

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 424
House Committee Substitute Favorable 6/20/91
Third Edition Engrossed 7/2/91

Short Title: Indigents' Representation.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

An attorney or guardian **ad litem** appointed pursuant to G.S. 7A-584, 7A-586 or 7A-587 of this ~~Article or Article~~, pursuant to any other provision of the Juvenile ~~Code Code~~, or pursuant to G.S. 7A-289.23 shall be paid a reasonable fee fixed by the court in the same manner as fees for attorneys appointed in cases of indigency or by direct engagement for specialized guardian **ad litem** services through the Administrative Office of the Courts. The judge may require payment of the attorney or guardian **ad litem** fee from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2 and 7A-450.3. In no event shall the parent or guardian be required to pay the fees for an appointed attorney or guardian **ad litem** in an abuse, neglect, or dependency proceeding unless the juvenile has been adjudicated to be abused, neglected, or ~~dependent~~ dependent, or, in a proceeding to terminate parental rights, unless the parent's rights

1 have been terminated. A person who does not comply with the court's order of payment
2 may be punished for contempt as provided in G.S. 5A-21."

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

12 Sec. 3. Section 1 of this act becomes effective October 1, 1991 and applies to
13 cases filed on or after that date. Section 2 of this act is effective upon ratification.