

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 658  
HOUSE BILL 665

AN ACT TO AMEND ARTICLE VI AND CHAPTER 108A REGARDING  
PROTECTION OF THE ABUSED, NEGLECTED OR EXPLOITED DISABLED  
ADULT ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108A-103(a) is hereby rewritten to read as follows:

"Any director receiving a report that a disabled adult is in need of protective services shall make a prompt and thorough evaluation to determine whether the disabled adult is in need of protective services and what services are needed. The evaluation shall include a visit to the person and consultation with others having knowledge of the facts of the particular case. When necessary for a complete evaluation of the report, the director shall have the authority to review and copy any and all records, or any part of such records, related to the care and treatment of the disabled adult that have been maintained by any individual, facility or agency acting as a caretaker for the disabled adult. This shall include but not be limited to records maintained by facilities licensed by the North Carolina Department of Human Resources. Use of information so obtained shall be subject to and governed by the provisions of G.S. 108A-80 and G.S. 122-8.1. The director shall have the authority to conduct an interview with the disabled adult with no other persons present. After completing the evaluation the director shall make a written report of the case indicating whether he believes protective services are needed and shall notify the individual making the report of his determination as to whether the disabled adult needs protective services."

Sec. 2. G.S. 108A-105(c) is amended by deleting the language "G.S. 33-7" wherever it appears and substituting "or Article 2."

Sec. 3. G.S. 108A-106(d) is amended to read as follows:

"Notice of the filing of such petition and other relevant information, including the factual basis of the belief that emergency services are needed and a description of the exact services to be rendered shall be given to the person, to his spouse, or if none, to his adult children or next of kin, to his guardian, if any. Such notice shall be given at least 24 hours prior to the hearing of the petition for emergency intervention; provided, however, that the court may issue immediate emergency order ex parte upon finding as fact (i) that the conditions specified in G.S. 108A-106(a) exist; (ii) that there is likelihood that the disabled adult may suffer irreparable injury or death if such order be delayed; and (iii) that reasonable attempts have been made to locate interested parties and secure from them such services or their consent to petitioner's provision of such service; and such order shall contain a show- cause notice to each person upon whom

served directing such person to appear immediately or at any time up to and including the time for the hearing of the petition for emergency services and show cause, if any exists, for the dissolution or modification of the said order. Copies of the said order together with such other appropriate notices as the court may direct shall be issued and served upon all of the interested parties designated in the first sentence of this subsection. Unless dissolved by the court for good cause shown, the emergency order ex parte shall be in effect until the hearing is held on the petition for emergency services. At such hearing, if the court determines that the emergency continues to exist, the court may order the provision of emergency services in accordance with subsections (a) and (b) of this section."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.