

INSTRUCTIONS FOR 50B DOMESTIC VIOLENCE FORMS

FORMS YOU NEED TO FILL OUT:

1. Complaint And Motion for Domestic Violence Protective Order (AOC-CV-303)

- a. You will need **two (2)** copies of this form: Copies can be made for a fee in the Civil Files Office, Room 3725.
- b. **Fill in:**
 - i. **Name of County:** Where you intend to file the Domestic Violence Protective Order
 - ii. **Plaintiff's Name:** You are the plaintiff
 - iii. **Defendant's Name and Address:** Defendant is your spouse, former spouse, or person of the opposite sex with whom you live or have lived as if married.
 - iv. **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.**
 1. If you would like the **judge/magistrate to act immediately** because you are afraid of additional acts of domestic violence:
 - a. Check **block #2** on the back of page 1 in the middle, asking for an Ex Parte Order.
 2. **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 magistrate hears your request for Ex Parte relief, the 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 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.
 - v. **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. Notaries can often be found at your local bank.
 - vi. **Attention: Do NOT fill out the remainder of this form.**
- c. **If You and/or the Defendant is/are Under the Age of Eighteen (18) and NOT Married:** 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.

2. **Civil Summons Domestic Violence (AOC-CV-317)**

- a. You will need **two (2)** copies of this form.
- b. **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:** Under the block designated "Defendant".
 - iv. **Defendant's Name and Address:** In the block designated "*Name and Address of Defendant*".
- c. **Attention: Do NOT fill out the remainder of this form.**

3. **Notice of Hearing on Domestic Violence Protective Order (AOC-CV-305)**

- a. You will need **one (1)** copy of this form.
- b. **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:** Under the block designated "Defendant".
 - iv. **Defendant's Name and Address:** In the block designated "*Name and Address of Defendant*".
- c. **Attention: Do NOT fill out the remainder of this form.**

4. **Ex Parte Domestic Violence Protective Order and Notice to Parties (AOC-CV-304): Complete if you wish to file for an Ex Parte hearing.**

- a. You will need **one (1)** copy of this form.
- b. **Fill in:**
 - i. **Name of County:** Where you intend to file the Domestic Violence Protective Order.
 - ii. **Plaintiff's Name**
 - iii. **Your Date of Birth:** Found under "*Plaintiff Identifiers*".
 - iv. **Provide the Name and Date of Birth of Any Other Minor** (Under the age of eighteen (18)) **Family Members You Wish to Include in the Domestic Violence Protective Order**
 - v. **Provide the Name and Date of Birth of Any Other Adult** (Over the age of seventeen (17)) **Family Members You Wish to Include in the Domestic Violence Protective Order:** List under "*Other Protected Persons*".
 - vi. **Defendant's Name:** Under the block designated "Defendant".
 - vii. **Check the Box that describes the Defendant's Relationship to You**
 - viii. **Defendant's Address**
 - ix. **Complete Defendant Identifiers:** Be as complete, accurate and descriptive as possible.
- c. **Attention: Do NOT fill out the remainder of this form.**

5. Domestic Violence Order of Protection and Notice to Parties (AOC-CV-306): Complete if you DO NOT wish to file for an Ex Parte hearing.

- a. You will need **one (1)** copy of this form.
- b. **Fill in:**
 - i. **Name of County:** Where you intend to file the Domestic Violence Protective Order.
 - ii. **Plaintiff's Name**
 - iii. **Your Date of Birth:** Found under “*Plaintiff Identifiers*”.
 - iv. **Provide the Name and Date of Birth of Any Other Minor** (Under the age of eighteen (18)) **Family Members You Wish to Include in the Domestic Violence Protective Order**
 - v. **Provide the Name and Date of Birth of Any Other Adult** (Over the age of seventeen (17)) **Family Members You Wish to Include in the Domestic Violence Protective Order:** List under “*Other Protected Persons*”.
 - vi. **Defendant's Name:** Under the block designated "Defendant".
 - vii. **Check the Box that describes the Defendant's Relationship to You**
 - viii. **Defendant's Address**
 - ix. **Complete Defendant Identifiers:** Be as complete, accurate and descriptive as possible.
- c. **Attention: Do NOT fill out the remainder of this form.**

6. Affidavit As To The Status Of The Minor Child (AOC-CV-609)

- a. **Attention:** *You do not need this form unless you are asking for temporary custody of any children that may be involved.*
- b. You will need only **one (1)** copy of this form for each child.
- c. You must attach this completed form to the Complaint and give it to the Clerk or Magistrate with the other papers when you file your Domestic Violence Protective Order.

7. Identifying Information About the Defendant (Mecklenburg County Sheriff's Office Domestic Violence Questionnaire)

- a. You will need **two (2)** copies of this form
 - i. **Fill in All the Information:** Be as complete and accurate as you can.

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.

After court hours in Mecklenburg County, you may take the completed forms to the Magistrate's Office at the Mecklenburg County Jail (801 E. 4th Street) on weekends and evenings.

