

**Worksheet to Determine "Brady" Status on NCIC Protection Orders**  
*(Revised July 2004)*

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 of Protection form (AOC-CV-366), 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 dating relationship (go to step 5 - BRD = N)
  - Current or former household member (go to step 5 - BRD = N, unless documentation exists substantiating an intimate relationship involving cohabitation)
  - 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. (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 violated this provision. (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*
  
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 SMI in conjunction with NC Attorney General's Office legal staff to assist Sheriff's in determining the defendant's access to firearms under federal law (Brady status).

7/2004