SENATE BILL 493:
DVPO Abuser Treatment/Time of Expiration.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	**Date:**	July 1, 2019
Introduced by:	Sen. Britt	**Prepared by:**	Tawanda N. Foster
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: Senate Bill S493 does the following:

- ***Adds procedural efficiencies when a defendant is ordered to attend an abuser treatment program.***
- ***Clarifies that a domestic violence protective order (DVPO) expires at 11:59 pm on the last day the order is valid.***
- ***Clarifies any subsequent court order supersedes protective orders issued under Chapter 50B.***

CURRENT LAW:

Chapter 50B of the General Statutes governs domestic violence and provides the remedies available to victims of domestic violence. Protective orders entered under Chapter 50B of the General Statutes are for a fixed period of time not to exceed one year. The aggrieved party may file a motion before the expiration of the current order to renew the order for a fixed period of time not to exceed two years. The court may renew a protective order for good cause.

- G.S. 50B-3 provides the methods of relief available when a domestic violence act has been committed and the court grants a protective order restraining the defendant from further acts of domestic violence.
- G.S. 50B-7 provides the remedies in Chapter 50 are not exclusive, but are additional to remedies provided under Chapter 50 and elsewhere in the General Statutes.

BILL ANALYSIS:

Section 1 requires if a court orders a defendant to attend an abuser treatment program, the defendant must begin regular attendance in the abuser treatment program within 60 days of the entry of the court's order.

- At the time of its order the court will also set a date and time for a review hearing to assess whether the defendant has complied with this part of the order.
- The clerk shall issue a notice of hearing for the compliance review to be given to the defendant in court or to be served on the defendant together with the order.
- Prior to the compliance review hearing the defendant may present a written statement from the abuser treatment program showing compliance. Upon receipt of the written statement the clerk must remove the review hearing from the court docket and the defendant will not be required to

appear. The clerk will also notify the plaintiff that the defendant has complied with the order and that no 60-day review hearing will occur.

This section also clarifies that a domestic violence protection order expires at 11:59 pm on the last day the order is valid, unless otherwise specifically stated in the order.

Section 2 clarifies any subsequent court order (previously subsequent custody order) supersedes protective orders issued under Chapter 50B.

EFFECTIVE DATE: This act becomes effective December 1, 2019, and applies to court orders in effect on or after that date.