

_____ County

Name Of Plaintiff _____

VERSUS

Name Of Defendant _____

**EX PARTE DOMESTIC VIOLENCE
PROTECTIVE ORDER
AND NOTICE TO PARTIES**

G.S. 50B-2 -3

FINDINGS

This matter was heard before the judicial official named below, ex parte. After reading the plaintiff's complaint and request for temporary ex parte relief under G.S. 50B-2(c) and hearing from the plaintiff, the Court makes the following findings of fact:

1. The parties are married. are divorced.
 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.
- 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- 27.2 (1st deg. rape) 27.3 (2nd deg. rape) 27.4 (1st deg. sexual off.)
 27.5 (2nd deg. sexual off.) 27.7 (sexual activity by substitute parent) against the plaintiff a child living with or in the custody of the plaintiff

by (describe defendant's conduct)
- 3 The parties are the parents of the following children under the age of eighteen (18). The children are presently in the physical custody of the plaintiff. defendant. The plaintiff has submitted an "Affidavit As To The Status Of The Minor Child." **NOTE TO JUDGE:** A copy of A OC-CV-609 for each child must be attached to the order.

Name	Date Of Birth	Name	Date Of Birth

4. The defendant plaintiff is presently in possession of the parties' residence at _____.
5. The defendant plaintiff is presently in possession of the parties' vehicle. (describe vehicle) _____.
- 6 (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.
7. Other: (specify)

CONCLUSIONS

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

1. The court has jurisdiction over the subject matter of the case.
2. The defendant has committed acts of domestic violence against the plaintiff.
3. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.

- 4. It clearly appears that there is a danger of acts of domestic violence against the plaintiff.
 minor child(ren). [G.S. 50B-2(c)]
- 5. The minor child(ren) is exposed to a substantial risk of bodily injury. sexual abuse.
- 6. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act, and it is in the best interests of the minor child(ren) of the parties that temporary custody be given to the plaintiff.
- 7. This ex parte domestic violence protective order is necessary to protect the plaintiff minor child(ren) from violence and to bring about a cessation of acts of domestic violence. [G.S. 50B-2(c), 3(a)]
- 8. The plaintiff has failed to prove grounds for exparte 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]**
- 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 the trade from the parties' residence. A law enforcement officer shall assist the plaintiff defendant in returning to the residence to get these items.
- 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) the child(ren)'s school. **[04]**
 - (c) the place where the child(ren) receives day care. **[04]**
 - (d) the plaintiff's school. **[04]**
 - (e) Other: (name other places) **[04]**
- 9. the defendant shall have no contact with the plaintiff. Nb contact includes any defendant-initiated contact, direct or indirect, by means such as telephone, personal contact, e-mail, pager, gift-giving, or telefacsimile machine. **[05]**
- 10. the plaintiff is granted possession and use of the vehicle described on the reverse. **[08]**
- 11. (Check this block only if blocks No. 5 and 6 in Conclusions are checked.) the plaintiff is awarded temporary custody of the child(ren) named in Finding Nb. 3 **[08]**
- 12. the defendant is prohibited from possessing **[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]**
- 13. this order is effective until a. ten days from the date it is issued. b. the date and time listed below:

Date Order Expires	Time Order Expires
	<input type="checkbox"/> AM <input type="checkbox"/> PM
- 14. the request for Ex Parte Order is denied.
- 15. Other: (specify) **[08]**

(NOTE TO MAGISTRATE: You must check option b. and you must enter as the date and time of expiration midnight of the next day on which district court is in session.)

Date	Signature	<input type="checkbox"/> District Court Judge <input type="checkbox"/> Designated Magistrate
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VERSUS

File No.



Name Of Defendant

NOTICE TO PARTIES

TO THE DEFENDANT:

1. You must obey this protective order entered against you. If you violate the order anywhere in North Carolina, you are subject to criminal and civil penalties.
2. This order is also valid and will be enforced against you in all 50 States of the United States, the District of Columbia, any Indian lands, and any commonwealth, territory or possession of the United States.
3. If you travel across state lines or enter Indian lands with the intent to violate this order, you are subject to prosecution for a federal crime.
4. If you travel across state lines or enter Indian lands with the intent to injure, harass, or intimidate the person protected by this order or if you travel across state lines or enter Indian lands or use the mail or any facility of interstate commerce across state lines with the intent to place that person or a member of the immediate family of that person in fear of serious bodily harm, you are subject to prosecution for a federal crime.
5. The court or judge is the only one that can make changes to this order. The plaintiff cannot give you permission to violate this order. If you violate this order you can be charged with a crime even though the party protected has agreed to your violation.

TO THE PLAINTIFF;

1. You should keep a copy of this order on you at all times and should make copies to give 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. This protective order is valid in all 50 states of the United States, the District of Columbia, Indian lands, and U.S. territories and also may be enforced anywhere in North Carolina.
3. 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.
4. 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 ACC-CV-307 to have an order issued for the defendant to appear before a district court judge to be held in contempt for violating the order.

RETURN OF SERVICE WHEN MAGISTRATE ISSUES ORDER

I certify that this Ex Parte Order was received and served on the defendant as follows:

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
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- By delivering to the defendant named above a copy of this Ex Parte Order in this action.
- By leaving a copy of this Ex Parte Order 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	County Of Sheriff	Name Of Sheriff	Deputy Sheriff Making Return
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CERTIFICATION

I certify this order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Assistant CSC
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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 and Summons for service on defendant.