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Appendix 7 – North Carolina General Statute §50B-3

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Statutory Requirements (NCGS 50B-1)

- ▶ Act of “domestic violence”
 - ▶ **Attempting to cause or intentionally causing bodily injury** to: (a) Plaintiff (b) minor child residing with Plaintiff or (c) minor child in the custody of Plaintiff
 - ▶ Any act defined by NCGS 14-27.21 through 27.33 (includes 1st and 2nd degree rape, 1st and 2nd degree sexual offense, sexual battery, or sexual activity by substitute parent and other sexual offenses) committed against a) Plaintiff (b) minor child residing with Plaintiff or (c) minor child in Plaintiff’s custody
 - ▶ Placing any of the following in fear of **imminent serious bodily injury OR fear of continued harassment that rises to such a level as to inflict substantial emotional distress**:
 - ▶ (a) Plaintiff (b) member of Plaintiff’s family (c) member of Plaintiff’s household
 - ▶ Can be text messages, email, or other electronic media
 - ▶ Excludes self-defense

Statutory Requirements (NCGS 50B)

▶ “personal relationship”

1. Current or former spouses;
2. Persons of opposite sex who live together or have lived together;
3. Parents and children -- including others acting in loco parentis, grandparents, and grandchildren
4. Persons with a child in common;
5. Current or former household members;
6. Persons of the opposite sex who are in a dating relationship or have been in a dating relationship

▶ “dating relationship” means the parties are romantically involved over time and on a continuous basis during the course of the relationship.

▶ Casual acquaintance or ordinary fraternization between persons in a business or social context doesn’t qualify

7. Orders will not be entered against those 16 years and younger
8. Same-sex parties must qualify under 1, 4, or 5

Procedure NCGS 50B-2

- ▶ Filing Complaint, issuance of summons
- ▶ No cost, including filing fees and attorney fees, for filing, issuance, registration or service or witness subpoenas – Federal Violence Against Women Act
 - But, subject to Rule 11 sanctions
- ▶ Defendant has 10 days to respond

Ex Parte Orders

- ▶ Issued if it clearly appears to the Court from specific facts shown that there is a danger of acts of domestic violence against the aggrieved party or a minor child.
- ▶ Shall not enter ex parte custody order unless Court finds minor child at substantial risk of physical or emotional injury or sexual abuse
- ▶ Different from 50A emergency ex parte custody because includes emotional injury.
- ▶ Hearing scheduled within 10 days
- ▶ Notice of hearing without Ex Parte Order.
- ▶ Defendant must be given 5 days' notice

Forms

Obtain, complete, and file Complaint and Motion for DVPO – at no cost to ANY Plaintiff
Other related forms include identifying information about the defendant, affidavit as to status of minor child, etc.

Remedies

- ▶ Direct a party to refrain from:
 - ▶ Threatening, abusing, or following the other party.
 - ▶ Harassing the other party, including by phone, visiting the home or work, etc
 - ▶ Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child
 - ▶ Otherwise interfering with the other party.
- ▶ Grant possession of the residence/household and exclude the other party
 - ▶ Require a party to provide a spouse and his or her children suitable alternate housing.
 - ▶ Order the eviction of a party from residence and assist the victim in returning
- ▶ Provide for possession of personal property of the parties, including pets
- ▶ Prohibit a party from purchasing a firearm for a time fixed in the order.
- Surrender firearms if:

1. The use or threatened use of a deadly weapon by the Defendant or a pattern of prior conduct involving the use or threatened use of violence with a firearm.
2. Threats to seriously injure or kill the aggrieved party or minor child.
3. Threats to commit suicide by the Defendant.
4. Serious injuries inflicted upon the aggrieved party or minor child by the Defendant.

► Violation is a Class H Felony

Remedies: continued

- ▶ Require the abuser to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission
- ▶ Order either party to make payments for the support of a minor child as required by law.
- ▶ Order either party to make payments for the support of a spouse as required by law.
- ▶ Award attorney's fees to either party.
- ▶ Any additional prohibitions or requirements deemed necessary to protect any party or any minor child
 - ▶ Property transfer (ex: car keys)
- ▶ Award temporary custody of minor children & establish temporary visitation rights
 - ▶ Based on the best interest of the minor child with particular consideration given to the safety of the minor child.
 - ▶ The Court shall consider:
 - a. Whether the minor child was exposed to a substantial risk of

physical or emotional injury or sexual abuse.

- b. Whether the minor child was present during acts of domestic violence.
- c. Whether a weapon was used or threatened to be used during any act of domestic violence.
- d. Whether a party caused or attempted to cause serious bodily injury to the aggrieved party or the minor child.
- e. Whether a party placed the aggrieved party or the minor child in reasonable fear of imminent serious bodily injury.
- f. Whether a party caused an aggrieved party to engage involuntarily in sexual relations by force, threat, or duress.
- g. Whether there is a pattern of abuse against an aggrieved party or the minor child.
- h. Whether a party has abused or endangered the minor child during visitation.

- i. Whether a party has used visitation as an opportunity to abuse or harass the aggrieved party.
- j. Whether a party has improperly concealed or detained the minor child.
- k. Whether a party has otherwise acted in a manner that is not in the best interest of the minor child.

► Visitation

- a. Ordering an exchange of the minor child to occur in a protected setting or in the presence of an appropriate third party.
- b. Ordering visitation supervised by an appropriate third party, or a supervised visitation center or other approved agency.
- c. Ordering the noncustodial parent to attend and complete, to the satisfaction of the court, an abuser

treatment program as a condition of visitation.

- d. Ordering either or both parents to abstain from possession or consumption of alcohol or controlled substances during the visitation or for 24 hours preceding an exchange of the minor child.
- e. Ordering the noncustodial parent to pay the costs of supervised visitation.
- f. Prohibiting overnight visitation.
- g. Requiring a bond from the noncustodial parent for the return and safety of the minor child.
- h. Ordering an investigation or appointment of a guardian ad litem or attorney for the minor child.
- i. Imposing any other condition that

is deemed necessary to provide for the safety and well-being of the minor child and the safety of the aggrieved party.

► Temporary Custody Order

- A temporary custody order entered pursuant to this chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. Any subsequent custody order entered under Chapter 50 of the General Statutes supersedes a temporary order issued pursuant to this Chapter.

Changes to the Statute

Effective 10/1/2017

- ▶ 50B-3(b2) Upon the written request of either party at a hearing after notice or service of process, the Court may modify any protective Order entered pursuant to this chapter after a finding of good cause.
- ▶ 50B-4(g) Notwithstanding the provisions of G.S. 1-294, a valid protective order entered pursuant to this Chapter which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Upon motion by the aggrieved party, the court of the appellate division in which the appeal is pending may stay an order of the trial court until the appeal is decided, if justice so requires.
- ▶ What effect will this have?

Evidence Gathering

- ▶ Police/Incident Report
- ▶ 911 Recordings
- ▶ Emergency call log
- ▶ Pictures
- ▶ Witness statements
- ▶ Medical Records
- ▶ Text messages/voice mails/emails, social media
- ▶ Videos

Obtaining a DVPO: Court Process

▶ Ex Parte Hearings

- ▶ In Buncombe, the Plaintiff must be in the Helpmate office on the 2nd floor of the new courthouse at 8:30am or 1:30pm with paperwork completed in order to go before a Judge
- ▶ In outer counties, the Plaintiff can go in front of any District Court Judge on the bench that day
- ▶ If no judge is available, Plaintiff can go in front of a Magistrate and return the following day (or ASAP) to see a Judge
- ▶ A hearing on the Plaintiff's request is scheduled within 10 days of the filing regardless if an Ex Parte order is issued
- ▶ All documents are then delivered to the sheriff's department for service on the Defendant

Possible Outcomes

- ▶ Continuance
 - ▶ Continuance for service
 - ▶ A continuance shall be limited to one extension of no more than 10 days unless all parties consent or good cause is shown. The hearing shall have priority on the court calendar.
- ▶ Consent Orders
 - ▶ Without findings of fact
 - ▶ Without firearm restrictions
 - ▶ Pay attention to possible remedies
- ▶ Transfer to Family Court
- ▶ Default hearing – still have to put on evidence
- ▶ Dismissal for failure to prosecute
- ▶ Full trial – can enter for up to one (1) year

DVPO Hearing: Scheduling

- ▶ Buncombe: DV Court every Thursday at 9:30 in 2A
 - ▶ Outer counties: any day other than DSS court days
 - ▶ Related criminal charges?
 - ▶ Common: assault on a female, communicating threats, assault with a deadly weapon, injury to personal property
- ▶ Buncombe: doesn't impact court calendar unless attorneys/parties elect to continue in consideration
 - ▶ DA's office prefers to be consulted if charges are "dismissed" in a settlement – they have final decision
- ▶ Outer counties: judges prefer to link the cases together for judicial efficiency
 - ▶ District Attorney's office might work in your DVPO into the Defendant's plea deal

Obtaining a DVPO: Continuances

- ▶ Request for continuance generally granted
- ▶ Always request that Ex Parte order stays in effect
 - ▶ Make sure Plaintiff gets a copy of the continuance order, otherwise there may be difficulties enforcing it
- ▶ Does your client have custody of any minor children?
 - ▶ Ask opposing party/attorney to modify and memorialize the agreement on the continuance order itself OR in a Memorandum of Judgment
- ▶ Moved no later than 10 days
 - ▶ Unless both parties consent to a date farther out
- ▶ In outer counties you can continue to whatever date you want. In Buncombe you may have to work around the court's dates

Obtaining a DVPO: 2 routes

- ▶ Granted by Judge after a hearing
 - ▶ Default hearing if Defendant doesn't appear but has been served
 - ▶ Standard civil hearing with direct, cross, and introducing evidence
- ▶ Consent order entered into freely by Defendant
 - ▶ With or without findings
 - ▶ Attach Memorandum of Judgment to address custody issues, property exchange, etc.

Defenses

APPENDIX I

FORMS

- 1. Complaint and Motion**
- 2. Ex Parte Order of Protection**
- 3. Notice of Hearing Protective Order**
- 4. Affidavit as to Status of minor children**
- 5. Order of Protection Consent Order**

APPENDIX II

STATUTES

- 6. North Carolina General Statute §50B-2**
- 7. North Carolina General Statute §50B-3**
- 8. House Bill H343**

APPENDIX I
COMPLAINT AND MOTION

STATE OF NORTH CAROLINA

File No. _____

____ County

In The General Court Of Justice
District Court Division

Name Of Plaintiff (Person Filing Complaint)

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

**COMPLAINT AND MOTION
FOR
DOMESTIC VIOLENCE
PROTECTIVE ORDER**

G.S. 50B-1, -2, -3, -4

(Check only boxes that apply and fill in blanks. Additional sheets may be attached.)

1. I live in _____ County, North Carolina.
2. The defendant and I ☐ are spouses. ☐ are former spouses.
☐ are persons of the opposite sex who are not married but live together or have lived together.
☐ have a child in common.
☐ are parent and child or grandparent and grandchild.
☐ are current or former household members.
☐ are persons of the opposite sex who are in or have been in a dating relationship.
3. There ☐ is ☐ is not another court proceeding between the defendant and me pending in this or any other state. (List county, state, date, and what kind of proceeding, if applicable.)
- ☐ 4. The defendant has attempted to cause or has intentionally caused me bodily injury; or has placed me or a member of my family or household in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against me in that: (Give specific dates and describe in detail what happened.)
- ☐ 5. The defendant has attempted to cause or has intentionally caused bodily injury to the child(ren) living with me or in my custody; has placed my child(ren) in fear of imminent serious bodily injury or in fear of continued harassment that rises to such a level as to inflict substantial emotional distress; or has committed a sexual offense against the child(ren) in that: (Give specific dates and describe in detail what happened.)
- ☐ 6. I believe there is danger of serious and immediate injury to me or my child(ren).
- ☐ 7. (Check this block if you ask for temporary child custody.) The defendant and I are the parents of the following child(ren) under the age of eighteen.

A COPY OF "AFFIDAVIT AS TO STATUS OF MINOR CHILD" (AOC-CV-609) MUST BE ATTACHED FOR EACH CHILD.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

(Over)

- ☐ 8. *(Fill in the block if you are asking for temporary child custody)* The minor child(ren) listed in No 7. above is exposed to a substantial risk of physical or emotional injury or sexual abuse in that: *(Describe in detail what happened that created a risk of physical or emotional injury or sexual abuse.)*
- ☐ 9. The defendant has firearms and ammunition as described below, ☐ has a permit to purchase a firearm, ☐ and has a permit to carry a concealed weapon. *(Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms and gun permits.)*
- ☐ 10. The defendant has used or threatened to use a deadly weapon against me or minor child(ren) in my custody or has a pattern of prior conduct involving the use or threatened use of violence with a firearm against any persons in that *(Give specific dates and describe in detail what happened.)*
- ☐ 11. The defendant has made threats to commit suicide in that *(Give specific dates and describe in detail what happened.)*

Because Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:

(Check only boxes that apply.)

- ☐ 1. I want emergency relief.
- ☐ 2. Since there is a danger of acts of domestic violence against me or my child(ren), I want an Ex Parte Order before notice of a hearing is given to the defendant.
- ☐ 3. I want the Court to order the defendant not to assault, threaten, abuse, follow, harass or interfere with me and my child(ren).
- ☐ 3a. I want the defendant ordered not to cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. I want possession of our residence at the address listed below, and I want the defendant to move from and not return to the residence.
- Address Of Residence*
- ☐ 5. I want the Court to order the eviction of the defendant from the residence listed above and I want assistance in returning to the residence.
- ☐ 6. I want possession of the personal property such as clothing and household goods in the residence listed above except for the defendant's personal clothing, toiletries and tools of trade.
- ☐ 6a. I want the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household granted to me.

VERSUS

File No.

Name Of Defendant

☐ 7. I want the defendant to be ordered not to come on or about:

☐ (a) my residence.

☐ (c) the place where I work.

☐ (e) the place where the child(ren) receives day care.

☐ (g) Other: (name other places)

☐ (b) any place where I am receiving temporary shelter.

☐ (d) any school(s) the child(ren) attend.

☐ (f) the place where I go to school.

The child(ren) currently attend: (name school)

☐ 8. I want the defendant to be ordered to have no contact with me.

☐ 9. I want possession and use of the following vehicle:

Describe Vehicle

☐ 10. I want temporary custody of our minor child(ren) listed in this Complaint. I understand that I must file a separate child custody action for permanent custody.

☐ 11. I want the defendant to be ordered to make payments for the support of our minor child(ren), as required by law, but I understand it is only temporary and that I must file a separate child support action for regular, permanent child support.

☐ 12. I want the Court to prohibit the defendant from possessing or purchasing a firearm.

☐ 13. I want the Court to order the defendant to surrender to the sheriff his/her firearms, ammunition, and gun permits to purchase a firearm and carry a concealed weapon.

☐ 14. I want the defendant to be ordered to attend an abuser treatment program.

☐ 15. I want the defendant to be ordered to provide me and the child(ren) suitable alternative housing.

☐ 16. I want the defendant to be ordered to make payments for my support as required by law, but I understand it is only temporary and that I must file a separate action for regular permanent spousal support.

☐ 17. Other: (specify)

Date

Signature Of Plaintiff (Person Filing Complaint)

VERIFICATION

I, the undersigned, being first duly sworn, say that I am the plaintiff in this action; that I have read the Complaint and Motion; that the matters and things alleged in the Complaint and Motion are true except as to those things alleged upon information and belief and as to those I believe them to be true and accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature

Signature Of Plaintiff (Person Filing Complaint)

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk of Superior Court

☐ Designated Magistrate

Name Of Plaintiff (Type Or Print)

☐ Notary

Date My Commission Expires

SEAL

County Where Notarized

APPENDIX 2

EX PARTE ORDER OF PROTECTION

Case No. Court General Court of Justice District Court Division County NORTH CAROLINA	EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION <small>G.S. 50B-2, -3, -3.1</small>
--	--

PETITIONER/PLAINTIFF <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: small;"> First Middle Last </div> And/or on behalf of minor family member(s): <i>(List Name And DOB)</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td><td style="width: 100px;"></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </table>									PETITIONER/PLAINTIFF IDENTIFIERS <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: small;">Date Of Birth Of Petitioner</div> Other Protected Persons/DOB: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td><td style="width: 100px;"></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </table>								

VERSUS																															
RESPONDENT/DEFENDANT <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: small;"> First Middle Last </div> Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together <input type="checkbox"/> unmarried, have a child in common <input type="checkbox"/> of opposite sex, currently or formerly in dating relationship <input type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild Respondent's/Defendant's Address <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <div style="margin-top: 10px;"> CAUTION: <input type="checkbox"/> Weapon Involved </div>	RESPONDENT/DEFENDANT IDENTIFIERS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Sex</th> <th style="width: 15%;">Race</th> <th style="width: 15%;">DOB</th> <th style="width: 10%;">HT</th> <th style="width: 10%;">WT</th> </tr> <tr><td style="height: 20px;"></td><td></td><td></td><td></td><td></td></tr> <tr> <th>Eyes</th> <th>Hair</th> <th colspan="3">Social Security Number</th> </tr> <tr><td style="height: 20px;"></td><td></td><td colspan="3"></td></tr> <tr> <th colspan="2">Drivers License No.</th> <th>State</th> <th colspan="2">Expiration Date</th> </tr> <tr><td colspan="2" style="height: 20px;"></td><td></td><td colspan="2"></td></tr> </table> <div style="margin-top: 10px;"> Distinguishing Features <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div> </div>	Sex	Race	DOB	HT	WT						Eyes	Hair	Social Security Number								Drivers License No.		State	Expiration Date						
Sex	Race	DOB	HT	WT																											
Eyes	Hair	Social Security Number																													
Drivers License No.		State	Expiration Date																												

THE COURT HEREBY FINDS THAT:
 This matter was heard by the undersigned ☐ district court judge. ☐ magistrate. The court has jurisdiction over the subject matter.

Additional findings of this order are set forth on Page 2.

THE COURT HEREBY ORDERS THAT:
☐ The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 50B-1).
☐ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. **[05]**
 Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until , ,

WARNINGS TO THE RESPONDENT/DEFENDANT:
 This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).
 This order will be enforced anywhere in North Carolina.
 Only the Court can change this order. **The plaintiff cannot give you permission to violate this order.**
 See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.

- ☐ 2. That on (date of most recent conduct) _____, the defendant
- ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ the child(ren) living with or in the custody of the plaintiff
- ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family ☐ a member of the plaintiff's household
- ☐ c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress ☐ the plaintiff ☐ a member of plaintiff's family ☐ a member of plaintiff's household
- ☐ d. committed an act defined in G.S. 14- ☐ 27.21 (1st deg. rape) ☐ 27.22 (2nd deg. rape) ☐ 27.26 (1st deg. sexual off.) ☐ 27.27 (2nd deg. sexual off.) ☐ 27.33 (sexual battery) ☐ 27.31 (sexual activity by substitute parent) against ☐ the plaintiff ☐ a child(ren) living with or in the custody of the plaintiff by _____
(describe defendant's conduct)

☐ 3. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms)

- ☐ 4. The defendant
- ☐ a. ☐ used ☐ threatened to use a deadly weapon against the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ b. has a pattern of prior conduct involving the ☐ use ☐ threatened use of violence with a firearm against persons
- ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
- ☐ d. made threats to commit suicide
- ☐ e. inflicted serious injuries upon the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff in that (state facts): _____

☐ 5. The parties are the parents of the following child(ren) under the age of eighteen (18). The child(ren) are presently in the physical custody of the ☐ plaintiff. ☐ defendant. The plaintiff has submitted an "Affidavit As To Status Of Minor Child."

NOTE TO JUDGE: A copy of AOC-CV-609 for each child must be attached to the order.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

☐ 6. The minor child(ren) is exposed to a substantial risk of physical or emotional injury or sexual abuse in that:

☐ 7. It is in the best interest of and necessary for the safety of the minor child(ren) ☐ that defendant stay away from the minor child(ren) ☐ that the defendant return the minor child(ren) to plaintiff ☐ and that the defendant not remove the minor child(ren) from plaintiff in that:

☐ 8. (Check block only if plaintiff is entitled to physical care of child(ren).) It is in the best interest of the minor child(ren) that defendant have contact with the minor child(ren) in that:

☐ 9. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at _____

☐ 10. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicle. (describe vehicle)

☐ 11. Other: (specify)

☐ 12. (for magistrate only) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

- ☐ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☐ 3. It clearly appears that there is a danger of acts of domestic violence against the ☐ plaintiff. ☐ minor child(ren). [G.S. 50B-2(c)]
- ☐ 4. The minor child(ren) is exposed to a substantial risk of ☐ physical injury. ☐ emotional injury. ☐ sexual abuse. [G.S. 50B-2(c)]
- ☐ 5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- ☐ 6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant ☐ stay away from the minor child(ren). ☐ (and) return the minor child(ren) to the physical care of the plaintiff. ☐ (and) not remove the minor child(ren) from the physical care of the plaintiff.
- ☐ 7. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. [G.S. 50B-3.1]
- ☐ 8. The plaintiff has failed to prove grounds for ex parte relief.

ORDER

It is ORDERED that:

- ☐ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☐ 8. the defendant shall stay away from the following places:
- ☐ a. the place where the plaintiff works. [04]. ☐ b. any school(s) the child(ren) attend. [04]
- ☐ c. the place where the child(ren) receives day care. [04] ☐ d. the plaintiff's school. [04]
- ☐ e. Other: (name other places) [04]

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]
- ☐ 10. The plaintiff is awarded temporary custody of the minor child(ren) (Check any of a, b, or c that apply.)
- ☐ a. and the defendant is ordered to stay away from the minor child(ren).
- ☐ b. and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.
- ☐ c. and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.

- ☐ 11. (If No. 10 is checked and you are allowing visitation to defendant) The defendant is allowed the following contact with the minor child(ren):
- ☐ 12. the defendant is prohibited from ☐ possessing or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07] ☐ and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]
☐ The defendant is a law enforcement officer/member of the armed services and ☐ may ☐ may not possess or use a firearm for official use.
- ☐ 13. the defendant surrender to the Sheriff serving this order the firearms, ammunition, and gun permits described in Number 3 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items to the serving officer at the time this Order is served on you. If the weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits is a crime. See "Notice To Parties: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
- ☐ 14. the request for Ex Parte Order is denied.
- ☐ 15. Other: (specify) [08]

Date

Signature

- ☐ District Court Judge
☐ Designated Magistrate

NOTE TO PLAINTIFF: If the judge signs this Order and gives it to you, take it to the Clerk's office immediately. If the magistrate signs this Order and gives it to you, follow the magistrate's directions.

NOTE TO CLERK: Give or mail a copy of this Order to the plaintiff and to the appropriate local law enforcement agency. Send copies to sheriff with Notice Of Hearing, Complaint and Summons for service on defendant. Send extra copies to the sheriff if required to deliver copy(ies) to the child(ren)'s school.

NOTICE TO PARTIES

TO THE DEFENDANT:

1. If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 39 months.
2. If you have been ordered to surrender firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items or provide false information about any of these items you may be charged with a Class H felony and may be imprisoned for up to 39 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires criminal charges, in either state or federal court, are pending against you alleged to have been committed against the person who is protected by this order, you may not file for return of the firearms until final disposition of the criminal charges. The form, "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" AOC-CV- 319, is available from the clerk of court's office. The motion must be filed not later than 90 days after the expiration of the Order that requires you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges. At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapons. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees within 30 days after the Court enters an order to return your weapons, the sheriff may seek an order from the Court to dispose of your weapons.

TO THE PLAINTIFF:

1. You should keep a copy of this order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the Clerk of Court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

APPENDIX 3

**NOTICE OF HEARING PROTECTIVE
ORDER**

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

_____ County

Name Of Plaintiff

VERSUS

Name And Address Of Defendant

**NOTICE OF HEARING
ON DOMESTIC VIOLENCE
PROTECTIVE ORDER**

G.S. 50B-2

To The Defendant Named Above:

The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).

- ☐ 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.
- ☐ 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.

Date Of Hearing

Time Of Hearing

☐ AM ☐ PM

Date

Location Of Hearing

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO CLERK: If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.

RETURN OF SERVICE

I certify that this Notice and a copy of the Complaint ☐ and the Ex Parte Order were received and served on the defendant as follows:

Date Served

Name Of Defendant

- ☐ 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action.
- ☐ 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Defendant WAS NOT served for the following reason:

Date Received

Date Of Return

Name Of Sheriff

County Of Sheriff

Deputy Sheriff Making Return

APPENDIX 4

**AFFIDAVIT AS TO STATUS OF MINOR
CHILDREN**

STATE OF NORTH CAROLINA

Court File No.

County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

**AFFIDAVIT
AS TO
STATUS OF
MINOR CHILD**

G.S. 50A-209

VERSUS

Name And Address Of Defendant

Name Of Minor Child

Date Of Birth

Birthplace

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
	Present			

I further say that: (Check those that apply)

☐ I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Name And Address Of Court

Date Of Child Custody Determination

Case No.

Details

☐ I have information about a custody proceeding. Examples of custody proceeding include divorce, proceeding related to domestic violence, a protective order, termination of parental rights or adoption that is pending in a court of this or another state and could affect this proceeding.

Name And Address Of Court

Details

☐ I know of a person as listed below, who has physical custody or claims to have custody or visitation rights with respect to the above named child.

Name And Address Of Person

- ☐ Physical Custody
☐ Claimed Custody
☐ Visitation Rights

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Affiant

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

Name Of Affiant (Type Or Print)

☐ Notary

Date Commission Expires

Relationship To Above Named Child

SEAL

County Where Notarized

ADDENDIX 5

ORDER OF PROTECTION CONSENT

ORDER

Case No. Court General Court of Justice District Court Division County NORTH CAROLINA	DOMESTIC VIOLENCE ORDER OF PROTECTION <input type="checkbox"/> CONSENT ORDER <div style="text-align: right; font-size: small;">G.S. 50B-2, -3, -3.1</div>
--	---

PETITIONER/PLAINTIFF <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> First Middle Last </div> And/or on behalf of minor family member(s): (List Name And DOB) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td><td style="width: 100px;"></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </table>									PETITIONER/PLAINTIFF IDENTIFIERS <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: x-small;">Date Of Birth Of Petitioner</div> Other Protected Persons/DOB: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td><td style="width: 100px;"></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> <tr><td style="height: 20px;"></td><td></td></tr> </table>								

VERSUS																															
RESPONDENT/DEFENDANT <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> First Middle Last </div> Relationship to Petitioner: <input type="checkbox"/> spouse <input type="checkbox"/> former spouse <input type="checkbox"/> unmarried, of opposite sex, currently or formerly living together <input type="checkbox"/> unmarried, have a child in common <input type="checkbox"/> of opposite sex, currently or formerly in dating relationship <input type="checkbox"/> current or former household member <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> child <input type="checkbox"/> grandchild Respondent's/Defendant's Address <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <div style="margin-top: 10px;"> CAUTION: <input type="checkbox"/> Weapon Involved </div>	RESPONDENT/DEFENDANT IDENTIFIERS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Sex</th> <th style="width: 15%;">Race</th> <th style="width: 15%;">DOB</th> <th style="width: 10%;">HT</th> <th style="width: 10%;">WT</th> </tr> <tr><td style="height: 20px;"></td><td></td><td></td><td></td><td></td></tr> <tr> <th>Eyes</th> <th>Hair</th> <th colspan="3">Social Security Number</th> </tr> <tr><td style="height: 20px;"></td><td></td><td colspan="3"></td></tr> <tr> <th colspan="2">Drivers License No.</th> <th>State</th> <th colspan="2">Expiration Date</th> </tr> <tr><td style="height: 20px;"></td><td></td><td></td><td colspan="2"></td></tr> </table> <div style="margin-top: 10px;"> Distinguishing Features <div style="border: 1px solid black; height: 100px; width: 100%;"></div> </div>	Sex	Race	DOB	HT	WT						Eyes	Hair	Social Security Number								Drivers License No.		State	Expiration Date						
Sex	Race	DOB	HT	WT																											
Eyes	Hair	Social Security Number																													
Drivers License No.		State	Expiration Date																												

THE COURT HEREBY FINDS THAT:

This matter was heard by the undersigned district court judge, the court has jurisdiction over the parties and subject matter, and the Respondent/Defendant has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are set forth on Page 2.

THE COURT HEREBY ORDERS THAT:

- ☐ The above named Respondent/Defendant shall not commit any further acts of domestic violence or make any threats of domestic violence (G.S. 50B-1).
- ☐ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, except through an attorney, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. **[05]**
- Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until ,

WARNINGS TO THE RESPONDENT/DEFENDANT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal Imprisonment (18 U.S.C. Section 2262).

Federal law makes it a crime for you to possess, transport, ship or receive any firearm or ammunition while this order is in effect even if this order does not prohibit you from possessing firearms. (18 U.S.C. Section 922(g)(8)).

This order will be enforced anywhere in North Carolina.

Only the Court can change this order. The plaintiff cannot give you permission to violate this order.

See additional warnings on Page 4.

ADDITIONAL FINDINGS

1. Present at the hearing were: ☐ the plaintiff, represented by _____
☐ the defendant, represented by _____
2. As indicated by the check block under Respondent/Defendant's name on Page 1, the parties are or have been in a personal relationship.
- ☐ 3. On (date of most recent conduct) _____, the defendant
 - ☐ a. ☐ attempted to cause ☐ intentionally caused bodily injury to ☐ the plaintiff ☐ (a) minor child(ren) in the custody of the plaintiff
 - ☐ b. placed in fear of imminent serious bodily injury ☐ the plaintiff ☐ a member of the plaintiff's family
☐ a member of the plaintiff's household
 - ☐ c. placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress
☐ the plaintiff ☐ a member of plaintiff's family ☐ a member of plaintiff's household
 - ☐ d. committed an act defined in G.S. 14- ☐ 27.21 (1st deg. rape) ☐ 27.22 (2nd deg. rape) ☐ 27.26 (1st deg. sexual off.)
☐ 27.27 (2nd deg. sexual off.) ☐ 27.33 (sexual battery) ☐ 27.31 (sexual activity by substitute parent) against the
☐ plaintiff ☐ child(ren) living with or in the custody of the plaintiff
 by (describe defendant's conduct) _____
- ☐ 4. The defendant is in possession of, owns or has access to firearms, ammunition, and gun permits described below. (Describe all firearms, ammunition, gun permits and give identifying number(s) if known, and indicate where defendant keeps firearms.) _____
- ☐ 5. The defendant
 - ☐ a. ☐ used ☐ threatened to use a deadly weapon against the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
 - ☐ b. has a pattern of prior conduct involving the ☐ use ☐ threatened use of violence with a firearm against persons
 - ☐ c. made threats to seriously injure or kill the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff
 - ☐ d. made threats to commit suicide
 - ☐ e. inflicted serious injuries upon the ☐ plaintiff ☐ minor child(ren) residing with or in the custody of the plaintiff in that (state facts) _____
- ☐ 6. The ☐ defendant ☐ plaintiff is presently in possession of the parties' residence at _____
- ☐ 7. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicles described below: _____
- ☐ 8. Other: (specify) _____

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

- ☐ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☐ 3. There is danger of serious and immediate injury to the ☐ plaintiff. ☐ minor child(ren). [G.S. 50B-2(c)]
- ☐ 4. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. (G.S. 50B-3.1)
- ☐ 5. The plaintiff has failed to prove grounds for issuance of a domestic violence protective order.

ORDER

It is ORDERED that:

- ☐ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace, or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace, or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☐ 8. the defendant shall stay away from the following places:
- ☐ (a) the place where the plaintiff works. [04] ☐ (b) any school(s) the child(ren) attend. [04]
- ☐ (c) the place where the child(ren) receive(s) day care. [04] ☐ (d) the plaintiff's school. [04]
- ☐ (e) Other: (name other places) [04] _____
- _____
- _____
- _____

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block 7 on Page 2. [08]
- ☐ 10. the defendant is ordered to make payments to the plaintiff for support of the minor child(ren) as required by law. [08]
- ☐ 11. the defendant is prohibited from ☐ possessing or receiving [07] ☐ purchasing a firearm for the effective period of this Order [07] ☐ and the defendant's concealed handgun permit is suspended for the effective period of this Order. [08]
- ☐ The defendant is a law enforcement officer/member of the armed services and ☐ may ☐ may not possess or use a firearm for official use.
- ☐ 12. the defendant surrender to the sheriff serving this order the firearms, ammunition, and gun permits described in block No. 4 of the Findings on Page 2 of this Order and any other firearms and ammunition in the defendant's care, custody, possession, ownership or control. **NOTE TO DEFENDANT: You must surrender these items at the time the sheriff serves this Order on you. If the weapons cannot be surrendered at that time, you must surrender them to the sheriff within 24 hours at the time and place specified by the sheriff. Failure to surrender the weapons and permits as ordered or possessing, purchasing, or receiving a firearm, ammunition or permits to purchase or carry concealed firearms after being ordered not to possess firearms, ammunition or permits, is a crime. See "Notice To Parties: To The Defendant" on Page 4 of this Order for information regarding the penalty for these crimes and instructions on how to request return of surrendered weapons.**
- ☐ 13. the defendant shall attend and complete an abuser treatment program offered by the following agency, which is approved by the Domestic Violence Commission: [08]
- _____

(Over)

☐ 14. Other: (specify) [08]

☐ 15. this action is dismissed and as of this date any ex parte order issued in this case is null and void.

TEMPORARY CUSTODY

☐ "Temporary Child Custody Addendum To Domestic Violence Protective Order," AOC-CV-306A, is attached and incorporated into this Order.

FOR CONSENT JUDGMENTS ONLY

Each of us enters into this Consent Order knowingly, freely, and voluntarily. The defendant understands that in consenting to this Order all of the consequences set out in the Notice to Parties and Warnings to Respondent/Defendant in this Order apply.

☐ Each of us agrees that no findings of fact and conclusions of law will be included in this consent protective order.

Date	Signature Of Plaintiff	Date	Signature Of Defendant
SIGNATURE OF JUDGE			
Date	Name Of District Court Judge (type or print)	Signature Of District Court Judge	

NOTICE TO PARTIES

TO THE DEFENDANT:

1. If this Order prohibits you from possessing, receiving or purchasing a firearm and you violate or attempt to violate that provision, you may be charged with a Class H felony pursuant to North Carolina G.S. 14-269.8 and may be imprisoned for up to 39 months.
2. If you have been ordered to surrender your firearms, ammunition, and gun permits and you fail to surrender them as required by this Order, or if you failed to disclose to the Court all information requested about possession of these items, or provided false information to the Court about any of these items, you may be charged with a Class H felony and may be imprisoned for up to 39 months. If you surrendered your firearms, ammunition, and permits, you may file a motion for the return of weapons with the clerk of court in the county in which this Order was entered when the protective order is no longer in effect, except if at the time this Order expires, criminal charges, in either state or federal court, are pending against you and are alleged to have been committed against the person who is protected by this Order, you may not file for return of the firearms until final disposition of the criminal charges. The form, "Motion For Return Of Weapons Surrendered Under Domestic Violence Protective Order" AOC-CV-319, is available from the clerk of court's office. The motion must be filed **not later than 90 days after the expiration of the Order that required you to surrender the firearms or if you have pending criminal charges alleged to have been committed against the person who is protected by the domestic violence protection order, the motion must be filed not later than 90 days after final disposition of the criminal charges.** At the time you file the motion, the clerk will schedule a hearing before the district court for a judge to determine whether to return the surrendered weapons to you. The sheriff cannot return your weapons unless the Court orders the sheriff to do so. You must pay the sheriff's storage fee before the sheriff returns your weapon. If you fail to file a motion for return of the weapons within 90 days after the expiration of this Order, or the final disposition of criminal charges pending at the time this Order expired, or if you fail to pay the storage fees **within 30 days after the Court enters an order to return your weapons**, the sheriff may seek an order from the Court to dispose of your weapons.

TO THE PLAINTIFF:

1. You should keep a copy of this protective order on you at all times and should make copies to give to your friends and family. If you move to another county or state, you may wish to give a copy to the law enforcement agency where you move, but you are not required to do so.
2. The court or judge is the only one that can make changes to this order. If you wish to change any of the terms of this order, you must come back into court to have the judge modify the order.
3. If the defendant violates any provision of this order, you may call a law enforcement officer or go to a magistrate to charge the defendant with the crime of violating a protective order. You also may go to the clerk of court's office in the county where the protective order was issued and ask to fill out form AOC-CV-307, Motion For Order To Show Cause Domestic Violence Protective Order, to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

CERTIFICATE OF SERVICE WHEN DEFENDANT NOT PRESENT AT HEARING

I certify that this Order and Notice to Parties has been served on the defendant named by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date	Signature	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Other _____

Name Of Plaintiff	Name Of Defendant	File No.
-------------------	-------------------	----------

	CERTIFICATION	
--	----------------------	--

I certify this order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
------	--------------------	--

NOTE TO CLERK: A copy of this Order shall be mailed or given to each party, to your sheriff, and to the police department of the plaintiff's residence, if any. Send extra copies to the sheriff if required to deliver copy(ies) to child(ren)'s school.

	TEMPORARY CHILD CUSTODY ADDENDUM TO DOMESTIC VIOLENCE PROTECTIVE ORDER (must be attached to Domestic Violence Order of Protection)	
--	--	--

NOTE TO THE JUDGE: G.S. 50B-3(a1) provides that "[u]pon the request of either party at a hearing after notice or service of process, the court shall consider and may award temporary custody of minor children and establish temporary visitation rights [...]" The court shall base its decision on the best interest of the child with particular consideration given to the safety of the child.

	FINDINGS	
--	-----------------	--

- ☐ 1. The defendant requested custody and gave proper notice of this request to the plaintiff.
- ☐ 2. The parties are the parents of the following children under the age of eighteen (18). The child(ren) are presently in the physical custody of the ☐ plaintiff. ☐ defendant. The ☐ plaintiff ☐ defendant has submitted an "Affidavit As To Status Of Minor Child," which is incorporated by reference into this Order. **NOTE TO JUDGE:** A copy of AOC-CV-609 for each child must be attached to the order.

Name	Sex	Date Of Birth	Name	Sex	Date Of Birth

- ☐ 3. The following statutory factors were raised by the evidence and the Court makes the following findings based on the evidence presented. (Check only those factors for which evidence was presented and make findings regarding the evidence presented for those factors.)

☐ "Whether the minor child **was exposed to a substantial risk of physical or emotional injury or sexual abuse.**" Findings:

☐ "Whether the minor child **was present during acts of domestic violence.**" Findings:

☐ "Whether a **weapon was used or threatened to be used** during any act of violence." Findings:

☐ "Whether a party **caused or attempted to cause serious bodily injury** to the aggrieved party or minor child." Findings:

☐ "Whether a party placed the aggrieved party or the minor child in **reasonable fear of imminent serious bodily injury.**" Findings:

☐ "Whether a party **caused an aggrieved party to engage involuntarily in sexual relations** by force, threat or duress." Findings:

☐ "Whether there is a **pattern of abuse** against the aggrieved party or minor child." Findings:

FINDINGS (continued)

☐ "Whether a party has **abused or endangered the minor child during visitation.**" Findings:

☐ "Whether a party has **used visitation as an opportunity to abuse or harass the aggrieved party.**" Findings:

☐ "Whether a party has improperly **concealed or detained** the minor child." Findings:

☐ "Whether a party has otherwise acted in a manner that is not in the best interest of the minor child." Findings:

☐ 4. Other findings as to whether it is in the best interest of the child(ren) that custody be awarded with particular consideration given to the safety of the child(ren):

CONCLUSIONS

- ☐ 1. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- ☐ 2. It is in the best interest of the minor child(ren) that temporary custody be given to ☐ plaintiff. ☐ defendant. [08]
☐ and that the ☐ defendant ☐ plaintiff be granted visitation.
- ☐ 3. The Court concludes that temporary custody should not be awarded at this time.

ORDER

Therefore it is ORDERED that:

- ☐ 1. temporary custody of the minor child(ren) named on Side One is granted to ☐ plaintiff. ☐ defendant.
- ☐ 2. The ☐ defendant ☐ plaintiff is entitled to visitation under the terms listed below:
☐ a. supervised visitation as follows: *(specify the person or agency providing supervision, the location, frequency, and length of visitation)*

OR

☐ unsupervised visitation as follows: *(specify the location, frequency and length of visitation)*

- ☐ b. *(name person)* _____ shall be responsible for transportation of the minor child(ren) to visitation and *(name person)* _____ shall be responsible for transportation of the minor child(ren) from visitation. The exchange at the start of visitation shall occur at *(name location)* _____ and the exchange at the conclusion of visitation shall occur at *(name location)* _____.
- ☐ c. Other:

☐ 3. temporary custody is not awarded.

☐ 4. The order is effective until *(give date which cannot be longer than one year)*: _____

Date

Name Of District Court Judge (type or print)

Signature Of District Court Judge

APPENDIX 6
NORTH CAROLINA GENERAL
STATUTE §50B-2

§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders; temporary custody.

(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11.

(b) **Emergency Relief.** - A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child. A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held after five days' notice of the hearing to the other party or after five days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party. If the party is proceeding pro se and does not request an ex parte hearing, the clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall effect service of the summons, complaint, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(c) **Ex Parte Orders.** -

- (1) Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts.
- (2) A temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse.
- (3) If the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the court shall consider and may order the other party to (i) stay away from a minor child, or (ii) return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the court finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child.
- (4) If the court determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the court shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party.
- (5) Upon the issuance of an ex parte order under this subsection, a hearing shall be held within

10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. A continuance shall be limited to one extension of no more than 10 days unless all parties consent or good cause is shown. The hearing shall have priority on the court calendar.

- (6) If an aggrieved party acting pro se requests ex parte relief, the clerk of superior court shall schedule an ex parte hearing with the district court division of the General Court of Justice within 72 hours of the filing for said relief, or by the end of the next day on which the district court is in session in the county in which the action was filed, whichever shall first occur. If the district court is not in session in said county, the aggrieved party may contact the clerk of superior court in any other county within the same judicial district who shall schedule an ex parte hearing with the district court division of the General Court of Justice by the end of the next day on which said court division is in session in that county.
- (7) Upon the issuance of an ex parte order under this subsection, if the party is proceeding pro se, the Clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall effect service of the summons, complaint, notice, order and other papers through the appropriate law enforcement agency where the defendant is to be served.

(c1) **Ex Parte Orders by Authorized Magistrate.** - The chief district court judge may authorize a magistrate or magistrates to hear any motions for emergency relief ex parte. Prior to the hearing, if the magistrate determines that at the time the party is seeking emergency relief ex parte the district court is not in session and a district court judge is not and will not be available to hear the motion for a period of four or more hours, the motion may be heard by the magistrate. If it clearly appears to the magistrate from specific facts shown that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the magistrate may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts, except that a temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse. If the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the magistrate shall consider and may order the other party to stay away from a minor child, or to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the magistrate finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child. If the magistrate determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the magistrate shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party. An ex parte order entered under this subsection shall expire and the magistrate shall schedule an ex parte hearing before a district court judge by the end of the next day on which the district court is in session in the county in which the action was filed. Ex parte orders entered by the district court judge pursuant to this subsection shall be entered and scheduled in accordance with subsection (c) of this section.

(c2) The authority granted to authorized magistrates to award temporary child custody pursuant to subsection (c1) of this section and pursuant to G.S. 50B-3(a)(4) is granted subject to custody rules to be established by the supervising chief district judge of each judicial district.

(d) **Pro Se Forms.** - The clerk of superior court of each county shall provide to pro se complainants all forms that are necessary or appropriate to enable them to proceed pro se pursuant to this section. The clerk

shall, whenever feasible, provide a private area for complainants to fill out forms and make inquiries. The clerk shall provide a supply of pro se forms to authorized magistrates who shall make the forms available to complainants seeking relief under subsection (c1) of this section.

(e) All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, or permanent domestic violence protective order may be filed electronically. Hearings held to consider ex parte relief pursuant to subsection (c) of this section may be held via video conference. Hearings held to consider emergency or permanent relief pursuant to subsections (a) or (b) of this section shall not be held via video conference. (1979, c. 561, s. 1; 1985, c. 113, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 893, s. 2; 1989, c. 461, s. 1; 1994, Ex. Sess., c. 4, s. 1; 1997-471, s. 2; 2001-518, s. 4; 2002-126, s. 29A.6(a); 2004-186, ss. 17.2, 19.1; 2009-342, s. 2; 2012-20, s. 1; 2013-390, s. 1; 2015-62, s. 3(b).)

APPENDIX 7
NORTH CAROLINA GENERAL
STATUTE §50B-3

§ 50B-3 Relief.

This section is likely affected by New Legislation. Although the new codification has not yet been released, the likely impact of the new legislation is reflected below.

Codified Section:

§ 50B-3. Relief.

(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:

- (1) Direct a party to refrain from such acts.
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
- (3) Require a party to provide a spouse and his or her children suitable alternate housing.
- (4) Award temporary custody of minor children and establish temporary visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and pursuant to subsection (a1) of this section if the order is granted after notice or service of process.
- (5) Order the eviction of a party from the residence or household and assistance to the victim in returning to it.
- (6) Order either party to make payments for the support of a minor child as required by law.
- (7) Order either party to make payments for the support of a spouse as required by law.
- (8) Provide for possession of personal property of the parties, including the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- (9) Order a party to refrain from doing any or all of the following:
 - a. Threatening, abusing, or following the other party.
 - b. Harassing the other party, including by telephone, visiting the home or workplace, or other means.

b1. Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.

c. Otherwise interfering with the other party.

(10) Award attorney's fees to either party.

(11) Prohibit a party from purchasing a firearm for a time fixed in the order.

(12) Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission.

(13) Include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child.

(a1) Upon the request of either party at a hearing after notice or service of process, the court shall consider and may award temporary custody of minor children and establish temporary visitation rights as follows:

(1) In awarding custody or visitation rights, the court shall base its decision on the best interest of the minor child with particular consideration given to the safety of the minor child.

(2) For purposes of determining custody and visitation issues, the court shall consider:

a. Whether the minor child was exposed to a substantial risk of physical or emotional injury or sexual abuse.

b. Whether the minor child was present during acts of domestic violence.

c. Whether a weapon was used or threatened to be used during any act of domestic violence.

d. Whether a party caused or attempted to cause serious bodily injury to the aggrieved party or the minor child.

e. Whether a party placed the aggrieved party or the minor child in reasonable fear of imminent serious bodily injury.

f. Whether a party caused an aggrieved party to engage involuntarily in sexual relations by force, threat, or duress.

- g. Whether there is a pattern of abuse against an aggrieved party or the minor child.
- h. Whether a party has abused or endangered the minor child during visitation.
- i. Whether a party has used visitation as an opportunity to abuse or harass the aggrieved party.
- j. Whether a party has improperly concealed or detained the minor child.
- k. Whether a party has otherwise acted in a manner that is not in the best interest of the minor child.

(3) If the court awards custody, the court shall also consider whether visitation is in the best interest of the minor child. If ordering visitation, the court shall provide for the safety and well-being of the minor child and the safety of the aggrieved party. The court may consider any of the following:

- a. Ordering an exchange of the minor child to occur in a protected setting or in the presence of an appropriate third party.
- b. Ordering visitation supervised by an appropriate third party, or at a supervised visitation center or other approved agency.
- c. Ordering the noncustodial parent to attend and complete, to the satisfaction of the court, an abuser treatment program as a condition of visitation.
- d. Ordering either or both parents to abstain from possession or consumption of alcohol or controlled substances during the visitation or for 24 hours preceding an exchange of the minor child.
- e. Ordering the noncustodial parent to pay the costs of supervised visitation.
- f. Prohibiting overnight visitation.
- g. Requiring a bond from the noncustodial parent for the return and safety of the minor child.

h. Ordering an investigation or appointment of a guardian ad litem or attorney for the minor child.

i. Imposing any other condition that is deemed necessary to provide for the safety and well-being of the minor child and the safety of the aggrieved party.

If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. A person, supervised visitation center, or other agency may be approved to supervise visitation after appearing in court or filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(4) A temporary custody order entered pursuant to this Chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. Any subsequent custody order entered under Chapter 50 of the General Statutes supersedes a temporary order issued pursuant to this Chapter.

(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved.

(b1) A consent protective order may be entered pursuant to this Chapter without findings of fact and conclusions of law if the parties agree in writing that no findings of fact and conclusions of law will be included in the consent protective order. The consent protective order shall be valid and enforceable and shall have the same force and effect as a protective order entered with findings of fact and conclusions of law.

(c) A copy of any order entered and filed under this Article shall be issued to each party. Law enforcement agencies shall accept receipt of copies of the order issued by the clerk of court by electronic or facsimile transmission for service on defendants. In addition, a copy of the

order shall be issued promptly to and retained by the police department of the city of the victim's residence. If the victim does not reside in a city or resides in a city with no police department, copies shall be issued promptly to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides. If the defendant is ordered to stay away from the child's school, a copy of the order shall be delivered promptly by the sheriff to the principal or, in the principal's absence, the assistant principal or the principal's designee of each school named in the order.

(c1) When a protective order issued under this Chapter is filed with the Clerk of Superior Court, the clerk shall provide to the applicant an informational sheet developed by the Administrative Office of the Courts that includes:

- (1) Domestic violence agencies and services.
- (2) Sexual assault agencies and services.
- (3) Victims' compensation services.
- (4) Legal aid services.
- (5) Address confidentiality services.
- (6) An explanation of the plaintiff's right to apply for a permit under G.S. 14-415.15.

(d) The sheriff of the county where a domestic violence order is entered shall provide for prompt entry of the order into the National Crime Information Center registry and shall provide for access of such orders to magistrates on a 24-hour-a-day basis. Modifications, terminations, renewals, and dismissals of the order shall also be promptly entered. (1979, c. 561, s. 1; 1985, c. 463; 1994, Ex. Sess., c. 4, s. 2; 1995, c. 527, s. 1; 1995 (Reg. Sess., 1996), c. 591, s. 2; c. 742, s. 42.1.; 1999-23, s. 1; 2000-125, s. 9; 2002-105, s. 2; 2002-126, s. 29A.6(b); 2003-107, s. 2; 2004-186, ss. 17.3-17.5; 2005-343, s. 2; 2005-423, s. 1; 2007-116, s. 3; 2009-425, s. 1; 2013-237, s. 1; 2015-176, s. 1.)

As Affected by H343

Effective Date: 10/1/2017

...

(b2) Upon the written request of either party at a hearing after notice or service of process, the court may modify any protective order entered pursuant to this Chapter after a finding of good cause.

....

Affected by H343

APPENDIX 8
HOUSE BILL H343

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-92
HOUSE BILL 343**

AN ACT TO ENSURE THAT DOMESTIC VIOLENCE VICTIMS ARE PROTECTED BY CLARIFYING THAT A VALID PROTECTIVE ORDER REMAINS IN EFFECT AT THE TRIAL COURT LEVEL THROUGHOUT THE PENDENCY OF AN APPEAL BY THE AGGRIEVED PARTY UNLESS THE COURT FINDS THAT A STAY IS NECESSARY IN THE INTEREST OF JUSTICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-4 is amended by adding a new subsection to read:

"§ 50B-4. Enforcement of orders.

(a) A party may file a motion for contempt for violation of any order entered pursuant to this Chapter. This party may file and proceed with that motion pro se, using forms provided by the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing pro se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if the facts show clearly that there is danger of acts of domestic violence against the aggrieved party or a minor child and the motion is made at a time when the clerk is not available, shall schedule and issue notice of a show cause hearing with the district court division of the General Court of Justice at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of notice issued by the magistrate pursuant to this subsection, shall effect service of the motion, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(b) Repealed by Session Laws 1999-23, s. 2, effective February 1, 2000.

(c) A valid protective order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court.

(d) A valid protective order entered by the courts of another state or the courts of an Indian tribe shall be accorded full faith and credit by the courts of North Carolina whether or not the order has been registered and shall be enforced by the courts and the law enforcement agencies of North Carolina as if it were an order issued by a North Carolina court. In determining the validity of an out-of-state order for purposes of enforcement, a law enforcement officer may rely upon a copy of the protective order issued by another state or the courts of an Indian tribe that is provided to the officer and on the statement of a person protected by the order that the order remains in effect. Even though registration is not required, a copy of a protective order may be registered in North Carolina by filing with the clerk of superior court in any county a copy of the order and an affidavit by a person protected by the order that to the best of that person's knowledge the order is presently in effect as written. Notice of the registration shall not be given to the defendant. Upon registration of the order, the clerk shall promptly forward a copy to the sheriff of that county. Unless the issuing state has already entered the order, the sheriff shall provide for prompt entry of the order into the National Crime Information Center registry pursuant to G.S. 50B-3(d).

(e) Upon application or motion by a party to the court, the court shall determine whether an out-of-state

order remains in full force and effect.

(f) The term "valid protective order," as used in subsections (c) and (d) of this section, shall include an emergency or ex parte order entered under this Chapter.

(g) Notwithstanding the provisions of G.S. 1-294, a valid protective order entered pursuant to this Chapter which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Upon motion by the aggrieved party, the court of the appellate division in which the appeal is pending may stay an order of the trial court until the appeal is decided, if justice so requires."

SECTION 2. G.S. 50B-3 is amended by adding a new subsection to read:

"§ 50B-3. Relief.



(b2) Upon the written request of either party at a hearing after notice or service of process, the court may modify any protective order entered pursuant to this Chapter after a finding of good cause.



SECTION 3. This act becomes effective October 1, 2017.

In the General Assembly read three times and ratified this the 28th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:05 a.m. this 11th day of July, 2017