient relationship, and the treatment services.

30

OTHER EXPERT EXAMINATIONS (G.S.7B-2502(a))

- May include protected mental health and/or substance use disorder information
- Same process for ordering production and disclosure must be followed
- AOC-J-476 includes both orders

31



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