

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50016-RK-16* (01/22)

Short Title: DV Victims/Add Protections.

(Public)

Sponsors: Representative McLawhorn.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR
DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT
LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 101-2 reads as rewritten:

"§ 101-2. Procedure for changing name; petition; notice.

(a) A person who wishes, for good cause shown, to change his or her name must file an application before the clerk of the superior court of the county in which the person lives, after giving 10 days' notice of the application by publication at the courthouse ~~door~~; provided that publication is not required if the applicant provides evidence that the applicant is a victim of domestic violence, sexual offense, or stalking. This evidence may include any of the following:

- (1) Law enforcement, court, or other federal or state agency records or files.
- (2) Documentation from a domestic violence program if the applicant is alleged to be a victim of domestic violence.
- (3) Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.

(b) An application to change the name of a minor child may be filed by the child's parent or parents, guardian, or guardian ad litem, and this application may be joined in the application for a change of name filed by the parent or parents. Nothing in this section shall be construed to permit one parent to make an application on behalf of a minor child without the consent of the other parent if both parents are living; except that a minor who has reached the age of 16 years, upon proper application to the clerk, may change his or her name with the consent of the parent who has custody of the minor and

1 has supported the minor, without the necessity of obtaining the consent of the other
2 parent, when the clerk of court is satisfied that the other parent has abandoned the
3 minor. A change of parentage or the addition of information relating to parentage on the
4 birth certificate of any person is governed by G.S. 130A-118.

5 The consent of a parent who has abandoned a minor child is not required if a copy of
6 an order of a court of competent jurisdiction adjudicating that parent's abandonment of
7 the minor is filed with the clerk. If a court of competent jurisdiction has not declared the
8 minor to be an abandoned child, the clerk, on 10 days' written notice by registered or
9 certified mail, directed to the last known address of the parent alleged to have
10 abandoned the child, may determine whether the parent has abandoned the child. If the
11 parent denies that the parent abandoned the child, this issue of fact shall be transferred
12 and determined as provided in G.S. 1-301.2. If abandonment is determined, the consent
13 of the parent is not required. Upon final determination of this issue of fact the
14 proceeding shall be transferred back to the special proceedings docket for further action
15 by the clerk."

16 **SECTION 2.** G.S. 15A-830(a)(7) reads as rewritten:

17 "(7) Victim. – A person against whom there is probable cause to believe
18 one of the following crimes was committed:

- 19 a. A Class A, B1, B2, C, D, or E felony.
- 20 b. A Class F felony if it is a violation of one of the following:
21 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);
22 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.6;
23 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9;
24 or 20-138.5.
- 25 c. A Class G felony if it is a violation of one of the following:
26 G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- 27 d. A Class H felony if it is a violation of one of the following:
28 G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.
- 29 e. A Class I felony if it is a violation of one of the following:
30 G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- 31 f. An attempt of any of the felonies listed in this subdivision if the
32 attempted felony is punishable as a felony.
- 33 g. Any of the following misdemeanor offenses when the offense is
34 committed between persons who have a personal relationship as
35 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);
36 14-33(a); 14-34; 14-134.3; or 14-277.3.
- 37 h. Any violation of a valid protective order under G.S. 50B-4.1."

38 **SECTION 3.** G.S. 50B-3(c1) reads as rewritten:

39 "(c1) When a protective order issued under this Chapter is filed with the Clerk of
40 Superior Court, the clerk shall provide to the applicant an informational sheet developed
41 by the Administrative Office of the Courts that includes:

- 42 (1) Domestic violence agencies and services.
- 43 (2) Sexual assault agencies and services.
- 44 (3) Victims' compensation services.

1 (4) Legal aid services.

2 (5) Address confidentiality services.

3 The sheet shall also ~~explains~~ explain the plaintiff's right to apply for a permit under
4 G.S. 14-415.15."

5 **SECTION 4.** This act becomes effective October 1, 2007.