

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 209
Mar 4, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30106-LU-12 (12/05)

Short Title: Amend Domestic Violence/Civil No-Contact Laws. (Public)

Sponsors: Representatives Stevens and T. Moore (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS PERTAINING TO DOMESTIC VIOLENCE AND CIVIL
3 NO-CONTACT ORDERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 50B-3(a) reads as rewritten:

6 "(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an
7 act of domestic violence has occurred, the court shall grant a protective order restraining the
8 defendant from further acts of domestic violence. A protective order may include any of the
9 following types of relief:

- 10 (1) Direct a party to refrain from such acts.
11 (2) Grant to a party possession of the residence or household of the parties and
12 exclude the other party from the residence or household.
13 (3) Require a party to provide a spouse and his or her children suitable alternate
14 housing.
15 (4) Award temporary custody of minor children and establish temporary
16 visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and
17 pursuant to subsection (a1) of this section if the order is granted after notice
18 or service of process.
19 (5) Order the eviction of a party from the residence or household and assistance
20 to the victim in returning to it.
21 (6) Order either party to make payments for the support of a minor child as
22 required by law.
23 (7) Order either party to make payments for the support of a spouse as required
24 by law.
25 (8) Provide for possession of personal property of the parties, including the care,
26 custody, and control of any animal owned, possessed, kept, or held as a pet
27 by either party or minor child residing in the household.
28 (9) Order a party to refrain from doing any or all of the following:
29 a. Threatening, abusing, or following the other party.
30 b. Harassing the other party, including by telephone, visiting the home
31 or workplace, or other means.
32 b1. Cruelly treating or abusing an animal owned, possessed, kept, or held
33 as a pet by either party or minor child residing in the household.
34 c. Otherwise interfering with the other party.
35 (10) Award attorney's fees to either party.
36 (11) Prohibit a party from purchasing a firearm for a time fixed in the order.



- 1 (12) Order any party the court finds is responsible for acts of domestic violence
- 2 to attend and complete an abuser treatment program if the program is
- 3 approved by the Domestic Violence Commission.
- 4 (13) Include any additional prohibitions or requirements the court deems
- 5 necessary to protect any party or any minor child.

6 A consent protective order may be entered pursuant to this Chapter without findings of fact and
7 conclusions of law if the parties agree in writing that no findings of fact and conclusions of law
8 will be included in the consent protective order. The consent protective order shall be valid and
9 enforceable and shall have the same force and effect as a protective order entered with findings
10 of fact and conclusions of law."

11 **SECTION 2.** G.S. 50C-5(b)(7) reads as rewritten:

12 "(b) The court may grant one or more of the following forms of relief in its orders under
13 this Chapter:

- 14 ...
- 15 (7) Order other relief deemed necessary and appropriate by the ~~court~~,
16 including assessing attorneys' fees to either party."

17 **SECTION 3.** This act becomes effective October 1, 2013, and applies to orders
18 entered on or after that date.