



CHAPTER 5A
ARTICLE 2 - CIVIL CONTEMPT

N.C.G.S. § 5A-23.

Proceedings for civil contempt.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2017-158, s. 11 — sixth act in the lineage	RETRIEVED 21 September 2026, 03:34 UTC	SOURCE FINGERPRINT ee72a76ba81da594870730a5 - 48f2c778334ae8f24ba12915 - eb3cbe05e2cf9de6
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§ 5A-23(a) Proceedings for civil contempt are by motion pursuant to G.S. 5A-23(a1), by the order of a judicial official directing the alleged contemnor to appear at a specified reasonable time and show cause why he should not be held in civil contempt, or by the notice of a judicial official that the alleged contemnor will be held in contempt unless he appears at a specified reasonable time and shows cause why he should not be held in contempt. The order or notice must be given at least five days in advance of the hearing unless good cause is shown. The order or notice may be issued on the motion and sworn statement or affidavit of one with an interest in enforcing the order, including a judge, and a finding by the judicial official of probable cause to believe there is civil contempt.

§ 5A-23(a1)
BURDEN OF PROOF Proceedings for civil contempt may be initiated by motion of an aggrieved party giving notice to the alleged contemnor to appear before the court for a hearing on whether the alleged contemnor should be held in civil contempt. A copy of the motion and notice must be served on the alleged contemnor at least five days in advance of the hearing unless good cause is shown. The motion must include a sworn statement or affidavit by the aggrieved party setting forth the reasons why the alleged contemnor should be held in civil contempt. The burden of proof in a hearing pursuant to this subsection shall be on the aggrieved party.

§ 5A-23(b) Except when the clerk of superior court has original subject matter jurisdiction and issued the order or when the General Statutes specifically provide for the exercise of contempt power by the clerk of superior court, proceedings under this section are before a district court judge, unless a court superior to the district court issued the

order in which case the proceedings are before that court. When the proceedings are before a superior court, venue is in the superior court district or set of districts as defined in G.S. 7A-41.1 of the court which issued the order. Otherwise, venue is in the county where the order was issued.

§ 5A-23(c) The person ordered to show cause may move to dismiss the order.

§ 5A-23(d) The judicial official is the trier of facts at the show cause hearing.

§ 5A-23(e) At the conclusion of the hearing, the judicial official must enter a finding for or against the alleged contemnor on each of the elements set out in G.S. 5A-21(a). If civil contempt is found, the judicial official must enter an order finding the facts constituting contempt and specifying the action which the contemnor must take to purge himself or herself of the contempt.

§ 5A-23(f) A person with an interest in enforcing the order may present the case for a finding of civil contempt for failure to comply with an order.

§ 5A-23(g) A person who is found in civil contempt under this Article shall not, for the same conduct, be found in criminal contempt under Article 1 of this Chapter.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1977				1997					2017
	TICK HEIGHT = ACTS IN THAT YEAR				DASHED = RECODIFICATION, NOT AMENDMENT					
Nº	YEAR	ACT				CHARACTER				
01	1977	c. 711, s. 3				ENACTED				
02	1979	2nd Sess., c. 1080, ss. 2-4				AMENDED				
03	1979	1987 (Reg. Sess., 1988), c. 1037, s. 46				AMENDED				
04	1999	S.L. 1999-361, ss. 2, 4, 5				AMENDED				
05	2000	S.L. 2000-140, s. 35				AMENDED				

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 5A-23(a1)	(a)	"contempt are by motion pursuant to"
G.S. 7A-41.1	(b)	"set of districts as defined in"
G.S. 5A-21(a)	(e)	"of the elements set out in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 5A-23 (2017).

PINPOINT

N.C. Gen. Stat. § 5A-23(a) (2017).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 711, s. 3; 1979, 2nd Sess., c. 1080, ss. 2-4; 1987 (Reg. Sess., 1988), c. 1037, s. 46; 1999-361, ss. 2, 4, 5; 2000-140, s. 35; 2017-158, s. 11.)

