

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 122
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HOUSE PRINCIPAL CLERK

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HOUSE DRH70034-LU-10 (12/05)

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

Sponsors: Representatives Glazier and Stevens (Primary Sponsors).

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

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

8 (1) Affects a substantial right, or

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

11 (3) Discontinues the action, or

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

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

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

18 "**§ 50-19.1. Maintenance of certain appeals allowed.**

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

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

