



# HOUSE BILL 343: Enforcement of DVPO on Appeal.

2017-2018 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> June 15, 2017
<b>Introduced by:</b> Reps. McNeill, R. Turner, Riddell	<b>Prepared by:</b> Jennifer H. Bedford
<b>Analysis of:</b> Second Edition	Committee Counsel

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**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.

**Section 2** would allow 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