



**NORTH CAROLINA GENERAL ASSEMBLY
CONFERENCE REPORT
Senate Bill 409**

S409-CRRK-68 [v.3]

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[YES] Title Change

[YES] For Committee Substitute

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 409, A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, House Committee Substitute Favorable 6/6/13, submit the following report:

The House and Senate agree to the following amendments to the House Committee Substitute Favorable 6/6/13, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 2 through 4, by rewriting the lines to read:

"AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS' FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS' FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES.";

and on page 1, line 7, through page 2, line 3, by rewriting those lines to read:

"§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders; temporary custody.

"(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the



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defendant is to be served. In compliance with the federal Violence Against Women Act, No court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena-subpoena, except as provided in G.S. 1A-1, Rule 11.~~in compliance with the Violence Against Women Act, 42 U.S.C. § 3796gg-5;"~~; and

on page 2, line 4 through line 12, by rewriting those lines to read:

"SECTION 2. G.S. 50C-2(b) reads as rewritten:

"(b) No court costs or attorneys' fees shall be assessed for the filing or service of the complaint, or the service of any orders-orders, except as provided in G.S. 1A-1, Rule 11."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July _____, 2013.

Conferees for the Senate

Conferees for the
House of Representatives

Jeff Tarte, Chair

Sarah Stevens, Chair

Warren Daniel

D. Craig Horn

Thom Goolsby

Rena W. Turner

Jim Davis

Rick Glazier

Submitted _____

ADOPTED _____

ADOPTED _____

(/)

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Message Received _____

Ordered Enrolled _____