

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 966
HOUSE BILL 697

AN ACT TO REQUIRE THAT COUNSEL BE APPOINTED FOR INDIGENT PARENTS IN
TERMINATION OF PARENTAL RIGHTS ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.23 is amended by deleting the third sentence and substituting the following:

"The parent has the right to counsel and to appointed counsel in cases of indigency unless the parent waives the right. The fees of appointed counsel shall be borne by the Administrative Office of the Courts. In addition to the right to appointed counsel set forth above, a guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to represent a parent in the following cases:

- (1) where it is alleged that a parent's rights should be terminated pursuant to G.S. 7A-289.32(7); or
- (2) where the parent is under the age of 18 years."

Sec. 2. G.S. 7A-289.27 is amended in the second paragraph by inserting on line 7 thereof, between the period and the word "Service", a new sentence to read as follows: "The summons shall also notify the parents of the child that the parents are entitled to appointed counsel if they are indigent, provided they request counsel at or before the time of the hearing and that a parent is entitled to attend any hearing affecting his parental rights."

Sec. 3. G.S. 7A-289.30 is amended by redesignating the present subsections and inserting after subsection (a) a new subsection (b) to read as follows:

"(b) The court shall inquire whether the child's parents are present at the hearing and, if so, whether they are represented by counsel. If the parents are not represented by counsel, the court shall inquire whether the parents desire counsel but are indigent. In the event that the parents desire counsel but are indigent as defined in G.S. 7A-450(a) and are unable to obtain counsel to represent them, the court shall appoint counsel to represent them. The court shall grant the parents such an extension of time as is reasonable to permit their appointed counsel to prepare their defense to the termination petition. In the event that the parents do not desire counsel and are present at the hearing, the court shall examine each parent and make findings of fact sufficient to show that the waivers were knowing and voluntary. This examination shall be reported as provided in G.S. 7A-198."

Sec. 4. G.S. 7A-451(a) is amended on line 37 by deleting the period and inserting in lieu thereof a semicolon and by adding a new subdivision to read as follows:

- "(15) An action brought pursuant to Article 24B of Chapter 7A of the General Statutes to terminate an indigent person's parental rights."

Sec. 5. This act shall become effective 30 days after ratification and shall only apply to cases brought on or after the effective date.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.