

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 241*
Committee Substitute Favorable 3/8/01
Committee Substitute #2 Favorable 5/22/01

Short Title: Family/Juvenile Drug Treatment Court Prgms.

(Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG
3 TREATMENT COURT PROGRAM AND A JUVENILE DRUG TREATMENT
4 COURT PROGRAM AND TO FUND THE FAMILY DRUG TREATMENT
5 COURT PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY
6 COMMISSION ON CHILDREN AND YOUTH.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 7A-791 reads as rewritten:

9 "**§ 7A-791. Purpose.**

10 The General Assembly recognizes that a critical need exists in this State for ~~criminal~~
11 ~~justice system~~ judicial programs that will reduce the incidence of ~~drug use and alcohol~~
12 and other drug abuse or dependence ~~drug addiction~~ and ~~crimes~~ crimes, delinquent acts,
13 and child abuse and neglect committed as a result of ~~drug use~~ alcohol and other drug
14 abuse or dependence, and drug addiction, and child abuse and neglect where alcohol and
15 other drug abuse or dependence are significant factors in the child abuse and neglect. It
16 is the intent of the General Assembly by this Article to create a program to facilitate the
17 creation of local drug treatment court programs."

18 **SECTION 2.** G.S. 7A-792 reads as rewritten:

19 "**§ 7A-792. Goals.**

20 The goals of the drug treatment court programs funded under this Article include the
21 following:

- 22 (1) To reduce alcoholism and other drug dependencies among
23 ~~offenders;~~ adult and juvenile offenders and defendants and among
24 respondents in juvenile petitions for abuse, neglect, or both;
25 (2) To reduce criminal and delinquent recidivism; recidivism and the
26 incidence of child abuse and neglect;
27 (3) To reduce the alcohol-related and other drug-related court workload;

- 1 (4) To increase the personal, familial, and societal accountability of
2 ~~offenders;~~adult and juvenile offenders and defendants and respondents
3 in juvenile petitions for abuse, neglect, or both; and
4 (5) To promote effective interaction and use of resources among criminal
5 and juvenile justice personnel—personnel, child protective services
6 personnel, and community agencies."

7 **SECTION 3.** G.S. 7A-793 reads as rewritten:

8 **"§ 7A-793. Establishment of Program.**

9 The North Carolina Drug Treatment Court Program is established in the
10 Administrative Office of the Courts to facilitate the creation and funding of local drug
11 treatment court programs. The Director of the Administrative Office of the Courts shall
12 provide any necessary staff for planning, organizing, and administering the program.
13 Local drug treatment court programs funded pursuant to this Article shall be operated
14 consistently with the guidelines adopted pursuant to G.S. 7A-795. Local drug treatment
15 court programs established and funded pursuant to this Article may consist of adult drug
16 treatment court programs, juvenile drug treatment court programs, family drug
17 treatment court programs, or any combination of these programs."

18 **SECTION 4.** G.S. 7A-795 reads as rewritten:

19 **"§ 7A-795. State Drug Treatment Court Advisory Committee.**

20 The State Drug Treatment Court Advisory Committee is established to develop and
21 recommend to the Director of the Administrative Office of the Courts guidelines for the
22 drug treatment court program and to monitor local programs wherever they are
23 implemented. The Committee shall be chaired by the Director or the Director's designee
24 and shall consist of not less than seven members appointed by the Director and broadly
25 representative of the courts, law enforcement, corrections, juvenile justice, child
26 protective services, and substance abuse treatment communities. In developing
27 guidelines, the Advisory Committee shall consider the Substance Abuse and the Courts
28 Action Plan and other recommendations of the Substance Abuse and the Courts State
29 Task Force."

30 **SECTION 5.** G.S. 7A-796 reads as rewritten:

31 **"§ 7A-796. Local drug treatment court management committee.**

32 Each judicial district choosing to establish a drug treatment court shall form a local
33 drug treatment court management committee, which shall be comprised to assure
34 representation appropriate to the type or types of drug treatment court operations to be
35 conducted in the district and shall consist of ~~consisting of the following~~ persons,
36 appointed by the senior resident superior court judge with the concurrence of the chief
37 district court judge and the district attorney for that ~~district:~~ district, chosen from the
38 following list:

- 39 (1) A judge of the superior court;
40 (2) A judge of the district court;
41 (3) A district attorney or assistant district attorney;
42 (4) A public defender or assistant public defender in judicial districts
43 served by a public defender;

- 1 (5) An attorney representing a county department of social services within
2 the district;
3 (6) A representative of the guardian ad litem program;
4 (5) (7) A member of the private criminal defense bar;
5 (8) A member of the private bar who represents respondents in department
6 of social services juvenile matters;
7 (6) (9) A clerk of superior court;
8 (7) (10) The trial court administrator in judicial districts served by a trial court
9 administrator;
10 (11) The director or member of the child welfare services division of a
11 county department of social services within the district;
12 (12) The chief juvenile court counselor for the district;
13 (8) (13) A probation officer;
14 (9) (14) A local law enforcement officer;
15 (15) A representative of the local school administrative unit;
16 (10) (16) A representative of the local community college;
17 (11) (17) A representative of the treatment providers;
18 (18) A representative of the area mental health program;
19 (12) (19) The local program director provided for in G.S. 7A-798; and
20 (13) (20) Any other persons selected by the local management committee.

21 The local drug treatment court management committee shall develop local
22 guidelines and procedures, not inconsistent with the State guidelines, that are necessary
23 for the operation and evaluation of the local drug treatment court."

24 **SECTION 6.** G.S. 7A-799 reads as rewritten:

25 "**§ 7A-799. Treatment not guaranteed.**

26 Nothing contained in this Article shall confer a right or an expectation of a right to
27 treatment for a defendant or offender within the criminal or juvenile justice system.
28 system or a respondent in a juvenile petition for abuse, neglect, or both."

29 **SECTION 7.** G.S. 7A-800 reads as rewritten:

30 "**§ 7A-800. Payment of costs of treatment program.**

31 Each ~~defendant or~~ defendant, offender ~~offender,~~ or respondent in a juvenile petition
32 for abuse, neglect, or both, who receives treatment under a local drug treatment court
33 program shall contribute to the cost of the substance alcohol and other drug abuse or
34 dependency treatment received in the drug treatment court program, based upon
35 guidelines developed by the local drug treatment court management committee."

36 **SECTION 8.** The sum of six hundred thousand dollars (\$600,000) for the
37 2001-2002 fiscal year is appropriated from the General Fund to the Administrative
38 Office of the Courts to be used solely to develop, implement, and evaluate three or more
39 local family drug treatment court programs. In developing and implementing local
40 family drug treatment court programs, the Administrative Office of the Courts shall, to
41 the extent practicable, equitably distribute funds among the geographic regions of the
42 State and between the urban and rural areas of the State.

43 **SECTION 9.** This act becomes effective October 1, 2001.