



HOUSE BILL 343: Enforcement of Domestic Violence Protective Order on Appeal.

2017-2018 General Assembly

Committee:
Introduced by:
Analysis of: S.L. 2017-92

Date: August 29, 2017
Prepared by: Jennifer H. Bedford
Staff Attorney

OVERVIEW: *S.L. 2017-92 clarifies 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. This act becomes effective October 1, 2017.*

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 of this act** adds 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 retains 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.

Section 2 of this act allows a court to modify a protective order upon written request of either party with a finding of good cause.

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

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578