

9.1 Overview

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A probable cause hearing is required if a juvenile who is 13 years of age or older is alleged to have committed an offense that would be a felony if committed by an adult. The court must determine that there is probable cause before the case can proceed to adjudication. The probable cause hearing affords the juvenile an opportunity to assess the strength of the State's case, to challenge the sufficiency of the evidence, and to discover information for the adjudicatory hearing if probable cause is found. If there is no finding of probable cause, the petition must be dismissed.

If the court finds probable cause and the offense alleged would be a Class A felony (first degree murder), the case must be transferred to superior court for trial of the juvenile as an adult. If probable cause is found for a felony that is less than a Class A felony, the court may hold a transfer hearing on motion of the prosecutor, the juvenile's attorney, or its own motion to determine whether to transfer jurisdiction to superior court. A discretionary order transferring jurisdiction must be immediately appealed to superior court to preserve the issue for appellate review by the North Carolina Court of Appeals.

Legislative note: This chapter reviews the laws in effect at the time of release of this manual in Fall 2017. During the 2017 legislative session, the General Assembly enacted the Juvenile Justice Reinvestment Act, which expanded the jurisdiction of juvenile court to include crimes committed by 16 and 17-year-olds, except for motor vehicle offenses. Most of the changes apply to offenses committed on or after December 1, 2019. For a discussion of the changes that take effect in 2017, see *infra* Ch. 19, Raise the Age Legislation. For a discussion of the changes that take effect in 2019, see LaToya Powell, [2017 Juvenile Justice Reinvestment Act](#).
