

1 (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.
2 (b) For purposes of this section, the term '~~familial~~personal relationship' means a
3 relationship wherein the parties involved:

- 4 (1) Are current or former spouses;
5 (2) Are persons of opposite sex who live together or have lived together;
6 (3) ~~Are parents, grandparents, or others acting in loco parentis to a minor child, or~~
7 ~~children and grandchildren;~~ Are related as parents and children, including
8 others acting in loco parentis to a minor child, or as grandparents and
9 grandchildren. For purposes of this subdivision, an aggrieved party may
10 not obtain an order of protection against a child or grandchild under the
11 age of 16;
12 (4) Have a child in ~~common~~common;
13 (5) Are current or former household members;
14 (6) Are persons of the opposite sex who are in a dating relationship or have
15 been in a dating relationship. For purposes of this subdivision, a dating
16 relationship is one wherein the parties are romantically involved over
17 time and on a continuous basis during the course of the relationship. A
18 casual acquaintance or ordinary fraternization between persons in a
19 business or social context is not a dating relationship."

20 Section 2. G.S. 50B-2(c1) reads as rewritten:

21 "(c1) Ex Parte Orders by Authorized Magistrate. – The chief district court judge may
22 authorize a magistrate or magistrates to hear any motions for emergency relief ex parte.
23 Prior to the hearing, if the magistrate determines that at the time the party is seeking
24 emergency relief ex parte ~~the clerk of superior court is not available,~~ the district court is not
25 in ~~session,~~session and a district court judge is not and will not be available to hear the
26 motion for a period of four or more hours, the motion may be heard by the magistrate. If
27 it clearly appears to the magistrate from specific facts shown that there is a danger of acts
28 of domestic violence against the aggrieved party or a minor child, the magistrate may
29 enter such orders as it deems necessary to protect the aggrieved party or minor children
30 from such acts, except that a temporary order for custody ex parte and prior to service of
31 process and notice shall not be entered unless the magistrate finds that the child is
32 exposed to a substantial risk of bodily injury or sexual abuse. An ex parte order entered
33 under this subsection shall expire and the magistrate shall schedule an ex parte hearing
34 before a district court judge within 72 hours of the filing for relief under this subsection,
35 or by the end of the next day on which the district court is in session in the county in
36 which the action was filed, whichever occurs first. A party who has paid court costs due
37 for seeking an order from the magistrate under this subsection shall not be liable for court
38 costs for a hearing before the district court judge scheduled and heard pursuant to an
39 order entered by the magistrate under this subsection. Ex parte orders entered by the
40 district court judge pursuant to this subsection shall be entered and scheduled in
41 accordance with subsection (c) of this section."

42 Section 3. Chapter 50B is amended by adding the following new section to
43 read:

1 **"§ 50B-4A. Violation of valid protective order a misdemeanor.**

2 A person who knowingly violates a valid protective order entered pursuant to this
3 Chapter shall be guilty of a Class A1 misdemeanor."

4 Section 4. This act becomes effective December 1, 1997, and applies to
5 offenses committed on or after that date.