

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

County

Name Of Plaintiff

DOMESTIC VIOLENCE PROTECTIVE ORDER
AND NOTICE TO PARTIES

VERSUS

CONSENT ORDER

Name Of Defendant

G.S. 50B-2, -3

FINDINGS

This matter was heard by the district court judge named below after due notice to the defendant. The Court makes the following findings of fact:

- 1. Present at the hearing were: [] the plaintiff, represented by [] the defendant, represented by
2. 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.
[] 3. That on (date of most recent conduct) [] the defendant
[] a. [] attempted to cause [] intentionally caused bodily injury to [] the plaintiff [] children 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)

- [] 4. The parties are the parents of the following children under the age of eighteen. 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 AOC-CV-609 for each child must be attached to the order.

Table with 4 columns: Name, Date Of Birth, Name, Date Of Birth

- [] 5. The [] defendant [] plaintiff is presently in possession of the parties' residence at
[] 6. The [] defendant [] plaintiff is presently in possession of the parties' vehicle described below:
[] 7. Other: (specify)

CONCLUSIONS

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

- 1. The Court has jurisdiction over the parties and the subject matter of the case.
- 2. The defendant had reasonable notice and an opportunity to be heard in this matter.
- 3. The defendant has committed acts of domestic violence against the plaintiff.
- 4. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- 5. There is danger of serious and immediate injury to the plaintiff. minor child(ren). [G.S. 50B-2(b)]
- 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 of them be given to the plaintiff.
- 7. This domestic violence protective order is necessary to bring about a cessation of acts of domestic violence. [G.S. 50B-3(a)]
- 8. 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]**
- 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. No 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 reverse. **[08]**
- 11. *(Check this block only if Block No. 6 in Conclusions is checked.)* the plaintiff is awarded temporary custody of the child(ren) named in Finding No. 4. **[08]**
- 12. the defendant is ordered to make payments to the plaintiff for support of the minor child(ren) as required by law. **[08]**
- 13. 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]**
- 14. the defendant shall attend and complete an abuser treatment program offered by the following agency, which is approved by the Domestic Violence Commission: **[08]**

- 15. Other: *(specify)* **[08]**

VERSUS

File No.

Name Of Defendant

- 16. this Order is effective until one year from the date below. other: _____ .
- 17. this action is dismissed and as of this date, any ex parte order issued in this case is null and void.
- 18. the costs of this action are taxed to the plaintiff. defendant.

FOR CONSENT JUDGMENTS ONLY

Each of us enters into this Consent Order knowingly, freely, and voluntarily. We waive specific findings of fact not otherwise made in the Order. The defendant understands that in consenting to this Order, that all of the consequences set out in the Notice to Parties in this Order apply.

Date	Signature Of Plaintiff	Date	Signature Of Defendant
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SIGNATURE OF JUDGE

Date	Name Of District Court Judge (Type Or Print)	Signature Of District Court Judge
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NOTICE TO PARTIES

TO THE DEFENDANT:

- 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.
- The 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 of possession of the United States.
- Federal law prohibits you from possessing or purchasing any firearm while this order is in effect. The federal law applies whether or not this domestic violence protective order prohibits you from possessing or purchasing firearms.
- 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.
- 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.
- 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;

- You should keep a copy of this protective 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.
- 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.
- 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.
- 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 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 Of Clerk	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk of Superior Court	

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.