

Child Custody and the Move to North Carolina

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A soldier's move to Fort Bragg involves many logistical steps. One step which should never be skipped is to make sure any children are protected, especially if a child custody order is in place from another State. The "foreign custody order" can be made enforceable in North Carolina through the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This law ensures a child's best interests are preserved when subject to a custody order.

A "foreign custody order" is registered with the courts of North Carolina so the custody order can be enforced just as if it was made in North Carolina. In order to register with the North Carolina courts, the court requires three main categories of documents: (1) a letter requesting registration; (2) two copies (one certified) of the foreign custody order and an affidavit stating the foreign custody order has not been changed; and (3) the plaintiff's (the requestor's) name and address and names and addresses of any other parties with custody or visitation rights according to the foreign custody order.

After filing the appropriate documents, the defendant, and anyone else who has been awarded custody or visitation rights, must be notified of the new proceeding. A hearing is then held by the court to determine whether or not the order is confirmed. If the order is confirmed, it is effective as of the date of the registration. The defendant can choose to do nothing when notified about the registration and this generally means confirmation of the foreign custody order. The defendant can also choose to fight the registration. The plaintiff will then be notified the defendant is challenging and the date and time the court will hear the matter.

If the children are in immediate danger, the registration process is not absolutely necessary in order for North Carolina to enforce a foreign custody order. Here, the Expedited Enforcement form is crucial. A district court judge may issue a warrant directing law enforcement to pick up the child/children immediately. If expedited enforcement has been filed, a judge will be able to hear the matter on the next judicial day after the forms have been properly served on the defendant and any other party with custody or visitation rights.

An important note to remember is the other State still has original jurisdiction over the matter—they have primary responsibility regarding the child custody order unless it is transferred to North Carolina.

If you have questions, please contact the XVIII Airborne Corps and Fort Bragg Legal Assistance Office at 910-396-0396 or 6113.