



SENATE BILL 168: AOC Omnibus Changes.

2017-2018 General Assembly

Committee:		Date:	August 7, 2018
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	S.L. 2018-40		

OVERVIEW: *S.L. 2018-40 makes a number of changes, clarifications, or technical corrections in statutes governing the administration of justice, including distribution of appellate decisions; court-appointed counsel minimum qualifications; costs assessed in power of attorney proceedings; duplicative interim guardian appointment language; notice to clerks of postponed or canceled foreclosure sales; adoption proceedings records; court proceeding notification systems; arrest warrant procedures; funds and property held for minors; and a surviving spouse's support allowance.*

This act has various effective dates. Please refer to the full summary for more detail.

BILL ANALYSIS:

Effective June 22, 2018 (when the act became law):

- *Distribution of Appellate Decisions* – The act repeals the requirement to furnish appellate decision advance sheets to judges, justices, district attorneys, superior court clerks, district court prosecutors, regional psychiatric facility special counsel, and the Supreme Court library, and reduces the number of free copies of appellate division reports that must be furnished to some recipients.
- *Court-Appointed Counsel Qualifications* – The act requires the Office of Indigent Defense Services to establish a model plan containing minimum qualifications for appointment of private counsel for adoption by each judicial district by July 1, 2019. The minimum qualifications would become effective on January 2, 2021, in any district that has not adopted the plan's minimum qualifications by then.
- *Costs Assessed in Power of Attorney Proceedings* –The act cross-references existing statutory authority under which power of attorney proceedings are brought as estate proceedings, to clarify the authority for imposing costs in such proceedings.
- *Duplicative Interim Guardian Appointment Language* - The act deletes duplicative statutory language governing the procedure for appointing an interim guardian.
- *Notice to Clerks of Postponed or Canceled Foreclosure Sales* – The act imposes additional requirements for clerks to receive notice of postponements or cancellations of the foreclosure sale.
- *Adoption Proceedings Records* – The act clarifies that the Special Proceedings Index is not required to be sealed when a decree of adoption becomes final, and requires orders of dismissal of an adoption petition to be sent to the Division of Social Services of the Department of Health and Human Services.

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Director

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- Court Proceeding Notification System – The act authorizes the Administrative Office of the Courts or court clerks to keep confidential personally identifiable information collected for the purpose of a court proceeding notification system, and permits use of automatic dialing and recorded message players to make unsolicited telephone calls generated from a court proceeding notification system.

Effective October 1, 2018:

- Arrest Warrant Procedures – Effective October 1, 2018, the act restores some provisions repealed by Section 5.(a) of S.L. 2017-176 relating to issuance of citizen-initiated and law enforcement-initiated arrest warrants, and repeals some provisions enacted by Section 5.(a) of S.L. 2017-176 relating to issuance of such arrest warrants.

Effective January 1, 2019:

- Funds and Property Held for a Minor – The act increases from \$25,000 to \$50,000 the maximum amount of funds owed to a minor that may be paid to the public guardian or the clerk of the superior court to be held until the minor reaches the age of majority, and increases 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 the approval of the clerk who qualified the personal representative.
- Surviving Spouse Allowance out of Decedent Personal Property – For allowance applications made after January 1, 2019, the act increases from \$30,000 to \$60,000 the allowance payable out of the deceased spouse's personal property for the surviving spouse's support for one year after the death of the deceased spouse.

EFFECTIVE: This act has various effective dates. Please refer to the full summary for more detail.