

April 3, 2003

**S 718. AMEND DOMESTIC VIOLENCE LAWS/TEMP. CUSTODY.** *AMENDING THE DOMESTIC VIOLENCE LAWS TO REMOVE THE CURRENT LIMITATIONS UNDER WHICH COURTS MAY ADDRESS THE ISSUE OF CUSTODY EX PARTE, REQUIRING COURTS TO CONSIDER CUSTODY AS PART OF AN EX PARTE OR PERMANENT ORDER HEARING, AND CREATING A PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO BE PLACED IN THE CUSTODY OF THE NONOFFENDING CAREGIVER.* Amends GS 50B-2(c) and (c1) by removing language limiting consideration ex parte to circumstances where the child is exposed to a substantial risk of bodily injury or sexual abuse and by adding language allowing ex parte consideration of temporary custody upon request of either party. Establishes presumption as title indicates, where there is evidence of domestic violence.

**Intro. by Hagan.**

Ref. to	GS 50, 50B
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April 30, 2003

**S 718. AMEND DOMESTIC VIOLENCE LAWS/TEMP. CUSTODY.** Intro. 4/3/03. Senate committee substitute makes the following changes to 1st edition. Amends GS 50B-2(c) to delete reference to permanent order hearing and amends GS 50B-2(c) and (c1) to provide that evidence of domestic violence creates a rebuttable presumption that it is in the best interests of the child to be placed in custody of nonoffending primary caregiver. Replaces GS 50B-3(a)(4) with new GS 50B-3(a1) incorporating that subsection and adding rebuttable presumption described above. Makes technical changes.