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The North Carolina Defender Manual, published by the School of Government, explores in detail the issue of capacity to proceed in criminal cases. *See* 1 NORTH CAROLINA DEFENDER MANUAL Ch. 2, Capacity to Proceed (2d ed. 2013). The issues and case law discussed there generally apply to juvenile proceedings, as capacity to proceed in delinquency cases is determined pursuant to the designated statutes in the Criminal Procedure Act, G.S. 15A-1001, 15A-1002, and 15A-1003, and constitutional requirements.

This chapter is largely based on Chapter 2 of the Defender Manual, “Capacity to Proceed,” which has been adapted to take into account the juvenile court context and vocabulary. Most of the citations from the Defender Manual are to criminal cases and thus use the terms employed in criminal proceedings. These cases are applicable to juvenile cases to the extent that they involve the three relevant provisions of Chapter 15A and applicable constitutional considerations.

For a discussion of capacity in the context of delinquency proceedings, see LaToya Powell, [Incapacity to Proceed and Juveniles](#), ON THE CIVIL SIDE, UNC SCH. OF GOV’T BLOG (Oct. 13, 2017), and her forthcoming Juvenile Law Bulletin on juvenile capacity.