

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1124\*  
Appropriations Committee Substitute Adopted 6/28/89

Short Title: Omnibus Courts Bill.

(Public)

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Sponsors:

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Referred to:

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May 2, 1989

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF  
THE COURTS, TO MAKE IMPROVEMENTS TO THE JUDICIAL BRANCH OF  
GOVERNMENT, AND TO ADD ADDITIONAL COURT PERSONNEL.

The General Assembly of North Carolina enacts:

JUROR AND WITNESS FEES

Section 1. There is appropriated from the General Fund to the Judicial Department \$400,000 for fiscal year 1990-91 to be used to pay jurors and witnesses called before either the superior or district courts.

SUPREME COURT PERSONNEL

Sec. 2. There is appropriated from the General Fund to the Judicial Department \$47,958 for fiscal year 1989-90 and \$69,074 for fiscal year 1990-91 for new support personnel in the supreme court reporter's office and library.

COURT OF APPEALS PERSONNEL

Sec. 3. There is appropriated from the General Fund to the Judicial Department \$42,030 for fiscal year 1989-90 and \$39,501 for fiscal year 1990-91 for one court of appeals staff attorney.

NEW SUPERIOR COURT PERSONNEL

Sec. 4. There is appropriated from the General Fund to the Judicial Department \$62,318 for fiscal year 1989-90 to be used for two official court reporters. Further, there is appropriated from the General Fund to the Judicial Department \$581,936 for fiscal year 1990-91 to be allocated for the following purposes:

- (1) To continue the two positions funded in fiscal year 1989-90 - \$58,756;

- 1           (2) To establish six resident superior court judgeships - \$377,136;  
2           (3) To create six official court reporter positions - \$98,910;  
3           (4) To establish two administrative secretaries to superior court judges -  
4           \$47,134.

5 **NEW DISTRICT COURT PERSONNEL**

6       Sec. 5.(a) There is appropriated from the General Fund to the Judicial Department  
7 \$520,048 for fiscal year 1989-90 to be allocated for the following purposes:

- 8           (1) One new district court judgeship - \$87,339;  
9           (2) Two official court reporters - \$62,318;  
10          (3) Seven magistrates - \$150,101;  
11          (4) Ten secretaries for district courts now without secretarial assistance -  
12          \$220,290.

13       (b) There is appropriated from the General Fund to the Judicial Department  
14 \$1,495,110 for fiscal year 1990-91 to be allocated for the following purposes:

- 15          (1) To continue the positions established in fiscal year 1989-90 -  
16          \$494,057;  
17          (2) To establish 16 new district court judgeships - \$837,920;  
18          (3) To establish five new magistrate positions - \$107,280;  
19          (4) To establish two case management assistants to trial court  
20          administrators - \$54,030;  
21          (5) To be used for salary and benefits of the chief district court judge for  
22          District Court District 6B, as created in Section 23 of this act - \$1, 823.

23 **NEW JUVENILE SERVICES PERSONNEL**

24       Sec. 6. There is appropriated from the General Fund to the Judicial  
25 Department \$369,262 for fiscal year 1989-90 and \$510,161 for fiscal year 1990-91 for  
26 new personnel in the Juvenile Services Division of the Administrative Office of the  
27 Courts, and for contract services to provide for intensive juvenile supervision.

28 **NEW DEPUTY CLERKS OF SUPERIOR COURT**

29       Sec. 7. There is appropriated from the General Fund to the Judicial  
30 Department \$699,624 for fiscal year 1989-90 and \$1,032,282 for fiscal year 1990-91 for  
31 36 new deputy clerks of superior court in the 1989-90 fiscal year and an additional 18  
32 new deputy clerks in the 1990-91 fiscal year.

33 **NEW PUBLIC DEFENDER PERSONNEL**

34       Sec. 8.(a) There is appropriated from the General Fund to the Judicial Department  
35 \$43,978 for fiscal year 1989-90 for two new personnel in public defender offices.

36       (b) There is appropriated from the General Fund to the Judicial Department  
37 \$96,521 for fiscal year 1990-91 for continuation of the two positions established for  
38 fiscal year 1989-90 and for two additional positions.

39 **NEW PERSONNEL FOR SPECIAL COUNSEL**

40       Sec. 9. There is appropriated from the General Fund to the Judicial  
41 Department \$28,596 for fiscal year 1989-90 and \$27,854 for fiscal year 1990-91 for one  
42 assistant to the special counsel in the 10th judicial district.

43 **NEW DISTRICT ATTORNEY PERSONNEL**

1 Sec. 10.(a) There is appropriated from the General Fund to the Judicial  
2 Department \$1,397,145 for fiscal year 1989-90 to be allocated for the following  
3 purposes:

- 4 (1) Nineteen new assistant district attorneys - \$999,645;
- 5 (2) To establish 14 district attorney's secretaries - \$293,636;
- 6 (3) To establish four new victim/witness assistants - \$103,864.

7 (b) There is appropriated from the General Fund to the Judicial Department  
8 \$1,972,977 for fiscal year 1990-91 to be allocated for the following purposes:

- 9 (1) To continue the positions established in fiscal year 1989-90 -  
10 \$1,371,368;
- 11 (2) To establish eight new assistant district attorney positions - \$419,864;
- 12 (3) To establish two new victim/witness assistants - \$51,964;
- 13 (4) To establish five new district attorney's secretaries - \$104,940;
- 14 (5) To establish positions necessary for the division of the 6th  
15 Prosecutorial District into Districts 6A and 6B as provided in Section  
16 24(c) of this act - \$24,841.

#### 17 NEW OR UPGRADED GUARDIAN AD LITEM PROGRAM POSITIONS

18 Sec. 11.(a) There is appropriated from the General Fund to the Judicial  
19 Department for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem**  
20 Program, \$238,857 for fiscal year 1989-90 for the establishment or upgrade of 21  
21 Guardian **Ad Litem** Program staff positions.

22 (b) There is appropriated from the General Fund to the Judicial Department for  
23 transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program,  
24 \$494,758 for fiscal year 1990-91 to continue the 21 positions that were established or  
25 upgraded in fiscal year 1989-90, to create four new Guardian **Ad Litem** Program staff  
26 positions, and to upgrade 11 existing positions.

#### 27 NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL 28 ADMINISTRATION POSITIONS PERSONNEL

29 Sec. 12.(a) There is appropriated from the General Fund to the Judicial  
30 Department \$212,721 for fiscal year 1989-90 to establish a total of six staff positions  
31 within the general administration section of the Administrative Office of the Courts.

32 (b) There is appropriated from the General Fund to the Judicial Department  
33 \$295,329 for fiscal year 1990-91 to provide for the continuation of the six positions  
34 established in the Administrative Office of the Courts in fiscal year 1989-90 and to  
35 provide for the establishment of three new staff positions effective July 1, 1990.

#### 36 NEW ADMINISTRATIVE OFFICE OF THE COURTS WAREHOUSE AND 37 PRINTING SERVICE PERSONNEL

38 Sec. 13. There is appropriated from the General Fund to the Judicial  
39 Department \$37,146 for fiscal year 1989-90 and \$55,749 for fiscal year 1990-91 to  
40 establish two new positions within the warehouse and print shop of the Administrative  
41 Office of the Courts for the 1989-90 fiscal year and one additional position for the  
42 1990-91 fiscal year.

#### 43 COURT INFORMATION SYSTEM EXPANSION

1 Sec. 14.(a) There is appropriated from the General Fund to the Judicial  
2 Department \$5,375,693 for the 1989-90 fiscal year for the creation of 13 new staff  
3 positions within the information services division of the Administrative Office of the  
4 Courts, the upgrade of the central mainframe computer maintained by the information  
5 services section, and the expansion for the court information system.

6 (b) There is appropriated from the General Fund to the Judicial Department  
7 \$1,933,127 for fiscal year 1990-91 to continue the 13 positions established in fiscal year  
8 1989-90, to establish six additional positions in the information services division of the  
9 Administrative Office of the Courts, and to continue the further expansion of the court  
10 information system.

11 ESTABLISH STATEWIDE CUSTODY AND VISITATION MEDIATION  
12 PROGRAMS

13 Sec. 15. (a) Chapter 7A of the General Statutes is amended by adding the  
14 following new Article:

15 **“ARTICLE 39A.**

16 **"CUSTODY AND VISITATION MEDIATION PROGRAM.**

17 **"§ 7A-494. Custody and Visitation Mediation Program established.**

18 (a) The Administrative Office of the Courts shall establish a Custody and  
19 Visitation Mediation Program to provide statewide and uniform services in accordance  
20 with G.S. 50-13.1 in cases involving unresolved issues about the custody or visitation of  
21 minor children. The Director of the Administrative Office of the Courts shall appoint  
22 such AOC staff support required for planning, organizing, and administering such  
23 program on a statewide basis.

24 The purposes of the Custody and Visitation Mediation Program shall be to provide  
25 the services of skilled mediators to further the goals expressed in G.S. 50-13.1(b).

26 (b) Beginning on July 1, 1989, the Administrative Office of the Courts shall  
27 establish in phases a statewide custody mediation program comprised of local district  
28 programs to be established in all judicial districts of the State. Each local district  
29 program shall consist of: a qualified mediator or mediators to provide mediation  
30 services; and such clerical staff as the Administrative Office of the Courts in  
31 consultation with the local district program deems necessary. Such personnel, to be  
32 employed by the Chief District Court Judge of the district, may serve as full-time or  
33 part-time State employees or, in the alternative, such activities may be provided on a  
34 contractual basis when determined appropriate by the Administrative Office of the  
35 Courts. The Administrative Office of the Courts may authorize all or part of a program  
36 in one judicial district to be operated in conjunction with that of another district or  
37 districts. The Director of the Administrative Office of the Courts is authorized to  
38 approve contractual agreements for such services as executed by order of the Chief  
39 District Court Judge of a judicial district; such contracts to be exempt from competitive  
40 bidding procedures under Section 5D.0302 of the North Carolina Administrative Code.  
41 The Administrative Office of the Courts shall promulgate rules and regulations  
42 necessary and appropriate for the administration of the program. Funds appropriated by  
43 the General Assembly for the establishment and maintenance of mediation programs  
44 under this Article shall be administered by the Administrative Office of the Courts.

1 (c) For a person to qualify to provide mediation services under this Article, that  
2 person shall show that he or she:

- 3 (1) Has at minimum a law degree or a master's degree in psychology,  
4 social work, family counselling, or a comparable human relations  
5 discipline; and  
6 (2) Has at least 40 hours of training in mediation techniques by a qualified  
7 instructor of mediation as determined by the Administrative Office of  
8 the Courts; and  
9 (3) Has had professional training and experience relating to child  
10 development, family dynamics, or comparable areas; and  
11 (4) Meets such other criteria as may be specified by the Administrative  
12 Office of the Courts.

13 **§ 7A-495. Implementation and administration.**

14 (a) Local District Program. – The Administrative Office of the Courts shall, in  
15 cooperation with each Chief District Court Judge and other district personnel,  
16 implement and administer the program mandated by this Article.

17 (b) Advisory Committee Established. – The Director of the Administrative Office  
18 of the Courts shall appoint a Custody Mediation Advisory Committee consisting of at  
19 least five members to advise the Custody Mediation Program. The members of the  
20 Advisory Committee shall receive the same per diem and reimbursement for travel  
21 expenses as members of State boards and commissions generally."

22 (b) G.S. 50-13.1 reads as rewritten:

23 **§ 50-13.1. Action or proceeding for custody of minor child.**

24 (a) Any parent, relative, or other person, agency, organization, or institution  
25 claiming the right to custody of or visitation with a minor child may institute an action  
26 or proceeding for custody of or visitation with such child, as hereinafter provided.  
27 Unless a contrary intent is clear, the word 'custody' shall be deemed to include custody  
28 or visitation or both.

29 (b) Whenever it appears to the court, from the pleadings or otherwise, that an  
30 action involves a contested issue as to the custody or visitation of a minor child, the  
31 matter, where there is a program established pursuant to G.S. 7A-494, shall be set for  
32 mediation of the unresolved issues as to custody and visitation before or concurrent with  
33 the setting of the matter for hearing unless the court waives mediation pursuant to  
34 subsection (c). Issues that arise in motions for contempt or for modifications as well as  
35 in other pleadings shall be set for mediation unless mediation is waived by the court.  
36 Alimony, child support, and other economic issues may not be referred for mediation  
37 pursuant to this section. The purposes of mediation under this section include the  
38 pursuit of the following goals:

- 39 (1) To reduce any acrimony that exists between the parties to a dispute  
40 involving custody or visitation of a minor child;  
41 (2) The development of custody and visitation agreements that are in the  
42 child's best interest;

- 1           (3) To provide the parties with informed choices and, where possible, to  
2 give the parties the responsibility for making decisions about child  
3 custody and visitation;
- 4           (4) To provide a structured, confidential, nonadversarial setting that will  
5 facilitate the cooperative resolution of custody and visitation disputes  
6 and minimize the stress and anxiety to which the parties, and  
7 especially the child, are subjected; and
- 8           (5) To reduce the relitigation of custody and visitation disputes.
- 9       (c) For good cause, on the motion of either party or on the court's own motion,  
10 the court may waive the setting of a contested custody or visitation matter for  
11 mediation. Good cause may include, but is not limited to, the following: a showing of  
12 undue hardship to a party; allegations of abuse or neglect of the minor child; allegations  
13 of alcoholism, drug abuse, or spouse abuse; or allegations of severe psychological,  
14 psychiatric, or emotional problems.
- 15       (d) Either party may move to have the mediation proceedings dismissed and the  
16 action heard in court due to the mediator's bias, undue familiarity with a party, or other  
17 prejudicial ground.
- 18       (e) Mediation proceeding shall be held in private and shall be confidential. All  
19 verbal or written communications from either or both parties to the mediator or between  
20 the parties in the presence of the mediator made in a proceeding pursuant to this section  
21 are absolutely privileged and inadmissible in court. The mediator may assess the needs  
22 and interests of the child, and may interview the child or others who are not parties to  
23 the proceedings when he or she thinks appropriate.
- 24       (f) Neither the mediator nor any party or other person involved in mediation  
25 sessions under this section shall be competent to testify to communications made during  
26 or in furtherance of such mediation sessions; provided, there is no privilege as to  
27 communications made in furtherance of a crime or fraud. Nothing in this subsection  
28 shall be construed as permitting an individual to obtain immunity from prosecution for  
29 criminal conduct or as excusing an individual from the reporting requirements of G.S.  
30 7A-543 or G.S. 108A-102.
- 31       (g) Any agreement reached by the parties as a result of the mediation shall be  
32 reduced to writing, signed by each party, and submitted to the court as soon as  
33 practicable. Unless the court finds good reason not to, it shall incorporate the agreement  
34 in a court order and it shall become enforceable as a court order. If some or all of the  
35 issues as to custody or visitation are not resolved by mediation, the mediator shall report  
36 that fact to the court.
- 37       (h) If an agreement that results from mediation and is incorporated into a court  
38 order is referred to as a 'parenting agreement' or called by some similar name, it shall  
39 nevertheless be deemed to be a custody order or child custody determination for  
40 purposes of Chapter 50A of the General Statutes, G.S. 14-320.1, G.S. 110-139.1, or  
41 other places where those terms appear."
- 42       (c) Programs in Judicial Districts 26 and 27A shall be established as of July 1,  
43 1989, and programs in additional judicial districts shall be established by the  
44 Administrative Office of the Courts as provided in G.S. 7A-494(b).

1 (d) Funds in the amount of \$140,000 for the 1989-90 fiscal year and \$212,000 for  
2 the 1990-91 fiscal year are appropriated to the Judicial Department to achieve the  
3 purposes of Sections 15 through 17 of this act.

4 NONBINDING ARBITRATION PROGRAM

5 Sec. 16. If no other funds are made available, from the \$5,375,693  
6 appropriated to the Judicial Department for the 1989-90 fiscal year and the \$1,933,127  
7 appropriated to the Judicial Department for the 1990-91 fiscal year for the court  
8 information system, the Administrative Office of the Courts may use in each fiscal year  
9 up to \$122,000 to support the three existing court-ordered, nonbinding arbitration  
10 programs for certain civil court actions.

11 APPELLATE DIVISION LIBRARY FUNDS

12 Sec. 17. There is appropriated from the General Fund to the Judicial  
13 Department \$158,542 for fiscal year 1990-91 to provide for the adequate maintenance  
14 and upkeep of libraries within the Appellate Division of the General Court of Justice.

15 CURRENT OPERATING EXPENSES

16 Sec. 18. From the funds specifically appropriated to the Judicial Department  
17 in the certified budget for the 1989-90 fiscal year, the Administrative Office of the  
18 Courts may transfer within its budget up to \$1,420,000 to meet additional current  
19 operating expenses for supplies and materials, current obligations, fixed charges, other  
20 expenses, and books.

21 ADDITIONAL DEPUTY CLERKS OF SUPERIOR COURT

22 Sec. 19. In addition to all other funds specifically appropriated or otherwise  
23 available for new part-time or full-time permanent deputy clerks of superior court, from  
24 funds appropriated to the Judicial Department in the current operating budget for the  
25 1989-91 biennium in line item 1260-1160 (Office-Clerk of Superior Court/EPA  
26 Salaries-Temporary), the Administrative Office of the Courts may use in each fiscal  
27 year up to \$670,000 to allocate among the counties of the State, pursuant to the formula  
28 authorized by Section 9 of Chapter 881 of the 1983 Session Laws or any law amending  
29 the same, additional new permanent full-time or part-time deputy clerks of superior  
30 court.

31 ADDITIONAL ASSISTANT PUBLIC DEFENDERS

32 Sec. 20. From the funds appropriated to the Indigent Persons Attorney Fee  
33 Fund in the Judicial Department for the 1989-91 biennium, the Administrative Office of  
34 the Courts may use up to \$261,475 in the the 1989-90 fiscal year and \$260,670 in the  
35 1990-91 fiscal year for salaries, benefits, and related expenses of five new assistant  
36 public defender positions, and may use up to an additional \$261,615 in the 1990-91  
37 fiscal year for salaries, benefits, and related expenses of five additional new public  
38 defender positions.

39 DEATH PENALTY RESOURCE CENTER LIMITATIONS

40 Sec. 21. (a) The Death Penalty Resource Center shall:

- 41 (1) Provide consulting services to attorneys representing defendants in  
42 capital cases;
- 43 (2) Maintain a clearinghouse of materials to assist attorneys representing  
44 defendants in capital cases;

- 1 (3) Recruit qualified members of the private bar who are willing to  
2 provide representation in State and federal death penalty post-  
3 conviction proceedings; and  
4 (4) Undertake direct representation and consultation in cases pending in  
5 federal court only to the extent that such work is fully federally  
6 funded.

7 The Center shall not lobby any entity, organization, or legislative body to  
8 urge either abolition or retention of the death penalty; no employee of the Center shall  
9 directly advocate the general abrogation of the death penalty, other than as may be  
10 appropriate in representing fully as attorney of record a defendant in a particular case.

11 (b) The Death Penalty Resource Center may:

- 12 (1) Serve as counsel of record for indigent defendants in capital cases in  
13 State court;  
14 (2) To the extent fully funded by federal sources, serve as counsel of  
15 record in capital cases in federal court; and  
16 (3) Provide training and continuing legal education to attorneys and  
17 perform such other tasks as may be necessary to ensure that adequate  
18 representation is provided to indigent defendants in capital cases.

19 The authority granted to the Center pursuant to subdivisions (1) and (2) of  
20 this subsection is subject to the Center's ability to decline this representation if, in the  
21 judgment of the Appellate Defender, the workload of the Center is such that it would  
22 substantially impair its ability to render adequate assistance of counsel in any additional  
23 cases.

24 (c) The Director of the Administrative Office of the Courts shall submit to the  
25 1989 General Assembly, Regular Session 1990:

- 26 (1) Formal job descriptions for the Director and staff attorneys of the  
27 Death Penalty Resource Center, as well as written guidelines for  
28 keeping appropriate records of the time expended by the Center in  
29 State and federal cases.  
30 (2) A possible revision of G.S. 7A-486.2 that will provide for the  
31 appointment of the Appellate Defender and the Director of the Death  
32 Penalty Resource Center by the Director of the Administrative Office  
33 of the Courts or other appropriate person.

34 By October 1, 1990, the Appellate Defender shall submit a report to the  
35 Director of the Administrative Office of the Courts detailing the activities of the Center  
36 in the previous year, including a breakdown of the amount of time expended by the  
37 Center in State and federal cases. The report shall be forwarded to the 1991 General  
38 Assembly.

39 (d) If the Death Penalty Resource Center or any of its employees fails to  
40 comply with this section or any of its provisions, the Director of the Administrative  
41 Office of the Courts may refuse to seek continued State funding for the Center, or take  
42 such other actions that the Director considers appropriate.

43 ADD ADDITIONAL SUPERIOR COURT JUDGES

44 Sec. 22. (a) Effective January 1, 1991, G.S. 7A-41(a) reads as rewritten:



"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	<del>1</del> <u>2</u>
	3B	Carteret, Craven, Pamlico	1
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	<del>2</del> <u>3</u>
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
	Second	9	Franklin, Granville, Person, Vance, Warren
10A		(part of Wake, see subsection (b))	1
10B		(part of Wake, see subsection (b))	2
10C		(part of Wake,	1

1		see subsection (b))	
2	10D	(part of Wake,	1
3		see subsection (b))	
4	11	Harnett, Johnston,	+ <u>2</u>
5		Lee	
6	12A	(part of Cumberland,	1
7		see subsection (b))	
8	12B	(part of Cumberland,	1
9		see subsection (b))	
10	12C	(part of Cumberland,	2
11		see subsection (b))	
12	13	Bladen, Brunswick,	+ <u>2</u>
13		Columbus	
14	14A	(part of Durham,	1
15		see subsection (b))	
16	14B	(part of Durham,	3
17		see subsection (b))	
18	15A	Alamance	1
19	15B	Orange, Chatham	1
20	16A	Scotland, Hoke	1
21	16B	Robeson	2
22	Third 17A	Caswell, Rockingham	+ <u>2</u>
23	17B	Stokes, Surry	1
24	18A	(part of Guilford,	1
25		see subsection (b))	
26	18B	(part of Guilford,	1
27		see subsection (b))	
28	18C	(part of Guilford,	1
29		see subsection (b))	
30	18D	(part of Guilford,	1
31		see subsection (b))	
32	18E	(part of Guilford,	1
33		see subsection (b))	
34	19A	Cabarrus	1
35	19B	Montgomery,	1
36		Randolph	
37	19C	Rowan	1
38	20A	Anson, Moore,	+ <u>2</u>
39		Richmond	
40	20B	Stanly, Union	1
41	21A	(part of Forsyth,	1
42		see subsection (b))	
43	21B	(part of Forsyth,	1
44		see subsection (b))	

1	21C	(part of Forsyth,	1
2		see subsection (b))	
3	21D	(part of Forsyth,	1
4		see subsection (b))	
5	22	Alexander, Davidson,	2
6		Davie, Iredell	
7	23	Alleghany, Ashe,	1
8		Wilkes, Yadkin	
9	Fourth 24	Avery, Madison,	1
10		Mitchell,	
11		Watauga, Yancey	
12	25A	Burke, Caldwell	<del>1</del> <u>2</u>
13	25B	Catawba	1
14	26A	(part of Mecklenburg,	2
15		see subsection (b))	
16	26B	(part of Mecklenburg,	2
17		see subsection (b))	
18	26C	(part of Mecklenburg,	2
19		see subsection (b))	
20	27A	Gaston	2
21	27B	Cleveland, Lincoln	1
22	28	Buncombe	2
23	29	Henderson,	<del>1</del> <u>2</u>
24		McDowell, Polk,	
25		Rutherford,	
26		Transylvania	
27	30A	Cherokee, Clay,	1
28		Graham, Macon,	
29		Swain	
30	30B	Haywood, Jackson	1"

(b) The additional judges authorized by subsection (a) of this section shall be nominated and elected in the 1990 primary and general elections in accordance with Chapter 163 of the General Statutes.

#### ADD ADDITIONAL DISTRICT COURT JUDGES

Sec. 23. (a) Effective December 3, 1990, G.S. 7A-133 reads as rewritten:

#### "§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.-Max.	Additional Seats of Court
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1	1	3	Camden	1	2		
2				Chowan	2	3	
3				Currituck	1	2	
4				Dare	3	5	
5				Gates	2	3	
6				Pasquotank	3	4	
7				Perquimans	2	3	
8	2	3	Martin5	8			
9				Beaufort	4	5	
10				Tyrrell	1	3	
11				Hyde	2	4	
12				Washington	3	4	
13	3	7	Craven	7	10	Havelock	
14				Pitt	10	12	Farmville, Ayden
15							
16				Pamlico	2	3	
17				Carteret	5	8	
18	4	56	Sampson	6	8		
19				Duplin	9	11	
20				Jones	2	3	
21				Onslow	8	11	
22	5	56	New Hanover	6	10-11		
23				Pender	4	6	
24	6	3	Northampton	5	6		
25				Halifax	9	14	Roanoke Rapids, Scotland Neck
26							
27							
28	—			Bertie	4	5	
29				Hertford	5	6	
30	6A	2	Halifax	9	14	Roanoke	
31							Rapids, Scotland Neck
32							
33	6B	2	Northampton	5	6		
34				Bertie	4	5	
35				Hertford	5	6	
36	7	56		Nash	7	10	Rocky Mount
37				Edgecombe	4	6	Rocky Mount
38				Wilson	4	6	
39	8	5	Wayne	5	8	Mount Olive	
40				Greene	2	4	
41				Lenoir	4	7	La Grange
42	9	45	Person3	4			
43				Granville	3	7	
44				Vance	3	5	

1			Warren	3	4		
2			Franklin	3	6		
3	10	<del>40</del> 11	Wake	12	17	Apex,	
4						Wendell,	
5						Fuquay-Varina,	
6						Wake Forest	
7	11	<u>56</u>	Harnett	7	11	Dunn	
8			Johnston		10	12	Benson and
9						Selma	
10			Lee		4	6	
11	12	<u>56</u>	Cumberland	10	17		
12	13	4	Bladen	4	6		
13			Brunswick		4	7	
14			Columbus		6	8	Tabor City
15	14	5	Durham	8	12		
16	15A	3	Alamance	7	9	Burlington	
17	15B	3	Orange	4	8	Chapel Hill	
18			Chatham		3	6	Siler City
19	16A	2	Scotland	3	5		
20			Hoke		4	5	
21	16B	5	Robeson	8	16	Fairmont,	
22						Maxton,	
23						Pembroke,	
24						Red Springs,	
25						Rowland,	
26						St. Pauls	
27	17A	3	Caswell	2	5		
28			Rockingham		4	9	Reidsville,
29						Eden,	
30						Madison	
31	17B	<del>23</del>	Stokes	2	5		
32			Surry		5	8	Mt. Airy
33	18	<u>9</u> 10	Guilford	20	26	High Point	
34	19A	4	Cabarrus	5	9	Kannapolis	
35			Rowan		5	10	
36	19B	3	Montgomery	2	4		
37			Randolph		5	8	Liberty
38	20	<u>56</u>	Stanly	5	6		
39			Union		4	6	
40			Anson		4	5	
41			Richmond		5	6	Hamlet
42			Moore		5	8	Southern
43							Pines
44	21	7	Forsyth	3	15	Kernersville	

1	22	<u>56</u>	Alexander	2	3		
2			Davidson	7	10	Thomasville	
3			Davie	2	3		
4			Iredell	4	8	Mooresville	
5	23	3	Alleghany	1	2		
6			Ashe	3	4		
7			Wilkes	4	6		
8			Yadkin	3	5		
9	24	3	Avery	3	4		
10			Madison	4	5		
11			Mitchell	3	4		
12			Watauga	4	6		
13			Yancey	2	4		
14	25	<u>67</u>	Burke	4	7		
15			Caldwell	4	7		
16			Catawba	6	9	Hickory	
17	26	<del>12</del> <u>13</u>	Mecklenburg	15	26		
18	27A	5	Gaston	11	20		
19	27B	<u>34</u>	Cleveland	5	8		
20			Lincoln	4	6		
21	28	<u>45</u>	Buncombe	6	15		
22	29	4	Henderson	4	6		
23			McDowell	3	4		
24			Polk	3	4		
25			Rutherford	6	8		
26			Transylvania	2	4		
27	30	3	Cherokee	3	4		
28			Clay	1	2		
29			Graham	2	3		
30			Haywood	5	7	Canton	
31			Jackson	3	4		
32			Macon	3	4		
33			Swain	2	3."		

34 (b) Except as provided in subsection (c) of this section, the additional judges  
 35 authorized by subsection (a) of this section shall be nominated and elected in the 1990  
 36 primary and general elections in accordance with Chapter 163 of the General Statutes.

37 (c) The additional district court judge authorized for District Court District 9  
 38 by subsection (a) of this section shall be appointed by the Governor from nominations  
 39 submitted by the bar of Judicial District 9 as defined in G.S. 84-19. The nominations  
 40 must be submitted to the Governor not later than September 1, 1990. If the district bar  
 41 fails to submit the nominations by September 1, 1990, the Governor shall make the  
 42 appointment without the nominations. This additional district court judge shall begin  
 43 service December 3, 1990, and serve the term expiring on the first Monday in December  
 44 of 1992. A successor shall be elected in 1992 in accordance with general law.

(d) Effective December 3, 1990, Nicholas Long and Harold P. McCoy, or their successors, shall be district court judges for District Court District 6A. Effective December 3, 1990, Robert E. Williford, or his successors, shall be district court judge for District Court District 6B.

ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/DIVISION OF PROSECUTORIAL DISTRICT SIX

Sec. 24. (a) Effective July 1, 1989, G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

			No. of Full-Time
	Judicial District	Asst. District Counties	Attorneys
1	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	5
2	2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	5	
3B	Carteret, Craven, Pamlico		<u>4-5</u>
4	Duplin, Jones, Onslow, Sampson		<u>8-9</u>
5	New Hanover, Pender		<u>7-8</u>
6	Bertie, Halifax, Hertford, Northampton		<u>4-5</u>
7	Edgecombe, Nash, Wilson		<u>7-8</u>
8	Greene, Lenoir, Wayne		8
9	Franklin, Granville, Person, Vance, Warren		6
10	Wake		<u>15-16</u>
11	Harnett, Johnston, Lee		<u>6-7</u>
12	Cumberland		11
13	Bladen, Brunswick, Columbus		5
14	Durham		8
15A	Alamance		<u>3-4</u>
15B	Orange, Chatham		<u>3-4</u>
16A	Scotland, Hoke		<del>none</del> <u>2</u>
16B	Robeson		7
17A	Caswell, Rockingham		4
17B	Stokes, Surry		3
18	Guilford		<u>14-15</u>
19A	Cabarrus, Rowan		6
19B	Montgomery, Randolph		4

1	20	Anson, Moore, Richmond,	<u>8-9</u>
2		Stanly, Union	
3	21	Forsyth	<del>10-11</del>
4	22	Alexander, Davidson, Davie,	<u>7-8</u>
5		Iredell	
6	23	Alleghany, Ashe, Wilkes,	<u>3-4</u>
7		Yadkin	
8	24	Avery, Madison, Mitchell,	3
9		Watauga, Yancey	
10	25	Burke, Caldwell, Catawba	<u>8-9</u>
11	26	Mecklenburg	<del>19-20</del>
12	27A	Gaston	<u>6-7</u>
13	27B	Cleveland,	4
14		Lincoln	
15	28	Buncombe	5
16	29	Henderson, McDowell, Polk,	6
17		Rutherford, Transylvania	
18	30	Cherokee, Clay, Graham,	5
19		Haywood, Jackson, Macon,	
20		Swain."	

(b) Effective July 1, 1990, G.S. 7A-60(a1) as rewritten by subsection (a) of this section reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

			No. of Full-Time
	Judicial District	Asst. District Counties	Attorneys
29	1	Camden, Chowan, Currituck,	<u>5-6</u>
30		Dare, Gates, Pasquotank,	
31		Perquimans	
32	2	Beaufort, Hyde, Martin, 4	
33		Tyrrell, Washington	
34	3A	Pitt	5
35	3B	Carteret, Craven, Pamlico	5
36	4	Duplin, Jones, Onslow, 9	
37		Sampson	
38	5	New Hanover, Pender	8
39	6	Bertie, Halifax, Hertford,	5
40		Northampton	
41	7	Edgecombe, Nash, Wilson	8
42	8	Greene, Lenoir, Wayne	8
43	9	Franklin, Granville,	<u>6-7</u>
44		Person, Vance, Warren	



1	10	Wake	16
2	11	Harnett, Johnston, Lee	7
3	12	Cumberland	11
4	13	Bladen, Brunswick, Columbus	<u>5-6</u>
5	14	Durham	<u>8-9</u>
6	15A	Alamance	4
7	15B	Orange, Chatham	4
8	16A	Scotland, Hoke	2
9	16B	Robeson	7
10	17A	Caswell,	4
11		Rockingham	
12	17B	Stokes, Surry	<u>3-4</u>
13	18	Guilford	15
14	19A	Cabarrus, Rowan	6
15	19B	Montgomery, Randolph	4
16	20	Anson, Moore, Richmond,	9
17		Stanly, Union	
18	21	Forsyth	11
19	22	Alexander, Davidson, Davie,	8
20		Iredell	
21	23	Alleghany, Ashe, Wilkes,	4
22		Yadkin	
23	24	Avery, Madison, Mitchell,	3
24		Watauga, Yancey	
25	25	Burke, Caldwell, Catawba	9
26	26	Mecklenburg	20
27	27A	Gaston	7
28	27B	Cleveland,	<u>4-5</u>
29		Lincoln	
30	28	Buncombe	<u>5-6</u>
31	29	Henderson, McDowell, Polk,	6
32		Rutherford, Transylvania	
33	30	Cherokee, Clay, Graham,	<u>5-6</u>
34		Haywood, Jackson, Macon,	
35		Swain."	

(c) Effective January 1, 1991, G.S. 7A-60(a1) as rewritten by subsection (b) of this section reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

				No. of Full-Time
	Judicial	Asst. District		
	District	Counties	Attorneys	
44	1	Camden, Chowan, Currituck,	6 Dare, Gates, Pasquotank,	

1		Perquimans	
2	2	Beaufort, Hyde, Martin,4	
3		Tyrrell, Washington	
4	3A	Pitt 5	
5	3B	Carteret, Craven, Pamlico 5	
6	4	Duplin, Jones, Onslow, 9	
7		Sampson	
8	5	New Hanover, Pender 8	
9	<del>6</del>	<del>Bertie, Halifax, Hertford,</del> 5	
10		Northampton	
11	<u>6A</u>	<u>Halifax 2</u>	
12	<u>6B</u>	<u>Bertie, Hertford, Northampton 2</u>	
13	7	Edgecombe, Nash, Wilson	8
14	8	Greene, Lenoir, Wayne 8	
15	9	Franklin, Granville, 7	
16		Person, Vance, Warren	
17	10	Wake 16	
18	11	Harnett, Johnston, Lee 7	
19	12	Cumberland 11	
20	13	Bladen, Brunswick, Columbus 6	
21	14	Durham 9	
22	15A	Alamance4	
23	15B	Orange, Chatham 4	
24	16A	Scotland, Hoke 2	
25	16B	Robeson 7	
26	17A	Caswell, 4	
27		Rockingham	
28	17B	Stokes, Surry 4	
29	18	Guilford 15	
30	19A	Cabarrus, Rowan 6	
31	19B	Montgomery, Randolph4	
32	20	Anson, Moore, Richmond, 9	
33		Stanly, Union	
34	21	Forsyth 11	
35	22	Alexander, Davidson, Davie, 8	
36		Iredell	
37	23	Alleghany, Ashe, Wilkes, 4	
38		Yadkin	
39	24	Avery, Madison, Mitchell, 3	
40		Watauga, Yancey	
41	25	Burke, Caldwell, Catawba 9	
42	26	Mecklenburg 20	
43	27A	Gaston 7	
44	27B	Cleveland, 5	

1 Lincoln  
 2 28 Buncombe 6  
 3 29 Henderson, McDowell, Polk, 6  
 4 Rutherford, Transylvania  
 5 30 Cherokee, Clay, Graham, 6  
 6 Haywood, Jackson, Macon,  
 7 Swain."

8 (d) The district attorneys authorized for Prosecutorial Districts 6A and 6B by  
 9 subsection (c) of this section shall be elected in 1990 and take office in accordance with  
 10 general law.

11 INDIGENT ACCESS TO CIVIL JUSTICE SYSTEM

12 Sec. 25. (a) Chapter 7A of the General Statutes is amended by adding a new  
 13 Article to read:

14 **"ARTICLE 37A.**

15 **"CIVIL ACCESS TO JUSTICE ACT.**

16 **"§ 7A-474.1. Legislative findings and purpose.**

17 The General Assembly of North Carolina declares it to be its purpose to provide  
 18 access to legal representation for indigent persons in certain kinds of civil matters. The  
 19 General Assembly finds that such representation can best be provided in an efficient,  
 20 effective, and economic manner through Legal Services of North Carolina, Inc., and the  
 21 geographically based field programs in this State receiving funds under the Legal  
 22 Services Corporation Act (42 U.S.C. §2996 et seq.).

23 **"§ 7A-474.2. Definitions.**

24 The following definitions shall apply throughout this Article, unless the context  
 25 otherwise requires:

- 26 (1) 'Eligible client' means a resident of North Carolina financially eligible  
 27 for representation under the Legal Services Corporation Act,  
 28 regulations, and interpretations adopted thereunder (45 CFR §1611,  
 29 and subsequent revisions).
- 30 (2) 'Legal assistance' means the provision of any legal services, as defined  
 31 by Chapter 84 of the General Statutes, consistent with this Article.  
 32 Provided, that all legal services provided hereunder shall be performed  
 33 consistently with the Rules of Professional Conduct promulgated by  
 34 the North Carolina State Bar. Provided, further, that no funds  
 35 appropriated under this Article shall be used for lobbying to influence  
 36 the passage or defeat of any legislation before any state or national  
 37 legislative body.
- 38 (3) 'Legal Services of North Carolina, Inc.,' means the not-for-profit  
 39 corporation established by the North Carolina Bar Association to  
 40 administer the system of local legal services programs primarily  
 41 funded under the Legal Services Corporation Act (42 U.S.C. §2996 et  
 42 seq.) and the interest on Lawyer's Trust Accounts program of the  
 43 North Carolina State Bar.

- 1           (4) 'Geographically based field programs' means the 15 local not-for-  
2 profit corporations supported by funds from Legal Services of North  
3 Carolina, Inc., and the Legal Services Corporation and which provide  
4 civil legal services to low-income residents of geographic service areas  
5 comprising all 100 counties in North Carolina.

6 **"§ 7A-474.3. Eligible activities and limitations.**

7           (a) Eligible Activities. Funds appropriated under this Article shall be used only  
8 for the following purposes:

- 9               (1) To provide legal assistance to eligible clients;  
10              (2) To provide education to eligible clients regarding their rights and  
11 duties under the law;  
12              (3) To involve the private bar in the representation of eligible clients  
13 pursuant to this Article.

14           (b) Eligible Cases. Legal assistance shall be provided to eligible clients under  
15 this Article only in the following types of cases:

- 16               (1) Family violence or spouse abuse;  
17               (2) Assistance for the disabled in obtaining federal Social Security  
18 benefits;  
19               (3) Representation of eligible farmers faced with the potential of farm  
20 foreclosure;  
21               (4) Representation of eligible clients over the age of 60 regarding the  
22 following matters:  
23                   a. Wills and estates;  
24                   b. Safe and sanitary housing;  
25                   c. Pensions and retirement rights;  
26                   d. Social Security and Medicare rights;  
27                   e. Access to health care;  
28                   f. Food and nutrition; and  
29                   g. Transportation.  
30               (5) Representation of eligible clients designed to enable them to obtain the  
31 necessary skills and means to obtain meaningful employment at a  
32 decent wage and reduce the public welfare rolls; and  
33               (6) Representation of eligible clients under the age of 21 or eligible  
34 families with legal problems affecting persons under the age of 21  
35 regarding the following matters:  
36                   a. Financial support and custody of children;  
37                   b. Day care;  
38                   c. Child abuse or neglect;  
39                   d. Safe and sanitary housing;  
40                   e. Food and nutrition; and  
41                   f. Access to health care.

42           (c) Limitations. No funds appropriated under this Article shall be used for any of  
43 the following purposes:

- 1           (1) To provide legal assistance with respect to any proceeding or litigation  
 2 which seeks to procure a nontherapeutic abortion or to compel any  
 3 individual or institution to perform an abortion, or assist in the  
 4 performance of an abortion, or provide facilities for the performance of  
 5 an abortion;
- 6           (2) To provide legal assistance with respect to any criminal proceeding;
- 7           (3) To provide legal assistance to any agricultural employee or migrant  
 8 farmworker employed in North Carolina with regard to the terms of  
 9 the worker's employment;
- 10          (4) To provide legal assistance to any prisoner within the North Carolina  
 11 Department of Correction with regard to the terms of that person's  
 12 incarceration; or
- 13          (5) To provide legal assistance to persons with mental handicaps residing  
 14 in State institutions with regard to the terms and conditions of the  
 15 treatment or services provided to them by the State.

16 **"§ 7A-474.4. Funds.**

17 Funds to provide representation pursuant to this Article shall be provided to Legal  
 18 Services of North Carolina, Inc., for provision of direct services by and support of the  
 19 geographically based programs based upon the eligible client population in each  
 20 program's geographic coverage area. Funds authorized by law shall be provided by the  
 21 North Carolina State Bar to Legal Services of North Carolina, Inc., by a contract  
 22 between those entities.

23 **"§ 7A-474.5. Records and reports.**

24 Legal Services of North Carolina, Inc., shall keep appropriate records and make  
 25 periodic reports, as requested, to the North Carolina State Bar."

26           (b) There is appropriated from the General Fund to the North Carolina State  
 27 Bar, \$1,000,000 for the 1989-90 fiscal year and \$1,000,000 for the 1990-91 fiscal year  
 28 for the implementation of this section.

29 **COMPREHENSIVE CHILD SUPPORT ENFORCEMENT STUDY**

30           Sec. 26. (a) Section 80 of The Current Operations Appropriations Act of 1989  
 31 is repealed.

32           (b) The Department of Human Resources and the Administrative Office of  
 33 the Courts shall jointly undertake a comprehensive study of child support enforcement  
 34 services in North Carolina. The report shall examine the current delivery of all child  
 35 support services (IV-D and non-IV-D) by the Department of Human Resources, court  
 36 offices, and county departments of social services. Such a study shall evaluate the  
 37 efficiency and effectiveness of the current system and make organizational,  
 38 administrative, and procedural recommendations to optimize effective delivery of  
 39 service to families. The study shall examine the potential for the delivery of child  
 40 support enforcement services which would provide equitable treatment of cases  
 41 regardless of case type.

42           The study shall examine the organizational and fiscal relationship between  
 43 State- and county-administered programs with the goal of eliminating or reducing  
 44 duplication and fragmentation in local IV-D programs and court offices. Proposals for

1 system-wide reform of the program shall take into consideration the use of federal IV-D  
2 revenues to support program services. The report shall include the recommendations of  
3 the respective agencies, accompanied by estimates of the costs and potential benefits of  
4 those recommendations and a plan for the implementation of these proposals. The  
5 Department of Human Resources and the Administrative Office of the Courts may  
6 contract for outside consultation and assistance with the study with funds from existing  
7 resources in their budgets. An interim report shall be submitted to the Legislative  
8 Services Office by May 15, 1990, and to the 1989 General Assembly, 1990 Regular  
9 Session. A final report shall be submitted to the Legislative Services Office by January  
10 15, 1991, and to the 1991 General Assembly.

11           Sec. 27. The provisions of this act are severable, and if any provision of this  
12 act is held invalid by a court of competent jurisdiction, or is unenforceable under  
13 Section 5 of the Voting Rights Act of 1965, the invalidity or unenforceability shall not  
14 affect other provisions of the act which can be given effect without the invalid or  
15 unenforceable provision.

16           Sec. 28. Except where otherwise provided, this act shall become effective  
17 July 1, 1989.