

§ 108A-106.2. Ex parte emergency orders by authorized magistrate.

(a) The chief district court judge may authorize one or more magistrates to hear ex parte motions for the provision of emergency services to disabled adults and issue a show-cause notice in the order as required by G.S. 108A-106(d). A magistrate may proceed with hearing a motion ex parte and issuing a show-cause notice under this subsection only if, prior to the hearing, the magistrate determines that at the time the party is seeking emergency services ex parte the district court is not in session and a district court judge is not and will not be available to hear the motion.

(b) An authorized magistrate that issues an ex parte order under this section shall deliver the signed order to the clerk's office for processing as soon as that office is open for business.

(c) All authorizations for ex parte orders for emergency services may be made by telephone when other means of communication are impractical. A copy of the petition for an order authorizing the provision of emergency services shall be provided to the district court judge or the authorized magistrate by any appropriate method, including hand delivery, facsimile, or electronic means. All written orders pursuant to telephonic communication shall bear the name and the title of the director, the name and the title of the district court judge or authorized magistrate issuing the ex parte order, the hour and date of the telephonic authorization, and the signature and the title of the clerk or magistrate receiving the authorization and entering the order and who accepted the petition for filing. (2025-27, s. 5.1(a).)