

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 30\*  
Judiciary I (Civil) Committee Substitute Adopted 5/8/07

Short Title: DV Victims/Add Protections.

(Public)

Sponsors:

Referred to:

February 12, 2007

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.

(b) The publication in subsection (a) of this section is not required if the applicant:

(1) Is a participant in the address confidentiality program under Chapter 15C of the General Statutes; or

(2) Provides evidence that the applicant is a victim of domestic violence, sexual offense, or stalking. This evidence may include any of the following:

a. Law enforcement, court, or other federal or state agency records or files.

b. Documentation from a program receiving funds from the Domestic Violence Center Fund, if the applicant is alleged to be a victim of domestic violence.

(c) The application and the court's entire record of the proceedings relating to the applicant's name change is not a matter of public record where the applicant has complied with subsection (b)(1) or (b)(2) of this section. Records qualifying under this subsection shall be maintained separately from other records, shall be withheld from public inspection, and may be examined only by order of the court or with the written consent of the applicant.

1 (d) An application to change the name of a minor child may be filed by the  
2 child's parent or parents, guardian, or guardian ad litem, and this application may be  
3 joined in the application for a change of name filed by the parent or parents. Nothing in  
4 this section shall be construed to permit one parent to make an application on behalf of a  
5 minor child without the consent of the other parent if both parents are living; except that  
6 a minor who has reached the age of 16 years, upon proper application to the clerk, may  
7 change his or her name with the consent of the parent who has custody of the minor and  
8 has supported the minor, without the necessity of obtaining the consent of the other  
9 parent, when the clerk of court is satisfied that the other parent has abandoned the  
10 minor. A change of parentage or the addition of information relating to parentage on the  
11 birth certificate of any person is governed by G.S. 130A-118.

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

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

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

- 26 a. A Class A, B1, B2, C, D, or E felony.  
27 b. A Class F felony if it is a violation of one of the following:  
28 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);  
29 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.6;  
30 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9;  
31 or 20-138.5.  
32 c. A Class G felony if it is a violation of one of the following:  
33 G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.  
34 d. A Class H felony if it is a violation of one of the following:  
35 G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.  
36 e. A Class I felony if it is a violation of one of the following:  
37 G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.  
38 f. An attempt of any of the felonies listed in this subdivision if the  
39 attempted felony is punishable as a felony.  
40 g. Any of the following misdemeanor offenses when the offense is  
41 committed between persons who have a personal relationship as  
42 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);  
43 14-33(a); 14-34; 14-134.3; or 14-277.3.  
44 h. Any violation of a valid protective order under G.S. 50B-4.1."

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

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

5           (1)   Domestic violence agencies and services.

6           (2)   Sexual assault agencies and services.

7           (3)   Victims' compensation services.

8           (4)   Legal aid services.

9           (5)   Address confidentiality services.

10          The sheet shall also ~~explains~~explain the plaintiff's right to apply for a permit under

11 G.S. 14-415.15."

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