

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 493
Judiciary Committee Substitute Adopted 5/2/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S493-PCS35312-TV-38

Short Title: DVPO Abuser Treatment/Time of Expiration.

(Public)

Sponsors:

Referred to:

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD PROCEDURAL EFFICIENCIES WHEN A DEFENDANT IS ORDERED
3 TO ATTEND AN ABUSER TREATMENT PROGRAM, TO CLARIFY THE SPECIFIC
4 TIME THAT A DOMESTIC VIOLENCE PROTECTION ORDER EXPIRES ON THE
5 LAST DAY THAT THE ORDER IS VALID, AND TO PROVIDE THAT SUBSEQUENT
6 COURT ORDERS SUPERSEDE SIMILAR PROVISIONS IN ORDERS ISSUED UNDER
7 THE DOMESTIC VIOLENCE LAWS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 50B-3 reads as rewritten:

10 "§ 50B-3. Relief.

11 ...

12 (a2) If the court orders that the defendant attend an abuser treatment program pursuant to
13 G.S. 50B-3(a)(12), the defendant shall begin regular attendance of the program within 60 days
14 of the entry of the order. When ordering a defendant to attend an abuser treatment program, the
15 court shall also specify a date and time for a review hearing with the court to assess whether the
16 defendant has complied with that part of the order. The review hearing shall be held as soon as
17 practicable after 60 days from the entry of the original order. The date of the review shall be set
18 at the same time as the entry of the original order, and the clerk shall issue a Notice of Hearing
19 for the compliance review to be given to the defendant and filed with the court on the same day
20 as the entry of the order. If a defendant is not present in court at the time the order to attend an
21 abuser treatment program is entered and the Notice of Hearing for review is filed, the clerk shall
22 serve a copy of the Notice of Hearing together with the service of the order. The plaintiff may,
23 but is not required to, attend the 60-day review hearing.

24 (a3) At any time prior to the 60-day review hearing set forth in subsection (a2) of this
25 section, a defendant who is ordered to attend an abuser treatment program may present to the
26 clerk a written statement from an abuser treatment program showing that the defendant has
27 enrolled in and begun regular attendance in an abuser treatment program. Upon receipt of the
28 written statement, the clerk shall remove the 60-day review hearing from the court docket, and
29 the defendant shall not be required to appear for the 60-day review hearing. The clerk shall also
30 notify the plaintiff that the defendant has complied with the order and that no 60-day review
31 hearing will occur.

32 (b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time
33 not to exceed one year. The court may renew a protective order for a fixed period of time not to
34 exceed two years, including an order that previously has been renewed, upon a motion by the
35 aggrieved party filed before the expiration of the current order; provided, however, that a



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1 temporary award of custody entered as part of a protective order may not be renewed to extend
2 a temporary award of custody beyond the maximum one-year period. The court may renew a
3 protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the
4 defendant after entry of the current order is not required for an order to be renewed. Protective
5 orders entered, including consent orders, shall not be mutual in nature except where both parties
6 file a claim and the court makes detailed findings of fact indicating that both parties acted as
7 aggressors, that neither party acted primarily in self-defense, and that the right of each party to
8 due process is preserved. Protective orders entered pursuant to this Chapter expire at 11:59 P.M.
9 on the indicated expiration date, unless specifically stated otherwise in the order.

10"

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

12 "**§ 50B-7. Remedies not exclusive.**

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

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

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

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

21 ...

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

28 **SECTION 3.** This act becomes effective December 1, 2019, and applies to orders in
29 effect on or after that date.