

_____ County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

**EX PARTE
DOMESTIC VIOLENCE
PROTECTIVE ORDER**

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 (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 actual fear of imminent serious bodily injury the plaintiff a member of the plaintiff's family a member of the plaintiff's household
 - c. 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 AOC-CV-609 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 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 bodily injury. sexual abuse.
- 5. 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.
- 6. This ex parte domestic violence protective order is necessary to protect the plaintiff minor child(ren) from domestic violence and to bring about a cessation of acts of domestic violence. [G.S. 50B-2(c), 3(a)]
- 7. The plaintiff has failed to prove that the defendant has committed acts of domestic violence.

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. **[D01]**
 - 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. **[D02]**
 - 3. the defendant shall not threaten a member of the plaintiff's family or household. **[D03]**
 - 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. **[D04]**
 - 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. **[D05]**
 - 6. the plaintiff **[D06a]** defendant **[D06b]** 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. **[D07]**
 - 8. the defendant shall stay away from the following places:
 - (a) the place where the plaintiff works. **[D08a]**
 - (b) the child(ren)'s school. **[D08b]**
 - (c) the place where the child(ren) receives day care. **[D08c]**
 - (d) the plaintiff's school. **[D08d]**
 - (e) Other: *(name other places)* **[D08e]** _____
 - 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. **[D09]**
 - 10. the plaintiff is entitled to possession and use of the vehicle described on the reverse: **[D10]**
 - 11. *(Check this block only if blocks No. 4 and 6 in Conclusions are checked.)* the plaintiff is awarded temporary custody of the child(ren) named in Finding No. 3. **[D11]**
 - 12. the defendant is prohibited from possessing **[D12a]** purchasing a firearm for the effective period of this Order **[D12b]** and the defendant's concealed handgun permit is suspended for the effective period of this Order. **[D12c]**
 - 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
- (NOTE TO MAGISTRATE:** You must check option b. and you must enter as the date and time of expiration the earlier of 72 hours after the filing for relief or the end of the next day on which district court is in session.
- 14. the request for Ex Parte Order is denied.
 - 15. Other: *(specify)* **[D15]**

Date	Signature	<input type="checkbox"/> District Court Judge <input type="checkbox"/> Designated Magistrate
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NOTE TO DEFENDANT: *The courts and law enforcement agencies will enforce a violation of this Order that occurs anywhere in North Carolina or in any other State or Indian territory within the United States. Knowingly violating a domestic violence protective order is a criminal offense in North Carolina, and crossing a state line with the intent to engage in conduct that violates a protective order is a federal crime.*

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	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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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. Collect fee from plaintiff and send copy to sheriff with Notice of Hearing and Complaint for service on defendant.*