

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 828
HOUSE BILL 1208

AN ACT TO AMEND CHAPTER 50B BY CLARIFYING THE DEFINITION OF BODILY INJURY FOR CHILDREN IN DOMESTIC VIOLENCE CASES, BY ALLOWING THE FILING OF A MOTION IN CERTAIN EXISTING ACTIONS FOR DOMESTIC VIOLENCE RELIEF, AND BY REQUIRING NOTICE OF HEARINGS FOR EMERGENCY RELIEF.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50B-1 reads as rewritten:

"§ 50B-1. **Domestic violence; definition.**—(a) Domestic violence means the ~~occurrence~~ commission of one or more of the following acts ~~between past or present spouses or between persons of the opposite sex who are living together or have lived together as if married, or between one of such persons and a minor child who is in the custody of or residing with the other person:~~ upon an aggrieved party by a current or former spouse of the aggrieved party or by a person of the opposite sex with whom the aggrieved party lives or has lived as if married:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing ~~another person~~ the aggrieved party in fear of imminent serious bodily injury by the threat of force.

(b) Emergency relief.— A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child. A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held after 5 days notice of the hearing to the other party or after 5 days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party.

(c) Ex parte orders.— Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter such orders as it deems necessary to protect the aggrieved party or minor children from such acts. Upon the issuance of an ex parte order under this subsection, a hearing shall be held within 10 days from the date of issuance of the order or within 7 days from the date of service of process on the other party, whichever occurs later."

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 13th day of August, 1987.