



## CHAPTER 35A

## ARTICLE 1 - DETERMINATION OF INCOMPETENCE

## N.C.G.S. § 35A-1116.

# Costs and fees.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT                        | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|----------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2023-124, s. 7.6 — seventh act in the lineage | 21 September 2026, 05:52 UTC | 541012c5866d99c0141a1d0d - 9d27181c09620a4fe38a165b - bfa97d2a0447b4af |

**§ 35A-1116(a)** Costs. - Except as otherwise provided herein, costs shall be assessed as in special proceedings. Costs, including any reasonable fees and expenses of counsel, shall be taxed against any party or apportioned among the parties, in the discretion of the court. In exercising such discretion, the court shall tax costs incurred by any party against the respondent if the court finds that such costs were incurred for the benefit of the respondent, unless doing so would be inequitable. If the clerk finds that the petitioner did not have reasonable grounds to bring the proceeding, costs shall be taxed to the petitioner. In the event that the respondent is indigent, the costs shall be waived by the clerk if not taxed against a party other than the respondent as provided in this subsection or otherwise paid as provided in subsection (b) or (c) of this section.

**§ 35A-1116(b)** Multidisciplinary Evaluation. - The cost of a multidisciplinary evaluation order pursuant to G.S. 35A-1111 shall be assessed as follows:

- (1) If the respondent is adjudicated incompetent and is not indigent, the cost shall be assessed against the respondent;
- (2) If the respondent is adjudicated incompetent and is indigent, the cost shall be borne by the Department of Health and Human Services;
- (3) If the respondent is not adjudicated incompetent, the cost may be taxed against either party, apportioned among the parties, or borne by the Department of Health and Human Services, in the discretion of the court.

**§ 35A-1116(c)** Witness. - Witness fees shall be paid by:

- (1) The respondent, if the respondent is adjudicated incompetent and is not indigent;
- (2) The petitioner, if the respondent is not adjudicated incompetent and the clerk finds that there were not reasonable grounds to bring the proceeding;
- (2a) The petitioner for any of the petitioner's witnesses, and the respondent for any of the respondent's witnesses, when the clerk finds all of the following:
  - a. There were reasonable grounds to bring the proceeding.
  - b. The respondent was not adjudicated incompetent.
  - c. The respondent is not indigent.
- (3) The Administrative Office of the Courts for witness fees for the respondent, if the respondent is indigent.

**§ 35A-1116(c1)** Mediator. - Mediator fees and other costs associated with mediation shall be assessed in accordance with G.S. 7A-38.3B.

**§ 35A-1116(c2)** Guardian Ad Litem. - The fees of an appointed guardian ad litem shall be paid by:

- (1) The respondent, if:
  - a. The respondent is adjudicated incompetent; and
  - b. The respondent is not indigent.
- (2) The respondent, if:
  - a. The respondent is not adjudicated incompetent;
  - b. The clerk finds that there were reasonable grounds to bring the proceeding; and
  - c. The respondent is not indigent.
- (3) The petitioner, if:
  - a. The respondent is not adjudicated incompetent; and
  - b. The clerk finds that there were not reasonable grounds to bring the proceedings.
- (4) The Office of Indigent Defense Services in all other cases.

**§ 35A-1116(d)**

The provisions of this section shall also apply to all parties to any proceedings under this Chapter, including a guardian who has been removed from office and the sureties on the guardian's bond.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I  
7 ACTS

## Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

| 1987                                                                        | 2005 |                              | 2023      |
|-----------------------------------------------------------------------------|------|------------------------------|-----------|
| TICK HEIGHT = ACTS IN THAT YEAR      DASHED = RECODIFICATION, NOT AMENDMENT |      |                              |           |
| Nº                                                                          | YEAR | ACT                          | CHARACTER |
| 01                                                                          | 1987 | c. 550, s. 1                 | ENACTED   |
| 02                                                                          | 1989 | c. 473, s. 15                | AMENDED   |
| 03                                                                          | 1995 | c. 235, s. 9                 | AMENDED   |
| 04                                                                          | 1997 | S.L. 1997-443, s. 11A.118(a) | AMENDED   |
| 05                                                                          | 2005 | S.L. 2005-67, s. 3           | AMENDED   |
| 06                                                                          | 2009 | S.L. 2009-387, s. 1          | AMENDED   |
| 07                                                                          | 2023 | S.L. 2023-124, s. 7.6        | AMENDED   |

APPARATUS II  
2 AUTHORITIES

## Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE     | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION                 |
|---------------|------------|----------------------------------------------------|
| G.S. 35A-1111 | (b)        | "a multidisciplinary evaluation order pursuant to" |
| G.S. 7A-38.3B | (c1)       | "shall be assessed in accordance with"             |

## APPARATUS III

## Citation

## FULL SECTION

N.C. Gen. Stat. § 35A-1116 (2023).

## PINPOINT

N.C. Gen. Stat. § 35A-1116(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

## COLOPHON

## Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

## HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1987, c. 550, s. 1; 1989, c. 473, s. 15; 1995, c. 235, s. 9; 1997-443, s. 11A.118(a); 2005-67, s. 3; 2009-387, s. 1; 2023-124, s. 7.6.)

SET IN SPECTRAL AND ARCHIVO  
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

