



SB 207

Part VI. Juvenile Court Mental Health Assessments

Peter Kuhns, PsyD
Juvenile Justice Director of Clinical Services and Programs

Statutorily Required Referral to LME Prior to Disposition

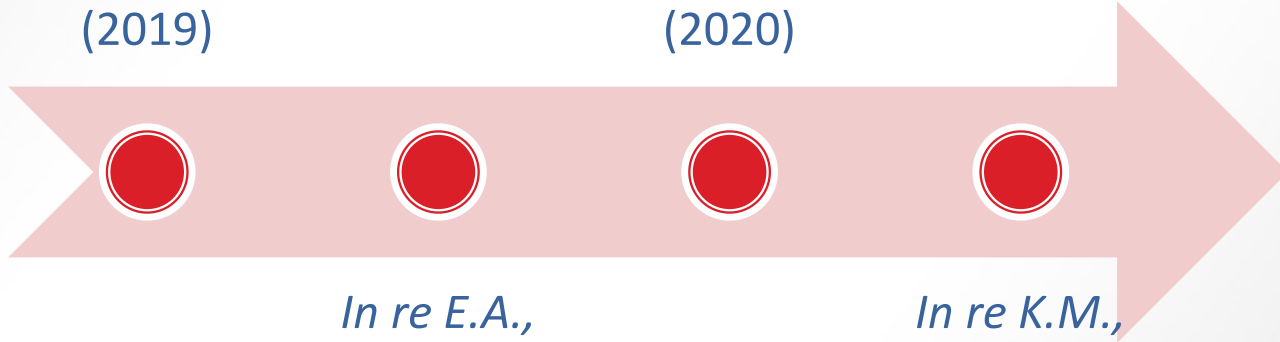
G.S. 7B-2502(c):

If the court believes, or if there is evidence presented to the effect that the juvenile has a mental illness or a developmental disability, **the court shall refer** the juvenile to the **area mental health, developmental disabilities, and substance abuse services director for appropriate action...The area mental health, developmental disabilities, and substance abuse director is responsible for **arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs...****

Faced with any amount of evidence that a juvenile is mentally ill, “a trial court has a statutory duty to refer the juvenile to the area mental health...services director for appropriate action.” (internal quotation omitted) (In re E.M., 263 N.C.App. 476 (2019))

In re E.M.,
263
N.C.App.
476
(2019)

In re
A.L.B., 849
S.E.2d 352
(2020)



In re E.A.,
267
N.C.App.
396
(2019)

In re K.M.,
854
S.E.2d.
453
(2021)

Changes: Referral Entity

- *Original 7B 2502: “If the court believes, or if there is evidence presented to the effect that the juvenile has a mental illness or a developmental disability, the court shall refer the juvenile to the area mental health, developmental disabilities, and substance abuse services director for appropriate action.*



- Updated Language: 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 **Juvenile Justice Section of the Division of Adult Correction and 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.

The Juvenile Justice Section of
the Division of Adult
Correction and Juvenile Justice
to make a referral for a CCA or
equivalent mental health
assessment

G.S. 7B-2502(a2)



A comprehensive clinical assessment (CCA) or equivalent mental health assessment is REQUIRED if:

New
Statutory
Requirement
G.S. 7B-2502(a2) – (a4)

The juvenile is suspected to have mental illness, developmental disability, or intellectual disability,

Adjudicated delinquent

A CCA or equivalent mental health assessment was not conducted within 45 of adjudication hearing

Changes: Evaluation Flexibility

- *Original 7B 2502: “The area mental health, developmental disabilities, and substance abuse director is responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs”*



- **Updated Language: Juvenile Justice Section of the Division of Adult Correction and 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.**

Changes: Care Review Team

- *Original 7B 2502: “The area mental health, developmental disabilities, and substance abuse director is responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs”*



- Updated Language: Changed the term “interdisciplinary evaluation of the juvenile and mobilizing resources” to “Care Review Team.”
- “the court shall order a care review team to be convened by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and assigned to the case.”

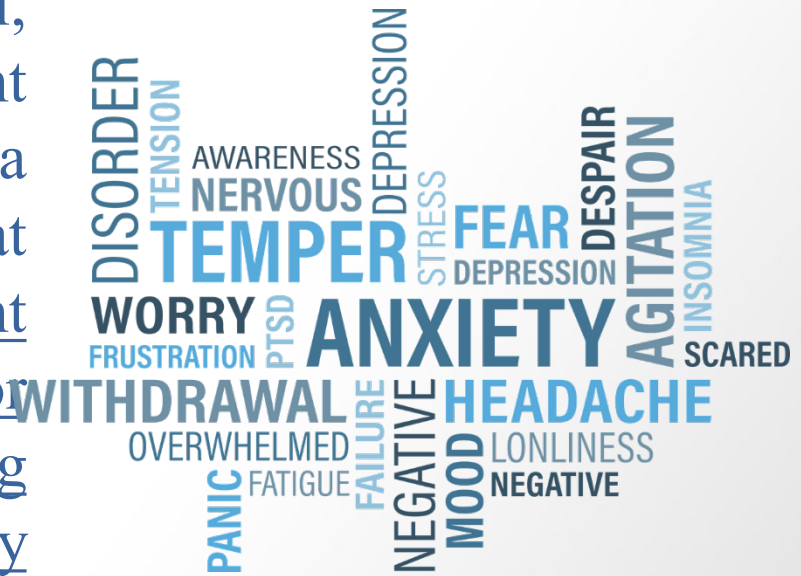
Narrowing Scope

The criteria for court-ordered Care Review Team are:

- Court shall review the assessment prior to disposition
- If
 - ✓ Court finds sufficient evidence that juvenile has severe emotional disturbance, developmental disability, or intellectual disability,
 - ✓ The disturbance or disability substantially contributed to the delinquent behavior, and
 - ✓ Juvenile is eligible for Level 3 disposition and/or recommended for PRTF
- Then, court shall order a care review team to be convened by juvenile justice

Severe Emotional Disturbance – G.S. 7B-1501(24a)

“A diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the 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.”



Developmental Disability G.S. 122C-3(12a)

A severe, chronic disability of a person that satisfies all of the following:

- a. Is attributable to one or more impairments.
- b. Is manifested before the person attains age 22, unless the disability is caused by a traumatic brain injury, in which case the disability may be manifested after attaining age 22.
- c. Is likely to continue indefinitely.
- d. Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, capacity for independent living, learning, mobility, self-direction, and economic self-sufficiency.
- e. Reflects the person's need for a combination and sequence of special interdisciplinary, or generic care, treatment, or other services that are of a lifelong or extended duration and are individually planned and coordinated; or when applied to children from birth through age four, may be evidenced as a developmental delay.

Intellectual Disability

G.S. 122C-3(17a)

A developmental disability characterized by significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before age 22.



Care Review Team

At a minimum:

- The juvenile.
- The juvenile's parents, guardian, or custodian.
- Representatives from Juvenile Justice
- Representative from the local management entity/managed care organization or prepaid health plan (PHP) in which the juvenile is enrolled.
- Representatives from any State agency or local department of social services that is currently providing services to the juvenile or the juvenile's family.

Care Review Team Shall

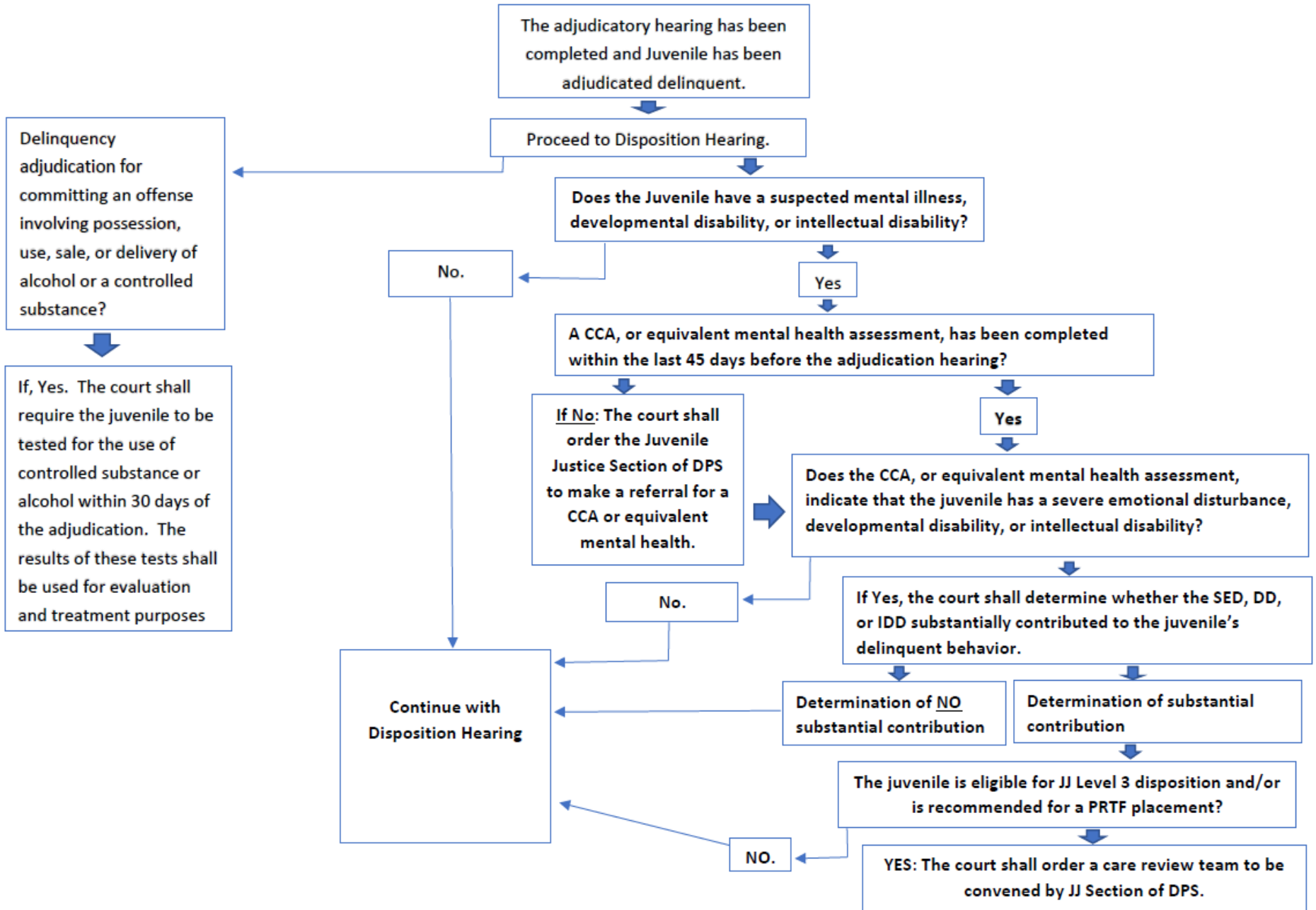
Develop a recommendation plan for appropriate services and resources that address the identified needs of the juvenile

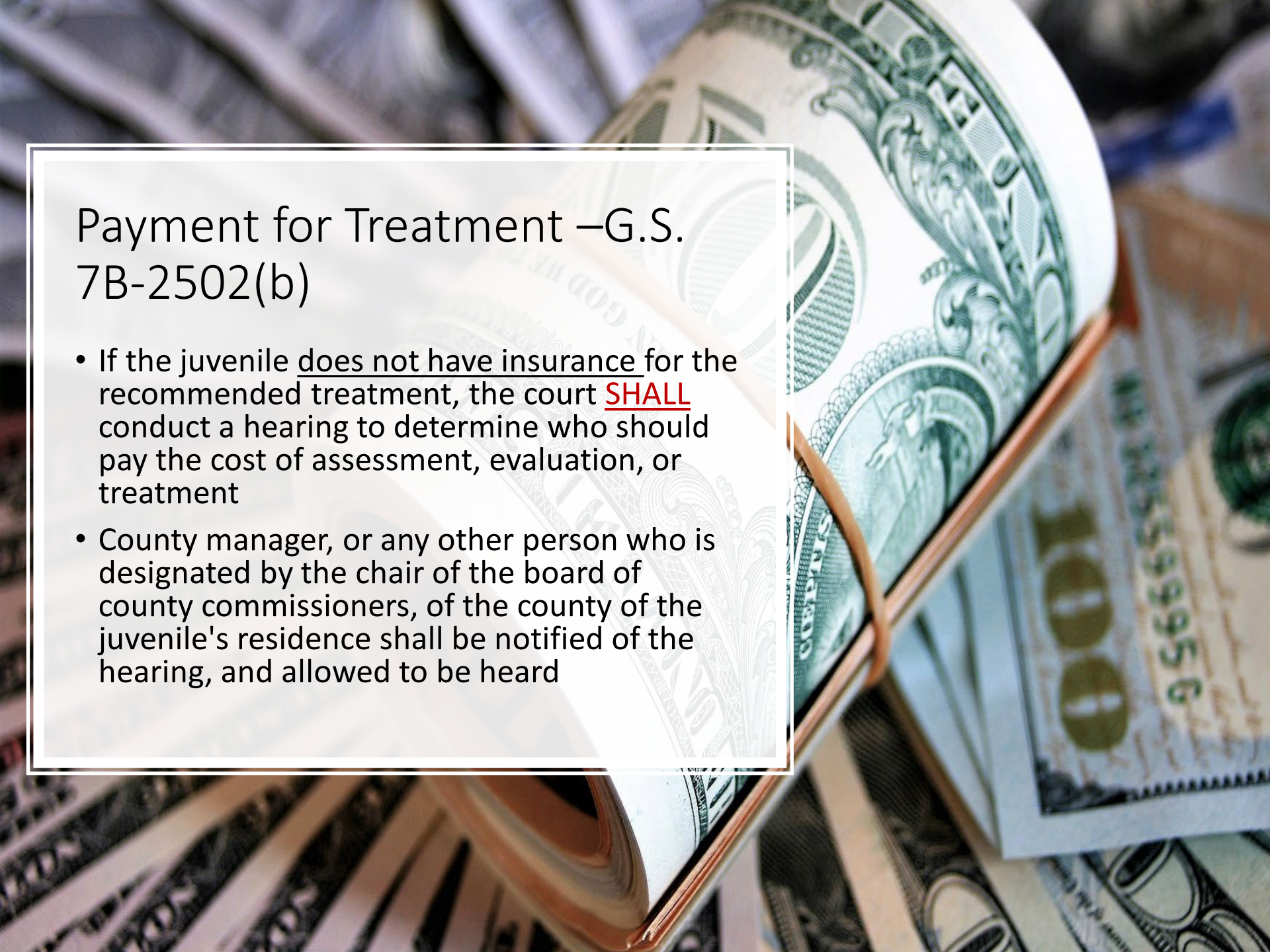
Submit recommendation to the court within 30 calendar days of the order requiring the team

The Court SHALL

Review the recommendation plan when determining the juvenile's disposition in accordance with G.S. 7B-2501(c).

JUVENILE COURT MENTAL HEALTH ASSESSMENTS AND CARE REVIEW PROCESS FLOWCHART





Payment for Treatment –G.S. 7B-2502(b)

- If the juvenile does not have insurance for the recommended treatment, the court **SHALL** conduct a hearing to determine who should pay the cost of assessment, evaluation, or treatment
- 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



Potential Hearing Outcomes

- PGC **SHALL** be allowed to arrange for evaluation and treatment
- If PGC declines or is unable to make necessary arrangements, parent can be ordered to pay cost of care
- If court finds parent and juvenile justice are unable to pay cost of evaluation or treatment, the court **SHALL** order the county to pay

Effective Date for Mental Health Changes

Applies to petitions filed on
or after 12/1/21

- Many dispositions happen well after a petition is filed (i.e., probation violation)
- Make sure you are following the statute that applies to the petition in the case

NEXT STEPS

- **Work with CCA/Mental Health Assessment providers to develop standardized language for reports that will guide the court with the questions of Severe Emotional Disturbance, Intellectual Disability, and Developmental Disability**
- **Work on developing an enhanced assessment process for Juvenile Justice Involved Youth who are eligible for Level 3 commitment or recommended for PRTF.**
- **Provide Training for Juvenile Court Judges on this process**
- **Design and hire a full-time Juvenile Justice Care Review Team Facilitator**
- **Train all Court Services in the Care Review Team and System of Care process**

Peter Kuhns, Psy.D.

**JJ Director of Clinical Services
and Programs**

Peter.kuhns@ncdps.gov

(919)417-1466

**ANY
QUESTIONS**

