

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 25
RATIFIED BILL

AN ACT TO PROVIDE FOR ATTORNEY REPRESENTATION OF CHILDREN
REPRESENTED BY GUARDIAN AD LITEM PROGRAM THROUGHOUT
PROCEEDINGS OF THE CASE.

The General Assembly of North Carolina enacts:

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

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

(a) When in a petition a juvenile is alleged to be abused or neglected, the court shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the court may appoint a guardian ad litem to represent the juvenile. The juvenile is a party in all actions under this Subchapter. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 12 of this Chapter unless representation is otherwise provided pursuant to G.S. 7B-1202 or G.S. 7B-1203. The appointment shall terminate ~~at the end of two years when the permanent plan has been achieved for the juvenile and approved by the court.~~ The court may reappoint the guardian ad litem pursuant to a showing of good cause upon motion of any party, including the guardian ad litem, or of the court. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the juvenile's legal rights ~~through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the juvenile throughout the proceeding.~~ The duties of the guardian ad litem program 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 offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional ~~hearing; hearing; to conduct follow-up investigations to insure that the orders of the court are being properly executed; to report to the court when the needs of the juvenile are not being met;~~ and to protect and promote the best interests of the juvenile until formally relieved of the responsibility by the court.

(b) ~~The court may order the department of social services or the guardian ad litem to conduct follow-up investigations to ensure 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 court may also authorize the guardian ad litem to accompany the juvenile to court in any criminal action wherein the juvenile may be called on to testify in a matter relating to abuse.

(c) ~~The court may grant the~~ The guardian ad litem has the authority to demand obtain 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. No privilege other than the attorney-client 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 court or unless otherwise provided by law."~~

Section 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 19th day of
July, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19