



HOUSE BILL 343: Enforcement of DVPO on Appeal.

2017-2018 General Assembly

Committee:	House Judiciary IV	Date:	April 19, 2017
Introduced by:	Reps. McNeill, R. Turner, Riddell	Prepared by:	Jeremy Ray
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 343 would clarify that a valid protective order which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal.*

CURRENT LAW: G.S. 50B-4 covers the enforcement of protective orders. Currently, there is no language under this Chapter which specifically addresses the enforceability of protective orders during the pendency of an appeal to the appellate division. G.S. 1-294, which covers appeals from trial courts generally, provides that once an appeal is perfected, it stays all further proceedings in the court below upon the judgment appealed from, but the court below may proceed upon any other matter included in the action and not affected by the judgment appealed from.

BILL ANALYSIS: **Section 1** would add a new subsection (g) to G.S. 50B-4, clarifying that a valid protective order which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Thus, the trial court would retain jurisdiction to enforce the protective order during the appeal. However, upon motion by an aggrieved party, the court of the appellate division in which the appeal is pending may stay any order of the trial court until the appeal is decided, if justice so requires.

EFFECTIVE DATE: This act becomes effective October 1, 2017.

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