

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 380

Short Title: Modify Certain DV Protective Order Provisions. (Public)

Sponsors: Representatives McNeely, Stevens, K. Baker, and Paré (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 25, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW REMOTE PARTICIPATION IN DOMESTIC VIOLENCE PROTECTIVE ORDER RENEWAL HEARINGS, TO ALLOW FOR THE AUTOMATIC EXTENSION OF DOMESTIC VIOLENCE PROTECTIVE ORDERS IN CERTAIN CIRCUMSTANCES, AND TO REQUIRE THAT CERTAIN INFORMATION RELATED TO A DOMESTIC VIOLENCE PROTECTIVE ORDER PETITION BE SEALED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-2(e) reads as rewritten:

"(e) All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, or permanent domestic violence protective order may be filed electronically. Hearings held to consider ex parte relief pursuant to subsection (c) of this section may be held via video conference. Hearings held to consider emergency or permanent relief pursuant to subsections (a) or (b) of this section shall not be held via video conference, except that, where technology permits, the aggrieved party and the defendant may be allowed to participate via video conference in hearings to consider renewals of protective orders pursuant to G.S. 50B-3(b). The clerk of superior court shall assist any authorized party in effectuating remote participation in a hearing."

SECTION 2. G.S. 50B-3 reads as rewritten:

"§ 50B-3. Relief.

...

(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved. Protective orders entered pursuant to this Chapter expire at 11:59 P.M. on the indicated expiration date, unless specifically stated otherwise in the order.

Notwithstanding any other provision in this subsection, if an aggrieved party filed a motion to renew under this subsection prior to the expiration of the current protective order, but is



1 provided a hearing date on that motion that is after the date and time that the current protective
2 order will expire, the current protective order shall be automatically extended to expire at 11:59
3 P.M. on the date of the scheduled renewal hearing. The extension of the current protective order
4 shall be effective upon service to the defendant of notice of both the renewal hearing and the
5 extension of the current protective order. At no point shall an automatically extended protective
6 order be effective longer than 30 days beyond the date that the protective order was originally
7 set to expire.

8 ...

9 (e) Forms used by either the court or the Administrative Office of the Courts to record
10 identifying information of the plaintiff or the defendant in an action under this Chapter shall be
11 sealed upon filing and shall only be accessible (i) by court order, (ii) to law enforcement officers
12 for law enforcement purposes, and (iii) to domestic violence advocacy groups approved by the
13 chief district court judge where the action is filed.

14 The unauthorized release of information sealed under this subsection, including the release
15 of sealed information by legal counsel, shall be punishable as a Class 1 misdemeanor."

16 **SECTION 3.** This act becomes effective October 1, 2021, and applies to motions
17 filed on or after that date.