

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 361
HOUSE BILL 515

AN ACT TO AMEND CHAPTER 35 AND CHAPTER 108A REGARDING THE
APPOINTMENT OF DISINTERESTED PUBLIC AGENTS AND OTHERS AS
GUARDIANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 35-1.7(4) is amended by adding the following new sentences:

"A disinterested public agent who is appointed a guardian shall serve in this capacity by virtue of his office or employment, which shall be identified in the clerk's order issued pursuant to G.S. 35-1.16(g) or G.S. 35-1.17. When the disinterested public agent's office or employment terminates, his successor in office or employment or his immediate supervisor, if there is no successor, shall succeed him as guardian unless the clerk shall otherwise order."

Sec. 2. G.S. 35-2 is amended in the first paragraph by inserting immediately before the last sentence the following new sentence:

"The clerk may appoint as guardian any person or entity specified in G.S. 35-1.28 and in so doing shall follow the priorities established in G.S. 35-1.29."

Sec. 3. G.S. 108A-15 is rewritten to read:

"§ 108A-15. Social services officials and employees as public guardians. – The director and assistant directors of social services of each county may serve as guardians for adults adjudicated incompetent under the provisions of Chapter 35, Articles 1A and 2, and they shall do so if ordered to serve in that capacity by the clerk of superior court having jurisdiction of a guardianship proceeding brought under either Article."

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.