

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 114

Short Title: Guard. Ad Litem/Attys.

(Public)

Sponsors: Representatives Hiatt; Alexander, Insko (Primary Sponsors), Tolson, Smith, Sherrill, and Hensley.

Referred to: Judiciary IV.

February 22, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ATTORNEY REPRESENTATION OF CHILDREN
3 REPRESENTED BY GUARDIAN AD LITEM PROGRAM THROUGHOUT
4 PROCEEDINGS OF THE CASE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7B-601, as recodified by Section 6 of S.L. 1998-202, reads as
7 rewritten:

8 **"§ 7B-601. Appointment and duties of guardian ad litem.**

9 (a) When in a petition a juvenile is alleged to be abused or neglected, the court
10 shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to
11 be dependent, the court may appoint a guardian ad litem to represent the juvenile. The
12 guardian ad litem and attorney advocate have standing to represent the juvenile in all
13 actions under this Subchapter where they have been appointed. The appointment shall be
14 made pursuant to the program established by Article 12 of this Chapter unless
15 representation is otherwise provided pursuant to G.S. 7B-1202 or G.S. 7B-1203. The
16 appointment shall terminate at the end of two years. The court may reappoint the
17 guardian ad litem pursuant to a showing of good cause upon motion of any party,
18 including the guardian ad litem, or of the court. In every case where a nonattorney is
19 appointed as a guardian ad litem, an attorney shall be appointed in the case in order to

1 assure protection of the juvenile's legal rights ~~through the dispositional phase of the~~
2 ~~proceedings, and after disposition when necessary to further the best interests of the juvenile.~~
3 within the proceeding. The duties of the guardian ad litem program shall be to make an
4 investigation to determine the facts, the needs of the juvenile, and the available resources
5 within the family and community to meet those needs; to facilitate, when appropriate, the
6 settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to
7 explore options with the court at the dispositional hearing; and to protect and promote the
8 best interests of the juvenile until formally relieved of the responsibility by the court.

9 (b) The court may order the department of social services or the guardian ad litem
10 to conduct follow-up investigations to ensure that the orders of the court are being
11 properly executed and to report to the court when the needs of the juvenile are not being
12 met. The court may also authorize the guardian ad litem to accompany the juvenile to
13 court in any criminal action wherein the juvenile may be called on to testify in a matter
14 relating to abuse.

15 (c) The court may grant the guardian ad litem the authority to demand any
16 information or reports, whether or not confidential, that may in the guardian ad litem's
17 opinion be relevant to the case. Neither the physician-patient privilege nor the husband-
18 wife privilege may be invoked to prevent the guardian ad litem and the court from
19 obtaining such information. The confidentiality of the information or reports shall be
20 respected by the guardian ad litem, and no disclosure of any information or reports shall
21 be made to anyone except by order of the court or unless otherwise provided by law."

22 Section 2. This act is effective when it becomes law.