

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 30*
Judiciary I (Civil) Committee Substitute Adopted 5/8/07
House Committee Substitute Favorable 6/11/07

Short Title: DV Victims/Add Protections.

(Public)

Sponsors:

Referred to:

February 12, 2007

1 A BILL TO BE ENTITLED
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.

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

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

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

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

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

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

1 public inspection, and may be examined only by order of the court or with the written
2 consent of the applicant.

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

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

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

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

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

1 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2);
2 14-33(a); 14-34; 14-134.3; or 14-277.3.

3 h. Any violation of a valid protective order under G.S. 50B-4.1."

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

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

8 (1) Domestic violence agencies and services.

9 (2) Sexual assault agencies and services.

10 (3) Victims' compensation services.

11 (4) Legal aid services.

12 (5) Address confidentiality services.

13 (6) ~~explains~~ An explanation of the plaintiff's right to apply for a permit
14 under G.S. 14-415.15."

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