

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 122

Short Title: Amend Interlocutory Appeals/Family Law. (Public)

Sponsors: Representatives Glazier and Stevens (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee C.

February 20, 2013

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS
RELATED TO FAMILY LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-27(d) reads as rewritten:

"(d) From any interlocutory order or judgment of a superior court or district court in a civil action or proceeding which

(1) Affects a substantial right, or

(2) In effect determines the action and prevents a judgment from which appeal might be taken, or

(3) Discontinues the action, or

(4) Grants or refuses a new trial, ~~appeal lies of right directly to the Court of Appeals, trial, or~~

(5) Is set forth in G.S. 50-19.1(a), appeal lies of right directly to the Court of Appeals."

SECTION 2. Article 1 of Chapter 50 of the General Statutes is amended by adding the following new section to read:

"§ 50-19.1. Maintenance of certain appeals allowed.

Notwithstanding any other pending claims filed in the same action, a party may appeal from an order or judgment adjudicating a claim for absolute divorce, divorce from bed and board, child custody, child support, alimony, or equitable distribution, if the order or judgment would otherwise be a final order or judgment within the meaning of G.S. 1A-1, Rule 54(b), but for the other pending claims in the same action. A party does not forfeit the right to appeal under this section if the party fails to immediately appeal from an order or judgment described in this section. An appeal from an order or judgment under this section shall not deprive the trial court of jurisdiction over any other claims pending in the same action."

SECTION 3. This act is effective when it becomes law.

