

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 528
HOUSE BILL 995

AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES TO ALLOW THE JUVENILE COURT JUDGE TO APPOINT A NONLAWYER AS GUARDIAN AD LITEM IN ABUSE AND NEGLECT CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-586 is rewritten to read:

"§ 7A-586. Appointment and duties of guardian ad litem. — When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian ad litem to represent the juvenile. The duties of the guardian ad litem shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge. When the appointed guardian ad litem is not an attorney licensed to practice in the State of North Carolina, he may employ an attorney when the employment is authorized by the court and pursuant to Chapter 7A or request the appointment of an attorney to appear on behalf of the juvenile in the court proceeding and to assist the guardian ad litem by performing necessary and appropriate legal services on the juvenile's behalf, to present relevant facts to the judge at the adjudicatory hearing and to appeal, when advisable, from an adjudication or order of disposition to the Court of Appeals.

The judge may order the Department of Social Services or the guardian ad litem to conduct follow-up investigations to insure that the orders of the court are being properly executed and to report to the court when the needs of the juvenile are not being met. The judge may also authorize the guardian ad litem to accompany the juvenile to court in any criminal action wherein he may be called on to testify in a matter relating to abuse.

The judge may grant the guardian ad litem the authority to demand any information or reports whether or not confidential, that may in the guardian ad litem's opinion be relevant to the case. 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 the information or reports shall be respected by the guardian ad litem and no disclosure of any information or reports shall be made to anyone except by order of the judge."

Sec. 2. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 8th day of June, 1981.