

§ 7B-2401.5. (Effective January 1, 2025) Involuntary commitment; dismissal; seal records.

(a) When the court finds that a juvenile is incapable to proceed and not likely to attain capacity in the foreseeable future, the court may conduct an additional hearing, as the court determines to be necessary, to determine whether there are reasonable grounds to believe the juvenile meets the criteria for involuntary commitment under Part 7 of Article 5 of Chapter 122C of the General Statutes. If the presiding judge finds reasonable grounds to believe that the juvenile meets the criteria, the judge shall make findings of fact and issue a custody order in the same manner upon the same grounds and with the same effect as an order issued by a clerk or magistrate pursuant to G.S. 122C-261. Proceedings thereafter are in accordance with Part 7 of Article 5 of Chapter 122C of the General Statutes. If the juvenile allegedly committed a violent crime, including a crime involving assault with a deadly weapon, the judge's custody order shall require a law enforcement officer to take the juvenile directly to a 24-hour facility as described in G.S. 122C-252. The order must also indicate that the juvenile allegedly committed a violent crime and that the juvenile was found incapable of proceeding. Evidence used at the hearing regarding capacity to proceed is admissible in the involuntary civil commitment proceedings.

(b) When the court finds that a juvenile is incapable to proceed and not likely to attain capacity in the foreseeable future, the court shall dismiss the petition.

(c) The prosecutor may voluntarily dismiss with leave any allegations stated in the petition, pursuant to G.S. 7B-2404, prior to the termination of the jurisdiction of the court as provided in G.S. 7B-1601.

(d) After the completion of all capacity hearings or after a juvenile has been found not to be substantially likely to be restored to or to attain capacity in the foreseeable future, the court shall direct the clerk to seal all forensic evaluations, remediation reports, and any other records pertaining to the capacity of the juvenile, pursuant to G.S. 7B-3000(c). Any records sealed pursuant to this subsection may be opened or inspected only by order of the court or for appellate review. (2023-114, s. 5(b).)