

**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;  
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**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;  
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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;  
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*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;  
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### **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;  
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