

New Lifetime Civil No-Contact Order

We have [Chapter 50B](#) authorizing civil domestic violence protective orders to protect victims of domestic violence and [Chapter 50C](#) authorizing civil no-contact orders to protect victims of sexual misconduct and stalking who do not have the personal relationship with the perpetrator required for a [50B DVPO](#). Effective October 1, 2015, we now also have [Chapter 50D](#) authorizing permanent, non-expiring civil no-contact orders to provide additional protection to victims of sexual violence.

Cause of Action

[2015 S.L. 91](#) creates the new Chapter 50D. The chapter authorizes the entry of a permanent injunction prohibiting any contact by a respondent with the victim of a sex offense the respondent was convicted of committing. So now when a person is convicted of any criminal offense that requires the person to register as a sex offender under [Article 27A of Chapter 14 of the General Statutes](#), the victim of that criminal offense can seek a no-contact order that will remain in effect through the lifetime of the convicted person without any need for the victim to return to court to continue the protection in effect.

The statute specifies that the sexual offense leading to the conviction that supports the entry of the no-contact order must have been an offense committed in North Carolina. The action for a 50D order can be initiated either by the victim or by an adult who resides in North Carolina on behalf of a minor or otherwise incompetent victim.

The Chapter authorizes entry of the lifetime protective order when the victim proves:

- The respondent was convicted of a sex offense against the victim;
- The victim did not seek a permanent no-contact order in the criminal case pursuant to [GS 15A-1340.50](#); and
- Reasonable grounds exist for the victim to fear future contact with the respondent.

[GS 50D-5\(a\)](#).

Procedure

[GS 50D-2](#) provides that the action for a permanent no-contact order is commenced by the filing of a complaint or by the filing of a motion in any existing action. As with Chapter 50B and Chapter 50C proceedings, no court costs or attorneys' fees can be assessed for the filing or service of the complaint, or for the service of any order, except when ordered as a sanction for a violation of [Rule 11 of the Rules of Civil Procedure](#). The address of the victim may be omitted from all filed court documents if the victim states that disclosure of the address would place the victim or any member of the victim's family or household at risk for further unlawful conduct.

The complaint and summons must be served by personal service by the Sheriff in accordance with [Rule 4 of the Rules of Civil Procedure](#). Service by publication is authorized only when the Sheriff is unable to serve.

[GS 50D-3\(a\)](#) requires that the summons inform respondent that an Answer must be filed within 10 days of service. While this provision indicates an intent that the process for securing a permanent no-contact order be an expedited process, the statute contains no further direction regarding the timing of the hearing. The Chapter does not authorize the entry of ex parte or temporary relief.

Entry of Order by Default

If a respondent is properly served with the complaint and summons but fails to file an Answer within 10 days, a permanent no-contact order can be entered by default for the remedy requested in the complaint. [GS 50D-3\(c\)](#). That same section of the statute authorizes the entry of a no-contact order by default for the remedy requested in the complaint if respondent files an Answer but “fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.”

Remedy

Subject to the right of the respondent to request recession of the order as discussed below, any no-contact order entered pursuant to Chapter 50D remains in effect for the lifetime of the respondent. [GS 50D-6](#). The statute does not authorize the entry of orders of shorter duration.

When petitioner establishes that entry of the order is appropriate, the court may grant one or more of the following forms of relief:

- (1) Order the respondent not to threaten, visit, assault, molest, or otherwise interfere with the victim.
- (2) Order the respondent not to follow the victim, including at the victim's workplace.
- (3) Order the respondent not to harass the victim.
- (4) Order the respondent not to abuse or injure the victim.
- (5) Order the respondent not to contact the victim by telephone, written communication, or electronic means.
- (6) Order the respondent to refrain from entering or remaining present at the victim's residence, school, place of employment, or other specified places at times when the victim is present.

(7) Order other relief deemed necessary and appropriate by the court.

[GS 50D-5\(b\)](#).

Notice of Orders Entered

If the respondent is not in court on the day the no-contact order is granted, the order must be served upon respondent by Rule 4 service of process. A certified copy of any 50D order entered must be delivered by the clerk of court to the sheriff and a copy must be issued to the police department “promptly” if the victim resides within a municipality. The sheriff and the police are required to retain the copy of the order.

Enforcement

Because a 50D no-contact order is a civil judgment, contempt is available to enforce the order. [GS 50D-8](#). In addition, as with 50B DVPOs, a person who knowingly violates a 50D order is guilty of a Class A1 misdemeanor. [GS 50D-10\(a\)](#). In addition, [GS 50D-10\(b\)](#) authorizes the warrantless arrest of any person an office has probable cause to believe has violated a 50D order.

Rescission

The statute does not authorize modification of 50D orders. However, [GS 50D-9](#) allows the victim to request that the court rescind the no-contact order. The court has discretion to grant the request only if the court determines that reasonable grounds for the victim to fear any future contact with the respondent no longer exist.

AOC Forms

[2015 S.L. 91, sec. 2](#) directed the Administrative Office of the Courts to develop the appropriate forms to “implement the processes provided under Chapter 50D,” and the AOC has done so. The following forms have been posted on the AOC website:

[AOC-CV-540: Complaint](#)

[AOC-CV-541: Summons](#)

[AOC-CV-542: Notice of Hearing](#)

On the Civil Side

A UNC School of Government Blog

<https://civil.sog.unc.edu>

[AOC-CV-543: Order for Permanent No-Contact](#)

[AOC-CV-544: Motion and Order to Show Cause For Failure to Comply](#)

[AOC-CV-545: Contempt Order](#)

[AOC-CV-546: Motion to Rescind](#)

[AOC-CV-547: Order Rescinding No-Contact Order](#)