

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 380
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10171-ND-80

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

Sponsors: Representative McNeely.

Referred to:

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

7 The General Assembly of North Carolina enacts:

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

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

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

19 "§ 50B-3. Relief.

20 ...

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

34 Notwithstanding any other provision in this subsection, if an aggrieved party filed a motion
35 to renew under this subsection prior to the expiration of the current protective order, but is
36 provided a hearing date on that motion that is after the date and time that the current protective



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

7 ...

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

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

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