

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 1124\*  
Appropriations Committee Substitute Adopted 6/28/89  
Third Edition Engrossed 6/29/89

Short Title: Omnibus Courts Bill.

(Public)

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Sponsors:

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Referred to:

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May 2, 1989

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF  
THE COURTS, TO MAKE IMPROVEMENTS TO THE JUDICIAL BRANCH OF  
GOVERNMENT, AND TO ADD ADDITIONAL COURT PERSONNEL.

The General Assembly of North Carolina enacts:

JUROR AND WITNESS FEES

Section 1. There is appropriated from the General Fund to the Judicial  
Department \$400,000 for fiscal year 1990-91 to be used to pay jurors and witnesses  
called before either the superior or district courts.

SUPREME COURT PERSONNEL

Sec. 2. There is appropriated from the General Fund to the Judicial  
Department \$47,958 for fiscal year 1989-90 and \$69,074 for fiscal year 1990-91 for  
new support personnel in the supreme court reporter's office and library.

COURT OF APPEALS PERSONNEL

Sec. 3. There is appropriated from the General Fund to the Judicial  
Department \$42,030 for fiscal year 1989-90 and \$39,501 for fiscal year 1990-91 for one  
court of appeals staff attorney.

NEW SUPERIOR COURT PERSONNEL

Sec. 4. There is appropriated from the General Fund to the Judicial  
Department \$62,318 for fiscal year 1989-90 to be used for two official court reporters.  
Further, there is appropriated from the General Fund to the Judicial Department  
\$581,936 for fiscal year 1990-91 to be allocated for the following purposes:

- 1           (1)    To continue the two positions funded in fiscal year 1989-90 - \$58,756;  
2           (2)    To establish six resident superior court judgeships - \$377,136;  
3           (3)    To create six official court reporter positions - \$98,910;  
4           (4)    To establish two administrative secretaries to superior court judges -  
5                \$47,134.

6 **NEW DISTRICT COURT PERSONNEL**

7       Sec. 5. (a)       There is appropriated from the General Fund to the Judicial  
8 Department \$520,048 for fiscal year 1989-90 to be allocated for the following purposes:

- 9           (1)    One new district court judgeship - \$87,339;  
10          (2)    Two official court reporters - \$62,318;  
11          (3)    Seven magistrates - \$150,101;  
12          (4)    Ten secretaries for district courts now without secretarial assistance -  
13                \$220,290.

14       (b)    There is appropriated from the General Fund to the Judicial Department  
15 \$1,495,110 for fiscal year 1990-91 to be allocated for the following purposes:

- 16          (1)    To continue the positions established in fiscal year 1989-90 -  
17                \$494,057;  
18          (2)    To establish 16 new district court judgeships - \$837,920;  
19          (3)    To establish five new magistrate positions - \$107,280;  
20          (4)    To establish two case management assistants to trial court  
21                administrators - \$54,030;  
22          (5)    To be used for salary and benefits of the chief district court judge for  
23                District Court District 6B, as created in Section 23 of this act - \$1, 823.

24       (c)    If Senate Bill 144, 1989 Session is enacted, there is appropriated from the  
25 General Fund to the Judicial Department \$50,300 for fiscal year 1990-91 to implement  
26 that act.

27 **NEW JUVENILE SERVICES PERSONNEL**

28       Sec. 6.    There is appropriated from the General Fund to the Judicial  
29 Department \$369,262 for fiscal year 1989-90 and \$510,161 for fiscal year 1990-91 for  
30 new personnel in the Juvenile Services Division of the Administrative Office of the  
31 Courts, and for contract services to provide for intensive juvenile supervision.

32 **NEW DEPUTY CLERKS OF SUPERIOR COURT**

33       Sec. 7.    There is appropriated from the General Fund to the Judicial  
34 Department \$699,624 for fiscal year 1989-90 and \$1,032,282 for fiscal year 1990-91 for  
35 36 new deputy clerks of superior court in the 1989-90 fiscal year and an additional 18  
36 new deputy clerks in the 1990-91 fiscal year.

37 **NEW PUBLIC DEFENDER PERSONNEL**

38       Sec. 8. (a)       There is appropriated from the General Fund to the Judicial  
39 Department \$43,978 for fiscal year 1989-90 for two new personnel in public defender  
40 offices.

41       (b)    There is appropriated from the General Fund to the Judicial Department  
42 \$96,521 for fiscal year 1990-91 for continuation of the two positions established for  
43 fiscal year 1989-90 and for two additional positions.

44 **NEW PERSONNEL FOR SPECIAL COUNSEL**

1           Sec. 9. There is appropriated from the General Fund to the Judicial  
2 Department \$28,596 for fiscal year 1989-90 and \$27,854 for fiscal year 1990-91 for one  
3 assistant to the special counsel in the 10th judicial district.

4 NEW DISTRICT ATTORNEY PERSONNEL

5           Sec. 10. (a) There is appropriated from the General Fund to the Judicial  
6 Department \$1,397,145 for fiscal year 1989-90 to be allocated for the following  
7 purposes:

8           (1) Nineteen new assistant district attorneys - \$999,645;

9           (2) To establish 14 district attorney's secretaries - \$293,636;

10          (3) To establish four new victim/witness assistants - \$103,864.

11          (b) There is appropriated from the General Fund to the Judicial Department  
12 \$1,972,977 for fiscal year 1990-91 to be allocated for the following purposes:

13          (1) To continue the positions established in fiscal year 1989-90 -  
14 \$1,371,368;

15          (2) To establish eight new assistant district attorney positions - \$419,864;

16          (3) To establish two new victim/witness assistants - \$51,964;

17          (4) To establish five new district attorney's secretaries - \$104,940;

18          (5) To establish positions necessary for the division of the 6th  
19 Prosecutorial District into Districts 6A and 6B as provided in Section  
20 24(c) of this act - \$24,841.

21 NEW OR UPGRADED GUARDIAN AD LITEM PROGRAM POSITIONS

22          Sec. 11. (a) There is appropriated from the General Fund to the Judicial  
23 Department for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem**  
24 Program, \$238,857 for fiscal year 1989-90 for the establishment or upgrade of 21  
25 Guardian **Ad Litem** Program staff positions.

26          (b) There is appropriated from the General Fund to the Judicial Department for  
27 transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program,  
28 \$494,758 for fiscal year 1990-91 to continue the 21 positions that were established or  
29 upgraded in fiscal year 1989-90, to create four new Guardian **Ad Litem** Program staff  
30 positions, and to upgrade 11 existing positions.

31 NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL  
32 ADMINISTRATION POSITIONS PERSONNEL

33          Sec. 12. (a) There is appropriated from the General Fund to the Judicial  
34 Department \$212,721 for fiscal year 1989-90 to establish a total of six staff positions  
35 within the general administration section of the Administrative Office of the Courts.

36          (b) There is appropriated from the General Fund to the Judicial Department  
37 \$295,329 for fiscal year 1990-91 to provide for the continuation of the six positions  
38 established in the Administrative Office of the Courts in fiscal year 1989-90 and to  
39 provide for the establishment of three new staff positions effective July 1, 1990.

40 NEW ADMINISTRATIVE OFFICE OF THE COURTS WAREHOUSE AND  
41 PRINTING SERVICE PERSONNEL

42          Sec. 13. There is appropriated from the General Fund to the Judicial  
43 Department \$37,146 for fiscal year 1989-90 and \$55,749 for fiscal year 1990-91 to  
44 establish two new positions within the warehouse and print shop of the Administrative

1 Office of the Courts for the 1989-90 fiscal year and one additional position for the  
2 1990-91 fiscal year.

3 COURT INFORMATION SYSTEM EXPANSION

4 Sec. 14. (a) There is appropriated from the General Fund to the Judicial  
5 Department \$5,375,693 for the 1989-90 fiscal year for the creation of 13 new staff  
6 positions within the information services division of the Administrative Office of the  
7 Courts, the upgrade of the central mainframe computer maintained by the information  
8 services section, and the expansion for the court information system.

9 (b) There is appropriated from the General Fund to the Judicial Department  
10 \$1,933,127 for fiscal year 1990-91 to continue the 13 positions established in fiscal year  
11 1989-90, to establish six additional positions in the information services division of the  
12 Administrative Office of the Courts, and to continue the further expansion of the court  
13 information system.

14 ESTABLISH STATEWIDE CUSTODY AND VISITATION MEDIATION  
15 PROGRAMS

16 Sec. 15. (a) Chapter 7A of the General Statutes is amended by adding the  
17 following new Article:

18 **“ARTICLE 39A.**

19 **“CUSTODY AND VISITATION MEDIATION PROGRAM.**

20 **“§ 7A-494. Custody and Visitation Mediation Program established.**

21 (a) The Administrative Office of the Courts shall establish a Custody and  
22 Visitation Mediation Program to provide statewide and uniform services in accordance  
23 with G.S. 50-13.1 in cases involving unresolved issues about the custody or visitation of  
24 minor children. The Director of the Administrative Office of the Courts shall appoint  
25 such AOC staff support required for planning, organizing, and administering such  
26 program on a statewide basis.

27 The purposes of the Custody and Visitation Mediation Program shall be to provide  
28 the services of skilled mediators to further the goals expressed in G.S. 50-13.1(b).

29 (b) Beginning on July 1, 1989, the Administrative Office of the Courts shall  
30 establish in phases a statewide custody mediation program comprised of local district  
31 programs to be established in all judicial districts of the State. Each local district  
32 program shall consist of: a qualified mediator or mediators to provide mediation  
33 services; and such clerical staff as the Administrative Office of the Courts in  
34 consultation with the local district program deems necessary. Such personnel, to be  
35 employed by the Chief District Court Judge of the district, may serve as full-time or  
36 part-time State employees or, in the alternative, such activities may be provided on a  
37 contractual basis when determined appropriate by the Administrative Office of the  
38 Courts. The Administrative Office of the Courts may authorize all or part of a program  
39 in one judicial district to be operated in conjunction with that of another district or  
40 districts. The Director of the Administrative Office of the Courts is authorized to  
41 approve contractual agreements for such services as executed by order of the Chief  
42 District Court Judge of a judicial district; such contracts to be exempt from competitive  
43 bidding procedures under Section 5D.0302 of the North Carolina Administrative Code.  
44 The Administrative Office of the Courts shall promulgate rules and regulations

1 necessary and appropriate for the administration of the program. Funds appropriated by  
2 the General Assembly for the establishment and maintenance of mediation programs  
3 under this Article shall be administered by the Administrative Office of the Courts.

4 (c) For a person to qualify to provide mediation services under this Article, that  
5 person shall show that he or she:

6 (1) Has at minimum a law degree or a master's degree in psychology,  
7 social work, family counselling, or a comparable human relations  
8 discipline; and

9 (2) Has at least 40 hours of training in mediation techniques by a qualified  
10 instructor of mediation as determined by the Administrative Office of  
11 the Courts; and

12 (3) Has had professional training and experience relating to child  
13 development, family dynamics, or comparable areas; and

14 (4) Meets such other criteria as may be specified by the Administrative  
15 Office of the Courts.

16 **"§ 7A-495. Implementation and administration.**

17 (a) Local District Program. – The Administrative Office of the Courts shall, in  
18 cooperation with each Chief District Court Judge and other district personnel,  
19 implement and administer the program mandated by this Article.

20 (b) Advisory Committee Established. – The Director of the Administrative Office  
21 of the Courts shall appoint a Custody Mediation Advisory Committee consisting of at  
22 least five members to advise the Custody Mediation Program. The members of the  
23 Advisory Committee shall receive the same per diem and reimbursement for travel  
24 expenses as members of State boards and commissions generally."

25 (b) G.S. 50-13.1 reads as rewritten:

26 **"§ 50-13.1. Action or proceeding for custody of minor child.**

27 (a) Any parent, relative, or other person, agency, organization, or institution  
28 claiming the right to custody of or visitation with a minor child may institute an action  
29 or proceeding for custody of or visitation with such child, as hereinafter provided.  
30 Unless a contrary intent is clear, the word 'custody' shall be deemed to include custody  
31 or visitation or both.

32 (b) Whenever it appears to the court, from the pleadings or otherwise, that an  
33 action involves a contested issue as to the custody or visitation of a minor child, the  
34 matter, where there is a program established pursuant to G.S. 7A-494, shall be set for  
35 mediation of the unresolved issues as to custody and visitation before or concurrent with  
36 the setting of the matter for hearing unless the court waives mediation pursuant to  
37 subsection (c). Issues that arise in motions for contempt or for modifications as well as  
38 in other pleadings shall be set for mediation unless mediation is waived by the court.  
39 Alimony, child support, and other economic issues may not be referred for mediation  
40 pursuant to this section. The purposes of mediation under this section include the  
41 pursuit of the following goals:

42 (1) To reduce any acrimony that exists between the parties to a dispute  
43 involving custody or visitation of a minor child;

- 1           (2) The development of custody and visitation agreements that are in the  
2 child's best interest;
- 3           (3) To provide the parties with informed choices and, where possible, to  
4 give the parties the responsibility for making decisions about child  
5 custody and visitation;
- 6           (4) To provide a structured, confidential, nonadversarial setting that will  
7 facilitate the cooperative resolution of custody and visitation disputes  
8 and minimize the stress and anxiety to which the parties, and  
9 especially the child, are subjected; and
- 10          (5) To reduce the relitigation of custody and visitation disputes.
- 11          (c) For good cause, on the motion of either party or on the court's own motion,  
12 the court may waive the setting of a contested custody or visitation matter for  
13 mediation. Good cause may include, but is not limited to, the following: a showing of  
14 undue hardship to a party; allegations of abuse or neglect of the minor child; allegations  
15 of alcoholism, drug abuse, or spouse abuse; or allegations of severe psychological,  
16 psychiatric, or emotional problems. A showing by either party that the party resides  
17 more than fifty miles from the court shall be considered good cause.
- 18          (d) Either party may move to have the mediation proceedings dismissed and the  
19 action heard in court due to the mediator's bias, undue familiarity with a party, or other  
20 prejudicial ground.
- 21          (e) Mediation proceeding shall be held in private and shall be confidential. All  
22 verbal or written communications from either or both parties to the mediator or between  
23 the parties in the presence of the mediator made in a proceeding pursuant to this section  
24 are absolutely privileged and inadmissible in court. The mediator may assess the needs  
25 and interests of the child, and may interview the child or others who are not parties to  
26 the proceedings when he or she thinks appropriate.
- 27          (f) Neither the mediator nor any party or other person involved in mediation  
28 sessions under this section shall be competent to testify to communications made during  
29 or in furtherance of such mediation sessions; provided, there is no privilege as to  
30 communications made in furtherance of a crime or fraud. Nothing in this subsection  
31 shall be construed as permitting an individual to obtain immunity from prosecution for  
32 criminal conduct or as excusing an individual from the reporting requirements of G.S.  
33 7A-543 or G.S. 108A-102.
- 34          (g) Any agreement reached by the parties as a result of the mediation shall be  
35 reduced to writing, signed by each party, and submitted to the court as soon as  
36 practicable. Unless the court finds good reason not to, it shall incorporate the agreement  
37 in a court order and it shall become enforceable as a court order. If some or all of the  
38 issues as to custody or visitation are not resolved by mediation, the mediator shall report  
39 that fact to the court.
- 40          (h) If an agreement that results from mediation and is incorporated into a court  
41 order is referred to as a 'parenting agreement' or called by some similar name, it shall  
42 nevertheless be deemed to be a custody order or child custody determination for  
43 purposes of Chapter 50A of the General Statutes, G.S. 14-320.1, G.S. 110-139.1, or  
44 other places where those terms appear."

1 (c) Programs in Judicial Districts 26 and 27A shall be established as of July 1,  
2 1989, and programs in additional judicial districts shall be established by the  
3 Administrative Office of the Courts as provided in G.S. 7A-494(b).

4 (d) Funds in the amount of \$140,000 for the 1989-90 fiscal year and \$212,000 for  
5 the 1990-91 fiscal year are appropriated to the Judicial Department to achieve the  
6 purposes of Sections 15 through 17 of this act.

#### 7 NONBINDING ARBITRATION PROGRAM

8 Sec. 16. If no other funds are made available, from the \$5,375,693  
9 appropriated to the Judicial Department for the 1989-90 fiscal year and the \$1,933,127  
10 appropriated to the Judicial Department for the 1990-91 fiscal year for the court  
11 information system, the Administrative Office of the Courts may use in each fiscal year  
12 up to \$122,000 to support the three existing court-ordered, nonbinding arbitration  
13 programs for certain civil court actions.

#### 14 APPELLATE DIVISION LIBRARY FUNDS

15 Sec. 17. There is appropriated from the General Fund to the Judicial  
16 Department \$158,542 for fiscal year 1990-91 to provide for the adequate maintenance  
17 and upkeep of libraries within the Appellate Division of the General Court of Justice.

#### 18 CURRENT OPERATING EXPENSES

19 Sec. 18. From the funds specifically appropriated to the Judicial Department  
20 in the certified budget for the 1989-90 fiscal year, the Administrative Office of the  
21 Courts may transfer within its budget up to \$1,420,000 to meet additional current  
22 operating expenses for supplies and materials, current obligations, fixed charges, other  
23 expenses, and books.

#### 24 ADDITIONAL DEPUTY CLERKS OF SUPERIOR COURT

25 Sec. 19. In addition to all other funds specifically appropriated or otherwise  
26 available for new part-time or full-time permanent deputy clerks of superior court, from  
27 funds appropriated to the Judicial Department in the current operating budget for the  
28 1989-91 biennium in line item 1260-1160 (Office-Clerk of Superior Court/EPA  
29 Salaries-Temporary), the Administrative Office of the Courts may use in each fiscal  
30 year up to \$670,000 to allocate among the counties of the State, pursuant to the formula  
31 authorized by Section 9 of Chapter 881 of the 1983 Session Laws or any law amending  
32 the same, additional new permanent full-time or part-time deputy clerks of superior  
33 court.

#### 34 ADDITIONAL ASSISTANT PUBLIC DEFENDERS

35 Sec. 20. From the funds appropriated to the Indigent Persons Attorney Fee  
36 Fund in the Judicial Department for the 1989-91 biennium, the Administrative Office of  
37 the Courts may use up to \$261,475 in the the 1989-90 fiscal year and \$260,670 in the  
38 1990-91 fiscal year for salaries, benefits, and related expenses of five new assistant  
39 public defender positions, and may use up to an additional \$261,615 in the 1990-91  
40 fiscal year for salaries, benefits, and related expenses of five additional new public  
41 defender positions.

#### 42 DEATH PENALTY RESOURCE CENTER LIMITATIONS

43 Sec. 21. (a) The Death Penalty Resource Center shall:

- 1 (1) Provide consulting services to attorneys representing defendants in  
2 capital cases;
- 3 (2) Maintain a clearinghouse of materials to assist attorneys representing  
4 defendants in capital cases;
- 5 (3) Recruit qualified members of the private bar who are willing to  
6 provide representation in State and federal death penalty post-  
7 conviction proceedings; and
- 8 (4) Undertake direct representation and consultation in cases pending in  
9 federal court only to the extent that such work is fully federally  
10 funded.

11 The Center shall not lobby any entity, organization, or legislative body to  
12 urge either abolition or retention of the death penalty; no employee of the Center shall  
13 directly advocate the general abrogation of the death penalty, other than as may be  
14 appropriate in representing fully as attorney of record a defendant in a particular case.

15 (b) The Death Penalty Resource Center may:

- 16 (1) Serve as counsel of record for indigent defendants in capital cases in  
17 State court;
- 18 (2) To the extent fully funded by federal sources, serve as counsel of  
19 record in capital cases in federal court; and
- 20 (3) Provide training and continuing legal education to attorneys and  
21 perform such other tasks as may be necessary to ensure that adequate  
22 representation is provided to indigent defendants in capital cases.

23 The authority granted to the Center pursuant to subdivisions (1) and (2) of  
24 this subsection is subject to the Center's ability to decline this representation if, in the  
25 judgment of the Appellate Defender, the workload of the Center is such that it would  
26 substantially impair its ability to render adequate assistance of counsel in any additional  
27 cases.

28 (c) The Director of the Administrative Office of the Courts shall submit to the  
29 1989 General Assembly, Regular Session 1990:

- 30 (1) Formal job descriptions for the Director and staff attorneys of the  
31 Death Penalty Resource Center, as well as written guidelines for  
32 keeping appropriate records of the time expended by the Center in  
33 State and federal cases.
- 34 (2) A possible revision of G.S. 7A-486.2 that will provide for the  
35 appointment of the Appellate Defender and the Director of the Death  
36 Penalty Resource Center by the Director of the Administrative Office  
37 of the Courts or other appropriate person.

38 By October 1, 1990, the Appellate Defender shall submit a report to the  
39 Director of the Administrative Office of the Courts detailing the activities of the Center  
40 in the previous year, including a breakdown of the amount of time expended by the  
41 Center in State and federal cases. The report shall be forwarded to the 1991 General  
42 Assembly.

43 (d) If the Death Penalty Resource Center or any of its employees fails to  
44 comply with this section or any of its provisions, the Director of the Administrative



1 Office of the Courts may refuse to seek continued State funding for the Center, or take  
2 such other actions that the Director considers appropriate.

3 ADD ADDITIONAL SUPERIOR COURT JUDGES

4 Sec. 22. (a) Effective January 1, 1991, G.S. 7A-41(a) reads as rewritten:

5 "(a) The counties of the State are organized into judicial divisions and superior  
6 court districts, and each superior court district has the counties, and the number of  
7 regular resident superior court judges set forth in the following table, and for districts of  
8 less than a whole county, as set out in subsection (b) of this section:

9	Judicial	Superior		No. of Resident
10	Division	Court	Counties	Judges
11		District		
12				
13	First	1	Camden, Chowan,	2
14			Currituck,	
15			Dare, Gates,	
16			Pasquotank,	
17			Perquimans	
18		2	Beaufort, Hyde,	1
19			Martin,	
20			Tyrrell, Washington	
21		3A	Pitt	<del>1</del> <u>2</u>
22		3B	Carteret, Craven,	1
23			Pamlico	
24		4A	Duplin, Jones,	1
25			Sampson	
26		4B	Onslow	1
27		5	New Hanover,	<del>2</del> <u>3</u>
28			Pender	
29		6A	Halifax	1
30		6B	Bertie, Hertford,	1
31			Northampton	
32		7A	Nash	1
33		7B	(part of Wilson,	1
34			part of Edgecombe,	
35			see subsection (b))	
36		7C	(part of Wilson,	1
37			part of Edgecombe,	
38			see subsection (b))	
39		8A	Lenoir and Greene	1
40		8B	Wayne	1
41	Second	9	Franklin, Granville,	2
42			Person,	
43			Vance, Warren	
44		10A	(part of Wake,	1

1		see subsection (b))	
2	10B	(part of Wake,	2
3		see subsection (b))	
4	10C	(part of Wake,	1
5		see subsection (b))	
6	10D	(part of Wake,	1
7		see subsection (b))	
8	11	Harnett, Johnston,	<u>+2</u>
9		Lee	
10	12A	(part of Cumberland,	1
11		see subsection (b))	
12	12B	(part of Cumberland,	1
13		see subsection (b))	
14	12C	(part of Cumberland,	2
15		see subsection (b))	
16	13	Bladen, Brunswick,	<u>+2</u>
17		Columbus	
18	14A	(part of Durham,	1
19		see subsection (b))	
20	14B	(part of Durham,	3
21		see subsection (b))	
22	15A	Alamance	1
23	15B	Orange, Chatham	1
24	16A	Scotland, Hoke	1
25	16B	Robeson	2
26	Third 17A	Caswell, Rockingham	<u>+2</u>
27	17B	Stokes, Surry	1
28	18A	(part of Guilford,	1
29		see subsection (b))	
30	18B	(part of Guilford,	1
31		see subsection (b))	
32	18C	(part of Guilford,	1
33		see subsection (b))	
34	18D	(part of Guilford,	1
35		see subsection (b))	
36	18E	(part of Guilford,	1
37		see subsection (b))	
38	19A	Cabarrus	1
39	19B	Montgomery,	1
40		Randolph	
41	19C	Rowan	1
42	20A	Anson, Moore,	<u>+2</u>
43		Richmond	
44	20B	Stanly, Union	1

1	21A	(part of Forsyth, see subsection (b))	1
2			
3	21B	(part of Forsyth, see subsection (b))	1
4			
5	21C	(part of Forsyth, see subsection (b))	1
6			
7	21D	(part of Forsyth, see subsection (b))	1
8			
9	22	Alexander, Davidson, Davie, Iredell	2
10			
11	23	Alleghany, Ashe, Wilkes, Yadkin	1
12			
13	Fourth 24	Avery, Madison, Mitchell, Watauga, Yancey	1
14			
15			
16	25A	Burke, Caldwell	<u>+2</u>
17	25B	Catawba	1
18	26A	(part of Mecklenburg, see subsection (b))	2
19			
20	26B	(part of Mecklenburg, see subsection (b))	2
21			
22	26C	(part of Mecklenburg, see subsection (b))	2
23			
24	27A	Gaston	2
25	27B	Cleveland, Lincoln	1
26	28	Buncombe	2
27	29	Henderson, McDowell, Polk, Rutherford, Transylvania	<u>+2</u>
28			
29			
30			
31	30A	Cherokee, Clay, Graham, Macon, Swain	1
32			
33			
34	30B	Haywood, Jackson	1"

(b) The additional judges authorized by subsection (a) of this section shall be nominated and elected in the 1990 primary and general elections in accordance with Chapter 163 of the General Statutes.

#### ADD ADDITIONAL DISTRICT COURT JUDGES

Sec. 23. (a) Effective December 3, 1990, G.S. 7A-133 reads as rewritten:

#### "§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Judges	County	Magistrates Min.-Max.	Additional Seats of Court
1	3	Camden	1 2	
		Chowan	2 3	
		Currituck	1 2	
		Dare	3 5	
		Gates	2 3	
		Pasquotank	3 4	
		Perquimans	2 3	
2	3	Martin	5 8	
		Beaufort	4 5	
		Tyrrell	1 3	
		Hyde	2 4	
		Washington	3 4	
3	7	Craven	7 10	
		Pitt	10 12	Farmville, Ayden
		Pamlico	2 3	
		Carteret	5 8	
4	5	Sampson	6 8	
		Duplin	9 11	
		Jones	2 3	
		Onslow	8 11	
5	5	New Hanover	6 10-11	
		Pender	4 6	
6	3	Northampton	5 6	
		Halifax	9 14	Roanoke Rapids, Scotland Neck
		Bertie	4 5	
		Hertford	5 6	
6A	2	Halifax	9 14	Roanoke Rapids, Scotland Neck
6B	2	Northampton	5 6	
		Bertie	4 5	
		Hertford	5 6	
7	5	Nash	7 10	Rocky Mount
		Edgecombe	4 6	Rocky Mount
		Wilson	4 6	
8	5	Wayne	5 8	Mount Olive
		Greene	2 4	

1			Lenoir	4	7	La Grange
2	9	<u>45</u>	Person <sup>3</sup>	4		
3			Granville	3	7	
4			Vance	3	5	
5			Warren	3	4	
6			Franklin	3	6	
7	10	<del>40</del> <u>11</u>	Wake	12	17	Apex,
8						Wendell,
9						Fuquay-Varina,
10						Wake Forest
11	11	<u>56</u>	Harnett	7	11	Dunn
12			Johnston	10	12	Benson and
13						Selma
14			Lee	4	6	
15	12	<u>56</u>	Cumberland	10	17	
16	13	4	Bladen	4	6	
17			Brunswick	4	7	
18			Columbus	6	8	Tabor City
19	14	5	Durham	8	12	
20	15A	3	Alamance	7	9	Burlington
21	15B	3	Orange	4	8	Chapel Hill
22			Chatham	3	6	Siler City
23	16A	2	Scotland	3	5	
24			Hoke	4	5	
25	16B	5	Robeson	8	16	Fairmont,
26						Maxton,
27						Pembroke,
28						Red Springs,
29						Rowland,
30						St. Pauls
31	17A	3	Caswell	2	5	
32			Rockingham	4	9	Reidsville,
33						Eden,
34						Madison
35	17B	<del>23</del>	Stokes <sup>2</sup>	5		
36			Surry	5	8	Mt. Airy
37	18	<u>9</u> <u>10</u>	Guilford	20	26	High Point
38	19A	4	Cabarrus	5	9	Kannapolis
39			Rowan	5	10	
40	19B	3	Montgomery	2	4	
41			Randolph	5	8	Liberty
42	20	<u>56</u>	Stanly <sup>5</sup>	6		
43			Union	4	6	
44			Anson	4	5	

1			Richmond	5	6	Hamlet
2			Moore	5	8	Southern
3						Pines
4	21	7	Forsyth	3	15	Kernersville
5	22	<del>56</del>	Alexander	2	3	
6			Davidson	7	10	Thomasville
7			Davie	2	3	
8			Iredell	4	8	Mooreville
9	23	3	Alleghany	1	2	
10			Ashe	3	4	
11			Wilkes	4	6	
12			Yadkin	3	5	
13	24	3	Avery	3	4	
14			Madison	4	5	
15			Mitchell	3	4	
16			Watauga	4	6	
17			Yancey	2	4	
18	25	<del>67</del>	Burke	4	7	
19			Caldwell	4	7	
20			Catawba	6	9	Hickory
21	26	<del>1213</del>	Mecklenburg	15	26	
22	27A	5	Gaston	11	20	
23	27B	<del>34</del>	Cleveland	5	8	
24			Lincoln	4	6	
25	28	<del>45</del>	Buncombe	6	15	
26	29	4	Henderson	4	6	
27			McDowell	3	4	
28			Polk	3	4	
29			Rutherford	6	8	
30			Transylvania	2	4	
31	30	3	Cherokee	3	4	
32			Clay	1	2	
33			Graham	2	3	
34			Haywood	5	7	Canton
35			Jackson	3	4	
36			Macon	3	4	
37			Swain	2	3."	

38 (b) Except as provided in subsection (c) of this section, the additional judges  
 39 authorized by subsection (a) of this section shall be nominated and elected in the 1990  
 40 primary and general elections in accordance with Chapter 163 of the General Statutes.

41 (c) The additional district court judge authorized for District Court District 9  
 42 by subsection (a) of this section shall be appointed by the Governor from nominations  
 43 submitted by the bar of Judicial District 9 as defined in G.S. 84-19. The nominations  
 44 must be submitted to the Governor not later than September 1, 1990. If the district bar

1 fails to submit the nominations by September 1, 1990, the Governor shall make the  
 2 appointment without the nominations. This additional district court judge shall begin  
 3 service December 3, 1990, and serve the term expiring on the first Monday in December  
 4 of 1992. A successor shall be elected in 1992 in accordance with general law.

5 (d) Effective December 3, 1990, Nicholas Long and Harold P. McCoy, or  
 6 their successors, shall be district court judges for District Court District 6A. Effective  
 7 December 3, 1990, Robert E. Williford, or his successors, shall be district court judge  
 8 for District Court District 6B.

9 ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/DIVISION OF  
 10 PROSECUTORIAL DISTRICT SIX

11 Sec. 24. (a) Effective July 1, 1989, G.S. 7A-60(a1) reads as rewritten:

12 "(a1) The counties of the State are organized into prosecutorial districts, and each  
 13 district has the counties and the number of full-time assistant district attorneys set forth  
 14 in the following table:

			No. of Full-Time
	Judicial District	Asst. District Counties	Attorneys
18	1	Camden, Chowan, Currituck,	5
19		Dare, Gates, Pasquotank,	
20		Perquimans	
21	2	Beaufort, Hyde, Martin,	4
22		Tyrrell, Washington	
23	3A	Pitt	5
24	3B	Carteret, Craven, Pamlico	<u>4-5</u>
25	4	Duplin, Jones, Onslow,	<u>8-9</u>
26		Sampson	
27	5	New Hanover, Pender	<u>7-8</u>
28	6	Bertie, Halifax, Hertford,	<u>4-5</u>
29		Northampton	
30	7	Edgecombe, Nash, Wilson	<u>7-8</u>
31	8	Greene, Lenoir, Wayne	8
32	9	Franklin, Granville,	6
33		Person, Vance, Warren	
34	10	Wake	<u>4-5-16</u>
35	11	Harnett, Johnston, Lee	<u>6-7</u>
36	12	Cumberland	11
37	13	Bladen, Brunswick, Columbus	5
38	14	Durham	8
39	15A	Alamance	<u>3-4</u>
40	15B	Orange, Chatham	<u>3-4</u>
41	16A	Scotland, Hoke	<del>none</del> <u>2</u>
42	16B	Robeson	7
43	17A	Caswell,	4
44		Rockingham	

1	17B	Stokes, Surry	3
2	18	Guilford	<del>14</del> <u>15</u>
3	19A	Cabarrus, Rowan	6
4	19B	Montgomery, Randolph	4
5	20	Anson, Moore, Richmond,	<del>8</del> <u>9</u>
6		Stanly, Union	
7	21	Forsyth	<del>10</del> <u>11</u>
8	22	Alexander, Davidson, Davie,	<del>7</del> <u>8</u>
9		Iredell	
10	23	Alleghany, Ashe, Wilkes,	<del>3</del> <u>4</u>
11		Yadkin	
12	24	Avery, Madison, Mitchell,	3
13		Watauga, Yancey	
14	25	Burke, Caldwell, Catawba	<del>8</del> <u>9</u>
15	26	Mecklenburg	<del>19</del> <u>20</u>
16	27A	Gaston	<del>6</del> <u>7</u>
17	27B	Cleveland,	4
18		Lincoln	
19	28	Buncombe	5
20	29	Henderson, McDowell, Polk,	6
21		Rutherford, Transylvania	
22	30	Cherokee, Clay, Graham,	5
23		Haywood, Jackson, Macon,	
24		Swain."	

25 (b) Effective July 1, 1990, G.S. 7A-60(a1) as rewritten by subsection (a) of  
 26 this section reads as rewritten:

27 "(a1) The counties of the State are organized into prosecutorial districts, and each  
 28 district has the counties and the number of full-time assistant district attorneys set forth  
 29 in the following table:

			No. of Full-Time
30			
31	Judicial	Asst. District	
32	District	Counties	Attorneys
33	1	Camden, Chowan, Currituck,	<del>5</del> <u>6</u>
34		Dare, Gates, Pasquotank,	
35		Perquimans	
36	2	Beaufort, Hyde, Martin, 4	
37		Tyrrell, Washington	
38	3A	Pitt	5
39	3B	Carteret, Craven, Pamlico	5
40	4	Duplin, Jones, Onslow, 9	
41		Sampson	
42	5	New Hanover, Pender	8
43	6	Bertie, Halifax, Hertford,	5
44		Northampton	



1	7	Edgecombe, Nash, Wilson	8
2	8	Greene, Lenoir, Wayne	8
3	9	Franklin, Granville,	<del>6</del> <u>7</u>
4		Person, Vance, Warren	
5	10	Wake	16
6	11	Harnett, Johnston, Lee	7
7	12	Cumberland	11
8	13	Bladen, Brunswick, Columbus	<del>5</del> <u>6</u>
9	14	Durham	<del>8</del> <u>9</u>
10	15A	Alamance	4
11	15B	Orange, Chatham	4
12	16A	Scotland, Hoke	2
13	16B	Robeson	7
14	17A	Caswell,	4
15		Rockingham	
16	17B	Stokes, Surry	<del>3</del> <u>4</u>
17	18	Guilford	15
18	19A	Cabarrus, Rowan	6
19	19B	Montgomery, Randolph	4
20	20	Anson, Moore, Richmond,	9
21		Stanly, Union	
22	21	Forsyth	11
23	22	Alexander, Davidson, Davie,	8
24		Iredell	
25	23	Alleghany, Ashe, Wilkes,	4
26		Yadkin	
27	24	Avery, Madison, Mitchell,	3
28		Watauga, Yancey	
29	25	Burke, Caldwell, Catawba	9
30	26	Mecklenburg	20
31	27A	Gaston	7
32	27B	Cleveland,	<del>4</del> <u>5</u>
33		Lincoln	
34	28	Buncombe	<del>5</del> <u>6</u>
35	29	Henderson, McDowell, Polk,	6
36		Rutherford, Transylvania	
37	30	Cherokee, Clay, Graham,	<del>5</del> <u>6</u>
38		Haywood, Jackson, Macon,	
39		Swain."	

40 (c) Effective January 1, 1991, G.S. 7A-60(a1) as rewritten by subsection (b)  
 41 of this section reads as rewritten:

42 "(a1) The counties of the State are organized into prosecutorial districts, and each  
 43 district has the counties and the number of full-time assistant district attorneys set forth  
 44 in the following table:

		No. of Full-Time
1		
2	Judicial Asst. District	
3	District Counties Attorneys	
4	1 Camden, Chowan, Currituck, 6 Dare, Gates, Pasquotank,	
5	Perquimans	
6	2 Beaufort, Hyde, Martin, 4	
7	Tyrrell, Washington	
8	3A Pitt 5	
9	3B Carteret, Craven, Pamlico 5	
10	4 Duplin, Jones, Onslow, 9	
11	Sampson	
12	5 New Hanover, Pender 8	
13	<del>6 Bertie, Halifax, Hertford,</del> 5	
14	<del>Northampton</del>	
15	<u>6A Halifax 2</u>	
16	<u>6B Bertie, Hertford, Northampton 2</u>	
17	7 Edgecombe, Nash, Wilson	8
18	8 Greene, Lenoir, Wayne 8	
19	9 Franklin, Granville, 7	
20	Person, Vance, Warren	
21	10 Wake 16	
22	11 Harnett, Johnston, Lee 7	
23	12 Cumberland 11	
24	13 Bladen, Brunswick, Columbus 6	
25	14 Durham 9	
26	15A Alamance 4	
27	15B Orange, Chatham 4	
28	16A Scotland, Hoke 2	
29	16B Robeson 7	
30	17A Caswell, 4	
31	Rockingham	
32	17B Stokes, Surry 4	
33	18 Guilford 15	
34	19A Cabarrus, Rowan 6	
35	19B Montgomery, Randolph 4	
36	20 Anson, Moore, Richmond, 9	
37	Stanly, Union	
38	21 Forsyth 11	
39	22 Alexander, Davidson, Davie, 8	
40	Iredell	
41	23 Alleghany, Ashe, Wilkes, 4	
42	Yadkin	
43	24 Avery, Madison, Mitchell, 3	
44	Watauga, Yancey	

1	25	Burke, Caldwell, Catawba	9
2	26	Mecklenburg	20
3	27A	Gaston	7
4	27B	Cleveland,	5
5		Lincoln	
6	28	Buncombe	6
7	29	Henderson, McDowell, Polk,	6
8		Rutherford, Transylvania	
9	30	Cherokee, Clay, Graham,	6
10		Haywood, Jackson, Macon,	
11		Swain."	

12 (d) The district attorneys authorized for Prosecutorial Districts 6A and 6B by  
 13 subsection (c) of this section shall be elected in 1990 and take office in accordance with  
 14 general law.

#### 15 INDIGENT ACCESS TO CIVIL JUSTICE SYSTEM

16 Sec. 25. (a) Chapter 7A of the General Statutes is amended by adding a new  
 17 Article to read:

#### 18 **"ARTICLE 37A.**

#### 19 **"CIVIL ACCESS TO JUSTICE ACT.**

#### 20 **"§ 7A-474.1. Legislative findings and purpose.**

21 The General Assembly of North Carolina declares it to be its purpose to provide  
 22 access to legal representation for indigent persons in certain kinds of civil matters. The  
 23 General Assembly finds that such representation can best be provided in an efficient,  
 24 effective, and economic manner through Legal Services of North Carolina, Inc., and the  
 25 geographically based field programs in this State receiving funds under the Legal  
 26 Services Corporation Act (42 U.S.C. §2996 et seq.).

#### 27 **"§ 7A-474.2. Definitions.**

28 The following definitions shall apply throughout this Article, unless the context  
 29 otherwise requires:

- 30 (1) 'Eligible client' means a resident of North Carolina financially eligible  
 31 for representation under the Legal Services Corporation Act,  
 32 regulations, and interpretations adopted thereunder (45 CFR §1611,  
 33 and subsequent revisions).
- 34 (2) 'Legal assistance' means the provision of any legal services, as defined  
 35 by Chapter 84 of the General Statutes, consistent with this Article.  
 36 Provided, that all legal services provided hereunder shall be performed  
 37 consistently with the Rules of Professional Conduct promulgated by  
 38 the North Carolina State Bar. Provided, further, that no funds  
 39 appropriated under this Article shall be used for lobbying to influence  
 40 the passage or defeat of any legislation before any state or national  
 41 legislative body.
- 42 (3) 'Legal Services of North Carolina, Inc.,' means the not-for-profit  
 43 corporation established by the North Carolina Bar Association to  
 44 administer the system of local legal services programs primarily

1                    funded under the Legal Services Corporation Act (42 U.S.C. §2996 et  
2                    seq.) and the interest on Lawyer's Trust Accounts program of the  
3                    North Carolina State Bar.

- 4                    (4) 'Geographically based field programs' means the 15 local not-for-  
5                    profit corporations supported by funds from Legal Services of North  
6                    Carolina, Inc., and the Legal Services Corporation and which provide  
7                    civil legal services to low-income residents of geographic service areas  
8                    comprising all 100 counties in North Carolina.

9                    **"§ 7A-474.3. Eligible activities and limitations.**

10                    (a) Eligible Activities. Funds appropriated under this Article shall be used only  
11                    for the following purposes:

- 12                    (1) To provide legal assistance to eligible clients;  
13                    (2) To provide education to eligible clients regarding their rights and  
14                    duties under the law;  
15                    (3) To involve the private bar in the representation of eligible clients  
16                    pursuant to this Article.

17                    (b) Eligible Cases. Legal assistance shall be provided to eligible clients under  
18                    this Article only in the following types of cases:

- 19                    (1) Family violence or spouse abuse;  
20                    (2) Assistance for the disabled in obtaining federal Social Security  
21                    benefits;  
22                    (3) Representation of eligible farmers faced with the potential of farm  
23                    foreclosure;  
24                    (4) Representation of eligible clients over the age of 60 regarding the  
25                    following matters:  
26                    a. Wills and estates;  
27                    b. Safe and sanitary housing;  
28                    c. Pensions and retirement rights;  
29                    d. Social Security and Medicare rights;  
30                    e. Access to health care;  
31                    f. Food and nutrition; and  
32                    g. Transportation.  
33                    (5) Representation of eligible clients designed to enable them to obtain the  
34                    necessary skills and means to obtain meaningful employment at a  
35                    decent wage and reduce the public welfare rolls; and  
36                    (6) Representation of eligible clients under the age of 21 or eligible  
37                    families with legal problems affecting persons under the age of 21  
38                    regarding the following matters:  
39                    a. Financial support and custody of children;  
40                    b. Day care;  
41                    c. Child abuse or neglect;  
42                    d. Safe and sanitary housing;  
43                    e. Food and nutrition; and  
44                    f. Access to health care.

1 (c) Limitations. No funds appropriated under this Article shall be used for any of  
2 the following purposes:

- 3 (1) To provide legal assistance with respect to any proceeding or litigation  
4 which seeks to procure a nontherapeutic abortion or to compel any  
5 individual or institution to perform an abortion, or assist in the  
6 performance of an abortion, or provide facilities for the performance of  
7 an abortion;  
8 (2) To provide legal assistance with respect to any criminal proceeding;  
9 (3) To provide legal assistance to any agricultural employee or migrant  
10 farmworker employed in North Carolina with regard to the terms of  
11 the worker's employment;  
12 (4) To provide legal assistance to any prisoner within the North Carolina  
13 Department of Correction with regard to the terms of that person's  
14 incarceration; or  
15 (5) To provide legal assistance to persons with mental handicaps residing  
16 in State institutions with regard to the terms and conditions of the  
17 treatment or services provided to them by the State.

18 **"§ 7A-474.4. Funds.**

19 Funds to provide representation pursuant to this Article shall be provided to Legal  
20 Services of North Carolina, Inc., for provision of direct services by and support of the  
21 geographically based programs based upon the eligible client population in each  
22 program's geographic coverage area. Funds authorized by law shall be provided by the  
23 North Carolina State Bar to Legal Services of North Carolina, Inc., by a contract  
24 between those entities.

25 **"§ 7A-474.5. Records and reports.**

26 Legal Services of North Carolina, Inc., shall keep appropriate records and make  
27 periodic reports, as requested, to the North Carolina State Bar."

28 (b) There is appropriated from the General Fund to the North Carolina State  
29 Bar, \$1,000,000 for the 1989-90 fiscal year and \$1,000,000 for the 1990-91 fiscal year  
30 for the implementation of this section.

31 **COMPREHENSIVE CHILD SUPPORT ENFORCEMENT STUDY**

32 Sec. 26. (a) Section 80 of The Current Operations Appropriations Act of 1989  
33 is repealed.

34 (b) The Department of Human Resources and the Administrative Office of  
35 the Courts shall jointly undertake a comprehensive study of child support enforcement  
36 services in North Carolina. The report shall examine the current delivery of all child  
37 support services (IV-D and non-IV-D) by the Department of Human Resources, court  
38 offices, and county departments of social services. Such a study shall evaluate the  
39 efficiency and effectiveness of the current system and make organizational,  
40 administrative, and procedural recommendations to optimize effective delivery of  
41 service to families. The study shall examine the potential for the delivery of child  
42 support enforcement services which would provide equitable treatment of cases  
43 regardless of case type.

1           The study shall examine the organizational and fiscal relationship between  
2 State- and county-administered programs with the goal of eliminating or reducing  
3 duplication and fragmentation in local IV-D programs and court offices. Proposals for  
4 system-wide reform of the program shall take into consideration the use of federal IV-D  
5 revenues to support program services. The report shall include the recommendations of  
6 the respective agencies, accompanied by estimates of the costs and potential benefits of  
7 those recommendations and a plan for the implementation of these proposals. The  
8 Department of Human Resources and the Administrative Office of the Courts may  
9 contract for outside consultation and assistance with the study with funds from existing  
10 resources in their budgets. An interim report shall be submitted to the Legislative  
11 Services Office by May 15, 1990, and to the 1989 General Assembly, 1990 Regular  
12 Session. A final report shall be submitted to the Legislative Services Office by January  
13 15, 1991, and to the 1991 General Assembly.

14 **SALARIES OF DEPUTY INDUSTRIAL COMMISSIONERS**

15           Sec. 26.1. If Senate Bill 44, 1989 Session, AN ACT TO MAKE  
16 EXPANSION BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF  
17 STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER  
18 PURPOSES, is enacted, of the funds appropriated in Section 3 of that act for salary  
19 increases to the Department of Commerce, the sum of \$94,000 for fiscal year 1989-90  
20 and the sum of \$100,000 for fiscal year 1990-91 shall be used by the Department of  
21 Commerce to adjust the salaries of Deputy Industrial Commissioners hired before  
22 August 1, 1988, commensurate with salary adjustments adopted by the State Personnel  
23 Commission for Deputy Industrial Commissioners effective August 1, 1988.

24           Sec. 27. The provisions of this act are severable, and if any provision of this  
25 act is held invalid by a court of competent jurisdiction, or is unenforceable under  
26 Section 5 of the Voting Rights Act of 1965, the invalidity or unenforceability shall not  
27 affect other provisions of the act which can be given effect without the invalid or  
28 unenforceable provision.

29           Sec. 28. Except where otherwise provided, this act shall become effective  
30 July 1, 1989.