### **INSTRUCTIONS FOR DOMESTIC VIOLENCE FORMS**

#### FORMS YOU NEED TO FILL OUT:

- Complaint And Motion For Domestic Violence Protective Order (AOC-CV-303)
  - 1. You will need three (3) copies of this form.
  - 2. Fill in:
    - (a) Name of county;
    - (b) Plaintiff's name you are the plaintiff;
    - (c) Defendant's name and address a defendant is a spouse, former spouse, person of the opposite sex with whom you live or have lived as if married, your child or grandchild who is at least 16 years old, the mother or father of your child, a current or former household member, or a person of the opposite sex that you are dating or have dated:
    - (d) Check the blocks and fill in the blanks that apply to you. If you are afraid of additional acts of domestic violence and you want the judge/magistrate to act immediately, check block #2 at the bottom of page 2, asking for an Ex Parte Order. A request for an Ex Parte Order will be heard soon and without giving notice to the defendant. If a magistrate hears your request for ex parte relief, the magistrate's order is only good for a short period of time and a second temporary Ex Parte Order must be issued by the judge. If the judge issues the temporary Ex Parte Order, another hearing will be held after the defendant is given notice. If no Ex Parte Order is entered, a hearing will still be held after the defendant is given notice;
    - (e) Date and sign the complaint on the back (above the verification section). The verification must be signed before a clerk or notary;
    - (f) In some counties you may be able to take it to the magistrate's office on weekends and evenings.
  - If you or the defendant is under the age of eighteen (18) and not married, you must ask the clerk for the form to appoint a guardian ad litem (AOC-CV-318).
- II. Notice Of Hearing On Domestic Violence Protective Order (AOC-CV-305)
  - 1. You will need three (3) copies of this form.
  - 2. Fill in:
    - (a) Name of county:
    - (b) Plaintiff's name;
    - (c) Defendant's name and address.
  - 3. DO NOT fill out the remainder of this form.
- III. Ex Parte Domestic Violence Order Of Protection (AOC-CV-304)
  - 1. You will need only one (1) copy of this form.
  - 2. Filt in:
    - (a) Name of county;
    - (b) Plaintiff's name:
    - (c) Defendant's name and address.
  - 3. DO NOT fill out the remainder of this form.
- IV. Civil Summons Domestic Violence (AOC-CV-317)
  - 1. You will need three (3) copies of this form.
  - 2. Fill in:
    - (a) Name of county;
    - (b) Plaintiff's name and address. You may give an address where you want your mail to go, not necessarily where you are staying;
    - (c) Defendant's name and address (under the block designated "Defendant");
    - (d) Defendant's name and address again in the block designated "Name and Address of Defendant."
  - 3. DO NOT fill out the remainder of this form.

- V. Identifying information About Defendant Domestic Violence Action (AOC-CV-312)
  - 1. You will need only one (1) copy of this form.
  - 2. Fill in all the information that you know. Be as complete and accurate as you can.
  - 3. Leave blank any portion for which you do not have the information.
  - 4. You may either:
    - (a) turn in the completed form to the clerk or magistrate with the other papers, or
    - (b) keep the form, get the needed information, and turn in the completed form to the judge or magistrate at the hearing.
- VI. Affidavit As To Status Of Minor Child (AOC-CV-609)
  - 1. You do not need this form unless you are asking for temporary custody of the children.
  - 2. You will need one (1) copy of this form for each minor child.
  - 3. You must attach the completed form to the Complaint and give it to the clerk or magistrate with the other papers:
    - (a) turn in the completed form to the clerk or magistrate with the other papers, or
    - (b) keep the form, get the needed information, and turn in the completed form to the judge or magistrate at the hearing.

TAKE ALL FORMS TO THE CLERK/MAGISTRATE FOR FURTHER DIRECTIONS.

# File No. STATE OF NORTH CAROLINA In The General Court Of Justice County District Court Division Name Of Plaintiff (Person Filing Complaint) **COMPLAINT AND MOTION VERSUS** FOR Name And Address Of Defendant (Person Accused Of Abuse) **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, state, 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

		(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.)
		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.)
		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.)
	deldinano o mi	The defendant has made threats to commit suicide in that (Give specific dates and describe in detail what happened.)
Bed	aus: (Cl	e Of The Acts Of Domestic Violence By The Defendant, I Am Requesting That The Court Give Me The Following Relief:
	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).
	За.	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.

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7.	(a) my red (c) the place (e) the place	sidence. ace where I wo	hild(ren) receives day care.	t:  (b) any place where I am receiving temporary shelter. (d) any school(s) the child(ren) attend. (f) the place where I go to school.
	The child(ren	) currently atter	d: (name school)	
口 8. 口 9.		ssion and use c	dered to have no contact with f the following vehicle:	ı me.
<u> </u>	I want tempo action for per	rary custody of manent custod	our minor child(ren) listed in t	his Complaint. I understand that I must file a separate child custody
口 11.	I want the de- understand it	fendant to be o is only <u>tempor</u>	dered to make payments for ary and that I must file a sepa	the support of our minor child(ren), as required by law, but I rate child support action for regular, permanent child support.
[] 12.	I want the Co	urt to prohibit tl	ne defendant from possessing	or purchasing a firearm.
- planning	I want the Co		defendant to surrender to the	sheriff his/her firearms, ammunition, and gun permits to purchase a
□ 14.	I want the de	fendant to be o	dered to attend an abuser tre	atment program.
				child(ren) suitable alternative housing,
20000-011	I want the de	fendant to be o		my support as required by law, but I understand it is only temporary
[] 17.	Other: (specify	/)		
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			VERIF	ICATION
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Date		Signature		Signature Of Plaintiff (Person Filing Complaint)
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AOC-CV-312, Rev. 6/2000 © 2000 Administrative Office of the Courts

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice
Name And Address Of Plaintiff  VERSUS  Name And Address Of Defendant	SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT
NOTE: Though this form may be used in a Chapter 45 Family	G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043
	, it is not a substitute for the certification that may be required by G.S. 45-21.12A
[ ] The results from my use of that website are attache (NOTE: The Servicemembers Civil Relief Act Website is a was certificates are not installed on your computer, you may expend the website.)	above is <b>not</b> in military service.*  It above is in military service.*  Ittps://scra.dmdc.osd.mil/) to determine the defendant's military status.  Ittps://scra.dmdc.osd.military status.  Itt
Coast Guard; service as a member of the National Guard under a for a period of more than 30 consecutive days for purposes of res the Public Health Service or of the National Oceanic and Atmosph absent from duty on account of sickness, wounds, leave, or other following: State active duty as a member of the North Carolina Na General Statutes, for a period of more than 30 consecutive days; the governor of that state that is similar to State active duty, for a	Loste
SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	Uate
Date	Signature Of Affiant
Signature Of Person Authorized To Administer Oaths    Deputy CSC	Name Of Affiant (type or print)
Deputy CSC Assistant CSC Clerk Of Superior Court Megistrate  SEAL Notary  Date My Commission Expires	
NOTE TO COURT: Do not proceed to enter judgment in a non-crimin Servicemembers Civil Relief Act affidavit (whethe is in military service, do not proceed to enter judg him or her.	nal case in which the defendant has not made an appearance until a er on this form or not) has been filed, and if it appears that the defendant gment until such time that you have appointed an attorney to represent

(Over)

### Information About Servicemembers Civil Relief Act Affidavits

### 1. Plaintiff to file affidavit

In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

- (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

# 2. Appointment of attorney to represent defendant in military service

If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2). State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

## 3. Defendant's military status not ascertained by affidavit

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

### 4. Satisfaction of requirement for affidavit

The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury. 50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

### 5. Penalty for making or using false affidavit

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).

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			Name Of Minor Child					
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Period Of Residence	ant, being tir	St duly sworn, say that during the  Address			ned minor child has lived as follows:			
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Name And Address Of Person	<b>}</b>				Physical Custody Claimed Custody Visitation Rights			
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Deputy CSC Assist	tant CSC	Clerk Of Superior Court Magistrate	Name Of Affiant (type or p	print)				
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AOC-CV-609, Rev. 3/19, @ 2019 Administrative Office of the Courts

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice District Court Division
Name Of Plaintiff	District Court Division
VERSUS Name Of Defendant	APPLICATION AND ORDER TO APPOINT GUARDIAN AD LITEM IN ACTION FOR DOMESTIC VIOLENCE PROTECTIVE ORDER G.S. 1A-1, Rule 17
APPLICATION	FOR APPOINTMENT
eighteen (18) years of age who has no general guardiar plaintiff defendant. The undersigned applicant i guardian ad litem.	a domestic violence protective order is a person under  n. The court is requested to appoint a guardian ad litem for the recommends that the court appoint the following person as
Name Of Person Recommended As Guardian Ad Litem	Date
Relationship Of Proposed Guardian Ad Litem To Plaintiff/Defendant	Applicant
ORDER OF	APPOINTMENT
Pursuant to the authority contained in G.S. 1A-1, Rule 1	7 and:
in response to the written application above	
on the court's own motion	
the person named below is appointed as guardian ad lite a minor for the purpose of:	em for (name minor),
appearing on behalf of the minor plaintiff in the above	re-captioned action for a domestic violence protective order.
W7784	re-captioned action for a domestic violence protective order.
defending on behalf of the minor defendant in the ab	
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