



# SENATE BILL 168: AOC Omnibus Changes.

2017-2018 General Assembly

<b>Committee:</b>		<b>Date:</b>	June 12, 2018
<b>Introduced by:</b>	Sen. Randleman	<b>Prepared by:</b>	Bill Patterson Staff Attorney
<b>Analysis of:</b>	Second Edition		

**OVERVIEW:** *Senate Bill 168 makes a number of changes to the laws governing the administration of justice.*

## CURRENT LAW AND BILL ANALYSIS

**Section 1** of the PCS would reduce the distribution of free copies of appellate reporter advance sheets by repealing the current requirement that the Administrative Office of the Courts ("AOC") to furnish one copy of the advance sheets of appellate decisions to each justice and judge of the General Court of Justice, each superior court district attorney, each superior court clerk, each district court prosecutor, each special counsel at regional psychiatric facilities, and to the Supreme Court library.

**Section 2** would increase from \$25,000 to \$50,000 the amount of funds payable to a minor that must be paid to the public guardian or the clerk of the superior court in the county where the minor is domiciled to be preserved until the minor reaches the age of majority. This section would become effective January 1, 2019.

**Section 3** would provide a cross-reference to the existing statutory authority under which power of attorney proceedings are brought as estate proceedings subject to the costs assessed in such proceedings.

**Section 4** would authorize the clerk of court to collect a fee of \$300 from cities and counties for in rem foreclosures to collect delinquent taxes, to be remitted to the State for the support of the General Court of Justice. This section would become effective July 1, 2018.

**Section 5** would reduce the number of governmental entities and officials receiving free hard copies of appellate division reports from the AOC and would reduce the number of copies distributed to some recipients.

**Section 6** would require the Office of Indigent Services to develop a model plan by July 1, 2019 establishing minimum qualifications for appointment of private counsel for adoption by each judicial district. The model plan would become effective in any district that has not adopted the plan's minimum qualification standards by January 2, 2021.

**Section 7** would amend G.S. 15A-304(b) governing the issuance of citizen-initiated and law enforcement-initiated arrest warrants. This section would restore some of the provisions deleted by Section 5.(a) of S.L. 2017-176, and would delete some of the provisions added by Section 5.(a) of S.L. 2017-176. This Section would become effective October 1, 2018.

**Section 8** would increase from \$1,500 to \$5,000 the maximum total value of a devise of personal property to a minor that the personal representative can distribute to the minor's parent or guardian, with approval of the clerk of court who issued the letters testamentary or of administration. This section would become effective January 1, 2019.

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**Section 9** would increase from \$30,000 to \$60,000 the allowance out of the deceased spouse's personal property for the surviving spouse's support for one year after the death of the deceased spouse. This section would become effective January 1, 2019, and would apply to allowance applications made on or after that date.

**Section 10** would delete duplicative language in the statute governing the procedure for appointing an interim guardian.

**Section 11** would establish procedures governing foreclosure sales to ensure that clerks receive proper notice of postponements or cancellations, effective July 1, 2018, and applicable to foreclosure sales noticed on or after that date.

**Section 12** would clarify that the Special Proceedings Index is not required to be sealed when a decree of adoption becomes final, and would require orders of dismissal of an adoption petition to be sent to the Division of Social Services of the Department of Health and Human Services.

**Section 13** would authorize the AOC or clerks of the superior court to keep confidential personally identifiable information collected for the purpose of a court proceeding notification system, and would permit the use of an automatic dialing and recorded message player to make unsolicited telephone calls generated from a court proceeding notification system established by the AOC.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.