

## Study of Juvenile Representation in Delinquency Proceedings Under Way

**T**he Bill of Rights is not for adults alone. So held the U.S. Supreme Court in 1967 in the case of *In re Gault*, in which the Court found grave disparities between the protections afforded to juveniles alleged to be delinquent and the rights of adults charged with committing a crime. *Gault* extended several parts of the Bill of Rights to juveniles, including the right to be represented by counsel. If a child and his or her parents cannot afford a lawyer, then one must be appointed for the child at state expense. The right to counsel may be the most important of the rights established by *Gault*. Without the assistance of knowledgeable and able counsel, a juvenile is ill equipped to enforce his or her other legal rights.

How have juveniles in North Carolina fared in the thirty-six years since *Gault*? Do they have adequate access to counsel? Are the services being provided by counsel effective? The questions are timely and important. The demands on today's juvenile counsel are enormous. They not only bear the responsibility of defending against allegations that the juvenile engaged in misconduct—much as a criminal lawyer would do in representing an adult charged with a crime—but they also must gather and present information about the juvenile's personal history, family situation, schooling

needs, and community ties to assist the court in developing an appropriate, individualized disposition for the juvenile.

In an effort to enhance juvenile representation, North Carolina's Office of Indigent Defense Services (IDS) has obtained the assistance of two centers sponsored by the American Bar Association (ABA), the national Juvenile Justice Center in Washington, D.C., and the Southern Juvenile Defender Center at Emory University in Atlanta. IDS was created by the General Assembly in 2000 to manage the state's \$70 million indigent defense budget and to oversee and improve the delivery of legal services to indigent defendants and others entitled to counsel at state expense. At IDS's request the two ABA centers will study the strengths and weaknesses of North Carolina's system of juvenile representation. The ABA will bear the cost of the centers' work.

According to Tye Hunter, executive director of IDS, "This project has great potential to aid us in determining the areas in which our juvenile justice system functions well and the areas in which we fail to provide adequate services to North Carolina's children."

Teams of national and in-state experts will visit several counties in North Carolina from January through March 2003 to observe court proceedings and



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interview judges, attorneys, and other participants in the juvenile court system. In-state representatives include faculty from UNC Chapel Hill's Institute of Government and Duke University's and North Carolina Central University's law schools, members of the district court bench, and attorneys who regularly represent juveniles in North Carolina's courts. Written surveys also will be circulated statewide to gather additional information about juvenile representation.

The ABA has conducted such studies in several other states, including Georgia, Kentucky, Louisiana, Texas, and Virginia. (More information about them can be obtained from the ABA's website, [www.abanet.org/crimjust/juvjus/pubs.html](http://www.abanet.org/crimjust/juvjus/pubs.html).)

The report is projected to be completed by spring or early summer 2003. For more information, contact Danielle Carman, assistant director of IDS, e-mail [Danielle.M.Carman@nccourts.org](mailto:Danielle.M.Carman@nccourts.org), or John Rubin of the Institute of Government, e-mail [rubin@iogmail.iog.unc.edu](mailto:rubin@iogmail.iog.unc.edu). Or visit the IDS website, at [www.ncids.org](http://www.ncids.org), where the report will be posted.

## School Receives Grant to Promote Partnerships in Community Improvement

**T**he Jessie Ball duPont Fund has awarded the School of Government a grant to develop techniques that will help local leaders in business, philanthropy, government, and nonprofits identify ways to collaborate in addressing pressing community problems. Through interviews, focus groups, and conversations, School of Government personnel hope to learn about the challenges these sectors face in working together. They then will design ways to encourage cross-sector dialogue—for example, through training exercises and other written materials.

# New Law Expands State Authority to Act in Event of Bioterrorism

The anthrax letter attacks of fall 2001 prompted legislators and public health officials throughout the United States to evaluate whether their state laws would support an effective response to a public health threat caused by a bioterrorist attack. Many states began their efforts by reviewing the Model State Emergency Health Powers Act, a draft law designed to serve as a template for new state laws establishing or clarifying the role and the power of public health systems in emergencies. (The model act is available on the Internet at [www.publichealthlaw.net](http://www.publichealthlaw.net).)

Public health officials in North Carolina undertook such a review in winter 2001–02, comparing the provisions of the model act to existing state laws and considering how the public health system's legal duties or authorities should be changed or expanded to allow for an appropriate response to bioterrorism.

The review revealed that North Carolina had in place some of the fundamental legal tools for responding to a public health threat caused by bioterrorism. For example, the state's communicable disease laws required physicians and others to report known or suspected communicable diseases and conditions, thus allowing public health officials to detect cases or outbreaks of diseases that could indicate an occurrence of an attack with a biological agent. State law also required all people to comply with communicable disease control measures and authorized public health officials to issue isolation or quarantine orders when necessary to contain the spread of disease.

Gordon Whitaker, Lydian Altman-Sauer, and Margaret Henderson make up the School of Government team for the undertaking, called the Public Intersection Project. "The interests of organizations intersect when they share common concerns," said Whitaker. "Unfortunately, local leaders often fail to recognize their shared concerns or to see people in other sectors as potential partners in community betterment."

The project builds on the team's previous efforts to strengthen nonprofit-government relationships. It also comple-



However, considerably less legal authority existed to support a public health response to a threat caused by nuclear or chemical agents. Moreover, the state's public health laws did not provide authority for some activities that would aid early detection of a bioterrorist act. For example, the laws did not authorize public health officials to test property for possible contamination by nuclear, biological, or chemical agents, and they did not make clear that health care providers could report information about suspicious symptoms and syndromes, as well as specific diseases, to public health officials.

In October 2002 the North Carolina General Assembly enacted a law giving public health officials new powers and duties to address some of the issues uncovered by the review. Session Law 2002-179 builds on existing public health laws governing communicable disease control and the abatement of public health nuisances and imminent hazards. Some portions of the new law are loosely based on the model act, but the law does not adopt the model act or embrace all its provisions.

- Among other things, the new law grants new powers to the state health

director to order tests and investigations to determine whether a public health threat exists because of bioterrorism. The new powers are available only when bioterrorism is suspected.

- gives public health officials new access to information about symptoms, syndromes, and trends that could indicate a public health threat caused by bioterrorism. The new law also authorizes, and in limited circumstances requires, health care providers to make reports to public health officials when they detect suspicious symptoms, syndromes, and trends.
- creates new, explicit legal protections for people who are affected by certain public health orders, such as quarantine orders confining them to their homes or orders closing property for public health investigations. Such orders are time-limited and in some circumstances subject to review by a court.
- addresses planning and communication among state agencies that are likely to have a role in responding to a bioterrorist attack.

Health Law Bulletin No. 79, *New North Carolina Public Health Bioterrorism Law*, by Jill Moore, summarizes the key provisions of the new law. It is available through the School of Government's Publication Sales Office, telephone (919) 966-4119, or on the Internet at <https://iogpubs.iog.unc.edu/>.

- ments and supplements the School of Government's ongoing work with local communities across the state to close the academic achievement gap between white and minority students in elementary and secondary schools. This ongoing work is a collaboration with Dean Duncan at the School of Social Work and the Z. Smith Reynolds Foundation.

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*S. P. Journal*