

§ 7B-1701. Preliminary inquiry.

(a) When a complaint is received against a juvenile at least 10 years of age, the juvenile court counselor shall make a preliminary determination as to whether the juvenile is within the jurisdiction of the court as a delinquent or undisciplined juvenile. If the juvenile court counselor finds that the facts contained in the complaint do not state a case within the jurisdiction of the court, that legal sufficiency has not been established, or that the matters alleged are frivolous, the juvenile court counselor, without further inquiry, shall refuse authorization to file the complaint as a petition.

If a complaint against the juvenile has not been previously received, as determined by the juvenile court counselor, the juvenile court counselor shall make reasonable efforts to meet with the juvenile and the juvenile's parent, guardian, or custodian if the offense is divertible.

When requested by the juvenile court counselor, the prosecutor shall assist in determining the sufficiency of evidence as it affects the quantum of proof and the elements of offenses.

The juvenile court counselor, without further inquiry, shall authorize the complaint to be filed as a petition if the juvenile court counselor finds reasonable grounds to believe that the juvenile has committed one of the following nondivertible offenses:

- (1) Murder;
- (2) First-degree rape or second degree rape;
- (3) First-degree sexual offense or second degree sexual offense;
- (4) Arson;
- (5) Any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an adult;
- (6) First degree burglary;
- (7) Crime against nature; or
- (8) Any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of a deadly weapon.

(b) When a complaint is received against a juvenile less than 10 years of age, the juvenile court counselor shall make a preliminary determination as to whether the juvenile is a vulnerable juvenile or is within the jurisdiction of the court as a delinquent juvenile. If the juvenile court counselor determines the juvenile is within the jurisdiction of the court as a delinquent juvenile, the juvenile court counselor shall proceed with the complaint pursuant to subsection (a) of this section. If the juvenile court counselor determines the juvenile is a vulnerable juvenile, the juvenile court counselor shall handle the complaint as a juvenile consultation for a vulnerable juvenile. (1979, c. 815, s. 1; 1983, c. 251, s. 1; 1998-202, s. 6; 2001-490, s. 2.4; 2015-58, s. 2.1; 2021-123, s. 5(c).)