

County

In The General Court Of Justice
District Court Division

NOTE TO COURT: Use only if the Court previously ordered the production of a juvenile's comprehensive clinical assessment or its equivalent to be filed under seal AND the juvenile is eligible for a Level 3 disposition and/or Psychiatric Residential Treatment Facility (PRTF) placement.

IN THE MATTER OF

ORDER TO DISCLOSE AND ORDER ON REVIEW
OF COMPREHENSIVE CLINICAL ASSESSMENT
OR EQUIVALENT MENTAL HEALTH
ASSESSMENT

G.S. 7B-2502(a2) through (a4)

Name Of Juvenile

Juvenile's Date Of Birth

Age

Date Of Hearing

FINDINGS ON DISCLOSURE OF RECORDS

On the matter of ordering disclosure of records that are confidential under 42 C.F.R. Part 2, 45 C.F.R. Parts 160 and 164, and G.S. Chapter 122C, the Court hereby finds the following:

1. The Court previously ordered the production of the juvenile's comprehensive clinical assessment records to be filed under seal.
2. The Court has the authority to order disclosure of confidential information. [42 C.F.R. § 2.64, 45 C.F.R. § 164.512(e), G.S. 122C-54(a)]
3. The juvenile and the provider have been given notice and an opportunity to be heard. [42 C.F.R. § 2.64]
4. Good cause exists for ordering disclosure of the assessment because:
 - a. Other ways of obtaining the information are not available or would not be effective; and
 - b. The public interest and need for the disclosure outweigh the potential injury to the patient, the physician-patient relationship, and the treatment services. [42 C.F.R. § 2.64]

ORDER TO DISCLOSE RECORDS

It is hereby ORDERED that:

1. The written record of the comprehensive clinical assessment or its equivalent be disclosed to the Court and the parties for consideration of whether to convene a care review team as required by G.S. 7B-2502(a3).
2. The parties shall not further disclose this record unless otherwise permitted or required by the applicable confidentiality laws.

Date

Name Of Judge (type or print)

Signature Of Judge

FINDINGS ON REVIEW OF ASSESSMENT

The Court, on review of the comprehensive clinical assessment or equivalent mental health assessment in this case, makes the following Findings of Fact:

1. The juvenile has been adjudicated delinquent and has a suspected mental illness, a developmental disability, or an intellectual disability.
2. A comprehensive clinical assessment or equivalent mental health assessment has been completed.
3. The juvenile is eligible for a Juvenile Justice Level 3 Disposition and/or is recommended for a Psychiatric Residential Treatment Facility (PRTF) placement.
4. The Court has reviewed the assessment and finds sufficient evidence that the juvenile:
 - a. Has a severe emotional disturbance, as defined in G.S. 7B-1501(24a), a developmental disability, as defined in G.S. 122C-3(12a), or an intellectual disability, as defined in G.S. 122C-3(17a).
 - b. Does not have a severe emotional disturbance, as defined in G.S. 7B-1501(24a), a developmental disability, as defined in G.S. 122C-3(12a), or an intellectual disability, as defined in G.S. 122C-3(17a).
5. In the Court's discretion, the Court finds that the juvenile's severe emotional disturbance, developmental disability, or intellectual disability did did not substantially contribute to the juvenile's delinquent behavior.

ORDER ON REVIEW OF ASSESSMENT

It is hereby ORDERED that:

- A care review team be convened by the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety and assigned to the case.

The care review team shall develop a recommendation plan for appropriate services and resources that address the identified needs of the juvenile and shall submit a recommendation to the Court at a hearing set for (specify date) _____ which the Court will consider in determining the juvenile's disposition.

NOTE TO COURT: Date set must be within 30 days of the date of this order.

- A care review team is not warranted.

Date

Name Of Judge (type or print)

Signature Of Judge

NOTE TO COURT: If the Court determines that the juvenile does not have health insurance and that the parent or funding from the Juvenile Justice Section of the Department of Public Safety is unable to pay the cost of the assessment, evaluation, or treatment, the Court shall conduct a hearing pursuant to G.S. 7B-2502(b) to determine who should pay and shall notify the county manager, or any other person who is designated by the chair of the board of county commissioners, of the hearing using form AOC-J-240A.