

NORTH CAROLINA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In North Carolina, there are 3 types of civil protection orders:

- Domestic Violence Protective Orders** are available for individuals seeking protection from domestic violence committed by a family or household member (N.C. GEN. STAT. § 50B).
- Civil No-Contact Orders** are available for survivors of sexual abuse, sexual assault, or stalking seeking protection from someone who is not a family or household member (N.C. GEN. STAT. § 50C).
- Civil No-Contact Orders for Victims of Registered Sex Offenders** are available for survivors of sexual assault committed by an individual convicted of a crime that requires registration on the sex offender registry (N.C. GEN. STAT. § 50D).



DOMESTIC VIOLENCE PROTECTIVE ORDER

<p>Who can apply?</p>	<p>Any person or minor child residing in the State who has acts of domestic violence done against them by someone with whom they had a personal relationship. <i>NCGS § 50B-1(b).</i></p> <p>Domestic violence means any of the following acts done against the petitioner or their minor child by someone with whom they have a personal relationship:</p> <ol style="list-style-type: none"> 1. Causing or attempting to cause bodily injury; 2. Putting the petitioner or family member in fear of serious bodily injury or harassment that inflicts serious emotional distress; or 3. Sexual assault as defined in one of several NC criminal laws found under NCGS §§ 14-27.21 – 14-27.33. <p><i>NCGS § 50B-1(a).</i></p> <p>See “Who Can be Restrained?” for definition of a personal relationship.</p>
<p>Can minors apply?</p>	<p>Yes. Minors can file a petition, or their parent or legal guardian can file a petition on their behalf. <i>NCGS § 50C-2(a)(2).</i></p>
<p>Who can be restrained?</p>	<p>Any person residing in the State who has a personal relationship with the petitioner, which includes:</p> <ul style="list-style-type: none"> • A spouse, or ex-spouse; • A person of the opposite sex with whom petitioner lives or used to live; • Someone with whom petitioner has a child in common; • A current or former household member; <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC VIOLENCE PROTECTIVE ORDER

<p>Who can be restrained?</p>	<ul style="list-style-type: none"> • Someone of the opposite sex petitioner is dating or has dated; or • Parents, children, grandparents, and grandchildren – however, a parent, grandparent, or someone acting in the place of a parent to a minor child can only file against a child who is 16 or older. <p><i>NCGS § 50B-1(b).</i></p>
<p>What types of relief may a court order?</p>	<p>A temporary protective order may include:</p> <ol style="list-style-type: none"> 1. Any order necessary to protect the petitioner or minor children; or 2. Temporary custody or visitation rights regarding minor children. <p><i>NCGS §§ 50B-2(c).</i></p> <p>A final domestic violence protective order may include the following provisions:</p> <ol style="list-style-type: none"> 1. Prohibit respondent from engaging in domestic violence; 2. Grant petitioner possession of a shared residence, require respondent to provide alternate housing, or evict respondent from shared housing; 3. Order of temporary custody and visitation of minor children; 4. Order of temporary child or spousal support payments; 5. Grant petitioner possession of essential personal items (even those in a shared residence with respondent), including pets; 6. Payment of petitioner’s attorney’s fees; and 7. Order respondent to attend an abuser treatment program. <p><i>NCGS § 50B-3(a), (a1).</i></p>
<p>Can the order be renewed?</p>	<p>A temporary order takes effect immediately and lasts up to 10 days until a full hearing occurs.</p> <p><i>NCGS § 50B-2(c)(5).</i></p> <p>A final order lasts for up to 1 year.</p> <p><i>NCGS § 50B-3(b).</i></p>



DOMESTIC VIOLENCE PROTECTIVE ORDER

<p>Is a hearing with the respondent required?</p>	<p>Yes, the respondent must receive notice. But a protective order can be entered by default if the respondent had notice and failed to appear on the hearing date. <i>NCGS § 50B-2(a).</i></p>
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CIVIL NO-CONTACT ORDER

<p>Who can apply?</p>	<p>Any person that has suffered nonconsensual sexual conduct or stalking by someone with whom the petitioner does not have a family or intimate relationship. <i>NCGS § 50C-2(a); NCGS § 50C-1(7).</i></p>
<p>Can minors apply?</p>	<p>Yes. Minors can file a petition, or their parent or legal guardian can file a petition on their behalf. <i>NCGS § 50C-2(a)(2).</i></p>
<p>Who can be restrained?</p>	<p>Anyone over age 16 who is an acquaintance, co-worker, neighbor, or stranger. <i>NCGS § 50C-1(8).</i></p>
<p>What types of relief may a court order?</p>	<p>A final domestic violence protective order may include the following provisions:</p> <ol style="list-style-type: none"> 1. Prohibit the respondent from visiting, harming, abusing, or interfering with the petitioner; 2. Prohibit the respondent from stalking or harassing petitioner; 3. Prohibit respondent from contacting petitioner; 4. Stay away from petitioner’s residence, school, work, or other specified places; and 5. Any other relief the court deems necessary. <p><i>NCGS § 50C-5(b).</i></p>
<p>How long does the order last?</p>	<p>A temporary civil no-contact order can last for up to 10 days. <i>NCGS § 50C-8(a).</i></p> <p>A final civil no-contact order can last up to 1 year. <i>NCGS § 50C-8(b).</i></p>



CIVIL NO-CONTACT ORDER

<p>Can the order be renewed?</p>	<p>The final no-contact civil order can be extended by the court if requested before expiration. Orders can be renewed multiple times. <i>NCGS § 50C-8(c).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes, the respondent must receive notice. But a protective order can be entered by default if the respondent had notice and failed to appear on the hearing date <i>NCGS § 50C-3(a), (c).</i></p>



CIVIL NO-CONTACT ORDERS FOR VICTIMS OF REGISTERED SEX OFFENDERS

<p>Who can apply?</p>	<p>Any person who is a victim of an abuser who was convicted of a crime that requires registration on the sex offender registry. <i>NCGS § 50D-1.</i></p>
<p>Can minors apply?</p>	<p>No, an adult needs to file on behalf of the minor child. <i>NCGS § 50D-2(a)(2), (a)(3).</i></p>
<p>Who can be restrained?</p>	<p>An abuser convicted of any sexually violent crimes that require registration, crimes that are sexual in nature (but not necessarily violent), and non-sexual offenses against minors that also require registration. <i>NCGS §§ 50D-2(a)(1); 14-208.6(4)(b).</i></p>
<p>What types of relief may a court order?</p>	<p>A civil no-contact order can order that the abuser not:</p> <ol style="list-style-type: none"> 1. Threaten, visit, assault, molest, or otherwise interfere with petitioner; 2. Follow petitioner, including at their workplace; 3. Harass petitioner; 4. Abuse or injure petitioner; 5. Contact petitioner by telephone, written communication, or electronic means; 6. Enter or remain present at petitioner’s residence, school, place of employment, or other specified places at times when petitioner is present; and 7. Any other relief the court deems appropriate. <p><i>NCGS § 50D-5(b).</i></p>
<p>How long does the order last?</p>	<p>The order is permanent and lasts for the respondent’s lifetime. <i>NCGS § 50D-1.</i></p>



CIVIL NO-CONTACT ORDERS FOR VICTIMS OF REGISTERED SEX OFFENDERS

Can the order be renewed?	The order does not need to be renewed, as it is permanent. <i>NCGS § 50D-1.</i>
Is a hearing with the respondent required?	Yes, the respondent must receive notice. But a protective order can be entered by default if the respondent had notice and failed to appear on the hearing date. <i>NCGS § 50D-3(c).</i>

HOW TO APPLY

Petitioner retrieves forms and files necessary forms at the clerk of civil court. Forms are available from the Clerk of Court's office (available in each NC county) or online at: <https://www.nccourts.gov/documents/forms>.

If petitioner needs emergency protection, they can check the box on the complaint to ask for an ex parte order.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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