

§ 7B-2401.1. (Effective January 1, 2025) Definitions.

The following definitions apply in this Article:

- (1) Developmental immaturity. – Incomplete development or delay associated with chronological age, which manifests as a functional limitation in one or more domains, including cognitive, emotional, and social development.
- (2) Division. – The Division of Juvenile Justice and Delinquency Prevention of the Department of Public Safety.
- (3) Forensic evaluation. – A forensic evaluation is a full examination by a forensic evaluator using evidence-based psychological tools to determine if a juvenile has the capacity to proceed. This evaluation shall consist of a review of all available prior mental health and educational records of the juvenile and IQ testing and may include other developmentally appropriate testing for juveniles deemed relevant by the forensic evaluator.
- (4) Forensic evaluation report. – The written report, by a forensic evaluator, that contains the information required by G.S. 7B-2401.3.
- (5) Incapacity to proceed. – 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.
- (6) Remediation. – Services directed only at facilitating the attainment of capacity to proceed for a juvenile who the court finds is incapable to proceed. Such term may include mental health treatment to reduce interfering symptoms, specialized psychoeducational programming, or a combination of these interventions. (2023-114, s. 5(b).)