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North Carolina Civil & Criminal Domestic Violence Courts

Administrative Office of the Courts' Grant to Support District Court Judges

Assistance On-Site—District & County

- *Invite and convene Local Planning Committees*
- *Facilitate 1 – 3 meetings and identify local leadership for sustainability*
- *Provide training and technical assistance upon request*

Assistance at Six NCAOC Training Centers

- *Facilitated roundtable discussions for Judges*
- *Experts to present brief, focused topics*
(NC District Court Judges, Center for Court Innovation, NCAOC Legal Counsel, UNC School of Government)
- *Convene advisory group for specific topics*

CHILD SAFETY & CUSTODY

CIVIL LAW ISSUES

- *Minors & GAL*
- *Conflicting Orders*

COURT OPERATIONS

- *Efficiency; Scheduling*
- *Courthouse Safety*
- *Continuance Policy*

CREATING LOCAL RULES & POLICIES

CRIMINAL LAW ISSUES

- *Witnesses*
- *First Appearance & Conditions of Release*

FEDERAL LAWS

INSTITUTIONAL VIOLENCE

- *College Campuses*
- *Military Bases*
- *Workplace*

LEGAL UPDATES

SELF-REPRESENTED PARTIES

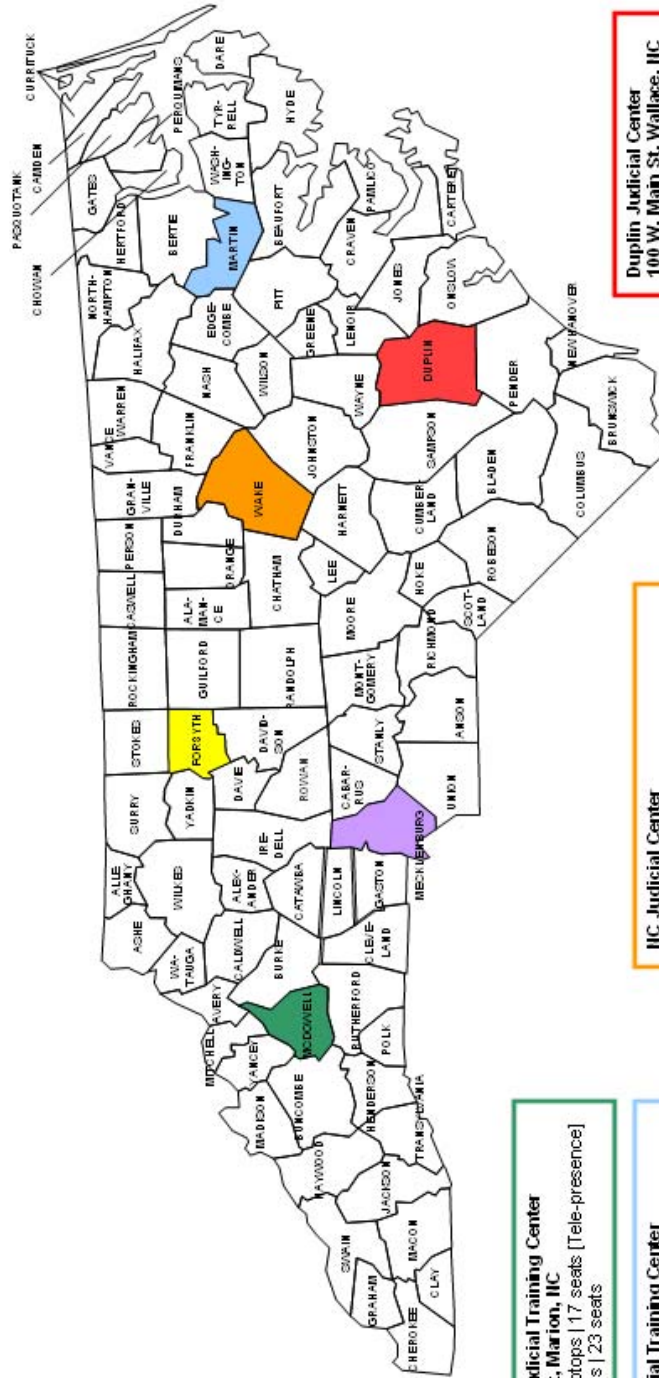
SEXUAL ASSAULT & STALKING

STAKEHOLDER COLLABORATION

- *Local Planning Committee*
- *Task Force*
- *Providing information to Judges*

NCAOC Training Centers

January 2012
 Court Programs and Management Services Division



McDowell Judicial Training Center
 35 W. Fort St, Marion, NC
 Room B – Laptops | 17 seats [Tele-presence]
 Room D – PCs | 23 seats

Martin Judicial Training Center
 241 Green St, Williamston, NC
 Room A – PCs | 23 seats
 Room B – Laptops | 19 seats [Tele-presence]

Charlotte Training Room
 Rm 3600, Mecklenburg Co. Courthouse
 PC Room | 12 seats

IIC Judicial Center
 901 Corporate Center Dr, Raleigh, NC
 Oak Room | 48 seats
 Maple Room | 40 seats
 Magnolia Room | 24 seats
 Dogwood Room | 24 seats [Tele-presence]
 Cypress Room | 28 seats
 Computer Room 1 | 18 seats
 Computer Room 2 | 17 seats

Duplin Judicial Center
 100 W. Main St, Wallace, NC
 PC Room | 24 seats
 Laptop Room | 20 seats

Forsyth Judicial Training Center
 778A Park Centre Dr, Kernersville, NC
 PC Room | 23 seats
 Laptop Room | 18 seats

COURT PROGRAMS & MANAGEMENT SERVICES DIVISION

PROGRAM / SERVICE	STAFF	TELEPHONE
Main number 919-890-1200	Alisa Huffman , Senior Manager Robert Willis , Administrative Secretary	919-890-1203 919-890-1209
Child custody mediation & permanency mediation	Stephanie Smith , Manager Kari Marvin , Court Management Specialist	919-890-1220 919-890-1217
Drug treatment courts (adult, juvenile, family and DWI)	Alexia Stith , Court Management Specialist Yolonda Woodhouse , Court Management Specialist	919-890-1216 919-890-1202
Family courts, alternative dispute resolution & case flow management	Lori Cole , Court Management Specialist	919-890-1204
Domestic violence courts	Kellie Myers , Domestic Violence Court Specialist, Governors Crime Commission Grant	919-890-1214
Interpreting services	Brooke Bogue , Manager Sarah Arredondo , Court Management Specialist Court Interpreter Staff District 10 Ron Vasquez; Jorge Padro District 11 Arianna Aguilar District 14 Maria Stafford District 15B Maria Stawsky District 18 Karin Vicard District 21 Selma Ahnert District 26 David Miller; Michael Cortez District 28 Marie Ontiveros	919-890-1213 919-890-1212

<http://www.nccourts.org/Citizens/CPrograms>

SAMPLE
DV CROSS-OVER CASE INFORMATION SHEET

Case # _____ Date _____

Π _____ Δ _____

CIVIL DOMESTIC

File # _____ File Date _____

Judge _____ OPEN | CLOSED

Juvenile Case Information? YES | NO

PENDING CRIMINAL

File #	Δ Name	Crime	Court Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Conditions of Release: _____

CIVIL PROTECTIVE ORDER

50B GW Consent DN VD FTP Cont to _____

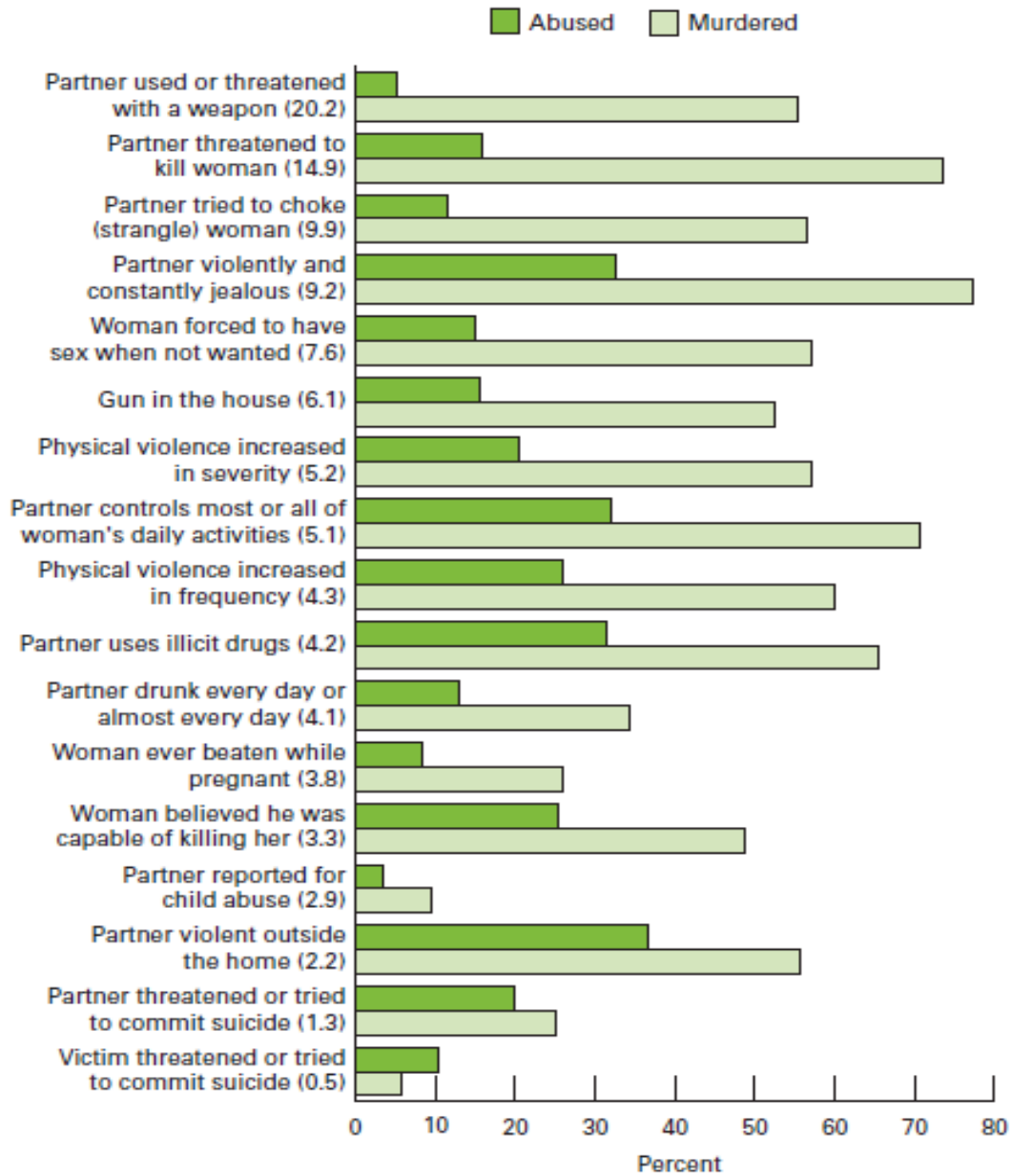
* Temp CUST? → Attach Custody Addendum to DVPO

50C GW Consent DN VD FTP Cont to _____

CROSS COMPLAINTS: _____

Figure 2: Danger Assessment Risk Factors Among Murder Victims and Abused Women

(The numbers in parentheses are unadjusted odds ratios and indicate the likelihood of being in the homicide versus the abused group.*)



Assessing Risk Factors for Intimate Partner Homicide

<https://www.ncjrs.gov/pdffiles1/jr000250e.pdf>

SAMPLE
NC COUNTY CONTINUANCE POLICY

1. AS A MATTER OF POLICY: The court will avoid continuances absent exigent circumstances or manifest injustice. This policy applies to joint requests for continuances, as well as contested requests. In those cases where service has not been perfected, the case will be continued to a date certain at the call of the calendar.
2. IN-COURT MOTIONS TO CONTINUE: Oral motions will be allowed in light of the factors to be considered.
3. OUT-OF-COURT MOTIONS TO CONTINUE: Any motion to continue shall be in writing and shall contain the following information:
 - a. File number of the case;
 - b. Date for which the case is set;
 - c. Reason for the request to continue. When a conflict in another court is the reason for continuance, the request must state the case number, the court in which the other case is pending, and the date when the matter in the other court was set;
 - d. The number of times the case has previously been continued;
 - e. A statement that all opposing counsel and/or parties have been sent a copy of the request.
4. TIME LIMITS AND SERVICE OF MOTIONS: The original of a request for a continuance shall be filed in the Office of the Clerk of Superior Court at least seven (7) working days preceding the court date on which the case is scheduled to be heard. The motion to continue shall be served upon all parties and/or opposing counsel pursuant to the rules set out in the North Carolina General Statutes in a manner designed to give notice as expeditiously as possible. In addition, the moving party shall contact the opposing counsel, if there is one of record, by telephone or e-mail to inform him/her of the filing of a motion to continue. Any objection must be filed no later than two (2) working days after the notice of filing of the request for continuance. In the event that a party and/or counsel fails to comply with the provisions of this rule, the request for a continuance is deemed denied without a hearing. For all motions to continue ruled upon by a judge, the Clerk of Court shall communicate the judge's decision on the motion to continue to the parties and/or counsel.
5. FACTORS TO BE CONSIDERED: Factors to be considered by the Court when deciding whether to grant or deny a motion for continuance may include, but not be limited to

- a. The impact of a continuance on the safety of the parties or any other persons;
 - b. The age of the case or motion;
 - c. The status of the trial calendar;
 - d. The number of previous continuances;
 - e. The extent to which the movant had input into the scheduling of the trial date;
 - f. The due diligence of the moving party on promptly making a motion for continuance as soon as practicable;
 - g. Whether the reason for continuance is a short-lived event which would resolve prior to the scheduled court date;
 - h. The existence of a legitimate conflict with another court setting;
 - i. Whether counsel has secured leave at the time of the court setting;
 - j. The period of delay caused if the motion is allowed;
 - k. The position of the opposing party or counsel;
 - l. Present or future inconvenience or unavailability of witnesses/parties, or attorneys if the case is continued;
 - m. Any other factor that promotes the fair administration of justice.
6. NEW DATE: Upon the granting of a motion to continue, the matters shall be rescheduled to a date certain with input from counsel and/or parties whenever possible.

SAMPLE CRIMINAL DV CASE ASSIGNMENT

CRIME CHARGED (column 1) + **RELATIONSHIP** (column 2) = DV assignment

<u>CRIME CHARGED</u>	<u>RELATIONSHIP BETWEEN Δ AND VICTIM</u>
Simple Assault	<ul style="list-style-type: none"> • Current or former spouses -OR- • Persons who live or have lived together as if married -OR- • Child in common -OR- • Persons in a dating relationship or have previously been in a dating relationship -OR- • Parent/Guardian and child -OR- • Grandparent and grandchild
Assault on a Female	
Assault with a Deadly Weapon	
Assault Inflicting Serious Injury	
Assault by Pointing a Gun	
Communicating Threats	
Domestic Criminal Trespass	
DVPO Violation	
Stalking (m)	
Harassing Phone Calls	
Child abuse (m) <i>*exception: DWI + child abuse NOT set in DV</i>	
Assault on child under 12	
Assault in presence of a minor	
Assault on an unborn child	
Any other crime where Δ and victim have one of <i>covered relationships</i> (i.e., B&E, larceny, injury property, etc.)	
Accompanying charges to one of the above crimes + relationship when out of the <i>same incident</i> (i.e., RDO, AOGO, etc.)	

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, 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.
 - (b) any place where I am receiving temporary shelter.
 - (c) the place where I work.
 - (d) any school(s) the child(ren) attend.
 - (e) the place where the child(ren) receives day care.
 - (f) the place where I go to school.
 - (g) Other: (name other places)

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

- 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

STATE OF NORTH CAROLINA		File No. <div style="border: 1px solid black; width: 100px; height: 100px; margin: 5px auto;"></div>
County _____	In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division	
STATE VERSUS		CONDITIONS OF RELEASE AND RELEASE ORDER
Name And Address Of Defendant		
Offenses And Additional File Numbers		# _____ G.S. Chapter 15A, Art. 25, 26 Amount Of Bond \$ _____
Location Of Court		<input type="checkbox"/> District <input type="checkbox"/> Superior Date _____ Time _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
<p>To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.</p> <p>The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.</p> <p><input type="checkbox"/> Your release is authorized upon execution of your: <input type="checkbox"/> WRITTEN PROMISE to appear <input type="checkbox"/> UNSECURED BOND in the amount shown above <input type="checkbox"/> CUSTODY RELEASE <input type="checkbox"/> SECURED BOND in the amount shown above <input type="checkbox"/> HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of <input type="checkbox"/> employment <input type="checkbox"/> counseling <input type="checkbox"/> course of study <input type="checkbox"/> vocational training</p> <p><input type="checkbox"/> Your release is not authorized.</p> <p><input type="checkbox"/> The defendant is required to provide (check all that apply) <input type="checkbox"/> fingerprints under G.S. 15A-502(a1) or (a2). <input type="checkbox"/> a DNA sample under G.S. 15A-266.3A. Prior to release, the defendant shall provide his/her (check all that apply) <input type="checkbox"/> fingerprints. <input type="checkbox"/> DNA sample.</p> <p><input type="checkbox"/> The defendant has been <input type="checkbox"/> (i) charged with a felony while on probation (complete AOC-CR-272, Side One). <input type="checkbox"/> (ii) arrested for violation of probation with a pending felony charge or prior conviction requiring registration under G.S. 14, Article 27A (complete AOC-CR-272, Side Two).</p> <p><input type="checkbox"/> (for offenses committed on or after December 1, 2011) The defendant has been charged with an offense involving impaired driving, G.S. 20-4.01(24a), and was convicted of a prior offense involving impaired driving, which prior offense occurred within 7 years before the date of this offense. The defendant is ORDERED to abstain from alcohol as verified by a continuous alcohol monitoring system for the period of pretrial release or until this condition is removed by entry of order of the court.</p> <p><input type="checkbox"/> The defendant was arrested or surrendered after failing to appear as required under a prior release order. <input type="checkbox"/> This was the defendant's second or subsequent failure to appear in this case. <input type="checkbox"/> Your release is subject to the conditions as shown on the attached <input type="checkbox"/> AOC-CR-270. <input type="checkbox"/> Other: _____</p>		
Additional Information		
Date	Signature Of Judicial Official	<input type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> District Court Judge <input type="checkbox"/> Superior Court Judge
ORDER OF COMMITMENT		
<p>To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: <input type="checkbox"/> produce him/her in Court as provided above. <input type="checkbox"/> hold him/her <input type="checkbox"/> as provided on the attached AOC-CR-272. <input type="checkbox"/> for the following purpose: _____</p> <p><input type="checkbox"/> (Check in all domestic violence and stalking cases covered by G.S. 15A-534.1(b)) produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before (enter date and time 48 hours after time of arrest) _____, _____ <input type="checkbox"/> AM <input type="checkbox"/> PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.</p>		
Name Of Detention Facility	Date	Signature Of Judicial Official
WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE		
<p>I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.</p>		
Date	Signature Of Defendant	Signature Of Person Agreeing To Supervise Defendant
Name Of Person Agreeing To Supervise Defendant (Type Or Print)		Address Of Person Agreeing To Supervise Defendant
DEFENDANT RELEASED ON BAIL		
Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Signature Of Jailer
AOC-CR-200, Rev. 12/11 © 2011 Administrative Office of the Courts		

CONDITIONS OF RELEASE MODIFICATIONS

The Conditions of Release on the reverse are modified as follows:

Modification	Date	Signature Of Judicial Official

SUPPLEMENTAL ORDERS FOR COMMITMENT

The defendant is next Ordered produced in Court as follows:

Date	Time	Place	Purpose	Signature Of Judicial Official

DEFENDANT RECEIVED BY DETENTION FACILITY

Date	Time	Signature Of Jailer

DEFENDANT RELEASED FOR COURT APPEARANCE

Date	Time	Signature Of Jailer

NOTE TO CUSTODIAN: *This form shall accompany the defendant to court for all appearances.*

AOC-CR-200, Side Two, Rev. 12/11
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STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name Of Defendant

CONDITIONS OF RELEASE FOR PERSON CHARGED WITH A CRIME OF DOMESTIC VIOLENCE

G.S. 15A-534.1

NOTE: Use this form in conjunction with form AOC-CR-200, Conditions Of Release And Release Order.

FINDINGS

The undersigned judicial official finds that the defendant named above is charged with assault on, stalking, communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse or a person with whom the defendant lives or has lived as if married, with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes.

The undersigned judicial official has considered the defendant's criminal history as shown on a criminal history report provided by a law enforcement officer or a district attorney. has not considered the defendant's criminal history as shown on a criminal history report because no report could be obtained within a reasonable time.

ORDER

Based upon the foregoing findings, the undersigned judicial official ORDERS the following conditions of release IN ADDITION TO the conditions of release set out on the attached form AOC-CR-200:

- 1. The defendant shall stay away from the home, school, business or place of employment of the alleged victim.
2. The defendant shall refrain from assaulting, beating, molesting, or wounding the alleged victim.
3. The defendant shall refrain from removing, damaging or injuring the property listed below.
4. The defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.
5. Other restrictions:
a. The defendant shall have no contact with the alleged victim.
b. The defendant shall comply with any valid domestic violence protective order in effect.
c. The defendant shall not possess any firearms.
d. Other:

Date

Signature Of Judicial Official

- Magistrate
District Court Judge
Superior Court Judge

NOTE TO JUDICIAL OFFICIAL: The law enforcement officer or district attorney who provided the defendant's criminal history report shall dispose of the report in accordance with DCI regulations. The report shall NOT be placed in the case file.

AOC-CR-630, Rev. 10/10
© 2010 Administrative Office of the Courts

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

<i>Name Of Plaintiff</i>
VERSUS
<i>Name And Address Of Defendant</i>

**ORDER CONTINUING
DOMESTIC VIOLENCE HEARING
AND EX PARTE ORDER**

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

- The Court finds that the defendant has not been served with notice of this hearing.
- Other:

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

<i>Date Of Hearing</i>	<i>Time Of Hearing</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Location Of Hearing</i>
------------------------	---	----------------------------

- The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

<i>Date</i>	<i>Name Of District Court Judge (Type Or Print)</i>	<i>Signature Of District Court Judge</i>
-------------	---	--

NOTE TO CLERK: Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.

Case No. <input style="width:100%;" type="text"/> Court General Court of Justice District Court Division County <input style="width:100%;" type="text"/> NORTH CAROLINA	DOMESTIC VIOLENCE ORDER OF PROTECTION <input type="checkbox"/> CONSENT ORDER <small>G.S. 50B-2, -3, -3.1</small>
--	---

PETITIONER/PLAINTIFF <input style="width:100%; height: 20px;" type="text"/> <small>First Middle Last</small>	PETITIONER/PLAINTIFF IDENTIFIERS <input style="width:100%; height: 20px;" type="text"/> <small>Date Of Birth Of Petitioner</small>																
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="width:80%; height: 20px;"></td><td style="width:20%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>									Other Protected Persons/DOB: <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:80%; height: 20px;"></td><td style="width:20%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>								

VERSUS

RESPONDENT/DEFENDANT <input style="width:100%; height: 20px;" type="text"/> <small>First Middle Last</small> 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: 40px; width: 100%;"></div>	RESPONDENT/DEFENDANT IDENTIFIERS <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Sex</td> <td style="width:15%;">Race</td> <td style="width:15%;">DOB</td> <td style="width:10%;">HT</td> <td style="width:10%;">WT</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Eyes</td> <td>Hair</td> <td colspan="3">Social Security Number</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <td>Drivers License No.</td> <td>State</td> <td colspan="3">Expiration Date</td> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> </table> Distinguishing Features <div style="border: 1px solid black; height: 60px; width: 100%;"></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																													

CAUTION:
 Weapon Involved

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, 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- 27.2 (1st deg. rape) 27.3 (2nd deg. rape) 27.4 (1st deg. sexual off.) 27.5 (2nd deg. sexual off.) 27.5A (sexual battery) 27.7 (sexual activity by substitute parent) against the plaintiff child(ren) living with or in the custody of the plaintiffby (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) _____

Name Of Defendant

File No.

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) 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 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]

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.

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:

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 30 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 30 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 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.
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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"/> 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 "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." 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 The Status Of The 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:

Strategies for Managing Domestic Violence Court

Kellie Myers, NCAOC Court Management Specialist

June 20, 2012

Response Codes:

5–excellent 4–good 3–average 2–poor 1–unacceptable NA–not applicable

Course Information (please circle your responses)



Organized and easy to follow	5	4	3	2	1	
Adequate time allowed for the subject matter covered	5	4	3	2	1	
Focused on activities that are useful in my job	5	4	3	2	1	NA
Quality and usefulness of hand outs	5	4	3	2	1	NA

Instructor Effectiveness (please circle your responses)

Knowledgeable on the subject matter	5	4	3	2	1	
Easy to understand	5	4	3	2	1	
Listened and answered questions	5	4	3	2	1	
Held my attention	5	4	3	2	1	
Encouraged participation	5	4	3	2	1	
Showed enthusiasm for the subject matter	5	4	3	2	1	
Professional and courteous at all times	5	4	3	2	1	

What did you like most about the course?

What suggestions do you have for future courses?

North Carolina Domestic Violence Best Practices Pre and Post Assessment

For the **pre-assessment**, circle the answer that reflects what occurs in your court now.
For the **post-assessment**, place a mark in the appropriate box as to how likely you are to implement the specified best practice.

1=Rarely 2=Infrequently 3=Sometimes 4=Often 5=Most of the Time

	Pre-Assessment	Post-Assessment		
		Will Implement	May Implement	Won't Implement
Best Practice # 1 Enhanced Courthouse & Courtroom Security				
Establish protocol for courtroom safety by coordinating with court officers (e.g., monitoring hallway and courtroom during breaks, identifying volatile situations, providing escorts when needed, standing between counsel tables when parties are pro se, assigning two court officers to the courtroom)	1 2 3 4 5			
Establish courtroom rules and seating arrangement	1 2 3 4 5			
Designate a courtroom that is easily monitored by judge and court officers	1 2 3 4 5			
Implement security measures throughout the courthouse (e.g., using metal detectors or wands at all public entrances, providing separate entrances for judges, providing secure parking for judges and district attorneys)	1 2 3 4 5			
Address court security in local domestic violence advisory committee meetings	1 2 3 4 5			
Best Practice # 2 Scheduling Civil & Criminal DV Cases				
Designate a criminal domestic violence docket	1 2 3 4 5			
Define "domestic violence" by the relationship between the defendant and victim when assigning cases to criminal docket	1 2 3 4 5			
Organize court sessions with input from attorneys, court personnel, and community partners	1 2 3 4 5			
Designate a civil domestic docket	1 2 3 4 5			
Best Practice # 4 Firm Continuance Policies				
Limit continuances to a specific number or time period	1 2 3 4 5			
Enforce continuance policies for civil and criminal cases	1 2 3 4 5			
All judges assigned to hear domestic violence cases are required to apply the continuance policy	1 2 3 4 5			

	Pre-Assessment	Post-Assessment		
		Will Implement	May Implement	Won't Implement
Best Practice #7 Providing Judges with all Pertinent Information				
Hold ex parte hearings in the courtroom before the judge	1 2 3 4 5			
Record hearings when possible	1 2 3 4 5			
Identify existing orders that may conflict with the DVPO, such as a custody order	1 2 3 4 5			
Inquire about risk factors, such as access to firearms, threats to kill and/or to use weapons	1 2 3 4 5			
Authorize magistrates to issue ex parte orders	1 2 3 4 5			
Determine risk to minor children	1 2 3 4 5			
Best Practice #9 Clear and Comprehensive Orders; Proper Service				
Court orders are detailed, individualized, and explained to all parties	1 2 3 4 5			
Court orders are consistent and all conflicts are resolved	1 2 3 4 5			
Inquiries are made of the plaintiff and defendant about firearms	1 2 3 4 5			
Consider referrals to abuser treatment programs	1 2 3 4 5			
Schedule compliance review hearings in high risk cases	1 2 3 4 5			
Ensure that all consent orders include at least one finding of fact related to	1 2 3 4 5			
Best Practice #12 Prioritize Victim Safety & Offender Accountability				
Monitor all domestic violence cases on the docket by ensuring that each one is brought before the judge and not handled outside of the courtroom	1 2 3 4 5			
Gather relevant information before setting pretrial release conditions (e.g., review victim statement and criminal record of the defendant)	1 2 3 4 5			
Impose comprehensive pretrial release conditions	1 2 3 4 5			
Address the defendant regarding counsel, continuance policy, next court date, and interpreter	1 2 3 4 5			
Ensure counsel is assigned or a waiver is signed at first setting or when bond is set (when set by judge)	1 2 3 4 5			