

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 432

Short Title: Parental Rep./Pro Se.

(Public)

Sponsors: Senators Allran, Hartsell; Forrester, Carpenter, Codington, and Blackmon.

Referred to: Judiciary I.

March 1, 1993

A BILL TO BE ENTITLED

AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO  
FACILITATE PRO SE REPRESENTATION BY PARENTS.

The General Assembly of North Carolina enacts:

Section 1. Article 2A of Chapter 110 of the General Statutes is amended by  
adding a new section to read:

**"§ 110-44.5. Pro Se representation by parents.**

**(a) Pro Se Procedures.** – Any aggrieved party entitled to relief under this Article may file a civil action and proceed **pro se**, without the assistance of legal counsel. If the party is proceeding **pro se** and does not request an **ex parte** hearing, the clerk shall set a date for hearing and issue a notice of hearing and shall effect service of the summons, complaint, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served, upon payment of the required service fees. If an aggrieved party acting **pro se** requests **ex parte** relief, the clerk of superior court shall schedule an **ex parte** hearing with the district court division of the General Court of Justice within 72 hours of the filing for relief, or by the end of the next day on which the district court is in session in the county in which the action was filed, whichever shall first occur. If the district court is not in session in that county, the aggrieved party may contact the clerk of superior court in any other county within the same judicial district to schedule an **ex parte** hearing with the district court division of the General Court of Justice by the end of the next day on which the court division is in session in that county. Upon the issuance of an **ex parte** order under this section, if the party is a proceeding **pro se**, the clerk shall set a date for hearing within 10 days from the date of issuance of the order, issue a notice of hearing, and effect service of the summons,

1 complaint, notice, order, and other papers through the appropriate law enforcement  
2 agency where the defendant is to be served, upon payment of the required service fees.

3 (b) **Pro Se Forms.** – The clerk of superior court of each county shall provide to  
4 pro se complainants all forms which are necessary or appropriate to enable them to  
5 proceed pro se pursuant to this section.

6 (c) **Contempt.** – A party may file a motion for contempt for violation of any  
7 order entered pursuant to this Article. The party may file and proceed with the motion  
8 pro se, using forms provided by the clerk of superior court. Upon the filing pro se of a  
9 motion for contempt, the clerk shall schedule and issue notice of a show cause hearing  
10 with the district court division of the General Court of Justice at the earliest possible  
11 date, pursuant to G.S. 5A-23. The clerk shall effect service of the motion, notice, and  
12 other papers through the appropriate law enforcement agency where the defendant is to  
13 be served, upon payment of the required service fees.

14 (d) **Applicability.** – This section only applies to unemancipated minors who are at  
15 least 16 years of age at the time of the initiation of the action.

16 (e) **Court Costs.** – The plaintiff shall pay the costs of court including any fee for a  
17 guardian ad litem for the child."

18 Sec. 2. This act becomes effective October 1, 1993, and applies to actions  
19 initiated on and after that date.