

**10A NCAC 27H .0207 DUTIES OF A CERTIFIED FORENSIC EVALUATOR**

When a capacity evaluation is ordered by the court, to be conducted through the LME-MCO, the local certified forensic evaluator shall conduct a forensic evaluation or examination of the defendant and shall submit a report to the court that addresses the following:

- (1) the defendant's current mental state, his or her capacity to proceed to trial, a treatment recommendation, if any, and if the defendant lacks capacity to proceed, the likelihood that the defendant will gain the capacity to proceed; or
- (2) the need for further evaluation of the defendant at the Pre-Trial Evaluation Center if the certified forensic evaluator is unable to reach a conclusion as to the defendant's capacity to proceed to trial.

*History Note:* Authority G.S. 15A 1002; 122C-54; 122C-115.4(a); 143B-147;  
Eff. July 1, 1982;  
Amended Eff. May 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017;  
Amended Eff. June 1, 2018.