

§ 7B-2401. (Effective until January 1, 2025) Determination of incapacity to proceed; evidence; temporary commitment; temporary orders.

The provisions of G.S. 15A-1001, 15A-1002, and 15A-1003 apply to all cases in which a juvenile is alleged to be delinquent. No juvenile committed under this section may be placed in a situation where the juvenile will come in contact with adults committed for any purpose. (1979, c. 815, s. 1; 1998-202, s. 6.)

§ 7B-2401. (Effective January 1, 2025) No proceedings when juvenile is not capable to proceed.

(a) No 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.

(b) This section does not prevent the court from going forward with any motions which can be handled by counsel without the assistance of the juvenile.

(c) This section does not apply to individuals over whom the juvenile court has jurisdiction pursuant to G.S. 7B-1601(d) through (d1) nor to any juvenile who is subject to transfer by indictment pursuant to G.S. 7B-2200 and G.S. 7B-2200.5(a)(1). Capacity to proceed under these circumstances shall not be addressed by the juvenile court. Capacity to proceed may be raised pursuant to Article 56 of Chapter 15A of the General Statutes if the superior court obtains jurisdiction of the proceeding. (1979, c. 815, s. 1; 1998-202, s. 6; 2023-114, s. 5(a).)