



# North Carolina Department of Public Safety

*Prevent. Protect. Prepare.*

*Office of the General Counsel*

## 2023 Juvenile Justice Legislation

### S.L. 2023-75 (H813), S.L. 2023-114 (H186), and S.L. 2023-134 (H259)

#### I. Introduction

During the 2023 legislative session, the General Assembly enacted [S.L. 2023-114](#) (H186), which modifies the NC Juvenile Code, and related statutes, in the following key areas: (1) transfer to superior court; (2) disclosure of juvenile information; (3) juvenile interrogation procedures; (4) service of summons; (5) secure custody orders; (6) court-ordered evaluations; (7) juvenile capacity to proceed; and (8) technical corrections. Except for changes to the juvenile capacity to proceed process, H186 is effective December 1, 2023, and applies to offenses committed on or after that date. The changes to juvenile capacity to proceed are not effective until January 1, 2025, and will apply to offenses committed on or after that date.<sup>1</sup>

Two additional bills which will impact Juvenile Justice, [S.L. 2023-75](#) (H813) and [S.L. 2023-134](#) (H259), are also included in this summary. H813 (the “Pretrial Integrity Act”), which enacts changes to secure custody review hearings, was effective October 1, 2023, and applies to offenses committed on or after that date. H259, sec. 9J.13, (the “2023 Appropriations Act”), which addresses the transportation of high-risk juveniles, became effective October 3, 2023, when the budget bill became law.

#### II. Transfer by Indictment

##### A. Transfer of Class A felony by 13-, 14-, or 15-year-old

H186 amends G.S. 7B-2200 to authorize transfer by indictment for Class A felonies committed by youth who were 13, 14, or 15 at the time of the offense. Under existing law, a finding of probable cause is required to trigger the mandatory transfer to superior court of a Class A felony allegedly committed by a 13-, 14-, or 15-year-old. The amended statute now provides that mandatory transfer of these offenses is triggered when: “(1) *the court finds probable cause; or* (2) *upon notice of the return of a true bill of indictment as provided in G.S. 15A-630.*” Note that these are the same two procedures that trigger the mandatory transfer of a Class A-G felony allegedly committed by a 16- or 17-year-old.

Because Class A felonies allegedly committed by a 13-, 14-, or 15-year-old still must be initiated in juvenile court, a juvenile court judge will need to enter a transfer order, even if a bill of indictment is returned. At a minimum, the judge will likely need to determine that notice has been provided to the juvenile as required by G.S. 15A-630 before entering the transfer order.

A separate bill, H813 (or “Pretrial Integrity Act”), amends G.S. 7B-1906(b1) to change the timeline for secure custody review hearings for these youth. Under the amended statute, custody review hearings

---

<sup>1</sup> A quick reference chart of all the statutes that were modified or created by legislation summarized in this memo is attached as an appendix.



for youth ages 13, 14, or 15 who commit a Class A felony must be held every 30 calendar days. However, these hearings may be held every 10 calendar days upon motion of the juvenile and a finding of good cause. Note that the timeline for custody review hearings for these youth is now the same as that for Class A-G felonies allegedly committed by youth ages 16 and 17.

#### B. Transfer of Class A-G felony by 16- or 17-year-old

H186 also amends the transfer process for Class A-G felonies allegedly committed at age 16 or 17. Under existing law, G.S. 7B-2200.5(a) requires the mandatory transfer of these offenses to superior court upon: (1) a finding of probable cause, or (2) upon notice to the juvenile and “a finding by the court that a bill of indictment has been returned” for a qualifying offense. H186 amends G.S. 7B-2200.5 to eliminate the requirement that the court enter “a finding . . . that a bill of indictment has been returned[.]” Thus, under the amended statute, mandatory transfer of these offenses is triggered by either: (1) a finding of probable cause, or (2) “*notice to the juvenile of the return of a true bill of indictment as provided in G.S. 15A-630.*” Note that these are the same two methods that trigger the mandatory transfer of Class A felonies allegedly committed by a 13-, 14-, or 15-year-old.

As explained above, these statutory changes do not eliminate the need for a transfer order to transfer jurisdiction to the superior court. Therefore, even though the requirement that the court make a “finding” has been removed, at a minimum, the court will likely need to determine that notice has been provided to the juvenile as required by G.S. 15A-630 before entering the transfer order.

### III. **Disclosure of Juvenile Information**

#### A. “Lyric and Devin’s Law”

H186 enacted a new statute, G.S. 7B-3103, which authorizes the disclosure of a youth’s name and photo to the public when the youth is being sought for an offense that could be transferred to superior court. A court may order the Division or any law enforcement agency within NC to publicly release this information, if the court makes the following written findings:

- (1) that a petition has been filed for at least one offense that is eligible for transfer;
- (2) that the juvenile presents a danger to self or others; and
- (3) that good cause exists.

If disclosure is court-ordered, the following information may be released:

- (1) the juvenile’s first name, last name, and photograph;
- (2) any offenses alleged in the petition;
- (3) whether a secure custody order has been issued for the juvenile; and
- (4) a statement, based on the juvenile’s record or the nature of the offense and the level of concern of the Division or law enforcement agency, as to the juvenile’s threat to self or others.

Note that this statute only applies to youth who are 13 and older and have committed a felony, given that the statute requires a finding that the petition alleges an offense that is eligible for transfer. Also, the releasing party must make reasonable efforts to notify the youth’s parent, legal guardian, or custodian prior to the disclosure, and no information may be released, if the youth is apprehended before the disclosure is made. Once the youth is taken into custody, all information released must be

removed from any publicly available websites or social media accounts controlled by the Division or a law enforcement agency.

#### B. Exigent Circumstances Exception

There is an exception which allows the Division or a law enforcement agency to release information without a court order when “exigent circumstances” exist. However, the releasing agency must seek a court order authorizing the disclosure “as soon as reasonably practicable” thereafter, and not later than the first available session of a court in the applicable county. If a court order is not obtained, all information released must be removed from any publicly available websites or social media accounts controlled by the Division or a law enforcement agency. The statute does not define what constitutes “exigent circumstances” for this exception to apply.

### IV. **Interrogation Procedures**

#### A. Right to a “Caretaker” for Youth 16 and Older

H186 amends G.S. 7B-2101 (aka juvenile *Miranda* rights) by changing the rights applicable to youth who are 16 years of age or older during a custodial interrogation. Under G.S. 7B-2101(a1), youth who are 16 and older must be advised of the right to have “a parent, guardian, custodian, or *caretaker* present during questioning.” A caretaker is not an authorized person for a youth who is under 16.

Under G.S. 7B-2101(a2), if a youth who is 16 or older requests that a parent, guardian, or custodian be present during a custodial interrogation, law enforcement must make a “reasonable effort” to contact the parent, guardian, or custodian. However, if the parent, guardian, or custodian is not available, a caretaker *can be* present during questioning.

#### B. Who is a “Caretaker”?

Under G.S. 7B-2101(e), “caretaker” is defined as:

- Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting.
- A person responsible for a juvenile’s health and welfare means a stepparent, a foster parent, an adult member of the juvenile’s household, an adult entrusted with the juvenile’s care, a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile’s health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services.

It is likely that Division employees who are entrusted with a youth’s care in a residential setting, such as a YDC, multi-purpose group home, or residential treatment facility, could be considered a “caretaker” under this statutory definition. However, staff members are not obligated to act as caretakers if requested, and it would likely be a conflict of interest for the Division if a staff member chose to do so.

Note also that this caretaker provision does not require that a 16- or 17-year-old must answer questions with a caretaker present, when a parent or guardian is unavailable. G.S. 7B-2101 still clearly provides these youth with the right to have a parent, guardian, or custodian present, although it adds a caretaker

as an additional person whom they *can* request. Therefore, it is the youth's decision whether to exercise the right to have one of these authorized persons present during questioning. Furthermore, if the 16- or 17-year-old youth exercises the right to be questioned with a caretaker present, the youth must still execute a knowing and voluntary waiver of the right to have a parent, guardian, or custodian present before being questioned. See G.S. 7B-2101(d).

## **V. Service of Summons**

H186 amends G.S. 7B-1806 to clarify that both law enforcement officers and juvenile court counselors may serve a juvenile summons. Although G.S. 143B-831(11) already authorizes juvenile court counselors to serve court documents, this language did not appear in the Juvenile Code. The amendments to G.S. 7B-1806 make the Juvenile Code consistent with Chapter 143B to eliminate confusion surrounding this issue. The amended statute also codifies a well-established rule of civil procedure by establishing that a youth may waive the right to challenge the court's personal jurisdiction based on defects in service of process, if the youth and the youth's parent, guardian, or custodian "avail themselves to the court" and do not object at the initial court appearance.

## **VI. Secure Custody Orders**

### **A. Initial Secure Custody Order**

H186 amends G.S. 7B-1904, which outlines the procedure for the entry of a secure custody order. Under existing law, the statute requires that the custody order direct a law enforcement officer "or other authorized person" to assume custody of the juvenile and execute the order. The statute was amended to remove the language "or other authorized person" and replace it with "*or juvenile court counselor.*" This change clarifies that a secure custody order may be executed by either a law enforcement officer or a juvenile court counselor.

Additional changes clarify that the initial secure custody order may be issued after a petition has been filed but before the juvenile has been served. Although this is not a change in the law, there was some confusion among judges regarding whether service of the petition was required before a secure custody order could be issued. Therefore, the statute now explicitly provides that a custody order may be issued prior to service. Language was also added to require that if a youth is detained prior to being served with the petition, service must occur "*no more than 72 hours after the juvenile has been detained.*"

### **B. Entry of Residence/Vehicle to Execute Secure Custody Order**

H186 also enacts a new statute, G.S. 7B-1904.5, which authorizes law enforcement officers to enter a private residence or vehicle to take a youth into custody, and to use force to do so, if necessary. This new Juvenile Code statute is modeled after G.S. 15A-401(e), which provides law enforcement officers with the same authority when arresting an adult.

## **VII. Court-Ordered Mental Health Evaluations**

### **A. Court's Authority to Conduct Hearing and Order Treatment**

H186 amends G.S. 7B-2502 to resolve several unintended issues that have resulted since S207 (S.L. 2021-123) changes became effective in December 2021.

The first change is an amendment to G.S. 7B-2502(a) which clarifies that the court may conduct a hearing and order recommended treatment for any undisciplined or delinquent juvenile following a court-ordered assessment. G.S. 7B-2502(a) authorizes the court to order “in any case” that a youth be evaluated to determine the youth’s needs prior to disposition. However, S207 deleted language that allowed the court to subsequently conduct a hearing to determine whether a youth was in need of treatment, based on the evaluation, and then order any needed treatment. H186 amends G.S. 7B-2502(a) to reinsert the court’s authority to conduct a hearing for any youth to determine the need for treatment. The statute also specifically states that the court can only order treatment “*recommended by the examination.*”

#### B. Comprehensive Clinical Assessments (CCA)

H186 also amends G.S. 7B-2502(a2), to clarify when the court must order the Division to refer a youth for a CCA based on a suspected mental illness. The amended statute provides that the CCA mandate applies only when a youth “*has been identified with a suspected mental illness through the use of a validated screening instrument or other evidence presented to the court, or suspected developmental disability or intellectual disability[.]*” In other words, if the CCA is based on a suspected mental illness, it must be supported by evidence presented to the court, such as the GAIN-SS or another validated screening tool. The CCA referral is still required if a youth has a suspected developmental disability or intellectual disability.

Under existing law, G.S. 7B-2502(a2) requires the court to order a CCA, unless a CCA or equivalent mental health assessment has been conducted “within the last 45 days before the adjudication hearing.” H186 amends the statute by changing this timeline to “*90 days before the disposition hearing.*” Therefore, the court will only be required to order a new CCA, if there was no CCA or equivalent mental health assessment completed within 90 days of the disposition.

#### C. Care Review Mandate

H186 also amends G.S. 7B-2502(a3) to clarify when the court must order the Division to convene a care review team for certain youth who are eligible for YDC commitment or referral to a PRTF. The amendments clarify that the court is required to review any CCA ordered pursuant to G.S. 7B-2502(a2) or any CCA or equivalent mental health assessment completed within 90 days of the disposition to determine whether a care review team must be convened.

### **VIII. Juvenile Capacity to Proceed**

H186 enacts historic legislation which establishes a new process for determining when youth who are under juvenile court jurisdiction are incapable of proceeding. Under existing law, the juvenile capacity to proceed process is governed by Chapter 15A, which means that youth are subject to the adult capacity to proceed standard and court process. The new process outlined in Article 24 of the Juvenile Code defines a new capacity to proceed standard for youth, which includes the consideration of developmental immaturity among the criteria for incapacity and establishes a remediation process for youth to attain capacity to proceed. These changes are not effective until January 1, 2025, and will apply to offenses committed on or after that date. Currently, funding for implementation has not yet been secured.

#### A. G.S. 7B-2401 (juvenile capacity to proceed standard)

G.S. 7B-2401 was amended to define a new juvenile capacity to proceed standard, which provides that:

[n]o juvenile may be transferred to superior court for trial as an adult, adjudicated delinquent or undisciplined, or subject to disposition for an offense in juvenile court, including a violation of probation, when, by reason of mental disorder, intellectual disability, neurological disorder, traumatic or acquired brain injury, or developmental immaturity, the juvenile is unable to understand the nature and object of the proceedings against the juvenile, to comprehend the juvenile's own situation in reference to the proceedings, or to assist in the juvenile's own defense in a rational or reasonable manner.

This new juvenile capacity standard does not apply to (1) adults who have aged out of juvenile court jurisdiction for a juvenile offense, or (2) youth who are subject to transfer by indictment. Capacity to proceed for these individuals must be determined by the superior court once it obtains jurisdiction.

B. G.S. 7B-2401.1 (definitions)

G.S. 7B-2401.1 defines the following six terms which apply to the juvenile capacity to proceed process: (1) Developmental Immaturity, (2) Division, (3) Forensic Evaluation, (4) Forensic Evaluation Report, (5) Incapacity to Proceed, and (6) Remediation.

C. G.S. 7B-2401.2 (hearing procedures)

G.S. 7B-2401.2 outlines the procedure for filing capacity to proceed motions in juvenile court and conducting hearings to determine a youth's capacity to proceed. Key provisions of this statute are summarized below:

- 1) A capacity to proceed motion may be raised at any time by the prosecutor, the juvenile, the juvenile's attorney, or the court.
- 2) When a youth is less than 12 years of age and alleged to be delinquent, the court must make an inquiry to the prosecutor and defense counsel regarding the youth's capacity to proceed the first time the youth appears in court.
- 3) If capacity is questioned, the court may appoint one or more forensic evaluators who are qualified by DHHS to conduct the forensic evaluation. The evaluation must be conducted in the least restrictive environment, considering the best interests of the youth and public safety. The evaluation may be conducted anywhere within the State but also may be conducted outside the State if a youth is in a residential facility.
- 4) If a youth is alleged to have committed a felony, the court may commit the youth to a State mental health facility for up to 60 days for observation and treatment necessary to determine the youth's capacity to proceed. However, the court must find that commitment is more appropriate to determine the youth's capacity, if an examination by a DHHS qualified forensic evaluator has not been completed. The facility director must send his or her report to defense counsel and the clerk of superior court. The Division is responsible for returning the youth to the county following the completion of the forensic evaluation.
- 5) The forensic evaluation must be completed within 30 days of the date the forensic evaluation was ordered, unless the court grants an extension for good cause.
- 6) Timelines for the completion of the forensic evaluation report are based on the classification of the offense (i.e., misdemeanor or felony), and extensions may be granted for good cause, but in no case shall the court grant extensions totaling more than 120 days beyond the statutory timelines.

- 7) Any forensic evaluation report must be forwarded to the clerk of superior court in a sealed envelope addressed to the presiding judge, with a covering statement regarding whether the youth has or lacks capacity to proceed. The clerk must send a copy of the covering statement to the Division, if the youth is in secure custody. The full report must be forwarded to defense counsel but will not be disclosed to other parties, unless the youth's capacity is challenged. The covering statement and full report must be maintained as confidential records.
- 8) All court proceedings shall be stayed pending the determination of the youth's capacity to proceed, except for custody review hearings and proceedings related to transfer by indictment.
- 9) The court must hold a hearing upon receipt of the forensic evaluation report and enter an order containing findings of fact to support its determination regarding the youth's capacity to proceed. At the hearing, the youth has the burden of proving incapacity by a preponderance of the evidence. The parties may stipulate that a youth is capable of proceeding but may not stipulate that a youth lacks capacity to proceed.
- 10) The Division must arrange for transportation of youth who are in secure custody to and from the location of any forensic evaluation.

D. G.S. 7B-2401.3 (juvenile forensic evaluator credentialing; written reports)

G.S. 7B-2401.3 requires the Department of Health and Human Services (DHHS) to establish a credentialing body to set and maintain minimum standards for qualified professionals who are court-appointed to conduct juvenile forensic evaluations. Qualified professionals who have already been conducting forensic evaluations of juveniles will be grandfathered in but must satisfy the minimum standards within 12 months of the date they are adopted by DHHS.

The statute also sets forth requirements for conducting forensic evaluations, as well as the written reports that must be submitted to the court. If a forensic evaluator concludes that a youth is incapable to proceed, the written forensic evaluation report must include information regarding:

- 1) Any recommended treatment or education needed for the youth to attain capacity.
- 2) The likelihood that the youth 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 treatment is recommended to attain capacity, a recommendation as to the least restrictive environment in which services can be provided.

G.S. 7B-2401.3 also requires the court to order the release of confidential records to a forensic evaluator and provides that evaluators who are court-appointed shall be compensated according to the guidelines established by the Administrative Office of the Courts.

E. G.S. 7B-2401.4 (remediation)

G.S. 7B-2401.4 establishes a remediation process for the purpose of helping youth attain capacity to proceed. The court may order remediation services when the court finds that a youth is "*incapable to proceed and substantially likely to attain capacity in the foreseeable future.*"

The Division is responsible for providing psychoeducation remediation programming and must work with community partners to secure any additional services recommended by a forensic evaluation



report. The Division is authorized to contract with UNC-Chapel Hill or any other qualified educational organization to develop and conduct related remediation training and curriculum.

Remediation services must be provided in the least restrictive environment considering the best interests of the youth and public safety. If the court orders remediation, remediation progress reports must be submitted to the court at least every 90 days, and the court must hold a review hearing within 30 days of receipt. No statement made by a youth during remediation services admitting responsibility for a crime may be included in a remediation progress report, and such statements are inadmissible in any juvenile or criminal proceeding.

The remediation service provider must notify the court, the prosecutor, and defense counsel, if the provider finds that a youth has likely completed the requirements of remediation. A copy of the remediation report must be forwarded to the court and defense counsel. The court may order the report to be released to the prosecutor after providing the youth with reasonable notice and an opportunity to be heard. The court must conduct a hearing within 30 days of the youth completing remediation. The court may order a new forensic evaluation, if it determines that reassessment of a youth's capacity to proceed is warranted.

G.S. 7B-2401.4(f) sets forth the following time limitations for remediation services:

- 1) If the most serious offense alleged in the petition is first-degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sex offense, or first-degree statutory sex offense, remediation shall not exceed 36 months beyond the original finding of incapacity or the court's maximum jurisdiction.
- 2) If the most serious offense alleged in the petition is a Class B1, B2, C, D, or E felony (other than an offense listed in paragraph 1), remediation shall not exceed 12 months beyond the original finding of incapacity or the court's maximum jurisdiction. The court may grant an extension of up to 12 months for good cause, and if granted, remediation may not exceed 24 months beyond the original finding of incapacity or the court's maximum jurisdiction.
- 3) If the most serious offense alleged in the petition is a Class F, G, H, or I felony, or any misdemeanor, remediation shall not exceed 6 months beyond the original finding of incapacity or the court's maximum jurisdiction. The court may grant an extension of up to 6 months, and if granted, remediation shall not exceed 12 months beyond the original finding of incapacity or the court's maximum jurisdiction.
- 4) In no case shall the court grant extensions of time for remediation beyond the court's maximum jurisdiction as provided in G.S. 7B-1601.

If a youth is in secure custody while receiving remediation services, secure custody shall be limited to the maximum time periods allowed by G.S. 7B-2401.4(f).

F. G.S. 7B-2401.5 (involuntary commitment; dismissal; seal records)

G.S. 7B-2401.5 allows the court to initiate proceedings for the involuntary commitment of a youth who is found incapable to proceed. This process is very similar to the existing IVC process authorized by G.S. 15A-1003 for youth found incapable to proceed. However, the court may only initiate IVC proceedings if it finds that a youth is incapable to proceed and is not likely to attain capacity in the foreseeable future.



The court also must find that there are reasonable grounds to believe the youth meets the criteria for involuntary commitment as defined by Chapter 122C.

If the court does not initiate IVC proceedings, the court must dismiss the petition when it finds that a youth is incapable to proceed and not likely to attain capacity in the foreseeable future. Also, a prosecutor may voluntarily dismiss the petition at any time prior to the termination of the court's jurisdiction. All records related to capacity to proceed must be sealed after the proceedings conclude.

G. G.S. 7B-1906(b3) (secure or nonsecure custody hearings)

H186 enacts a new subsection (b3) in G.S. 7B-1906 which governs secure custody review hearings for youth who are in custody pending a determination of capacity to proceed. Pursuant to G.S. 7B-1906(b3), custody review hearings for these youth must be held every 30 calendar days. However, hearings may be held every 10 calendar days upon motion of the juvenile and a finding of good cause.

**IX. Technical Corrections**

A. Confinement of Transfer Youth

H186 amends G.S. 7B-2204 to restore changes that were previously enacted by S207 (S.L. 2021-123) but were mistakenly reverted by S105 (S.L. 2021-180). These amendments allow for the Division to house transfer to superior court youth in juvenile detention facilities pending transfer to the Division of Prisons within the Department of Adult Correction.

B. County Confinement Facilities

H186 amends G.S. 153A-218 to remove a cross-reference to a repealed statute (i.e., G.S. 147-33.40) and to replace it with a reference to the recodified version of the statute, G.S. 143B-819 ("Regional Detention Services").

C. Juvenile Minority Sensitivity Training

H186 amends G.S. 114-12.1 to allow the Division to create, deliver, and evaluate the juvenile minority sensitivity and RED training that is required annually for juvenile justice personnel. Previously, the statute required the Department of Justice to develop and deliver this training, which was not tailored to meet the needs of juvenile justice personnel.

**X. Transportation of High-Risk Juveniles**

A special provision in the 2023 Appropriations Act (H259) enacts a new statute, G.S. 7B-905.2, which allows county DSS directors to make "a written request" to the Division, a law enforcement agency, or the Department of Adult Correction (i.e., "high-risk juvenile transporters") to transport "high-risk juveniles." A high-risk juvenile is one who is "under 18 years of age who has been abused or neglected, who has serious emotional, mental, or behavioral disturbances that pose a risk of harm to self or others, and who resides outside of a residential placement due to the serious emotional, mental, or behavioral disturbances." The statute allows a high-risk juvenile transporter to use reasonable force, as well as to use restraints, although there is no requirement that the youth be subject to a secure custody order. Additionally, while there is no requirement for the Division to provide transportation when requested, the Division may enter into a "transportation agreement" with a DSS director regarding the transportation of high-risk juveniles. DSS is responsible for the cost of such transportation.

## Appendix: 2023 Juvenile Justice Legislation

Statute(s)	Summary of Legislative Changes	Effective Date
G.S. 7B-905.2	Allows county DSS directors to make a written request to law enforcement agencies, the Division, or DAC to transport high-risk juveniles.	10/3/2023
G.S. 7B-1906(b1)	Extends the timeline for secure custody review hearings for 13-, 14-, and 15-year-olds who commit a Class A felony from 10 to 30 days.	10/1/2023
Statute(s)	Summary of Legislative Changes	Effective Date
G.S. 7B-1806	Clarifies that juvenile court counselors are authorized to serve a juvenile summons and adds language indicating that juveniles may waive the right to challenge personal jurisdiction based on service defects by failing to object.	12/1/2023
G.S. 7B-1904	Clarifies that a secure custody order may be executed by either a law enforcement officer or a juvenile court counselor; also requires service of the petition within 72 hours of a youth being detained in a facility.	12/1/2023
G.S. 7B-1904.5	Authorizes law enforcement officers to enter a private residence or vehicle to take a youth into custody.	12/1/2023
G.S. 7B-2101	Allows youth who are 16 years of age or older to have “a caretaker present” during a custodial interrogation; defines who may be considered a caretaker; and requires law enforcement to make reasonable efforts to contact a parent, guardian, or custodian, before allowing a caretaker to be present, if the youth requests a parent.	12/1/2023
G.S. 7B-2200	Authorizes transfer by indictment for Class A felonies committed by youth who were 13, 14, or 15 at the time of the offense.	12/1/2023
G.S. 7B-2200.5	Amends the transfer by indictment process for Class A-G felonies committed by 16- and 17-year-olds by deleting the requirement that the court must “find that a bill of indictment has been returned.”	12/1/ 2023
G.S. 7B-2202(a)	Technical correction which clarifies that a probable cause hearing is not required for youth who were 13, 14, or 15 at the time of a Class A felony when they are transferred by indictment.	12/1/ 2023
G.S. 7B-2204	Technical correction that allows the Division to house transfer to superior court youth in detention facilities pending transfer to DAC.	12/1/ 2023
G.S. 7B-2502	Clarifies that the court may conduct a hearing and order needed treatment for any undisciplined or delinquent juvenile; clarifies when the court must order a CCA for youth with a suspected mental illness, developmental disability, or intellectual disability; provides that a CCA conducted within 90 days of the disposition hearing may be used by the court; and clarifies when the care review process is required.	12/1/ 2023
G.S. 7B-3103	Enacts a new statute, known as “Lyric and Devin’s Law,” which allows the disclosure of a juvenile’s name and photo for public safety reasons, pursuant to a court order; however, information may be disclosed without a court order, if exigent circumstances exist.	12/1/2023
G.S. 114-12.1	Allows the Division to create, deliver, and evaluate the JMST and RED training that is required annually for juvenile justice personnel.	12/1/2023
G.S. 153A-218	Technical correction which replaces a cross-reference to a repealed statute with the recodified statute, i.e., G.S. 143B-819.	12/1/2023

Statute(s)	Summary of Legislative Changes	Effective Date
G.S. 7B-1906(b3)	Requires custody review hearings to be held at least every 30 days pending the determination of a youth's capacity to proceed.	1/1/2025
G.S. 7B-2401	Establishes a new juvenile capacity to proceed standard.	1/1/2025
G.S. 7B-2401.1	Defines various terms that apply throughout Article 24 of Chapter 7B.	1/1/2025
G.S. 7B-2401.2	Defines procedures for capacity to proceed motions and hearings.	1/1/2025
G.S. 7B-2401.3	Requires DHHS to oversee a credentialing body to qualify professionals to conduct juvenile forensic evaluations; sets forth the requirements for forensic evaluations, written reports, and the compensation of court-appointed evaluators.	1/1/2025
G.S. 7B-2401.4	Establishes a remediation process for the purpose of helping youth attain capacity to proceed.	1/1/2025
G.S. 7B-2401.5	Authorizes the court to initiate IVC proceedings for youth who are found incapable to proceed and not likely to attain capacity in the foreseeable future; and directs when the court must dismiss the petition.	1/1/2025