

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35238-LU-37

Short Title: Superseding Domestic Orders. (Public)

Sponsors: Senators J. Jackson and Bishop (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT SUBSEQUENT ORDERS RELATED TO CUSTODY, CHILD
3 AND SPOUSAL SUPPORT, AND POSSESSION OF PROPERTY SUPERSEDE
4 SIMILAR PROVISIONS IN ORDERS ISSUED UNDER THE LAWS PERTAINING TO
5 DOMESTIC VIOLENCE AND MAKE A CONFORMING STATUTORY CHANGE
6 UNDER THOSE LAWS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1.(a) G.S. 50B-7 reads as rewritten:

9 "§ 50B-7. Remedies not exclusive.

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

12 (b) Any subsequent civil orders related to custody, child and spousal support, and
13 possession of property entered under other chapters of the General Statutes shall supersede
14 similar provisions in protective orders issued pursuant to this Chapter."

15 SECTION 1.(b) G.S. 50B-3(a1)(4) reads as rewritten:

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

19 ...

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

26 SECTION 2. This act becomes effective October 1, 2019, and applies to orders in
27 effect on or after that date.

