



HOUSE BILL 615: Jordan's Law.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: June 8, 2022
Introduced by: Rep. Davis	Prepared by: Robert Ryan*
Analysis of: Fourth Edition	Staff Attorney

OVERVIEW: *House Bill 615 would do the following:*

- *Allow a court to temporarily extend a domestic violence order of protection if a court date to consider the extension has been set after the expiration date on the order.*
- *Amend the requirements for custody mediation.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

Chapter 50B of the General Statutes governs domestic violence and provides the remedies available to victims of domestic violence.

G. S. 50B-3 provides the relief available to a victim of domestic violence including an order of protection. Orders of protection are for a fixed time: initially one year, but the order can be renewed up to two years (except for a temporary award of custody, which may not be renewed beyond the maximum one-year period.) The aggrieved party may file a motion before the expiration of the current order to renew the order for a fixed period not to exceed two years. The court may renew a protective order for good cause.

Under current law, if the aggrieved party files a motion to renew the order before the expiration of the order, but the court date to consider that request is not set until after the expiration of the order, then the order would not be in place during the period between those two dates. House Bill 615 would allow the court to temporarily renew the current order to bridge the gap between those two dates by extending the order to the date of the renewal hearing, or 30 days from the date the current order is set to expire, whichever occurs first. The Clerk would be required to notify the sheriff about the temporary renewal.

Section 2

This section is identical to section 7 of Senate Bill 766, which was passed by the Senate on June 6, 2022.

Under current law, G.S. 50-13.1(b) provides that whenever custody and visitation issues arise in motions for contempt or for modifications in other pleadings, the court must set the matter for mediation of those issues unless mediation is waived by the court pursuant to G.S. 50-13.1(c).

G.S. 50-13.1(c) provides that for good cause, on the motion of a party or on the court's own motion, "the court may waive the mandatory setting... of a contested custody or visitation matter for mediation."

House Bill 615 would make the following changes to G.S. 50-13.1:

- Amend G.S. 50-13.1(b) to make mediation optional for custody and visitation issues arising from motions for contempt or motions to show cause.
- Make a conforming change to G.S. 50-13.1(c) by deleting the word "mandatory."

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EFFECTIVE DATE: Section 1 of this act becomes effective December 1, 2022, and applies to pending motions to renew filed before, on, or after that date. Section 2 of this act becomes effective December 1, 2022, and applies to motions filed on or after that date. The remainder of this act is effective when it becomes law.

**Debbie Griffiths and Bill Patterson substantially contributed to this summary.*