

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 82

Short Title: Execution/Nonsecure Custody Order/Child Abuse. (Public)

Sponsors: Representatives Stevens, Zachary, Glazier, and Jordan (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Children, Youth, and Families, if favorable, Judiciary III.

February 16, 2015

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER
MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NONSECURE
CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND
DEPENDENCY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-504 reads as rewritten:

"§ 7B-504. **Order for nonsecure custody.**

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to ~~assume take~~ physical custody of the juvenile and to make due return on the order. A copy of the order shall be given to the juvenile's parent, guardian, custodian, or caretaker by the official executing the order.

An officer receiving an order for custody which is complete and regular on its face may execute it in accordance with its terms. If the court finds on the basis of the petition and request for nonsecure custody or the testimony of the petitioner that a less intrusive remedy is not available, the court may authorize a law enforcement officer to enter private property to take physical custody of the juvenile. If required by exigent circumstances of the case, the court may authorize a law enforcement officer to make a forcible entry at any hour so long as the law enforcement officer has reason to believe the child is being abused at the time the officer is executing the nonsecure custody order. The officer is not required to inquire into the regularity or continued validity of the order and shall not incur criminal or civil liability for its due service."

SECTION 2. This act is effective when it becomes law and applies to orders issued on or after that date.

