

Order-in-Place Move-Away & School Change Quick Guide

North Carolina

ASK PERMISSION, NOT FORGIVENESS

There's already a North Carolina custody order? Then it controls the move. Work these boxes before anyone packs a box.

1 Start Here

- ✓ **Locate your current custody order and read it in full** — note the schedule, legal-custody terms, and any relocation/notice clause.
- ✓ **Ask the real question:** does the move change the visitation schedule or the child's school? If yes, you need approval first.
- ✓ **Do not move the child, change the school, or cancel the other parent's time** until you have agreement or a court order.

2 Is It a True Emergency?

Emergency (*ex parte*) orders are narrow. Under [N.C.G.S. § 50-13.5\(d\)\(3\)](#) they require substantial risk of bodily injury, sexual abuse, or removal from NC to evade the court.

- **A better job, a nicer neighborhood, or a school switch usually does not qualify.** Be honest — judges are.
- **If it's not a true emergency,** your tool is a motion to modify custody, not an emergency filing.

3 The Right Sequence

- 1 **Ask for written agreement from the other parent first** — a signed, written consent to the new arrangement.
- 2 **No agreement? File a motion to modify custody** (you must show a substantial change in circumstances affecting the child).
- 3 **Complete court custody mediation where required** — it comes before your hearing.
- 4 **Present your plan at the hearing** and let the judge approve the change.

4 Build Your Day-One File

- ✓ **School records:** report cards, IEP/504, attendance, and ratings for both the current and proposed schools (DPI, GreatSchools, Niche).
- ✓ **Communications:** save every text, email, and message about the move — dated and unedited.
- ✓ **The move's timing & motive:** job offer, lease, distance, travel time, and how the child's time with each parent is affected.
- ✓ **A proposed schedule** that keeps the other parent in the child's life (breaks, summers, travel, video calls).

5 If a School Change Already Happened

- ✓ **Remember: choosing a school is a legal-custody decision.** A unilateral switch can be its own reason to go back to court.
- ✓ **Don't retaliate.** Document the enrollment, gather proof, and file to modify instead of reacting on your own.

RED LINES — DON'T

- Don't relocate first and explain later — that invites contempt, a return order, and lasting credibility damage.
- Don't ignore a "no-move" or notice clause — violating it is a violation of the order.
- Don't withhold the child or self-help your way to a new schedule.

GOLDEN RULE

"The parent who comes to court first, with a plan and clean hands, almost always ends up in the stronger position."

Facing a move — yours or your co-parent's?

Talk to Cape Fear Family Law before you act.

CapeFearFamilyLaw.com

This Quick Guide is general information for North Carolina residents, not legal advice, and does not create an attorney-client relationship. Custody outcomes depend on the specific facts of your case. Consult a licensed NC family law attorney before making decisions about relocation or a school change.