

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 615

Short Title: Juvenile Court Mental Health Assessments. (Public)

Sponsors: Representative Davis.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House

April 21, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN APPROPRIATE MENTAL HEALTH ASSESSMENT TO BE PROVIDED FOR JUVENILES WHO HAVE BEEN ADJUDICATED DELINQUENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7B-1501 is amended by adding a new subdivision to read:

"(24a) Severe emotional disturbance. – A diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM-5 that resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community activities in a person who is under the age of 18."

SECTION 1.(b) G.S. 7B-2502 reads as rewritten:

"§ 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~~-juvenile, as follows:

(1) 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.

(2) In the case of a juvenile with a suspected mental illness or developmental disability that has been adjudicated delinquent, the court shall order a comprehensive clinical assessment or other appropriate mental health assessment, unless the court finds an appropriate mental health assessment has been conducted within the last 45 days before the adjudication hearing. An assessment ordered by a court under this subdivision shall evaluate the developmental, emotional, behavioral, and mental health needs of the juvenile.



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1 (a1) If an assessment is ordered by the court under subsection (a) of this section, the court
2 shall review the assessment prior to the date of disposition in the case. If the court finds sufficient
3 evidence that the juvenile has severe emotional disturbance, as defined in G.S. 7B-1501(24a), or
4 a developmental disability, as defined in G.S. 122C-3(12a), that, in the court's discretion,
5 substantially contributed to the juvenile's delinquent behavior, the court shall order a care review
6 team to be convened by the local management entity/managed care organization and assigned to
7 the case.

8 (a2) If a care review team is assigned to a case by the court under subsection (a1) of this
9 section, the care review team shall develop a recommendation plan for appropriate services and
10 resources that address the identified needs of the juvenile. The care review team shall submit a
11 recommendation to the court within 30 calendar days of the date of the court order convening the
12 care review team. The court shall review the recommendation plan when determining the
13 juvenile's disposition in accordance with G.S. 7B-2501(c). A care review team shall consist of,
14 at a minimum, all of the following:

15 (1) The juvenile.

16 (2) The juvenile's parents, guardian, or custodian.

17 (3) Representatives from the Juvenile Justice Section of the Division of Adult
18 Correction and Juvenile Justice of the Department of Public Safety.

19 (4) Representatives from the local management entity/managed care organization
20 whose catchment area overlaps with the court that is hearing the case.

21 (5) Representatives from any State agency or local department of social services
22 that is currently providing services to the juvenile or the juvenile's family.

23 ~~(b) Upon completion of the examination, the~~ The court shall conduct a hearing to
24 ~~determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or~~
25 ~~other evaluation or treatment and who should pay the cost of the assessment, evaluation or~~
26 ~~treatment.~~ treatment pursuant to this section. The county manager, or any other person who is
27 designated by the chair of the board of county commissioners, of the county of the juvenile's
28 residence shall be notified of the hearing, and allowed to be heard. If the court finds the juvenile
29 to be in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment,
30 ~~the~~ The court shall permit the parent, guardian, custodian, or other responsible persons to arrange
31 for evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make
32 necessary arrangements, the court may order the needed evaluation or treatment, surgery, or care,
33 and the court may order the parent to pay the cost of the care pursuant to Article 27 of this
34 Chapter. If the court finds the parent or funding from the Juvenile Justice Section of the Division
35 of Adult Correction and Juvenile Justice of the Department of Public Safety is unable to pay the
36 cost of evaluation or treatment, the court shall order the county to arrange for evaluation or
37 treatment of the juvenile and to pay for the cost of the evaluation or treatment. ~~The county~~
38 ~~department of social services shall recommend the facility that will provide the juvenile with~~
39 ~~evaluation or treatment.~~

40 ~~(c) If the court believes, or if there is evidence presented to the effect that the juvenile~~
41 ~~has a mental illness or a developmental disability, the court shall refer the juvenile to the area~~
42 ~~mental health, developmental disabilities, and substance abuse services director for appropriate~~
43 ~~action. A juvenile shall not be committed directly to a State hospital or State developmental~~
44 ~~center, and orders purporting to commit a juvenile directly to a State hospital or State~~
45 ~~developmental center, except for an examination to determine capacity to proceed, are void and~~
46 ~~of no effect. The area mental health, developmental disabilities, and substance abuse director is~~
47 ~~responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources~~
48 ~~to meet the juvenile's needs. If institutionalization is determined to be the best service for the~~
49 ~~juvenile, admission shall be with the voluntary consent of the parent, guardian, or custodian. If~~
50 ~~the parent, guardian, or custodian refuses to consent to institutionalization after it is~~
51 ~~recommended by the area mental health, developmental disabilities, and substance abuse~~

1 director, the signature and consent of the court may be substituted for that purpose. In all cases
2 in which a regional mental hospital refuses admission to a juvenile referred for admission by the
3 court and an area mental health, developmental disabilities, and substance abuse director or
4 discharges a juvenile previously admitted on court referral prior to completion of the juvenile's
5 treatment, the hospital shall submit to the court a written report setting out the reasons for denial
6 of admission or discharge and setting out the juvenile's diagnosis, indications of mental illness,
7 indications of need for treatment, and a statement as to the location of any facility known to have
8 a treatment program for the juvenile in question."

9 **SECTION 2.** This act becomes effective October 1, 2021, and applies to petitions
10 filed on or after that date.