

SUBCHAPTER XIV. ACCOUNTABILITY AND RECOVERY COURTS.

Article 62.

Judicially Managed Accountability and Recovery Court Act.

§ 7A-790. Short title.

This Article shall be known and may be cited as the "Judicially Managed Accountability and Recovery Court Act of 2021." (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a); 2021-180, s. 16.5(a).)

§ 7A-791. Purpose.

The General Assembly recognizes that a critical need exists in this State for judicial programs that will reduce the incidence of alcohol and other substance abuse or dependence and crimes, including the offense of driving while impaired, delinquent acts, and child abuse and neglect committed as a result of alcohol and other substance abuse or dependence; child abuse and neglect where alcohol and other substance abuse or dependence are significant factors in the child abuse and neglect; and offenses, delinquent acts, and child abuse and neglect where mental, behavioral, or medical health is a significant factor in commission of the offense or act. It is the intent of the General Assembly by this Article to create a program to facilitate the creation and operation of judicially managed accountability and recovery courts. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (b); 2001-424, s. 22.8(a); 2009-451, s. 15.11; 2021-180, s. 16.5(a).)

§ 7A-792. Goals.

The goals of the judicially managed accountability and recovery courts funded under this Article include the following:

- (1) To reduce alcoholism and other substance abuse and dependencies among adult and juvenile offenders and defendants and among respondents in juvenile petitions for abuse, neglect, or both;
- (2) To reduce criminal and delinquent recidivism and the incidence of child abuse and neglect;
- (3) To reduce the alcohol-related and other substance-related court workload;
- (3a) To reduce the mental, behavioral, or medical health-related court workload;
- (4) To increase the personal, familial, and societal accountability of adult and juvenile offenders and defendants and respondents in juvenile petitions for abuse, neglect, or both; and
- (5) To promote effective interaction, collaboration, coordination, and use of resources among criminal and juvenile justice personnel, child protective services personnel, and community agencies. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a); 2001-424, s. 22.8(b); 2021-180, s. 16.5(a).)

§ 7A-793. Establishment of Program.

The North Carolina Judicially Managed Accountability and Recovery Court Program is established in the Administrative Office of the Courts to facilitate the creation, administration, and funding of local judicially managed accountability and recovery courts. The Director of the Administrative Office of the Courts shall provide any necessary staff for planning, organizing, and

administering the program. Local drug treatment court programs funded pursuant to this Article shall be operated consistently with the guidelines adopted pursuant to G.S. 7A-795. Local judicially managed accountability and recovery courts established and funded pursuant to this Article may consist of programs approved by the Administrative Office of the Courts. With the consent of either the chief district court judge or the senior resident superior court judge, a judicially managed accountability and recovery court may be established. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (c); 2001-424, s. 22.8(c); 2021-180, s. 16.5(a).)

§ 7A-794. Fund administration.

The Administrative Office of the Courts shall administer funding related to the North Carolina Judicially Managed Accountability and Recovery Court Program. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (d); 2007-393, s. 12; 2021-180, s. 16.5(a).)

§ 7A-795. State Judicially Managed Accountability and Recovery Court Advisory Committee.

The State Judicially Managed Accountability and Recovery Court Advisory Committee is established to develop and recommend to the Director of the Administrative Office of the Courts guidelines for the judicially managed accountability and recovery court program and to monitor local courts wherever they are implemented and administered. The Committee shall be chaired by the Director or the Director's designee and shall consist of not less than seven members appointed by the Director and broadly representative of the courts, law enforcement, corrections, juvenile justice, child protective services, and substance abuse treatment communities. In developing guidelines, the Advisory Committee shall provide minimum standards of judicially managed accountability and recovery courts. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (e); 2001-424, s. 22.8(d); 2021-180, s. 16.5(a).)

§ 7A-796. Local judicially managed accountability and recovery court committee.

Each judicial district choosing to establish a judicially managed accountability and recovery court shall form a local judicially managed accountability and recovery court committee, which shall be comprised to assure representation appropriate to the type or types of judicially managed accountability and recovery court operations to be conducted in the district and shall consist of persons appointed by the senior resident superior court judge with the concurrence of the chief district court judge and the district attorney for that district, chosen from the following list:

- (1) A judge of the superior court;
- (2) A judge of the district court;
- (3) A district attorney or assistant district attorney;
- (4) A public defender or assistant public defender in judicial districts served by a public defender, a member of the private criminal defense bar, or a member of the private bar who represents respondents in department of social services juvenile matters;
- (5) An attorney representing a county department of social services, the director or director's designee of the child welfare services division of a county department of social services, or a representative of the guardian ad litem from within the district;

- (6) through (8) Repealed by Session Laws 2021-180, s. 16.5(a), effective January 1, 2022.
- (9) A clerk of superior court;
- (10), (11) Repealed by Session Laws 2021-180, s. 16.5(a), effective January 1, 2022.
- (12) The chief juvenile court counselor for the district;
- (13) A probation officer;
- (13a) The sheriff or sheriff's designee;
- (14) A local law enforcement officer;
- (15) A representative of the local school administrative unit;
- (16) A representative of the local community college or other adjacent secondary educational institution with a school of social work;
- (17) A representative of the treatment providers;
- (18) A representative of the area mental health entity managed care organization;
- (19) Any local recovery court coordinator; and
- (20) Any other persons selected by the local management committee.

The local judicially managed accountability and recovery court committee shall develop local guidelines and procedures, not inconsistent with the State guidelines and minimum standards, that are necessary for the operation and evaluation of the local judicially managed accountability and recovery court. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (f); 2001-424, s. 22.8(e); 2008-187, s. 4; 2021-180, s. 16.5(a).)

§ 7A-797. Eligible population; drug treatment court procedures.

The Director of the Administrative Office of the Courts, in conjunction with the State Judicially Managed Accountability and Recovery Court Advisory Committee, shall develop criteria for eligibility, minimum standards, and other procedural and substantive guidelines for judicially managed accountability and recovery court operation. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a); 2021-180, s. 16.5(a).)

§ 7A-798: Repealed by Session Laws 2007-393, s. 13, effective October 1, 2007.

§ 7A-799. Treatment not guaranteed.

Nothing contained in this Article shall confer a right or an expectation of a right to treatment or recovery management for a defendant or offender within the criminal or juvenile justice system or a respondent in a juvenile petition for abuse, neglect, or both. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a); 2001-424, s. 22.8(f); 2021-180, s. 16.5(a).)

§ 7A-800. Payment of costs of treatment program.

Each defendant, offender, or respondent in a juvenile petition for abuse, neglect, or both, who receives treatment under a local judicially managed accountability and recovery court shall contribute to the cost of the alcohol and other substance abuse or dependency treatment received in the judicially managed accountability and recovery court, based upon guidelines developed by the local judicially managed accountability and recovery court committee. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (h); 2001-424, s. 22.8(g); 2021-180, s. 16.5(a).)

§ 7A-801. Monitoring and annual report.

The Administrative Office of the Courts shall monitor all State-recognized and funded local judicially managed accountability and recovery courts, prepare an annual report on the implementation, operation, and effectiveness of the statewide judicially managed accountability and recovery court program, and submit the report to the General Assembly by March 1 of each year. Each judicially managed accountability and recovery court shall submit evaluation reports to the Administrative Office of the Courts as requested. (1995, c. 507, s. 21.6(a); 1998-23, s. 9; 1998-212, s. 16.15(a), (i); 2007-393, s. 14; 2021-180, s. 16.5(a).)

§ 7A-802. Exemption from Article.

This Article does not apply to drug treatment courts or judicially managed accountability and recovery courts in existence on or before December 1, 2021, to the extent that compliance with this Article would disqualify the court for grant funding provided by the National Association of Drug Court Professionals. (2021-180, s. 16.5(a).)

§ 7A-803. Reserved for future codification purposes.

§ 7A-804. Reserved for future codification purposes.