

§ 7B-2502. Evaluation and treatment of undisciplined and delinquent juveniles.

(a) In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile.

(a1) In the case of a juvenile adjudicated delinquent for committing an offense that involves the possession, use, sale, or delivery of alcohol or a controlled substance, the court shall require the juvenile to be tested for the use of controlled substances or alcohol within 30 days of the adjudication. In the case of any juvenile adjudicated delinquent, the court may, if it deems it necessary, require the juvenile to be tested for the use of controlled substances or alcohol. The results of these initial tests conducted pursuant to this subsection shall be used for evaluation and treatment purposes only. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence.

(a2) In the case of a juvenile with a suspected mental illness, developmental disability, or intellectual disability that has been adjudicated delinquent, the court shall order that the Division of Juvenile Justice of the Department of Public Safety make a referral for a comprehensive clinical assessment or equivalent mental health assessment, unless the court finds a comprehensive clinical assessment or equivalent mental health assessment has been conducted within the last 45 days before the adjudication hearing. An assessment ordered by a court under this subsection shall evaluate the developmental, emotional, behavioral, and mental health needs of the juvenile.

(a3) If an assessment is ordered by the court under subsection (a2) of this section, the court shall review the assessment prior to the date of disposition in the case. If the court finds sufficient evidence that the juvenile has severe emotional disturbance, as defined in G.S. 7B-1501(24a), or a developmental disability, as defined in G.S. 122C-3(12a), or intellectual disability, as defined in G.S. 122C-3(17a), that, in the court's discretion, substantially contributed to the juvenile's delinquent behavior, and the juvenile is eligible for a Juvenile Justice Level 3 disposition and/or is recommended for a Psychiatric Residential Treatment Facility (PRTF) placement, the court shall order a care review team to be convened by the Division of Juvenile Justice of the Department of Public Safety and assigned to the case.

(a4) If a care review team is assigned to a case by the court under subsection (a3) of this section, the care review team shall develop a recommendation plan for appropriate services and resources that address the identified needs of the juvenile. The care review team shall submit a recommendation to the court within 30 calendar days of the date of the court order convening the care review team. The court shall review the recommendation plan when determining the juvenile's disposition in accordance with G.S. 7B-2501(c). A care review team shall consist of, at a minimum, all of the following:

- (1) The juvenile.
- (2) The juvenile's parents, guardian, or custodian.
- (3) Representatives from the Division of Juvenile Justice of the Department of Public Safety.
- (4) A representative from the local management entity/managed care organization or prepaid health plan (PHP) in which the juvenile is enrolled.
- (5) Representatives from any State agency or local department of social services that is currently providing services to the juvenile or the juvenile's family.

(b) If the juvenile does not have health insurance coverage for the recommended treatment, the court shall conduct a hearing to determine who should pay the cost of the assessment, evaluation or treatment pursuant to this section. The county manager, or any other person who is designated by the chair of the board of county commissioners, of the county of the juvenile's residence shall be notified of the hearing, and allowed to be heard. The court shall

permit the parent, guardian, custodian, or other responsible persons to arrange for evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make necessary arrangements, the court may order the needed evaluation or treatment, surgery, or care, and the court may order the parent to pay the cost of the care pursuant to Article 27 of this Chapter. If the court finds the parent or funding from the Division of Juvenile Justice of the Department of Public Safety is unable to pay the cost of evaluation or treatment, the court shall order the county to arrange for evaluation or treatment of the juvenile and to pay for the cost of the evaluation or treatment.

(c) Repealed by Session Laws 2021-123, s. 8(b), effective December 1, 2021, and applicable to petitions filed on or after that date.

(d) A juvenile shall not be committed directly to a State hospital or State developmental center, and orders purporting to commit a juvenile directly to a State hospital or State developmental center, except for an examination to determine capacity to proceed, are void and of no effect. (1979, c. 815, s. 1; 1981, c. 469, s. 19; 1985, c. 589, s. 5; c. 777, s. 1; 1985 (Reg. Sess., 1986), c. 863, s. 2; 1991, c. 636, s. 19(a); 1995 (Reg. Sess., 1996), c. 609, s. 3; 1997-516, s. 1A; 1998-202, s. 6; 1998-229, s. 6; 2002-164, s. 4.9; 2019-76, s. 11; 2021-123, s. 8(b); 2021-180, s. 19C.9(vvvv); 2021-189, s. 5.1(j).)