



CHAPTER 7B
ARTICLE 24 - HEARING PROCEDURES

N.C.G.S. § 7B-2401.

No proceedings when juvenile is not capable to proceed.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-114, s. 5(a) — third act in the lineage	21 September 2026, 04:03 UTC	90669a74a52bd319e9952315 - 05820fd27851044a541f7ad0 - 2af85ec7cf5c9430

- § 7B-2401(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.
- § 7B-2401(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.
- § 7B-2401(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.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1979		2001	2023
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1979	c. 815, s. 1	ENACTED
02	1998	S.L. 1998-202, s. 6	AMENDED
03	2023	S.L. 2023-114, s. 5(a)	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 7B-1601(d)	(c)	"juvenile court has jurisdiction pursuant to"
G.S. 7B-2200	(c)	"to transfer by indictment pursuant to"
G.S. 7B-2200.5(a)(1)	(c)	"indictment pursuant to G.S. 7B-2200 and"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7B-2401 (2023).

PINPOINT

N.C. Gen. Stat. § 7B-2401(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1979, c. 815, s. 1; 1998-202, s. 6; 2023-114, s. 5(a).)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

