

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 241\*

Short Title: Family Drug Treatment Court Program. (Public)

Sponsors: Representatives Warner, Gulley, Hunter, Jeffus; Barefoot, Bonner, Haire, Hurley, Lucas, Rogers, Smith, Sutton, Tolson, Wainwright, and Yongue.

Referred to: Children, Youth and Families, if favorable, Judiciary II.

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG TREATMENT COURT PROGRAM IN NORTH CAROLINA AND TO FUND THE PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

The General Assembly of North Carolina enacts:

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

**"§ 7A-791. Purpose.**

The General Assembly recognizes that a critical need exists in this State for ~~criminal justice system~~ judicial programs that will reduce the incidence of ~~drug use and substance abuse, drug and alcohol addiction and addiction,~~ crimes committed as a result of ~~drug use substance abuse and drug and alcohol addiction.~~ substance abuse and drug and alcohol addiction, and child abuse and neglect committed as a result of substance abuse and drug and alcohol addiction. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of local drug treatment court programs."

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

**"§ 7A-792. Goals.**

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

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

- 1 (4) To increase the personal, familial, and societal accountability of  
2 ~~offenders;~~offenders and respondents in juvenile petitions for abuse,  
3 neglect, or both; and  
4 (5) To promote effective interaction and use of resources among criminal  
5 justice ~~personnel~~personnel, child protective services personnel, and  
6 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, child protective services, and  
26 substance abuse treatment communities. In developing guidelines, the Advisory  
27 Committee shall consider the Substance Abuse and the Courts Action Plan and other  
28 recommendations of the Substance Abuse and the Courts State Task Force."

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

30 **"§ 7A-796. Local drug treatment court management committee.**

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

- 38 (1) A judge of the superior court;  
39 (2) A judge of the district court;  
40 (3) A district attorney or assistant district attorney;  
41 (4) A public defender or assistant public defender in judicial districts  
42 served by a public defender;  
43 (5) An attorney representing a county department of social services within  
44 the district;

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

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

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

22       "**§ 7A-799. Treatment not guaranteed.**

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

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

27       "**§ 7A-800. Payment of costs of treatment program.**

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

33       **SECTION 8.** The sum of six hundred thousand dollars (\$600,000) for the  
34       2001-2002 fiscal year is appropriated from the General Fund to the Administrative  
35       Office of the Courts to be used solely to develop, implement, and evaluate one or more  
36       local family drug treatment court programs.

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