

# EMERGENCY CHILD CUSTODY IN NORTH CAROLINA



*When your child is involved, everything feels urgent, but not every situation qualifies as a legal emergency. North Carolina law outlines specific criteria for when and how emergency custody can be an option.*

## Need Help?

If you believe your child is at risk, contact Modern Legal immediately. Our experienced family law attorneys will guide you through the process and protect your child's safety.

## Scenarios for an Emergency Child Custody Order:

- Threats or actual removal of the child from the state with the intent to avoid the jurisdiction of the Court.
- Evidence of actual abuse or threat of imminent harm or death to the child.

**MODERN  
LEGAL**



**704-286-6302**



**MODERNLEGALNC.COM**



**MODERN LEGAL**  
North & South Carolina

## What Is Emergency Custody?

Emergency custody is a temporary court order that grants sole custody of a child to one parent due to a specific emergency.

## When can I File for Emergency Custody?

You must meet the following:

- You have standing to file a custody claim.
- A custody case is already filed or filed alongside the emergency motion.
- The situation meets statutory emergency criteria with a threat to the child, such as:
  - Substantial risk of bodily injury or death,
  - Sexual abuse, or
  - Removal from North Carolina to avoid the court's jurisdiction.

## What Happens After Filing?

A Judge will decide if an ex parte order is appropriate. "Ex parte" refers to the situation where a Judge enters an emergency order without both parties present. An ex parte emergency custody order requires that it expire and a follow-up hearing be scheduled within 10 days. At the hearing, both parties are given the opportunity to be heard and present evidence.

At the hearing, the court will decide whether:

- The emergency still exists,
- The order should be extended, and/or
- If other relief is more appropriate, such as a Temporary Custody Order that provides parenting time to both parties.

## Important Considerations:

Emergency custody is rare and should be pursued only when truly necessary. Filing without proper grounds can be costly and strategically risky.