



SENATE BILL 53: Law Enforcement Authority/Custody of Child.

2017-2018 General Assembly

Committee:		Date:	August 29, 2017
Introduced by:		Prepared by:	Jennifer H. Bedford Staff Attorney
Analysis of:	S.L. 2017-22		

OVERVIEW: *S.L. 2017-22 amends the laws regarding the temporary modification of child-custody in certain circumstances that present a substantial risk to the child. This act became effective October 1, 2017, and applies to orders for temporary custody on or after that date.*

CURRENT LAW: G.S. 50A-311 provides the procedure and requirements for obtaining a warrant for law enforcement to take physical custody of a child if there is a substantial risk of bodily injury, sexual abuse, or that the child is going to be abducted.

The warrant must recite the facts that led the court to believe that the child was in imminent danger, direct law enforcement to take physical custody of the child immediately; and provide placement for the child pending a judicial hearing.

The court may authorize law enforcement to enter private property and if there are exigent circumstances, make forcible entry at any hour.

The parent who had the child must be served with the warrant and order immediately after the child is taken into custody.

BILL ANALYSIS:

Section 1 of the act recognizes that a warrant issued by a judge, to take physical custody of a minor child pursuant to G.S. 50A-311 is an exception to the normally enforced child custody order.

Section 2 of the act requires that an emergency temporary custody order be accompanied by a warrant to take the child into custody.

Section 3 of the act authorizes officers to execute the warrant to take custody of the child without further verification of the order if it appears regular and complete on its face. It also provides civil and criminal protection for an officer executing the court's warrant to take custody of the child.

EFFECTIVE DATE: This act becomes effective October 1, 2017 and applies to orders for temporary custody on or after that date.

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Director



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