

## 8.5 Authority to Issue Custody Orders

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Any district court judge may issue an order for secure or nonsecure custody if the criteria set forth in G.S. 7B-1903 are met. G.S. 7B-1902; *see infra* § 8.6, Secure Custody; § 8.7 Nonsecure Custody. Some judges might decline to modify a secure custody order issued by another judge. However, the court of appeals has held that any judge has the authority to review and modify a secure custody order even if it was issued by a different judge. *In re D.L.H.*, 198 N.C. App. 286, 294 (2009), *overruled on other grounds*, 364 N.C. 214 (2010).

The chief district court judge may delegate the authority to issue secure or nonsecure custody orders to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. G.S. 7B-1902. The authority of the court to issue custody orders is routinely delegated in some districts, giving significant authority to the juvenile court counselor at the initial stage of the juvenile proceeding. If juvenile court counselors are issuing secure custody orders, counsel should determine whether there is a properly filed administrative order delegating this authority. Counsel should object and move for release from custody if there is not.