

14B NCAC 11D .0102 INTAKE

(a) Complaints - Complaints alleging that a juvenile is undisciplined or delinquent are accepted by a juvenile court counselor for evaluation. All complaints shall be in writing and must contain the following:

- (1) The juvenile's name;
- (2) The juvenile's age and date of birth;
- (3) The name of the juvenile's parents, guardians, or custodians;
- (4) The juvenile's home address;
- (5) The facts supporting any allegation that a juvenile is undisciplined or delinquent;
- (6) The date the complaint is received by the court counselor;
- (7) The complainant's name, address, and telephone number; and
- (8) The complainant's signature, verified before an official authorized to administer oaths.

(b) Intake evaluation - In order to determine whether a complaint shall be filed as a petition, the juvenile court counselor in the best interest of the juvenile shall consider the following factors:

- (1) Protection of the community;
- (2) The seriousness of the offense;
- (3) The juvenile's previous record of involvement in the legal system including previous diversions;
- (4) The ability of the juvenile and the juvenile's family to use community resources;
- (5) Consideration of the victim;
- (6) The juvenile's age; and
- (7) The juvenile's culpability in the alleged complaint.

(c) Diverted and retained complaints:

- (1) The juvenile court counselor shall retain a complaint and develop a diversion plan with the juvenile and the juvenile's parents, guardians or custodians if it is determined that intervention related to the offense is needed and may be accomplished without court involvement.
- (2) A diversion plan may include a diversion contract as set out in G.S. 7B-1706.
- (3) The complaint including a diversion plan or contract must be resolved within six months after a decision to divert and retain a complaint is made; and
 - (A) Written notice of the diversion plan is provided to the juvenile and the juvenile's parents, guardians or custodians; or
 - (B) A diversion contract has been entered.
- (4) If the juvenile agrees to pay damages or restitution as part of a diversion plan or contract, payment shall be made directly to the victim or through a program set up to account for payment of such damages or restitution.

*History Note: Authority G.S. 7B-1701; 143B-516(b)(50); 143B-516(b)(6);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0102 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018.*