

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 429

Short Title: Children & Youth/Juvenile Age Study.

(Public)

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Sponsors: Representatives Easterling; and Warner.

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Referred to: Rules.

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March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE THE CHILD WELFARE SUBCOMMITTEE OF THE  
COMMISSION ON CHILDREN AND YOUTH THE FOCUS FOR THE STUDY  
OF THE RELATED ISSUES OF JURISDICTIONAL AGE OF JUVENILES AND  
COMPULSORY ATTENDANCE AGE.

The General Assembly of North Carolina enacts:

Section 1. Article 12B of Chapter 120 reads as rewritten:

**"ARTICLE 12B.**

**"COMMISSION ON CHILDREN AND YOUTH.**

**"§ 120-70.7. Creation; appointment of members.**

There is created a Commission on Children and Youth with 15 members to be appointed as follows: five members by the President Pro Tempore of the Senate, five members by the Speaker of the House of Representatives, and five by the Governor. Of the members appointed by the President Pro Tempore of the Senate, three shall be members of the Senate at the time of their appointment, one shall be an attorney, and one shall be a parent of a child under 16. Of the members appointed by the Speaker of the House of Representatives, three shall be members of the House of Representatives at the time of their appointment, one shall be a physician licensed to practice in North Carolina and actively involved in the private practice of pediatrics, and one educator actively involved in special education. Of the five appointed by the Governor, one shall be an attorney, one shall be an educator actively involved in the education of children, one shall be a parent of a child with special needs, one shall be a physician, and one shall be a member of the public.

**"§ 120-70.8. Time of appointments; terms of office.**

1 Appointments to the Commission shall be made within 15 days subsequent to the  
2 close of each regular session of the General Assembly. The term of office shall begin  
3 on the day of appointment, and shall end on the date when the next appointments are  
4 made. Terms shall be for two years. Members may be appointed for two consecutive  
5 terms and may be reappointed after being off the Commission for two years. Vacancies  
6 occurring during a term shall be filled for the unexpired term by the officer who made  
7 the original appointment.

8 **"§ 120-70.9. Organization of ~~Commission~~. Commission; Subcommittees.**

9 (a) Upon its appointment, the Commission shall organize by electing from its  
10 membership a chairman and a vice-chairman. The Commission shall meet at such times  
11 and places as the chairman shall designate. With the approval of the Legislative  
12 Services Commission, the facilities of the State Legislative Building and the Legislative  
13 Office Building shall be available to the Commission. The Commission is authorized to  
14 conduct hearings and to contract for and employ such clerical and other assistance,  
15 professional advice and services as may be deemed necessary in the performance of its  
16 duties or of any of its subcommittees' duties, with the approval of the Legislative  
17 Services Commission.

18 (b) The chairman, when elected, shall organize the Commission into four formal  
19 subcommittees; Child Health, Child Care, Child Support, and Child Welfare, which  
20 subcommittees shall have the duties assigned to it by the Commission.

21 **"§ 120-70.9A. Subcommittee on Child Welfare; jurisdictional age of juveniles; age**  
22 **for purposes of compulsory attendance law.**

23 (a) The Subcommittee shall be the lead study committee for the ongoing study of  
24 the whole issue of juvenile age jurisdiction and of compulsory attendance law age. The  
25 study shall include:

- 26 (1) A survey of national practices, trends, and research on the juvenile age  
27 and compulsory school attendance age, including an analysis of how  
28 these practices affect and will affect North Carolina;
- 29 (2) A complete examination of all the philosophical, legal, fiscal, and  
30 social considerations arguing for and against any changes in age  
31 requirements; implications of changing any ages;
- 32 (3) A detailed plan for development, coordination, and implementation of  
33 any change proposed;
- 34 (4) An analysis of the feasibility of implementing any such plan: which  
35 analysis shall include:
  - 36 a. The projected impact of the plan on existing direct and support  
37 legal, social, and institutional services;
  - 38 b. The need for additional direct and support legal, social, and  
39 institutional services;
  - 40 c. Any proposal for statutory revision consistent with or requisite  
41 to the successful implementation of the plan, and the rationale  
42 for these statutory changes;
  - 43 d. The need for the coordination of existing and additional direct  
44 and support legal, social, or institutional services; and

1 e. The total projected cost, broken down into its legal, social, and  
2 institutional components, together with an implementation  
3 schedule.

4 (b) The Subcommittee shall accomplish this study in continuing consultation  
5 with the following agencies and groups:

- 6 (1) The Administrative Office of the Courts;
- 7 (2) The Department of Correction;
- 8 (3) The Divisions of Mental Health, Mental Retardation, and Substance  
9 Abuse Services, of Social Services, of Health Services, and of Youth  
10 Services of the Department of Human Resources;
- 11 (4) The Department of Public Instruction;
- 12 (5) The Attorney General;
- 13 (6) The Juvenile Law Study Commission;
- 14 (7) The Juvenile Justice Committee of the Governor's Crime Commission;
- 15 (8) The Sheriff's Association, the Juvenile Officers' Association, and the  
16 Association of Police Departments;
- 17 (9) The Governor's Advocacy Council on Children and Youth;
- 18 (10) The North Carolina Child Advocacy Institute;
- 19 (11) The Alcohol/Drug Council of North Carolina/Adolescent Services;
- 20 (12) The North Carolina Association of Educators;
- 21 (13) The School Board Association; and
- 22 (14) Any other group or individual the Subcommittee considers vital to its  
23 study.

24 These groups may form themselves into an ad hoc committee of the Subcommittee for  
25 purposes of fulfilling their role of continuing consultation to the Subcommittee who  
26 shall work with the Subcommittee.

27 (c) The Subcommittee shall travel throughout the State and shall hold public  
28 hearings on the issues of its study. The public opinions it receives shall form an  
29 important part of its deliberations.

30 (d) The Subcommittee shall make a formal, written report to the Commission no  
31 later than November 1, 1990, on the results of its study, including any  
32 recommendations. If the recommendations are that no change be made, the report shall  
33 include the detailed findings and conclusions in support of these recommendations.

34 **"§ 120-70.10. Members to serve without compensation; subsistence and travel**  
35 **expenses.**

36 Members of the Commission shall serve without compensation but they shall be paid  
37 ~~such subsistence, per diem, and travel expenses as are provided for members of State~~  
38 ~~boards and commissions generally pursuant to G.S. 138-5 and G.S. 138-6. necessary~~  
39 ~~subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, G.S.~~  
40 ~~138-5, and G.S. 138-6, as applicable.~~ The Commission shall be funded by the  
41 Legislative Services Commission from appropriations made to the General Assembly  
42 for that purpose.

43 **"§ 120-70.11. Assistance to Commission.**

1 The Commission, in the performance of its duties, may request and shall receive  
2 from every department, board, bureau, agency, commission, or institution of this State,  
3 or from any political subdivision of the State, information, cooperation, and assistance.

4 **"§ 120-70.12. Duties of Commission.**

5 The Commission is hereby authorized to:

- 6 (1) Pursue an in-depth study of the services provided by other states for  
7 children.
- 8 (2) Collect and evaluate for comprehensiveness existing legislation in  
9 North Carolina that is relevant to programs for children as well as  
10 pertinent reports, studies and findings from other states, national  
11 bodies, State agencies, advocacy groups, and other interested persons.
- 12 (3) Collect and evaluate for comprehensiveness the reports and  
13 recommendations of the various agencies, councils, commissions,  
14 committees, and associations existing in North Carolina whose  
15 primary or partial duties are to make recommendations designed to  
16 affect services for children.
- 17 (4) Monitor on a continuing basis the progress of the State as it moves  
18 toward meeting the service requirements for children with special  
19 needs.
- 20 (5) Recommend legislation.
- 21 (6) Evaluate budget trends.

22 **"§ 120-70.13. Reports to General Assembly.**

23 The Commission shall make a written report to the General Assembly not later than  
24 February 1 of each odd-numbered year. This report shall include an analysis of the  
25 Commission's study, including any legislative recommendations.

26 **"§ 120-70.14. Assistance of State Departments.**

27 The Department of Human Resources, the Department of Public Education, the  
28 Department of Justice, the Department of Administration, and the Department of Crime  
29 Control and Public Safety are declared vital departments of State government to  
30 especially assist the Commission and to furnish it with information, and to the extent  
31 permitted by the Commission, to actively participate in the work and deliberations of  
32 the Commission."

33 Sec. 2. There is appropriated from the General Fund to the General  
34 Assembly the sum of seventy-five thousand dollars (\$75,000) for the 1989-90 fiscal  
35 year and the sum of seventy-five thousand dollars for the 1990-91 fiscal year, for the  
36 Commission on Children and Youth. Each fiscal year these funds shall be allocated as  
37 follows: twenty-five thousand dollars (\$25,000) for the work of the Commission,  
38 excluding the work of the Child Welfare Subcommittee's study pursuant to G.S. 120-  
39 70.9A, and fifty thousand dollars (\$50,000) for the Child Welfare Subcommittee's study  
40 pursuant to G.S. 120-70.9A.

41 Sec. 3. This act shall become effective July 1, 1989.