

_____ County

Name Of Plaintiff

VERSUS

Name Of Defendant

**CONTEMPT ORDER
DOMESTIC VIOLENCE PROTECTIVE ORDER**

G.S. 50B-4; 5A-11, 5A-21

FINDINGS

A contempt hearing was held before the district court judge named below, pursuant to a show cause order which was served on the defendant on (Give date) _____.

The Court makes the following findings of fact:

1. A Domestic Violence Protective Order was issued in this case on (Give date of order) _____, and has been in effect at all relevant times. In that Order the defendant was required to: (list provisions at issue)

2. a. CRIMINAL CONTEMPT

The defendant was represented by counsel, waived representation by counsel, or was not entitled to court appointed counsel. The Court finds beyond a reasonable doubt that the defendant willfully failed to comply with the Protective Order in that: (Set out facts relating to violation(s).)

b. CIVIL CONTEMPT

The defendant was represented by counsel, waived representation by counsel, or was not entitled to court appointed counsel. The Court finds that the defendant has willfully failed to comply with the Protective Order and at this time, has the ability to comply with the order and the purposes of the Order may still be served by compliance, in that: (Set out facts relating to violation, means to comply, and purposes served by compliance.)

3. Other: (specify)

(Over)

CONCLUSION

This matter is properly before the Court and the Court has jurisdiction over the parties and the subject matter.

- 1. The defendant willfully failed to comply with the Domestic Violence Protective Order and is in CRIMINAL CONTEMPT.
- 2. The defendant has willfully failed to comply with the Domestic Violence Protective Order, has the present ability to comply, and is in CIVIL CONTEMPT.
- 3. The evidence does not support a conclusion that the defendant is in contempt, and this proceeding should be dismissed.
- 4. Other: *(specify)*

ORDER

It is ORDERED that:

- 1. CRIMINAL CONTEMPT. **NOTE TO COURT:** *If suspending a sentence for contempt, impose judgment on form AOC-CR-604.*
the defendant *(check all that apply)*
 - is hereby censured for contempt.
 - shall pay a fine of \$ _____ *(max. \$500.00)*. shall pay the costs of court.
 - shall be imprisoned for a term of _____ days in the custody of the Sheriff. Other: _____.
The defendant shall be given credit for _____ days' pretrial confinement. Work release is recommended.
 - This sentence shall run at the expiration of the sentence imposed in file number _____.

NOTE TO COURT: *If a finding of criminal contempt was made by a judicial official inferior to a Superior Court Judge, the appeal is to Superior Court. G.S. 5A-17. On appeal from criminal contempt imposing confinement, there must be bail hearing "within a reasonable time period" after confinement is imposed. The contemnor may not be confined more than 24 hours without a bail hearing. See G.S. 5A-17(b) for officials who may conduct the hearing.*

- 2. CIVIL CONTEMPT
the defendant be committed to the county jail for an indefinite period, for as long as the contempt continues. The defendant may purge himself/herself from incarceration by _____.
- 3. this proceeding be dismissed.
- 4. Other: *(specify)*

Date	Name Of Presiding Judge <i>(type or print)</i>	Signature Of Presiding Judge
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