

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 925
HOUSE BILL 794

1 AN ACT TO AMEND ARTICLE 5 OF CHAPTER 110 OF THE GENERAL STATUTES OF
2 NORTH CAROLINA RELATING TO THE INTERSTATE COMPACT ON JUVENILES.

3
4 The General Assembly of North Carolina do enact:
5

6 **Section 1.** G.S. 110-58, as the same appears in the 1963 Cumulative Supplement to
7 Replacement Volume 3A of the General Statutes, is amended to make the compact thereby
8 authorized identical in language to the interstate compact on juveniles, as enacted by other
9 states legally joining therein, by amending Article IV relating to the return of runaways as
10 follows:

- 11 (1) Delete from the fifth sentence of subsection (a) the word "shall" after the
12 words "The judge of the court to which this application is made" and before
13 the words "hold a hearing thereon", and substitute therefor the word "may";
- 14 (2) Insert in the sixth sentence of subsection (a) after the words "If the judge
15 determines" and before the words "that the juvenile should be returned"
16 commas and words as follows: ", either with or without a hearing,";
- 17 (3) Delete from the last sentence of the first paragraph of subsection (a) the
18 words "shall upon request" after the words and commas "The judge,
19 however," and before the words "fix a reasonable time to be allowed for the
20 purpose of testing the legality of the proceeding", and substitute therefor the
21 word "may";
- 22 (4) Delete from the first sentence of the second paragraph of subsection (a) the
23 word and figure "thirty (30)" after the words "for such a time not exceeding"
24 and before the words "days as will enable his return to another state party to
25 this compact pursuant to a requisition for his return from a court of that
26 state", and substitute therefor the word and figure "ninety (90)";
- 27 (5) Delete from subsection (c) the words "male 16 years of age or under and any
28 female 18 years of age or under" and substitute therefor the words "person
29 who is a minor under the law of the state of residence of the parent,
30 guardian, person or agency entitled to the legal custody of such minor".

31 **Sec. 2.** Chapter 110 of the General Statutes is hereby amended by adding a new
32 Section immediately following G.S. 110-63, to be numbered G.S. 110-64, and to read as
33 follows:

34 **"G.S. 110-64. Limitations Upon the Courts' Discretion In Applying the Provisions of**
35 **Article IV of the Compact.** The judge of any court in North Carolina to which an application
36 is made for the return of a runaway under the provisions of Article IV of the Interstate Compact
37 on Juveniles shall hold a hearing thereon to determine whether for the purposes of the compact
38 the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the
39 juvenile has in fact run away without consent, whether or not he is an emancipated minor, and
40 whether or not it is in the best interest of the juvenile to compel his return to the state. The
41 judge of any court in North Carolina finding that a requisition for the return of a juvenile under
42 the provisions of Article IV of the compact is in order shall upon request fix a reasonable time
43 to be allowed for the purpose of testing the legality of the proceeding. The period of time for

1 holding a juvenile in custody under the provisions of Article IV of the compact for his own
2 protection and welfare, subject to the order of a court of this State, to enable his return to
3 another state party to the compact pursuant to a requisition for his return from a court of that
4 state, shall not exceed thirty (30) days. In applying the provisions of Article IV of the compact
5 to secure the return of a runaway from North Carolina, the courts of this State shall construe the
6 word 'juvenile' as used in this Article to mean any male 16 years of age or under and any
7 female 18 years of age or under."

8 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

9 **Sec. 4.** This Act shall become effective upon its ratification.

10 In the General Assembly read three times and ratified, this the 10th day of June,
11 1965.