

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 766
HOUSE BILL 356

AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES PERTAINING TO
THE JUDICIAL PROCEDURE APPLICABLE TO JUVENILES TO ALLOW THE
APPOINTMENT OF AN ATTORNEY AS GUARDIAN AD LITEM FOR ANY CHILD
ALLEGED TO BE NEGLECTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-283, as the same appears in Volume 1B of the 1975 Cumulative Supplement to the General Statutes of North Carolina, is hereby amended by inserting after the third paragraph thereof the following paragraphs:

"In cases in which the petition alleges that a child is neglected, the court shall appoint a guardian ad litem to represent the child unless the court shall find as a fact that the child is not in need of and cannot benefit from such representation. The duties of the guardian ad litem shall be to make an investigation to determine the facts, the needs of the child, and the resources available within the family and in the community to meet those needs; to appear on behalf of the child in the juvenile proceeding and to perform necessary and appropriate legal services on behalf of the child in order to present the relevant facts to the court at the adjudicatory part of the hearing and the possible options to the court at the dispositional part of the hearing; to serve the child and the court by protecting and promoting the best interests of and the least detrimental alternatives for the child at every stage of the proceeding until formally relieved of the responsibility by the court; to appeal, when deemed advisable, from an adjudication or order of disposition to the Court of Appeals pursuant to G.S. 7A-289. The court shall order the Department of Social Services to conduct follow-up investigations as necessary to insure that the orders of the court are being properly executed and to report to the court when the needs of the child are not being met.

The guardian ad litem shall be an attorney-at-law, licensed to practice in the State of North Carolina, who shall be compensated as in cases of indigency. The court may order those parents, guardians, or custodians who have sufficient income to reimburse, in whole or in part, the State treasury, for the expenses involved in such representation. In no case shall the court appoint a public defender as guardian ad litem.

The court may order that the guardian ad litem have the authority to demand the release to him and the court of any information or reports, whether or not confidential, that may in his opinion be relevant to the case. This provision shall apply specifically, but not exclusively, to any professional person, including but not limited to those listed by profession in the Child Abuse Reporting Law, G.S. 110-117(5). Neither the physician-patient privilege nor the husband-wife privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of such information or reports shall be respected by the guardian ad litem and no disclosure of any such information or reports shall be made to anyone except by order of the presiding judge."

Sec. 2. G.S. 7A-451(a), as the same appears in the 1975 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following subdivision:

"(12) In the case of a juvenile alleged to be neglected under Chapter 7A, Article 23 of the General Statutes."

Sec. 3. Nothing herein contained shall be construed to obligate the General Assembly to make additional appropriations to implement the provisions of this act.

Sec. 4. This act shall become effective 90 days after ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1977.