

WHERE TO GET A 50B DOMESTIC VIOLENCE PROTECTION ORDER IN CUMBERLAND COUNTY

If you are in immediate danger, you should call 911

Monday through Friday 8:00 am – 3:30 pm


You may file for a temporary Protection Order (Ex Parte) in the SAFE-LINK Office which is located at 117 Dick Street, Fayetteville, NC, in room 340 on the 3rd floor of the Cumberland County Courthouse.

Evenings, Weekends and Holidays

When court is not in session, you may file for an emergency temporary Protection Order (Ex Parte) at the Magistrate's Office located inside the Cumberland County Detention Center at 204 Gillespie Street, Fayetteville, NC. Magistrates will only issue emergency temporary Protection Orders when certain criteria are met. Protection Orders signed by a Magistrate are short-term orders and are only valid until the next operating day of court. Magistrates will only issue an emergency temporary Protection Order when court is not in session.

Electronic Filing (e-File)

Electronic filing for a temporary Protection Order (Ex Parte) offers a safe and confidential environment, outside of a courthouse, to file for a protection order with the assistance of a trained advocate. There are currently four locations in Cumberland County:



The Phoenix Center	Army Community Service
Monday – Friday 8:00 am – 12:30 pm 519 Ramsey St. Fayetteville, NC 28301 910-485-7273	Monday – Friday 8:00 am – 12:30 pm 3 rd Floor Soldier Support Center BLDG 4-2843 Normandy Dr. Fort Bragg, NC 28310 910-396-5521
Fayetteville Police Department	Hope Mills Police Department
Monday – Friday 8:00 am – 12:30 pm 467 Hay St. Fayetteville, NC 28301 910-433-1849	Monday, Wednesday & Friday 8:00 am – 12:30 pm 5788 Rockfish Rd. Hope Mills, NC 28348 910-425-4103

WHAT HAPPENS AFTER FILING FOR A PROTECTION ORDER?

When you are granted a temporary Protective Order (Ex Parte), you will be given a court date to go before a judge. A Protection Order is a civil process and must be served to the defendant by the Cumberland County Sheriff's Office. The case can move forward only after the defendant has been served.

On the hearing day, you will go before a judge at the Cumberland County Courthouse and explain why you need a permanent Protective Order. Both you and the defendant will have the chance to tell your side of the story. If a judge grants you a permanent Protection Order, it can last for up to one year; but can be renewed for up to two years at a time. After one year, but before the Protection Order expires, you will need to file for a renewal at the Cumberland County Courthouse in order for the Protective Order to remain in effect. To change the conditions of your Protection Order, you must file a motion to amend the order at the Cumberland County Courthouse and you will receive a new court date.

PROTECTION ORDERS MAY GRANT SOME THE FOLLOWING:

1. Require that the defendant have no contact with you and stay away from places such as your home, school and workplace. This can also include and apply to other family members or minor children.
2. Grant you possession of the residence and instruct law enforcement to evict the defendant for the effective period of the Order.
3. Grant you possession and use of a shared vehicle for the effective period of the Order.
4. Prohibit the defendant from possessing or purchasing a firearm. This could also include instructing the defendant to surrender all firearms for the effective period of the Order.
5. If the parties do not already have a child custody order, the judge can decide on temporary custody of the parties' children, including joint custody or visitation. This decision can only last for up to one year, and is replaced by any child custody order given in family court.

WHAT IF THE DEFENDANT VIOLATES THE PROTECTION ORDER?

If you are in immediate danger, you should call 911. Violation of a Protection Order is a crime and you can take out charges either by calling the police or by visiting the Magistrate's Office. If there are no criminal charges for the violation, you can file a "Motion for Order to Show Cause" at the Clerk of Courts office and a judge may hold the defendant in contempt of court for violating a court order.

What is the difference between a 50B Domestic Violence Protective Order and a 50C No-Contact Order?

50B Domestic Violence Protective Order:

In order to file for a DVPO against the abuser, you must have a “personal relationship” with the abuser. North Carolina law defines only certain categories of relationships as meeting the definition of a “personal relationship” for the purpose of being able to file a DVPO. You can file for this type of protective order if you and the person you are filing against are:

- Current or former spouses.
- Persons of the opposite sex who currently live together or have lived together in a domestic relationship.
- Your child, a parent, a grandchild or grandparent.
- Have a child in common.
- Current or former household members.
- Persons of the opposite sex who are currently dating or have been in a dating relationship.

50C Civil No-Contact Order:

***Magistrates do not issue 50C No-Contact Orders. You must apply for 50C No-Contact Order at the Clerk of Court’s SAFE-LINK Office in room 340 on the 3rd floor of the Cumberland County Courthouse.**

A Civil No-Contact Order (commonly referred to as a “50C Order) is designed specifically for victims of sexual assault or stalking who do NOT have a “personal relationship” with the offender. You can file for this type of restraining order if you and the person you are filing against have any other relationship not listed under the 50B Domestic Violence Protective Order criteria or the person is unknown to you.

In addition to NOT having a personal relationship with the offender, you must have been the victim of “unlawful conduct”. North Carolina defines “unlawful conduct” as:

The commission of one or more of the following acts by a person 16 years of age or older upon a person; but does not include acts of self-defense or defense of others. The acts included are nonconsensual sexual conduct, even if there was only one incident, and stalking. Stalking is defined as on more than one occasion, following or otherwise harassing another person without legal purpose with the intent to either place the person in reasonable fear for the person’s safety or the safety of the person’s immediate family or close personal associates or cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress.

Protective Orders Do Not Guarantee Your Safety...have a SAFETY plan in place.

- Leaving an abusive relationship can be the most dangerous time for you.
- Make a plan for what you will do the next time your batterer assaults you.
- Decide **NOW** where you will go and how you will get there the next time he/she becomes violent. Do this even if you really don’t think there will be a next time.
- Have a packed bag ready. Keep it hidden in your home or leave the bag with friends, family, or at work if possible.
- Leave some money, extra sets of car and house keys, extra clothes, special medications and sentimental valuables and photos with a neighbor or with someone you trust.
- Keep important documents such as birth certificates, social security cards, medical records, insurance policies, bank account numbers, checkbooks, marriage license, etc., and a list of important phone numbers hidden at a neighbor or friend’s house.
- Make a habit of backing your car into the driveway. Try to always have some gas. Keep the driver’s door unlocked and lock all other doors. Have an extra car key made and hide one in the car.
- Try to have a phone accessible at all times. Consider hiding a prepaid cell phone to use in emergencies.
- Develop a code word with your children, neighbor and friends that lets them know that you need to get out **NOW**. If you leave, **ALWAYS try to take your children with you**.
- If beaten or abused, get medical attention and have pictures taken for evidence of physical abuse. Keep ripped clothing for evidence as well. File a report with police.
- Tell someone you know and trust what is happening to you in case you have to leave in a hurry, and so that you will have someone you can ask for help.

For more safety tips call the National Domestic Violence HOTLINE 1-800-799-7233 or visit www.thehotline.org