

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE

DATE: September 4, 2025

WAKE COUNTY

TIME: 4:48:11 PM TENTH JUDICIAL DISTRICT

WAKE COUNTY

CLERK OF SUPERIOR COURT

IN RE:

BY: D. Foltz)

PROCEDURES FOR JUVENILE

FORENSIC EVALUATIONS

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)**ADMINISTRATIVE****ORDER**

THIS ADMINISTRATIVE ORDER is being entered to establish an orderly and efficient process for the timely handling of motions and orders for local forensic evaluations and remediation services of juvenile respondents in juvenile delinquency matters on the issue of capacity to proceed pursuant to N.C.G.S. §§7B-2401, 2401.1, 2401.2, 2401.3, 2401.4 and 2401.5. It is the intent of these procedures to ensure that evaluations and remediation services are scheduled and completed in a timely manner, that attorneys and the Court are promptly furnished with copies of the completed evaluations, and that subsequent hearings on the issue of capacity to proceed are scheduled in a timely fashion.

IT IS ORDERED that the procedures set forth below shall constitute the official procedures for the processing of Court orders appointing certified forensic evaluators and remediation providers in juvenile delinquency cases on the issue of juvenile respondents' capacity to proceed in Wake County Juvenile Delinquency Court, in and for the Tenth Judicial District. These procedures shall be in full force and effect on and after January 1, 2025, and they shall replace any existing procedures.

1. For all offenses alleged to occur on or after January 1, 2025, if the question of the capacity to proceed of a juvenile respondent is raised by motion of the prosecutor, the juvenile, the juvenile's attorney or the Court pursuant to N.C.G.S. §7B-2401 and a forensic evaluation is requested, the movant shall utilize form AOC-J-260 **Motion Questioning Juvenile's Capacity to Proceed** and the Court shall utilize Form AOC-J-261 **Order Appointing Qualified Forensic Evaluator** or Form AOC-J-262 **Order Committing Juvenile To State Facility For Examination On Capacity To Proceed**. Form AOC-CR-207B shall be used if the offense occurred on or before December 31, 2024. Form AOC-CR-207A shall be used if the offense occurred on or before November 30, 2013.
2. The Juvenile Division of the Wake County Clerk of Court shall keep and maintain an up-to-date list of qualified forensic evaluators and their contact information

(phone number and address) as approved by the North Carolina Department of Health and Human Services published on the agency website<sup>1</sup>.

3. The movant shall communicate with the Juvenile Division of the Wake County Clerk of Court to identify the next reasonably available forensic evaluator based on factors, including but not limited to, geographical availability, the evaluator's self-assessment of caseload to complete evaluation within statutory guidelines, and the evaluator's responsiveness to the clerk's inquiry of availability. The Juvenile Division with the Wake County Clerk of Court shall ensure the forensic evaluators are selected in a random fashion based on the above factors, and they shall communicate the required identifying information of the selected evaluator to the movant. The movant shall notify judicial staff of the name and full address of the selected forensic evaluator. If the juvenile is to be committed to a State Facility for forensic evaluation pursuant to N.C.G.S §7B-2401.2(c), the movant shall identify and notify judicial staff of the name and full address of the selected State Facility along with the name of the Director of the State Facility.
  - a. Certified Forensic Evaluators: See Juvenile Division of the Wake County Clerk of Court for up-to-date list
  - b. State Facilities:
    - i. Central Regional Hospital (Central NC)
      1. 300 Veazey Road, Butner, NC 27509
      2. 919-764-2000
      3. Robyn Whalen (CEO)
      4. Anne Stephenson (Director of Medical Services)
    - ii. Cherry Hospital (Eastern NC)
      1. 1401 West Ash Street, Goldsboro, NC 27530
      2. 919-947-7000
      3. Timothy Miller (CEO)
    - iii. Broughton Hospital (Western NC)
      1. 1000 South Sterling Street, Morganton, NC 28655
      2. 828-608-4000
      3. Vivian Streater (CEO)
4. Judicial staff shall include the name and full address of the selected forensic evaluator on page 2 of the AOC-J-261 form. If the juvenile is to be committed to a State Facility for forensic evaluation pursuant to N.C.G.S §7B-2401.2(c), the judicial staff shall include the name and full address of the State Facility along with the name of the Director of the selected State Facility on page 2 of the AOC-J-262 form.

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<sup>1</sup> <https://www.ncdhhs.gov/divisions/state-operated-healthcare-facilities/forensic-services#JC-Evaluations>

5. Judicial staff shall ensure that all information is complete and accurate on the AOC-J-260 and 261 or 262 forms including all appropriate signatures. ***ALL Attorneys shall include their email address and telephone number(s) on the AOC-J-260 form. ALL attorneys shall include up-to-date contact information, including but not limited to email address(es), for the juvenile and their parent, guardian or custodian.***
6. The moving party shall ensure all AOC-J-260 and 261 or 262 forms are filed via File & Serve or otherwise appropriately through Enterprise Justice (Odyssey) with the Clerk of Court's Office. All such properly filed motions shall be tasked to the "910 J Capacity To Proceed" (Code: 910JBCP) queue as maintained by David Festin (or his successor). Forensic evaluators and State Facilities will **only** accept AOC-J-261 and 262 forms from the Clerk of Court's Office.
7. The Juvenile Division of the Clerk of Court's Office shall send via encrypted email the AOC-J-260 and 261 or 262 forms to the appointed forensic evaluator or State Facility and copy David Festin (or his successor), juvenile detention staff, the assistant district attorney, the Division of Juvenile Justice, and the juvenile's attorney. The Juvenile Division of the Wake County Clerk of Court shall keep an up-to-date list as reported by the NC DHHS of email addresses to use for all available forensic evaluators and State Facilities as published on the relevant agency websites (*See footnote 1 on page 2*).
8. The appointed forensic evaluator or State Facility shall reply via encrypted email within two business days of receiving the appointment order(s) to confirm receipt, and they shall identify the juvenile respondent by name to the Juvenile Division of the Clerk of Court's Office, the juvenile's attorney, the assistant district attorney, and the Division of Juvenile Justice.
9. If the juvenile is **NOT** in custody, the juvenile's attorney shall provide the selected forensic evaluator with both the juvenile's number, if applicable, and contact information and the number and contact information for the juvenile's parent, guardian or custodian. The appointed forensic evaluator shall contact the juvenile and the juvenile's parent, guardian or custodian to set-up an appointment for the forensic evaluation. Evaluations will take place at a place designated by the evaluator. The juvenile's attorney shall provide juvenile's contact information on the AOC-J-260 under the juvenile's name, including all contact information for the juvenile, if applicable, and for the juvenile's parent, guardian or custodian. Judicial staff shall include relevant and up-to-date contact information for the juvenile, if applicable, and the juvenile's parent, guardian or custodian under Section 5 ("Other") of the Findings section on the AOC-J-261 form.
10. If the juvenile is in custody, the movant shall write the words "SECURE CUSTODY" below the juvenile's name on the AOC-J-260 form. The movant

shall include on the form the name of the detention facility where the juvenile is housed.

11. If the juvenile is in custody, the conditions of the juvenile's secure custody order in effect at the time the forensic evaluation is ordered shall remain in effect unless modified by the presiding Judge. Once a forensic evaluation is ordered, it shall automatically become a condition of the juvenile's secure custody order that the juvenile comply with the forensic evaluation. Pursuant to N.C.G.S. §7B-2401.2(c) and (j) the court may make appropriate temporary orders for the confinement, commitment or security of the juvenile pending the hearing or ruling of the court on the question of the capacity of the juvenile to proceed.
12. If the juvenile is in custody, the Division of Juvenile Justice shall be responsible for transporting the juvenile to the designated location for the forensic evaluation.
13. Once the evaluation has occurred and the report completed, the forensic evaluator shall complete the following:
  - a. Place cover letter, forensic evaluation report, and copy of report and AOC-J-260 and 261 or 262 forms in a sealed, brown envelope with the defendant's name and file number written on the front of the envelope. Place a copy of the cover letter in a white envelope and attach to the outside of the sealed brown envelope. The envelopes should be hand delivered or sent via regular US Mail (USPS Certified Mail, USPS Registered Mail, or other designated delivery service authorized pursuant to 26 U.S.C. § 750(f)(2) is preferred but not required) to the Juvenile Division of the Clerk of Court's Office to the attention of:
    - i. David Festin, Assistant Clerk (or his designated successor)
      1. Mailing Address:  
Wake County Clerk of Court  
PO Box 351  
Raleigh, NC 27602-0351  
ATTENTION: David Festin, Assistant Clerk
      2. Physical Address:  
Wake County Courthouse  
Clerk of Court – Juvenile Division  
316 Fayetteville Street  
Suite 1112  
Raleigh, NC 27601
      3. Telephone Number: 919-792-4552
      4. Email: [David.P.Festin@nccourts.org](mailto:David.P.Festin@nccourts.org) (for contact purposes only – no email reports will be accepted)
    - ii. ATTORNEYS: A copy of the cover letter, forensic evaluation report and AOC-J-260 and 261 forms should be scanned and e-

mailed to the attorney of record via encrypted email by the qualified forensic evaluator

***NOTE TO ATTORNEY: please provide office e-mail and phone number on AOC-J-260 form.***

14. The Court shall designate the appropriate completion deadline for the forensic evaluation report in accordance with N.C.G.S. §7B-2401.2(d) on the AOC-J-261 form and the Juvenile Division with the Clerk of Court in consultation with the juvenile's attorney and assistant district attorney shall place the case to be heard on a court calendar within thirty (30) days of entry of the AOC-J-261 or 262 forms for a hearing to review compliance with the timeline(s) as set out in N.C.G.S. §7B-2401.2(d). The Juvenile Division with the Clerk of Court in consultation with the juvenile's attorney and assistant district attorney shall also place the case to be heard on a court calendar for a hearing to determine the juvenile's capacity to proceed in accordance with the timeline(s) as set out in N.C.G.S. §7B-2401.2(d).
15. If the evaluation as scheduled is unable to occur for any of the following reasons, the following steps will be taken:
  - a. Juvenile who was in custody at time the AOC-J-261 form was entered is released from custody prior to the evaluation, the appointed forensic evaluator shall notify the Juvenile Division of the Clerk of Court and the juvenile's attorney. Juvenile's attorney will assist juvenile and the juvenile's parent, guardian or custodian in setting an appointment for an evaluation with the appointed forensic evaluator.
  - b. Juvenile who is out of custody at the time the AOC-J-261 form was entered fails to report for the scheduled appointment. The appointed forensic evaluator shall notify the Juvenile Division of the Clerk of Court and the juvenile's attorney. Juvenile's attorney will make contact with the juvenile and their parent, guardian or custodian and assist them in rescheduling the appointment.
  - c. If the juvenile and/or the juvenile's parent, guardian or custodian repeatedly fail(s) to attend a scheduled appointment for forensic evaluation, the appointed forensic evaluator shall notify the Juvenile Division of the Clerk of Court and the juvenile's attorney. The Juvenile Division of the Clerk of Court shall notify the District Attorney's Office and the Division of Juvenile Justice.

16. Upon completion of the forensic evaluation and submission to the Court of the evaluation results, the Court shall hold a hearing to determine the juvenile's capacity to proceed. The Court shall enter its findings on AOC-J-263 form.
17. If the Court determines remediation services are required, the Court shall enter such findings and directives on the AOC-J-263 form.
18. The process for remediation services is currently being finalized by the responsible departments. Once a formal process is finalized, this Administrative Order shall be updated to reflect the proper process and procedures in place for remediation services.

IT IS ORDERED that a copy of this Order shall be permanently maintained in the Office of the Clerk of Superior Court of the Tenth Judicial District for public inspection.

Entered in chambers in Raleigh, North Carolina, on this date: 8/29/2025

8/29/2025 3:51:39 PM



PAUL RIDGEWAY  
Senior Resident Superior Court Judge

8/28/2025 1:03:17 PM



MARGARET EAGLES  
Chief District Court Judge