

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

2

SENATE BILL 493
Judiciary Committee Substitute Adopted 5/2/19

Short Title: DVPO Time of Expiration.

(Public)

Sponsors:

Referred to:

April 3, 2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SPECIFIC TIME THAT A DOMESTIC VIOLENCE PROTECTION ORDER EXPIRES ON THE LAST DAY THAT THE ORDER IS VALID, AND PROVIDE THAT SUBSEQUENT COURT ORDERS SUPERSEDE SIMILAR PROVISIONS IN ORDERS ISSUED UNDER THE DOMESTIC VIOLENCE LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-3(b) reads as rewritten:

"(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. Protective orders entered pursuant to this Chapter expire at 11:59 P.M. on the indicated expiration date unless specifically stated otherwise in the order. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved."

SECTION 2.(a) G.S. 50B-7 reads as rewritten:

"§ 50B-7. Remedies not exclusive.

(a) The remedies provided by this Chapter are not exclusive but are additional to remedies provided under Chapter 50 and elsewhere in the General Statutes.

(b) Any subsequent court order entered supersedes similar provisions in protective orders issued pursuant to this Chapter."

SECTION 2.(b) G.S. 50B-3(a1)(4) reads as rewritten:

"(a1) Upon the request of either party at a hearing after notice or service of process, the court shall consider and may award temporary custody of minor children and establish temporary visitation rights as follows:

...

(4) A temporary custody order entered pursuant to this Chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. ~~Any subsequent~~



1 eustody order entered under Chapter 50 of the General Statutes supersedes a
2 temporary order issued pursuant to this Chapter."
3 **SECTION 3.** This act becomes effective December 1, 2019, and applies to orders in
4 effect on or after that date.