

COURT OF APPEALS OF NORTH CAROLINA

Hays v. Lewis

No. COA24-872 · No. COA24-872 · Decided January 7, 2026

SUMMARY

The North Carolina Court of Appeals affirmed a domestic violence protective order entered against the defendant. The court held that the one-year limitation for a protective order under N.C. Gen. Stat. § 50B-3(b) does not include the period during which a preceding ex parte protective order was in effect.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Michael Stading; Judge Flood; Judge Murry
JURISDICTION	North Carolina Court of Appeals
DECIDED	January 7, 2026
DOCKET	COA24-872
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from a Guilford County District Court domestic violence protective order entered after notice and an opportunity to be heard.
STANDARD OF REVIEW	De novo review applies to questions of statutory interpretation.
PRECEDENTIAL VALUE	Published North Carolina Court of Appeals opinion
PARTIES	Matthew Thomas Lewis v. Ryan Lynn Hays

TOPICS

- domestic violence
- statutory interpretation
- appellate jurisdiction
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- domestic violence
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

- Whether N.C. Gen. Stat. § 50B-3(b)'s one-year maximum period for a DVPO entered after notice and an opportunity to be heard includes the period during which an ex parte DVPO under N.C. Gen. Stat. §

50B-2 was in effect.

2. Whether the trial court exceeded its statutory authority by entering the DVPO effective through 6 June 2025.

HOLDINGS

1. The one-year limitation in N.C. Gen. Stat. § 50B-3(b) applies to a DVPO entered after notice and an opportunity to be heard and does not include the time during which a separate ex parte DVPO under N.C. Gen. Stat. § 50B-2 was in effect.
2. The trial court did not exceed its statutory authority by entering the DVPO effective through 6 June 2025 because the one-year period was measured from the post-hearing DVPO rather than from the earlier ex parte DVPO.

KEY QUOTATIONS

“Therefore, the plain meaning of “[p]rotective orders entered pursuant to this Chapter” places a limitation “of time not to exceed one year” beginning upon the of issuance of a DVPO entered after notice and an opportunity to be heard and does not include the time encompassed by an ex parte DVPO.” (7)

“Considering the plain language of N.C. Gen. Stat. § 50B-3(b), in context, further compels us to hold that a DVPO entered after notice and an opportunity to be heard is not merely an extension of a previously entered ex parte DVPO entered under N.C. Gen. Stat. § 50B-2; it is an independent, separately issued protective order entered “for a fixed period of time not to exceed one year.”” (9)

FACTUAL BACKGROUND

The parties were unmarried cohabitants of the opposite sex who shared two minor children. After the relationship ended, Defendant allegedly made threats to Plaintiff, including threats to assault her and repeated threatening contacts. The trial court found that Defendant had committed domestic violence and that Plaintiff faced a danger of serious and immediate injury, and it entered a one-year DVPO after notice and an opportunity to be heard.

PROCEDURAL HISTORY

Plaintiff filed a complaint for a domestic violence protective order on 8 March 2024, and the trial court entered an ex parte DVPO. After several continuances requested by Defendant, the trial court held a hearing on 7 June 2024 and entered a DVPO effective through 6 June 2025. Defendant appealed, arguing that the one-year limitation for the DVPO had to include the period during which the ex parte DVPO was in effect.

DISPOSITION

affirmed

CASES CITED

- In re Summons Issued to Ernst & Young, LLP, 363 N.C. 612, 684 S.E.2d 151 (2009)

- Wynn v. Frederick, 385 N.C. 576, 895 S.E.2d 371 (2023)
- Elec. Supply Co. v. Swain Elec. Co., 328 N.C. 651, 403 S.E.2d 291 (1991)
- Frye Reg'l Med. Ctr., Inc. v. Hunt, 350 N.C. 39, 510 S.E.2d 159 (1999)
- Ayes v. United States VA, 473 F.3d 104 (4th Cir. 2006)
- United States v. Morton, 467 U.S. 822, 104 S. Ct. 2769 (1984)
- Conn. Nat'l Bank v. Germain, 503 U.S. 249, 112 S. Ct. 1146 (1992)
- State v. Elder, 368 N.C. 70, 773 S.E.2d 51 (2015)
- Augur v. Augur, 356 N.C. 582, 573 S.E.2d 125 (2002)
- Rudder v. Rudder, 234 N.C. App. 173, 759 S.E.2d 321 (2014)
- Hensey v. Hennessy, 201 N.C. App. 56, 685 S.E.2d 541 (2009)
- Rhyne v. K-Mart Corp., 358 N.C. 160, 594 S.E.2d 1 (2004)
- In re Banks, 295 N.C. 236, 244 S.E.2d 386 (1978)