

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 666
HOUSE BILL 525

1 AN ACT AMENDING CERTAIN SECTIONS OF CHAPTER III OF THE GENERAL
2 STATUTES OF NORTH CAROLINA RELATING TO THE NORTH CAROLINA
3 STATE COMMISSION FOR THE BLIND.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** G.S. 111-15(5) is hereby amended by deleting from the end thereof the
8 words and figures "the first fifty dollars (\$50.00) per month of earned income", and by
9 substituting in lieu thereof the following:

10 "such earned income as will enable said agency to receive the maximum grants from the
11 Federal Government for such purpose".

12 **Sec. 2.** G.S. 111-30 is hereby repealed and replaced by the following:

13 "**§ 111-30. Personal representatives for certain recipients of Aid to the Blind.** If any
14 otherwise qualified applicant for or recipient of Aid to the Blind is or shall become unable to
15 manage the assistance payments, or otherwise fails so to manage, to the extent that deprivation
16 or hazard to himself or others results, a petition may be filed by a relative of said blind person,
17 or other interested person, or by the Director of Public Welfare before the appropriate court
18 under § 111-30.1, in the form of a verified written application for the appointment of a personal
19 representative for the purpose of receiving and managing public assistance payments for any
20 such recipient, which application shall allege one or more of the above grounds for the legal
21 appointment of such personal representative.

22 "The court shall summarily order a hearing on the petition and shall cause the applicant or
23 recipient to be notified at least five days in advance of the time and place for the hearing.
24 Findings of fact shall be made by the court without a jury, and if the court shall find that the
25 applicant for or recipient of Aid to the Blind is unable to manage the assistance payments, or
26 otherwise fails so to manage, to the extent that deprivation or hazard to himself or others
27 results, the court may thereupon enter an order embracing said findings and appointing some
28 responsible person as personal representative of the applicant or recipient for the purposes set
29 forth herein. The personal representative so appointed shall serve with or without bond, in the
30 discretion of the court, and without compensation. He will be responsible for receiving the
31 monthly assistance payment and using the proceeds of such payment for the benefit of the
32 recipient of Aid to the Blind. Such personal representative shall be responsible to the court for
33 the faithful discharge of the duties of his trust. The court may consider the recommendation of
34 the Director of Public Welfare in the selection of a suitable person for appointment as personal
35 representative for the limited purposes of §§ 111-30 to 111-30.3. The personal representative so
36 appointed may be removed by the court, and the proceeding dismissed, or another suitable
37 personal representative appointed. All costs of court with respect to any such proceedings shall
38 be waived.

39 "From the order of the court appointing or removing such personal representative, an appeal
40 may be had to the Judge of Superior Court who shall hear the matter de novo without a jury.

41 "**§ 111-30.1. Courts for purposes of Sections 111-30 to 111-30.3; records.** For the purposes
42 of §§ 111-30 to 111-30.3 the court may be either a Domestic Relations Court established
43 pursuant to Article 13, Chapter 7, General Statutes, or the Clerk of the Superior Court in the

1 county having responsibility for the administration of the particular Aid to the Blind payments.
2 The court may, for the purposes of §§ 111-30 to 111-30.3, direct the Director of Public Welfare
3 to maintain records pertaining to all aspects of any personal representative proceeding, which
4 the court may adopt as the court's record and in lieu of the maintenance of separate records by
5 the court.

6 "**§ 111-30.2. Findings under Section 111-30 not competent as evidence in other**
7 **proceedings.** The findings of fact under the provisions of § 111-30 shall not be competent as
8 evidence in any case or proceeding dealing with any subject matter other than provided in
9 §§ 111-30 to 111-30.3.

10 "**§ 111-30.3. Sections 111-30 to 111-30.3 are not to affect provisions for payments for**
11 **minors.** Nothing in §§ 111-30 to 111-30.3 is to be construed as affecting that portion of the
12 State Plan for Aid to the Blind which provides that payments for eligible blind minors should
13 be made to the parent, legal guardian, relatives or other persons 'in loco parentis' of the blind
14 minor, and that payments may be made to the minor if he is emancipated."

15 **Sec. 3.** G.S. 111-17 is hereby amended by:

- 16 (1) striking out the words "but in no case in an amount to exceed thirty dollars
17 per month" appearing in lines four and five of the first paragraph thereof;
- 18 (2) striking out the words "one-fourth" appearing in line seven of the second
19 paragraph thereof;
- 20 (3) striking out the words "one-fourth" appearing in line two of the third
21 paragraph thereof;
- 22 (4) striking out the words "one-fourth" appearing in line two of the fourth
23 paragraph thereof, and inserting in lieu thereof "their share"; and,
- 24 (5) adding a new paragraph at the end thereof to read as follows:

25 "Within the limitations of the State appropriation, the maximum payment for Aid to the
26 Blind is to be such as will make possible maximum matching funds by the Federal
27 Government."

28 **Sec. 4.** All laws and clauses of laws in conflict herewith are hereby repealed.

29 **Sec. 5.** Section 1 of this Act shall be in full force and effect from and after July 1,
30 1962, and Sections 2 and 3 of this Act shall be in full force and effect from and after
31 ratification.

32 In the General Assembly read three times and ratified, this the 6th day of June,
33 1961.