

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 279\*  
Children & Human Resources Committee Substitute Adopted 4/23/01

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

Sponsors:

Referred to:

March 1, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG  
3 TREATMENT COURT PROGRAM IN NORTH CAROLINA AND TO FUND  
4 THE PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY  
5 COMMISSION ON CHILDREN AND YOUTH.

6 The General Assembly of North Carolina enacts:

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

8 "§ 7A-791. Purpose.

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

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

18 "§ 7A-792. Goals.

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

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

- 1 (5) To promote effective interaction and use of resources among criminal  
2 and juvenile justice personnel—personnel, child protective services  
3 personnel, and community agencies."

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

5 **"§ 7A-793. Establishment of Program.**

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

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

16 **"§ 7A-795. State Drug Treatment Court Advisory Committee.**

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

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

28 **"§ 7A-796. Local drug treatment court management committee.**

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

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

- 1           (5) (7) A member of the private criminal defense bar;  
2           (8) A member of the private bar who represents respondents in department  
3           of social services juvenile matters;  
4           (6) (9) A clerk of superior court;  
5           (7) (10) The trial court administrator in judicial districts served by a trial court  
6           administrator;  
7           (11) The director or member of the child welfare services division of a  
8           county department of social services within the district;  
9           (12) The chief juvenile court counselor for the district;  
10          (8) (13) A probation officer;  
11          (9) (14) A local law enforcement officer;  
12          (15) A representative of the local school administrative unit;  
13          (10) (16) A representative of the local community college;  
14          (11) (17) A representative of the treatment providers;  
15          (18) A representative of the area mental health program;  
16          (12) (19) The local program director provided for in G.S. 7A-798; and  
17          (13) (20) 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 or juvenile justice system.  
25          system or a 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 alcohol and other drug abuse or  
31          dependency treatment received in the drug treatment court program, based upon  
32          guidelines developed by the local drug 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.