

CHAPTER 11 – DIVISION OF JUVENILE JUSTICE

SUBCHAPTER 11A – DEPARTMENTAL MANDATES

SECTION .0100 – GENERAL PROVISIONS

14B NCAC 11A .0101 SCOPE

- (a) The rules in this Title implement the rule-making authority given the Department of Juvenile Justice and Delinquency Prevention.
- (b) The rules in this Chapter establish requirements for:
 - (1) APA rule-making petition process: and
 - (2) Information sharing,

History Note: Authority G.S. 143B-512(a); 143B-516;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

SECTION .0200 - RULEMAKING PROCEDURES

14B NCAC 11A .0201 PETITIONS

- (a) Any petition for the adoption, amendment, or repeal of a rule within Title 28 of the North Carolina Administrative Code must be made to the Secretary of the Department of Juvenile Justice and Delinquency Prevention and addressed to: Secretary/Administrative Hearing Officer, Department of Juvenile Justice and Delinquency Prevention, 1801 Mail Service Center, Raleigh, NC 27699-1801; or delivered in person to the Office of the Secretary.
- (b) The petition shall contain the following information:
 - (1) either a draft of the proposed rule or a summary of its contents;
 - (2) the reasons for the petition;
 - (3) the effect on existing rules or orders;
 - (4) any data supporting the petition;
 - (5) the effect of the petition on existing practices in the area involved in cost factors;
 - (6) the names and addresses, if known, of those most likely to be affected by the petition; and
 - (7) the name and address of the petitioner.
- (c) The Secretary, shall determine, based on a study of the facts in the petition, whether the public interest will be served by granting the petition. The Secretary will consider all the contents of the submitted petition, plus any additional information deemed to be relevant.
- (d) If the decision is to deny the petition, the petitioner shall be given notice that the decision including reasons why the petition was denied and may be appealed through Judicial Review as provided in G.S.150B-20(d).

History Note: Authority G.S. 143B-512(a); 150B-20;
Temporary Adoption Eff. July 15, 2002;
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Transferred from 28 NCAC 01A .0201 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11A .0202 HEARINGS

- (a) Persons desiring to make oral presentations at a public hearing may submit a written copy of the presentation to the hearing officer prior to or at the public hearing.
- (b) Persons making oral presentations shall be limited to 10 minutes. The hearing officer may extend the length of the presentation beyond 10 minutes if he determines that it is required to ensure a full understanding of the issues.
- (c) The hearing officer at the public hearing shall announce a written list identifying the parties who have filed written submissions prior to the hearing and copies of those submissions shall be made available upon request.

(d) A written submission shall state the rule or proposed rule to which the comments are addressed and shall also include the name and address of the person submitting it. Written submissions must be sent to: Secretary/Administrative Hearings Officers, Department of Juvenile Justice and Delinquency Prevention, 1801 Mail Service Center, Raleigh, NC 27699-1801; or submitted in person to the Hearing Officer at the time of the public hearing.

(e) The Hearing Officer shall have control over the rulemaking hearing, including;

- (1) the responsibility of having a record made of the hearing;
- (2) extension of and enforcement of time allotments;
- (3) recognition of speakers;
- (4) prevention of repetitious presentations; and
- (5) general management of the hearing.

(f) The Hearing Officer shall give each person attending the hearing a fair opportunity to present views, data, and comments.

*History Note: Authority G.S.143B-512(a); 150B-21.2;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0202 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11A .0203 FEES

The Department may charge a fee to persons requesting materials from hearing records. The fee shall cover the materials cost of meeting the request.

*History Note: Authority G.S. 143B-512(a);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0203 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11A .0204 DECLARATORY RULINGS

(a) The Secretary or his designee shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to: Secretary/Administrative Hearing Officer, Department of Juvenile Justice and Delinquency Prevention, 1801 Mail Service Center, Raleigh, NC 278699-1801.

(b) Every request for a declaratory ruling must include the following information:

- (1) The name and address of the petitioner;
- (2) The statute or rule to which the petition relates; and
- (3) A concise statement of the manner in which the petitioner is aggrieved by the rule and the criteria under this Rule that justifies the request for a declaratory ruling.

(c) The Secretary or the Department's Hearing Officer shall issue notice to persons who may be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

(d) A record of all declaratory ruling proceedings shall be maintained by the Secretary's Office and shall be available for public inspection during regular business hours. This record shall contain:

- (1) The original request;
- (2) The reasons for refusing to issue a ruling when the request is denied;
- (3) All written memoranda and information submitted;
- (4) Any written minutes or audio tape or other record of the oral hearing; and
- (5) A statement of the ruling when the request is granted.

*History Note: Authority G.S. 143B-512; 143B-516; 150B-4;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0204 Eff. June 1, 2013;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

SECTION .0300 - INFORMATION SHARING

14B NCAC 11A .0301 DESIGNATED AGENCIES AUTHORIZED TO SHARE INFORMATION

The following agencies shall share with one another upon request, information in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined or delinquent:

- (1) The Department of Juvenile Justice & Delinquency Prevention;
- (2) The Office of Guardian Ad Litem Services of the Administrative Office of the Courts;
- (3) County Departments of Social Services;
- (4) Area mental health developmental disability and substance abuse authorities;
- (5) Local law enforcement agencies;
- (6) District attorneys' offices as authorized by G.S. 7B-3100;
- (7) County mental health facilities, developmental disabilities and substance abuse programs;
- (8) Local school administrative units;
- (9) Local health departments; and
- (10) A local agency designated by an administrative order issued by the chief district court judge of the district court district in which the agency is located, as an agency authorized to share information pursuant to these Rules and the standards set forth in G.S. 7B-3100.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0301 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11A .0302 INFORMATION SHARING AMONG AGENCIES

(a) Any agency that receives information disclosed pursuant to G.S. 7B-3100 and shares such information with another authorized agency, shall document the name of the agency to which the information was provided and the date the information was provided.

(b) When the disclosure of requested information is prohibited or restricted by federal law or regulations, a designated agency shall share the information only in conformity with the applicable federal law and regulations. At the request of the initiating designated agency, the designated agency refusing the request shall inform that agency of the specific law or regulation that is the basis for the refusal.

*History Note: Authority G.S. 7B-3100;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 01A .0302 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SUBCHAPTER 11B - INTERVENTION/PREVENTION PROGRAM FUNDING

SECTION .0100 - JUVENILE CRIME PREVENTION COUNCIL FUND

14B NCAC 11B .0101 SCOPE

The rules in this Subchapter establish the requirements for state funding to counties in order to assist in the development of residential and non-residential community based, intervention and prevention programs for delinquent youth, undisciplined youth and those youth at risk of becoming delinquent.

History Note: Authority G.S. 143B-544; 143B-550;

*Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0102 DEFINITIONS

In this Subchapter the following terms have the listed meanings:

- (1) Juvenile Crime Prevention Council Fund (JCPC Fund). The funding account allocated by the General Assembly to the Department for the use of county government on a matching basis to establish and to maintain intervention and prevention services planned for by the Juvenile Crime Prevention Council.
- (2) Cash Match. The local funding provided by county government and other local resources and used to provide the share of a program budget proportionate to the Department funds as required by the Department.
- (3) In-Kind Match. A non-cash, local contribution to the operating costs of a Juvenile Crime Prevention Council funded program.
- (4) Youth Services Programs. Youth Services Programs are local intervention and prevention programs that provide services to the delinquent youth, undisciplined youth and those youth at risk of becoming delinquent.
- (5) Multi-County Programs. Multi-county programs are programs that are administered by a single agency with a single revenue and expenditure budget and that contract for services using Juvenile Crime Prevention Council program agreement with two or more counties. Those individual program agreements meet all requirements for county participation in the Juvenile Crime Prevention Council fund.
- (6) Discretionary Juvenile Crime Prevention Council Funds. Discretionary Juvenile Crime Prevention Council Funds are those funds allocated to counties by the Department that remain uncommitted for a period of six months or are released by the county. Those funds are released for redistribution in accordance with this Subchapter.

*History Note: Authority G.S. 143B-516(e); 143B-543; 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0102 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0103 COUNTY ELIGIBILITY

- (a) The Department shall provide to counties annual written notification of the amount of the Juvenile Crime Prevention Council funds available and the local match required to utilize these state appropriated dollars.
- (b) The Chairperson of the Board of County Commissioners, in order to indicate the desire of the county to participate in the Juvenile Crime Prevention Council fund, shall submit an annual funding plan to provide intervention and prevention funding.
- (c) Counties may withdraw from the program at any time by giving 30 days prior written notice of the withdrawal. Funds designated for a county choosing to withdraw shall be placed in the Discretionary Juvenile Crime Prevention Council Fund. Notice of withdrawal must be signed by the Chairperson of the Board of County Commissioners.
- (d) Counties shall not spend Juvenile Crime Prevention Council funds to duplicate services otherwise required by law.
- (e) Counties shall not use the Juvenile Crime Prevention Council fund to supplant existing funds for services or programs.

*History Note: Authority G.S. 143B-516; 143B-543; 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0103 Eff. June 1, 2013;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11B .0104 FUNDING

(a) Every participating county shall receive continuation funds in the amount of the previous fiscal year as provided by the legislature. The Department may apportion expansion funds with either:

- (1) an equal amount per county;
- (2) a proportionate amount per county based on the county population that is 10-17 years of age; or
- (3) a combination of the two.

(b) If the legislative appropriation for any fiscal year is less than that of the previous year, the Department shall calculate reductions in the county allocations using the same amount per county or the same proportionate amount as the overall state fund reduction or both.

*History Note: Authority G.S. 143B-516(b)(9); 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0104 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0105 LOCAL MATCH

(a) Local match required for the expenditure of Juvenile Crime Prevention Council funds allocated for each county during any fiscal year may include either cash or in-kind contributions, except that capital expenditures shall require a cash match.

(b) Cash used as a required match may include any local general revenue funds collected by the local government and included in the current fiscal year budget.

- (1) For purposes of this Rule, cash match may not include any state or federal monies; however, Juvenile Crime Prevention Council program funds may be used as a match for federal grants. Juvenile Crime Prevention Council administrative funds may be used as match for federal funds only if approved by the Department in the certification budget.
- (2) Cash used as a required match may also include any private foundation grant or individual contribution so long as such grant or contribution is made a part of the operating budget of the local program and is reported to the County Finance Officer on the Program Agreement and Accounting forms.

(c) In-kind contributions may include non-cash goods or services within a county's current assets or operation that is used to support the operation of any new or continuing program for which Juvenile Crime Prevention Council funds are requested.

(d) In documenting the value of an in-kind contribution, the county will:

- (1) Use the value of goods or services that directly benefits and is specifically identifiable to the program's activities; and
- (2) Provide justification to the Department of the value claimed.

*History Note: Authority G.S. 143B-516(b)(11);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0105 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0106 BUDGET AND BUDGET AMENDMENTS

(a) A Program Agreement Form including a line item budget shall be required for each program receiving Juvenile Crime Prevention Council funds.

(b) Juvenile Crime Prevention Council funds shall be administered by county governments in accordance with the provisions of G.S. 159-15.

(c) Audits shall be submitted to the county and to the Department as required by law.

(d) The county shall receive from the program and shall submit a line item budget amendment with the Department in accordance with G.S. 159-15 when there is an adjustment in the revenues or in the cost center expenditures. Notice to the Department of any budget amendment shall be made by submission of a program agreement revision prior to June 30 of the fiscal year of operation.

(e) Prior to the expenditure of funds, a county shall receive from a program and shall submit a program agreement revision for approval when a budget change within a program will result in a change in the overall impact of service delivery capability. Such changes include:

- (1) Eliminating a staff member or function in the program;
- (2) Assigning a staff member to a service delivery function not included in the approved Program Agreement;
- (3) Shifting Juvenile Crime Prevention Council funds from one currently funded program to another within the same county; and
- (4) Any request for Discretionary Funds.

(f) Counties shall use funds only for the purposes approved by the Department in a program agreement or revision.

*History Note: Authority G.S. 143B-516;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0106 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0107 DISCRETIONARY FUNDS

(a) Discretionary funds shall be treated as additional state funds over and above the annual allotment to a county and shall not be available for more than one year. Discretionary Funds may not be expended on routine operations of a local program that causes increased recurring cost to the state.

(b) In order to receive discretionary funds, the program must:

- (1) Be a program funded by the department, which is in danger of closing or reducing its level of service and shall submit a statement of projected future funding sources documenting how the program plans to continue in operation during the next year; or
- (2) Be a currently operating departmentally funded program in need of equipment, materials, renovations, or staff development, which will expand or enhance the service capability of the program on a continuing basis. A program shall show a measurable expansion of services, which may include:
 - (A) More youth physically served in the renovated facility;
 - (B) Additional staff training that will add a new treatment dimension to the ongoing program; or
 - (C) Equipment or materials directly relating to improved treatment.

(c) Discretionary Funds may be used for emergency placement of youth for whom all local resources have been exhausted but where Department placement is inappropriate.

(d) Juvenile Crime Prevention Council funds that remain uncommitted for six consecutive months, that are released by the withdrawal of a county from the Juvenile Crime Prevention Council fund and that are released with the third quarter accounting shall be transferred to the discretionary fund and made available to participating counties.

*History Note: Authority G.S. 143B-516; 143B-512;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0107 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0108 DISBURSEMENT, REVERSIONS AND FINAL ACCOUNTING

(a) Funds approved for Juvenile Crime Prevention Council programs shall be disbursed monthly, except for seasonal programs. Seasonal program funds shall be disbursed as determined by the Department.

(b) The county shall submit the third quarter accounting forms for the Juvenile Crime Prevention Council and all funded programs to the Department at the end of the ninth month of the fiscal year unless otherwise required by the

Department. This statement shall be prepared jointly by the program director, program fiscal officer and the county finance officer.

(c) A Final Accounting Form must be submitted not later than August 1 of each fiscal year to the Department unless otherwise directed by the Department.

- (1) If a reversion is indicated from the Final Accounting Form, the Department shall notify the county finance officer of the reversion and the county shall refund all reverted funds to the Department within 45 days of notification.
- (2) Reversion identified in the multi-county programs shall be billed to the program with notification to the participating counties. This direct billing is for the purpose of facilitating reversion and does not eliminate the responsibility of each participating county for the proper use and accounting of the funds received by the county for the program and for any requested reversion of those funds.

*History Note: Authority G.S. 143B-516(a); 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0108 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0109 THIRD PARTY PAYMENTS

(a) Client fees may not be required by programs which receive Juvenile Crime Prevention Council funds.

(b) When third party payments are billed on behalf of youth served in Juvenile Crime Prevention Council programs, the revenue generated shall be used only for authorized expenses, and documented through a program agreement revision approved by the Department during the fiscal year in which the payment is received by the program. Authorized expenses include:

- (1) Expansion of services;
- (2) Purchase or replacement of supplies or equipment, or to make other one-time expenditures that will directly enhance the effectiveness of the program; or
- (3) Reduction of the amount of Juvenile Crime Prevention Council funds necessary to meet the program's obligations during the fiscal year. Notification to the Juvenile Crime Prevention Council is required so that Juvenile Crime Prevention Council funds may be reallocated to meet other needs within the county or released to the Department.

(c) Third party payments shall not be used as local match funds. Third party payments shall be treated as other revenue and the amount and the source of funds must be included in the final accounting report.

*History Note: Authority G.S. 143B-516; 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0109 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0110 CAPITAL EXPENDITURES

(a) Capital expenditures include equipment valued in accordance with Office of State Budget policy and with a useful life of more than one year. Equipment expenses incurred by programs where Juvenile Crime Prevention Council funds constitute the major funding source shall be subject to the following:

- (1) Inventory control shall be maintained by placing all equipment purchased by funded programs on the local equipment inventory.
- (2) Equipment purchased by such programs shall, for the life of that equipment, be used solely for the purpose stipulated in the Program Agreement.
- (3) The disposal of such equipment shall be in accordance with the county's surplus equipment policy and any revenue realized by the county shall be returned to the program for which the equipment was purchased.
- (4) Should the program cease operation during the useful life of the equipment, the county may, with the approval of the Department, transfer the equipment to another youth services program within the county.

- (5) If the property cannot be transferred to another youth services program, the county in agreement with the Department may reimburse the program at the fair market value of the property and transfer the property.
 - (6) The county, in agreement with the Department, may sell property and transfer revenue to any youth services program.
- (b) All Juvenile Crime Prevention Council funded programs shall abide by the administering agency's policy for capital expenditures. If no administering agency policy exists, then the county government shall establish a policy. The program shall abide by the county government policy.

*History Note: Authority G.S. 143B-516; 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0110 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0200 - DIVISION OF RESPONSIBILITIES

14B NCAC 11B .0201 RESPONSIBILITIES OF COUNTY GOVERNMENT

Each county desiring to receive funding from the Juvenile Crime Prevention Council fund shall:

- (1) Notify the Department of the establishment of the Juvenile Crime Prevention Council;
- (2) Ensure that Juvenile Crime Prevention Council funds are used exclusively for programs that provide direct services to juveniles who have either been adjudicated delinquent or undisciplined, petitioned for delinquent acts or undisciplined behavior, diverted from intake, or at-risk of becoming delinquent;
- (3) Determine whether or not it is in its best interests to collaborate with other counties for the development of programs to address their juvenile needs;
- (4) Utilize generally accepted accounting procedures that guarantee the integrity of the expenditure of Juvenile Crime Prevention Council funds in local programs;
- (5) Report to the North Carolina Department of Juvenile Justice and Delinquency Prevention at or about the end of the third quarter of each year the anticipated balance of unexpended funds and to report program expenditures at the end of the fiscal year;
- (6) Provide the North Carolina Department of Juvenile Justice and Delinquency Prevention with an annual risk and needs based plan for the provision of services to address the local juvenile justice need; and
- (7) Ensure that programs receiving state funds are public agencies or private non-profit organizations and that they are appropriately licensed.

*History Note: Authority G.S. 143B-516; 143B-517; 143B-544; 143B-549; 143B-550;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 02A .0201 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11B .0202 JUVENILE CRIME PREVENTION COUNCIL RESPONSIBILITIES

In implementing the planning requirements of G.S. 143B-543, the Juvenile Crime Prevention Council's shall:

- (1) Monitor currently funded Juvenile Crime Prevention Council programs and evaluate the availability of intermediate and community level sanctions;
- (2) Maintain a current and ongoing assessment of the needs of children involved or potentially involved in the juvenile justice system;
- (3) Submit to the county commissioners an annual plan for the provision of intervention/prevention services which shall include:
 - (a) A list of services which prioritizes funding for intermediate and community level sanction programs and may include prevention programs;

- (b) A statement from the Juvenile Crime Prevention Council, verifying the existence of adequate intermediate and community level sanctions if prevention programs are included in the funding recommendations;
- (c) Verification of the request for proposal process ensuring public notification of available funding; and
- (d) Program proposals that are recommended for funding;
- (4) Explore alternative funding sources, including other state and federal funds and private corporations and foundations; and
- (5) Promote public awareness of delinquency, risk factors, and prevention strategies.

History Note: Authority G.S. 143B-549; 143B-550;
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 02A .0202 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11B .0203 JUVENILE CRIME PREVENTION COUNCIL CERTIFICATION

(a) In order to receive funds from the Department, each Juvenile Crime Prevention Council shall satisfy the following:

- (1) Have membership appointed by the Board of County Commissioners;
- (2) Have written bylaws that ensure open meetings, recorded minutes, notice of meetings and distribution of minutes prior to or during subsequent meetings;
- (3) Have established external communication requirements as follows:
 - (A) The Juvenile Crime Prevention Council shall communicate through the media and by written Request for Proposals the availability of funding to all public and private non-profit agencies and interested community members, that serve at risk children, and their families;
 - (B) The Juvenile Crime Prevention Council shall make annual needs assessment information available to all non-profit agencies and interested community members that serve at risk children and their families; and
 - (C) The Juvenile Crime Prevention Council shall inform its members and other interested members of the community about full Council meetings.

(b) To apply for certification, each Juvenile Crime Prevention Council shall complete an Application for Certification, which is available through the Department.

(c) The completed Application for Certification shall be signed by the Juvenile Crime Prevention Councils Chairperson, the Chairperson of the Board of County Commissioners or county manager and forwarded to the Department not later than June 30 of each year.

History Note: Authority G.S. 143B-516; 143B-544;
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 02A .0203 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11B .0204 JUVENILE CRIME PREVENTION COUNCIL ADMINISTRATIVE GRANTS

(a) The Department shall allow administrative grants as approved for each county Juvenile Crime Prevention Council certified under these Rules to fund administrative expenses.

(b) This administrative grant shall be deducted from the regular Juvenile Crime Prevention Council fund allocation set forth in Rule .0103 of this Subchapter.

(c) Administrative grants shall be used only for reasonable expenses incurred by or in support of the Juvenile Crime Prevention Council including but not necessarily limited to operating expenses, per diem expenses, and training.

(d) No local match shall be required for administrative grants. The Department shall request refunds of unexpended funds or unapproved expenditures.

*History Note: Authority G.S. 143B-516; 143B-544; 143B-545; 143B-546; 143B-547; 143B-548;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SUBCHAPTER 11C - REQUIREMENTS FOR PROGRAMS AND JUVENILE CRIME PREVENTION CRIME PROGRAMS

SECTION .0100 – GENERAL PROVISIONS

14B NCAC 11C .0101 SCOPE

- (a) The rules in this Subchapter establish the requirements for programs assigned to the Intervention/Prevention and Youth Development Division within the Department.
- (b) The programs covered by these Rules include the Governor's One on One Program, the Eckerd Wilderness Camping Program, the Multipurpose Juvenile Home Program, the Camp Woodson Program, the Support Our Students Program, the Teen Court Program and Juvenile Crime Prevention Council Programs.
- (c) These Rules also apply to appropriations for other programs that are directed by the General Assembly for special projects or pilot initiatives where the funding and reporting of activities are assigned to the Department.

*History Note: Authority G.S. 143B-516(b)(8);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0102 DEFINITIONS

In this Subchapter the following term has the listed meaning: Individual Plan of Care. A written record maintained on each juvenile served by programs operated by funding support received from the Department which shall include the following elements:

- (1) A schedule of planned program activities;
- (2) Any other specially designed activities to meet the needs of an individual client;
- (3) The anticipated length of stay;
- (4) Specific behavior and attitude changes expected to result from the implementation of the Plan of Care;
- (5) A method of evaluating a program impact on such things as self esteem, academic performance, personal enrichment, social growth and development, delinquent behavior, school attendance; and
- (6) A mechanism for periodic review and revision based on progress or lack thereof.

*History Note: Authority G.S. 143B-516(b)(8); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0102 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0200 - GRANT ADMINISTRATION FOR SPECIAL PROGRAMS

14B NCAC 11C .0201 FUNDING REQUIREMENTS

- (a) All of the programs within the Intervention/Prevention and Youth Development Divisions shall be funded by contractual agreement between the organizations receiving the funds and the Department with the exception of Camp Woodson and the Eastern North Carolina Wilderness Camp for Juveniles.

- (b) Each contract shall specify the authorized expenditures of the contractual agreement and shall detail those expenditures through a line-item budget as well as by a narrative description.
- (c) Programs receiving funding from the Department under contractual agreement shall provide documentation of actual expenditures.
- (d) Failure to comply with provisions of contractual agreements may result in forfeiture or repayment of funding.
- (e) Any funds received under a contractual agreement and not expended during the contract period shall be returned to the Department.

*History Note: Authority G.S. 143B-517; 143B-516(b)(10);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0201 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0300 - CLIENT PROTECTION AND SAFETY

14B NCAC 11C .0301 EMPLOYMENT POLICIES

- (a) Personnel in programs supported by funding from the Department shall be employees in good standing with a local governmental agency or with a private sector organization.
- (b) For each position within programs operated by or receiving Department funding support there shall be a written job description detailing the primary duties of the position and stating the minimum education and experience requirements.
- (c) In addition to the rules in this Chapter, individuals employed by programs receiving funding support through the Department shall be subject to the employment policies and procedures of the program receiving and administering that funding support.

*History Note: Authority G.S. 143B-512(a); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0301 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0302 APPROPRIATE CARE AND TREATMENT

- (a) Procedures or philosophies that encourage or promote consistent patterns of humiliation, verbal abuse, manhandling, use of fear tactics, intimidation, or infliction of physical pain are prohibited.
- (b) This Rule shall apply to staff, residents, and contracted services supported by Departmental funds. Programs funded by the Department shall make no referrals to programs or service providers who are known to violate this Rule.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(6); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0302 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0303 BEHAVIOR MANAGEMENT AND DISCIPLINE

- (a) In determining appropriate discipline, each program shall consider the child's age, intelligence, emotional makeup, and past experience.
- (b) Each program shall develop and adhere to a written policy regarding behavior management and discipline which includes the following requirements:
 - (1) Physical or corporal punishment shall not be permitted;

- (2) Physical or mechanical restraint shall be used only when necessary to protect a child from physical injury to self or others or when transporting a juvenile who is being held under a secure custody order;
- (3) No juvenile shall be placed in a locked room or other place, except for juveniles being held under a secure custody order; and
- (4) Meals or nourishment shall not be denied.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 03A .0303 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0304 SOLICITATION OF FUNDS AND JUVENILE PUBLICITY

- (a) Juveniles and their families served by any program funded by the Department shall not be required to raise or solicit funds for any agency. They may, however, organize or participate in fund raising activities on a voluntary basis. Individual juveniles may participate with written parental permission.
- (b) Pictures or any other means of identifying children may not be used in public relations efforts for the program, unless a written statement of permission is obtained, signed by the child and either a parent or legal guardian.
- (c) No juvenile shall be coerced or pressured into acknowledging in public his treatment at the agency or his gratitude for the treatment.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 03A .0304 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0305 ALCOHOL AND OTHER DRUG POSSESSION AND USE

Program managers, direct services staff, and volunteers of programs funded by the Department shall not possess or consume or be under the influence of any alcohol or controlled substance without a prescription while engaged in any program activities.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 03A .0305 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0306 FIREARMS AND OTHER WEAPONS

Program managers, direct services staff, and volunteers shall not use or be in possession of any firearms or other weapons while working with youth in programs funded by the Department.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
 Temporary Adoption Eff. July 15, 2002;
 Eff. April 1, 2003;
 Transferred from 28 NCAC 03A .0306 Eff. June 1, 2013;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0307 OPPORTUNITIES FOR RELIGION PROVIDED

Residential programs funded by the Department shall provide opportunities for individual children to participate in religious services and other religious activities within the framework of their individual and family interest at the parent, juvenile or legal guardian's request.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0307 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0308 INSURANCE REQUIRED

Each program funded by the Department, other than programs operated by units of local government, shall maintain liability insurance in the amount of five hundred thousand dollars (\$500,000) to cover any juvenile participating in the program and provide documentation of such at the request of the department.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0308 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0309 SAFETY CONCERNS

- (a) All programs funded by the Department shall ensure that safety measures, which include trained staff and safety equipment, are in place for all program sponsored functions.
- (b) During periodic on-site visits by officials representing the Department, programs shall provide written documentation of staff training and competency in all program activities authorized by the contract.
- (c) All residential programs shall comply with all state and federal licensure requirements.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0309 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0400 - PROGRAM REQUIREMENTS

14B NCAC 11C .0401 STAFF ORIENTATION AND TRAINING

- (a) All programs funded by the Department must provide for staff and volunteer orientation and training. Written documentation of the program orientation and training policies and plans must be available upon request.
- (b) All programs must provide personal and professional development training for staff and volunteers.
- (c) All programs must provide training for direct service staff in basic youth interactions skills.
- (d) All professional and volunteer staff who lead program activities which require special skills or certification must be trained in the skills necessary for each particular activity.
- (e) All programs providing treatment services shall employ staff who are eligible by degree or credential to provide such treatment, or who receive clinical supervision by someone who is eligible to provide such treatment.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0401 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0402 EMERGENCY PLAN

(a) Each program shall develop and distribute to staff members and volunteers an emergency plan which includes names and phone numbers of individuals to be notified in emergency situations that may occur during program activities.

(b) The emergency plan must provide that in the event of an emergency resulting in a serious injury to or death of a program staff member, participant or volunteer the Department shall be notified immediately. This plan shall include the after hours phone numbers of individuals designated within the Department.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0402 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0403 ADMISSION GUIDELINE REQUIREMENTS

(a) All programs receiving funding support from the Department shall develop within admission guidelines covering age and gender appropriateness, the primary reasons for which juveniles are considered for admission and any applicable admission restrictions that may apply.

(b) All programs shall provide a response to referring agencies regarding their admission decision within 15 days of the referral.

*History Note: Authority G.S. 143B-516(b)(3); 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0403 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0404 RECORD OF CLIENT CONTACTS AND INDIVIDUAL PLAN OF CARE

(a) All programs shall maintain a written record of contact with clients that includes:

- (1) The date of admission, source of and reason for referral and a summary of the problems the client was experiencing at the time of the referral;
- (2) A record of the dates and activities of the client program participation;
- (3) The date and reason for termination from the program; and
- (4) An Individual Plan of Care.

(b) All information in the client's record shall be considered privileged and confidential and may be released only as required by law.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0404 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0405 REQUIREMENT OF RELEASE POLICY

Programs shall develop written policies governing documentation of the release of clients. Release records shall include:

- (1) The last date of program contact;
- (2) The reason for release;
- (3) A listing of all persons and agencies who receive notice; and
- (4) The name of any agency contact person for additional information concerning the clients' progress during the program.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);

*Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0405 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0406 PROGRAM EVALUATION

- (a) All programs shall collect and submit statistical information designed to measure the program effectiveness in correcting the program behaviors and underlying causes of delinquency and undisciplined behavior.
- (b) Programs must develop strategies for measuring key behavior changes for at least 12 months after termination of services.
- (c) Each program shall provide an evaluation design detailing:
- (1) The expected benefits of the program;
 - (2) The specific data that will document success;
 - (3) A specific schedule for reporting results; and
 - (4) A listing of those agencies and individuals who will receive the results.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0406 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

SECTION .0500 - ENFORCEMENT PROCEDURES

14B NCAC 11C .0501 COMPLIANCE MONITORING

Compliance with the provisions of this Subchapter shall be monitored by on-site visits conducted by or authorized by the Department and by review of periodic reports documenting the provisions of the contractual agreement between the program and the Department.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0501 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0502 CORRECTIVE ACTION AND PENALTIES

- (a) When any of the terms of the contract are documented to have been violated through the monitoring and evaluation of program requirements, the Department shall take measures to correct the violation.
- (1) Where violations of state or federal law are documented the Department shall notify law enforcement officials; and
 - (2) Where conditions or practices are found within a program that create a threat or danger to students or staff the following measures shall be taken:
 - (A) Notification to local Division of Social Services and if appropriate law enforcement;
 - (B) Notification to designated Departmental officials;
 - (C) Discontinuation of all funding and request for complete fiscal audit of the program; and
 - (D) Maintenance of detailed written records of all actions taken until any issues of harm or danger are resolved.
- (b) Where allegations or information indicates that conditions or practices may exist which constitute a threat or danger to staff or students within a program the Department shall conduct an on-site visit to the program. Additionally the following measures shall be taken:
- (1) Notification to designated Departmental officials; and
 - (2) Maintenance of detailed written records of all actions taken until any issues regarding harm or danger are resolved.

(c) Where the program refuses to make good faith efforts to correct violations identified in the monitoring and evaluation process and where such refusal adversely impacts or affects the quality of services or reduces the number being served, the Department may:

- (1) Impose the penalties provided for in the contractual agreement; or
- (2) Without notice, terminate the contract.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
Temporary Adoption Eff. July 15, 2002;
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SUBCHAPTER 11D - JUVENILE COURT

SECTION .0100 - GENERAL PROVISIONS

14B NCAC 11D .0101 DEFINITIONS

In this Subchapter the following term has the listed meaning: Complaint. A written allegation that a juvenile is delinquent or undisciplined with a signature verifying that the allegation is true. A complaint initiates the intake process.

*History Note: Authority G.S. 7B-1701; 143B-516(b)(5); 143B-516(b)(6);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

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 contact has been entered.
- (4) If the juvenile agrees to pay damages or restitution as part of a diversion plan or contact, 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.

14B NCAC 11D .0103 SERVICES TO THE COURT

- (a) The Department shall provide information and assistance concerning a juvenile case before, during or after a hearing as the court may require, including the preparation of written reports for the court, completion of risk and needs assessments to be used by the court at disposition and assistance in secure and non-secure custody matters.
- (b) Secure and Non-secure custody - The Department shall assist in secure and non-secure custody matters regarding alleged or adjudicated delinquent and undisciplined juveniles in accordance with any administrative order entered in the judicial district or court order entered by a judge. The Department may transport any juvenile in secure custody to and from any placement facility.

History Note: Authority G.S. 7B-2413; 7B-1803; 7B-1900; 7B-1902; 7B-1903(e); 7B-1906(f); 143B-536;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0103 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11D .0104 COMMITMENT TO THE DEPARTMENT

- (a) Juvenile court counselors shall provide services to juveniles committed to the Department and their families during the commitment which includes:
 - (1) Serving as a liaison between the Department staff, the juvenile, and his family, community agencies and the court;
 - (2) Assisting in treatment planning during the commitment; and
 - (3) Participating in planning for post-release supervision.
- (b) When a juvenile is committed to the Department for an offense that would have been a Class A or B1 felony if committed by an adult, the chief court counselor shall notify the victim or the victim's immediate family that they may request in writing to be notified in advance of the juvenile's schedule release date. The chief court counselor shall provide the victim or the victim's immediate family:
 - (1) The name of the juvenile; and
 - (2) The name, address and telephone number of the chief court counselor who is to receive the request to be notified.

History Note: Authority G.S. 7B-2513;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0104 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11D .0105 POST-RELEASE SUPERVISION

- (a) Juvenile Court counselors shall provide post-release supervision services for any juvenile released from a youth development center.
- (b) A needs assessment shall be completed by the court counselor to determine the social, medical and educational needs of the juvenile and make proper referrals and provide services during the post-release supervision period.
- (c) The chief court counselor or designee shall determine the appropriate level of supervision for the juvenile and shall assign the case to a court counselor for supervision.
- (d) Juvenile court counselors shall document the level of supervision in the juvenile's file.

History Note: Authority G.S. 7B-2514;
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0105 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11D .0106 SUBSTANCE ABUSE TESTING

- (a) The Department shall contract for testing services and shall provide supplies for testing juveniles for use of alcohol and controlled substances.
- (b) Alternate drug and alcohol testing services may be used for individual juveniles at the expense of the parent or another agency if approved by the court.
- (c) Other entities may be used to provide alcohol or drug testing services in a district if the chief court counselor submits a plan to the Department insuring that testing services that are at least equal to the services provided through the Department are readily available to the court for juveniles under the court's jurisdiction.
- (d) Juvenile court counselors shall administer drug and alcohol tests only if ordered by the court.

History Note: Authority G.S. 143B-516(b)(7);
Temporary Adoption Eff. July 15, 2002;
Eff. April 1, 2003;
Transferred from 28 NCAC 04A .0106 Eff. June 1, 2013;
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