

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH30238-LU-73 (03/10)

Short Title: Child Support Order Stayed By Appeal.

(Public)

Sponsors: Representative Rhyne.

Referred to:

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE LAWS PERTAINING TO THE STAYING OF ORDERS ON
APPEAL AS RELATED TO CHILD CUSTODY, CHILD SUPPORT, AND ALIMONY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-13.3(a) reads as rewritten:

"(a) An order providing for the custody of a minor child is enforceable by proceedings for civil contempt, and its disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A, Contempt, of the General Statutes.

Notwithstanding the provisions of G.S. 1-294, ~~an any~~ order pertaining to child custody, whether pursuant to this Chapter or pursuant to an agreement for child custody, which has been appealed to the appellate division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the court of the appellate division in which the appeal is pending may stay any order for civil contempt entered for child custody until the appeal is decided, if justice requires."

SECTION 2. G.S. 50-13.4(f)(9) reads as rewritten:

"(f) Remedies for enforcement of support of minor children shall be available as herein provided.

...

(9) An order for the periodic payments of child support or a child support judgment that provides for periodic payments is enforceable by proceedings for civil contempt, and disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A of the General Statutes.

Notwithstanding the provisions of G.S. 1-294, ~~an any~~ order for the payment of child support—support, whether pursuant to this Chapter or pursuant to an agreement for child support, which has been appealed to the appellate division is enforceable in the trial court by proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved party, the court of the appellate division in which the appeal is pending may stay any order for civil contempt entered for child support until the appeal is decided, if justice requires.

...."

SECTION 3. G.S. 50-16.7(j) reads as rewritten:

"(j) Any order for the payment of alimony or postseparation support is enforceable by proceedings for civil contempt, and its disobedience may be punished by proceedings for criminal contempt, as provided in Chapter 5A of the General Statutes.



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1 Notwithstanding the provisions of G.S. 1-294 or G.S. 1-289, ~~an~~ any order for the periodic
2 payment of ~~alimony~~ alimony, whether pursuant to this Chapter or pursuant to an agreement for
3 alimony, that has been appealed to the appellate division is enforceable in the trial court by
4 proceedings for civil contempt during the pendency of the appeal. Upon motion of an aggrieved
5 party, the court of the appellate division in which the appeal is pending may stay any order for
6 civil contempt entered for alimony until the appeal is decided if justice requires."

7 **SECTION 4.** This act is effective when it becomes law.