

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 424
House Committee Substitute Favorable 6/20/91

Short Title: Indigents' Representation.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO EXPAND THE AUTHORITY OF THE COURTS TO REQUIRE
2 PAYMENT OF ATTORNEYS' FEES BY PARENTS WHO ARE FINANCIALLY
3 ABLE TO PAY AND TO PROVIDE A PILOT PROGRAM EXPANDING THE
4 AUTHORITY OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO
5 CONTRACT FOR THE SERVICES OF PRIVATE ATTORNEYS FOR
6 SPECIALIZED REPRESENTATION OF INDIGENTS.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 7A-588 reads as rewritten:

10 "**§ 7A-588. Payment of court appointed attorney or guardian ad litem.**

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

1 Sec. 2. The Director of the Administrative Office of the Courts is authorized
2 to enact a pilot program, in accordance with the provisions of this section, in three
3 judicial districts selected by the Director with the approval of the senior resident
4 superior court judge and the chief district court judge of each district. To facilitate the
5 processing of all cases, the Director shall, in the three pilot areas, engage the services of
6 a particular attorney or attorneys to provide specialized representation to indigent
7 persons on a full-time or part-time basis. The Administrative Office of the Courts shall
8 file a written evaluation of the pilot program with the General Assembly on or before
9 May 1, 1993. The pilot program shall terminate on June 30, 1993.

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