



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

2017-2018 General Assembly

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| Committee: | House Judiciary I | Date: | May 10, 2017 |
| Introduced by: | Sen. J. Davis | Prepared by: | Jennifer H. Bedford |
| Analysis of: | PCS to Second Edition S53-CSTT-24 | | Committee Counsel |

OVERVIEW: *The PCS for Senate Bill 53 would amend the laws regarding the temporary modification of child-custody in certain circumstance that present a substantial risk to the child.*

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 PCS would 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 PCS would require that an emergency temporary custody order be accompanied by a warrant to take the child into custody.

Section 3 of the PCS would authorize 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 would also provide civil and criminal protection for an officer executing the court's warrant to take custody of the child.

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578