



# NORTH CAROLINA

**Break** the Cycle

Empowering Youth to End  
Domestic Violence

[www.breakthecycle.org](http://www.breakthecycle.org)

[www.thesafespace.org](http://www.thesafespace.org)

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Each state has different requirements for getting a civil domestic violence protection order. Because it severely impedes teen victims' access to domestic violence protection orders, North Carolina's grade for protecting teen victims of dating and domestic violence is an F.

## Do I Qualify for a Protection Order in North Carolina?

### Type of Relationship

In order to qualify for a protection order, the abuser must be someone:

- You live with or used to live with (as long as you and the abuser are a man and a woman)<sup>1</sup>
- You are dating or used to date (as long as you and the abuser are a man and a woman)<sup>2</sup>
- You have a child with<sup>3</sup>
- You are married to or used to be married to<sup>4</sup>
- Who is your parent, child, grandparent or grandchild (you may not get a protection order against a child or grandchild under age 16)<sup>5</sup>
- Who is or was a member of your household<sup>6</sup>

### Type of Abuse<sup>7</sup>

A judge may issue you a protection order when your abuser has:

- Physically abused you
- Attempted to physically abuse you
- Threatened to physically abuse you
- Sexually abused you
- Harassed you
- Inflicted substantial emotional distress

### Age

If you are 18 or older, you can obtain a protection order yourself without an adult's permission. If you are under 18, the court will appoint a guardian ad litem for you.<sup>8</sup> This person can be your parent or another adult that the court approves.

## How Do I Get a Protection Order?

If you want to obtain a protection order, you can go to court to file for a temporary protection order. A judge can give you the temporary order that day and will schedule a time for you to come back to court for a full hearing.<sup>9</sup> After the hearing, a judge can give you a final order that lasts one year and is renewable.<sup>10</sup>

## What Can I Ask for in a Protection Order?

You may ask the court for the following in a protection order:

- Abuser must not contact, harass, threaten, or visit you at home or at work<sup>11</sup>
- Abuser must not purchase a firearm<sup>12</sup>
- Temporary child custody and visitation<sup>13</sup>
- Child and spousal support<sup>14</sup>
- Temporary and/or exclusive use of the property (includes providing alternate housing)<sup>15</sup>
- Counseling for abuser<sup>16</sup>
- Attorneys fees<sup>17</sup>

## How Much Will It Cost?

It is free.<sup>18</sup>

You have the right to a safe and healthy relationship...  
free from violence and free from fear.

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<sup>1</sup> N.C. Gen. Stat. §50B-1(b)(2) (2006).

<sup>2</sup> *Id.* §50B-1(b)(6) (2006).

<sup>3</sup> *Id.* §50B-1(b)(4).

<sup>4</sup> *Id.* §50B-1(b)(1).

<sup>5</sup> *Id.* §50B-1(b)(3).

<sup>6</sup> *Id.* §50B-1(b)(3), (5).

<sup>7</sup> *Id.* §50B-1.

<sup>8</sup> N.C. R. Civ. P. 17

<sup>9</sup> *Id.* §50B-2(c).

<sup>10</sup> *Id.* §50B-3(b).

<sup>11</sup> *Id.* §50B-3(a)(9).

<sup>12</sup> *Id.* §50B-3(a)(11).

<sup>13</sup> *Id.* §50B-3(a)(4), (a1).

<sup>14</sup> *Id.* §50B-3(a)(6),(7).

<sup>15</sup> *Id.* §50B-3(a)(2),(3),(5).

<sup>16</sup> *Id.* §50B-3(a)(12).

<sup>17</sup> *Id.* §50B-3(a)(10).

<sup>18</sup> *Id.* §50B-2(a).

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