

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2011**

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**HOUSE BILL 199**  
**Committee Substitute Favorable 3/31/11**

Short Title:   Req. DV Victim/List Prior Action Against Def. (Public)

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Sponsors:

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Referred to:

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March 2, 2011

A BILL TO BE ENTITLED

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2 AN ACT REQUIRING ANY PERSON SEEKING RELIEF PURSUANT TO A DOMESTIC  
3 VIOLENCE PROTECTIVE ORDER TO INCLUDE IN THE COMPLAINT OR MOTION  
4 FILED WHETHER THE PERSON HAS PREVIOUSLY FILED AN ACTION OR  
5 MOTION FOR DOMESTIC VIOLENCE AGAINST THE DEFENDANT AND, IF SO,  
6 THE DISPOSITION OF THAT ACTION.

7 The General Assembly of North Carolina enacts:

8           **SECTION 1.** G.S. 50B-2(a) reads as rewritten:

9           "(a) Any person residing in this State may seek relief under this Chapter by filing a civil  
10 action or by filing a motion in any existing action filed under Chapter 50 of the General  
11 Statutes alleging acts of domestic violence against himself or herself or a minor child who  
12 resides with or is in the custody of such person. Any aggrieved party entitled to relief under this  
13 Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The  
14 district court division of the General Court of Justice shall have original jurisdiction over  
15 actions instituted under this Chapter. The Administrative Office of the Courts shall develop a  
16 form on which the party seeking a protective order shall disclose (i) whether the party has  
17 previously filed any action or motion for domestic violence against the defendant and (ii) the  
18 disposition of the action, if applicable. The party seeking relief shall file and serve the form  
19 with the complaint or motion. Any action for a domestic violence protective order requires that  
20 a summons be issued and served. The summons issued pursuant to this Chapter shall require  
21 the defendant to answer within 10 days of the date of service. Attachments to the summons  
22 shall include the complaint, notice of hearing, any temporary or ex parte order that has been  
23 issued, and other papers through the appropriate law enforcement agency where the defendant  
24 is to be served. No court costs shall be assessed for the filing, issuance, registration, or service  
25 of a protective order or petition for a protective order or witness subpoena in compliance with  
26 the Violence Against Women Act, 42 U.S.C. § 3796gg-5."

27           **SECTION 2.** This act becomes effective October 1, 2011.

