

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-48
HOUSE BILL 615**

AN ACT TO ALLOW JUDGES TO TEMPORARILY RENEW A DOMESTIC VIOLENCE PROTECTIVE ORDER UPON THE TIMELY FILING OF A MOTION TO RENEW A DOMESTIC VIOLENCE PROTECTIVE ORDER AND TO AMEND THE REQUIREMENTS FOR CUSTODY MEDIATION.

The General Assembly of North Carolina enacts:

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

"(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. If the hearing for a motion to renew a protective order is set on a date after which the current order will have expired, the court may temporarily renew the current order upon the ex parte application of the plaintiff for a fixed period of time not to extend beyond the date of the renewal hearing or 30 days from the date the current order is set to expire, whichever occurs first, absent the express written consent of both parties or their attorneys. This temporary renewal may not extend a temporary award of custody entered as part of a protective order beyond the maximum one-year period. If a temporary renewal is granted, and the defendant is not personally present in court, the order shall be served on the defendant in the same manner as an ex parte order issued pursuant to G.S. 50B-2. If a temporary renewal is granted, the Clerk shall provide a copy to the sheriff. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed.

Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved.

Protective orders entered pursuant to this Chapter expire at 11:59 P.M. on the indicated expiration date, unless specifically stated otherwise in the order."

SECTION 2. G.S. 50-13.1 reads as rewritten:

"§ 50-13.1. Action or proceeding for custody of minor child.

...
(b) Whenever it appears to the court, from the pleadings or otherwise, that an action involves a contested issue as to the custody or visitation of a minor child, the matter, where there is a program established pursuant to G.S. 7A-494, shall be set for mediation of the unresolved issues as to custody and visitation before or concurrent with the setting of the matter for hearing unless the court waives mediation pursuant to subsection (c). Issues that arise in motions ~~for contempt or~~ for modifications as well as in other pleadings shall be set for mediation unless ~~mediation is waived by the court.~~ the court waives mediation pursuant to subsection (c) of this section. Custody or visitation issues that arise in motions for contempt or motions to show cause



may be set for mediation. Alimony, child support, and other economic issues may not be referred for mediation pursuant to this section. The purposes of mediation under this section include the pursuit of the following goals:

- (1) To reduce any acrimony that exists between the parties to a dispute involving custody or visitation of a minor child;
- (2) The development of custody and visitation agreements that are in the child's best interest;
- (3) To provide the parties with informed choices and, where possible, to give the parties the responsibility for making decisions about child custody and visitation;
- (4) To provide a structured, confidential, nonadversarial setting that will facilitate the cooperative resolution of custody and visitation disputes and minimize the stress and anxiety to which the parties, and especially the child, are subjected; and
- (5) To reduce the relitigation of custody and visitation disputes.

(c) For good cause, on the motion of either party or on the court's own motion, the court may waive the ~~mandatory~~ setting under Article 39A of Chapter 7A of the General Statutes of a contested custody or visitation matter for mediation. Good cause may include, but is not limited to, the following: a showing of undue hardship to a party; an agreement between the parties for voluntary mediation, subject to court approval; allegations of abuse or neglect of the minor child; allegations of alcoholism, drug abuse, or domestic violence between the parents in common; or allegations of severe psychological, psychiatric, or emotional problems. A showing by either party that the party resides more than fifty miles from the court may be considered good cause.

...."

SECTION 3. Section 1 of this act becomes effective December 1, 2022, and applies to pending motions to renew filed before, on, or after that date. Section 2 of this act becomes effective December 1, 2022, and applies to motions filed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of June, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:59 p.m. this 7th day of July, 2022