

The police should help enforce the civil order. When the judge issues the domestic violence order, it will be sent to the police or sheriff where you live. Make sure that you get a copy of the order as soon as possible. You should keep a copy of the order with you at all times.

If the defendant disobeys the order, call the police or the sheriff. If the police or sheriff will not enforce the order, contact your lawyer, woman's aid shelter, or some other service agency.

**How to find a lawyer**—Regardless of your income, if you have filed a 50B Domestic Violence action, Legal Aid of NC has attorneys available who can provide free representation at your hearing. (See telephone numbers on next page.)

For other types of civil actions, you may qualify for representation through Legal Aid if you are income eligible.

If you do not qualify for Legal Aid, you will have to contact a private attorney. If you do not know a private attorney, you can call the North Carolina Lawyer Referral Service at 1-800-662-7660 (toll-free). They will refer you to a local attorney who will talk with you for up to 30 minutes for a small fee.

Do not be afraid to contact a lawyer. You could even call several lawyers to compare prices. It is very important to have an attorney, especially if there are contested issues such as child custody, etc.

Prepared by:

**LEGAL AID OF NORTH CAROLINA, INC.**

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(serving Guilford,  
Rockingham, Randolph,  
Davidson, Rowan, and  
Montgomery)

Legal Aid of North Carolina, Inc. is a non-profit statewide law firm that provides advice, representation and advocacy for low income people in a number of civil legal matters including family, housing, consumer, and government benefits law. In addition to federal funds, LANC receives substantial support from Greensboro, Davidson and Randolph County United Ways for services in Greensboro, Davidson and Randolph Counties.

**LEGAL AID NC**



**United Way**  
of Greater Greensboro  
Davidson County United Way  
United Way of Randolph County

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**Do  
SOMETHING TO  
STOP THE ABUSE**



**WHAT YOU CAN DO  
TO PROTECT YOURSELF  
AGAINST  
DOMESTIC VIOLENCE**

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**United Way**  
of Greater Greensboro  
Davidson County United Way  
United Way of Randolph County

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## Have You Been Hurt or Threatened by Someone in Your Family or Household?

This includes:

- 1) Husband or Wife
- 2) Ex-husband or Ex-wife
- 3) A Man and Woman who live together or have lived together
- 4) A Family Member (ie. parents, grandparents, or others acting as a parent to a minor child)
- 5) Parties with a Child in Common
- 6) Parties who are Current or Former Household Members
- 7) Persons of opposite sex, who are or have been, in a dating relationship

No one has the right to hurt or threaten you. There are laws in North Carolina which can protect you. You must know your rights and be willing to do something to help yourself. Here are some things that you should know if someone beats or threatens to hurt you.

## What Emergency Action You Should Take if Someone Assaults You

**Call the Police** - The police or sheriff is required by North Carolina law to come and help you as soon as they can. It does not matter whether you are married or just living with the person. To protect you from harm the officer may take you to a hospital, courthouse, battered women's shelter or some other place where you can get emergency help.

Get the officer's name. You may need to subpoena him to court to testify for you, or you may wish to make a complaint to the police department if the officer does not help you.

**Get out of the house** - If you are in danger, get out of the house. You and your children could stay with a neighbor, friend or relative or go to the nearest shelter for battered women. Do not tell him you are planning to leave or when you are leaving.

**Seek Medical Help** - Go to the nearest hospital to have your injuries treated. Be sure to tell the nurse or doctor the name of the person who hurt you. Ask that this information be placed on your hospital records.

## What Criminal Options You Have if Someone Beats You

What criminal laws apply - The simplest and cheapest way to take action is to take out a criminal warrant against the "batterer." A criminal warrant can be taken out for assault, breaking and entering, making a threat or domestic criminal trespass.

**The Domestic Criminal Trespass Law** forbids a spouse, ex-spouse, boyfriend or girlfriend from entering your residence or staying after being asked to leave. To get a domestic criminal trespass warrant you will need some proof that you are living apart from that person. To prove that you live apart you may:

1. Have separate homes or
2. Have a court order of separation or
3. Have a court order telling a person to stay away from your home or
4. Have a written or oral agreement to live apart

(To prove that you have separate homes, you could show copies of your lease, rental agreement, utility bills, etc. to the police.)

## How to take out a criminal warrant

You can take out a criminal warrant by yourself, but it might help if someone from a women's aid group or other service agency went with you.

To take out a criminal warrant, go to the criminal magistrate's office in your city or county. If the magistrate believes that the person has beaten you, he/she may issue a criminal warrant for arrest. If the magistrate refuses to issue a warrant, contact a lawyer or woman's aid group for help.

If the person is arrested, he/she may be kept in custody, be released on bond or may be released subject to certain conditions such as:

1. He/she may not come to your home, place of work or school
2. He/she may not assault you again
3. He/she may not damage any of your belongings (furniture, car, etc.)

If a person beats you again, take out another warrant. If the person is on probation, contact his/her probation officer.

## What Civil Options You Have If Someone Beats You

File a civil complaint- The North Carolina Domestic Violence Statute (N.C. G.S. CH. 50 B) and other civil statutes can offer you more help. To file a Domestic Violence protective order, go to the Clerk of Court in the county where you reside. The clerk has forms that you can file on your own asking for a Domestic Violence Protective Order. There is no cost for filing. Civil court judges may order:

1. That the defendant stop all acts of violence
2. That you have a sole possession of your house
3. Temporary custody of any children
4. That the person without custody provide child support
5. That personal property be divided between the two of you
6. That the defendant stop harassing or interfering with you