

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 409
PROPOSED COMMITTEE SUBSTITUTE S409-PCS85222-RK-38

Short Title: Amend Civil No-Contact Laws.

(Public)

Sponsors:

Referred to:

March 26, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND
3 ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDER CASES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 50C-2(b) reads as rewritten:

6 "(b) No court costs shall be assessed against the plaintiff for the filing or service of the
7 complaint, or the service of any ~~orders~~ orders, and no attorneys' fees shall be assessed against
8 the plaintiff, unless prior to assessing any costs or attorneys' fees, the court finds from evidence
9 presented to the court that the plaintiff (i) was not a victim of unlawful conduct, (ii) filed the
10 action knowing that he or she was not the victim of unlawful conduct, and (iii) initiated the
11 action for an improper purpose to harass the defendant. The failure to comply with procedural
12 requirements in this Chapter shall not be the basis for a finding that the plaintiff was not a
13 victim."

14 **SECTION 2.** G.S. 50C-7 reads as rewritten:

15 **"§ 50C-7. Permanent civil no-contact order.**

16 Upon a finding that the victim has suffered an act of unlawful conduct committed by the
17 respondent, a permanent civil no-contact order may issue if the court additionally finds that
18 process was properly served on the respondent, the respondent has answered the complaint and
19 notice of hearing was given, or the respondent is in default. No permanent civil no-contact
20 order shall be issued without notice to the respondent."

21 **SECTION 3.** G.S. 50C-8(a) reads as rewritten:

22 "(a) A temporary civil no-contact order shall be effective for not more than 10 days as
23 the court fixes, unless within the time so fixed the temporary civil no-contact order, for good
24 cause shown, is extended for a like period or a longer period if the respondent consents. The
25 reasons for the extension shall be stated in the temporary order. ~~In case~~ If a temporary ex parte
26 civil no-contact order order:

27 (1) ~~is~~ Is granted without notice and a motion for a permanent civil no-contact
28 order is made, it shall be set down for hearing at the earliest possible time
29 and takes precedence over all matters except older matters of the same
30 character within 10 days from the date of the motion.

31 (2) Is denied, the trial on the plaintiff's motion for a civil no-contact order shall
32 be set for hearing within 30 days from the date of the denial.

33 When the motion for a permanent civil no-contact order comes on for hearing, the
34 complainant may proceed with a motion for a permanent civil no-contact order, and, if the
35 complainant fails to do so, the judge shall dissolve the temporary civil no-contact order. On two
36 days' notice to the complainant or on such shorter notice to that party as the judge may



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1 prescribe, the respondent may appear and move its dissolution or modification. In that event the
2 judge shall proceed to hear and determine such motion as expeditiously as the ends of justice
3 require."

4 **SECTION 4.** G.S. 50C-5(b)(7) reads as rewritten:

5 "(b) The court may grant one or more of the following forms of relief in its orders under
6 this Chapter:

- 7 ...
8 (7) Order other relief deemed necessary and appropriate by the ~~court~~court,
9 including assessing attorneys' fees to either party."

10 **SECTION 5.** This act becomes effective October 1, 2013, and applies to actions
11 commenced on or after that date.