

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 643

Short Title: Temporary Child Custody Orders.

(Public)

Sponsors: Senator Rouzer.

Referred to: Judiciary II.

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THE LEAST AMOUNT OF DISRUPTION FOR DEPENDENT
3 CHILDREN INVOLVED IN TEMPORARY CUSTODY CASES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1 of Chapter 50 of the General Statutes is amended by adding
6 the following new section to read:

7 "**§ 50-13.1A. Temporary custody.**

8 (a) Notwithstanding any other provision of law to the contrary, upon filing for a
9 divorce, when the parties to the divorce do not agree on temporary custody arrangements, the
10 parties may participate in mediation.

11 (b) If there is no parenting agreement signed by the parties that addresses temporary
12 custody arrangements and while the parties are proceeding with mediation, if applicable, the
13 status quo as determined by the parties during the marriage shall remain in effect until a
14 permanent arrangement has been determined and signed by the parties or until a written order
15 for permanent custody has been issued by the court.

16 (c) In an effort to maintain the status quo of the parties during the marriage, temporary
17 custody arrangements shall be as follows:

18 (1) The primary caregiver shall retain physical custody of the dependent child
19 and decision making regarding the dependent child concerning education,
20 health, and religion. For purposes of this section, 'primary caregiver' means
21 the parent who has physically spent the majority of time with the child.

22 (2) The non-primary caregiver shall have visitation with the child every other
23 weekend.

24 (3) The primary caregiver may choose to remain in possession of the marital
25 home with the dependent child. In the event the primary caregiver chooses to
26 remain in possession of the marital home, the non-primary caregiver shall
27 leave the premises of the marital home within 14 calendar days after the
28 signing of the temporary custody order. The act of the leaving the marital
29 home pursuant to this subdivision shall not be considered abandonment.

30 (4) The parties shall continue with and maintain the financial responsibilities
31 regarding the mortgage and maintenance of the marital home as determined
32 by the parties during the marriage.

33 (d) A temporary custody order issued pursuant to this section shall remain in effect until
34 modified by a signed agreement by the parties or until a written order for permanent custody
35 has been issued by the court."

36 **SECTION 2.** This act is effective when it becomes law and applies to actions for
37 temporary custody on or after that date.

