

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 901
HOUSE BILL 1074

AN ACT TO AMEND G.S. 7A-284 TO AUTHORIZE DISTRICT COURT JUDGES TO
ISSUE ORAL IMMEDIATE CUSTODY ORDERS IN CERTAIN CHILD ABUSE
CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-284, as it appears in the 1969 Replacement Volume 1B, is amended by designating the current provision as subsection "(a)" and by adding the following:

"(b) Upon a written petition to a magistrate by a parent, county director of social services or social worker, sheriff or deputy sheriff to a magistrate when the office of the clerk is not open or when a district court judge is not in the county of the petitioning party alleging that a child is in danger or subject to serious neglect of his or her health or morals or that the best interest of the child requires that the court assume immediate custody of the child, the magistrate may receive the petition and upon the oral direction of a district court judge of the judicial district in which the petitioner resides or is employed, may issue an order under the name of said judge by his oral authority given after the petition is presented directing that the sheriff take custody of the child and place said child in the custody of the county director of social services or a social worker charged with protective services duties for a period of 72 hours. The magistrate shall upon opening of the clerk's office file said petition and order with the clerk of superior court of the county. A district court judge upon a preliminary hearing on the facts set out in the petition may extend said order until a hearing is held on the merits. If the order is not extended the child shall be returned to the person or persons from whose custody he or she was taken."

Sec. 2. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.