

## 9.8 Transfer of Jurisdiction to Superior Court

---

### 9.8 Transfer of Jurisdiction to Superior Court

Jurisdiction over a juvenile *may* be transferred to superior court if the juvenile was at least 13 years old at the time of allegedly committing an offense that would be a felony, other than a Class A felony, if committed by an adult. There must be a motion, notice, hearing, and finding of probable cause before the court may consider transfer. G.S. 7B-2200.

Jurisdiction over a juvenile *must* be transferred to superior court if the juvenile was at least 13 years old at the time of allegedly committing an offense that would be a Class A felony (first-degree murder) and the court finds probable cause. *Id.*

Following transfer, all further proceedings in the matter occur in superior court; generally, adult criminal law and procedure apply. The juvenile must be fingerprinted and the fingerprints sent to the State Bureau of Investigation. G.S. 7B-2201(a). The juvenile must also provide a DNA sample if any of the offenses for which the juvenile is transferred are included in the provisions of G.S. 15A-266.3A. G.S. 7B-2201(b). If the juvenile is convicted in superior court, any subsequent charges will be heard in criminal rather than juvenile court, even if the juvenile has not yet reached the age of 16. G.S. 7B-1604(b).

The juvenile may request transfer to superior court, although transfer rarely benefits the juvenile. The confidentiality of juvenile court proceedings is lost, and the juvenile is exposed to the adult criminal and penal system. The juvenile is also subject to the collateral consequences of conviction in superior court, which could include bars to employment and professional licensure, voting disenfranchisement, and the loss of public benefits. For a description of collateral consequences for North Carolina offenses, see the [Collateral Consequences Assessment Tool \(C-CAT\)](#). Juveniles who are not citizens risk deportation or harm to their immigration status if convicted as an adult. *Compare* IMMIGRATION CONSEQUENCES OF A CRIMINAL CONVICTION IN NORTH CAROLINA § 4.2F, Juvenile Delinquency Adjudication (Sept. 2017); *see also infra* § 12.7, Collateral Effects of Adjudication. While counsel should advise clients of the adverse consequences of transfer, ultimately it is the juvenile's decision whether to request transfer.