

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 424

Short Title: Indigents' Representation.

(Public)

Sponsors: Senator Sands.

Referred to: Judiciary II.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE AUTHORITY OF THE ADMINISTRATIVE OFFICER OF THE COURTS TO CONTRACT FOR THE SERVICES OF PRIVATE ATTORNEYS FOR SPECIALIZED REPRESENTATION OF INDIGENTS AND TO EXPAND THE AUTHORITY OF THE COURTS TO REQUIRE PAYMENT OF ATTORNEYS' FEES BY PARENTS WHO ARE FINANCIALLY ABLE TO PAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-344 reads as rewritten:

"§ 7A-344. Special duties of Director concerning representation of indigent persons.

In addition to the duties prescribed in G.S. 7A-343, the Director shall also:

- (1) Supervise and coordinate the operation of the laws and regulations concerning the assignment of legal counsel for indigent persons under Subchapter IX of this Chapter to the end that all indigent persons are adequately represented;
(2) Advise and cooperate with the offices of the public defenders as needed to achieve maximum effectiveness in the discharge of the defender's responsibilities;
(3) Collect data on the operation of the assigned counsel and the public defender systems, and make such recommendations to the General Assembly for improvement in the operation of these systems as appear to him to be appropriate; and

1 (4) Accept and utilize federal or private funds, as available, to improve
2 defense services for the indigent, including indigent juveniles alleged
3 to be delinquent or undisciplined. To facilitate processing of juvenile
4 and other cases, the administrative officer is further ~~authorized, in any~~
5 ~~district court district, with the approval of the chief district court judge,~~
6 authorized to engage the services of a particular attorney or attorneys
7 to provide specialized representation on a full-time or part-time basis."

8 Sec. 2. G.S. 7A-588 reads as rewritten:

9 "**§ 7A-588. Payment of court appointed attorney or guardian ad litem.**

10 An attorney or guardian **ad litem** appointed pursuant to G.S. 7A-584, 7A-586 or 7A-
11 587 of this ~~Article or Article~~, pursuant to any other provision of the Juvenile ~~Code Code~~,
12 or pursuant to G.S. 7A-289.23 shall be paid a reasonable fee fixed by the court in the
13 same manner as fees for attorneys appointed in cases of indigency or by direct
14 engagement for specialized guardian **ad litem** services through the Administrative
15 Office of the Courts. The judge may require payment of the attorney or guardian **ad**
16 **litem** fee from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2
17 and 7A-450.3. In no event shall the parent or guardian be required to pay the fees for an
18 appointed attorney or guardian **ad litem** in an abuse, neglect, or dependency proceeding
19 unless the juvenile has been adjudicated to be abused, neglected, or ~~dependent~~-
20 dependent, or, in a proceeding to terminate parental rights, unless the parent's rights
21 have been terminated. A person who does not comply with the court's order of payment
22 may be punished for contempt as provided in G.S. 5A-21."

23 Sec. 3. This act becomes effective July 1, 1991.