

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 45*

Short Title: DV Victims/Add Protections. (Public)

Sponsors: Representatives McLawhorn, Ross, Farmer-Butterfield, Parmon (Primary Sponsors); Adams, Alexander, Blust, Bordsen, Brisson, Coates, Crawford, Dickson, Faison, Fisher, Glazier, J. Harrell, Harrison, Howard, Insko, Jeffus, Johnson, Lucas, Luebke, Martin, McAllister, McGee, Moore, Pierce, Ray, Tolson, Tucker, Underhill, Wainwright, Walend, E. Warren, Weiss, Wiley, Williams, and Womble.

Referred to: Rules, Calendar, and Operations of the House.

January 31, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR
3 DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT
4 LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 101-2. Procedure for changing name; petition; notice.**

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

14 (1) Law enforcement, court, or other federal or state agency records or
15 files.

16 (2) Documentation from a domestic violence program if the applicant is
17 alleged to be a victim of domestic violence.

18 (3) Documentation from a religious, medical, or other professional from
19 whom the applicant has sought assistance in dealing with the alleged
20 domestic violence, sexual offense, or stalking.

21 (b) An application to change the name of a minor child may be filed by the
22 child's parent or parents, guardian, or guardian ad litem, and this application may be
23 joined in the application for a change of name filed by the parent or parents. Nothing in
24 this section shall be construed to permit one parent to make an application on behalf of a

1 minor child without the consent of the other parent if both parents are living; except that
2 a minor who has reached the age of 16 years, upon proper application to the clerk, may
3 change his or her name with the consent of the parent who has custody of the minor and
4 has supported the minor, without the necessity of obtaining the consent of the other
5 parent, when the clerk of court is satisfied that the other parent has abandoned the
6 minor. A change of parentage or the addition of information relating to parentage on the
7 birth certificate of any person is governed by G.S. 130A-118.

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

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

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

- 22 a. A Class A, B1, B2, C, D, or E felony.
- 23 b. A Class F felony if it is a violation of one of the following:
24 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);
25 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.6;
26 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9;
27 or 20-138.5.
- 28 c. A Class G felony if it is a violation of one of the following:
29 G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- 30 d. A Class H felony if it is a violation of one of the following:
31 G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.
- 32 e. A Class I felony if it is a violation of one of the following:
33 G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- 34 f. An attempt of any of the felonies listed in this subdivision if the
35 attempted felony is punishable as a felony.
- 36 g. Any of the following misdemeanor offenses when the offense is
37 committed between persons who have a personal relationship as
38 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);
39 14-33(a); 14-34; 14-134.3; or 14-277.3.
- 40 h. Any violation of a valid protective order under G.S. 50B-4.1."

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

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

- 1 (1) Domestic violence agencies and services.
- 2 (2) Sexual assault agencies and services.
- 3 (3) Victims' compensation services.
- 4 (4) Legal aid services.
- 5 (5) Address confidentiality services.

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

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