

1 Short Title: GSC Uniform Child Abduction Prevention Act.

2 A BILL TO BE ENTITLED

3 AN ACT TO ENACT THE UNIFORM CHILD ABDUCTION PREVENTION ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The title of Chapter 50A of the General Statutes reads as rewritten:

6 ~~"Uniform Child Custody Jurisdiction and Enforcement Act and Uniform Deployed~~

7 ~~Parents Custody and Visitation Act.~~ Uniform Acts on Children."

8

9 *[Staff Note: Redlining in Section 2 of this draft represents changes to the Uniform Act, not*  
10 *current law. Staff also made non-redlined changes to conform to the General Statutes numbering*  
11 *system and capitalization conventions.]*  
12

13 SECTION 2. Chapter 50A of the General Statutes is amended by adding a new

14 Article to read:

15 "Article 4.

16 "Uniform Child Abduction Prevention Act.

17 "§ 50A-411. Short title.

18 This ~~{aet}~~Article may be cited as the Uniform Child Abduction Prevention Act.

19 "§ 50A-412. Definitions.

20 In this ~~{aet}~~Article, the following definitions apply:

21 (1) ~~"Abduction" means the~~ Abduction. – The wrongful removal or wrongful  
22 retention of a child.

23 (2) ~~"Child" means an unemancipated individual who is less than 18 years of age.~~  
24 Child. – Defined in G.S. 50A-102.

25 (3) ~~"Child custody determination" means a judgment, decree, or other order of a~~  
26 ~~court providing for the legal custody, physical custody, or visitation with~~

- 1                   ~~respect to a child. The term includes a permanent, temporary, initial, and~~  
2                   ~~modification order. Child-custody determination. – Defined in G.S. 50A-102.~~
- 3           (4)   ~~"Child custody proceeding" means a proceeding in which legal custody,~~  
4                   ~~physical custody, or visitation with respect to a child is at issue. The term~~  
5                   ~~includes a proceeding for divorce, dissolution of marriage, separation, neglect,~~  
6                   ~~abuse, dependency, guardianship, paternity, termination of parental rights, or~~  
7                   ~~protection from domestic violence. Child-custody proceeding. – Defined in~~  
8                   ~~G.S. 50A-102.~~
- 9           (5)   ~~"Court" means an entity authorized under the law of a state to establish,~~  
10                   ~~enforce, or modify a child custody determination. Court. – Defined in~~  
11                   ~~G.S. 50A-102.~~
- 12           (6)   ~~"Petition" includes Petition. – Includes a motion or its equivalent.~~
- 13           (7)   ~~"Record" means information Record. – Information~~ that is inscribed on a  
14                   tangible medium or that is stored in an electronic or other medium and is  
15                   retrievable in perceivable form.
- 16           (8)   ~~"State" means a State. – Consists of the following:~~
- 17                   a.    A state of the United States, the District of Columbia, Puerto Rico, the  
18                   United States Virgin Islands, or any territory or insular possession  
19                   subject to the jurisdiction of the United States.~~The term includes a~~  
20                   ~~federally recognized Indian tribe or nation.~~
- 21                   b.    An Indian tribe or band or Alaskan native village that is recognized by  
22                   federal law or formally acknowledged by an entity listed in  
23                   sub-subdivision a. of this subdivision.
- 24           (9)   ~~"Travel document" means records Travel documents. – Records~~ relating to a  
25                   travel itinerary, including travel tickets, passes, reservations for

1 transportation, or accommodations. The term does not include a passport or  
2 visa.

3 (10) ~~"Wrongful removal" means the~~ Wrongful removal. – The taking of a child that  
4 breaches rights of custody or visitation given or recognized under the law of  
5 ~~this state.~~ State.

6 (11) ~~"Wrongful retention" means the~~ Wrongful retention. – The keeping or  
7 concealing of a child that breaches rights of custody or visitation given or  
8 recognized under the law of ~~this state.~~ State.

9 **"§ 50A-413. Cooperation and communication among courts.**

10 Sections ~~[110], [111], and [112]~~ of ~~[insert citation to the provisions of the Uniform Child~~  
11 ~~Custody Jurisdiction and Enforcement Act or its equivalent in the state]~~ G.S. 50A-110, 50A-111,  
12 and 50A-112 apply to cooperation and communications among courts in proceedings under this  
13 ~~fact].~~ Article.

14 **"§ 50A-414. Actions for abduction prevention measures.**

15 (a) A court on its own motion may order abduction prevention measures in a  
16 child-custody proceeding if the court finds that the evidence establishes a credible risk of  
17 abduction of the child.

18 (b) A party to a child-custody determination or another individual or entity having a right  
19 under the law of this ~~state~~ State or any other state to seek a child-custody determination for the  
20 child may file a petition seeking abduction prevention measures to protect the child under this  
21 ~~fact].~~ Article.

22 (c) ~~A prosecutor or public authority designated under [insert citation to Section 315 of~~  
23 ~~the Uniform Child Custody Jurisdiction and Enforcement Act or applicable law of this state]~~ may  
24 seek a warrant to take physical custody of a child under ~~Section 9~~ or other appropriate prevention  
25 measures.

1    **"§ 50A-415. Jurisdiction.**

2           (a)    A petition under this ~~{act}~~Article may be filed only in a court that has jurisdiction to  
3    make a child-custody determination with respect to the child at issue under ~~{insert citation to~~  
4    ~~Uniform Child Custody Jurisdiction and Enforcement Act or the Uniform Child Custody~~  
5    ~~Jurisdiction Act}~~Article 2 of this Chapter.

6           (b)    A court of this ~~state~~State has temporary emergency jurisdiction under ~~{insert citation~~  
7    ~~to Section 204 of the Uniform Child Custody Jurisdiction and Enforcement Act or Section 3(a)(3)~~  
8    ~~of the Uniform Child Custody Jurisdiction Act}~~G.S. 50A-204 if the court finds a credible risk of  
9    abduction.

10   **"§ 50A-416. Contents of petition.**

11          A petition under this ~~{act}~~Article must be verified and include a copy of any existing  
12    child-custody determination, if available. The petition must specify the risk factors for abduction,  
13    including the relevant factors described in ~~Section 7.~~G.S. 50A-417. Subject to ~~{insert citation to~~  
14    ~~Section 209(e) of the Uniform Child Custody Jurisdiction and Enforcement Act or cite the law~~  
15    ~~of this state providing for the confidentiality of procedures, addresses, and other identifying~~  
16    ~~information}~~G.S. 50A-209(e), if reasonably ascertainable, the petition must ~~contain:~~ contain all  
17    of the following:

- 18           (1)    The name, date of birth, and gender of the ~~child;~~ child.
- 19           (2)    The customary address and current physical location of the ~~child;~~ child.
- 20           (3)    The identity, customary address, and current physical location of the  
21                 ~~respondent;~~ respondent.
- 22           (4)    A statement of whether a prior action to prevent abduction or domestic  
23                 violence has been filed by a party or other individual or entity having custody  
24                 of the ~~child;~~ child and the date, location, and disposition of the ~~action;~~ action.

1 (5) A statement of whether a party to the proceeding has been arrested for a crime  
2 related to domestic violence, stalking, or child abuse or ~~neglect~~, neglect and  
3 the date, location, and disposition of the ~~case~~; and case.

4 (6) Any other information required to be submitted to the court for a child-custody  
5 determination under ~~[insert citation to Section 209 of the Uniform Child~~  
6 ~~Custody Jurisdiction and Enforcement Act or applicable law of this state]~~.  
7 G.S. 50-13.1(a1) or G.S. 50A-209.

8 **"§ 50A-417. Factors to determine risk of abduction.**

9 (a) In determining whether there is a credible risk of abduction of a child, the court ~~shall~~  
10 must consider any evidence that the petitioner or ~~respondent~~; respondent has done or is doing  
11 any of the following:

- 12 (1) Has previously abducted or attempted to abduct the ~~child~~; child.
- 13 (2) Has threatened to abduct the ~~child~~; child.
- 14 (3) Has recently engaged in activities that may indicate a planned abduction,  
15 ~~including~~; including any of the following:
- 16 a. Abandoning ~~employment~~; employment.
  - 17 b. Selling a primary ~~residence~~; residence.
  - 18 c. Terminating a ~~lease~~; lease.
  - 19 d. Closing bank or other financial management accounts, liquidating  
20 assets, hiding or destroying financial documents, or conducting any  
21 unusual financial ~~activities~~; activities.
  - 22 e. Applying for a passport or visa or obtaining travel documents for the  
23 respondent, a family member, or the ~~child~~; or child.
  - 24 f. Seeking to obtain the child's birth certificate or school or medical  
25 ~~records~~; records.

- 1           (4)    Has engaged in domestic violence, stalking, or child abuse or ~~neglect~~; neglect.
- 2           (5)    Has refused to follow a child-custody ~~determination~~; determination.
- 3           (6)    Lacks strong familial, financial, emotional, or cultural ties to the ~~state~~ State or  
4           the United ~~States~~; States.
- 5           (7)    Has strong familial, financial, emotional, or cultural ties to another state or  
6           ~~country~~; country.
- 7           (8)    Is likely to take the child to a country ~~that~~; that meets any of the following  
8           descriptions:
- 9           a.     ~~Is~~ The country is not a party to the Hague Convention on the Civil  
10           Aspects of International Child Abduction and does not provide for the  
11           extradition of an abducting parent or for the return of an abducted  
12           ~~child~~; child.
- 13           b.     ~~Is~~ The country is a party to the Hague Convention on the Civil Aspects  
14           of International Child ~~Abduction~~ but: Abduction, but the country also  
15           meets any of the following descriptions:
- 16           1.     The Hague Convention on the Civil Aspects of International  
17           Child Abduction is not in force between the United States and  
18           ~~that country~~; the country.
- 19           2.     ~~Is~~ The country is noncompliant according to the most recent  
20           compliance report issued by the United States Department of  
21           ~~State~~; or State.
- 22           3.     ~~Lacks~~ The country lacks legal mechanisms for immediately  
23           and effectively enforcing a return order under the Hague  
24           Convention on the Civil Aspects of International Child  
25           ~~Abduction~~; Abduction.

- 1                   c.     ~~Poses~~ The country poses a risk that the child's physical or emotional  
2   health or safety would be endangered ~~in the country~~ because of  
3   specific circumstances relating to the child or because of human rights  
4   violations committed against ~~children~~; children.
- 5                   d.     ~~Has~~ The country has laws or practices that ~~would~~; would do any of the  
6   following:
- 7   1.     Enable the respondent, without due cause, to prevent the  
8   petitioner from contacting the ~~child~~; child.
- 9   2.     Restrict the petitioner from freely traveling to or exiting from  
10   the country because of the petitioner's gender, nationality,  
11   marital status, or ~~religion~~; or religion.
- 12   3.     Restrict the child's ability legally to leave the country after the  
13   child reaches the age of majority because of a child's gender,  
14   nationality, or ~~religion~~; religion.
- 15                   e.     ~~Is~~ The country is included by the United States Department of State on  
16   a current list of state sponsors of ~~terrorism~~; terrorism.
- 17                   f.     ~~Does not have an~~ The country has no official United States diplomatic  
18   presence in the country; or presence.
- 19                   g.     ~~Is~~ The country is engaged in active military action or war, including a  
20   civil war, to which the child may be ~~exposed~~; exposed.
- 21                   (9)    Is undergoing a change in immigration or citizenship status that would  
22   adversely affect the ~~respondent's~~ person's ability to remain in the United States  
23   legally; lawfully.
- 24                   (10)   Has had an application for United States citizenship ~~denied~~; denied.

1 (11) Has forged or presented misleading or false evidence on government forms or  
2 supporting documents to obtain or attempt to obtain a passport, a visa, travel  
3 documents, a Social Security card, a ~~driver's~~driver license, or other  
4 government-issued identification card or has made a misrepresentation to the  
5 United States~~-government~~; government.

6 (12) Has used multiple names to attempt to mislead or ~~defraud~~; or defraud.

7 (13) Has engaged in any other conduct the court considers relevant to the risk of  
8 abduction.

9 (b) In the hearing on a petition under this ~~act~~; Article, the court ~~shall~~must consider any  
10 evidence that the respondent believed in good faith that the respondent's conduct was necessary  
11 to avoid imminent harm to the child or respondent and any other evidence that may be relevant  
12 to whether the respondent may be permitted to remove or retain the child.

13 **"§ 50A-418. Provisions and measures to prevent abduction.**

14 (a) If a petition is filed under this ~~act~~; Article, the court may enter an order that must  
15 ~~include~~; include all of the following:

16 (1) The basis for the court's exercise of ~~jurisdiction~~; jurisdiction.

17 (2) The manner in which notice and opportunity to be heard were given to the  
18 persons entitled to notice of the ~~proceeding~~; proceeding.

19 (3) A detailed description of each party's custody and visitation rights and  
20 residential arrangements for the ~~child~~; child.

21 (4) A provision stating that a violation of the order may subject the party in  
22 violation to civil and criminal ~~penalties~~; and penalties.

23 (5) Identification of the child's country of habitual residence at the time of the  
24 issuance of the order.

1 (b) If, at a hearing on a petition under this ~~act~~ Article or on the court's own motion, the  
2 court after reviewing the evidence finds a credible risk of abduction of the child, the court ~~shall~~  
3 must enter an abduction prevention order. The order must include the provisions required by  
4 subsection (a) of this section and measures and conditions, including those in subsections (c),  
5 (d), and ~~(e)~~, (e) of this section, that are reasonably calculated to prevent abduction of the child,  
6 giving due consideration to the custody and visitation rights of the parties. The court ~~shall~~ must  
7 consider the age of the child, the potential harm to the child from an abduction, the legal and  
8 practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the  
9 potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

10 (c) An abduction prevention order may include one or more of the following:

11 (1) An imposition of travel restrictions that require that a party traveling with the  
12 child outside a designated geographical area provide the other party with all  
13 of the following:

- 14 a. The travel itinerary of the ~~child~~; child.  
15 b. A list of physical addresses and telephone numbers at which the child  
16 can be reached at specified ~~times~~; and times.  
17 c. Copies of all travel ~~documents~~; documents.

18 (2) A prohibition of the respondent directly or ~~indirectly~~; indirectly doing any of  
19 the following:

- 20 a. Removing the child from this ~~state~~; State, the United States, or another  
21 geographic area without permission of the court or the petitioner's  
22 written ~~consent~~; consent.  
23 b. Removing or retaining the child in violation of a child-custody  
24 ~~determination~~; determination.

- 1 c. Removing the child from school or a child-care or similar ~~facility; or~~  
2 facility.
- 3 d. Approaching the child at any location other than a site designated for  
4 supervised ~~visitation; visitation.~~
- 5 (3) A requirement that a party register the order in another state as a prerequisite  
6 to allowing the child to travel to that ~~state; state.~~
- 7 (4) With regard to the child's ~~passport; passport, one or more of the following:~~
- 8 a. A direction that the petitioner place the child's name in the United  
9 States Department of State's Child Passport Issuance Alert ~~Program;~~  
10 Program.
- 11 b. A requirement that the respondent surrender to the court or the  
12 petitioner's attorney any United States or foreign passport issued in the  
13 child's name, including a passport issued in the name of both the parent  
14 and the ~~child; and child.~~
- 15 c. A prohibition upon the respondent from applying on behalf of the child  
16 for a new or replacement passport or ~~visa; visa.~~
- 17 (5) As a prerequisite to exercising custody or visitation, a requirement that the  
18 respondent ~~provide; provide all of the following:~~
- 19 a. To the United States Department of State Office of Children's Issues  
20 and the relevant foreign consulate or embassy, an authenticated copy  
21 of the order detailing passport and travel restrictions for the ~~child;~~  
22 child.
- 23 b. To the ~~court; court, both of the following:~~
- 24 1. Proof that the respondent has provided the information in  
25 ~~subparagraph (A); and sub-subdivision a. of this subdivision.~~



1 including reasonable ~~attorneys~~attorneys' fees and costs if there is an  
2 ~~abduction; and~~ abduction.

3 (3) Require the respondent to obtain education on the potentially harmful effects  
4 to the child from abduction.

5 (e) To prevent imminent abduction of a child, a court ~~may;~~ may do any of the following:

6 (1) Issue a warrant to take physical custody of the child under ~~Section 9~~  
7 G.S. 50A-419 or the law of this state other than this [act]; other State law.

8 (2) Direct the use of law enforcement to take any action reasonably necessary to  
9 locate the child, obtain return of the child, or enforce a custody determination  
10 under this ~~[act]~~Article ~~or the law of this state other than this [act]; or~~ other  
11 State law.

12 (3) Grant any other relief allowed under ~~the law of this state other than this [act].~~  
13 other State law.

14 (f) The remedies provided in this ~~[act]~~Article are cumulative and do not affect the  
15 availability of other remedies to prevent abduction.

16 "**§ 50A-419. Warrant to take physical custody of child.**

17 (a) If a petition under this ~~[act]~~Article contains allegations, and the court ~~finds~~finds, that  
18 there is a credible risk that the child is imminently likely to be wrongfully removed, the court  
19 may issue an ex parte warrant to take physical custody of the child.

20 (b) The respondent on a petition under subsection (a) of this section must be afforded an  
21 opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not  
22 later than the next judicial day unless a hearing on that date is impossible. In that event, the court  
23 ~~shall~~must hold the hearing on the first judicial day possible.

24 (c) An ex parte warrant under subsection (a) of this section to take physical custody of a  
25 child ~~must;~~ must do all of the following:

1 (1) Recite the facts upon which a determination of a credible risk of imminent  
2 wrongful removal of the child is ~~based~~; based.

3 (2) Direct law enforcement officers to take physical custody of the child  
4 ~~immediately~~; immediately.

5 (3) State the date and time for the hearing on the ~~petition~~; and petition.

6 (4) Provide for the safe interim placement of the child pending further order of  
7 the court.

8 (d) If feasible, before issuing a warrant and before determining the placement of the child  
9 after the warrant is executed, the court may order a search of the relevant databases of the  
10 National Crime Information Center system and similar ~~state~~ databases of this State or another  
11 state to determine if either the petitioner or respondent has a history of domestic violence,  
12 stalking, or child abuse or neglect.

13 (e) The petition and warrant must be served on the respondent when or immediately after  
14 the child is taken into physical custody.

15 (f) A warrant to take physical custody of a child, issued by this ~~state~~ State or another  
16 state, is enforceable throughout this ~~state~~ State. If the court finds that a less intrusive remedy will  
17 not be effective, it may authorize law enforcement officers to enter private property to take  
18 physical custody of the child. If required by exigent circumstances, the court may authorize law  
19 enforcement officers to make a forcible entry at any hour.

20 (g) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under  
21 subsection (a) of this section for the purpose of harassment or in bad faith, the court may award  
22 the respondent reasonable ~~attorney's~~ attorneys' fees, costs, and expenses.

23 (h) This ~~act~~ Article does not affect the availability of relief allowed under ~~the law of~~  
24 ~~this state other than this [act]~~ other State law.

25 **"§ 50A-420. Duration of abduction prevention order.**

1 An abduction prevention order remains in effect until the earliest ~~of~~ of the following:

- 2 (1) The time stated in the ~~order~~; order.
- 3 (2) The emancipation of the ~~child~~; child.
- 4 (3) The child's attaining 18 years of ~~age~~; or age.
- 5 (4) The time the order is modified, revoked, vacated, or superseded by a court
- 6 with jurisdiction under ~~[insert citation to Sections 201 through 203 of the~~
- 7 ~~Uniform Child Custody Jurisdiction and Enforcement Act or Section 3 of the~~
- 8 ~~Uniform Child Custody Jurisdiction Act and applicable law of this state]~~.
- 9 G.S. 50A-201 through G.S. 50A-203.

10 **"§ 50A-421. Uniformity of application and construction.**

11 In applying and construing this ~~uniform act~~, Article, consideration must be given to the need

12 to promote uniformity of the law with respect to its subject matter among states that enact ~~it~~, the

13 Uniform Child Abduction Prevention Act.

14 **"§ 50A-422. Relation to Electronic Signatures in Global and National Commerce Act.**

15 This ~~act~~ Article modifies, limits, and supersedes the federal Electronic Signatures in Global

16 and National Commerce Act, ~~15 U.S.C. Section 7001, et seq., Chapter 96 of Title 15 of the United~~

17 States Code, but does not modify, limit, or supersede Section 101(c) of the act, ~~15 U.S.C. Section~~

18 ~~7001(e), of that act 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices~~

19 described in Section 103(b) of ~~that the~~ act, 15 U.S.C. ~~Section §~~ 7003(b)."

20 **SECTION 3.** The Revisor of Statutes shall cause to be printed, as annotations to the

21 published General Statutes, all relevant portions of the Official Comments to the Uniform Child

22 Abduction Prevention Act and all explanatory comments of the drafters of this act as the Revisor

23 may deem appropriate.

24 **SECTION 4.** This act becomes effective October 1, 2024, and applies to petitions

25 filed or motions made on or after that date.