

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1469*

Short Title: State Pay Juvenile Costs.

(Public)

Sponsors: Senators Kinnaird and Lee.

Referred to: Appropriations/Base Budget.

May 25, 2000

A BILL TO BE ENTITLED

1 AN ACT TO REVISE THE JUVENILE CODE TO PROVIDE THAT THE STATE,
2 RATHER THAN ORANGE COUNTY, PAY CERTAIN COSTS ASSOCIATED
3 WITH TREATMENT OF UNDISCIPLINED AND DELINQUENT JUVENILES
4 AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7B-2502(b) reads as rewritten:

8 "(b) Upon completion of the examination, the court shall conduct a hearing to
9 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological,
10 or other evaluation or treatment and who should pay the cost of the evaluation or
11 treatment. ~~The county manager, or any other person who is designated by the chair of the board~~
12 ~~of county commissioners, of the county of the juvenile's residence shall be notified of the~~
13 ~~hearing, and allowed to be heard.~~ If the court finds the juvenile to be in need of medical,
14 surgical, psychiatric, psychological, or other evaluation or treatment, the court shall
15 permit the parent, guardian, custodian, or other responsible persons to arrange for
16 evaluation or treatment. If the parent, guardian, or custodian declines or is unable to make
17 necessary arrangements, the court may order the needed evaluation or treatment, surgery,
18 or care, and the court may order the parent to pay the cost of the care pursuant to Article
19 27 of this Chapter. If the court finds the parent is unable to pay the cost of evaluation or
20 treatment, the court shall order the ~~county~~ State to arrange for evaluation or treatment of

1 the juvenile and to pay for the cost of the evaluation or treatment. ~~The county department of~~
2 ~~social services shall recommend the facility that will provide the juvenile with evaluation or~~
3 ~~treatment."~~

4 Section 2. G.S. 7B-2702(d) reads as rewritten:

5 "(d) In cases in which the court has ordered the parent of the juvenile to comply
6 with or undergo evaluation or treatment, the court may order the parent to pay the cost of
7 evaluation or treatment ordered pursuant to this subsection. In cases in which the court
8 has conditioned legal custody or physical placement of the juvenile with the parent upon
9 the parent's compliance with a plan of evaluation or treatment, the court may charge the
10 cost of the evaluation or treatment to the ~~county of the juvenile's residence~~ State if the court
11 finds the parent is unable to pay the cost of the evaluation or treatment. In all other cases,
12 if the court finds the parent is unable to pay the cost of the evaluation or treatment
13 ordered pursuant to this subsection, the court may order the parent to receive evaluation
14 or treatment currently available from the area mental health program that serves the
15 parent's catchment area."

16 Section 3. G.S. 7B-2704 reads as rewritten:

17 **"§ 7B-2704. Payment of support or other expenses; assignment of insurance**
18 **coverage.**

19 At the dispositional hearing or a subsequent hearing, if the court finds that the parent
20 is able to do so, the court may order the parent to:

- 21 (1) Pay a reasonable sum that will cover in whole or in part the support of
22 the juvenile. If the court requires the payment of child support, the
23 amount of the payments shall be determined as provided in G.S. 50-
24 13.4;
- 25 (2) Pay a fee for probation supervision or residential facility costs;
- 26 (3) Assign private insurance coverage to cover medical costs while the
27 juvenile is in secure detention, training school, or other out-of-home
28 placement; and
- 29 (4) Pay court-appointed attorneys' fees.

30 All money paid by a parent pursuant to this section shall be paid into the office of the
31 clerk of superior court.

32 If the court places a juvenile in the custody of a county department of social services
33 and if the court finds that the parent is unable to pay the cost of the support required by
34 the juvenile, the cost shall be paid by the ~~county department of social services in whose~~
35 ~~custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned~~
36 ~~or operated by the State or federal government or any subdivision thereof.~~ State."

37 Section 4. G.S. 7B-3600 reads as rewritten:

38 **"§ 7B-3600. Judicial authorization of emergency treatment; procedure.**

39 A juvenile in need of emergency treatment under Article 1A of Chapter 90 of the
40 General Statutes, whose physician is barred from rendering necessary treatment by reason
41 of parental refusal to consent to treatment, may receive treatment with court authorization
42 under the following procedure:

- 43 (1) The physician shall sign a written statement setting out:

- 1 a. The treatment to be rendered and the emergency need for
2 treatment;
- 3 b. The refusal of the parent, guardian, custodian, or person who has
4 assumed the status and obligation of a parent without being
5 awarded legal custody of the juvenile by a court to consent to the
6 treatment; and
- 7 c. The impossibility of contacting a second physician for a
8 concurring opinion on the need for treatment in time to prevent
9 immediate harm to the juvenile.

10 (2) Upon examining the physician's written statement prescribed in
11 subdivision (1) of this section and finding:

- 12 a. That the statement is in accordance with this Article, and
13 b. That the proposed treatment is necessary to prevent immediate
14 harm to the juvenile.

15 The court may issue a written authorization for the proposed treatment
16 to be rendered.

17 (3) In acute emergencies in which time may not permit implementation of
18 the written procedure set out in subdivisions (1) and (2) of this section,
19 the court may authorize treatment in person or by telephone upon
20 receiving the oral statement of a physician satisfying the requirements
21 of subdivision (1) of this section and upon finding that the proposed
22 treatment is necessary to prevent immediate harm to the juvenile.

23 (4) The court's authorization for treatment overriding parental refusal to
24 consent should not be given without attempting to offer the parent an
25 opportunity to state the reasons for refusal; however, failure of the court
26 to hear the parent's objections shall not invalidate judicial authorization
27 under this Article.

28 (5) The court's authorization for treatment under subdivisions (1) and (2) of
29 this section shall be issued in duplicate. One copy shall be given to the
30 treating physician and the other copy shall be attached to the physician's
31 written statement and filed as a juvenile proceeding in the office of the
32 clerk of court.

33 (6) The court's authorization for treatment under subdivision (3) of this
34 section shall be reduced to writing as soon as possible, supported by the
35 physician's written statement as prescribed in subdivision (1) of this
36 section and shall be filed as prescribed in subdivision (5) of this section.

37 The court's authorization for treatment under this Article shall have the same effect as
38 parental consent for treatment.

39 Following the court's authorization for treatment and after giving notice to the
40 juvenile's parent, guardian, or custodian the court shall conduct a hearing in order to
41 provide for payment for the treatment rendered. The court may order the parent or other
42 responsible parties to pay the cost of treatment. If the court finds the parent is unable to

1 pay the cost of treatment, the cost shall be a charge upon the ~~county~~ State when so
2 ordered.

3 This Article shall operate as a remedy in addition to the provisions in G.S. 7B-903,
4 7B-2503, and 7B-2506."

5 Section 5. There is appropriated from the General Fund to the Office of
6 Juvenile Justice the sum of four hundred thousand dollars (\$400,000) for the 2000-2001
7 fiscal year to pay for the evaluation and treatment costs of undisciplined and delinquent
8 juveniles in Orange County, pursuant to Sections 1 through 4 of this act.

9 Section 6. Sections 1 through 4 of this act apply to Orange County only. This
10 act becomes effective July 1, 2000.