

**WORKSHEET TO DETERMINE
BRADY STATUS ON NCIC PROTECTION ORDERS
(Revised October 2021)**

This worksheet should be used to determine if an individual who is subject to an active NC Domestic Violence Protective Order is considered "Brady Disqualified" to possess/receive a firearm under federal law. This determination should be made prior to entry of the order into NCIC. For Orders of Protection, the Brady field (BRD) should be "Y" (Yes) or "N" (No).

For Ex Parte Domestic Violence Protective Orders, the Brady field (BRD) must be "N" (No).

1. In the "Respondent/Defendant" section of page 1 of the Order or Protection form (AOC CV-306), the judge indicated the relationship of the respondent/defendant to the petitioner/plaintiff as:
 - ☐ Spouse (go to step 2)
 - ☐ Former spouse (go to step 2)
 - ☐ Unmarried, of opposite sex, currently or formerly living together (go to step 2)
 - ☐ Unmarried, have a child in common (go to step 2)
 - ☐ Of opposite sex, currently or formerly in a dating relationship (go to step 5 – **BRD = N**)
 - ☐ Current or former household member – No Cohabitation (go to step 5 – **BRD = N**)
 - ☐ Current or former household member – Documentation exists substantiating an intimate relationship involving cohabitation (includes same sex: Married/Unmarried) (go to step 2)
 - ☐ Parent (go to step 2)
 - ☐ Grandparent (go to step 5 – **BRD = N**)
 - ☐ Child (go to step 5 – **BRD = N**)
 - ☐ Grandchild (go to step 5 – **BRD = N**)
2. In the **Conclusions portion**, the judge:
 - ☐ Indicated Conclusion 3 [There is danger of serious and immediate injury to the plaintiff and/or minor child(ren)] (go to step 4)
 - ☐ Did not indicate Conclusion 3 as listed above (go to step 3)
3. In the **Order portion**, the judge indicated at least one of the below provisions:
 - ☐ The defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision.
This is the first order listed in the Orders Section (01) (go to step 4)
 - ☐ The defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violate this provision.
This is the second order listed in the Orders Section (02) (go to step 4)

Note: If the judge did not indicate either of the provisions listed above, the Brady status cannot be determined. You should indicate "U" in the Brady Record Indicator (BRD field) and notify the judge.

4. It appears that the defendant **IS considered Brady disqualified**. You should indicate "Y" in the Brady Record Indicator (BRD) field.
5. It appears, under the conditions identified on this Order, that the defendant **IS NOT considered Brady disqualified**. You should indicate "N" in the Brady Record Indicator (BRD) field.

This form was created by the SBI in conjunction with the NC Attorney General's Office legal staff to assist Sheriffs in determining the defendant's access to firearms under federal law (Brady Status).