

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 627
HOUSE BILL 1215

AN ACT TO CREATE A YOUTH SERVICES ADVISORY COMMITTEE, TO ABOLISH THE COMMISSION OF YOUTH SERVICES AND THE TECHNICAL ADVISORY COMMITTEE, AND TO MAKE CONFORMING AND TECHNICAL CORRECTIONS IN THE GENERAL STATUTES.

Whereas, the Secretary of Human Resources has been unable to exercise the management authority over the Division of Youth Services which was granted by the Executive Organization Act of 1973 because of the powers of the Commission of Youth Services over the management of the division and the training schools; and

Whereas, there exists a fragmentation of effort regarding the development of community-based services as alternatives to institutions because of the ambiguous and divided authority of the Secretary of Human Resources, the Technical Advisory Committee on Delinquency Prevention and Youth Services, and the Commission of Youth Services; and

Whereas, there exists a need for a coordinated and cooperative approach to youth services, taking into account each component within the Department of Human Resources: delinquency prevention programs, community-based services and training schools; and

Whereas, under House Bill 456 and the Executive Organization Act of 1973 duly enacted by the General Assembly, and with the advice of an expert committee of concerned and informed citizens and legislators, the Secretary of Human Resources should have primary responsibility to develop—and to aid local communities and counties as they develop—programs for the previously mentioned youth services; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Part 21 of Article 3 of Chapter 143B of the General Statutes is hereby rewritten to read as follows:

"PART 21.

"Youth Services Advisory Committee.

§ 143B-207. Committee created; duties. — There is hereby created the Youth Services Advisory Committee of the Department of Human Resources to advise the Secretary of Human Resources in the development of youth services' programs. The Youth Services Advisory Committee shall have the following duties:

- (1) to study available literature and research findings concerning juvenile delinquency, its causes, and various treatment models, and to make recommendations to the Secretary of Human Resources regarding programs which will provide effective treatment and rehabilitation for children in institutions and in community-based programs;
- (2) to advise the Secretary in encouraging the development of delinquency prevention programs and community-based services by private groups so that such programs can be responsive to local needs, so that local leadership and private groups can be responsible for their programs, so that programs which meet State standards can be assisted by available State and federal

funds, and so that available private funds can be utilized with State, federal and local government funds where appropriate;

- (3) to advise the Secretary of its recommendations for the development of a program which would coordinate the resources of State government within the appropriate departments in order to provide technical assistance to local areas within the State in planning delinquency prevention programs and community-based services for youth;
- (4) to advise the Secretary of its recommendations for program evaluation standards for delinquency prevention programs, community-based services, both residential and non-residential, and institutional treatment programs;
- (5) to advise the Secretary in the development of delinquency prevention programs and community-based services under public auspices where there is no local private leadership;
- (6) to make recommendations to the Secretary of Human Resources for transmittal to the Juvenile Justice Planning Committee as it develops a comprehensive plan for juvenile justice;
- (7) to make recommendations to the Secretary of Human Resources for transmittal to the Social Services Commission when it considers proposed standards for the placement and supervision of delinquent children under the authority of G.S. 143B-153(2)c;
- (8) to review for the Secretary of Human Resources any applications referred to it for federal funds for training schools, delinquency prevention programs and community-based services and to make recommendations to the secretary on the department's priorities for such proposed programs and the appropriate use of available federal funds;
- (9) to advise and assist the Secretary of Human Resources on any other matter which the secretary may refer to it.

"§ 143B-208. Composition of committee; terms; vacancies; meetings; expenses, etc. — The Youth Services Advisory Committee shall consist of 11 members. The Governor shall appoint five members: one person who represents a private delinquency prevention program and four concerned citizens who have some knowledge about juvenile delinquency, community-based services, and training schools. Two members shall be the Director of the Administrative Office of the Courts and the Superintendent of Public Instruction or their designees. Four members shall be appointed from the General Assembly, two by the Speaker of the House of Representatives and two by the President of the Senate, who shall be members of the General Assembly with an interest in youth problems.

Initial appointments to the committee shall be made as soon as practical after the effective date of this legislation but no later than July 1, 1977, for terms that expire on July 1, 1979. Thereafter, the appointment of members shall be made as provided above for terms of two years. Any appointment to fill a vacancy on the committee created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The committee shall meet at least once in each quarter and may hold special meetings at any time and place within the State on the call of the chairman or upon the written request of five members. A majority of the committee members shall constitute a quorum for the transaction of business. The Governor shall select the chairman who shall serve at the pleasure of the Governor. The committee shall elect a vice-chairman who shall serve for a term of one year.

The members of the committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

The Governor shall have the power to remove any member of the committee from office for misfeasance, malfeasance or nonfeasance in accordance with G.S. 143B-16.

All necessary clerical and other services required by the committee shall be supplied by the Secretary of Human Resources."

Sec. 2. The title of Article 1 of Chapter 134A of the General Statutes is hereby deleted and the following substituted therefore: "Division of Youth Services in the Department of Human Resources."

Sec. 3. G.S. 134A-2(2) and (6), as the same appear in the 1975 Cumulative Supplement to Volume 3B of the General Statutes, are hereby repealed.

Sec. 4. G.S. 134A-2(13), as the same appears in the 1975 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by deleting the word "Commission" and substituting therefor the word "Secretary".

Sec. 5. The following sections of the General Statutes of North Carolina dealing with the Commission of Youth Services are hereby repealed: G.S. 134A-3, G.S. 134A-4, G.S. 134A-5, and G.S. 134A-7.

Sec. 6. Article 1 of Chapter 134A of the General Statutes is hereby amended by adding a new section 134A-8 to read as follows:

"§ 134A-8. Powers and duties of Secretary of Human Resources. — The secretary shall have the following powers and duties:

- (1) to give leadership to the implementation as appropriate of State policy which requires that training schools be phased out as populations diminish;
- (2) to close a State training school when its operation is no longer justified and to transfer State funds appropriated for the operation of any training school which is closed to fund community-based programs or to purchase care or services for pre-delinquents, delinquents or status offenders in community-based or other appropriate programs or to improve the efficiency of existing training schools, provided such actions are approved by the Advisory Budget Commission;
- (3) to develop a sound admission or intake program to youth services institutions, including the requirement of a careful evaluation of the needs of each child prior to acceptance and placement;
- (4) to assure quality programs in youth services institutions or youth services programs which shall be designed to meet the needs of children in care or receiving services;
- (5) to provide a quality educational program in each training school, including vocational education which is realistic in relation to available jobs, and to administer this educational system with the advice of the Youth Services Advisory Committee;
- (6) to have all other powers of a secretary in relation to a division of youth services or youth services institutions or youth services programs as provided by the Executive Organization Act of 1973 as amended and codified in General Statutes Chapter 143B or as provided by any other appropriate State law."

Sec. 7. Article 2 of Chapter 134A of the General Statutes is hereby repealed.

Sec. 8. G.S. 134A-18 is amended by deleting the word "Director" from line two and substituting therefor the word "Secretary" and by deleting the words "specified by the rules and regulations of the Commission" in line 6 and substituting therefor the words "required by the Secretary" and by deleting the words "under rules and regulations of the Commission" in line 12 and placing a period after the word "child" in line 12.

Sec. 9. G.S. 134A-20 is amended by changing the word "Commission" in line 7 to "Secretary" and by deleting the words "under the guidance of the Commission" in lines 1 and 2.

Sec. 10. G.S. 134A-22 is amended by deleting the word "Commission" in line 3 and substituting therefor the word "Secretary" and by deleting the words "and under rules and

regulations adopted by the Commission" in line 4 and placing a period after the word "funds" in line 3.

Sec. 11. G.S. 134A-26 is amended by deleting the words "under rules and regulations of the Commission" in lines 2 and 3 and also in lines 4 and 5, and by placing a period after the word "care" in line 2 and after the word "care" in line 4.

Sec. 12. G.S. 134A-30 is amended by deleting the words "under the rules and regulations of the Commission" in lines 5 and 6 and placing a period after the word "State" in line 5.

Sec. 13. G.S. 134A-31 is amended by deleting the words "be defined by rules and regulations of the Commission, but the process shall" in lines 6 and 7 so that the third sentence reads as follows: "This prerelease planning process shall include the following:".

Sec. 14. G.S. 134A-32 is amended by deleting the words "under rules and regulations governing release which shall be approved by the Commission," in lines 4 and 5.

Sec. 15. G.S. 134A-33 is amended by deleting the words "under rules and regulations approved by the Commission" in lines 12 and 13 and by placing a period after the word "Article".

Sec. 16. G.S. 134A-39(1) is amended by deleting the words "Which shall be effective when approved by the Commission" at the end of subsection (1) and by placing a period after the word "Article".

Sec. 17. G.S. 7A-286(5) as the same appears in the 1975 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by deleting the word "Correction" from the second line of the subsection and substituting therefor the words "Human Resources".

Sec. 18. G.S. 7A-289.13(4) is hereby amended by deleting the words "Committee on Law and Order" therefrom and substituting therefor the words "Crime Commission".

Sec. 19. G.S. 7A-289.13(5) is hereby amended by deleting the words "in conjunction with the Technical Advisory Committee described in G.S. 143B-207 of this Article".

Sec. 20. G.S. 7A-289.14(2) is hereby repealed.

Sec. 21. G.S. 7A-289.14(3) is hereby amended by deleting the words "Technical Advisory Committee" therefrom and substituting therefor the words "Youth Services Advisory Committee".

Sec. 22. G.S. 7A-289.14(6) is hereby amended by deleting the words "Technical Advisory Committee" therefrom and substituting therefor the word "Secretary".

Sec. 23. G.S. 7A-289.14(7) is hereby amended by deleting the words "in coordination with the Technical Advisory Committee as described in G.S. 143B-207 of this Article".

Sec. 24. G.S. 7A-289.15 is hereby amended by deleting therefrom the words "Technical Advisory Committee" and substituting therefor the words "Secretary of Human Resources".

Sec. 25. Section 5 of Chapter 742 of the 1975 Session Laws passed by the North Carolina General Assembly is hereby repealed.

Sec. 26. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1977.