



**26<sup>th</sup> Judicial District  
SelfServe Center**

**50C CIVIL NO-CONTACT ORDER**

**NOTE:**

**THIS PACKET CONTAINS INFORMATION REGARDING THE PROCESS FOR FILING A 50C CIVIL NO-CONTACT ORDER. DO NOT USE THIS PACKET IF THE RELATIONSHIP BETWEEN YOU AND THE PERSON YOU ARE FILING AGAINST IS CURRENTLY OR WAS: MARRIED, DIVORCED, PERSONS WHO HAVE LIVED TOGETHER, HAVE A CHILD IN COMMON, ARE PARENT/CHILD, CURRENT OR FORMER HOUSEHOLD MEMBERS OR ARE PERSONS WHO HAVE BEEN IN A DATING RELATIONSHIP.**

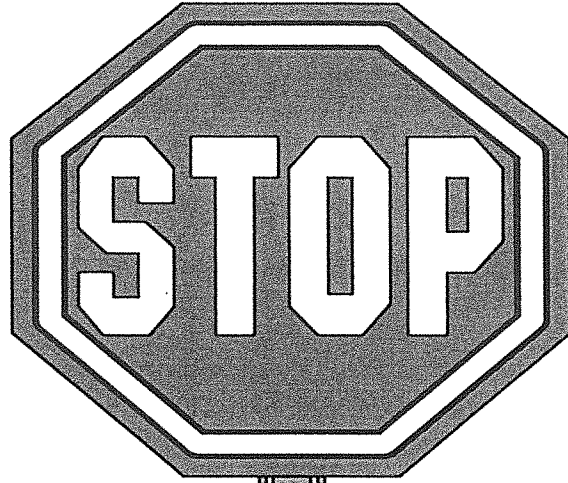
DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the SelfServe Center staff, Clerk of Court or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from the use of the forms or information provided to you by the SelfServe Center.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you consult with or retain an attorney.

USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!

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**PLEASE CAREFULLY READ THE FORMS AND  
INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT  
WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS DESIGNED TO  
ASSIST YOU, BUT YOU ARE REPRESENTING  
YOURSELF. PLEASE REVIEW AND FOLLOW THE  
DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN  
YOUR CASE. FAILURE TO READ AND FOLLOW THE  
INSTRUCTIONS MAY ADVERSELY IMPACT YOUR  
CLAIM.

## INTRODUCTION

### **What is this?**

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self-represented case. If you are not sure that you want or need to go to court, please ask the SelfServe Center staff to direct you to a lawyer referral service or list of local attorneys willing to provide “unbundled services” (*representation for a limited portion of a case at an hourly rate*).

### **How will it help me?**

If you do not plan to use an attorney, this packet will start the process for you by providing certain forms you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.

### **What does this mean?**

Certain legal terms will be used throughout your case. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms.

### **What is a 50C Civil No-Contact Order?**

A 50C Civil No-Contact Order seeks to protect victims of sexual assault, stalking, and other forms of harassment. Victims may be any age, and unlike the 50B protective order, no relationship between the victim and the offender is required. However, if the relationship between the victim and offender falls within the relationships outlined in a 50B domestic violence order, then the victim may not apply for a 50C order and may only apply for a 50B. If the relationship between the defendant and you was/is: MARRIED, DIVORCED, PERSONS WHO HAVE LIVED TOGETHER, HAVE A CHILD IN COMMON, ARE PARENT/CHILD, CURRENT OR FORMER HOUSEHOLD MEMBERS OR ARE PERSONS WHO HAVE BEEN IN A DATING RELATIONSHIP, then you should file a 50B Domestic Violence Protective Order. Some common relationships that a 50C Civil No-Contact Order protects are: stranger and acquaintance violence, distant relatives, and workplace or school violence. There are two common processes for getting a Civil No-Contact Order:

#### **1. Ex Parte Order:**

An emergency order, also called an Ex Parte Order, is available if there is a danger of serious *and* immediate injury to you or to a minor child. Once an Ex Parte order is filed with the Clerk of Court, you will be required to appear before a judge to explain the need for an order of protection. The defendant will not be present at this hearing. If a magistrate/judge finds that there is danger to the victim or a minor child, the magistrate/judge can issue an Emergency Ex

Parte Order of Protection with any orders against the defendant he/she feels is necessary to protect the victim or the minor child. Such an order is good for 10 days.

**How Does the Ex Parte Process Work?:** If the Ex Parte motion is filed **before noon (12pm)**, it will typically be heard that day without giving notice to the defendant. If it is filed **after noon**, it will typically be heard the following day without giving notice to the defendant. If a judge/magistrate hears your request for Ex Parte relief, the judge/magistrate's order is valid for only a short period of time and a second temporary order must be issued by a judge. If the judge/magistrate issues an 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. At the second hearing date, the court will consider whether or not to grant a protection order lasting one year.

## **2. No Ex Parte Order**

If you do not wish to file for an Ex Parte Order, you may file the complaint and receive a hearing date in the future. The defendant will be able to attend this hearing date. The length of the protective order considered at this hearing will be for one year.

### **What do I do first?**

After you get the packet, **READ THE INSTRUCTIONS!** Then fill out the forms by printing *neatly* in **black** ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a "Verification" page. This means that they **MUST** be signed in the presence of a Notary Public. If the document does require verification, do not sign it until you are in front of a Notary.

## **IMPORTANT REMINDERS BEFORE YOU BEGIN**

This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused during the process, you should stop and get advice from an attorney. Judges, Clerk of Court, SelfServe Center staff or the Trial Court Administrator's Office **CANNOT** give you legal advice.

## INSTRUCTIONS FOR 50C CIVIL NO-CONTACT ORDERS

**ATTENTION: 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:**

1. current or former spouse;
2. persons of the opposite sex who live or have lived together;
3. have a child in common, are related as parent and child or grandparent and grandchild;
4. current or former household members;
5. or are persons of the opposite sex who are in a dating relationship or have been in a dating relationship

### **Step One:**

**Completing Your Forms:**

#### **I. Complaint for No-Contact Order for Stalking or Nonconsensual Sexual Conduct (AOC-CV-520)**

- a. You will need two (2) copies of this form. Fill out both copies that have been provided.
- b. Fill in:
  - i. **Name of county:** Where you intend to file the Civil No Contact Order
  - ii. **Plaintiff's name:** You are the plaintiff
  - iii. **If you are filing on behalf of a minor or incompetent victim:** Place your name in the box marked "*Name of Person Filing on Behalf of Minor or Incompetent Victim*"
  - iv. **Defendant's name and address:** The defendant is the person you wish to have no contact with.
- c. **For the Remainder of the Complaint: READ CAREFULLY and then check the blocks and fill in the blanks which apply to the facts of your specific situation.**
  - i. If you would like the judge/magistrate to act immediately because you are afraid of additional instances of stalking or nonconsensual sexual conduct:
    1. Check the box beside #3 ("the temporary to be issued ex parte...") at the top of the back page of the complaint. *Please explain what other acts of stalking or nonconsensual conduct may take place.*
  - ii. **Date and Sign the Complaint on the Back ABOVE THE VERIFICATION SECTION:** The verification section must be signed before a clerk, magistrate, or public notary.
  - iii. **If you and/or the defendant is/are incompetent or under the age of eighteen (18) and NOT married:**
    1. You must ask a member of the staff in the SelfServe Center for the form to appoint a *guardian ad litem* (AOC-CV-318), or have a parent or guardian complete the forms for you, and accompany you to court.

#### **II. Civil Summons No-Contact Order for Stalking or Nonconsensual Sexual Conduct (AOC-CV-521)**

- a. You will need two (2) copies of this form. Fill out both copies that have been provided.
- b. Fill in:
  - i. **Name of County:** Where you intend to file the Civil No Contact Order
  - ii. **Plaintiff's Name**
  - iii. **Defendant's Name** (in the block designated "Name of Defendant").
  - iv. **Defendant's Name and Address** (in the block designated "Name and Address of Defendant.")
  - v. **Attention: Do NOT fill out the remainder of this form.**

#### **III. Notice of Hearing on No-Contact Order for Stalking or Nonconsensual Sexual Conduct (AOC-CV-522)**

- a. You will need one (1) copy of this form.

- b. Fill in:
- i. Name of County: Where you intend to file the Civil No Contact Order
  - ii. Plaintiff's Name
  - iii. Defendant's Name and Address
  - iv. **Attention: Do NOT fill out the remainder of this form.**

#### IV. Ex Parte Temporary No-Contact Order for Stalking or Nonconsensual Sexual Conduct (AOC-CV-523)

- a. You will need one (1) copy of this form
- b. Fill in:
- i. Name of County: Where you intend to file the Civil No Contact Order
  - ii. Plaintiff's Name and Address
  - iii. Defendant's Name and Address
  - v. *If you would like an Ex-Parte Hearing, check the box located at the top right*
  - vi. **Attention: Do NOT fill out the remainder of this form.**

#### V. No-Contact Order for Stalking or Nonconsensual Sexual Conduct (AOC-CV-524)

- c. You will need one (1) copy of this form
- d. Fill in:
- i. Name of County: Where you intend to file the Civil No Contact Order
  - ii. Plaintiff's Name and Address
  - iii. Defendant's Name and Address
  - iv. **Attention: Do NOT fill out the remainder of this form.**

#### VI. Identifying Information about the Defendant (Mecklenburg Country Sheriff's Office Civil No-Contact Questionnaire)

- e. You will need two (2) copies of this form. Fill out both copies that have been provided.
- f. Fill in all the information. Be as complete and accurate as possible while completing this form.

#### IV. Servicemembers Civil Relief Act Affidavit (AOC-G-250)

- a. Fill in:
- i. Name of County: Where you intend to file the Domestic Violence Protective Order.
  - ii. Plaintiff's Name and Address: You may give an address where you want your mail to go; your address does not have to be where you are living.
  - iii. Defendant's Name and Address: In the block designated "Name and Address of Defendant".
  - iv. Check the appropriate box below: Under number 1 you will check either box (a) or (b) or (c) that accurately describe your knowledge about the Defendant's military service. You must chose a selection for each area in 1, 2, and 3.
    1. Go to the Servicemembers Civil Relief Act website (<https://scra.dmdc.osd.mil/>) if you select to use the website. If you do not select to use the website, you must explain why you think the Defendant is or is not in the military service.

**Step Two:**

**Filing Your Forms**

UPON COMPLETION OF ALL FORMS, TAKE THEM TO THE CIVIL CLERK'S OFFICE (832 E. Fourth St., ROOM 3725) FOR FILING. There is no filing fee associated with this action.

**ATTENTION:** After court hours in Mecklenburg County, you may take the completed forms to the Magistrate's Office at the Mecklenburg County Jail (801 E. Fourth Street) on weekends and evenings.

*Lawyer Referral Services:*

*Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or [www.meckbar.org](http://www.meckbar.org)*

*North Carolina Lawyer Referral Service: (800) 662-7660*

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice  
District Court Division

\_\_\_\_\_ County

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)
<b>VERSUS</b>
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)*

Date	Signature Of Person Filing Complaint
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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>	Date
---	------

Date	Signature	Signature Of Person Signing Complaint
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<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> District Court Judge	Name Of Person Filing Complaint (Type Or Print)
<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Designated Magistrate		

<input type="checkbox"/> Notary	Date My Commission Expires
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<b>SEAL</b>	County Where Notarized
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STATE OF NORTH CAROLINA

File No.

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)*

Date	Signature Of Person Filing Complaint
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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>	Date
---	------

Date	Signature	Signature Of Person Signing Complaint
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<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> District Court Judge	Name Of Person Filing Complaint (Type Or Print)
<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Designated Magistrate		

<input type="checkbox"/> Notary	Date My Commission Expires
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<b>SEAL</b>	County Where Notarized
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STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

**CIVIL SUMMONS  
NO-CONTACT ORDER FOR  
STALKING OR NONCONSENSUAL  
SEXUAL CONDUCT**

ALIAS AND PLURIES SUMMONS

VERSUS

Name Of Defendant

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant

**A Civil Action Has Been Commenced Against You!**

You are notified to appear and answer the complaint of the plaintiff as follows:

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

Date Issued

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint  and Temporary No-Contact Order  and Notice Of Hearing on a No-Contact Order were received and served as follows:

**DEFENDANT**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above 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:

<i>Date Received</i>	<i>Signature Of Deputy Sheriff Making Return</i>
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<i>Date Of Return</i>	<i>Name Of Deputy Sheriff (Type Or Print)</i>
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<i>County Of Sheriff</i>
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STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

**CIVIL SUMMONS  
NO-CONTACT ORDER FOR  
STALKING OR NONCONSENSUAL  
SEXUAL CONDUCT**

ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

**VERSUS**

Name Of Defendant

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

**To The Defendant Named Below:**

Name And Address Of Defendant

**A Civil Action Has Been Commenced Against You!**

You are notified to appear and answer the complaint of the plaintiff as follows:

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

Date Issued

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**ENDORSEMENT**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint  and Temporary No-Contact Order  and Notice Of Hearing on a No-Contact Order were received and served as follows:

**DEFENDANT**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above 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:

<i>Date Received</i>	<i>Signature Of Deputy Sheriff Making Return</i>
----------------------	--

<i>Date Of Return</i>	<i>Name Of Deputy Sheriff (Type Or Print)</i>
-----------------------	---

<i>County Of Sheriff</i>
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STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice  
District Court Division

Name Of Plaintiff

**NOTICE OF HEARING ON  
NO-CONTACT ORDER FOR STALKING  
OR NONCONSENSUAL SEXUAL  
CONDUCT**

VERSUS

Name Of Defendant

- TEMPORARY ORDER
- PERMANENT ORDER

G.S. 50C-3, -7

**To The Defendant Named Above**

The attached Complaint has been filed alleging that you have committed unlawful acts of stalking or nonconsensual sexual conduct against the plaintiff.

- 1. A hearing will be held before a district court judge at the date, time and location indicated below. At that time it will be determined whether a temporary order should be granted.
- 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether a permanent no-contact order should be granted.

Date Of Hearing

Time Of Hearing

AM  PM

Date

Location Of Hearing

Signature

Deputy CSC     Assistant CSC     Clerk Of Superior Court

**NOTE TO CLERK:** *If this notice of hearing is for a temporary order, attach it with the complaint and summons to be served by the sheriff. If a temporary no-contact order has been issued that order includes a notice of hearing for a permanent order and this separate notice of hearing should not be used unless the hearing date set in the temporary order is being changed.*

**NOTE TO PLAINTIFF:** *If the complaint and summons has already been served and this notice is issued at a later date you are responsible for mailing a copy of this Notice of Hearing to the defendant. In that situation only, you must mail a copy of the notice by first class mail and complete the "Certificate Of Service" set out below.*

**CERTIFICATE OF SERVICE**

I certify that on the date of mailing shown below a copy of this Notice was served on the defendant at the address listed above 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 Of Mailing

Date Of Certification

Signature Of Plaintiff



STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

Name And Address Of Defendant

VERSUS

TEMPORARY  
NO-CONTACT ORDER  
FOR STALKING OR  
NONCONSENSUAL SEXUAL CONDUCT

Ex Parte

G.S. 50C-6

FINDINGS

The Court hereby finds that:

- 1. The Court has jurisdiction over the subject matter.
- 2. This Order is entered ex parte. Immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and defendant heard in opposition because *(define injury and state why it is irreparable)*

and it appears by certificate of the plaintiff  the efforts that have been made to give notice and reasons supporting the plaintiff's claim that notice should not be required.  that there is good cause to hear the matter ex parte because the harm that is intended to be prevented would likely occur if defendant were given prior notice of the plaintiff's efforts to obtain judicial relief.

- 3. This Order is entered after notice has been provided to the defendant. Present at the hearing were:
  - the plaintiff, represented by \_\_\_\_\_
  - the defendant, represented by \_\_\_\_\_
- 4. The plaintiff has suffered unlawful conduct by the defendant in that:
- 5. Other:

CONCLUSIONS

- 1. The defendant committed acts of unlawful conduct against the plaintiff.
- 2. The plaintiff has failed to prove grounds for issuance of a temporary no-contact order.

(Over)

**ORDER**

It is ORDERED that:

- 1. The defendant shall not visit, assault, molest, or otherwise interfere with the plaintiff.
- 2. The defendant cease stalking the plaintiff.
- 3. The defendant cease harassment of the plaintiff.
- 4. The defendant not abuse or injure the plaintiff.
- 5. The defendant not contact the plaintiff by telephone, written communication, or electronic means.
- 6. The defendant not enter or remain present at the plaintiff's residence, school, place of employment, and other places listed below at times when the plaintiff is present.

*List Other Places Where Defendant Ordered Not To Be*

7. Other: *(specify)*

8. The terms of this Order shall be effective  for ten (10) days from the date of this Order.  until *(specify date and time if less than 10 days)* \_\_\_\_\_.

9. It is ordered that the parties appear at the time and date set out below for a hearing on whether a permanent no-contact order should be entered.

Date Of Hearing	Time Of Hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing
Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of District Court Judge Or Designated Magistrate (type or print)
			Signature Of District Court Judge Or Designated Magistrate

**NOTICE TO DEFENDANT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT. THE COURT MAY FIND YOU IN CIVIL OR CRIMINAL CONTEMPT.**

**CERTIFICATION**

I certify this Order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC
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**NOTE TO CLERK:** *G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff and any county police department if the victim does not live within a municipality with a police department.*

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

NO-CONTACT ORDER  
FOR STALKING OR  
NONCONSENSUAL SEXUAL CONDUCT

G.S. 50C-7

FINDINGS

This matter was heard by the undersigned district court judge, the court has jurisdiction over the parties and subject matter, and the defendant has been provided notice of the hearing.

The Court hereby finds that:

- 1. (If this block is checked, skip to the Order portion of the Order.) This Order is entered by default for the remedy sought in the complaint because the defendant failed to  file an answer  appear at this hearing and the allegations in the complaint are sufficient to justify a no-contact order for stalking or nonconsensual sexual conduct.
- 2. Present at the hearing were:  the plaintiff, represented by \_\_\_\_\_  
 the defendant, represented by \_\_\_\_\_
- 3. The plaintiff has suffered unlawful conduct by the defendant in that:
- 4. Other:

CONCLUSIONS

- 1. The defendant committed acts of unlawful conduct against the plaintiff.
- 2. The plaintiff has failed to prove grounds for issuance of a no-contact order.

ORDER

It is ORDERED that:

- 1. The defendant shall not visit, assault, molest, or otherwise interfere with the plaintiff.
- 2. The defendant cease stalking the plaintiff.
- 3. The defendant cease harassment of the plaintiff.
- 4. The defendant not abuse or injure the plaintiff.
- 5. The defendant not contact the plaintiff by telephone, written communication, or electronic means.
- 6. The defendant not enter or remain present at the plaintiff's residence, school, place of employment, and other places listed below at times when the plaintiff is present.

List Other Places Where Defendant Ordered Not To Be

(Over)

**Defendant Information (Please print ALL information)**

Defendant's Last Name:		Defendant's First Name:		Date of Birth:	
Race:	Sex:	Weight:	Height:		
Social Security Number:		Driver's License #::		Facial Hair/Goatee:	
Hair Color/Length:		Eye Color:		Scars/Tatoos:	
Defendant's Address:				Defendant's Home Phone#:	
				Defendant's Cell Phone#:	
Defendant Parent's Address:				Parent's Home:	
Other Family Address:				Phone#:	
Friend's Address:				Phone #:	
Defendant's Work: (Company & Address)				Phone #:	
Defendant's Vehicle Description		Model:	Year:	Color:	
Defendant's Work Vehicle Description:		Model:	Year:	Color:	
Does the Defendant use Drugs and/or Alcohol? If so, describe:				Is the Defendant Violent or Combative?	
Does the Defendant carry/own weapons? If so, describe:				Have you had the Defendant arrested before? If so, when?	

**Plaintiff Information**

Plaintiff's Last Name:		Plaintiff's First Name:		Race:	
Date of Birth: (required)				Sex:	
Plaintiff's Home Phone#:		Cell#:	Pager #:		
Work#:		Parent's #:		Friend's #:	
What are your work hours?	Do you have your children with you? (If awarded)		Do you have your vehicle? (If awarded)		
Any additional comments on locating the defendant?					

**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**

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.
  - The results from my use of that website are attached.

*(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. DoD security certificates were automatically added to the computers of all Judicial Branch users, such that these users should not expect security alerts to appear with this website after July of 2015. As of June 22, 2016, the Servicemembers Civil Relief Act Website includes the following advice: "Most web browsers don't come with the DoD certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser.")*

- 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 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).

**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).