

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

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

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

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

- (1) Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based.
- (2) Authorize law enforcement officers to take physical custody of the child without delay.
- (3) State the date and time for the hearing on the petition.
- (4) Provide for the safe interim placement of the child pending further order of the court.

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

(e) The petition and warrant must be served on the respondent when, or as soon as possible after, the child is taken into physical custody.

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

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

(h) This Article does not affect the availability of relief allowed under other State law. (2025-25, s. 45(b).)