

County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff/Victim

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

Address Of Plaintiff/Victim (Use Alternative Address If Afraid To Give Physical Address)

VERSUS

Name And Address Of Defendant

**COMPLAINT FOR  
NO-CONTACT ORDER  
FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT**

G.S. 50C-2

**NOTE TO PLAINTIFF:** Do not use this form if the relationship between you or the person on whose behalf you are filing this complaint and the defendant is current or former spouse; persons of the opposite sex who live or have lived together; have a child in common, are related as parent and child or grandparent and grandchild, are current or former household members, or are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. In that situation use "Complaint And Motion For Domestic Violence Protective Order," AOC-CV-303. Check only the boxes below that apply and fill in blanks. Additional sheets may be attached.

- 1.  The plaintiff resides     The defendant resides     The unlawful conduct occurred    in this county.
- 2. a.  I am a victim of unlawful conduct that occurred in North Carolina.  
b.  The plaintiff is a minor or incompetent adult who is a victim of unlawful conduct that occurred in North Carolina, and I am a competent adult who resides in North Carolina and am filing this complaint on the victim's behalf.
- 3. The defendant was 16 years of age or older at the time of the unlawful conduct.
- 4. The defendant has committed nonconsensual sexual conduct against the plaintiff in that: *(Give specific dates and describe in detail what happened.)*
- 5. The defendant has followed on more than one occasion or otherwise tormented, terrorized, or terrified the plaintiff named above with the intent to place the plaintiff in reasonable fear for the plaintiff's safety or the safety of the plaintiff's immediate family or close personal associates or with the intent to cause, and which did cause, the plaintiff to suffer substantial emotional distress by placing the plaintiff in fear of death, bodily injury, or continued torment or terror in that: *(Give specific dates and describe in detail what happened and how it placed the plaintiff in fear of safety or how it caused substantial emotional distress.)*

(Over)

**Because Of These Acts Of Unlawful Conduct, The Plaintiff Requests That The Court Grant The Following Relief:**

*(Check only boxes that apply.)*

- 1. A permanent no-contact order. (A permanent order cannot last longer than one year.)
- 2. A temporary no-contact order. (A temporary order cannot last longer than ten days.)
- 3. The temporary order to be issued ex parte (without notice to the defendant) because the plaintiff will suffer immediate injury, loss, or damage before the defendant can be heard in that: *(explain)*

**AND**

*(If you checked Block 3 above, check a. or b. below.)*

- a. I certify that I have made the following efforts, if any, to give notice to the defendant and give the following reasons supporting why notice should not be required: *(explain)*
  
- b. I certify that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the defendant were given any prior notice of the request for relief in that: *(Give specific reasons why harm would occur if prior notice were given to defendant.)*
  
- 4. To order the defendant not to visit, assault, molest, or otherwise interfere with the plaintiff.
- 5. To order the defendant to stop stalking the plaintiff.
- 6. To order the defendant to cease harassment of the plaintiff
- 7. To order the defendant not to abuse or injure the plaintiff.
- 8. To order the defendant not to contact, by telephone, written communication, or electronic means, the plaintiff.
- 9. To order the defendant to refrain from entering or remaining present at the plaintiff's residence, school, place of employment, or other places specified.

*(List Other Places Where You Want Defendant Ordered Not To Be)*

- 10. Other: *(specify)*

<i>Date</i>	<i>Signature Of Person Filing Complaint</i>
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**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.

<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>		<i>Date</i>
<i>Date</i>	<i>Signature</i>	<i>Signature Of Person Signing Complaint</i>
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Designated Magistrate	<input type="checkbox"/> District Court Judge
		<i>Name Of Person Filing Complaint (Type Or Print)</i>
<input type="checkbox"/> Notary	<i>Date My Commission Expires</i>	
<b>SEAL</b>	<i>County Where Notarized</i>	

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

Name Of Defendant
Street Address Of Defendant (Not P.O. Box)
City State Zip

IDENTIFYING INFORMATION
ABOUT DEFENDANT
DOMESTIC VIOLENCE ACTION

G.S. 50B-3(d)

INSTRUCTIONS: In order to assist law enforcement agencies in serving and enforcing this Order, if issued by the Court, the following information is requested. It is not required for the issuance of this Order, but may allow law enforcement agencies to locate and more quickly identify the persons involved in this case and to enforce the provisions of this Order more effectively. Answer these questions accurately and honestly.

If you do not know the answer to any of the following questions, leave the question blank.

INFORMATION ABOUT DEFENDANT

Date Of Birth
Race: White Black Indian Asian/Pacific Islander Other
Sex: Male Female
Height Weight Hair Color Eye Color

Identifying Marks (List any marks, scars, tattoos)

Does the defendant have a driver's license or state-issued identification card from any state?
If yes, provide the state and number if possible: State: Number:
Vehicle description and license plate number:

Social Security No. Of Defendant
Telephone No. Of Defendant

The defendant's current work information:

Employer's Business Name
Business Address
Business Telephone No.
Defendant's Work Hours (List Work Start Time And Work Stop Time)

Does the defendant have a permit to purchase a handgun or crossbow?
If yes, state which law enforcement agency issued the permit, if known:

Does the defendant have a permit to carry a concealed handgun?
If yes, state which law enforcement agency issued the permit, if known:

Is there any reason that a law enforcement officer should consider the defendant a potential threat (i.e., carries concealed weapons while drinking alcohol, has threatened an officer, etc.)?

If yes, specify the circumstances:

PLAINTIFF

Date Of Birth
Race: White Black Indian Asian/Pacific Islander Other
Sex: Male Female
Date Name Of Plaintiff (Type Or Print) Signature Of Plaintiff

NOTE TO CLERK OR MAGISTRATE: If an order is issued, a copy of this form should be attached to the appropriate order and forwarded to the sheriff of the issuing court county.

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

G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

AFFIDAVIT

I, the undersigned Affiant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- a. I have personal knowledge that the defendant named above is in military service.\*
b. I have personal knowledge that the defendant named above is not in military service.\*
c. I am unable to determine whether the defendant named above is in military service.\*

2. (check one of the following)

- a. I used the Servicemembers Civil Relief Act Website (https://scra.dmdc.osd.mil/) to determine the defendant's military status.
b. I have not used the Servicemembers Civil Relief Act Website and the following facts support my statement as to the defendant's military service: (State how you know the defendant is or is not in the military. Be specific.)

\*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Affiant

Signature Of Person Authorized To Administer Oaths

Name Of Affiant (type or print)

- Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate

SEAL

Notary

Date My Commission Expires

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(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).

STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

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**

The  plaintiff  defendant in this action seeking a domestic violence protective order is a person under eighteen (18) years of age who has no general guardian. The court is requested to appoint a guardian ad litem for the  plaintiff  defendant. The undersigned applicant recommends that the court appoint the following person as guardian ad litem.

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 17 and:

in response to the written application above

on the court's own motion

the person named below is appointed as guardian ad litem for \_\_\_\_\_ (name minor), a minor for the purpose of:

appearing on behalf of the minor plaintiff in the above-captioned action for a domestic violence protective order.

defending on behalf of the minor defendant in the above-captioned action for a domestic violence protective order.

Name And Address Of Guardian Ad Litem

Date

Signature

Assistant CSC

Magistrate (if authorized to enter ex parte order)

Clerk Of Superior Court

District Court Judge