

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1080
SENATE BILL 788

1 AN ACT TO AUTHORIZE PARENTS TO SUPERVISE AND CONTROL THEIR
2 CHILDREN UNDER EIGHTEEN YEARS OF AGE.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Notwithstanding any other provision of law, any child under 18 years of
7 age, except as provided in Sections 2 and 3 hereof, shall be subject to the supervision and
8 control of his parents.

9 **Sec. 2.** This Act shall not apply to any child under the age of 18 who is married or
10 who is serving in the armed forces of the United States, or who has been emancipated.

11 **Sec. 3.** This Act shall not be interpreted to place any criminal liability on a parent
12 for any act of his child 16 years of age or older.

13 **Sec. 4.** The provisions of this Act may be enforced by the parent, guardian, or
14 person standing in loco parentis to the child by filing a civil action in the district court of the
15 county where the child can be found. Upon the institution of such action by a verified
16 complaint, alleging that the defendant child has left home or has left the place where he has
17 been residing and refuses to return and comply with the direction and control of the plaintiff,
18 the court may issue an order directing the child personally to appear before the court at a
19 specified time to be heard in answer to the allegations of the plaintiff and to comply with
20 further orders of the court. Such orders shall be served by the sheriff upon the child and upon
21 any other person named as a party defendant in such action. At the time of the issuance of the
22 order directing the child to appear the court may in the same order, or by separate order, order
23 the sheriff to enter any house, building, structure or conveyance for the purpose of searching
24 for said child and serving said order and for the purpose of taking custody of the person of said
25 child in order to bring said child before the court. Any order issued at said hearing shall be
26 treated as a mandatory injunction and shall remain in full force and effect until the child
27 reaches the age of 18, or until further orders of the Court. Within 30 days after the hearing on
28 the original order, the child, or anyone acting in his behalf, may file a verified answer to the
29 complaint. Upon the filing of an answer by or on behalf of said child, any district court judge
30 holding court in the county or judicial district where said action was instituted shall have
31 jurisdiction to hear the matter, without a jury, and to make findings of fact, conclusions of law,
32 and render judgment thereon. Any aggrieved party may within the time allowed for appeal of
33 civil actions generally appeal to the superior court where trial shall be had without a jury.
34 Appeals from the superior court to the Court of Appeals shall be allowed as in civil actions
35 generally. The district judge issuing the original order or the district judge hearing the matter
36 after answer has been filed, shall also have authority to order that any person named defendant
37 in the order or judgment shall not harbor, keep, or allow the defendant child to remain on said
38 person's premises or in said person's home. Failure of any defendant to comply with the terms
39 of said order or judgment shall be punishable as for contempt.

40 **Sec. 5.** All laws and clauses of laws in conflict with this Act are hereby repealed.

41 **Sec. 6.** This Act shall be in full force and effect upon ratification.

42 In the General Assembly read three times and ratified, this the 30th day of June,
43 1969.